

Consolidated CETA Text

The text of the CETA agreement is made public here exclusively for information purposes. The text presented in this document is the text at the end of the negotiations conducted by the European Commission. It will be subject to legal revision in order to verify the internal consistency and to ensure that the formulations of the negotiating results are legally sound. It will thereafter be transmitted to the Council of the European Union and to the European Parliament for ratification. The text presented in this document is not binding under international law and will only become so after the completion of the ratification process.

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1. PREAMBLE

CANADA EU CETA PREAMBLE TEXT

The parties resolve to

DESIRE to further strengthen their close economic relationship and build on their respective rights and obligations under the *Marrakesh Agreement Establishing the World Trade Organization* and other multilateral and bilateral instruments of cooperation;

CREATE an expanded and secure market for their goods and services through the reduction or elimination of barriers to trade and investment;

ESTABLISH clear, transparent and predictable mutually advantageous rules to govern their trade and investment;

REAFFIRMING their commitment to promote sustainable development and the development of international trade in such a way as to contribute to sustainable development in its economic, social and environmental dimensions;

DETERMINED to implement this Agreement in a manner consistent with the enhancement of the levels of labour and environmental protection and the enforcement of their labour and environmental laws and policies, building on their international commitments on labour and environment matters;

ENCOURAGE enterprises operating within their territory or subject to their jurisdiction to respect internationally recognized standards and principles of corporate social responsibility, notably the OECD Guidelines for multinational enterprises and to pursue best practices of responsible business conduct;

AND,

RECOGNIZING that the protection of investments, and investors with respect to their investments, stimulates mutually beneficial business activity;

RECOGNIZING the importance of international security, democracy, human rights and the rule of law for the development of international trade and economic cooperation;

REAFFIRMING their strong attachment to democracy and to fundamental rights as laid down in the Universal Declaration of Human Rights and sharing the view that the proliferation of weapons of mass destruction poses a major threat to international security;

RECOGNIZING that the provisions of this Agreement preserve the right to regulate within their territories and resolving to preserve their flexibility to achieve legitimate policy objectives, such as public health, safety, environment, public morals and the promotion and protection of cultural diversity; and

AFFIRMING their commitments as Parties to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and recognizing that states have the right to

preserve, develop and implement their cultural policies, and to support their cultural industries for the purpose of strengthening the diversity of cultural expressions, and preserving their cultural identity, including through the use of regulatory measures and financial support.

RECOGNIZING the strong link between innovation and trade, and the importance of innovation to future economic growth, Canada and the European Union affirm their commitment to encourage the expansion of cooperation in the area of innovation, as well as the related areas of research and development, and science and technology, and promoting the involvement of relevant public and private sector entities;

HAVE AGREED as follows:

2. INITIAL PROVISIONS AND GENERAL DEFINITIONS

INITIAL PROVISIONS AND GENERAL DEFINITIONS

Section A – General Definitions

[Article X.01: Definitions of General Application

For purposes of this Agreement, unless otherwise specified:

Commission means the Trade Commission established under Article X.01 (Administration of the Agreement);

Coordinators means the Agreement Coordinators established under Article X.02 (Administration of the Agreement);

customs duty includes a customs or import duty and a charge of any kind imposed on or in connection with the importation of a good, including a form of surtax or surcharge in connection with that importation, but does not include a:

- (a) charge equivalent to an internal tax imposed consistently with Article III:2 of the GATT 1994, in respect of like, directly competitive or substitutable goods of the Party, or in respect of goods from which the imported good has been manufactured or produced in whole or in part;
- (b) anti-dumping or countervailing duty that is applied pursuant to a Party's domestic law;
- (c) fee or other charge in connection with importation commensurate with the cost of services rendered; and
- (d) premium offered or collected on an imported good arising out of any tendering system in respect of the administration of quantitative import restrictions, tariff rate quotas or tariff preference levels;

Customs Valuation Agreement means the *WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*;

days means calendar days, including weekends and holidays;

enterprise means an entity constituted or organized under applicable law, whether or not for profit, and whether privately owned and controlled or governmentally owned and controlled, including a corporation, trust, partnership, sole proprietorship, joint venture or other association;

existing means in effect on the date of entry into force of this Agreement;

GATS means the WTO *General Agreement on Trade in Services*;

GATT 1994 means the WTO *General Agreement on Tariffs and Trade 1994*;

goods of a Party means domestic products as these are understood in the GATT 1994 or such goods as the Parties may agree, and includes originating goods of that Party;

Harmonized System (HS) means the *Harmonized Commodity Description and Coding System*, including its General Rules of Interpretation, Section Notes, Chapter Notes and subheading notes;

heading means a four-digit number, or the first four digits of a number, used in the nomenclature of the Harmonized System;

measure includes a law, regulation, procedure, requirement or practice;

national means a natural person who is a citizen according to Article X.02, or is a permanent resident of a Party;

originating means qualifying under the rules of origin set out in [Chapter] X (Rules of Origin);

person means a natural person or an enterprise;

person of a Party means a national, or an enterprise of a Party;

preferential tariff treatment means the application of the respective duty rate under this Agreement to an originating good, pursuant to the tariff elimination schedule;

sanitary or phytosanitary measure means a measure referred to in Annex A, paragraph 1 of the *SPS Agreement*;

SCM Agreement means the WTO *Agreement on Subsidies and Countervailing Measures*;

SPS Agreement means the WTO *Agreement on the Application of Sanitary and Phytosanitary Measures*;

state enterprise means an enterprise that is owned, or controlled through ownership interests, by a Party;

subheading means a six-digit number, or the first six digits of a number, used in the nomenclature of the Harmonized System;

tariff classification means the classification of a good or material under a chapter, heading or subheading of the Harmonized System;

tariff elimination schedule means Annex X.1;

TBT Agreement means the *WTO Agreement on Technical Barriers to Trade*;

TRIPS Agreement means the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights*;

WTO Agreement means the *Marrakesh Agreement Establishing the World Trade Organization*, done on 15 April 1994.]

Article X-02: Country-specific Definitions

For purposes of this Agreement, unless otherwise specified:

[**citizen** means, with respect to Canada, a natural person who is a citizen of Canada under Canadian legislation.]

[**CDN: Central** means:

(a) with respect to Canada, the Federal Government; and

(b) with respect to the European Union, the European Union and Member States

Sub-central means all other levels of government within a Party including regional, territorial, provincial or local government.]

Geographical scope of application

Unless otherwise specified, this Treaty shall apply:

- (a) [with respect to Canada, (i) the land territory, air space, internal waters and territorial sea of Canada; [(ii) the exclusive economic zone of Canada, as determined by its domestic law, consistent with Part V of the *United Nations Convention on the Law of the Sea* done on 10 December 1982 (UNCLOS); and (iii) the continental shelf of Canada, as determined by its domestic law, consistent with Part VI of UNCLOS];]
- (b) [with respect to the EU, the territories in which the Treaty on the European Union and the Treaty on the Functioning of the European Union Treaty are applied and under the conditions laid down in those Treaties.] [As regards those provisions concerning the tariff treatment of goods, this Agreement shall also apply to those areas of the EU customs territory not covered by the first sentence.]

Section B – Initial Provisions

Article X.03: Establishment of the Free Trade Area

The Parties to this Agreement, consistent with Article XXIV of the GATT 1994 and Article V of the GATS, hereby establish a free trade area.

Article X.04: Relation to Other Agreements

1. The Parties affirm their rights and obligations with respect to each other under the WTO Agreement and other agreements to which the Parties are party.
2. [Others to be determined.]

Article X.05: Incorporation of Wines and Spirits Agreements

1. The Agreement between the European Economic Community and Canada concerning Trade and Commerce in Alcoholic Beverages, done at Brussels February 28, 1989, as subsequently amended, (the 1989 Agreement) and the Agreement between the European Community and Canada on Trade in Wines and Spirit Drinks, done at Niagara-on-the-Lake, September 16, 2003 (the 2003 Agreement) are incorporated into and made part of this Agreement, as amended by Annex X.05.

2. In the event of any inconsistency between a provision of the 1989 or 2003 Agreement, as amended and incorporated into this Agreement, and any other provision of this Agreement, such a provision of the 1989 or 2003 Agreement prevails to the extent of the inconsistency.

Article X.06: Extent of Obligations

1. Each Party is fully responsible for the observance of all provisions of this Agreement.
2. Each Party shall ensure that all necessary measures are taken in order to give effect to the provisions of this Agreement, including their observance, at all levels of government.

Article X.07: Reference to Other Agreements

Where this Agreement refers to or incorporates by reference other agreements or legal instruments in whole or in part, such references include related footnotes, interpretative and explanatory notes. Except where the reference affirms existing rights, such reference also

includes, as the case may be, successor agreements to which the Parties are party or amendments binding on the Parties.

Article X.08: Rights and Obligations Relating to Water

1. The Parties recognize that water in its natural state, such as water in lakes, rivers, reservoirs, aquifers and water basins, is not a good or a product and therefore, except for Chapter XX – Trade and Environment and Chapter XX – Sustainable Development, is not subject to the terms of this Agreement.

2. Each Party has the right to protect and preserve its natural water resources and nothing in this Agreement obliges a Party to permit the commercial use of water for any purpose, including its withdrawal, extraction or diversion for export in bulk.

3. Where a Party permits the commercial use of a specific water source, it shall do so in a manner consistent with the Agreement.

Article X.09: Persons Exercising Delegated Government Authority

Unless otherwise specified in this Agreement, each Party shall ensure that a person that has been delegated regulatory, administrative or other governmental authority by a Party at any level of government acts in accordance with the Party's obligations as set out under this Agreement in the exercise of that authority.

Annex X.05 – Amendments to Wines and Spirits Agreements

Section 1

The 2003 Agreement shall be amended as follows:

- a) Article 27(3), first indent, shall read "- adopting amendments to the Annexes of this Agreement by means of a decision."
- b) Title VIII to be deleted
- c) Article 8(1) – last 2 sentences- shall read as follows: "Either Contracting Party may seek consultations provided for in CETA Article 14.4. Should such consultations fail to resolve the matter, either Contracting party may notify, in writing, the other Contracting Party of its decision to refer the issue to arbitration under CETA Articles 14.6 through 14.10."
- d) Article 9(2) first paragraph shall read as follows: "By way of derogation from paragraph 1, where a Contracting Party has invoked the objection procedure provided for in Article 8, the Contracting Parties shall act in accordance with the outcome of the consultations, unless the matter is referred to the arbitration procedure foreseen in CETA Articles 14.6 through 14.10, in which case: "
- e) When CETA Articles 14.6 through 14.10 are applied in the course of the procedure referred to in Article 9(2) of the 2003 Wine and Spirits Agreement, they shall apply *mutatis mutandis*.

Section 2

Article 1 of the 1989 Agreement, as amended by Annex VIII to the 2003 Agreement, shall have the following definition added:

"competent authority" means any government or commission, board or other governmental agency of either Party that is authorised by law to control the sale of wines and distilled spirits.

Section 3

Article 2(2)(b) of the 1989 Agreement, as amended by Annex VIII to the 2003 Agreement, shall be replaced by the following:

- (b) - requiring off site private wine store outlets in Ontario and British Columbia to sell only wines produced by Canadian wineries. The number of these off site private wine store outlets authorised to sell only wines produced by Canadian wineries in these provinces shall not exceed 292 in Ontario and 60 in British Columbia.

Section 4

Article 4 of the 1989 Agreement, as amended by Annex VIII to the 2003 Agreement, shall be replaced by the following:

Article 4 – Commercial Treatment

1. Competent authorities shall, in exercising their responsibilities for the purchase, distribution and retail sale of product of the other Party, adhere to the provisions of GATT Article XVII concerning State trading enterprises, in particular to make any such decisions solely in accordance with commercial considerations and shall afford the enterprises of the other Party adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases.
2. Each Party shall take all possible measures to ensure that an enterprise that has been granted a monopoly in the trade and sale of wines and spirit drinks within its territory does not use its monopoly position to engage, either directly or indirectly, including through its dealings with its parent, subsidiaries or other enterprises with common ownership, in the sale of wine and spirit drinks in a market outside the territory where the enterprise has a monopoly position that causes an anti-competitive effect causing an appreciable restriction of competition in that market.

Section 5

Article 4(a) of the 1989 Agreement, as amended by Annex VIII to the 2003 Agreement, shall be replaced by the following:

4(a) – Pricing

1. Competent authorities of the Parties shall ensure that any mark-up, cost of service or other pricing measure is non-discriminatory, applies to all retail sales, and is in conformity of Article 2.
2. A cost of service differential may be applied to products of the other Party only in so far as it is no greater than the additional costs necessarily associated with the marketing of products of the other Party, taking into account additional costs resulting from, *inter alia*, delivery methods and frequency.
3. Each Party shall ensure that a cost of service is not applied to products of the other Party on the basis of the value of the product.
4. The cost of service differential shall be justified in line with standard accounting procedures by independent auditors on the basis of an audit completed on request within one year of the entry into force of the Agreement between the European Union and Canada on trade in wines and spirit drinks and thereafter on request at intervals of not less than

four years. The audits shall be made available to either Party within one year of a request being made.

5. Competent authorities shall update cost of service differential charges, as required, to reflect the commitment made in 4(a)(2).

6. Competent authorities shall make available applicable cost of service differential charges through publicly accessible means, such as their official website.

7. Competent authorities shall establish a contact point for questions and concerns originating from the other party with respect to cost of service differential charges. The other party will respond to requests in writing within 60 days of their receipt.

Section 6

The 1989 Agreement, as amended by Annex VIII to the 2003 Agreement, is modified by adding Article 4 (b):

Article 4 (b)

Blending Requirements

Neither Party may adopt or maintain any measure requiring that distilled spirits imported from the territory of the other Party for bottling be blended with any distilled spirits of the importing Party.

3. NATIONAL TREATMENT AND MARKET ACCESS FOR GOODS

TITLE ON TRADE IN GOODS

Chapter X

National Treatment and Market Access for Goods

ARTICLE 1: OBJECTIVE

The Parties shall progressively liberalise trade in goods over a transitional period starting from the entry into force of this Agreement in accordance with the provisions of this Agreement.

ARTICLE 2: SCOPE

This Chapter applies to trade in goods of either Party, as defined in the Initial Provisions and General Definitions Chapter, except as otherwise provided in this Agreement.

ARTICLE 3: DEFINITIONS

For purposes of this Chapter [EC: the following definitions apply:]

Agricultural good: [means] A product listed in Annex 1 of the WTO Agreement on Agriculture with any subsequent changes agreed in the WTO to be automatically effective for this Agreement;

Customs duty: [means] Any duty or charge of any kind imposed on or in connection with the importation of a good, including any form of surtax or surcharge imposed on or in connection with such importation [EC: It] [CN:, but] does not include any:

- (a) charge equivalent to an internal tax imposed consistently with Article [4 (National Treatment)] of this Agreement;
- (b) duty imposed pursuant to a Party's domestic law consistently with Chapter ... [Trade Remedies]
- (c) measure applied consistently with the provisions of Article VI or Article XIX of the GATT 1994, the WTO Agreement on Implementation of Article VI of the GATT 1994, the WTO Agreement on Subsidies and Countervailing Measures, the WTO Agreement on Safeguards, and Article 22 of the Dispute Settlement Understanding.
- (d) fee or other charge imposed consistently with Article VIII of GATT;

ARTICLE 4: NATIONAL TREATMENT

1. Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994. To this end the obligations contained

in Article III of the GATT 1994, are incorporated into and made part of this Agreement.

2. The provisions of paragraph 1 mean, with respect to a measure taken by a government in Canada other than at the federal level or by a government of or in a European Union Member State, treatment no less favourable than that accorded by that government to like, directly competitive or substitutable goods, as the case may be, of Canada or the Member State respectively.

3. This Article does not apply to a measure, including that measure's continuation, prompt renewal or amendment, in respect of Canadian excise duties on absolute alcohol, as listed under tariff item 2207.10.90 in Canada's Schedule of Concessions annexed to the Marrakesh Protocol (Schedule V), used in manufacturing under the existing provisions of the *Excise Act, 2001*, 2002, c.22, as amended.

ARTICLE 5: REDUCTION AND ELIMINATION OF CUSTOMS DUTIES ON IMPORTS

1. Each Party shall reduce or eliminate customs duties on goods originating in either Party in accordance with Annex X-5 and the Schedules set out therein (hereinafter referred to as "the Schedules"). For the purposes of this Chapter, "originating" means originating in either Party under the rules of origin set out in Chapter X (Rules of Origin and Origin Procedures).

2. For each good, the base rate of customs duties, to which the successive reductions are to be applied under paragraph 1, shall be that specified in Annex X-5.

3. For goods that are subject to tariff preferences as listed in a Party's Schedule, each Party shall apply to originating goods of the other Party the lesser of the customs duties resulting from a comparison between the rate calculated in accordance with that Party's Schedule and its applied Most Favoured Nation (MFN) rate.

4. On the request of either Party, the Parties may consult to consider accelerating and broadening the scope of the elimination of customs duties on imports between the Parties. A decision by the Parties in the CETA Joint Committee on the acceleration or elimination of a customs duty on a good shall supersede any duty rate or staging category determined pursuant to their Schedules for that good when approved by each Party in accordance with its applicable legal procedures.

ARTICLE 6: RESTRICTION ON DUTYDRAWBACK, DUTY DEFERRAL AND DUTY SUSPENSION PROGRAMS

1. Subject to paragraph 2, a Party may not refund, defer or suspend a customs duty paid or payable on a good that is non-originating imported into its territory on the express condition that the good, or an identical, equivalent or similar substitute, is used as a material in the production of another good that is subsequently exported to the territory of the other Party under preferential tariff treatment pursuant to this Agreement.

2. Paragraph 1 does not apply to a Party's regime of tariff reduction, suspension or remission, either permanent or temporary, where the reduction, suspension or remission is not expressly conditioned on the exportation of a product.

3. Paragraph 1 does not apply until 3 years after the date of entry into force of this Agreement.

ARTICLE 7: DUTIES, TAXES OR OTHER FEES AND CHARGES ON EXPORTS

Neither Party may maintain or institute any duties, taxes or other fees and charges imposed on, or in connection with, the exportation of goods to the other Party, or any internal taxes or fees and charges on goods exported to the other Party, that are in excess of those that would be imposed on those goods when destined for internal sale.

ARTICLE 8: STANDSTILL

1. Upon the entry into force of this Agreement neither Party may increase any customs duty existing at entry into force, or adopt any new customs duty, on a good originating in the Parties.

2. Notwithstanding this provision, a Party may:

- (a) modify a tariff outside this Agreement on a good for which no tariff preference is claimed under this Agreement;
- (b) increase a customs duty to the level established in its Schedule following a unilateral reduction; or
- (c) maintain or increase a customs duty as authorized by this Agreement or any agreement under the WTO Agreement.

3. Notwithstanding paragraphs 1 and 2, only Canada may apply a special safeguard under Article 5 of the WTO Agreement on Agriculture. A special safeguard may only be applied with respect to goods classified in items with the notation "SSG" in Canada's Schedule to this Agreement. The use of this special safeguard is therefore limited to imports not subject to tariff preference and, in the case of imports subject to a tariff rate quota, to imports over the access commitment.

ARTICLE 9: TEMPORARY SUSPENSION OF PREFERENTIAL TARIFF TREATMENT

1. Where a Party has made a finding, in accordance with paragraph 2:
 - (a) of systematic breaches of customs legislation regarding claims of preferential tariff treatment under this Agreement in respect of a good exported or produced by a person of the other Party; or
 - (b) that the other Party systematically and unjustifiably refuses to cooperate with respect to the investigation of breaches of customs legislation under Article 13(4) of Chapter x (Customs and Trade

Facilitation), and the Party requesting cooperation has reasonable grounds to conclude that a person of the other Party has committed systematic breaches of customs legislation based on objective, compelling and verifiable information;

the Party may temporarily suspend, in accordance with paragraphs 3 through 6, the preferential tariff treatment under this Agreement with respect to the good concerned of that person.

2. A finding pursuant to paragraph 1 may be made where:
 - (a) a Party has concluded that a person of the other Party has committed systematic breaches of customs legislation in order to obtain preferential tariff treatment under this Agreement as a result of an investigation based on objective, compelling and verifiable information; or
 - (b) if the other Party systematically and unjustifiably refuses to cooperate with respect to the investigation of breaches of customs legislation under Article 13(4) of Chapter x (Customs and Trade Facilitation), and the Party requesting cooperation has reasonable grounds to conclude that a person of the other Party has committed systematic breaches of customs legislation in order to obtain preferential tariff treatment under this Agreement based on objective, compelling and verifiable information.
3. A Party that has made a finding pursuant to paragraph 2, shall:
 - (a) Notify the customs authority of the other Party and provide the information and evidence upon which the finding was based;
 - (b) Engage in consultations with the customs authority with a view to achieving a mutually acceptable resolution that addresses the concerns that resulted in the finding; and
 - (c) Provide written notice to that person of the other Party, including providing the information that is the basis of the finding.
4. If the customs authorities have not achieved a mutually acceptable resolution after 30 days, the Party that has made the finding shall refer the issue to the Joint Customs Cooperation Committee.
5. If the Joint Customs Cooperation Committee has not resolved the issue after 60 days, the Party which has made the finding may temporarily suspend the preferential tariff treatment under this Agreement with respect to that good of that person. The temporary suspension shall not apply to a good that is already in transit between the Parties on the day that the temporary suspension comes into effect.
6. The temporary suspensions shall apply only for a period commensurate with the impact on the financial interests of the Party concerned resulting from the

situation responsible for the finding referred to in paragraph 2, but not longer than 90 days. Where a Party has reasonable grounds based on objective, compelling and verifiable information that the conditions that gave rise to the initial suspension have not changed after the expiry of the 90 day period, the Party concerned may renew the suspension for a further period of no longer than 90 days. The original suspension and any renewed suspensions shall be subject to periodic consultations within the Joint Customs Cooperation Committee.

ARTICLE 10: FEES AND OTHER CHARGES

1. In accordance with Article VIII of GATT 1994, no Party may adopt or maintain a fee or charge imposed on or in connection with importation or exportation of a good of a Party that is not commensurate with the cost of services rendered or that represents an indirect protection to domestic goods or a taxation of imports for fiscal purposes.
2. Paragraph 1 does not prevent a Party from imposing a customs duty or a charge set out in paragraphs a), b), [or] c) [or e)] of the definition of customs duty in this agreement.

ARTICLE 11: GOODS RE-ENTERED AFTER REPAIR OR ALTERATION

1. For the purposes of this Article, repair or alteration means any processing operation undertaken on goods to remedy operating defects or material damage and entailing the re-establishment of goods to their original function or to ensure their compliance with technical requirements for their use, without which the goods could no longer be used in the normal way for the purposes for which it was intended. Repair or alteration of goods includes restoration and maintenance but does not include an operation or process that either:
 - (a) destroys the essential characteristics of a good or creates a new or commercially different good;
 - (b) transforms an unfinished good into a finished good; or
 - (c) is used to substantially change the function of a good.
2. Except as otherwise provided, a Party shall not apply a customs duty to a good, regardless of its origin, that re-enters its territory after that good has been temporarily exported from its territory to the territory of the other Party for repair or alteration, regardless of whether such repair or alteration could be performed in the territory of the Party from which the good was exported for repair or alteration.¹

¹ For the following goods of HS Chapter 89, regardless of their origin, that re-enter the territory of Canada from the territory of the European Union, and are registered under the *Canada Shipping Act*, Canada may apply to the value of repair or alteration of such goods, the rate of customs duty for such goods in accordance with its Schedule to Annex X.5 (Tariff Elimination): 8901.10.00, 8901.30.00, 8901.90.10, 8901.90.90, 8904.00.00, 8905.20.10, 8905.20.20, 8905.90.10, 8905.90.90, 8906.90.19, 8906.90.90

[Note of the Negotiator: the code of the tariff lines referenced in the footnote will be updated during the course of legal scrub to reflect the customs tariff of 2014, paralleling the same concordance that will be done on tariff schedules to update them to 2014.]

3. Paragraph 2 does not apply to a good imported in bond, into free trade zones, or in similar status, that is exported for repair and is not re-imported in bond, into free trade zones, or in similar status.

4. A Party shall not apply a customs duty to a good, regardless of its origin, imported temporarily from the territory of the other Party for repair or alteration.

ARTICLE 12: IMPORT AND EXPORT RESTRICTIONS

1. Except as otherwise provided in this Agreement, neither Party may adopt or maintain any prohibition or restriction on the importation of any good of the other Party or on the exportation or sale for export of any good destined for the territory of the other Party, except in accordance with Article XI of the GATT 1994. To this end Article XI of the GATT 1994 is incorporated into and made a part of this Agreement.

2. In the event that a Party adopts or maintains a prohibition or restriction on the importation from or exportation to a non-Party of a good, that Party may:

(a) limit or prohibit the importation from the territory of the other Party of a good of that non-Party; or

b) limit or prohibit the exportation of a good to that non-Party through the territory of the other Party.

3. In the event that a Party adopts or maintains a prohibition or restriction on the importation of a good from a non-Party, the Parties, on the request of the other Party, shall enter discussions with a view to avoiding undue interference with or distortion of pricing, marketing or distribution arrangements in the other Party.

4. This Article does not apply to a measure, including that measure's continuation, prompt renewal or amendment, in respect of the following:

i. the export of logs of all species. If a Party ceases to require export permits for logs destined for a non-Party, that Party will permanently cease requiring export permits for logs destined for the other Party.

ii. for a period of three years following the entry into force of this Agreement, the export of unprocessed fish pursuant to Newfoundland and Labrador's applicable legislation; and

iii. Canadian excise duties on absolute alcohol, as listed under tariff item 2207.10.90 in Canada's Schedule of Concessions annexed to the Marrakesh Protocol (Schedule V), used in manufacturing under the existing provisions of the *Excise Act, 2001*, 2002, c.22, as amended.

iv. the importation of used vehicles in the territory of a Party that do not conform to that Party's safety and environmental requirements..

ARTICLE 13: OTHER PROVISIONS RELATED TO TRADE IN GOODS

Each Party shall endeavour to ensure that a product of the other Party that has been imported into and lawfully sold or offered for sale in any place in the territory of the importing Party may also be sold or offered for sale throughout the territory of the importing Party.

ARTICLE 14: COMMITTEE ON TRADE IN GOODS

1. The functions of the Committee on Trade in Goods shall include:
 - (a) promoting trade in goods between the Parties, including through consultations on accelerating tariff elimination under this Agreement and other issues as appropriate;
 - (b) recommending to the Joint Committee a modification of or addition to any provision of this Agreement related to the Harmonized System; and
 - (c) promptly addressing issues related to movement of goods through the Parties' ports of entry.
2. The Committee on Trade in Goods may present to the CETA Joint Committee draft decisions on the acceleration or elimination of a customs duty on a good.
3. The Committee on Agriculture:
 - (a) shall meet within 90 days of a request by a Party;
 - (b) shall provide a forum for the Parties to discuss issues related to agriculture goods covered by this Agreement; and
 - (c) shall refer to the Committee on Trade in Goods any matter under sub-paragraph (b) on which it has been unable to reach agreement.
4. The Parties note the cooperation and exchange of information on agriculture issues under the annual Canada-EU Agriculture Dialogue, as confirmed in letters exchanged on July 14, 2008 between the Director-General of the Directorate General for Agriculture and Rural Development of the European Commission and the Deputy Minister of Agriculture and Agri-Food Canada on the establishment of the annual Canada-EU Agriculture Dialogue. As appropriate the Agriculture Dialogue may be used for the purpose of paragraph 2.

Annex X.5

Tariff Elimination

1. Except as otherwise provided in this Annex, the Parties shall eliminate all customs duties on originating goods, of Chapters 1 through 97 of the Harmonized System that provide for an MFN rate of customs duty, imported from the other Party upon the date of entry into force of this Agreement.
2. For originating goods from the other Party set out in each Party's Schedule attached to this Annex, the following staging categories apply to the elimination of customs duties by each Party pursuant to Article 5 (1):
 - (a) duties on originating goods provided for in the items in staging category A in a Party's Schedule shall be duty-free on the date this Agreement enters into force;
 - (b) duties on originating goods provided for in the items in staging category B in a Party's Schedule shall be removed in 4 equal stages beginning on the date this Agreement enters into force, and such goods shall be duty-free, effective January 1 of year 4;
 - (c) duties on originating goods provided for in the items in staging category C in a Party's Schedule shall be removed in 6 equal stages beginning on the date this Agreement enters into force, and such goods shall be duty-free, effective January 1 of year 6; and
 - (d) duties on originating goods provided for in the items in staging category D in a Party's Schedule shall be removed in 8 equal stages beginning on the date this Agreement enters into force, and such goods shall be duty-free, effective January 1 of year 8;
 - (i) For greater certainty, where the EU applies a customs duty for the following items:

1001.10.00*
 ex 1001.90.99 (high quality common wheat)*
 1002.00.00*

at a level and in a manner so that the duty-paid import price for a specified cereal will not be greater than the effective intervention price (or in the event of a modification of the current system, the effective support price) increased by 55% as set out in [EU Regulation – Commission Regulation (EC) No. 1031/2008 of 19 September 2008], the EU shall apply the tariff elimination staging category towards any calculated duty that would be applied as per the above regulation, as follows:

Year	Applied Duty
1	87.5% of the duty calculated as per EC Reg. 1031/2008
2	75% of the duty calculated as per EC Reg. 1031/2008
3	62.5% of the duty calculated as per EC Reg. 1031/2008
4	50% of the duty calculated as per EC Reg. 1031/2008
5	37.5% of the duty calculated as per EC Reg. 1031/2008
6	25% of the duty calculated as per EC Reg. 1031/2008
7	12.5% of the duty calculated as per EC Reg. 1031/2008
8 and following	0% of the duty calculated as per EC Reg. 1031/2008 (duty-free)

** Note of the Negotiator: the code of these tariff lines will have to be updated in order to reflect changes in the EU Common Customs Tariff nomenclature. This operation will be done within the framework of the overall process of updating tariff schedules; and*

- (e) duties on originating goods provided for in the items in staging category S in a Party's Schedule shall be removed in 3 equal stages beginning on the fifth anniversary of the date of entry into force of this agreement, and such goods shall be duty-free, effective January 1 of year 8.
 - (f) the ad valorem component of the customs duties on originating goods provided for in the items in staging category AV0+EP in a Party's Schedule shall be eliminated upon the date of entry into force of this Agreement; the tariff elimination shall apply to the ad valorem duty only; the specific duty resulting from the entry price system applicable for these originating goods shall be maintained.
 - (g) duties on originating goods provided for in the items in staging category E in a Party's schedule are exempt from tariff elimination.
3. For purposes of this Annex and each Party's Schedule, year 1 means the year this Agreement enters into force as provided in Article XX.XX (Final Provisions - Entry into Force).
 4. For purposes of this Annex and a Party's Schedule, Year 2 shall begin on January 1 following the date of entry into force of this Agreement, with each subsequent tariff reduction taking effect on January 1 of each subsequent year.
 5. The base rate for determining the interim staged rate of customs duty for an item shall be the most favoured nation customs duty rate applied on June 9, 2009.
 6. For the purpose of the elimination of customs duties in accordance with Article 5, interim staged rates shall be rounded down at least to the nearest

tenth of a percentage point or, if the rate of duty is expressed in monetary units, at least to the nearest 0.001 of the official monetary unit of the Party.

Tariff Rate Quotas

7. For the administration in Year 1 of each tariff rate quota established under this Agreement, the Parties shall calculate the volume of that tariff rate quota by discounting the volume corresponding to the period running between the 1st of January and the date of entry into force of the Agreement.

8. Processed shrimps transitional tariff rate quota

- (a) Originating goods in the following aggregate quantities and provided for in items with the notation “TQShrimps” in the EU’s Schedule shall be duty-free in the years specified below:

Processed shrimps, classified in the following tariff lines:

- 1605.20.10 shrimps and prawns, prepared or preserved, in airtight containers; or
- 1605.20.99 shrimps and prawns, prepared or preserved, in immediate packings of a net content of >2kg (excluding shrimps and prawns in airtight containers)

Year	Aggregate Annual Quantity (Metric Tonnes) ²
1 through to 7	23,000

- (b) The European Union shall:

- i) Administer this tariff rate quota on a first-come first-served basis;
- ii) Administer this tariff rate quota on a calendar year basis with the full in-quota quantity to be made available on January 1st of each year; and
- iii) Not impose any end-use restriction on the imported good as a condition of the application for or use of this tariff rate quota.

- (c) Prepared or preserved shrimps and prawns exported from Canada under Section B of Appendix X.X(Origin Quotas) shall not be imported into the EU under this tariff rate quota.

** Note of the Negotiator: the code of this tariff line will have to be updated in order to reflect changes in the EU Common Customs Tariff nomenclature. This operation will be done within the framework of the overall process of updating tariff schedules.*

² Expressed in net weight.

9. Frozen cod transitional tariff rate quota

- (a) Originating goods in the following aggregate quantities and provided for in items with the notation “TQCod” in the EU’s Schedule shall be duty-free in the years specified below:

Frozen cod, classified in the following tariff line:

- 0304.29.29 frozen fillets of cod 'Gadus morhua, Gadus ogac' and of fish of species 'Boreogadus saida'

Year	Aggregate Annual Quantity (Metric Tonnes) ³
1 through to 7	1,000

- (b) The European Union shall:

- i) Administer this tariff rate quota on a first-come first-served basis;
- ii) Administer this tariff rate quota on a calendar year basis with the full in-quota quantity to be made available on January 1st of each year; and
- iii) Not impose any specific end-use restriction on the imported good as a condition of the application for or use of this tariff rate quota.

** Note of the Negotiator: the code of this tariff line will have to be updated in order to reflect changes in the EU Common Customs Tariff nomenclature. This operation will be done within the framework of the overall process of updating tariff schedules.*

10. Low and Medium Quality Common Wheat transitional tariff rate quota

- (a) Originating goods in the following aggregate quantities and provided for in items with the notation “TQCW” in the EU’s Schedule shall be duty-free in the years specified below:

Common wheat of a quality, other than high quality, classified in the following tariff line:

- 1001.90.99*

The following aggregate duty-free quantities shall include, beginning in year 1, the 38,853 tonne allocation to Canada as set out in [Commission Regulation (EC) No. 1067/2008 of 30 October 2008].

Year	Aggregate Annual Quantity (Metric Tonnes)
1 through to 7	100,000

- (b) The European Union shall administer this tariff rate quota in accordance with the terms of Commission Regulation (EC) No. 1067/2008 of 30 October 2008.

³ Expressed in net weight.

** Note of the Negotiator: the code of this tariff line will have to be updated in order to reflect changes in the EU Common Customs Tariff nomenclature. This operation will be done within the framework of the overall process of updating tariff schedules.*

11. Sweetcorn Tariff Rate Quota

- (a) Originating goods in the following aggregate quantities and provided for in items with the notation “TQSC” in the EU’s Schedule shall be duty-free in the years specified below:

Tariff Line(s) Covered:

- 0710.40.00 (only available during the time period leading up to the elimination of duties for such good as per the staging category applicable to this item in the EU’s Schedule.)
- 2005.80.00

Year	Aggregate Annual Quantity (Metric Tonnes ⁴)
1	1,333
2	2,667
3	4,000
4	5,333
5	6,667
6 and each subsequent year	8,000

(b) The European Union shall:

- Administer this tariff rate quota on a first-come first-served basis; and
- Administer this tariff rate quota on a calendar year basis with the full in-quota quantity to be made available on January 1st of each year.

⁴ Expressed in net weight.

12. Bison Tariff Rate Quota

- (a) Originating goods in the following aggregate quantities and provided for in items with the notation “TQB3” in the EU’s Schedule shall be duty-free in the years specified below:

Bison classified in the following Tariff Lines:

- 0201.10.00, 0201.20.20, 0201.20.30, 0201.20.50, 0201.20.90, 0201.30.00, 0202.10.00, 0202.20.10, 0202.20.30, 0202.20.50, 0202.20.90, 0202.30.10, 0202.30.50, 0202.30.90, 0206.10.95, 0206.29.91, 0210.20.10, 0210.20.90, 0210.99.51, 0210.99.59

Year	Aggregate Annual Quantity (Metric Tonnes – Carcass Weight Equivalent)
1 and each subsequent year	3,000

(b) When calculating quantities imported, the conversion factors specified in paragraph 22 of this Annex shall be utilized to convert Product Weight to Carcass Weight Equivalent.

(c) The European Union shall:

- Administer this tariff rate quota on a first-come first-served basis; and
- Administer this tariff rate quota on a calendar year basis with the full in-quota quantity to be made available on January 1st of each year.

13. Fresh/Chilled Beef and Veal Tariff Rate Quota

(a) Originating goods in the following aggregate quantities and provided for in items with the notation “TQB1” in the EU’s Schedule shall be duty-free in the years specified below:

Beef and veal classified in the following Tariff Lines:

- 0201.10.00, 0201.20.20, 0201.20.30, 0201.20.50, 0201.20.90, 0201.30.00, 0206.10.95

Year	Aggregate Annual Quantity (Metric Tonnes – Carcass Weight Equivalent)
1	5,140
2	10,280
3	15,420
4	20,560
5	25,700
6 and each subsequent year	30,840

The aggregate annual duty-free quantities in the table above shall be increased, beginning in year 1, by 3,200 metric tonnes product weight (4,160 metric tonnes carcass weight equivalent) resulting from the application of Council Regulation (EC) No 617/2009 of 13 July 2009 opening an autonomous tariff quota for imports of high-quality beef.

(b) When calculating quantities imported, the conversion factors specified in paragraph 22 of this Annex shall be utilized to convert Product Weight to Carcass Weight Equivalent.

(c) The European Union shall administer this tariff rate quota, including the additional quantities as outlined in paragraph 13(a), either, through an import licensing system as outlined in the [declaration] or as otherwise agreed to between the Parties.

(d) Notwithstanding subparagraph (c), [paragraphs 20 and 21] shall apply.

14. Frozen/Other Beef and Veal Tariff Rate Quota

(a) Originating goods in the following aggregate quantities and provided for in items with the notation “TQB2” in the EU’s Schedule shall be duty-free in the years specified below:

Beef and veal classified in the following Tariff Lines:

- 0202.10.00, 0202.20.10, 0202.20.30, 0202.20.50, 0202.20.90, 0202.30.10, 0202.30.50, 0202.30.90, 0206.29.91, 0210.20.10, 0210.20.90, 0210.99.51, 0210.99.59

Year	Aggregate Annual Quantity (Metric Tonnes – Carcass Weight Equivalent)
1	2,500
2	5,000
3	7,500
4	10,000
5	12,500
6 and each subsequent year	15,000

(b) When calculating quantities imported, the conversion factors specified in paragraph 22 of this Annex shall be utilized to convert Product Weight to Carcass Weight Equivalent.

(c) The European Union shall administer this tariff rate quota either through an import licensing system as outlined in the [declaration] or as otherwise agreed to between the Parties.

(d) Notwithstanding subparagraph (c), [paragraphs 20 and 21] shall apply.

15. High Quality Fresh, Chilled and Frozen Meat of Bovine Animals Tariff Rate Quota

Originating goods that are exported from Canada and are imported into the EU through the EU's existing WTO tariff quota for high quality fresh, chilled and frozen meat of bovine animals covered by CN codes 0201 and 0202 and for products covered by CN codes 0206 10 95 and 0206 29 91 of 11,500 tonnes product weight, as set out in Commission Implementing Regulation (EU) No 593/2013 of 21 June 2013, shall be duty-free on the date this Agreement enters into force.

16. Pork Tariff Rate Quota

(a) Originating goods in the following aggregate quantities and provided for in items listed with the notation “TQP” in the EU’s Schedule shall be duty-free in the years specified below:

Tariff Lines Covered:

- 0203.12.11, 0203.12.19, 0203.19.11, 0203.19.13, 0203.19.15, 0203.19.55, 0203.19.59, 0203.22.11, 0203.22.19, 0203.29.11, 0203.29.13, 0203.29.15, 0203.29.55, 0203.29.59, 0210.11.11, 0210.11.19, 0210.11.31, 0210.11.39

Year	Aggregate Annual Quantity (Metric Tonnes – Carcass Weight Equivalent)
1	12,500
2	25,000
3	37,500
4	50,000
5	62,500
6 and each subsequent year	75,000

The aggregate annual duty-free quantities in the table above shall be increased, beginning in year 1, by 4,624 metric tonnes product weight (5,549 metric tonnes carcass weight equivalent) pursuant to the volume established in the EU's Canada-specific WTO tariff quota for pig-meat.

(b) When calculating quantities imported, the conversion factors specified in paragraph 22 of this Annex shall be utilized to convert Product Weight to Carcass Weight Equivalent.

(c) The European Union shall administer this tariff rate quota, including the additional quantities from the EU’s Canada-specific WTO tariff quota for pig-meat, either through an import licensing system as outlined in the [declaration] or as otherwise agreed to between the Parties.

(d) Notwithstanding subparagraph (c), [paragraphs 20 and 21] shall apply.

17. Cheese Tariff Rate Quota

(a) Originating goods in the following aggregate quantities and provided for in items with the notation “TRQ Cheese” in Canada’s Schedule shall be duty-free in the years specified below:

Tariff Lines Covered:

- 0406.10.10, 0406.20.11, 0406.20.91, 0406.30.10, 0406.40.10, 0406.90.11, 0406.90.21, 0406.90.31, 0406.90.41, 0406.90.51, 0406.90.61, 0406.90.71, 0406.90.81, 0406.90.91, 0406.90.93, 0406.90.95, 0406.90.98.

Year	Aggregate Annual Quantity (Metric Tonnes ⁵)
1	2,667
2	5,333
3	8,000
4	10,667
5	13,333
6 and each subsequent year	16,000

(b) Canada shall administer this tariff rate quota either through an import licensing system as outlined in the [declaration] or as otherwise agreed to between the Parties.

(c) Notwithstanding subparagraph (b), [paragraphs 20 and 21] shall apply.

18. Industrial Cheese Tariff Rate Quota

(a) Originating goods in the following aggregate quantities and provided for in items with the notation “TRQ Industrial Cheese” in Canada’s Schedule shall be duty-free in the years specified below:

Industrial Cheese, classified in the following Tariff Lines:

- 0406.10.10, 0406.20.11, 0406.20.91, 0406.30.10, 0406.40.10, 0406.90.11, 0406.90.21, 0406.90.31, 0406.90.41, 0406.90.51, 0406.90.61, 0406.90.71, 0406.90.81, 0406.90.91, 0406.90.93, 0406.90.95, 0406.90.98

Industrial Cheese shall refer to cheese used as ingredients for further food processing (secondary manufacturing) imported in bulk (not for retail sales).

Year	Aggregate Annual Quantity (Metric Tonnes ⁶)
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⁵ Expressed in net weight.

Year	Aggregate Annual Quantity (Metric Tonnes ⁶)
1	283
2	567
3	850
4	1,133
5	1,417
6 and each subsequent year	1,700

(b) Canada shall administer this tariff rate quota either through an import licensing system as outlined in the [declaration] or as otherwise agreed to between the Parties.

(c) Notwithstanding subparagraph (b), [paragraphs 20 and 21] shall apply.

⁶ Expressed in net weight.

19. WTO Cheese Tariff Rate Quota

Canada shall reallocate, beginning in year 1, 800 tonnes of Canada's 20,411,866 kilogram WTO Tariff Rate Quota for cheese to the EU.

20. Underfill mechanism

With respect to the tariff rate quotas set out in [paragraphs 13, 14, 16, 17 and 18]:

(i) If there were to be under-fill of a tariff rate quota, defined as less than 75% physical imports under the tariff rate quota in a given year, the Parties shall meet, under the request of any of the Parties, in the framework of the Sub-Committee on Agriculture established under Article X of Chapter Y in order to address early the underlying causes of the under-fill or any other question affecting the smooth operation of the tariff rate quota.

(ii) If there were to be under-fill of a tariff rate quota, defined as less than 75% utilisation in a given year for 3 consecutive years, and where such under-fill is not linked to scarce supply or demand of the relevant product, the administration of the quota for the following year(s) would be made on a First-Come-First-Served basis. To demonstrate scarce supply/demand, a Party must clearly demonstrate on a quantifiable basis that either adequate supply to fill the tariff rate quota is not available in the country of export or that the tariff rate quota quantity could not be consumed in the importing market. Were Parties to disagree on the reasons leading to under-fill, the matter shall be subject to binding arbitration at the request of any of the Parties.

(iii) If subsequently there were to be full use of the tariff rate quota, defined as 90% or more utilisation for 2 consecutive years, Parties may consider returning to a licencing system following consultations with the other Party on the necessity and opportunity of such reversion and on the features of such licence system.

21. Review clause

(i) With respect to the tariff rate quotas set out in [paragraphs 13, 14, 16, 17 and 18], both at the mid-term and at the end of the phase-in period of any of these tariff rate quotas, or at any other time upon motivated request of any of the Parties, the Parties will review the operation of the relevant tariff rate quota administration system in light notably of its effectiveness in ensuring quota utilisation, market conditions, and administrative burden associated with the system for the economic operators and for the Parties.

(ii) With respect to the tariff rate quotas included in [paragraphs 17 and 18], this review will also include the allocation method allowing for new entrants.

(iii) With respect to the tariff rate quotas included in [paragraphs 13, 14 and 16], the review referred to above shall include the consequences of any tariff rate quota administration modalities agreed with a third party for the same products in the framework of other trade negotiations involving the Parties and would include the possibility of providing the option to the exporting Party of transitioning to the approach agreed to in another agreement. The conditions of competition in North America will be a necessary part of the review.

22. Conversion Factors

With respect to the tariff rate quotas set out in paragraphs 12, 13, 14 and 16, the following conversion factors shall be utilized to convert Product Weight to Carcass Weight Equivalent:

Tariff Rate Quotas set out in paragraphs 12, 13 and 14:

Tariff Line	Tariff Line Description (for illustrative purposes only)	Conversion Factor
02011000	Carcases or half-carcases of bovine animals, fresh or chilled	100%
02012020	"Compensated" quarters of bovine animals with bone in, fresh or chilled	100%
02012030	Unseparated or separated forequarters of bovine animals, with bone in, fresh or chilled	100%
02012050	Unseparated or separated hindquarters of bovine animals, with bone in, fresh or chilled	100%
02012090	Fresh or chilled bovine cuts, with bone in (excl. carcasses and half-carcasses, "compensated quarters", forequarters and hindquarters)	100%
02013000	Fresh or chilled bovine meat, boneless	130%
02061095	Fresh or chilled bovine thick and thin skirt (excl. for manufacture of pharmaceutical products)	100%
02021000	Frozen bovine carcasses and half-carcasses	100%
02022010	Frozen "compensated" bovine quarters, with bone in	100%
02022030	Frozen unseparated or separated bovine forequarters, with bone in	100%
02022050	Frozen unseparated or separated bovine hindquarters, with bone in	100%
02022090	Frozen bovine cuts, with bone in (excl. carcasses and half-carcasses, "compensated" quarters, forequarters and hindquarters)	100%
02023010	Frozen bovine boneless forequarters, whole or cut in max. 5 pieces, each quarter in 1 block; "compensated" quarters in 2 blocks, one containing the forequarter, whole or cut in max. 5 pieces, and the other the whole hindquarter, excl. the tenderloin, in one piece	130%

02023050	Frozen bovine boneless crop, chuck and blade and brisket cuts	130%
02023090	Frozen bovine boneless meat (excl. forequarters, whole or cut into a maximum of five pieces, each quarter being in a single block "compensated" quarters in two blocks, one of which contains the forequarter, whole or cut into a maximum of five pieces, and the other the whole hindquarter, excl. the tenderloin, in one piece)	130%
02062991	Frozen bovine thick and thin skirt (excl. for manufacture of pharmaceutical products)	100%
02102010	Meat of bovine animals, salted, in brine, dried or smoked, with bone in	100%
02102090	Boneless meat of bovine animals, salted, in brine, dried or smoked	135%
02109951	Edible thick skirt and thin skirt of bovine animals, salted, in brine, dried or smoked	100%
02109959	Edible offal of bovine animals, salted, in brine, dried or smoked (excl. thick skirt and thin skirt)	100%

Tariff Rate Quota set out in paragraph 16:

Tariff Line	Tariff Line Description (for illustrative purposes only)	Conversion Factor
02031211	Fresh or chilled with bone in, domestic swine hams and cuts thereof	100%
02031219	Fresh or chilled with bone in, domestic swine shoulders and cuts thereof	100%
02031911	Fresh or chilled fore-ends and cuts thereof of domestic swine	100%
02031913	Fresh or chilled loins and cuts bone-in thereof of domestic swine	100%

02031915	Fresh or chilled bellies "streaky" and cuts thereof of domestic swine	100%
02031955	Fresh or chilled boneless meat of domestic swine (excl. bellies and cuts thereof)	120%
02031959	Fresh or chilled meat of domestic swine, with bone in (excl. carcasses and half-carcasses, hams, shoulders and cuts thereof, and fore-ends, loins, bellies and cuts thereof)	100%
02032211	Frozen bone-in hams and cuts thereof of domestic swine	100%
02032219	Frozen bone-in shoulders and cuts thereof of domestic swine	100%
02032911	Frozen fore-ends and cuts thereof of domestic swine	100%
02032913	Frozen loins and cuts thereof of domestic swine, with bone in	100%
02032915	Frozen bellies "streaky" and cuts thereof of domestic swine	100%
02032955	Frozen boneless meat of domestic swine (excl. bellies and cuts thereof)	120%
02032959	Frozen meat of domestic swine, with bone in (excl. carcasses and half-carcasses, hams, shoulders and cuts thereof, and fore-ends, loins, bellies and cuts thereof)	100%
02101111	Domestic swine hams and cuts thereof, salted or in brine, with bone in	100%
02101119	Domestic swine shoulders and cuts thereof, salted or in brine, with bone in	100%
02101131	Domestic swine hams and cuts thereof, dried or smoked, with bone in	120%
02101139	Domestic swine shoulders and cuts thereof, dried or smoked, with bone in	120%

NOTE – See Tariff Schedules attached separately.

4. RULES OF ORIGIN and ORIGIN PROCEDURES PROTOCOL

SECTION A GENERAL PROVISIONS

ARTICLE I

DEFINITIONS

For the purposes of this Protocol:

aquaculture means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants, from seedstock such as eggs, fry, fingerlings and larvae, by intervention in the rearing or growth processes to enhance production, such as regular stocking, feeding or protection from predators;

classified means the classification of a product under a particular heading or subheading of the Harmonized System;

customs authority means any governmental authority that is responsible under the law of a Party for the administration and application of customs laws and regulations or for the EU, where provided for, the competent services of the Commission of the European Union;

customs value means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);

determination of origin means a determination as to whether a good qualifies as an originating good in accordance with this Protocol;

exporter means an exporter located in the territory of a Party;

Harmonized System means the Harmonized Commodity Description and Coding System (HS), including its General Rules of Interpretation, Section Notes, Chapter Notes and Subheading Notes;

identical originating products means products that are the same in all respects, including physical characteristics, quality and reputation, irrespective of minor differences in appearance that are not relevant to a determination of origin of those products under this Protocol;

importer means an importer located in the territory of a Party;

material means any ingredient, component, part or product that is used in the production of another product;

net weight of the non-originating material means the weight of the material as it is used in the production of the product, not including the weight of the material's packaging;

net weight of the product means the weight of a product not including the weight of packaging. If the production includes a heating or drying operation, the net weight of the product may be the net weight of all materials used in its production, excluding water of heading 22.01 added during production of the product;

producer means a person who engages in any kind of working or processing including such operations as growing, mining, raising, harvesting, fishing, trapping, hunting, manufacturing, assembling or disassembling a product;

product means the result of production, even if it is intended for use as a material in the production of another product;

production means any kind of working or processing, including such operations as growing, mining, raising, harvesting, fishing, trapping, hunting, manufacturing, assembling or disassembling a product;

transaction value or ex-works price of the product means the price paid or payable to the producer of the product at the place where the last production was carried out, and must include the value of all materials. If there is no price paid or payable or if it does not include the value of all materials, the transaction value or ex-works price of the product:

(a) must include the value of all materials and the cost of production employed in producing the product, calculated in accordance with generally accepted accounting principles; and

(b) may include amounts for general expenses and profit to the producer that can be reasonably allocated to the product.

Any internal taxes which are, or may be, repaid when the product obtained is exported are excluded. If the transaction value or ex-works price of the product includes costs

incurred subsequent to the product leaving the place of production, such as transportation, loading, unloading, handling or insurance, those costs are to be excluded.

value of non-originating materials means the customs value of the material at the time of its importation into a Party, as determined in accordance with the Customs Valuation Agreement. The value of the non-originating material must include any costs incurred in transporting the material to the place of importation, such as transportation, loading, unloading, handling or insurance. If the customs value is not known or cannot be ascertained, the value of non-originating materials will be the first ascertainable price paid for the materials in the European Union or in Canada.

SECTION B

RULES OF ORIGIN

ARTICLE 2

GENERAL REQUIREMENTS

1. For the purposes of this Agreement, a product is originating in the Party where the last production took place if, in the territory of a Party or in the territory of both of the Parties in accordance with Article 3, it:
 - (a) has been wholly obtained within the meaning of Article 4;
 - (b) has been produced exclusively from originating materials; or,
 - (c) has undergone sufficient production within the meaning of Article 5.
2. Except as provided for in paragraphs 8 and 9 of Article 3 (Cumulation of Origin), the conditions set out in this Protocol relating to the acquisition of originating status must be fulfilled without interruption in the territory of one or both of the Parties.

ARTICLE 3

CUMULATION OF ORIGIN

1. A product that originates in a Party is considered originating in the other Party when used as a material in the production of a product there.
2. An exporter may take into account production carried out on a non-originating material in the other Party for the purposes of determining the originating status of a product.
3. Paragraphs 1 and 2 do not apply if the production carried out on a product does not go beyond the operations referred to in Article 7 (Insufficient Production) and the object of this production, as demonstrated on the basis of a preponderance of evidence, is to circumvent financial or fiscal legislation of the Parties.

4. Where an exporter has completed an origin declaration for a product referred to in paragraph 2, the exporter must possess a supplier's statement that is completed and signed by the supplier of the non-originating materials used in the production of the product.
5. A supplier's statement may be as specified in Annex 4 (Supplier's Statement for Non-Originating Materials Used in the Production of Non-Originating Products) or an equivalent document that contains the same information describing the non-originating materials concerned in sufficient detail for them to be identified.
6. Where a supplier's statement referred to in paragraph 4 is in electronic format, it need not be signed, provided that the supplier is identified to the satisfaction of the customs authorities in the Party where the supplier's statement was completed.
7. A supplier's statement applies to a single invoice or multiple invoices for the same material that is supplied within a period not exceeding 12 months from the date set out in the supplier's statement.
8. Subject to paragraph 9, where, as permitted by the WTO Agreement, each Party has a free trade agreement with the same non-Party, a material of that non-Party will be taken into consideration when determining whether a product is originating under this Agreement.
9. A Party shall give effect to paragraph 8 only once provisions with effect equivalent to paragraph 8 are in force between each Party and the non-Party and upon agreement by the Parties on the applicable conditions.
10. Notwithstanding paragraph 9, where each Party has a free trade agreement with the United States, and upon agreement by the Parties on the applicable conditions, a Party shall give effect to paragraph 8 when determining whether a product of Chapters 2, 11, headings 16.01 through 16.03, Chapter 19, heading 20.02 and 20.03 and subheading 3505.10 is originating under this Agreement.

ARTICLE 4

WHOLLY OBTAINED PRODUCTS

1. The following shall be considered as wholly obtained in a Party:
 - (a) mineral products and other non-living natural resources extracted or taken from there;
 - (b) vegetables, plants and plant products harvested or gathered there;
 - (c) live animals born and raised there;
 - (d)
 - (i) products obtained from live animals there;
 - (ii) products from slaughtered animals born and raised there;
 - (e)
 - (i) products obtained by hunting, trapping or fishing conducted there, but not beyond the outer limits of the Party's territorial sea;
 - (ii) products of aquaculture raised there;

- (f) fish, shellfish and other marine life taken beyond the outer limits of any territorial sea by a vessel;
 - (g) products made aboard their factory ships exclusively from products referred to in (f);
 - (h) mineral products and other non-living natural resources, taken or extracted from the seabed, subsoil or ocean floor of:
 - i. the exclusive economic zone of Canada or the EU's Member States, as determined by domestic law and consistent with Part V of the United Nations Convention of the Law of the Sea done at Montego Bay on 10 December 1982 (UNCLOS);
 - ii. the continental shelf of Canada or the EU's Member States, as determined by domestic law and consistent with Part VI of UNCLOS; or
 - iii. the Area as defined in Article 1(1) of UNCLOS,by a Party or a person of a Party, provided that Party or person of a Party has rights to exploit such seabed, subsoil or ocean floor;
 - (i) raw materials recovered from used products collected there, provided that these products are fit only for such recovery;
 - (j) components recovered from used products collected there, provided that these products are fit only for such recovery, when the component is either:
 - (i) incorporated in another product; or
 - (ii) further produced resulting in a product with a performance and life expectancy equivalent or similar to those of a new product of the same type;
 - (k) products, at any stage of production, produced there exclusively from products specified in (a) to (j);
2. For the purpose of subparagraphs 1(f) and (g), the following conditions shall apply to the vessel or factory ship:
- (a) the vessel or factory ship must be:
 - (i) registered in a Member State of the European Union or in Canada; or
 - (ii) listed in Canada, if such vessel:
 - a. immediately prior to its listing in Canada, is entitled to fly the flag of a Member State of the European Union and must sail under that flag; and
 - b. fulfills the conditions of either 2(c)(i) or 2(c)(ii) below;
 - (b) the vessel or factory ship must be entitled to fly the flag of a Member State of the European Union or of Canada and must sail under that flag; and,
 - (c) with respect to the European Union the vessel or factory ship must be:

- (i) at least 50% owned by nationals of a Member State of the European Union; or
 - (ii) owned by companies which have their head office and their main place of business in a Member State of the European Union, and which are at least 50% owned by a Member State of the European Union, public entities or nationals of those States;
- (d) with respect to Canada, the vessel or factory ship must take the fish, shellfish or other marine life under the authority of a Canadian fishing licence. Canadian fishing licences comprise Canadian commercial fishing licences and Canadian aboriginal fishing licences issued to aboriginal organizations. The holder of the Canadian fishing licence must be either:
- (i) a Canadian national;
 - (ii) an enterprise that is no more than 49 per cent foreign owned and has a commercial presence in Canada;
 - (iii) a fishing vessel owned by a person referred to in subparagraph (i) or (ii) that is registered in Canada, entitled to fly the flag of Canada and must sail under that flag; or
 - (iv) an aboriginal organization located in the territory of Canada. A person fishing under the authority of a Canadian aboriginal fishing licence must be a Canadian national.

ARTICLE 5

SUFFICIENT PRODUCTION

1. For the purposes of Article 2, products which are not wholly obtained are considered to have undergone sufficient production when the conditions set out in Annex 1 (Product-Specific Rules of Origin) are fulfilled.
2. If a non-originating material undergoes sufficient production, the resulting product shall be considered as originating and no account shall be taken of the non-originating material contained therein when that product is used in the subsequent production of another product.

ARTICLE 6

TOLERANCE

1. Notwithstanding Article 5(1), and except as provided in paragraph 3, if the non-originating materials used in the production of the product do not fulfil the conditions set out in Annex 1 (Product-Specific Rules of Origin), the product may be considered to be an originating product provided that:
 - (a) the total value of those non-originating materials does not exceed 10 per cent of the transaction value or ex-works price of the product;

- (b) any of the percentages given in Annex 1 (Product-Specific Rules of Origin) for the maximum value or weight of non-originating materials are not exceeded through the application of this paragraph; and
 - (c) the product satisfies all other applicable requirements of this Protocol.
2. Paragraph 1 does not apply to products wholly obtained in a Party within the meaning of Article 4 (Wholly Obtained Products). Where the rule of origin specified in Annex 1 (Product-Specific Rules of Origin) requires that the materials used in the production of a product be wholly obtained, the tolerance provided for in paragraph 1 applies to the sum of these materials.
 3. Tolerance for textile and apparel products of Chapters 50 through 63 of the Harmonized System will be determined in accordance with Annex 2 (Tolerance for Textile and Apparel Products).
 4. Paragraphs 1 through 3 are subject to Article 8(c) (Unit of Classification).

ARTICLE 7

INSUFFICIENT PRODUCTION

1. Without prejudice to paragraph 2, the following operations are insufficient to confer origin on a product, whether or not the requirements of Article 5 (Sufficient Production) or Article 6 (Tolerance) are satisfied:
 - (a) operations exclusively intended to preserve products in good condition during storage and transport;¹
 - (b) breaking-up or assembly of packages;
 - (c) washing, cleaning or operations to remove dust, oxide, oil, paint or other coverings from a product;
 - (d) ironing or pressing of textiles or textile articles of Chapter 50 through 63 of the Harmonized System;
 - (e) simple painting or polishing operations;
 - (f) husking, partial or total bleaching, polishing or glazing of cereals or rice of Chapter 10 that does not result in a change of chapter;
 - (g) operations to colour or flavour sugar of heading 17.01 through 17.02; operations to form sugar lumps of heading 17.01; partial or total grinding of crystal sugar of heading 17.01;
 - (h) peeling, stoning or shelling of vegetables of Chapter 7, fruits of Chapter 8, nuts of heading 08.01 through 08.02 or groundnuts of heading 12.02, if these vegetables, fruits, nuts or groundnuts remain classified within the same chapter;

¹ Preserving operations such as chilling, freezing or ventilating are considered insufficient within the meaning of subparagraph (a), whereas operations such as pickling, drying or smoking that are intended to give a product special or different characteristics, are not considered insufficient.

- (i) sharpening, simple grinding or simple cutting;
 - (j) simple sifting, screening, sorting, classifying, grading or matching;
 - (k) simple packaging operations, such as placing in bottles, cans, flasks, bags, cases, boxes or fixing on cards or boards;
 - (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
 - (m) mixing of sugar of heading 17.01 through 17.02 with any material;
 - (n) simple mixing of materials, whether or not of different kinds, however, simple mixing does not include an operation that causes a chemical reaction as defined in the notes to Chapter 28 through 29 of Annex 1 (Product-Specific Rules of Origin).
 - (o) simple assembly of parts of articles to constitute a complete article of Chapters 61, 62 and 82 to 97 of the Harmonized System or disassembly of complete articles of Chapters 61, 62 and 82 to 97 into parts;
 - (p) a combination of two or more operations specified in (a) to (o); and
 - (q) slaughter of animals.
2. In accordance with Article 3 (Cumulation of Origin), all production carried out in the European Union and in Canada on a product is considered when determining whether the production undertaken on that product is to be regarded as insufficient within the meaning of paragraph 1.
 3. For the purposes of paragraph 1, operations shall be considered simple when neither special skills, nor machines, apparatus or tools especially produced or installed for those operations are required for their performance or when those skills, machines, apparatus or tools do not contribute to the product's essential characteristics or properties.

ARTICLE 8

UNIT OF CLASSIFICATION

For the purposes of this Protocol:

- (a) the tariff classification of a particular product or material shall be determined according to the Harmonized System;
- (b) where a product composed of a group or assembly of articles or components is classified pursuant to the terms of the Harmonized System under a single heading or subheading, the whole shall constitute the particular product; and
- (c) where a shipment consists of a number of identical products classified under the same heading or subheading of the Harmonized System, each product shall be considered separately.

*ARTICLE 9***PACKAGING AND PACKING MATERIALS AND CONTAINERS**

1. Where, under General Rule 5 of the Harmonized System, packaging is included with the product for classification purposes, it is considered in determining whether all the non-originating materials used in the production of the product satisfy the requirements set out in Annex 1 (Product-Specific Rules of Origin).
2. Packing materials and containers in which a product is packed for shipment shall be disregarded in determining the origin of that product.

*ARTICLE 10***ACCOUNTING SEGREGATION OF FUNGIBLE MATERIALS OR PRODUCTS**

1.
 - a) If originating and non-originating fungible materials are used in the production of a product, the determination of the origin of the fungible materials need not be made through physical separation and identification of any specific fungible material, but may be determined on the basis of an inventory management system.
 - b) If originating and non-originating fungible products of Chapters 10, 15, 27, 28, 29, headings 32.01 through 32.07 or 39.01 through 39.14 of the Harmonized System are physically combined or mixed in inventory in a Party before exportation to the other Party, the determination of the origin of the fungible products need not be made through physical separation and identification of any specific fungible product, but may be determined on the basis of an inventory management system.
2. The inventory management system must:
 - (i) ensure that, at any time, no more products receive originating status than would have been the case if the fungible materials or fungible products had been physically segregated;
 - (ii) specify the quantity of originating and non-originating materials or products, including the dates on which those materials or products were placed in inventory and if required by the applicable rule of origin, the value of those materials or products;
 - (iii) specify the quantity of products produced using fungible materials, or the quantity of fungible products, that are supplied to customers requiring evidence of origin in a Party for the purposes of obtaining preferential treatment under this Agreement and to customers not requiring such evidence; and
 - (iv) indicate whether an inventory of originating products was available in sufficient quantity to support the declaration of originating status.
3. A Party may require that an exporter or producer within its territory that is seeking to use an inventory management system pursuant to this Article obtain prior authorisation from that Party in order to use that system. The authorisation to use an inventory management system may be withdrawn if the exporter or producer makes improper use of it.

4. For the purposes of paragraph 1, fungible materials or fungible products means materials or products that are of the same kind and commercial quality, with the same technical and physical characteristics, and which cannot be distinguished from one another for origin purposes.

ARTICLE 11

ACCESSORIES, SPARE PARTS AND TOOLS

Accessories, spare parts and tools delivered with a product that form part of its standard accessories, spare parts or tools, that are not invoiced separately from the product and which quantities and value are customary for the product, shall be:

- (a) taken into account in calculating the value of the relevant non-originating materials when the rule of origin of Annex 1 (Product-Specific Rules of Origin) applicable to the product contains a percentage for the maximum value of non-originating materials; and
- (b) disregarded in determining whether all the non-originating materials used in the production of the product undergo the applicable change in tariff classification or other requirements set out in Annex 1 (Product-Specific Rules of Origin).

ARTICLE 12

SETS

1. Except as provided in Annex 1 (Product-Specific Rules of Origin), a set, as referred to in General Rule 3 of the Harmonized System, is originating, provided that:
 - (a) all of the set's component products are originating; or
 - (b) if the set contains a non-originating component product, at least one of the component products, or all of the packaging material and containers for the set, is originating; and
 - i. the value of the non-originating component products of Chapters 1 through 24 of the Harmonized System does not exceed 15 per cent of the transaction value or ex-works price of the set;
 - ii. the value of the non-originating component products of Chapters 25 through 97 of the Harmonized System does not exceed 25 per cent of the transaction value or ex-works price of the set; and
 - iii. the value of all of the set's non-originating component products does not exceed 25 per cent of the transaction value or ex-works price of the set.
2. The value of non-originating component products is calculated in the same manner as the value of non-originating materials.
3. The transaction value or ex-works price of the set shall be calculated in the same manner as the transaction value or ex-works price of the product.

*ARTICLE 13***NEUTRAL ELEMENTS**

In order to determine whether a product originates, it shall not be necessary to determine the origin of the following which might be used in its production:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) materials which do not enter and which are not intended to enter into the final composition of the product.

*ARTICLE 14***TRANSPORT THROUGH A NON-PARTY**

1. A product shall not be considered to be originating by reason of having undergone production that satisfies the requirements of Article 2 if, subsequent to that production, the product:
 - (a) undergoes further production or any other operation outside the territories of the Parties, other than unloading, reloading, or any other operation necessary to preserve it in good condition, to transport the product to the territory of a Party; or
 - (b) does not remain under customs control while outside the territories of the Parties.
2. The storage of products and shipments or the splitting of shipments may take place where carried out under the responsibility of the exporter or of a subsequent holder of the products and the products remain under customs supervision in the country or countries of transit.

*ARTICLE 15***RETURNED ORIGINATING GOODS**

If originating products exported from a Party to a non-Party return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that the returning products:

- (a) are the same as those exported; and
- (b) have not undergone any operation beyond that necessary to preserve them in good condition.

*ARTICLE 16***SUGAR**

1. Where a rule of origin requires that the net weight of non-originating sugar used in production not exceed a specified threshold, the product will have satisfied this condition if the total net weight of all mono-saccharides and di-saccharides contained in the product, or in the materials used in production, does not exceed this threshold.
2. The product may also satisfy this condition if the threshold is not exceeded by the net weight of non-originating sugar classified in heading 17.01 or subheading 1702.30 through 1702.60 or 1702.90 other than malto-dextrin, chemically pure maltose, or “colouring” caramel as described in the explanatory notes to heading 17.02, when used as such in the production of:
 - a) the product; and
 - b) the non-originating sugar-containing materials classified in subheadings 1302.20, 1704.90, 1806.10, 1806.20, 1901.90, 2101.12, 2101.20, 2106.90 and 3302.10 that are used as such in the production of the product. Alternatively, the net weight of all mono-saccharides and di-saccharides contained in any of these sugar-containing materials may also be used. If neither the net weight of the non-originating sugar as referred to above nor the net weight of mono-saccharides and di-saccharides contained in these sugar-containing materials is known, the total net weight of these materials used as such in production will apply.
3. The net weight of any non-originating sugar as referred to in paragraph 2 may be calculated on a dry weight basis.
4. For the purposes of the rules of origin for heading 17.04 and 18.06, the value of non-originating sugar refers to the value of the non-originating material referred to in paragraph 2 that is used in production of the product.

*ARTICLE 17***NET COST**

1. For the purpose of calculating the net cost of a product under Table D.1 of Appendix 1 (Origin Quotas and Alternatives to the Product-Specific Rules of Origin), the producer of the product may:
 1. calculate the total cost incurred with respect to all products produced by that producer, subtract any sales promotion, marketing and after-sales service costs, royalty, shipping and packing costs, as well as a non-allowable interest cost that is included in the total cost of all those products, and then reasonably allocate the resulting net cost of those products to the product;
 2. calculate the total cost incurred with respect to all products produced by that producer, reasonably allocate the total cost to the product, and then subtract any sales promotion, marketing and after-sales service costs,

- royalty, shipping and packing costs and non-allowable interest cost that is included in the portion of the total cost allocated to the product; or
3. reasonably allocate each cost that forms part of the total cost incurred by that producer with respect to the product so that the aggregate of these costs does not include any sales promotion, marketing and after-sales service costs, royalty, shipping and packing costs, or non-allowable interest cost.
2. For the purpose of calculating the net cost of a product under paragraph 1, the producer may average its calculation over its fiscal year using any one of the following categories, on the basis of either all motor vehicles produced by that producer in the category or only those motor vehicles in the category that are produced by that producer and exported to the territory of the other Party:
 - (a) the same model line of motor vehicles in the same class of vehicles produced in the same plant in the territory of a Party;
 - (b) the same model line of motor vehicles produced in the same plant in the territory of a Party;
 - (c) the same model line of motor vehicles produced in the territory of a Party;
 - (d) the same class of motor vehicles produced in the same plant in the territory of a Party; or
 - (e) any other category as the Parties may agree.
 3. For the purpose of this Article, the following definitions apply, in addition to those set out in Article 1:
 - (a) motor vehicle means a product of subheading 8703.21 through 8703.90;
 - (b) net cost means total cost minus sales promotion, marketing and after-sales service costs, royalty, shipping and packing costs, and non-allowable interest cost that are included in the total cost;
 - (c) non-allowable interest cost means interest costs incurred by a producer that exceed 700 basis points above the applicable national government interest rate identified for comparable maturities;
 - (d) royalty means payments of any kind, including payments under technical assistance or similar agreements, made as consideration for the use or right to use any copyright, literary, artistic, or scientific work, patent, trademark, design, model, plan, secret formula or process, excluding those payments under technical assistance or similar agreements that can be related to specific services such as:
 - i. personnel training, without regard to where performed; and
 - ii. if performed in the territory of one or both of the Parties, engineering, tooling, die-setting, software design and similar computer services, or other services;

- (e) sales promotion, marketing and after-sales service costs means the following costs related to sales promotion, marketing and after-sales service:
- i. sales and marketing promotion; media advertising; advertising and market research; promotional and demonstration materials; exhibits; sales conferences, trade shows and conventions; banners; marketing displays; free samples; sales, marketing and after-sales service literature (product brochures, catalogues, technical literature, price lists, service manuals, sales aid information); establishment and protection of logos and trademarks; sponsorships; wholesale and retail restocking charges; entertainment;
 - ii. sales and marketing incentives; consumer, retailer or wholesaler rebates; merchandise incentives;
 - iii. salaries and wages, sales commissions, bonuses, benefits (for example, medical, insurance, pension), travelling and living expenses, and membership and professional fees for sales promotion, marketing and after-sales service personnel;
 - iv. recruiting and training of sales promotion, marketing and after-sales service personnel, and after-sales training of customers' employees, where such costs are identified separately for sales promotion, marketing and after-sales service of products on the financial statements or cost accounts of the producer;
 - v. product liability insurance;
 - vi. office supplies for sales promotion, marketing and after-sales service of products, where such costs are identified separately for sales promotion, marketing and after-sales service of products on the financial statements or cost accounts of the producer;
 - vii. telephone, mail and other communications, where such costs are identified separately for sales promotion, marketing and after-sales service of products on the financial statements or cost accounts of the producer;
 - viii. rent and depreciation of sales promotion, marketing and after-sales service offices and distribution centres;
 - ix. property insurance premiums, taxes, cost of utilities, and repair and maintenance of sales promotion, marketing and after-sales service offices and distribution centres, where such costs are identified separately for sales promotion, marketing and after-sales service of products on the financial statements or cost accounts of the producer; and
 - x. payments by the producer to other persons for warranty repairs;

- (f) shipping and packing costs means the costs incurred in packing a product for shipment and shipping the product from the point of direct shipment to the buyer, excluding costs of preparing and packaging the product for retail sale.
- (g) total cost means all product costs, period costs and other costs incurred in relation to the production of a product in Canada. Product costs means those costs that are associated with the production of a product and include the value of materials, direct labour costs, and direct overhead. Period costs means those costs other than product costs that are expensed in the period in which they are incurred, including selling expenses and general and administrative expenses. Other costs means all costs recorded on the books of the producer that are not product costs or period costs.

SECTION C
ORIGIN PROCEDURES

ARTICLE 18

PROOF OF ORIGIN

1. Products originating in the EU Party shall, on importation into Canada and products originating in Canada shall, on importation into the EU Party benefit from preferential tariff treatment of this Agreement on the basis of a declaration, subsequently referred to as the “origin declaration”.
2. The origin declaration is provided on an invoice or any other commercial document that describes the originating product in sufficient detail to enable its identification.
3. The different linguistic versions of the text of the origin declaration appear in Annex 3 (Text of the Origin Declaration).

ARTICLE 19

OBLIGATIONS REGARDING EXPORTATIONS

1. An origin declaration as referred to in Article 18(1) may be completed:
 - (a) in the EU, by an exporter in accordance with the relevant EU legislation
 - (b) in Canada, by an exporter as per Part V of the *Customs Act*.
2. The exporter completing an origin declaration shall at the request of the customs authority of the Party of export submit a copy of the origin declaration and all appropriate documents proving the originating status of the products concerned, including supporting documents or written statements from the producers or suppliers, as well as the fulfilment of the other requirements of this Protocol.
3. Origin declarations shall be completed and signed by the exporter unless otherwise provided.
4. An origin declaration may be completed by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing Party within a period of two years or for such longer period as specified in the legislation of the importing Party after the importation of the products to which it relates.
5. The customs authority of the Party of import may allow an origin declaration to apply to multiple shipments of identical originating products that take place within a period not exceeding 12 months as specified by the exporter in that declaration.
6. An exporter who has completed an origin declaration that becomes aware or has reason to believe that the origin declaration contains incorrect information, shall immediately notify the importer in writing of any change affecting the originating status of each product to which the origin declaration applies.

7. The Parties may allow the establishment of a system that would permit, an origin declaration to be submitted electronically and directly from the exporter in the territory of one Party to an importer in the territory of another Party, including the replacement of the exporter's signature on the origin declaration with an electronic signature or identification code.

ARTICLE 20

VALIDITY OF THE ORIGIN DECLARATION

1. An origin declaration shall be valid for 12 months from the date when it was completed by the exporter, or for such longer period as determined by the Party of import. The preferential tariff treatment may be claimed within the validity period to the customs authority of the Party of import.
2. Origin declarations which are submitted to the customs authority of the Party of import after the validity period specified in paragraph 1 may be accepted for the purpose of preferential tariff treatment in accordance with the respective laws and regulations of the Party of import.

ARTICLE 21

OBLIGATIONS REGARDING IMPORTATIONS

1. For the purpose of claiming preferential tariff treatment, the importer shall:
submit the origin declaration to the customs authority of the Party of import as required by and in accordance with the procedures applicable in that Party;
 - (a) if required by the customs authority of the Party of import, submit a translation of the origin declaration; and
 - (b) if required by the customs authority of the Party of import provide for a statement accompanying or as part of the import declaration to the effect that the products meet the conditions required for the application of this Agreement.
2. An importer that becomes aware or has reason to believe that an origin declaration for a product to which preferential tariff treatment has been granted contains incorrect information shall immediately notify the customs authority of the Party of import in writing of any change affecting the originating status of that product and pay any duties owing.
3. When an importer claims preferential tariff treatment for a good imported into the territory from the territory of the other Party the importing Party may deny preferential tariff treatment to the good if the importer fails to comply with any requirement under this Protocol.

4. A Party shall, in accordance with its domestic legislation, provide that, where a product would have qualified as an originating product when it was imported into the territory of that Party except that the importer did not have an origin declaration at the time of importation, the importer of the product may within a period of no less than three years after the date of importation apply for a refund of duties paid as a result of the product not having been accorded preferential tariff treatment.

ARTICLE 22

PROOF RELATED TO TRANSPORT THROUGH A NON-PARTY

1. Each Party, through its customs authority, may require an importer to demonstrate that a good for which the importer claims preferential tariff treatment was shipped in accordance with Article 14 by providing:

- (a) carrier documents, including bills of lading or waybills, indicating the shipping route and all points of shipment and transshipment prior to the importation of the good; and
- (b) where the good is shipped through or transhipped outside the territories of the Parties, a copy of the customs control documents indicating to that customs authority that the good remained under customs control while outside the territories of the Parties.

ARTICLE 23

IMPORTATION BY INSTALMENTS

Where, at the request of the importer and on the conditions laid down by the customs authority of the Party of import, dismantled or non-assembled products within the meaning of General Rule 2(a) of the HS falling within Sections XVI and XVII or headings 7308 and 9406 of the HS are imported by instalments, a single origin declaration for such products shall be submitted, as required, to that customs authority upon importation of the first instalment.

ARTICLE 24

EXEMPTIONS FROM ORIGIN DECLARATIONS

1. A Party may, in accordance with its domestic legislation, waive the requirement to present an origin declaration as referred to in Article 21, for low value shipments of originating products from another Party and for originating products forming part of the personal luggage of a traveller coming from another Party.

2. A Party may exclude any importation from the provisions of paragraph 1 when the importation is part of a series of importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding the requirements of this Protocol related to origin declarations.
3. The Parties may set value limits for products referred to in paragraph 1, and will exchange information regarding those limits.

ARTICLE 25

SUPPORTING DOCUMENTS

The documents referred to in Article 19(2), used for the purpose of proving that products covered by origin declarations can be considered as products originating in the EU Party or in Canada and fulfil the other requirements of this Protocol may include documents relating to the following:

- (a) the production processes carried out on the originating product or on materials used in the production of that product;
- (b) the purchase of, the cost of, the value of and the payment for the product;
- (c) the origin of, the purchase of, the cost of, the value of and the payment for all materials, including neutral elements, used in the production of the product; and
- (d) the shipment of the product.

ARTICLE 26

PRESERVATION OF RECORDS

1. The exporter that has completed an origin declaration shall keep a copy of the origin declaration, as well as the documents referred to in Article 25 supporting the originating status of the products, for three years after the completion of the origin declaration or for such longer period as a Party may specify.
2. Where an exporter has based an origin declaration on a written statement from the producer, the producer shall be required to maintain records in accordance with paragraph 1.
3. When provided for in domestic legislation of the Party of import, an importer that has been granted preferential tariff treatment shall keep documentation relating to the importation of the good, including a copy of the origin declaration, for three years after the date on which preferential treatment was granted, or for such longer period as that Party may specify.

4. Each Party shall permit, in accordance with that Party's laws and regulations, importers, exporters, and producers in its territory to maintain documentation or records in any medium, provided that the documentation or records can be retrieved and printed.
5. A Party may deny preferential tariff treatment to a good that is the subject of an origin verification where the importer, exporter, or producer of the good that is required to maintain records or documentation under this Article:
 - (a) fails to maintain records or documentation relevant to determining the origin of the good in accordance with the requirements of the Protocol; or
 - (b) denies access to such records or documentation.

ARTICLE 27

DISCREPANCIES AND FORMAL ERRORS

1. The discovery of slight discrepancies between the statements made in the origin declaration and those made in the documents submitted to the customs authorities for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the origin declaration null and void if it is duly established that such document does correspond to the products submitted.
2. Obvious formal errors such as typing errors on an origin declaration should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

ARTICLE 28

CO-OPERATION

1. The Parties shall co-operate in the uniform administration and interpretation of the provisions of this Protocol and, through their customs authorities, assist each other in verifying the originating status of the products on which an origin declaration is based.
2. In order to facilitate the verifications or assistance referred to in paragraph 1, the customs authorities of the Parties shall provide each other, through the Commission of the European Communities, with addresses of the customs authorities responsible.
3. It is understood that the customs authority of the Party of export will assume all expenses in carrying out paragraph 1.

4. It is further understood that the customs authorities of the Parties will discuss the overall operation and administration of the verification process, including forecasting of workload and discussing priorities. Where there is an unusual increase in the number of requests, the customs authorities of the Parties concerned will consult to establish priorities and consider steps to manage the workload, with consideration of operational requirements.
5. With respect to goods considered originating in accordance with Article 3, the Parties may cooperate with a non-Party to develop customs procedures based on the principles of this Protocol.

ARTICLE 29

ORIGIN VERIFICATION

1. In order to ensure the proper application of this Protocol, the Parties shall assist each other, through the customs authorities, in verifying whether products are originating and ensuring the accuracy of claims for preferential tariff treatment.
2. Requests for origin verifications as to whether the product is originating and all other requirements of this Protocol have been fulfilled, shall be made:
 - (a) based on risk assessment methods applied by the customs authority of the Party of import, which may include random selection, or
 - (b) where the Party of import has reasonable doubts.
3. The customs authority of the Party of import may verify whether a product is originating by requesting in writing that the customs authority of the Party of export conduct a verification as to whether a product is originating. When requesting a verification, the customs authority of the Party of import shall provide the customs authority of the Party of export with:
 - (i) the identity of the customs authority issuing the request;
 - (ii) the name of the exporter or producer to be verified;
 - (iii) the subject and scope of the verification;
 - (iv) a copy of the origin declaration and, where applicable any other relevant documentation.

Where appropriate the customs authority of the Party of import may request the customs authority of the Party of export for specific documentation and information.

4. A request made by the customs authority of the Party of import pursuant to paragraph 3 shall be provided to the customs authority of the Party of export by certified

or registered mail or any other method that produces a confirmation of receipt by that customs authority.

5. The origin verification shall be carried out by the customs authority of the Party of export. For this purpose, the customs authority may in accordance with its domestic legislation, request documentation, call for any evidence or visit the premises of an exporter, or a producer, to review the records referred to in Article 25 and observe the facilities used in the production of the good.

6. Where an exporter has based an origin declaration on a written statement from the producer or supplier, the exporter may arrange for the producer or supplier to provide documentation or information directly to the customs authority of the Party of export upon request.

7. As soon as possible and in any event within 12 months after receiving the request referred to in paragraph 3, the customs authority of the Party of export shall complete a verification of whether the product is originating and fulfils the other requirements of this Protocol, and shall:

- (a) provide to the customs authority of the Party of import, by certified or registered mail or any other method that produces a confirmation of receipt by that customs authority, a written report in order for it to determine whether the product is originating or not, and that contains:
 - i) the results of the verification;
 - ii) the description of the product subject to verification and the tariff classification relevant to the application of the rule of origin;
 - iii) a description and explanation of the production sufficient to support the rationale with respect to the originating status of the product;
 - iv) information on the manner in which the verification was conducted; and
 - v) where appropriate, supporting documentation.
- (b) subject to its domestic legislation, notify the exporter of its decision as to whether the product is originating.

8. The period referred to in paragraph 7 may be extended by agreement between the customs authorities concerned.

9. Pending the results of an origin verification under paragraph 7, or consultations under paragraph 12, the customs authority of the Party of import, subject to any precautionary measures deemed necessary, shall offer to release the product to the importer,

10. Where the result of an origin verification has not been provided in accordance with paragraph 7, the customs authority of the importing Party may, in cases of

reasonable doubt or when it is unable to determine whether a product is originating, deny preferential tariff treatment to the product.

11. Where differences in relation to the verification procedures of this Article or in the interpretation of the rules of origin in determining whether a product qualifies as originating, cannot be resolved in consultations between the customs authority requesting the verification and the customs authority responsible for performing the verification, and the customs authority of the importing Party intends to make a determination of origin under paragraph 7(a) that is not consistent with the written report provided by the customs authority of the exporting Party, the importing Party shall notify the exporting Party, within 60 days of receiving the written report.

12. At the request of either Party, the Parties shall hold consultations within a period of 90 days from the date of the notification referred to in paragraph 11, with a view to resolving those differences. The period for consultation may be extended on a case by case basis by mutual written agreement between the Parties. After this period the customs authority of the importing Party can make its determination of origin. The Parties may also seek to resolve those differences within the [Customs Committee] established under this Agreement.

13. In all cases the settlement of differences between the importer and the customs authority of the Party of import shall be under the legislation of the said Party.

14. Nothing in this Protocol prevents a customs authority of a Party from issuing a determination of origin or an advance ruling relating to any matter under consideration by the Customs Procedures Sub-Committee or the Committee on Trade in Goods and Rules of Origin or from taking such other action that it considers necessary, pending a resolution of the matter under this Agreement.

ARTICLE 30

REVIEW AND APPEAL

1. Each Party shall grant substantially the same rights of review and appeal of determinations of origin and advance rulings issued by its customs authority as it provides to importers in its territory, to any person who:

(a) has received an origin decision in application of the provisions of this Protocol; or

(b) has received an advance ruling pursuant to Article 33(1).

2. Further to Articles X.03 (Transparency Chapter - Administrative Proceedings) and X.04 (Transparency Chapter - Review and Appeal), each Party shall provide that the rights of review and appeal referred to in paragraph 1 shall include access to at least two levels of appeal or review including at least one judicial or quasi-judicial level.

ARTICLE 31

PENALTIES

Each Party shall maintain measures imposing criminal, civil or administrative penalties for violations of its laws and regulations relating to this Protocol.

ARTICLE 32

CONFIDENTIALITY

1. Nothing in this Protocol shall be construed to require a Party to furnish or allow access to business information or to information relating to an identified or identifiable individual, the disclosure of which would impede law enforcement or would be contrary to that Party's legislation protecting business information and personal data and privacy.

2. Each Party shall maintain, in accordance with its law, the confidentiality of the information collected pursuant to this Protocol and shall protect that information from disclosure that could prejudice the competitive position of the persons providing the information. Where the Party receiving or obtaining information is required by its laws to disclose the information, that Party shall notify the Party or person who provided that information.

3. Each Party shall ensure that the confidential information collected pursuant to this Protocol shall not be used for purposes other than the administration and enforcement of determinations of origin and of customs matters, except with the permission of the person or Party who provided the confidential information.

4. Notwithstanding paragraph 3, a Party may allow information collected pursuant to this Protocol to be used in any administrative, judicial or quasi-judicial proceedings instituted for failure to comply with customs related laws and regulations implementing this Protocol. A Party shall notify the person or Party who provided the information in advance of such use.

5. The Parties shall exchange information on their respective legislation on data protection for the purpose of facilitating the operation and application of paragraph 2.

ARTICLE 33

ADVANCE RULINGS RELATING TO ORIGIN

1. Each Party shall through its customs authority, provide for the expeditious issuance of written advance rulings in accordance with its domestic law, prior to the importation of a good into its territory, concerning whether a good qualifies as an originating good under this Protocol.
2. Each Party shall adopt or maintain procedures for the issuance of advance rulings, including a detailed description of the information reasonably required to process an application for a ruling.
3. Each Party shall provide that its customs authority:
 - (a) may, at any time during the course of an evaluation of an application for an advance ruling, request supplemental information from the person requesting the ruling;
 - (b) shall, after it has obtained all necessary information from the person requesting the advance ruling, issue the ruling within 120 days; and
 - (c) shall provide to the person requesting the advance ruling a full explanation of the reasons for the ruling.
4. Where application for an advance ruling involves an issue that is the subject of:
 - (a) a verification of origin;
 - (b) a review by or appeal to the customs authority; or
 - (c) judicial or quasi-judicial review in its territory;

the customs authority in accordance with its laws and regulations, may decline or postpone the issuance of the ruling.
5. Subject to paragraph 7, each Party shall apply an advance ruling to importations into its territory of the good for which the ruling was requested, beginning on the date of its issuance or such later date as may be specified in the ruling.
6. Each Party shall provide to any person requesting an advance ruling the same treatment as it provided to any other person to whom it issued an advance ruling, provided that the facts and circumstances are identical in all material respects.
7. The issuing Party may modify or revoke an advance ruling:
 - (a) if the ruling is based on an error of fact;
 - (b) if there is a change in the material facts or circumstances on which the ruling is based;

(c) to conform with an amendment of Chapter X (National Treatment and Market Access for Goods), or this Protocol; or

(d) to conform with a judicial decision or a change in its domestic law.

8. Each Party shall provide that any modification or revocation of an advance ruling shall be effective on the date on which the modification or revocation is issued, or on such later date as may be specified therein, and shall not be applied to importations of a good that have occurred prior to that date, unless the person to whom the advance ruling was issued has not acted in accordance with its terms and conditions.

9. Notwithstanding paragraph 8, the issuing Party may, in accordance with its domestic legislation, postpone the effective date of such modification or revocation for no more than 6 months.

10. Subject to paragraph 7, each Party shall provide that an advance ruling remains in effect and is honoured.

ARTICLE 34

COMMITTEE

The Joint Customs Cooperation Committee (JCCC), granted authority to act under the auspices of the CETA Joint Committee as a specialised committee pursuant to Article [X.02] 'Specialised Committees' in Chapter [Administrative and Institutional Provisions], may review and propose to the CETA Joint Committee to amend the provisions of this Annex. It shall endeavour to agree upon:

- (a) the uniform administration of the rules of origin, including tariff classification and valuation matters relating to this Annex;
- (b) technical, interpretative or administrative matters relating to this Annex; or
- (c) the priorities in relation to origin verifications and other matters arising from the verifications.

ANNEX 1
PRODUCT-SPECIFIC RULES OF ORIGIN

Note: Please see attached separately.

ANNEX 2**TOLERANCE FOR TEXTILE AND APPAREL PRODUCTS**

1. For the purpose of this Annex, the following definitions apply:

Natural fibres means fibres other than artificial or synthetic fibres that have not been spun. Natural fibres include waste, and, unless otherwise specified, include fibres which have been carded, combed or otherwise processed, but not spun. Natural fibres include horsehair of heading 05.11, silk of headings 50.02 through 50.03, wool-fibres and fine or coarse animal hair of heading 51.01 through 51.05, cotton fibres of heading 52.01 through 52.03, and other vegetable fibres of heading 53.01 through 53.05.

Textile pulp, chemical materials and paper-making materials means materials, not classified in Chapter 50 through 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.

Man-made staple fibres means synthetic or artificial filament tow, staple fibres or waste, of heading 55.01 through 55.07.

2. For greater certainty, non-originating materials of Chapters 1 through 49 and 64 through 97, including materials that contain textiles, may be disregarded for the purpose of determining whether all the non-originating materials used in the production of a product of Chapter 50 through 63 satisfies the applicable rule of origin set out in Annex 1 (Product-Specific Rules of Origin).

3. Subject to paragraph 7, if the non-originating materials used in the production of a product of Chapter 50 through 63 do not fulfill the conditions set out in Annex 1 (Product-Specific Rules of Origin), the product is nonetheless an originating product provided that:

- (a) the product is produced using two or more of the basic textile materials listed in Table 1;
- (b) the net weight of non-originating basic textile materials listed in Table 1 does not exceed 10 per cent of the net weight of the product ; and
- (c) the product satisfies all other applicable requirements of this Protocol.

4. Subject to paragraph 7, in the case of a product of Chapter 50 through 63 produced using one or more basic textile materials listed in Table 1, and non-originating yarn made of polyurethane segmented with flexible segments of polyether, the product is nonetheless an originating product provided that

- (a) the weight of the non-originating yarn made of polyurethane segmented with flexible segments of polyether does not exceed 20 % of the weight of the product; and
- (b) the product satisfies all other applicable requirements of this Protocol.

5. Subject to paragraph 7, in the case of a product of Chapter 50 through 63 produced using one or more basic textile materials listed in Table 1 and non-originating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film, the product is nonetheless an originating product provided that:

- (a) the weight of the non-originating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film does not exceed 30 % of the weight of the product; and
- (b) the product satisfies all other applicable requirements of this Protocol.

6. Subject to paragraph 7, if the non-originating materials used in the production of a product of Chapter 61 through 63 do not fulfill the conditions set out in Annex 1 (Product-Specific Rules of Origin), the product is nonetheless an originating product provided that:

- (a) the non-originating materials are classified in a heading other than that of the product;
- (b) the value of the non-originating materials does not exceed 8% of the transaction value or ex-works price of the product; and
- (c) the product satisfies all other applicable requirements of this Protocol.

Paragraph 6 does not apply to non-originating materials used in the production of linings or interlinings of a product of Chapter 61 through 63.

7. The tolerance provided for in paragraphs 2 through 6 does not apply to non-originating materials used in the production of a product if those materials are subject to a rule of origin that includes a percentage for their maximum value or weight.

Table 1 – Basic Textile Materials

- silk,
- wool
- coarse animal hair
- fine animal hair
- horsehair
- cotton
- paper-making materials and paper
- flax
- true hemp
- jute and other textile bast fibres
- sisal and other textile fibres of the genus *Agave*
- coconut, abaca , ramie and other vegetable textile fibres
- synthetic man-made filaments
- artificial man-made filaments
- current-conducting filaments
- synthetic man-made staple fibres of polypropylene
- synthetic man-made staple fibres of polyester
- synthetic man-made staple fibres of polyamide
- synthetic man-made staple fibres of polyacrylonitrile
- synthetic man-made staple fibres of polyimide
- synthetic man-made staple fibres of polytetrafluoroethylene
- synthetic man-made staple fibres of poly(phenylene sulphide)
- synthetic man-made staple fibres of poly(vinyl chloride)
- other synthetic man-made staple fibres
- artificial man-made staple fibres of viscose
- other artificial man-made staple fibres
- yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped
- yarn made of polyurethane segmented with flexible segments of polyester, whether or not gimped
- a material of heading 56.05 (metallised yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium

powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film

- any other material of heading 56.05.

ANNEX 3

TEXT OF THE ORIGIN DECLARATION

The origin declaration, the text of which is given below, must be completed in accordance with the footnotes. However, the footnotes do not have to be reproduced.

(Period: from _____ to _____¹⁾)

The exporter of the products covered by this document (customs authorization No ...²⁾ declares that, except where otherwise clearly indicated, these products are of ...³ preferential origin.

.....⁴

(Place and date)

.....⁵

(Signature and printed name of the exporter)⁶

¹ When the origin declaration is completed for multiple shipments of identical originating products within the meaning of Article 19, paragraph 5, indicate the period for which the origin declaration will apply. The period shall not exceed 12 months. All importations of the product must occur within the period indicated. Where a period is not applicable, the field can be left blank.

² For EU exporters: When the origin declaration is completed by an approved or registered exporter the exporter's customs authorization/ registration number shall be included. A customs authorization number is required only where the exporter is an approved exporter. When the origin declaration is not completed by an approved or registered exporter, the words in brackets shall be omitted or the space left blank.

For Canadian exporters: The exporter's Business Number assigned by the Government of Canada shall be included. Where the exporter has not been assigned a business number, the field may be left blank.

³ "Canada/EU" means products qualifying as originating under the rules of origin of the Canada-European Union Comprehensive Economic and Trade Agreement. For the purposes of when the origin declaration relates, in whole or in part, to products originating in Ceuta and Melilla, the exporter must clearly indicate the symbol "CM".

⁴ These indications may be omitted if the information is contained on the document itself.

⁵ Article 19 provides an exception to the requirement of the exporter's signature. Where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... (1)) декларира, че освен където е отбелязано друго, тези продукти са с ... преференциален произход (2).

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n° ... (1)) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... (2).

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... (1)) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ... (2).

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... (1)), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... (2).

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... (1)) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anderes angegeben, präferenzbegünstigte ... (2) Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ... (1)) deklareerib, et need toodet on ... (2) sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ... (1)) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ... (2).

English version

(Period: from _____ to _____ (1))

The exporter of the products covered by this document (customs authorization No. ... (2)) declares that, except where otherwise clearly indicated, these products are of ... (3) preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ... (1)) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... (2).

Croatian version

Izvoznik proizvoda obuhvaćenih ovom ispravom (carinsko ovlaštenje br. ... (1)) izjavljuje da su, osim ako je drukčije izričito navedeno, ovi proizvodi ... (2) preferencijalnog podrijetla.'

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ...⁽¹⁾) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...⁽²⁾.

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. ...⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ...⁽²⁾.

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr ...⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ...⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ...⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ...⁽¹⁾) jiddikjara li, hliief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ...⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ...⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ...⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O abaixo assinado, exportador dos produtos cobertos pelo presente documento (autorização aduaneira n.º ...⁽¹⁾), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...⁽²⁾.

Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. ...⁽¹⁾) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ...⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ...⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ...⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ...⁽¹⁾) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ...⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ...⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperäituotteita ...⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ...⁽¹⁾)
försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung⁽²⁾

ANNEX 4**SUPPLIER'S STATEMENT FOR NON-ORIGINATING MATERIALS USED IN THE PRODUCTION OF NON-ORIGINATING PRODUCTS**

Statement:

I, the undersigned, supplier of the products covered by the annexed document, declare that:

1. The following materials which do not originate in the European Union/in Canada¹ have been used in the European Union/in Canada to produce the following supplied non-originating products.
2. Any other materials used in the European Union/in Canada to produce these products originate there.

I undertake to make available any further supporting documents required.

1	2	3	4	5	6
Description of non-originating product(s) supplied	HS tariff classification of non-originating product(s) supplied	Value of non-originating product(s) supplied ²	Description of non-originating material(s) used	HS tariff classification of non-originating material(s) used	Value of non-originating material(s) used ²
		Total:			Total:

.....
(Place and Date)

.....
(Name and position, name and address of company)

.....
(Signature)

¹ Strikethrough the Party not applicable, as the case may be.

² For each non-originating product supplied and non-originating material used, specify the value per unit of the products and materials described in columns 3 and 6, respectively.

ANNEX 5**MATTERS APPLICABLE TO CEUTA AND MELILLA**

1. For the purpose of the Rules of Origin and Origin Procedures Protocol, in the case of the EU, the term “Party” does not include Ceuta and Melilla.
2. Products originating in Canada, when imported into Ceuta and Melilla, shall in all respects be subject to the same customs regime, including preferential tariff treatment, as that which is applied to products originating in the customs territory of the EU under *Protocol 2 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities*. Canada shall apply to imports of products covered by this Agreement and originating in Ceuta and Melilla the same customs regime, including preferential tariff treatment, as that which is applied to products imported from and originating in the EU.
3. The rules of origin applicable to Canada under the Rules of Origin and Origin Procedures Protocol shall apply in determining the origin of products exported from Canada to Ceuta and Melilla. The rules of origin applicable to the EU under the Rules of Origin and Origin Procedures Protocol shall apply in determining the origin of products exported from Ceuta and Melilla to Canada.
4. The provisions of the Rules of Origin and Origin Procedures Protocol concerning the issuance, use and subsequent verification of proofs of origin shall apply to products exported from Canada to Ceuta and Melilla and to products exported from Ceuta and Melilla to Canada.
5. The provisions on cumulation of origin of the Rules of Origin and Origin Procedures Protocol shall apply to the import and export of products between the EU, Canada and Ceuta and Melilla.
6. For the purposes mentioned in paragraphs 2, 3, 4 and 5 Ceuta and Melilla shall be regarded as a single territory.
7. The Spanish customs authorities shall be responsible for the application of this Article in Ceuta and Melilla.

5. TRADE REMEDIES

CHAPTER [XX]: TRADE REMEDIES

SECTION X: ANTI-DUMPING AND COUNTERVAILING MEASURES

Article 1: General Provisions

1. Each Party retains its rights and obligations under Article VI of GATT 1994, the WTO Agreement on Implementation of Article VI of GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures.
2. The provisions of this Section shall not be subject to the Dispute Settlement provisions of this Agreement
3. The provisions of this Section shall not be subject to the provisions of Chapter XX: Preferential Rules of Origin.

Article 2: Transparency

1. Each Party shall apply anti-dumping and countervailing measures in accordance with the relevant WTO requirements and pursuant to a fair and transparent process.
2. A Party shall ensure, after any imposition of provisional measures and, in any case, before a final determination is made, full and meaningful disclosure of all essential facts under consideration which form the basis for the decision whether to apply final measures. This is without prejudice to Article 6.5 of the WTO Agreement on Implementation of Article VI of GATT 1994 and Article 12.4 of the WTO Agreement on Subsidies and Countervailing Measures.
3. Provided it does not unnecessarily delay the conduct of the investigation, each interested party in an anti-dumping or countervailing investigation¹⁴ shall be granted a full opportunity to defend its interests.

Article 3: Consideration of Public Interest and Lesser Duty

1. The authorities shall consider information provided in accordance with their domestic law as to whether imposing an anti-dumping or countervailing duty would not be in the public interest.
2. After considering this information, the authorities may consider whether the amount of the anti-dumping or countervailing duty to be imposed shall be the full margin of dumping or amount of subsidy or a lesser amount, in accordance with the domestic law of the Party.

¹⁴ For the purpose of this article interested parties shall be defined as per Article 6(11) of the WTO Agreement on Implementation of Article VI of GATT 1994 and Article 12.9 of the WTO Agreement on Subsidies and Countervailing Measures.

SECTION XX: GLOBAL SAFEGUARD MEASURES**Article 1: General provisions**

1. Each Party retains its rights and obligations under Article XIX of GATT 1994 and the WTO Agreement on Safeguards.
2. The provisions of this Section shall not be subject to the Dispute Settlement provisions of this Agreement.
3. The provisions of this Section shall not be subject to the provisions of Chapter XX: Preferential Rules of Origin.

Article 2: Transparency

1. At the request of the exporting Party, the Party initiating a safeguard investigation or intending to adopt provisional or definitive safeguard measures shall immediately provide:
 - a. the information referred to in Article 12.2 of the WTO Agreement on Safeguards, in the format prescribed by the WTO Committee on Safeguards;
 - b. the public version of the complaint filed by the domestic industry, where relevant; and;
 - c. a public report setting forth the findings and reasoned conclusions on all pertinent issues of fact and law considered in the safeguard investigation. The public report shall include an analysis that attributes injury to the factors causing it and set out the method used in defining the safeguard measures.
2. When information is provided under this Article, the importing Party shall offer to hold informal consultations with the exporting Party in order to review the information provided.

Article 3: Imposition of definitive measures

1. A Party adopting safeguard measures shall endeavour to impose them in a way that least affects bilateral trade.
2. The importing Party shall offer to hold informal consultations with the exporting Party in order to review the matter referred to in paragraph 1. The importing Party shall not adopt measures until 30 days have elapsed since the date the offer to consult was made.

6. TECHNICAL BARRIERS TO TRADE (TBT)

CHAPTER XX: TECHNICAL BARRIERS TO TRADE (TBT)

Article 1: Scope and Definitions

1. This Chapter applies to the preparation, adoption and application of technical regulations, standards and conformity assessment procedures that may affect trade in goods between the Parties.
2. This Chapter does not apply to:
 - (a) purchasing specifications prepared by a governmental body for production or consumption requirements of governmental bodies ; or
 - (b) sanitary and phytosanitary measures as defined in Annex A of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.
3. Except where this Agreement, including the incorporated provisions of the *TBT Agreement* pursuant to Article 2, of this Chapter defines or gives a meaning to terms, general terms for standardization and procedures for assessment of conformity shall normally have the meaning given to them by definitions adopted within the United Nations system and by international standardizing bodies taking into account their context and in the light of the object and purpose of this Chapter.
4. All references in this Chapter to technical regulations, standards and conformity assessment procedures shall be construed to include any amendments thereto and any additions to the rules or the product coverage thereof, except amendments and additions of an insignificant nature.
5. The second paragraph of Article X.05 (Extent of Obligations) of Chapter X (Initial Provisions and General Definitions) does not apply to Articles 3, 7, 8 and 9 of the *TBT Agreement*, as incorporated into this Agreement.

Article 2: Incorporation of the WTO Agreement on Technical Barriers to Trade

1. The following provisions of the WTO Agreement on Technical Barriers to Trade (hereinafter referred to as the “*TBT Agreement*”) are hereby incorporated into and made part of this Agreement:
 - (a) Article 2 (*Preparation, Adoption and Application of Technical Regulations by Central Government Bodies*);
 - (b) Article 3 (*Preparation, Adoption and Application of Technical Regulations by Local Government Bodies and Non-Governmental Bodies*);

- (c) Article 4 (*Preparation, Adoption and Application of Standards*);
- (d) Article 5 (*Procedures for Assessment of Conformity by Central Government Bodies*);
- (e) Article 6 (*Recognition of Conformity Assessment by Central Government Bodies*), without limiting the rights and obligations set out in the Protocol on the Mutual Acceptance of the Results of Conformity Assessment Procedures;
- (f) Article 7 (*Procedures for Assessment of Conformity by Local Government Bodies*);
- (g) Article 8 (*Procedures for Assessment of Conformity by Non-Governmental Bodies*);
- (h) Article 9 (*International and Regional Systems*);
- (i) Annex 1 (Terms and Their Definitions for the Purpose of this Agreement);
- (j) Annex 3 (Code of Good Practice for the Preparation, Adoption and Application of Standards).

2. References to “this Agreement” in the incorporated provisions of the *TBT Agreement*, as incorporated into this Agreement, are to be read, as appropriate, as references to this Agreement (the CETA).

3. The term “Members” in the incorporated provisions shall have the same meaning in this Agreement as it has in the *TBT Agreement*.

4. With respect to Articles 3, 4, 7, 8 and 9 of the *TBT Agreement*, the dispute settlement provisions of this Agreement can be invoked in cases where a Party considers that the other Party has not achieved satisfactory results under these Articles and its trade interests are significantly affected. In this respect, such results shall be equivalent to those as if the body in question were a Party.

Article 3: Co-operation

The Parties shall strengthen their co-operation in the areas of technical regulations, standards, metrology, conformity assessment procedures, market surveillance or monitoring and enforcement activities in order to facilitate the conduct of trade between the Parties, as laid down in Chapter XXX (*Regulatory Co-operation*). This may include promoting and encouraging co-operation between their respective public or private organizations responsible for metrology, standardization, testing, certification and accreditation, market surveillance or monitoring and enforcement activities; and in particular, encouraging their accreditation and conformity assessment bodies to participate in co-operation arrangements that promote the acceptance of conformity assessment results.

Article 4: Technical Regulations

1. The Parties undertake to co-operate as far as possible to ensure that their technical regulations are compatible with one another. To this end, if a Party expresses an interest in developing a technical regulation equivalent or similar in scope to one existing in or being prepared by the other Party, that other Party shall, on request, provide to the other Party, to the extent practicable, the relevant information, studies and data upon which it has relied in the preparation of its technical regulations, whether adopted or being developed. The Parties recognize that it may be necessary to clarify and agree on the scope of a specific request, and that confidential information may be withheld.

2. A Party that has prepared a technical regulation that it considers to be equivalent to a technical regulation of the other Party having compatible objective and product scope may request in writing that the other Party recognize it as equivalent. Such a request shall be made in writing and set out the detailed reasons why the technical regulations should be considered to be equivalent, including reasons with respect to product scope. The Party that does not agree that the technical regulations are equivalent shall provide to the other Party, upon request, the reasons for its decision.

Article 5: Conformity Assessment

1. The Parties shall observe the terms of the Protocol [x] to this Agreement on the Mutual Acceptance of the Results of Conformity Assessment, and of the Protocol [y] to this Agreement on the Mutual Recognition of the Compliance and Enforcement Program regarding Good Manufacturing Practices for Pharmaceutical Products.

2. The Agreement on Mutual Recognition between the European Community and Canada, done at London on 14 May 1998, shall be terminated on the date of entry into force of this Agreement.

Article 6: Transparency

1. Each Party shall ensure that transparency procedures regarding the development of technical regulations and conformity assessment procedures allow interested persons to participate at an early appropriate stage when amendments can still be introduced and comments taken into account, except where urgent problems of safety, health, environmental protection or national security arise or threaten to arise. Where a consultation process regarding the development of technical regulations and or conformity assessment procedures is open to the public, each Party shall permit persons of the other Party to participate on terms no less favourable than those accorded to its own persons.

2. The Parties shall promote closer cooperation between the standardization bodies located within their respective territories with a view to facilitating, *inter alia*, the exchange of information about their respective activities, as well as the harmonization of standards based on mutual interest and reciprocity, according to modalities to be agreed by the standardization bodies concerned.

3. Each Party shall endeavour to allow a period of at least 60 days following its transmission to the WTO Central Registry of Notifications of proposed technical regulations and conformity assessment procedures for the other Party to provide written comments, except where urgent problems arise, or threaten to arise, regarding safety, health, environmental protection or national security. A Party shall give positive consideration to a reasonable request for extending the comment period.
4. (i) Where a Party has received comments on its proposed technical regulations or conformity assessment procedures from the other Party, it shall reply in writing to such comments before the adoption of the technical regulation or conformity assessment procedure.

(ii) Each Party shall publish or otherwise make publicly available, in print or electronically, its responses or a summary of its responses, to significant comments it receives, no later than the date it publishes the adopted technical regulation or conformity assessment procedure.
5. Each Party shall, upon request of the other Party, provide information regarding the objectives of, legal basis and rationale for, a technical regulation or conformity assessment procedure, that the Party has adopted or is proposing to adopt.
6. A Party shall give positive consideration to a reasonable request from the other Party, received prior to the end of the comment period following the transmission of a proposed technical regulation, to establish or extend the period of time between the adoption of the technical regulation and the day upon which it is applicable, except where such delay would be ineffective in fulfilling the legitimate objectives pursued.
7. Each Party shall ensure that its adopted technical regulations and conformity assessment procedures are publicly available on official websites.
8. Where a Party detains at a port of entry a good imported from the territory of the other Party on the grounds that the good has failed to comply with a technical regulation, it shall without undue delay notify the importer of the reasons for the detention of the good.

Article 7: Marking and Labelling

In accordance with Article 2 of the *TBT Agreement*, with respect to technical regulations relating to labelling or marking requirements, the Parties shall ensure they are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, such labelling or marking requirements shall not be more trade-restrictive than necessary to fulfill a legitimate objective, taking account of the risks that non-fulfillment would create.

Article 8: Management of the Technical Barriers to Trade Chapter

1. The Parties agree to co-operate in the matters covered by this Chapter. In particular, they agree that the [xxx – name of Institutional Body] functions include:

- (a) to manage the implementation of this Chapter;
 - (b) promptly to address any issue that a Party raises related to the development, adoption or application of standards, technical regulations or conformity assessment procedures;
 - (c) on a Party's request, to facilitate discussion of the assessment of risk or hazard conducted by the other Party;
 - (d) to encourage cooperation between the standardization and conformity assessment bodies of the Parties;
 - (e) to exchange information on standards, technical regulations, or conformity assessment procedures including those of third parties or international bodies where there is a mutual interest in doing so;
 - (f) to review this Chapter in the light of any developments in the WTO TBT Committee or under the *TBT Agreement*, and, [if necessary, developing recommendations for amendments to this Chapter] for consideration by the [xxx – name of Institutional Body];
 - (g) to take any other steps that the Parties consider will assist them in implementing this Chapter and the *TBT Agreement* and in facilitating trade between the Parties.
 - (h) to report to the [xxx – name of Institutional Body] on the implementation of this Chapter as appropriate;]
2. Where the Parties are unable to resolve a matter covered under this Chapter through the [xxx – name of Institutional Body], the Parties may establish ad hoc technical working groups with a view to identifying solutions that would facilitate trade. Such groups shall be jointly led by the Parties. Where a Party declines a request from the other Party to establish a working group, it shall, on request, explain the reasons for its decision.
3. Any information that is provided at the request of a Party pursuant to the provisions of this Chapter shall be provided in print or electronically within a reasonable period of time. A Party shall endeavour to respond to each such request within 60 days.
4. The Parties shall be represented at the [xxx – name of Institutional Body] by:
- (a) in the case of the European Union, the European Commission; and
 - (b) in the case of Canada, the Department of Foreign Affairs, Trade and Development, or its successor.
5. Each Party is responsible for ensuring communication with the relevant institutions and persons in its territory as necessary for the management of this Chapter.

Cooperation in the Field of Motor Vehicle Regulations

[Placement to be decided]

Noting the cooperation between Canada and the European Commission in the area of science and technology;

Affirming the joint commitment to improving vehicle safety and environmental performance, and to the harmonization efforts conducted under the framework of the 1998 Global Agreement administered by the World Forum for the Harmonization of Vehicle Regulations (WP.29) of the United Nations' Economic Commission for Europe;

Noting the commitment of the Parties to enhance their efforts in the area of regulatory cooperation, as formulated under the Canada – EU Comprehensive Economic and Trade Agreement's [technical barriers to trade and] regulatory cooperation chapter[s];

Recognizing the right of each Party to determine their desired level of health, safety, environment, and consumer protection;

Desiring to enhance cooperation and increase the efficient use of resources in matters relating to motor vehicle technical regulations, without compromising each Party's ability to carry out its responsibilities;

The Parties agree as follows:

Article I Purpose

The purpose of this [text] is to strengthen cooperation and communication, including the exchange of information on motor vehicle safety and environmental performance research activities linked to the development of new technical regulations or related standards, to promote the application and recognition of Global Technical Regulations under the framework of the 1998 Global Agreement administered by the WP.29 and possible future harmonization, between the Parties, concerning improvements and other developments in the areas of motor vehicle technical regulations or related standards.

Article II Areas of Cooperation

The Parties shall endeavour to share information and cooperate on activities that may fall under the following areas:

1. Development and establishment of technical regulations or related standards;
2. Post-implementation reviews of technical regulations or related standards;

3. Development and dissemination of information for consumer use related to motor vehicle regulations or related standards;
4. Exchange of research, information and results linked to the development of new vehicle safety regulations or related standards, and advanced emission reduction and electric vehicle technologies; and
5. Exchange of available information on the identification of safety-related or emission-related defects and non-compliances with technical regulations.

Article III **Forms of Cooperation**

The Parties intend to maintain an open and continuing dialogue in the area of motor vehicle technical regulations or related standards. To this end, the Parties shall endeavour to:

1. Meet at least annually (including meetings held on the margins of WP.29 Sessions), by virtue of video-conferences or, if directly, on an alternating basis in Canada and the European Union;
2. Share information regarding domestic and international programs and agendas, including planning of research programs linked to the development of new regulations or related standards;
3. Contribute jointly to encouraging and promoting greater international harmonization of technical requirements through multilateral fora, such as *1998 Agreement Concerning the Establishment of Global Technical Regulations* as administered by WP.29, including through cooperation in the planning of initiatives in support of such activities;
4. Share and discuss research and development plans in the areas of motor vehicle safety and environmental technical regulations or related standards;
5. Conduct joint analyses, develop methodologies and approaches, as mutually beneficial, practical and convenient, to assist and facilitate in the development of motor vehicle technical regulations or related standards;
6. Develop additional provisions for cooperation.

Article IV

Technical Regulations

The Parties note the importance of the Technical Barriers to Trade (TBT) Chapter to facilitating trade in automobiles between the Parties and, in particular, reaffirm their obligations set out in Article X.4 of that Chapter with respect to technical regulations for motor vehicles and their parts.

Article V Canadian Incorporation of UN Regulations

1. The Parties acknowledge that Canada has incorporated, with the adaptations that it considered necessary, a number of technical regulations contained in UN Regulations into the Canadian Motor Vehicle Safety Regulations, as listed in Table I.
 2. Canada maintains its right to modify, at any given time, its law, including by amending or revising which UN Regulations, or the manner in which or the extent to which such Regulations are incorporated into its law. Before introducing such changes, it will inform the European Union and be ready to provide information on the rationale for these changes. It will maintain the recognition of the relevant UN Regulations, unless doing so would provide for a lower level of safety as compared with the amendments introduced or compromise North American integration.
 3. The Parties shall engage in technical consultations with a view to determining, no later than 3 years after the entry into force of the Agreement, whether the technical regulations contained in the UN Regulations listed in Table II should also be incorporated into the Canadian *Motor Vehicle Safety Regulations*, with any adaptations Canada considers necessary. These technical regulations should be incorporated, unless doing so would provide for a lower level of safety as compared with the Canadian regulations or compromise North American integration.
- The Parties shall also engage in further technical consultations to determine whether any other technical regulations should be considered for inclusion in Table II at a later stage.
4. Canada shall establish and maintain a list of technical regulations contained in UN Regulations that are incorporated into the Canadian *Motor Vehicle Safety Regulations*. Canada shall make that list publicly available.
 5. With the objective of promoting regulatory convergence, the Parties shall exchange information, to the extent practicable, on their respective technical regulations related to motor vehicle safety.

Article VI

Positive Consideration of Other Party's Technical Regulations

When developing new technical regulations for motor vehicles and their parts, or when modifying existing ones, a Party shall consider the technical regulations of the other Party, including those established under the framework of UNECE WP.29. A Party shall provide, at the request of the other Party, an explanation on the extent to which it considered the technical regulations of that other Party when it developed its new technical regulations.

Article VII

Revision Clause: Cooperation with the United States of America

The Parties note their mutual interest in cooperation with the United States of America in the field of motor vehicle technical regulations. If the European Union and the United States conclude an agreement or an arrangement dealing with the harmonization of their respective technical regulations related to motor vehicles, the Parties shall cooperate with a view to determining whether the harmonization achieved by that agreement or arrangement should be implemented between the European Union and Canada.

Table I

List referred to in Article V.1 of [text]

UN Regulation	Title of UN Regulation	Canadian Regulation into which the UN Regulation is incorporated, in whole or in part	Title of Canadian Regulation into which the UN Regulation is incorporated, in whole or in part
No. 98	Uniform provisions concerning the approval of motor vehicle headlamps equipped with gas-discharge light sources	CMVSS 108*	Lighting System and Retroreflective Devices
No. 112	Uniform provisions concerning the approval of motor vehicle headlamps emitting an asymmetrical passing-beam or a driving-beam or both and equipped with filament lamps and/or LED modules	CMVSS 108*	Lighting System and Retroreflective Devices
No. 113	Uniform provisions concerning the approval of motor vehicle headlamps emitting a symmetrical passing-beam or a driving-beam or both and equipped with filament, gas-discharge light sources or LED modules	CMVSS 108*	Lighting System and Retroreflective Devices
No. 51	Uniform provisions concerning the approval of motor vehicles having at least four wheels with regard to their noise emissions	CMVSS 1106*	Noise Emissions
No. 41	Uniform provisions concerning the approval of motor cycles with regard to noise	CMVSS 1106*	Noise Emissions
No. 11	Uniform provisions concerning the approval of vehicles with regard to door latches and door retention components	CMVSS 206*	Door Locks and Door Retention Components
No. 116 (immobilizer only)	Uniform technical prescriptions concerning the protection of motor vehicles against unauthorized use (Immobilizer only)	CMVSS 114*	Theft Protection and Rollaway Prevention
No. 42	Uniform provisions concerning the	CMVSS 215*	Bumpers

	approval of vehicles with regard to their front and rear protective devices (bumpers etc)		
No. 78	Uniform provisions concerning the approval of vehicles of categories L1, L2, L3, L4 and L5 with regard to braking	CMVSS 122*	Motorcycle Brake Systems
No. 8	Uniform provisions concerning the approval of motor vehicles headlamps emitting an asymmetrical passing beam or a driving beam or both an equipped with halogen filament lamps (H1, H2, H3, HB3, HB4, H7, H8, H9, HIR1, HIR2 and/or H11)	CMVSS 108*	Lighting System and Retroreflective Devices
No. 20	Uniform provisions concerning the approval of motor vehicles headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with halogen filament lamps (H4 lamps)	CMVSS 108*	Lighting System and Retroreflective Devices
No. 31	Uniform provisions concerning the approval of power-driven vehicle's halogen sealed-beam headlamps (HSB) emitting an European asymmetrical passing-beam or a driving-beam or both	CMVSS 108*	Lighting System and Retroreflective Devices
No. 57	Uniform provisions concerning the approval of headlamps for motor cycles and vehicles treated as such	CMVSS 108*	Lighting System and Retroreflective Devices
No. 72	Uniform provisions concerning the approval of motor cycle headlamps emitting an asymmetrical passing beam and a driving beam and equipped with halogen lamps (HS1 lamps)	CMVSS 108*	Lighting System and Retroreflective Devices
No. 13H (electronic stability control only)	Uniform provisions concerning the approval of passenger cars with regard to braking (electronic stability control only)	CMVSS 126	Electronic Stability Control Systems
No. 60	Uniform provisions concerning the approval of two-wheeled motor cycles and mopeds with regard to driver-operated controls including	CMVSS 123	Motorcycle Controls and Displays

	the identification of controls, tell-tales and indicators		
No. 81	Uniform provisions concerning the approval of rear-view mirrors of two-wheeled power-driven vehicles with or without side car, with regard to the mounting of rear-view mirrors on handlebars	CMVSS 111	Mirrors

*As the regulation read on February 13, 2013.

Table II

List referred to in Article V.3 of [text]

UN Regulation	Title of UN Regulation
No. 12	Uniform provisions concerning the approval of vehicles with regard to the protection of the driver against the steering mechanism in the event of impact
No. 17	Uniform provisions concerning the approval of vehicles with regard to the seats, their anchorages and any head restraints
No. 43	Uniform provisions concerning the approval of safety glazing materials and their installation on vehicles
No. 48	Uniform provisions concerning the approval of vehicles with regard to the installation of lighting and light-signalling devices
No. 87	Uniform provisions concerning the approval of daytime running lamps for power-driven vehicles
No. 53	Uniform provisions concerning the approval of category L3 vehicles with regard to the installation of lighting and light-signalling devices
No. 116	Uniform technical prescriptions concerning the protection of motor vehicles against unauthorized use
No. 123	Uniform provisions concerning the approval of adaptive front-lighting systems (AFS) for motor vehicles

7. SANITARY AND PHYTOSANITARY MEASURES (SPS)**CHAPTER [XX]****SANITARY AND PHYTOSANITARY MEASURES***Article 1***Recognition and Termination of the Veterinary Agreement**

The Parties recognise the achievements that have been accomplished under the Agreement between *the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products* and confirm their intention to continue this work under the CETA. The Agreement done at Ottawa on 17 December 1998, as amended, is terminated from the date of entry into force of this Agreement.

*Article 2***Objectives**

The objectives of this Chapter are to:

- a) protect human, animal and plant life or health while facilitating trade ;
- b) ensure that the Parties' sanitary and phytosanitary (SPS) measures do not create unjustified barriers to trade ;
- c) further the implementation of the *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* (WTO SPS Agreement).

*Article 3***Definitions**

WTO SPS Agreement means the *WTO Agreement on the Application of Sanitary and Phytosanitary Measures*;

Sanitary or phytosanitary measure means any measure referred to in Annex A, paragraph 1 of the WTO SPS Agreement;

For the purposes of this Chapter, definitions in Annex A of the SPS Agreement apply, as well as those adopted by Codex Alimentarius (Codex), the World Organisation for Animal Health (OIE), and the International Plant Protection Convention (IPPC). In the event of an inconsistency between the definitions adopted by Codex, the OIE, the IPPC and the definitions set out in under the WTO SPS Agreement, the definitions set out in the WTO SPS Agreement shall prevail.

In addition, the following definitions shall apply:

- a) “Protected Zone” for a specified regulated harmful organism is an officially defined geographical area in the EU in which that organism is not established in spite of favourable conditions and its presence in other parts of the Union.
- b) Competent authorities of the Parties are identified in Annex 1 (Competent Authorities).

Article 4

Scope and Coverage

This Chapter applies to all SPS measures that may, directly or indirectly, affect trade between the Parties.

Article 5

Rights and Obligations

The Parties affirm their rights and obligations under the WTO SPS Agreement.

Article 6

Adaptation to Regional Conditions

Animals, animal products and animal by-products

1. The Parties recognise the concept of zoning which they agree to apply in respect of the diseases listed in Annex II [Regional Conditions].
2. If the Parties agree on principles and guidelines for the recognition of regional conditions, the Parties shall include them in Annex III. [Process of Recognition of Regional Conditions].
3. For the purpose of paragraph 1, the importing Party shall base its sanitary measures applicable to the exporting Party whose territory is affected by one or more of the diseases listed in Annex II [Regional Conditions] on the zoning decisions made by that Party, provided that the importing Party is satisfied that the exporting Party's zoning decisions are in accordance with Annex III and are based on relevant international standards, guidelines and recommendations. This obligation is without prejudice to the right of the importing Party to apply any additional measure or measures so as to achieve its appropriate level of protection.
4. Where one of the Parties considers that it has a special status with respect to a disease not listed in Annex II, it may request recognition of that status. The importing Party may request additional guarantees in respect of imports of live animals, animal products and animal by-

products appropriate to the status recognized by the importing Party, including the special conditions identified in Annex V.

5. The Parties also recognise the concept of compartmentalisation and agree to cooperate on this matter.

Plants and plant products

1. When establishing or maintaining its phytosanitary measures, the importing Party shall take into account, *inter alia*, the pest status in an area, such as pest free areas, pest free places of production, pest free production sites, areas of low pest prevalence, as well as protected zones established by the exporting Party.
2. If the Parties agree on principles and guidelines for the recognition of regional conditions, the Parties shall include them in Annex III. [Process of Recognition of Regional Conditions].

Article 7 **Equivalence**

1. The importing Party shall accept the SPS measures of the exporting Party as equivalent to its own if the exporting Party objectively demonstrates to the importing Party that its measure achieves the importing Party's appropriate level of protection.
2. Annex IV sets out principles and guidelines for the determination, recognition and maintenance of equivalence.
3. Annex V sets out:
 - a) The areas for which the importing Party recognizes that the measures of the exporting Party are equivalent to its own, and
 - b) The areas for which the importing Party recognizes that the fulfilment of the specified special conditions, combined with the exporting Party's measures, achieve the importing Party's appropriate level of protection.

Article 8 **Trade Conditions**

1. The importing Party shall make available its general sanitary and phytosanitary import requirements for all commodities. For a specific commodity jointly identified as a priority by the Parties, the importing Party shall establish specific import requirements, unless the Parties jointly decide otherwise. In identifying which commodities are priorities, the Parties shall cooperate to ensure the efficient management of their available resources. The specific import requirements should be applicable to the total territory of the exporting Party.

2. For a commodity identified as a priority pursuant to paragraph 1, the importing Party shall undertake, without undue delay, the necessary process for establishing specific import requirements for that commodity. Once these specific import requirements have been established, the importing Party shall take the necessary steps, without undue delay, to allow trade on the basis of these import requirements.
3. In order to establish the specific import requirements, the exporting Party shall, upon request of the importing Party:
 - a) provide all relevant information required by the importing Party; and
 - b) give reasonable access to the importing Party for inspection, testing, audit and other relevant procedures.
4. For the import of commodities where establishments or facilities are required to be included on a list by the importing Party, the importing Party shall approve establishments or facilities which are situated on the territory of the exporting Party without prior inspection of individual establishments if:
 - a) the exporting Party has requested such an approval for a given establishment or facility, accompanied by the appropriate guarantees, and
 - b) the conditions and procedures set out in Annex VI are fulfilled.

The importing Party shall make its lists publicly available.
5. Consignments of regulated commodities shall be normally accepted without pre-clearance of the commodity on a consignment basis, unless the Parties agree otherwise.
6. The importing Party may require that the relevant competent authority of the exporting Party objectively demonstrate, to the satisfaction of the importing Party, that the import requirements may be fulfilled or are fulfilled.
7. Annex VII sets out procedures that the Parties should follow related to specific import requirements for plant health.

Article 9
Audit and Verification

1. In order to maintain confidence in the effective implementation of the provisions of this Chapter, each Party has the right to carry out an audit or verification, or both, of all or part of

the other Party's authorities' control program. Each Party shall bear its own costs associated with the audit or verification.

2. If the Parties agree on principles and guidelines for conducting an audit or verification, the Parties shall include them in Annex VIII [Principles and Guidelines for Conducting an Audit or Verification]. If a Party conducts an audit or verification, it shall do so in accordance with any principles and guidelines in Annex VIII.

Article 10

Export Certification

1. When an official health certificate is required for the importation of a consignment of live animals or animal products and if the importing Party has accepted the measures of the exporting Party as equivalent to its own with respect to such animals or animal products, the Parties shall use the model health attestation prescribed in Annex IX for such certificate, unless the Parties jointly decide otherwise. The Parties may also use a model attestation for other products if they so jointly decide.
2. Annex IX sets out principles and guidelines for export certification, including electronic certification, withdrawal or replacement of certificates, language regimes and model attestations.

Article 11

Import checks and Fees

1. Annex X sets out principles and guidelines for import checks and fees, including the frequency rate for import checks.
2. In the event that import checks reveal non-compliance with the relevant import requirements, the action taken by the importing Party shall be based on an assessment of the risk involved and shall ensure that such measures are not more trade-restrictive than required to achieve the Party's appropriate level of sanitary or phytosanitary protection
3. Wherever possible, the importer of a non-compliant consignment, or its representative, shall be notified of the reason for non-compliance, and be provided the opportunity to contribute relevant information to assist the importing Party in taking a final decision.
4. A Party may collect fees for the costs incurred in conducting frontier checks which should not exceed the recovery of the costs.

Article 12

Notification and Information Exchange

1. Each Party shall notify the other Party without undue delay of:
 - (a) significant changes in pest/disease status, such as the presence and evolution of diseases in Annex II [Process of Recognition of Regional Conditions];
 - (b) findings of epidemiological importance with respect to animal diseases, which are not in Annex II; or which are new diseases; and
 - (c) significant food safety issues relating to products traded between the Parties.
2. The Parties will endeavour to exchange information on other relevant issues including:
 - (a) changes in their respective sanitary or phytosanitary measures;
 - (b) any significant changes to the structure, organisation of their competent authorities;
 - (c) on request, the results of a Party's official controls and a report concerning the results of the controls carried out;
 - (d) the results of import checks provided for in Article 9 (Import Checks) in case of rejected or non-compliant consignments of products; and
 - (e) on request, risk analyses and scientific opinions, relevant to this Chapter and produced under the responsibility of a Party.
3. Unless otherwise decided by the Committee, when the information referred to in paragraph 1 or 2 has been made available via notification to the WTO or relevant international standard setting body in accordance with the relevant rules, the requirements in paragraphs 1 and 2 as they apply to that information are fulfilled.

Article 13

Technical Consultations

Where a Party has significant concerns regarding food safety, plant health, or animal health, or regarding a measure proposed or implemented by the other Party, that Party can request technical consultations. The other Party should respond to such a request without undue delay. Each Party shall endeavour to provide all the information necessary to avoid a disruption in trade and/or to reach a mutually acceptable solution.

Article 14

Emergency Measures

1. Emergency measures shall be notified to the other Party within 24 hours of the decision to implement them and, on request, technical consultations regarding the situation shall be held within 10 days of the notification. The Parties shall consider any information provided through such consultations.

2. The importing Party shall consider information provided, in a timely manner, by the exporting Party when making decisions with respect to consignments that, at the time of adoption of emergency measures, are being transported between the Parties.

Article 15

Joint Management Committee for Sanitary and Phytosanitary Measures

1. The Parties hereby establish a Joint Management Committee (JMC) for SPS Measures, hereafter called the Committee, comprising regulatory and trade representatives of each Party who have responsibility for SPS measures.
2. The functions of the Committee include:
 - a) To monitor the implementation of this Chapter and to consider any matter relating to this Chapter, and to examine all matters which may arise in relation to its implementation;
 - b) To provide direction for the identification, prioritization, management and resolution of issues;
 - c) To address any requests by the Parties for the modification of import checks;
 - d) At least once a year, to review the Annexes to this Agreement, notably in light of progress made under the consultations provided for under this Agreement. Following its review, the Committee may decide to amend the Annexes to this Chapter. The Parties may approve the decision subject to their respective applicable internal requirements and procedures. The decision shall enter into force on such date as the Parties may agree;
 - e) To monitor the implementation of the decisions referred to in paragraph (d), above, as well as the operation of measures referred to under paragraph (d) above;
 - f) To provide a regular forum for exchanging information relating to each Party's regulatory system, including the scientific and risk assessment basis for SPS measures;
 - g) To prepare and maintain a document detailing the state of discussions between the Parties on their work on recognition of the equivalence of specific SPS measures;
3. In addition, the Committee may, *inter alia*:
 - a) identify opportunities for greater bilateral engagement, including enhanced relationships, which may include exchanges of officials;

- b) discuss at an early stage, changes to, or proposed changes to, measures being considered;

facilitate improved understanding between Parties related to the implementation of the WTO SPS Agreement, promoting cooperation between Parties on SPS issues under discussion in multilateral fora, including the WTO SPS Committee and international standard-setting bodies, as appropriate;

identify and discuss, at an early stage, initiatives that have an SPS component and would benefit from cooperation.

4. The Committee may establish working groups consisting of expert-level representatives of the Parties, to address specific SPS issues.
5. A Party may refer any SPS issue to the Committee. The Committee should consider any matter referred to it as expeditiously as possible.
6. [In the event that the Committee is unable to resolve an issue expeditiously, the Committee shall, upon request of a Party, report promptly to the CETA Oversight Body]
7. Unless the Parties otherwise agree, the Committee shall meet and establish its work program no later than six months following the entry into force of this Agreement, and its rules of procedure no later than one year after the entry into force of this Agreement.
8. Following its initial meeting, the Committee shall meet as required, normally on an annual basis. If agreed by the Parties, a meeting of the Committee may be held by videoconference or teleconference. The Committee may also address issues out of session by correspondence.
9. [The Committee shall report annually on its activities and work program to the CETA Oversight Body]
10. Upon entry into force of this Agreement, each Party shall designate and inform the other Party of a Contact Point to coordinate the Committee's agenda and to facilitate communications on SPS matters.

*Annex I***COMPETENT AUTHORITIES****A. Competent authorities of the EU**

Control is shared between the national Services of the Member States and the European Commission. In this respect the following applies:

- As regards exports to Canada, the Member States are responsible for the control of the production circumstances and requirements, including statutory inspections/audits and issuing health certification attesting to the agreed standards and requirements.
- As regards imports from Canada, the Member States are responsible for the control of the compliance of the imports with the EU's import conditions.
- The European Commission is responsible for overall co-ordination, inspection/audits of control systems and the necessary legislative action to ensure uniform application of standards and requirements of the Agreement.

B. Competent authority of Canada

The following are responsible for the application of sanitary and phytosanitary measures in respect of domestically produced, exported and imported animals and animal products, plants and plant products, and for issuing health certificates attesting to agreed standards unless otherwise noted: the Canadian Food Inspection Agency (CFIA), or the Department of Health, as appropriate, or any successor entity notified to the other Party.

Annex II
REGIONAL CONDITIONS

A. DISEASES FOR WHICH REGIONALISATION DECISIONS CAN BE TAKEN

Disease
Foot-and-mouth disease
Vesicular stomatitis
Swine vesicular disease
Rinderpest
Peste des petits ruminants
Contagious bovine pleuropneumonia
Lumpy skin disease
Rift Valley fever
Bluetongue
Sheep pox and goat pox
African horse sickness
African swine fever
Classical swine fever
Notifiable avian influenza
Newcastle disease
Venezuelan equine encephalomyelitis
Epizootic haemorrhagic disease

Aquatic Diseases

The list of aquatic diseases is to be discussed further by the Parties on the basis of the International Aquatic Animal Health code of the OIE.

Annex III

**PROCESS OF RECOGNITION OF REGIONAL CONDITIONS
A. ANIMAL DISEASES**

*Annex IV***GUIDELINES FOR THE DETERMINATION, RECOGNITION AND MAINTENANCE OF EQUIVALENCE***Maintenance of Equivalence*

1. If a Party intends to adopt, modify, or repeal a measure in an area that had been subject to a recognition of equivalence as set out in paragraph 3(a) of Article 7 or a recognition described in paragraph 3(b) of Article 7, that Party should:

- a) evaluate whether the adoption, modification or repeal of the measure may affect the recognition;
- b) notify the other Party of the intended adoption, modification or repeal of the measure as well as of the evaluation in paragraph (a). Such notification should take place at an early and appropriate stage, when amendments can still be introduced and comments taken into account.

2. If a Party adopts, modifies, or repeals a measure in an area, the importing Party should continue to accept either the recognition of equivalence as set out in paragraph 3(a) of Article 7 or the recognition described in paragraph 3(b) of Article 7, as the case may be, in that area until it has communicated to the exporting Party whether special conditions must be met, and if so, provided the special conditions to the exporting Party. The importing Party should consult with the exporting Party in developing these special conditions.

*Annex V***RECOGNITION OF MEASURES**

If Canadian or European Union standards identified in Annex V have been amended, these amended standards apply. For updated standards, please refer to the legislative publications of each Party.

If an importing Party no longer legally requires a measure, and upon mutual agreement between the Parties, special conditions in the Annex relating to that measure will no longer apply.

Standards of the importing Party not otherwise referenced in Annex V will apply as appropriate to products exported to that Party.

Sanitary Measures**ACRONYMS**

CFIA	Canadian Food Inspection Agency
DC	Disease Control (Manual of Procedures)
EBL	Enzootic bovine leucosis
EU	European Union
IBR	Infectious Bovine Rhinotracheitis
OIE	World Organisation for Animal Health
TSE	Transmissible spongiform encephalopathy

SPS				Published on 26 September 2014		
Area	European Union Exports to Canada			Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions
Semen						

Cattle						
Animal Health	Directive 88/407	Health of Animals Act and Regulations	Semen collection centre clinically free of paratuberculosis	Health of Animals Act and Regulations DC Manual of Procedures, Sec. 15	Directive 88/407	Leucosis - (serum) ELISA In addition, when possible, the uterine dam of the prospective donor bull should be subjected to an ELISA test for EBL, subsequent to the weaning of the prospective donor, with negative results. This test of the uterine dam is required to export semen to the EU Member States when semen is collected from a donor bull before reaching age 24 months, and a negative result to an ELISA test is required after reaching that age. This test is not required when the prospective donor bull originates from a Canada Health Accredited Herd for EBL (CHAH—EBL). IBR - (serum) ELISA The semi-annual testing for IBR of all resident animals must be performed at IBR negative facilities which are approved for export to the European Union. Only IBR negative facilities are allowed to export semen to the European Union.

Embryos
In vivo derived Bovine

SPS				Published on 26 September 2014		
Area	European Union Exports to Canada			Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Animal Health	Directive 89/556	Health of Animals Act and Regulations Permit conditions		Health of Animals Act and Regulations CFIA Embryo Export Approval Program	Directive 89/556 Decisions 2006/168 2007/240	<p>The donor females spent the six months immediately prior to the collection within Canada in no more than two herds:</p> <ul style="list-style-type: none"> - which, according to official findings, were free from tuberculosis, - which, according to official findings, were free from brucellosis, - which were free from enzootic bovine leucosis or in which no animal showed clinical signs of enzootic bovine leucosis during the previous three years, - in which no bovine animal showed clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvovaginitis during the previous 12 months. <p>There was no outbreak of epizootic haemorrhagic disease within 10 km of where the donor female is located during the 30 days prior to collection.</p> <p>The semen is collected/stored in collection/storage centres approved by the competent authority of a third country authorized to import semen to the EU or was exported from EU.</p>
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Fresh Meat
Ruminants, equidae, porcine, poultry, farmed game from deer, rabbit and ratite

SPS	European Union Exports to Canada			Published on 26 September 2014		
Area				Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Public health	Regulations 852/2004 853/2004 854/2004 2073/2005 2075/2005	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	(i) Compliance with Canadian rules on TSE (ii) Prolonged delayed evisceration not permitted (iii) Compliance with microbiological food safety criteria of the importing Party.	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004 2073/2005 2075/2005	<i>See Appendix A</i>
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Meat Products						
Ruminants, equidae, pigs, poultry and farmed game						
Public Health	Regulation 852/2004 853/2004 854/2004 2073/2005	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	(i) Fresh meat used to make the products must comply with applicable special conditions. (ii) Compliance with product standards of the importing Party. (iii) Compliance with microbiological food safety criteria of the importing Party.	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004 2073/2005	(i) Fresh meat used to make the products must comply with applicable special conditions. (ii) Compliance with product standards of the importing Party. (iii) Compliance with microbiological food safety criteria of the importing Party.
Minced Meat, Meat Preparations						
Ruminants, equidae, pigs, poultry and farmed game						
Public Health	Regulations 852/2004 853/2004 854/2004 2073/2005	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	(i) Fresh meat used to make the products must comply with applicable special conditions. (ii) Compliance with product standards of the importing Party. (iii) Compliance with microbiological food safety criteria of the importing Party.	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004 2073/2005	(i) Fresh meat used to make the products must comply with applicable special conditions. (ii) Compliance with product standards of the importing Party. (iii) Compliance with microbiological food safety criteria of the importing Party.

SPS	European Union Exports to Canada			Published on 26 September 2014		
Area				Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Processed animal proteins for human consumption						
Ruminants, equidae, pigs, poultry and farmed game						
Public health	Regulation 852/2004 853/2004 854/2004	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	(i) Fresh meat used to make the products must comply with applicable special conditions (ii) Compliance with product standards of the importing Party.	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004	(i) Fresh meat used to make the products must comply with applicable special conditions (ii) Compliance with product standards of the importing Party.

Rendered animal fat intended for human consumption						
Ruminants, equidae, pigs, poultry and farmed game						
Public health	Regulation 852/2004 853/2004 854/2004	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	(i) Fresh meat used to make the products must comply with applicable special conditions (ii) Compliance with product standards of the importing Party	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004	(i) Fresh meat used to make the products must comply with applicable special conditions (ii) Compliance with product standards of the importing Party

Animal casings for human consumption						
Cattle, sheep, goats and pigs						

SPS				Published on 26 September 2014		
Area	European Union Exports to Canada			Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Public health	Regulations 852/2004 853/2004 854/2004	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	Compliance with Canadian rules on TSE	Meat Inspection Act and Regulations Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004	Compliance with EU rules on TSE
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Fishery products and live bivalve molluscs						
Fish and fishery products for human consumption						
Public Health	Regulations 852/2004 853/2004 854/2004 2073/2005 2074/2005	Fish Inspection Act and Regulations Food and Drugs Act and Regulations	Smoked fish packed in hermetically sealed containers that are not frozen, must contain a salt level not less than 9% (water phase method). The Canadian and EU systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EU for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the food safety criteria of the importing country	Fish Inspection Act and Regulations Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004 2073/2005 2074/2005	The Canadian and EU systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EU for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the food safety criteria of the importing country
Deheaded eviscerated fish for human consumption						
Animal Health	Directive 2006/88	Health of Animals Act and Regulations Part XVI Reportable Disease Regulations		Health of Animals Act and Regulations Part XVI	Directive 2006/88 Regulation 1251/2008	

SPS	European Union Exports to Canada			Published on 26 September 2014		
Area				Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Live bivalve molluscs for human consumption, including echinoderms, tunicates and marine gastropods						
Public Health	Regulations 852/2004 853/2004 854/2004 2074/2005	Fish Inspection Act and Regulations Food and Drugs Act and Regulations	The Canadian and EU systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EU for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the food safety criteria of the importing country	Fish Inspection Act and Regulations Management of Contaminated Fisheries Regulations under the Fisheries Act Food and Drugs Act and Regulations	Regulations 852/2004 853/2004 854/2004 2074/2005	LBM must be monitored for DSP toxins on a risk based level The Canadian and EU systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EU for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the food safety criteria of the importing country
Fish caught under the authority of a recreational fishing licence from Canada						

SPS				Published on 26 September 2014		
Area	European Union Exports to Canada			Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Public Health				Fish Inspection Act and Regulations	Regulations 852/2004 853/2004 854/2004 2073/2005	<p>For fish caught under the authority of a recreational fishing licence from Canada with the name of the importer, the following conditions have to be fulfilled:</p> <p>(i) The fish was caught in Canadian fisheries waters on the dates while the licence is valid, in accordance with Canadian regulations on sport fishing and that possession limits have been respected;</p> <p>(ii) The fish has been eviscerated under appropriate hygiene and preservation measures;</p> <p>(iii) The fish is not a toxic species nor a species that may contain biotoxins;</p> <p>(iv) The fish must be introduced into the Union within one month following the last date of validity of the recreational fishing licence and is not intended to be marketed. A copy of the recreational fishing licence has to be attached to the accompanying document.</p>
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Milk and Milk Products for human consumption
Pasteurized or cheeses from not pasteurised (or low heat treated) and raw milk maturated for at least 60 days

SPS				Published on 26 September 2014		
Area	European Union Exports to Canada			Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Public Health	Regulation 852/2004 853/2004 854/2004	Health of Animals Act and Regulations Section 34. Food and Drugs Act and Regulations (Section B008) Canada Agricultural Products Act and Dairy Products Regulations	The Canadian and EU systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EU for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the food safety criteria of the importing country	Food and Drugs Act and Regulations (Section B008) Canada Agricultural Products Act and Dairy Products Regulations	Decision 2011/163 Regulation 852/2004 853/2004 854/2004 605/2010	Canada to evaluate HACCP systems of establishments which are not FSEP-HACCP recognized to ensure they are operating under HACCP principles. Two signatures are required on the export certificate: animal health attestations are signed by an official veterinarian; public health related attestations are signed by an official inspector. The Canadian and EU systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EU for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the food safety criteria of the importing country
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Animal casings not for human consumption					
Pigs					
Animal Health	Regulation 1069/2009	Health of Animals Act and Regulations Part IV			

Bones, horns and hooves (except meals) and their Products not for human consumption					
Animal health				Health of Animals Act and Regulations	Certificate as per Decision 97/534

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SPS				Published on 26 September 2014		
Area	European Union Exports to Canada			Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Blood and Blood Products not intended for human consumption						
Ruminant						
Animal Health	Regulation 1069/2009	Health of Animals Act and Regulations Part IV and Part XIV Feeds Act and Regulations	Compliance with Canadian rules on TSE			

Apiculture products not for human consumption						
Animal Health	Regulation 1069/2009	Health of Animals Act and Regulations Part VI. Industry consultation.	Must be subjected to treatment, i.e. freeze drying, irradiation, vacuum packaging.	Health of Animals Act and Regulations DC Manual of Procedures, Honeybee prohibition order Directive AH-95-BP/PA-01 Section 57, Health of Animals Act and Regulations	Regulation 1069/2009	Bee products used for animal or human feed or industrial use is not restricted. Bee products used for bee feeding must be treated.

Wool, feathers and hair						
Wool						

SPS	European Union Exports to Canada			Published on 26 September 2014		
Area				Canadian Exports to the European Union		
	EU Standards	Canadian Standards	Special Conditions	Canadian Standards	EU Standards	Special Conditions

Animal Health	Regulation 1069/2009	Health of Animals Act and Regulations Part IV	Certificate of origin	Health of Animals Act and Regulations	Regulation 1069/2009	
Pig bristle						
Animal Health	Regulation 1069/2009	Health of Animals Act and Regulations Part IV	Certificate of origin	Health of Animals Act and Regulations	Regulation 1069/2009	

Shell Eggs and Egg Products intended for human consumption						
Animal Health	Directives 90/539 2002/99	Health of Animals Act and Regulations Part III and Part IV (for some products)	Statement of origin Veterinary certification	Directive AH-95-G-01	Directives 90/539 2002/99	

Horizontal Issues						
Water	Directive 98/83	Canada Agricultural Products Act and Dairy Products Regulations Fish Inspection Act and Regulations Food and Drugs Act and Regulations Meat Inspection Act and Regulations		Canada Agricultural Products Act and Dairy Products Regulations Fish Inspection Act and Regulations Food and Drugs Act and Regulations Meat Inspection Act and Regulations	Directive 98/83	

APPENDIX A: SPECIAL CONDITIONS, CANADIAN EXPORTS TO THE EU

(i) Compliance with EU rules on TSE

(ii) Hides must be removed from veal.

(iii) Shrouds not to be used on carcasses.

(iv) Compliance with EU rules on decontamination.

(v) Wooden pallets may be used in areas of the establishments where products are fully packaged (e.g., freezers or coolers)

The use of wooden pallets in rooms where exposed meat is present must be phased out.

As an interim measure, when wooden pallets are used in rooms where products is exposed, adequate control must be exercised to maintain the pallets free of contamination and damage. Plant management must ensure that pallets are in good repair and clean before use. Wooden pallets must be kept at least 3 metres away from exposed products and covered with a plastic.

(vi) Product flow to assure all hygiene requirements: Exposed meat must be stored in a separate room from packaged meat, unless stored at different times.

(vii) Packaging operations in the same room are subject to the following conditions: Packaging material must be assembled under hygienic conditions either in a separate room or, if in the cutting room, never within 3 meters of exposed products.

(viii) Compliance with microbiological testing for export to Finland and Sweden as laid down in the Commission Regulation (EC) No 1688/2005.

(ix) Pens for sick and suspect animals:

Wood shall not be used for pens for sick and suspect animals.

(x) ante-mortem inspection

- All animals except swine:

Ante-mortem inspection must be conducted by a veterinarian

-Swine

1. Market hogs will be inspected in accordance with CFIA procedures.

2. Swine other than market hogs must be inspected by a veterinarian.

Note: Market hogs mean fattening young pigs, as confirmed by ante-mortem inspection and dressed carcass weight which must not exceed 100 kg.

Meat:

In accordance with the Commission Regulation (EC) No 2075/2005, skeletal muscle is to be tested for *Trichinella* by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose or to be submitted to cold treatment by using a treatment approved by the CFIA.

2. Bovine

-livers: incision of the gastric surface and at the base of the caudate lobe to examine the bile ducts.

-Head: two incisions must be made in the external masseters parallel to the mandible.

3. Domestic solipeds

In accordance with the Commission Regulation (EC) No 2075/2005, skeletal muscle is to be tested for *Trichinella* by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose.

4. Farmed game - wild boar

In accordance with the Commission Regulation (EC) No 2075/2005, skeletal muscle is to be tested for *Trichinella* by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose.

(xi) Regular check on general hygiene: In addition to Canadian operational and preoperational sanitation

requirements, the products testing requirements for E. coli and Salmonella in the section on USA this chapter must be implemented.

(xii) Compliance with microbiological food safety criteria of the importing Party.

B. Phytosanitary Measures

To be agreed at a later stage

Annex VI
APPROVAL OF ESTABLISHMENTS OR FACILITIES

The conditions for the purpose of Article 8(4)(b) are as follows:

- a. The import of the product has been authorized, if so required, by the Competent Authority of the importing Party;
- b. The establishment or facility concerned has been approved by the Competent Authority of the exporting Party;
- c. The Competent Authority of the exporting Party has the authority to suspend or withdraw the approval of the establishment or facility; and
- d. The exporting Party has provided any relevant information requested by the importing Party.

Annex VII
**PROCEDURE RELATED TO SPECIFIC IMPORT REQUIREMENTS FOR PLANT
HEALTH**

A key objective of this procedure is that the importing Party establishes and updates, to the best of its ability, a list of regulated pests for commodities where a phytosanitary concern exists in the importing Party.

1. For a specific commodity jointly identified as a priority by the Parties, the importing Party should establish a preliminary list of pests within a timeframe jointly determined by the Parties once it has received from the exporting Party:

a) information on the pest status in the exporting Party relating to the pests regulated by at least one of the Parties;

b) information on the pest status of other pests occurring in its territory based on international databases and other available sources.

2. The preliminary list of pests of an importing Party may include pests that are already regulated in its territory. It may also include potential quarantine pests for which the importing Party may require a pest risk analysis should a commodity be confirmed as a priority in accordance with paragraph 3.

3. For a commodity:

a) for which a preliminary list of pests has been established pursuant to paragraph 2;

b) which the Parties confirm is a priority; and

c) for which the exporting Party has provided all relevant information required by the importing Party,

the importing Party should undertake the steps necessary to establish its regulated pest list as well as the specific import requirements for that commodity.

4. In cases where the importing Party provides for more than one phytosanitary measure to meet the specific import requirements for a specific commodity, the competent authority of the exporting Party should communicate to the importing Party which measure or measures it will use as the basis for certification.

Annex VIII

**PRINCIPLES AND GUIDELINES FOR CONDUCTING AN AUDIT OR
VERIFICATION**

*Annex IX***EXPORT CERTIFICATION****Model attestation for health certificates for animals and animal products**

Official health certificates will cover consignments of products being traded between the Parties.

Health attestations:

(a) equivalence agreed - Model health attestation to be used (equivalence for measures or certification systems). Refer to Annex V;

“The (insert product) herein described, complies with the relevant (Union/Canada) (*) standards and requirements which have been recognized as equivalent to the (Canada/Union (*)) standards and requirements as prescribed in Annex V of the CETA SPS [Cda: chapter] and the special conditions as laid down in the same annex V(*).

* Delete as appropriate.”

(b) Until certificates on the basis of equivalence have been adopted, existing certification shall continue to be used.

Official languages for certification**Import into the Union**

The certificate must be drawn up in at least one of the official languages of the Member State of the border inspection post of introduction of the consignment into the Union.

Import into Canada

The certificate must be drawn up in one of the official languages of Canada.

Means of certification

The exchange of original certificate(s) information may occur by paper-based systems and / or secure methods of electronic data transmission offering equivalent certification guarantees. Where the exporting Party elects to provide electronic official certification the importing Party must have determined that equivalent security guarantees are being provided, including the use of digital signature and non-repudiation mechanism. The importing Party's agreement for the exclusive use of electronic certification can either be recorded through correspondence in one of the Annexes to the CETA SPS chapter or by correspondence in accordance with Article 15(8) to the CETA SPS chapter.

The Union may lay down its import certificates for live animals and animal products from Canada with an equivalence status as referred to in Annex V in TRACES.

*Annex X***IMPORT CHECKS AND FEES****A** Frequencies of checks

Frequencies of frontier checks on consignments of live animals, animal products and animal by-products

The Parties may modify any frequency rate, within their responsibilities, as appropriate, taking into account the nature of any checks applied by the exporting Party prior to export, the importing Party's past experience with products imported from the exporting Party, any progress made toward the recognition of equivalence, or as a result of other actions or consultations provided for in this Agreement.

Type of frontier check	Normal rate as per Article 9 (1) [Import checks and inspection fees]
1. Documentary and identity Both Parties will perform documentary and identity checks on all consignments	
2. Physical Checks	
<i>Live animals</i>	100%
<i>Semen/embryos/ova</i>	10%

<p><i>Animal products for human consumption</i></p> <p>Fresh meat including offal, and products of the bovine, ovine, caprine, porcine and equine species defined in Council Directive 92/5/EEC</p> <p>Whole eggs</p> <p>Lard and rendered fats</p> <p>Animal casings</p> <p>Gelatin</p> <p>Poultry meat and poultry meat products</p> <p>Rabbit meat, game meat (wild/farmed) and products</p> <p>Milk and milk products</p> <p>Egg products</p> <p>Honey</p> <p>Bone and bone products</p> <p>Meat preparations and minced meat</p> <p>Frogs' legs and snails</p>	10%
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<i>Animal products not for human consumption</i>	
Lard and rendered fats	
Animal casings	
Milk and milk products	
Gelatin	
Bone and bone products	
Hides and skins ungulates	
Game trophies	
Processed petfood	
Raw material for the manufacture of petfood	10%
Raw material, blood, blood products, glands and organs for pharmaceutical/technical use	
Processed animal protein (packaged)	
Bristles, wool, hair and feathers	
Horns, horn products, hooves and hoof products	
Apiculture products	
Hatching eggs	
Manure	
Hay and straw	

<p><i>Processed animal protein not for human consumption (bulked)</i></p>	<p>100 % for six consecutive consignments (as per Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009), if these consecutive tests prove negative, random sampling shall be reduced to 20 % of subsequent bulk consignments from the same source. If one of these random sampling proves positive, the competent authority must sample each consignment from the same source until six consecutive tests again prove negative.</p>
<p><i>Live bivalve molluscan shellfish</i></p>	<p>15%</p>
<p><i>Fish and fishery products for human consumption</i></p> <p>Fish products in hermetically sealed containers intended to render them stable at ambient temperatures, fresh and frozen fish and dry and/or salted fisheries products. Other fishery products.</p> <p>Live crustaceans or fresh headed and degutted fish without other manual processing.</p>	<p>15%</p> <p>2%</p>

For the purposes of this Annex, “consignment” means a quantity of products of the same type, covered by the same health certificate or document, conveyed by the same means of transport, consigned by a single consignee and originating from the same exporting Party or part of such Party.

8. CUSTOMS AND TRADE FACILITATION

CHAPTER X

CUSTOMS AND TRADE FACILITATION

Article X-1: Objectives and Principles

The Parties acknowledge the importance of customs and trade facilitation matters in the evolving global trading environment.

The Parties shall to the extent possible cooperate and exchange information, including information on best practices, for the purpose of promoting the application of and compliance with the trade facilitation measures agreed upon under this Agreement.

The Parties agree that measures to facilitate trade shall not hinder mechanisms to protect persons through effective enforcement of and compliance with national requirements.

The Parties agree that import, export and transit requirements and procedures shall be no more administratively burdensome or trade restrictive than necessary to achieve legitimate objectives.

The Parties agree that international trade and customs instruments and standards shall be the basis for import, export and transit requirements and procedures, where such instruments and standards exist, except where they would be an inappropriate or ineffective means for the fulfillment of the legitimate objectives pursued.

Article X-2: Transparency

Each Party shall publish or otherwise make available, including through electronic means, all their legislation, regulations, judicial decisions and administrative policies relating to its requirements for imported or exported goods.

Each Party shall endeavour to make public, including on the internet, any regulations and administrative policies governing customs matters that it proposes to adopt and provide interested persons the opportunity to comment prior to their adoption.

Each Party shall designate or maintain one or more contact points to address inquiries by interested persons concerning customs matters and make available on the internet information concerning the procedures for making such inquiries.

Article X-3: Release of Goods

Each Party shall adopt or maintain simplified customs procedures for the efficient release of goods in order to facilitate trade between the Parties and reduce costs for importers and exporters. Such procedures:

shall allow for the release of goods within a period no greater than that required to ensure compliance with its Canadian domestic law and EU or EU Member States' legislation.

may require the submission of more extensive information through post-entry accounting and verifications, as appropriate;

shall allow goods, and to the greatest extent possible controlled or regulated goods, to be released at the first point of arrival ;

shall endeavour to allow for the expeditious release of goods in need of emergency clearance;

shall allow an importer or its agent to remove goods from custom's control prior to the final determination and payment of customs duties, taxes, and fees. Before releasing the goods, a Party may require that an importer provide sufficient guarantee in the form of a surety, a deposit, or some other appropriate instrument;

provide for, in accordance with Canadian domestic law and EU or EU Member States legislation simplified documentation requirements for the entry of low-value goods as determined by that Party

Each Party shall allow for the expedited release of goods and, to the extent possible or where applicable, shall:

provide for advance electronic submission and processing of information before physical arrival of goods to enable their release upon arrival, where no risk has been identified or where no random checks are to be performed and
provide for clearance of certain goods with a minimum of documentation.

3. Each Party shall, to the extent possible, ensure that its authorities and agencies involved in border and other import and export controls cooperate and coordinate to facilitate trade by, inter alia, converging import and export data and documentation requirements, and establishing a single location for one-time documentary and physical verification of consignments.

4. Each Party shall ensure, to the greatest extent possible, that the requirements of its agencies related to the import and export of goods are coordinated to facilitate trade, regardless of whether these requirements are administered by an agency or on behalf of that agency by the customs administration.

Article X-4: Customs Valuation

The Agreement on the Implementation of Article VII of the GATT (1994) shall govern customs valuation applied to reciprocal trade between the parties.

The parties shall cooperate with a view to reaching a common approach to issues relating to customs valuation.

Article X-5: Classification of Goods

The classification of goods in trade between the Parties shall be that set out in each Party's respective tariff nomenclature in conformity with the International Convention on the Harmonized Commodity Description and Coding System.

Article X-6: Fees and Charges

Each Party shall publish or otherwise make available information on fees and charges imposed by a customs administration, including through electronic means. This information shall include the applicable fees and charges, the specific reason for the fee or charge, the responsible authority and when and how payment is to be made. A Party shall not impose new or amended fees and charges until it publishes or otherwise makes available this information.

Article X-7: Risk Management

Each Party shall base its examination and release procedures and its post-entry verification procedures on risk assessment principles, rather than examining each shipment offered for entry in a comprehensive manner for compliance with all import requirements.

The Parties agree to adopt and apply their import, export and transit requirements and procedures for goods on the basis of risk management principles, to be applied to focus compliance measures on transactions that merit attention.

The above shall not preclude a Party from conducting quality control and compliance reviews, which may require more extensive examinations.

Article X-8: Automation

Each Party shall use information technologies that expedite domestic procedures for the release of goods in order to facilitate trade including trade between the Parties.

Each Party shall:

endeavour to make available by electronic means customs forms that are required for the import or export of goods;

allow, subject to Canadian domestic law or EU or EU Member States' legislation, those customs forms to be submitted in electronic format; and

where possible, through its customs administration, establish a means of providing for the electronic exchange of information with its trading community.

Each Party shall endeavour to:

develop or maintain fully interconnected single window systems to facilitate a single, electronic submission of all information required by customs and non-customs legislation for cross-border movements of goods; and

develop a set of data elements and processes in accordance with the WCO Data Model and related WCO recommendations and guidelines.

The Parties shall endeavour to cooperate on the development of interoperable electronic systems, including taking account of the work at the WCO, in order to facilitate trade between the Parties.

Article X-9: Advance Rulings

1. Each Party shall issue upon written request advance rulings on tariff classification in accordance with its legislation.
2. Each party shall publish, (e.g. on the Internet), subject to any confidentiality requirements, information on advance rulings on tariff classification that is relevant for a proper understanding and application of tariff classification rules
3. To facilitate trade, the Parties shall include in their bilateral dialogue regular updates on changes in their respective legislation and its implementation on the matters referred to in paragraphs 1 and 2.

Article X-10: Review and Appeal

Each Party shall ensure that any administrative action or official decision taken in respect of the import of goods is reviewable promptly by judicial, arbitral or administrative tribunals or through administrative procedures.

Such tribunal or official acting pursuant to such administrative procedures shall be independent of the official or office issuing the decision and shall have the competence to maintain, modify or reverse the determination, in accordance with the Party's domestic law.

Each Party shall provide for an administrative level of appeal or review, independent of the official or, where applicable, the office responsible for the original action or decision, before requiring a person to seek redress at a more formal or judicial level.

Each Party shall grant substantially the same rights of review and appeal of determinations of advance rulings by its customs administration as it provides to importers in its territory to any person who has received an advance ruling pursuant to Article X-9 (Advance Rulings for Tariff Classification).

Article X-11: Penalties

Each Party shall ensure that its respective customs laws and regulations provide that any penalties imposed for breaches of customs regulations or procedural requirements be proportionate and non-discriminatory and, in their application, do not result in unwarranted delays.

Article X-12: Confidentiality

Each Party shall, in accordance with the Canadian domestic law and EU and EU Member States' legislation, treat as strictly confidential all information obtained pursuant to this Chapter that is by its nature confidential or that is provided on a confidential basis and shall protect that information from disclosure that could prejudice the competitive position of the person providing the information.

Where the Party receiving or obtaining information is required by its laws to disclose the information, that Party shall notify the Party or person who provided the information.

Each Party shall ensure that the confidential information collected pursuant to this Chapter shall not be used for purposes other than the administration and enforcement of customs matters, except with the permission of the person or Party who provided the confidential information.

A party may allow information collected pursuant to this Chapter to be used in any administrative, judicial or quasi-judicial proceedings instituted for failure to comply with customs-related laws and regulations implementing this Chapter. A Party shall notify the person or Party who provided the information in advance of such use.

Article X-13: Cooperation

The Parties shall continue to cooperate in international fora, such as the World Customs Organization (WCO), to achieve mutually-recognized goals, such as those set out in the WCO *Framework of Standards to Secure and Facilitate Global Trade*.

The Parties shall regularly review relevant international initiatives on trade facilitation, including the Compendium of Trade Facilitation Recommendations, developed by the United Nations Conference on Trade and Development and the United Nations Economic Commission for Europe, to identify areas where further joint action would facilitate trade between the Parties and promote shared multilateral objectives.

The Parties agree to cooperate in accordance with the 1998 Agreement between Canada and the European Community on Customs Cooperation and Mutual Assistance in Customs Matters, including future amendments thereto.

The Parties shall provide each other with mutual assistance in customs matters, including a suspected breach of customs legislation relating to the implementation of the provisions of this

Agreement, in accordance with the 1998 Agreement between Canada and the European Community on Customs Cooperation and Mutual Assistance in Customs Matters, including future amendments thereto.

ARTICLE X-14: Joint Customs Cooperation Committee

The Joint Customs Cooperation Committee (JCCC), granted authority to act under the auspices of the CETA Joint Committee as a specialised committee pursuant to Article [X.02] 'Specialised Committees' in Chapter [Administrative and Institutional Provisions], shall ensure the proper functioning of Chapter [Customs and Trade Facilitation] and the Protocol on Rules of Origin and Origin Procedures, as well as Article [X.24] 'Border Measures' of the Chapter [Intellectual Property] and Article 9 [Temporary Suspension of Preferential Tariff Treatment] of the Chapter [National Treatment and Market Access for Goods]. The JCCC shall examine all issues arising from their application in accordance with the objectives of this Agreement.

For matters covered by this Agreement, the JCCC shall consist of representatives of the customs, trade, and/ or* other competent authorities as each Party deems appropriate.

The Parties shall ensure that the composition of their representatives in JCCC meetings corresponds to the agenda items. The JCCC may meet in a specific configuration of expertise to deal with rules of origin or origin procedures matters ('JCCC-Rules of Origin' or 'JCCC-Origin Procedures').

The JCCC may formulate resolutions, recommendations or opinions and present draft decisions to the CETA Joint Committee which it considers necessary for the attainment of the common objectives and sound functioning of the mechanisms established in Chapter [Customs and Trade Facilitation] and the Protocol on Rules of Origin and Origin Procedures, as well as Article [X.24] 'Border Measures' of the Chapter [Intellectual Property] and Article 9 [Temporary Suspension of Preferential Tariff Treatment] of the Chapter [National treatment and Market Access for Goods].

9. SUBSIDIES

FREE TRADE AGREEMENT WITH CANADA

Chapter on Subsidies

Article x1

Definition of a subsidy

1. For the purposes of this Agreement, a subsidy is a measure related to trade in goods which fulfils the conditions set out in Article 1.1 of the *WTO Agreement on Subsidies and Countervailing Measures* (SCM Agreement).
2. A subsidy shall be subject to this chapter only if it is specific within the meaning of Article 2 of the SCM Agreement.

Article x2

Transparency

1. Every two years, each Party shall notify the other Party of the following with respect to any subsidy granted or maintained within its territory:

the legal basis of the subsidy;

the form of the subsidy; and

the amount of the subsidy or the amount budgeted for the subsidy.

Notifications provided to the World Trade Organization under Article 25.1 of the SCM Agreement shall be deemed to have met this requirement.

2. At the request of the other Party, a Party shall promptly provide information and respond to questions pertaining to particular instances of government support related to trade in services provided within its territory.

Article x3

Consultations on subsidies and government support in sectors other than agriculture and fisheries

1. If a Party considers that a subsidy, or a particular instance of government support related to trade in services, granted by the other Party is adversely affecting, or may adversely affect its interests, it may express its concern to the other Party and request informal consultations on the matter. The responding Party shall accord full and sympathetic consideration to that request.

2. During informal consultations, a Party may seek additional information on a subsidy or particular instance of government support related to trade in services provided by the other Party, including its policy objective, its amount, and any measures taken to limit the potential distortive effect on trade.

3. On the basis of the informal consultations, the responding Party shall endeavour to eliminate or minimise any adverse effects of the subsidy, or the particular instance of government support related to trade in services, on the requesting Party's interests.

4. This article shall not apply to subsidies related to agricultural goods and fisheries products, and is without prejudice to Articles x4 and x5.

Article x4

Consultations on subsidies related to agricultural goods and fisheries products

1. The Parties share the objective of working jointly to reach an agreement:
(a) to further enhance multilateral disciplines and rules on agricultural trade in the WTO; and,
(b) to help develop a global, multilateral resolution to fisheries subsidies.

2. If a Party considers that a subsidy, or the provision of government support, granted by the other Party, is adversely affecting, or may adversely affect, its interests with respect to agricultural goods or fisheries products, it may express its concerns to the other Party and request consultations on the matter.

3. The requested Party shall accord full and sympathetic consideration to that request and will use its best endeavours to eliminate or minimize the adverse effects of the subsidy, or the provision of government support, on the requesting Party's interests with regard to agricultural goods and fisheries products.

Article x5

Agriculture Export Subsidies

1. For the purposes of this Article, "export subsidy" means an export subsidy as defined in Article 1(e) of the WTO Agreement on Agriculture,

2. A Party shall not adopt or maintain an export subsidy on an agricultural good that is exported, or incorporated in a product that is exported, to the territory of the other Party after the other Party has fully eliminated the tariff, immediately or after the transitional period, on that agricultural good in accordance with its [Tariff Elimination Schedule]. "Fully eliminated tariff" means, where tariff quotas exist, the elimination of either the in- or the over-quota tariff.

Article x6

Confidentiality

When providing information under this chapter, a Party is not required to disclose confidential information.

Article x7

Excluded Subsidies and Government Support – Culture

Nothing in this Agreement applies to subsidies or government support with respect to audio-visual services for the EU and to cultural industries for Canada

Article x8

Relationship with the WTO

Each Party retains its rights and obligations under Article VI of GATT 1994, the SCM Agreement and the WTO Agreement on Agriculture.

Article x9

Dispute settlement

Articles x3 and x4 of this chapter shall not be subject to the dispute settlement provisions of this Agreement.

10. INVESTMENT

Section 1: Scope and Definitions

Article X.1: Scope of Application

1. This Chapter shall apply to measures adopted or maintained by a Party in its territory¹⁵ relating to:

(a) investors of the other Party;

(b) covered investments; and

(c) with respect to Articles X.5 (Performance Requirements), all investments in the territory of the Party.

2. The Section on Establishment of Investments, and the Section on Non-Discriminatory Treatment with regard to the establishment or acquisition of a covered investment, do not apply to measures relating to:

air services, related services in support of air services and other services supplied by means of air transport¹⁶, other than:

Aircraft repair and maintenance services;

The selling and marketing of air transport services;

Computer reservation system (CRS) services;

Ground handling services;

¹⁵ For greater certainty, the obligations of this chapter apply to the Exclusive Economic Zones and Continental Shelves, as provided in the United Nations Convention on the Law of the Sea of 10 December 1982,;

(a) of Canada as referred to in Article X.02 (Country-specific definitions – Geographical scope of Application (a)); and

(b) in which the Treaty on the European Union and the Treaty on the Functioning of the European Union Treaty are applied as referred to in Article X.02 (Country-specific definitions – Geographical scope of Application (b)).

¹⁶ These services include services where an aircraft is being used to carry out specialised activities in sectors including agriculture, construction, photography, surveying, mapping, forestry, observation and patrol, and advertising, where this specialised activity is provided by the person that is responsible for the operation of the aircraft.

Airport operation services.

Activities carried out in the exercise of governmental authority.

3. For the EU, the Section on Establishment of Investments and Section on Non-Discriminatory Treatment do not apply to measures with respect to Audiovisual services.

For Canada, the Section on Establishment of Investments and Section on Non-Discriminatory Treatment do not apply to measures with respect to cultural industries.

4. Claims may be submitted by an investor under this Chapter only in accordance with Section 6 Article 17 (Scope of a Claim to Arbitration), and in compliance with the procedures otherwise set out in that Section. Claims in respect of Section 2 (Establishment of Investments) are excluded from the scope of Section 6. Claims in respect of the establishment or acquisition of a covered investment under Section 3 (Non-Discriminatory Treatment) are excluded from the scope of Section 6. Section 4 (Investment Protection) applies only to covered investments and to investors in respect of their covered investments.

5. Nothing in this Chapter shall affect the Parties' rights and obligations under the Agreement on Air Transport between Canada and the European Community and its Member States.

Article X.2: Relation to Other Chapters

1. This Chapter does not apply to measures adopted or maintained by a Party to the extent that the measures apply to investors or to their investments covered by Chapter [XY] (Financial Services).

2. A requirement by a Party that a service provider of the other Party post a bond or other form of financial security as a condition of providing a service into its territory does not of itself make this Chapter applicable to measures adopted or maintained by the Party relating to the provision of that cross-border service. This Chapter shall apply to measures adopted or maintained by the Party relating to the posted bond or financial security, to the extent that such bond or financial security is a covered investment.

Article X.3: Definitions

For the purpose of this Chapter:

activities carried out in the exercise of governmental authority means an activity carried out neither on a commercial basis nor in competition with one or more economic operators.

aircraft repair and maintenance service means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance.

airport operation services means the operation and/or management, on a fee or contract basis, of airport infrastructure, including terminals, runways, taxiways and aprons, parking facilities, and intra-airport transportation systems.

For greater certainty, airport operation services do not include the ownership of, or investment in, airports or airport lands, or any of the functions carried out by a board of directors.

Airport operation services do not include air navigation services.

attachment means the seizure of the property of a disputing party to secure or ensure the satisfaction of an award.

computer reservation system service means services supplied by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued.

confidential or protected information means:

confidential business information; or

information which is protected against being made available to the public, in the case of the information of the respondent, under the law of the respondent and in the case of other information, under any law or rules determined to be applicable to the disclosure of such information by the tribunal.

covered investment means, with respect to a Party, an investment:

in its territory;

made in accordance with the applicable law at that time;

directly or indirectly owned or controlled by an investor of the other Party; and

existing on the date of entry into force of this Agreement, as well as investments made or acquired thereafter.

disputing party means either the investor that initiates proceedings pursuant to Section 6 or the respondent. For the purpose of Section 6 and without prejudice to Article x-13 (Subrogation), an investor does not include a Party.

disputing parties means both the investor and the respondent.

enjoin means an order to prohibit or restrain an action.

enterprise means any entity duly constituted or otherwise organized under applicable law, whether for profit or otherwise, and whether privately-owned or controlled or governmentally-owned or controlled, including any corporation, trust, partnership, joint venture, sole proprietorship or association and a branch or representative office of any such entity.

ground handling services means the provision, on a fee or contract basis, of the following

services: ground administration and supervision, including load control and communications; passenger handling; baggage handling; cargo and mail handling; ramp handling and aircraft services; fuel and oil handling; aircraft line maintenance, flight operations and crew administration; surface transport; and catering services. Ground handling services do not include security services and the operation or management of centralised airport infrastructures, such as baggage handling systems, de-icing facilities, fuel distribution systems, and intra-airport transport systems.

ICSID means the International Centre for Settlement of Investment Disputes established by the ICSID Convention.

ICSID Additional Facility Rules means the *Rules Governing the Additional Facility for the Administration of Proceedings by the Secretariat of the International Centre for Settlement of Investment Disputes*.

ICSID Convention means the *Convention on the Settlement of Investment Disputes between States and Nationals of Other States*, done at Washington, 18 March 1965.

intellectual property rights means copyright and related rights, trademark rights, rights in geographical indications, rights in industrial designs, patent rights, rights in layout designs of integrated circuits, rights in relation to protection of undisclosed information, and plant breeders' rights; and, where such rights are provided by domestic law, utility model rights. The Joint Committee may, by decision, add other categories of intellectual property to this definition.

'investment' means:

Every kind of asset that an investor owns or controls, directly or indirectly, that has the characteristics of an investment, which includes a certain duration and other characteristics such as the commitment of capital or other resources, the expectation of gain or profit, or the assumption of risk. Forms that an investment may take include:

an enterprise;

shares, stocks and other forms of equity participation in an enterprise;

bonds, debentures and other debt instruments of an enterprise;

a loan to an enterprise;

any other kinds of interest in an enterprise;

an interest arising from:

a concession conferred pursuant to domestic law or under a contract, including to search for, cultivate, extract or exploit natural resources,

a turnkey, construction, production, or revenue-sharing contract, or

other similar contracts;
intellectual property rights;
any other moveable property, tangible or intangible, or immovable property and related rights;
claims to money or claims to performance under a contract;

For greater certainty, 'claims to money' does not include claims to money that arise solely from commercial contracts for the sale of goods or services by a natural person or enterprise in the territory of a Party to a natural person or enterprise in the territory of the other Party, domestic financing of such contracts, or any related order, judgment, or arbitral award.

Returns that are invested shall be treated as investments. Any alteration of the form in which assets are invested or reinvested does not affect their qualification as investment.

investor means a Party, a natural person or an enterprise of a Party, other than a branch or a representative office, that seeks to make, is making or has made an investment in the territory of the other Party.

For the purposes of this definition an 'enterprise of a Party' is:

an enterprise that is constituted or organised under the laws of that Party and has substantial business activities in the territory of that Party; or

an enterprise that is constituted or organised under the laws of that Party and is directly or indirectly owned or controlled by a natural person of that Party or by an enterprise mentioned under a).

locally established enterprise means a juridical person which has the nationality of the respondent and which is owned or controlled, directly or indirectly, by an investor of the other Party.

measure includes a law, regulation, rule, procedure, decision, administrative action, requirement, practice or any other form of measure by a Party.

natural person means:

- (a) in the case of Canada, a natural person who is a citizen or permanent resident of Canada, and
- (b) in the case of the EU, a natural person having the nationality of one of the Member States of the EU according to their respective legislation, and, for Latvia, also a natural person permanently residing in the Republic of Latvia who is not a citizen of the Republic of Latvia or any other state but who is entitled, under laws and regulations of the Republic of Latvia, to receive a non-citizen's passport.

A natural person who is a citizen of Canada and has the nationality of one of the Member States of the EU shall be deemed to be exclusively a natural person of the Party of his or her dominant and effective nationality.

A natural person who has the nationality of one of the Member States of the European Union or is a citizen of Canada, and is also a permanent resident of the other Party, shall be deemed to be exclusively a natural person of the Party of his or her nationality or citizenship, as applicable.

New York Convention means the *United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, done at New York, 10 June 1958.

non-disputing Party means either Canada, where the European Union or a Member State is the respondent, or the European Union, where Canada is the respondent.

respondent means either Canada or, in the case of the European Union, either the Member State or the European Union pursuant to Article x-20 (Determination of the respondent for disputes with the European Union or its Member States).

returns means all amounts yielded by an investment or reinvestment, including profits, royalties and interest or other fees and payments in kind.

selling and marketing of air transport service means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services or the applicable conditions.

Tribunal means an arbitration tribunal established under Article x-22 (Submission of a Claim to Arbitration) or x-41 (Consolidation).

UNCITRAL Arbitration Rules means the arbitration rules of the United Nations Commission on International Trade Law.

UNCITRAL Transparency Rules means the *UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration*.

Section 2: Establishment of Investments

Article X.4: Market Access

1. Neither Party shall adopt or maintain with regard to market access through establishment by an investor of a Party, either on the basis of its entire territory or on the basis of the territory of a national, provincial, territorial, regional or local level of government, measures that:

(a) impose limitations on:

(i) the number of enterprises that may carry out a specific economic activity whether in the form of numerical quotas, monopolies, exclusive suppliers or the requirement of an economic needs test;

(ii) the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

(iii) the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;¹⁷

(iv) the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment;

(v) the total number of natural persons that may be employed in a particular sector or that an enterprise may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test.

(b) restrict or require specific types of legal entity or joint venture through which an enterprise may carry out an economic activity.

For greater certainty, the following are consistent with paragraph 1 of this article;

Measures concerning zoning and planning regulations affecting the development or use of land, or other analogous measures.

Measures requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation and telecommunications.

Measures restricting the concentration of ownership to ensure fair competition.

Measures seeking to ensure the conservation and protection of natural resources and the environment, including limitations on the availability, number and scope of concessions granted, and the imposition of moratoria or bans.

¹⁷ Subparagraphs 1(a) (i), (ii) and (iii) do not cover measures taken in order to limit the production of an agricultural product.

Measures limiting the number of authorizations granted because of technical or physical constraints, for example telecommunications spectrum and frequencies.

Measures requiring that a certain percentage of the shareholders, owners, partners, or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.

Article X.5: Performance Requirements

1. Neither Party may impose, or enforce any of the following requirements, or enforce any commitment or undertaking, in connection with the establishment, acquisition, expansion, management, conduct or operation of all investments in its territory to:

- (a) export a given level or percentage of goods or services;
- (b) achieve a given level or percentage of domestic content;
- (c) purchase, use or accord a preference to goods produced or services provided in its territory, or to purchase goods or services from natural persons or enterprises in its territory;
- (d) relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment;
- (e) restrict sales of goods or services in its territory that such investment produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings;
- (f) transfer technology, a production process or other proprietary knowledge to a natural person or enterprises in its territory; or
- (g) supply exclusively from the territory of the Party a good produced or a service provided by the investment to a specific regional or world market.

2. Neither Party may condition the receipt or continued receipt of an advantage, in connection with the establishment, acquisition, expansion, management, conduct or operation of all investments in its territory, on compliance with any of the following requirements:

- (a) to achieve a given level or percentage of domestic content;
- (b) to purchase, use or accord a preference to goods produced in its territory, or to purchase goods from producers in its territory;
- (c) to relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment; or

(d) to restrict sales of goods or services in its territory that such investment produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings.

3. (a) Nothing in paragraph 2 shall be construed to prevent a Party from conditioning the receipt or continued receipt of an advantage, in connection with an investment in its territory, on compliance with a requirement to locate production, provide a service, train or employ workers, construct or expand particular facilities, or carry out research and development in its territory.

(b) Subparagraph 1(f) does not apply when the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal or competition authority to remedy a violation of competition laws.

4. The provisions of:

(a) subparagraphs 1(a), (b) and (c), and 2(a) and (b), do not apply to qualification requirements for goods or services with respect to participation in export promotion and foreign aid programs;

(b) this article does not apply to procurement by a Party for goods and services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of goods and services for commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article II of (Chapter XX - Public procurement).

(c) For greater certainty, subparagraphs 2(a) and (b) do not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.

5. This article is without prejudice to WTO commitments of a Party.

Section 3: Non-Discriminatory Treatment

Article X.6: National Treatment

1. Each Party shall accord to investors of the other Party and to covered investments, treatment no less favourable than the treatment it accords, in like situations to its own investors and to their investments with respect to the establishment, acquisition, expansion, conduct, operation, management, maintenance, use, enjoyment and sale or disposal of their investments in its territory.

2. The treatment accorded by a Party under paragraph 1 means, with respect to a government in Canada other than at the federal level, or, with respect to a government of or in a European Member State, treatment no less favourable than the most favourable treatment accorded, in like situations, by that government to investors of that Party in its territory and to investments of such investors.

Article X.7: Most-Favoured-Nation Treatment

1. Each Party shall accord to investors of the other Party and to covered investments, treatment no less favourable than the treatment it accords in like situations, to investors and to their investments of any third country with respect to the establishment, acquisition, expansion, conduct, the operation, management, maintenance, use, enjoyment and sale or disposal of their investments in its territory.

2. For greater certainty, the treatment accorded by a Party under paragraph 1 means, with respect to a government in Canada other than at the federal level, or, with respect to a government of or in a European Member State, treatment accorded, in like situations, by that government to investors in its territory, and to investments of such investors, of any third country.

3. Paragraph 1 shall not apply to treatment accorded by a Party providing for recognition, including through arrangements or agreements with third parties recognising accreditation of testing and analysis services and service suppliers or repair and maintenance services and service suppliers, as well as the certification of the qualifications of or the results or work done by such accredited services and service suppliers.

4. For greater certainty, the “treatment” referred to in Paragraph 1 and 2 does not include investor-to-state dispute settlement procedures provided for in other international investment treaties and other trade agreements. Substantive obligations in other international investment treaties and other trade agreements do not in themselves constitute “treatment”, and thus cannot give rise to a breach of this article, absent measures adopted by a Party pursuant to such obligations.

Article X.8: Senior Management and Boards of Directors

Neither Party may require that an enterprise of that Party that is a covered investment appoint to senior management or the board of directors positions natural persons of any particular nationality.

Section 4: Investment Protection

Article X.9: Treatment of Investors and of Covered Investments

Each Party shall accord in its territory to covered investments of the other Party and to investors with respect to their covered investments fair and equitable treatment and full protection and security in accordance with paragraphs 2 to 6.

A Party breaches the obligation of fair and equitable treatment referenced in paragraph 1 where a measure or series of measures constitutes:

Denial of justice in criminal, civil or administrative proceedings;

Fundamental breach of due process, including a fundamental breach of transparency, in judicial and administrative proceedings.

Manifest arbitrariness;

Targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief;

Abusive treatment of investors, such as coercion, duress and harassment; or

A breach of any further elements of the fair and equitable treatment obligation adopted by the Parties in accordance with paragraph 3 of this Article.

The Parties shall regularly, or upon request of a Party, review the content of the obligation to provide fair and equitable treatment. The Committee on Services and Investment may develop recommendations in this regard and submit them to the Trade Committee for decision.

When applying the above fair and equitable treatment obligation, a tribunal may take into account whether a Party made a specific representation to an investor to induce a covered investment, that created a legitimate expectation, and upon which the investor relied in deciding to make or maintain the covered investment, but that the Party subsequently frustrated.

For greater certainty, ‘full protection and security’ refers to the Party’s obligations relating to physical security of investors and covered investments.

For greater certainty, a breach of another provision of this Agreement, or of a separate international Agreement, does not establish that there has been a breach of this Article.

Article X.10: Compensation for Losses

Notwithstanding paragraph 5(b) of Article X.14 (Reservations and Exceptions), each Party shall accord to investors of the other Party, whose covered investments suffer losses owing to armed conflict, civil strife, a state of emergency or natural disaster in its territory, treatment no less favourable than that it accords to its own investors or to the investors of any third country, whichever is more favourable to the investor concerned, as regards restitution, indemnification, compensation or other settlement.

Article X.11: Expropriation

1. Neither Party may nationalize or expropriate a covered investment either directly, or indirectly through measures having an effect equivalent to nationalization or expropriation (hereinafter referred to as “expropriation”), except:

- (a) for a public purpose;
- (b) under due process of law;
- (c) in a non-discriminatory manner; and
- (d) against payment of prompt, adequate and effective compensation.

For greater certainty, this paragraph shall be interpreted in accordance with Annex X.11 on the clarification of expropriation.

2. Such compensation shall amount to the fair market value of the investment at the time immediately before the expropriation or the impending expropriation became known, whichever is earlier. Valuation criteria shall include going concern value, asset value including the declared tax value of tangible property, and other criteria, as appropriate, to determine fair market value.

3. The compensation shall also include interest at a normal commercial rate from the date of expropriation until the date of payment and shall, in order to be effective for the investor, be paid and made transferable, without delay, to the country designated by the investor and in the currency of the country of which the investor is a national or in any freely convertible currency accepted by the investor.

4. The investor affected shall have a right, under the law of the expropriating Party, to prompt review of its claim and of the valuation of its investment, by a judicial or other independent authority of that Party, in accordance with the principles set out in this Article.

5. This Article does not apply to the issuance of compulsory licenses granted in relation to intellectual property rights, to the extent that such issuance is consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreements ('TRIPS Agreement').

6. For greater certainty, the revocation, limitation or creation of intellectual property rights to the extent that these measures are consistent with TRIPS and Chapter X (Intellectual Property) of this Agreement, do not constitute expropriation. Moreover, a determination that these actions are inconsistent with the TRIPS Agreement or Chapter X (Intellectual Property) of this Agreement does not establish that there has been an expropriation.

Article X.12: Transfers

1. Each Party shall permit all transfers relating to a covered investment to be made without restriction or delay and in a freely convertible currency. Such transfers include:

- (a) contributions to capital, such as principal and additional funds to maintain, develop or increase the investment;
- (b) profits, dividends, interest, capital gains, royalty payments, management fees, technical assistance and other fees, or other forms of returns or amounts derived from the covered investment;
- (c) proceeds from the sale or liquidation of the whole or any part of the covered investment;
- (d) payments made under a contract entered into by the investor or the covered investment, including payments made pursuant to a loan agreement;
- (e) payments made pursuant to Articles X.10 (Compensation for Losses) and X.11 (Expropriation);
- (f) earnings and other remuneration of foreign personnel and working in connection with an investment;
- (g) payments of damages pursuant to an award issued by a tribunal under Section 6 (Investor to State Dispute Settlement).

2. Transfers shall be made at the market rate of exchange applicable on the date of transfer.

3. Neither Party may require its investors to transfer, or penalize its investors for failing to transfer, the income, earnings, profits or other amounts derived from, or attributable to, investments in the territory of the other Party.

4. Notwithstanding paragraphs 1, 2 or 3, nothing in this article shall be construed to prevent a Party from applying in an equitable and non-discriminatory manner and not in a way that would constitute a disguised restriction on transfers, its laws relating to:

- (a) bankruptcy, insolvency or the protection of the rights of creditors;
- (b) issuing, trading or dealing in securities;
- (c) criminal or penal offences;
- (d) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;
- (e) ensuring the satisfaction of judgments in adjudicatory proceedings.

Article X.13: Subrogation

If a Party, or an agency thereof, makes a payment under an indemnity, guarantee or contract of insurance it has entered into in respect of an investment made by one of its investors in the territory of the other Party, the other Party shall recognize that the Party or its agency shall be entitled in all circumstances to the same rights as those of the investor in respect of the investment. Such rights may be exercised by the Party or an agency thereof, or by the investor if the Party or an agency thereof so authorizes.

Section 5: Reservations and Exceptions

Article X.14: Reservations and Exceptions

1. Articles X.4 (Market Access), X.5 (Performance Requirements), X.6 (National Treatment), X.7 (Most-Favoured-Nation Treatment), and X.8 (Senior Management and Boards of Directors) do not apply to:

- (a) an existing non-conforming measure that is maintained by a Party at the level of:
 - (i) the European Union, as set out in its Schedule to Annex I;
 - (ii) a national government, as set out by that Party in its Schedule to Annex I;
 - (iii) a provincial, territorial, or regional government, as set out by that Party in its Schedule to Annex I; or
 - (iv) a local government.
- (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or
- (c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with X.4 (Market Access), X.5 (Performance Requirements), Articles X.6 (National Treatment), X.7 (Most-Favoured-Nation Treatment), , and X.8 (Senior Management and Boards of Directors) .

2. Articles X.4 (Market Access), X.5 (Performance Requirements), X.6 (National Treatment), X.7 (Most-Favoured-Nation Treatment), and X.8 (Senior Management and Boards of Directors) do not apply to measures that a Party adopts or maintains with respect to sectors, subsectors or activities, as set out in its Schedule to Annex II.

3. Without prejudice to Article X.9 (Treatment of Investors and Covered Investments) and Article X.11 (Expropriation), no Party may adopt any measure or series of measures after the date of entry into force of this Agreement and covered by its schedule to Annex II, that require, directly or indirectly, an investor of the other Party, by reason of nationality, to sell or otherwise dispose of an investment existing at the time the measure or series of measures becomes effective.

4. In respect of intellectual property rights, a Party may derogate from Article X.6 (National Treatment), Article X.7 (Most-Favoured-Nation Treatment) and subparagraph 1(f) of Article X.8 (Performance Requirements) where permitted by the TRIPS Agreement, including any amendments to the TRIPS Agreement in force for both Parties, and waivers to the TRIPS Agreement adopted pursuant to Article IX of the WTO Agreement.

5. Article X.4 (Market Access), Articles X.6 (National Treatment), X.7 (Most-Favoured-Nation Treatment) and X.8 (Senior Management and Board of Directors) do not apply to:

- (a) procurement by a Party for goods and services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of goods and services for commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article II of (Chapter XX - Public procurement); or
- (b) subsidies, or government support relating to trade in services, provided by a Party.

Article X.15: Denial of Benefits

A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of that Party and to investments of that investor if:

investors of a non-Party own or control the enterprise; and

the denying Party adopts or maintains measures with respect to the non-Party that:

are related to maintenance of international peace and security; and

prohibit transactions with the enterprise or would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise or to its investments.

Article X.16: Formal Requirements

Notwithstanding Articles X.6 (National Treatment) and X.7 (Most-Favoured-Nation Treatment), a Party may require an investor of the other Party, or its covered investment, to provide routine information concerning that investment solely for informational or statistical purposes, provided that such requests are reasonable and not unduly burdensome. The Party shall protect any confidential or protected information from any disclosure that would prejudice the competitive position of the investor or the covered investment. Nothing in this paragraph shall be construed to prevent a Party from otherwise obtaining or disclosing information in connection with the equitable and good faith application of its laws.

Section 6: Investor-State Dispute Settlement

Article X.17: Scope of a Claim to Arbitration

Without prejudice to the rights and obligations of the Parties under Chapter [XY](Dispute Settlement), an investor of a Party may submit to arbitration under this Section a claim that the respondent has breached an obligation under:

Section 3 (Non-Discriminatory Treatment) of this Chapter, with respect to the expansion, conduct, operation, management, maintenance, use, enjoyment and sale or disposal of its covered investment; or

Section 4 (Investment Protection) of this Chapter; and

where the investor claims to have suffered loss or damage as a result of the alleged breach. Claims under subparagraph 1(a) with respect to the expansion of a covered investment may be submitted only to the extent the measure relates to the existing business operations of a covered investment and the investor has, as a result, incurred loss or damage with respect to the covered investment.

For greater certainty, an investor may not submit a claim to arbitration under this Section where the investment has been made through fraudulent misrepresentation, concealment, corruption, or conduct amounting to an abuse of process.

This Section shall apply to the restructuring of debt issued by a Party in accordance with Annex X (Public Debt).

A tribunal constituted under this Section may not decide claims that fall outside of the scope of this Article.

Article X.18: Consultations

Any dispute should as far as possible be settled amicably. Such a settlement may be agreed at any time, including after the arbitration has been commenced. Unless the disputing parties agree to a longer period, consultations shall be held within 60 days of the submission of the request for consultations pursuant to paragraph 3.

Unless the disputing parties agree otherwise, the place of consultation shall be:

Ottawa, where the measures challenged are measures of Canada;

Brussels, where the measures challenged include a measure of the European Union; or

the capital of the Member State of the European Union, where the measures challenged are exclusively measures of that Member State.

The investor shall submit to the other Party a request for consultations containing:

the following information:

the name and address of the investor and, where such request is submitted on behalf of a locally established enterprise, the name, address and place of incorporation of the locally established enterprise;

where there is more than one investor, the name and address of each investor and, where there is more than one locally established enterprise, the name, address and place of incorporation of each locally established enterprise;

the provisions of this Agreement alleged to have been breached;

the legal and the factual basis for the claim, including the measures at issue; and

the relief sought and the estimated amount of damages claimed; and

evidence establishing that the investor is an investor of the other Party and that it owns or controls the investment, including the locally established enterprise where applicable, in respect of which it has submitted a request.

The requirements of the request for consultations set out in paragraph 3 shall be met in a manner that does not materially affect the ability of the respondent to effectively engage in consultations or to prepare its defence.

A request for consultations must be submitted within:

3 years after the date on which the investor or, as applicable, the locally established enterprise, first acquired, or should have first acquired, knowledge of the alleged breach and knowledge that the investor or, as applicable, the locally established enterprise, has incurred loss or damage thereby; or

two years after the investor or, as applicable, the locally established enterprise, exhausts or ceases to pursue claims or proceedings before a tribunal or court under the law of a Party and, in any event, no later than 10 years after the date on which the investor or, as applicable, the locally established enterprise, first acquired, or should have first acquired knowledge of the alleged breach and knowledge that the investor has incurred loss or damage thereby

In the event that the request for consultations concerns an alleged breach by the European Union, or a Member State of the European Union, it shall be sent to the European Union.

In the event that the investor has not submitted a claim to arbitration pursuant to Article X.22 (Submission of a claim to arbitration) within 18 months of submitting the request for consultations, the investor shall be deemed to have withdrawn its request for consultations and

any notice requesting a determination of the respondent and may not submit a claim under this Section. This period may be extended by agreement between the disputing parties.

Article X.19: Mediation

The disputing parties may at any time agree to have recourse to mediation.

Recourse to mediation is without prejudice to the legal position or rights of either disputing party under this Chapter and shall be governed by the rules agreed to by the disputing parties including, if available, the rules established by the Services and Investment Committee pursuant to Article X.42(3)(c).

The mediator is appointed by agreement of the disputing parties. Such appointment may include appointing a mediator from the roster established pursuant to Article X.25 (Constitution of the Tribunal) or requesting the Secretary-General of ICSID to appoint a mediator from the list of chairpersons established pursuant to Article X.25 (Constitution of the Tribunal).

Disputing parties shall endeavour to reach a resolution to the dispute within 60 days from the appointment of the mediator.

If the disputing parties agree to have recourse to mediation, Articles X.18(5) and X.18(7) (Consultations) shall not apply from the date on which the disputing parties agreed to have recourse to mediation to the date on which either disputing party decides to terminate the mediation, by way of a letter to the mediator and the other disputing party.

Article X.20: Determination of the respondent for disputes with the European Union or its Member States

If the dispute cannot be settled within 90 days of the submission of the request for consultations, the request concerns an alleged breach of the Agreement by the European Union or a Member State of the European Union and the investor intends to initiate arbitration proceedings pursuant to Article X.22 (Submission of a claim to arbitration), the investor shall deliver to the European Union a notice requesting a determination of the respondent.

The notice shall identify the measures in respect of which the investor intends to initiate arbitration proceedings.

The European Union shall, after having made a determination, inform the investor as to whether the European Union or a Member State of the European Union shall be the respondent.

If the investor has not been informed of the determination within 50 days of the notice referred to in paragraph 1:

where the measures identified in the notice are exclusively measures of a Member State of the European Union, the Member State shall be respondent.

where the measures identified in the notice include measures of the European Union, the European Union shall be respondent.

The investor may submit a claim to arbitration on the basis of the determination made pursuant to paragraph 3, and, if no such determination has been communicated, on the basis of the application of paragraph 4.

Where either the European Union or the Member State is the respondent, pursuant to paragraph 3 or 4, neither the European Union, nor the Member State may assert the inadmissibility of the claim, lack of jurisdiction of the tribunal or otherwise object to the claim or award on the ground that the respondent was not properly determined pursuant to paragraph 3 or identified on the basis of the application of paragraph 4.

The tribunal shall be bound by the determination made pursuant to paragraph 3 and, if no such determination has been communicated, the application of paragraph 4.

Article X.21: Procedural and Other Requirements for the Submission of a Claim to Arbitration

An investor may submit a claim to arbitration under Article X.22 (Submission of a Claim to Arbitration) only if the investor:
delivers to the respondent, with the submission of a claim to arbitration, its consent to arbitration in accordance with the procedures set out in this Chapter;

allows at least 180 days to elapse from the submission of the request for consultations and, where applicable, at least 90 days to elapse from the submission of the notice requesting a determination of the respondent;

fulfils the requirements of the notice requesting a determination of the respondent;

fulfils the requirements related to the request for consultations;

does not identify measures in its claim to arbitration that were not identified in its request for consultations;

where it has initiated a claim or proceeding seeking compensation or damages before a tribunal or court under domestic or international law with respect to any measure alleged to constitute a breach referred to in its claim to arbitration, provides a declaration that:

a final award, judgment or decision has been made; or

it has withdrawn any such claim or proceeding;

The declaration shall contain, as applicable, proof that a final award, judgment or decision has been made or proof of the withdrawal of any such claim or proceeding; and

waives its right to initiate any claim or proceeding seeking compensation or damages before a tribunal or court under domestic or international law with respect to any measure alleged to constitute a breach referred to in its claim to arbitration.

Where the submission of a claim to arbitration is for loss or damage to a locally established enterprise or to an interest in a locally established enterprise that the investor owns or controls directly or indirectly, both the investor and the locally established enterprise shall provide a declaration pursuant to subparagraph 1(f) and a waiver pursuant to subparagraph 1(g).

The requirements of subparagraphs 1(f), (g) and paragraph 2 do not apply in respect of a locally established enterprise where the respondent or the investor's host State has deprived an investor of control of the locally established enterprise, or has otherwise prevented the locally established enterprise from fulfilling such requirements.

Upon request of the respondent, the Tribunal shall decline jurisdiction where the investor or, as applicable, the locally established enterprise fails to fulfil any of the requirements of paragraphs 1 and 2.

The waiver provided pursuant to subparagraph 1(g) or paragraph 2 as applicable shall cease to apply:

where the Tribunal rejects the claim on the basis of a failure to meet the requirements of paragraphs 1 or 2 or on any other procedural or jurisdictional grounds;

where the Tribunal dismisses the claim pursuant to Article X.29 (Claim manifestly without legal merit) or Article X.30 (Claims Unfounded as a Matter of Law); or

where the investor withdraws its claim, in conformity with applicable arbitration rules, within 12 months of the constitution of the tribunal.

Article X.22: Submission of a Claim to Arbitration

If a dispute has not been resolved through consultations, a claim may be submitted to arbitration under this Section by:

an investor of the other Party on its own behalf; or

an investor of the other Party, on behalf of a locally established enterprise which it owns or controls directly or indirectly.

A claim may be submitted under the following arbitration rules:
the ICSID Convention;

the ICSID Additional Facility Rules where the conditions for proceedings pursuant to paragraph (a) do not apply;

the UNCITRAL Arbitration Rules; or

any other arbitration rules on agreement of the disputing parties.

In the event that the investor proposes arbitration rules pursuant to sub-paragraph 2(d), the respondent shall reply to the investor's proposal within 20 days of receipt. If the disputing parties have not agreed on such arbitration rules within 30 days of receipt, the investor may submit a claim under the arbitration rules provided for in subparagraphs 2(a), (b) or (c).

For greater certainty, a claim submitted under subparagraph 1(b) shall satisfy the requirements of Article 25(1) of the ICSID Convention.

The investor may, when submitting its claim, propose that a sole arbitrator should hear the claim. The respondent shall give sympathetic consideration to such a request, in particular where the investor is a small or medium-sized enterprise or the compensation or damages claimed are relatively low.

The arbitration is governed by the arbitration rules applicable under paragraph 2 that are in effect on the date that the claim or claims are submitted to arbitration under this Section, subject to the specific rules set out in this Section and supplemented by rules adopted pursuant to Article X.42(3)(b) (Committee).

A claim is submitted to arbitration under this Section when:

the request for arbitration under Article 36(1) of the ICSID Convention is received by the Secretary-General of ICSID;

the request for arbitration under Article 2 of Schedule C of the ICSID Additional Facility Rules is received by the Secretariat of ICSID;

the notice of arbitration under Article 3 of the UNCITRAL Arbitration Rules is received by the respondent; or

the request or notice of arbitration pursuant to other arbitration rules is received by the respondent in accordance with subparagraph 2(d).

Each Party shall notify the other Party of the place of delivery of notices and other documents by the investors relating to this Section. Each Party shall ensure this information is made publicly available.

Article X.23: Proceedings under different international agreements

Where claims are brought both pursuant to this Section and another international agreement and: there is a potential for overlapping compensation; or

the other international claim could have a significant impact on the resolution of the claim brought pursuant to this Section,
a Tribunal constituted under this Section shall, as soon as possible after hearing the disputing parties, stay its proceedings or otherwise ensure that proceedings pursuant to another international agreement are taken into account in its decision, order or award.

Article X.24: Consent to Arbitration

The respondent consents to the submission of a claim to arbitration under this Section in accordance with the procedures set out under this Agreement.

The consent under paragraph 1 and the submission of a claim to arbitration under this Chapter shall satisfy the requirements of:

Article 25 of the ICSID Convention and Chapter II (Institution of Proceedings) of the ICSID Additional Facility Rules for written consent of the disputing parties; and,

Article II of the New York Convention for an agreement in writing.

Article X.25: Constitution of the Tribunal

Unless the disputing parties have agreed to appoint a sole arbitrator, the Tribunal shall comprise three arbitrators. One arbitrator shall be appointed by each of the disputing parties and the third, who will be the presiding arbitrator, shall be appointed by agreement of the disputing parties. If the disputing parties agree to appoint a sole arbitrator, the disputing parties shall seek to agree on the sole arbitrator.

If a Tribunal has not been constituted within 90 days from the date that a claim is submitted to arbitration, or where the disputing parties have agreed to appoint a sole arbitrator and have failed to do so within 90 days from the date the respondent agreed to submit the dispute to a sole arbitrator, the Secretary-General of ICSID shall appoint the arbitrator or arbitrators not yet appointed in accordance with paragraph 3.

The Secretary-General of ICSID shall, upon request of a disputing party, appoint the remaining arbitrators from the list established pursuant to paragraph 4. In the event that such list has not been established on the date a claim is submitted to arbitration, the Secretary-General of ICSID shall make the appointment at his or her discretion taking into consideration nominations made by either Party and, to the extent practicable, in consultation with the disputing parties. The Secretary-General of ICSID may not appoint as presiding arbitrator a national of either Canada or a Member State of the European Union unless all disputing parties agree otherwise.

Pursuant to Article X.42(2)(a), the Committee on Services and Investment shall establish, and thereafter maintain, a list of individuals who are willing and able to serve as arbitrators and who meet the qualifications set out in paragraph 5. It shall ensure that the list includes at least 15 individuals but may agree to increase the number of individuals. The list shall be composed of three sub-lists each comprising at least five individuals: one sub-list for each Party, and one sub-list of individuals who are neither nationals of Canada nor the Member States of the European Union to act as presiding arbitrators.

Arbitrators appointed pursuant to this Section shall have expertise or experience in public international law, in particular international investment law. It is desirable that they have expertise or experience in international trade law and the resolution of disputes arising under international investment or international trade agreements.

Arbitrators shall be independent of, and not be affiliated with or take instructions from, a disputing party or the government of a Party with regard to trade and investment matters. Arbitrators shall not take instructions from any organisation, government or disputing party with regard to matters related to the dispute. Arbitrators shall comply with the International Bar Association Guidelines on Conflicts of Interest in International Arbitration or any supplemental rules adopted pursuant to Article X.42(2)(b) (Committee on Services and Investment). Arbitrators who serve on the list established pursuant to paragraph 3 shall not, for that reason alone, be deemed to be affiliated with the government of a Party.

If a disputing party considers that an arbitrator does not meet the requirements set out in paragraph 6, it shall send a notice of its intent to challenge the arbitrator within 15 days after:

the appointment of the arbitrator has been notified to the challenging party; or,

the disputing party became aware of the facts giving rise to the alleged failure to meet such requirements.

The notice of an intention to challenge shall be promptly communicated to the other disputing party, to the arbitrator or arbitrators, as applicable, and to the Secretary-General of ICSID. The notice of challenge shall state the reasons for the challenge.

When an arbitrator has been challenged by a disputing party, the disputing parties may agree to the challenge, in which case the disputing parties may request the challenged arbitrator to resign. The arbitrator may, after the challenge, elect to resign. A decision to resign does not imply acceptance of the validity of the grounds for the challenge.

If, within 15 days from the date of the notice of challenge, the challenged arbitrator has elected not to resign, the Secretary-General of ICSID shall, after hearing the disputing parties and after providing the arbitrator an opportunity to submit any observations, issue a decision within 45 days of receipt of the notice of challenge and forthwith notify the disputing parties and other arbitrators, as applicable.

A vacancy resulting from the disqualification or resignation of an arbitrator shall be filled promptly pursuant to the procedure provided for in this Article.

Article X.26: Agreement to the Appointment of Arbitrators

For purposes of Article 39 of the ICSID Convention and Article 7 of Schedule C to the ICSID Additional Facility Rules, and without prejudice to an objection to an arbitrator based on a ground other than nationality:

the respondent agrees to the appointment of each individual member of a Tribunal established under the ICSID Convention or the ICSID Additional Facility Rules; and

an investor may submit a claim to arbitration or continue a claim under the ICSID Convention or, as the case may be, the ICSID Additional Facility Rules only if the investor agrees in writing to the appointment of each member of the Tribunal.

Article X.27: Applicable Law and Interpretation

A Tribunal established under this Chapter shall render its decision consistent with this Agreement as interpreted in accordance with the Vienna Convention on the Law of Treaties, and other rules and principles of international law applicable between the Parties.

Where serious concerns arise as regards matters of interpretation that may affect investment, the Committee on Services and Investment may, pursuant to Article X.42(3)(a), recommend to the Trade Committee the adoption of interpretations of the Agreement. An interpretation adopted by the Trade Committee shall be binding on a Tribunal established under this Chapter. The Trade Committee may decide that an interpretation shall have binding effect from a specific date.

Article X.28: Place of Arbitration

The disputing parties may agree on the place of arbitration under the applicable arbitration rules provided it is in the territory of a party to the New York Convention. If the disputing parties fail to agree on the place of arbitration, the Tribunal shall determine the place of arbitration in accordance with the applicable arbitration rules, provided that it shall be in the territory of either Party or of a third state that is a party to the New York Convention.

Article X.29: Claims Manifestly Without Legal Merit

The respondent may, no later than 30 days after the constitution of the tribunal, and in any event before the first session of the Tribunal, file an objection that a claim is manifestly without legal merit.

An objection may not be submitted under paragraph 1 if the respondent has filed an objection pursuant to Article X.30 (Claims Unfounded as a Matter of Law).

The respondent shall specify as precisely as possible the basis for the objection.

On receipt of an objection pursuant to this Article, the Tribunal shall suspend the proceedings on the merits and establish a schedule for considering any objections consistent with its schedule for considering any other preliminary question.

The Tribunal, after giving the disputing parties an opportunity to present their observations, shall at its first session or promptly thereafter, issue a decision or award, stating the grounds therefor. In doing so, the Tribunal shall assume the alleged facts to be true.

This Article shall be without prejudice to the Tribunal's authority to address other objections as a preliminary question or to the right of the respondent to object, in the course of the proceeding, that a claim lacks legal merit.

Article X.30: Claims Unfounded as a Matter of Law

Without prejudice to a tribunal's authority to address other objections as a preliminary question or to a respondent's right to raise any such objections at any appropriate time, the Tribunal shall address and decide as a preliminary question any objection by the respondent that, as a matter of law, a claim, or any part thereof, submitted pursuant to Article X.22 (Submission of a Claim to Arbitration) is not a claim for which an award in favour of the claimant may be made under this Section, even if the facts alleged were assumed to be true.

An objection under paragraph 1 shall be submitted to the Tribunal no later than the date the Tribunal fixes for the respondent to submit its counter-memorial.

If an objection has been submitted pursuant to Article X.29 (Claims Manifestly Without Legal Merit), the Tribunal may, taking into account the circumstances of that objection, decline to address, under the procedures set out in this Article, an objection submitted pursuant to paragraph 1.

On receipt of an objection under paragraph 1, and, where appropriate, after having taken a decision pursuant to paragraph 3, the Tribunal shall suspend any proceedings on the merits, establish a schedule for considering the objection consistent with any schedule it has established for considering any other preliminary question, and issue a decision or award on the objection, stating the grounds therefor.

Article X.31: Interim Measures of Protection

A Tribunal may order an interim measure of protection to preserve the rights of a disputing party or to ensure that the Tribunal's jurisdiction is made fully effective, including an order to preserve evidence in the possession or control of a disputing party or to protect the Tribunal's jurisdiction. A Tribunal may not order attachment nor may it enjoin the application of the measure alleged to constitute a breach referred to in Article X.22 (Submission of a Claim to Arbitration). For the purposes of this Article, an order includes a recommendation.

Article X.32: Discontinuance

If, following the submission of a claim to arbitration under this Section, the investor fails to take any steps in the proceeding during 180 consecutive days or such periods as the disputing parties may agree, the investor shall be deemed to have withdrawn its claim and to have discontinued the proceedings. The Tribunal, or if no tribunal has been established, the Secretary-General of ICSID shall, at the request of the respondent, and after notice to the disputing parties, in an order take note of the discontinuance. After such an order has been rendered the authority of the tribunal shall lapse.

Article X.33: Transparency of Proceedings

The UNCITRAL Transparency Rules shall apply to the disclosure of information to the public concerning disputes under this Section as modified by this Chapter.

The request for consultations, the notice requesting a determination of the respondent, the notice of determination of the respondent, the agreement to mediate, the notice of intent to challenge, the decision on an arbitrator challenge and the request for consolidation shall be included in the list of documents referred to in Article 3(1) of the UNCITRAL Transparency Rules.

Exhibits shall be included in the list of documents mentioned in Article 3(2) of the UNCITRAL Transparency Rules.

Notwithstanding Article 2 of the UNCITRAL Transparency Rules, prior to the constitution of the tribunal, Canada or the European Union as the case may be shall make publicly available in a timely manner relevant documents pursuant to paragraph 2, subject to the redaction of confidential or protected information. Such documents may be made publicly available by communication to the repository.

Hearings shall be open to the public. The tribunal shall determine, in consultation with the disputing parties, the appropriate logistical arrangements to facilitate public access to such hearings. Where the tribunal determines that there is a need to protect confidential or protected information, it shall make the appropriate arrangements to hold in private that part of the hearing requiring such protection.

Nothing in this Chapter requires a respondent to withhold from the public information required to be disclosed by its laws. The respondent should endeavour to apply such laws in a manner sensitive to protecting from disclosure information that has been designated as confidential or protected information.

Article X.34: Sharing of Information

A disputing party may disclose to other persons in connection with proceedings, including witnesses and experts, such unredacted documents as it considers necessary in the course of proceedings under this Section. However, the disputing party shall ensure that those persons protect the confidential or protected information contained in those documents.

Nothing in this agreement shall be construed to prevent a respondent from disclosing to officials of, as applicable, the European Union, Member States of the European Union and sub-national governments, such unredacted documents as it considers necessary in the course of proceedings under this Section. However, the respondent shall ensure that those officials protect the confidential or protected information contained in those documents.

Article X.35: The non-disputing Party to the Agreement

The respondent shall, within 30 days after receipt or promptly after any dispute concerning confidential or protected information has been resolved, deliver to the non-disputing Party:

a request for consultations, a notice requesting a determination of the respondent, a notice of determination of the respondent, a claim to arbitration, a request for consolidation, and any other documents that are appended to such documents;

on request:

pleadings, memorials, briefs, requests and other submissions made to the tribunal by a disputing party;

written submissions made to the tribunal pursuant to Article 4 (Submission by a third person) of the UNCITRAL Transparency Rules;

minutes or transcripts of hearings of the tribunal, where available; and

orders, awards and decisions of the tribunal.

on request and at the cost of the non-disputing Party, all or part of the evidence that has been tendered to the Tribunal unless publicly available.

The Tribunal shall accept or, after consultation with the disputing parties, may invite, oral or written submissions from the non-disputing Party regarding the interpretation of the Agreement. The non-disputing Party may attend a hearing held under this Section.

The Tribunal shall not draw any inference from the absence of a submission pursuant to paragraph 2.

The Tribunal shall ensure that the disputing parties are given a reasonable opportunity to present their observations on a submission by the non-disputing Party to the Agreement.

Article X.36: Final Award

Where a Tribunal makes a final award against the respondent the Tribunal may award, separately or in combination, only:

monetary damages and any applicable interest;

restitution of property, in which case the award shall provide that the respondent may pay monetary damages representing the fair market value of the property at the time immediately before the expropriation, or impending expropriation became known, whichever is earlier and any applicable interest in lieu of restitution, determined in a manner consistent with Article X.11 (Expropriation).

Subject to paragraphs 1 and 5, where a claim is made under paragraph 1(b) of Article X.22 (Submission of a Claim to Arbitration):

an award of monetary damages and any applicable interest shall provide that the sum be paid to the locally established enterprise;

an award of restitution of property shall provide that restitution be made to the locally established enterprise;

an award of costs in favour of the investor shall provide that it is to be made to the investor; and

the award shall provide that it is made without prejudice to a right that a person, other than a person which has provided a waiver pursuant to Article X.21 (Procedural and Other Requirements for the Submission of a Claim to Arbitration), may have in monetary damages or property awarded under a Party's domestic law.

Monetary damages shall not be greater than the loss suffered by the investor or, as applicable, the locally established enterprise, reduced by any prior damages or compensation already provided. For the calculation of monetary damages, the Tribunal shall also reduce the damages to take into account any restitution of property or repeal or modification of the measure.

A Tribunal may not award punitive damages.

A tribunal shall order that the costs of arbitration be borne by the unsuccessful disputing party. In exceptional circumstances, a tribunal may apportion costs between the disputing parties if it determines that apportionment is appropriate in the circumstances of the claim. Other reasonable costs, including costs of legal representation and assistance, shall be borne by the unsuccessful disputing party, unless the tribunal determines that such apportionment is unreasonable in the circumstances of the claim. Where only parts of the claims have been successful the costs shall be adjusted, proportionately, to the number or extent of the successful parts of the claims.

Article X.37: Indemnification or Other Compensation

A respondent shall not assert, and a tribunal shall not accept a defence, counterclaim, right of setoff, or similar assertion, that an investor or, as applicable, the locally established enterprise, has received, or will receive, indemnification or other compensation pursuant to an insurance or guarantee contract in respect of all or part of the compensation sought in a dispute initiated pursuant to this Section.

Article X.38: Fees and Expenses of the Arbitrators

The fees and expenses of the arbitrators pursuant to Regulation 14(1) of the Administrative and Financial Regulations of the ICSID Convention in force on the date of initiation of the arbitration shall apply.

Article X.39: Enforcement of Awards

An award issued by a Tribunal pursuant to this Section shall be binding between the disputing parties and in respect of that particular case.

Subject to paragraph 3 and the applicable review procedure for an interim award, a disputing party shall recognize and comply with an award without delay.

A disputing party may not seek enforcement of a final award until:

in the case of a final award made under the ICSID Convention:

120 days have elapsed from the date the award was rendered and no disputing party has requested revision or annulment of the award, or

enforcement of the award has been stayed and revision or annulment proceedings have been completed; and

in the case of a final award under the ICSID Additional Facility Rules the UNCITRAL Arbitration Rules, or any other rules applicable pursuant to Article X. 22(2)(d) (Submission of a Claim to Arbitration):

90 days have elapsed from the date the award was rendered and no disputing party has commenced a proceeding to revise, set aside or annul the award, or enforcement of the award has been stayed and a court has dismissed or allowed an application to revise, set aside or annul the award and there is no further appeal.

Execution of the award shall be governed by the laws concerning the execution of judgments in force where such execution is sought.

A claim that is submitted to arbitration under this Chapter shall be deemed to arise out of a commercial relationship or transaction for the purposes of Article I of the New York Convention.

Article X.40: Role of the Parties to the Agreement

No Party shall bring an international claim, in respect of a dispute submitted pursuant to Article X.22 (Submission of a Claim to Arbitration), unless the other Party has failed to abide by and comply with the award rendered in such dispute. This shall not exclude the possibility of dispute settlement under the Dispute Settlement Chapter in respect of a measure of general application

even if that measure is alleged to have violated the agreement as regards a specific investment in respect of which a dispute has been initiated pursuant to Article X.22 (Submission of a Claim to Arbitration) and is without prejudice to Article X.35 (The non-disputing Party to the Agreement).

Paragraph 1 does not preclude informal exchanges for the sole purpose of facilitating a settlement of the dispute.

Article X.41: Consolidation

When two or more claims that have been submitted separately to arbitration under Article X.22 (Submission of a Claim to Arbitration) have a question of law or fact in common and arise out of the same events or circumstances, a disputing party or the disputing parties, jointly, may seek the establishment of a separate Tribunal pursuant to this Article and request that such Tribunal issue a consolidation order.

The disputing party seeking a consolidation order shall first deliver a notice to the disputing parties it seeks to be covered by this order.

Where the disputing parties which have been notified pursuant to paragraph 2 have reached an agreement on the consolidation order to be sought, they may make a joint request for the establishment of a separate Tribunal and a consolidation order pursuant to this Article. Where the disputing parties which have been notified pursuant to paragraph 2 have not reached agreement on the consolidation order to be sought within 30 days of the notice, a disputing party may make a request for the establishment of a separate Tribunal and a consolidation order pursuant to this Article. The request shall be delivered, in writing, to the Secretary-General of ICSID and to all the disputing parties sought to be covered by the order, and shall specify:

the names and addresses of the disputing parties sought to be covered by the order;

the claims, or parts thereof, sought to be covered by the order; and

the grounds for the order sought.

A request for consolidation involving more than one respondent shall require the agreement of all such respondents.

The arbitration rules applicable to the proceedings under this Article shall be determined as follows:

when all of the claims for which a consolidation order is sought have been submitted to arbitration under the same arbitration rules pursuant to Article X.22 (Submission of a Claim to Arbitration), these arbitration rules shall apply;

when the claims for which a consolidation order is sought have not been submitted to arbitration under the same arbitration rules:

the investors may collectively agree on the arbitration rules pursuant to paragraph 2 of Article X.22 (Submission of a Claim to Arbitration); or

if the investors cannot agree on the arbitration rules within 30 days of the Secretary-General of ICSID receiving the request for consolidation, the UNCITRAL Arbitration Rules shall apply.

A Tribunal established under this Article shall comprise three arbitrators: one arbitrator appointed by the respondent, one arbitrator appointed by agreement of the investors, and the third, who shall be the presiding arbitrator, appointed by agreement of the disputing parties. If the respondent or the investors fail to appoint an arbitrator within 45 days after the Secretary-General of ICSID receives a request for consolidation, or if the disputing parties have not agreed to a presiding arbitrator within 60 days after the Secretary-General of ICSID receives a request for consolidation, a disputing party may request the Secretary-General of ICSID to appoint the arbitrator or arbitrators not yet appointed in accordance with paragraph 3 of Article X.25 (Constitution of the Tribunal).

If, after hearing the disputing parties, a Tribunal established under this Article is satisfied that claims submitted to arbitration under Article X.22 (Submission of a Claim to Arbitration) have a question of law or fact in common and arise out of the same events or circumstances, and consolidation would best serve the interests of fair and efficient resolution of the claims including the interest of consistency of arbitral awards, the tribunal may, by order, assume jurisdiction over some or all of the claims, in whole or in part.

Where a Tribunal has been established under this Article and has assumed jurisdiction pursuant to paragraph 6, an investor that has submitted a claim to arbitration under Article X.22 (Submission of a Claim to Arbitration) and whose claim has not been consolidated may make a written request to the Tribunal that it be included in such order provided that the request complies with the requirements set out in paragraph 3. The Tribunal shall grant such order where it is satisfied that the conditions of paragraph 6 are met and that granting such a request would not unduly burden or unfairly prejudice the disputing parties or unduly disrupt the proceedings. Before a Tribunal issues such an order, it shall consult with the disputing parties.

On application of a disputing party, a Tribunal established under this Article, pending its decision under paragraph 6, may order that the proceedings of a Tribunal established under Article X.22 (Submission of a Claim to Arbitration) be stayed unless the latter Tribunal has already adjourned its proceedings.

A Tribunal established under Article X.22 (Submission of a Claim to Arbitration) shall cede jurisdiction in relation to the claims, or parts thereof, over which a tribunal established under this Article has assumed jurisdiction.

The award of the Tribunal established under this Article in relation to those claims, or parts thereof, over which it has assumed jurisdiction shall become binding on the tribunals established pursuant to Article X.22 (Submission of a Claim to Arbitration) as regards those claims, or parts thereof, once the conditions of Article 39(3) (Enforcement of Awards) have been fulfilled.

An investor may withdraw a claim from arbitration under this Section that is subject to consolidation and such claim may not be resubmitted to arbitration under Article X.22 (Submission of a Claim to Arbitration). If it does so no later than 15 days after receipt of the notice of consolidation, its earlier submission of the claim to arbitration shall not prevent the investor's recourse to dispute settlement other than under this Chapter.

At the request of an investor, the Tribunal established under this Article may take such measures as it sees fit in order to preserve the confidential or protected information of that investor vis-à-vis other investors. Such measures may include the submission of redacted versions of documents containing confidential or protected information to the other investors or arrangements to hold parts of the hearing in private.

Article X.42: Committee

The Committee on Services and Investment shall provide a forum for the Parties to consult on issues related to this Section, including:

difficulties which may arise in the implementation of this Chapter;

possible improvements of this Chapter, in particular in the light of experience and developments in other international fora; and,

whether, and if so, under what conditions, an appellate mechanism could be created under the Agreement to review, on points of law, awards rendered by a tribunal under this Section, or whether awards rendered under this Section could be subject to such an appellate mechanism developed pursuant to other institutional arrangements. Such consultations shall take into account the following issues, among others:

the nature and composition of an appellate mechanism;

the applicable scope and standard of review;

transparency of proceedings of an appellate mechanism;

the effect of decisions by an appellate mechanism;

the relationship of review by an appellate mechanism to the arbitration rules that may be selected under Article X.22 (Submission of a Claim to Arbitration); and

the relationship of review by an appellate mechanism to domestic laws and international law on the enforcement of arbitral awards.

The Committee shall, on agreement of the Parties, and after completion of the respective legal requirements and procedures of the Parties:

establish and maintain the list of arbitrators pursuant to Article X.25(3)(Constitution of the Tribunal);

adopt a code of conduct for arbitrators to be applied in disputes arising out of this Chapter, which may replace or supplement the rules in application, and that may address topics including:

disclosure obligations;

the independence and impartiality of arbitrators; and

confidentiality.

The Parties shall make best efforts to ensure that the list of arbitrators is established and the code of conduct adopted no later than the entry into force of the Agreement, and in any event no later than two years after the entry into force of the Agreement.

The Committee may, on agreement of the Parties, and after completion of the respective legal requirements and procedures of the Parties:

recommend to the Trade Committee the adoption of interpretations of the agreement pursuant to Article X.27(2) (Applicable Law and Interpretation);

adopt and amend rules supplementing the applicable arbitration rules, and amend the applicable rules on transparency. Such rules and amendments are binding on the members of a Tribunal established under this Section;

adopt rules for mediation for use by disputing parties as referred to in Article X.19 (Mediation); and

recommend to the Trade Committee the adoption of any further elements of the fair and equitable treatment obligation pursuant to Section 5, Article X.9(4) (Treatment of Investors and of Covered Investments).

Article X.43: Exclusion

The dispute settlement provisions of this Section and of Chapter x (Dispute Settlement) do not apply to the matters referred to in Annex X. 43.1 (Exclusions from Dispute Settlement).

Annex X.43.1 - Exclusions from Dispute Settlement

A decision by Canada following a review under the *Investment Canada Act*, with respect to whether or not to permit an investment that is subject to review, is not subject to the dispute settlement provisions under Sections 6 (Investor-to-State Dispute Settlement) of this Chapter, or to Chapter X (Dispute Settlement) of this Agreement. For greater certainty, this exclusion is without prejudice to the right of any Party to have recourse to Chapter X (Dispute Settlement) with respect to the consistency of a measure with a Party's reservations.

Annex X.11: Expropriation

The Parties confirm their shared understanding that:

1. Expropriation may be either direct or indirect:

direct expropriation occurs when an investment is nationalised or otherwise directly expropriated through formal transfer of title or outright seizure; and

indirect expropriation occurs where a measure or series of measures of a Party has an effect equivalent to direct expropriation, in that it substantially deprives the investor of the fundamental attributes of property in its investment, including the right to use, enjoy and dispose of its investment, without formal transfer of title or outright seizure.

2. The determination of whether a measure or series of measures of a Party, in a specific fact situation, constitutes an indirect expropriation requires a case-by-case, fact-based inquiry that considers, among other factors:

the economic impact of the measure or series of measures, although the sole fact that a measure or series of measures of a Party has an adverse effect on the economic value of an investment does not establish that an indirect expropriation has occurred;

the duration of the measure or series of measures by a Party;

the extent to which the measure or series of measures interferes with distinct, reasonable investment-backed expectations; and

the character of the measure or series of measures, notably their object, context and intent.

3. For greater certainty, except in the rare circumstance where the impact of the measure or series of measures is so severe in light of its purpose that it appears manifestly excessive, non-discriminatory measures of a Party that are designed and applied to protect legitimate public welfare objectives, such as health, safety and the environment, do not constitute indirect expropriations.

Annex X: Public Debt

1. No claim that a restructuring of debt issued by a Party breaches an obligation under Sections [Non-Discriminatory Treatment, Investment Protection] may be submitted to, or if already submitted continue in, arbitration under Section 6 [Investor-State Dispute Settlement] if the restructuring is a negotiated restructuring at the time of submission, or becomes a negotiated restructuring after such submission, except for a claim that the restructuring violates Article X.6 [National Treatment] or Article X.7 [Most-Favoured Nation].
2. Notwithstanding [ISDS: Article X.22 Submission of a Claim to Arbitration, para 4], and subject to paragraph 1 of this Annex, an investor of another Party may not submit a claim under Section 6 [Investor-State Dispute Settlement] that a restructuring of debt issued by a Party breaches an obligation under Sections [Non-Discriminatory Treatment, Investment Protection] (other than Article X.6 [National Treatment] or Article X.7 [Most-Favoured Nation]) unless 270 days have elapsed from the date of receipt by the respondent of the written request for consultations pursuant to [Article X.18 Consultations].
3. For the purposes of this Annex, **‘negotiated restructuring’** means the restructuring or rescheduling of a debt instrument that has been effected through (i) a modification or amendment of such debt instrument, as provided for under its terms, or (ii) a comprehensive debt exchange or other similar process in which the holders of no less than 75 percent of the aggregate principal amount of the outstanding debt under such debt instrument have consented to such debt exchange or other process.

Declaration to Investment Chapter Article X.11 Paragraph 6

Mindful that investor state dispute settlement tribunals are meant to enforce the obligations referred to in Article X.17(1): Scope of a Claim to Arbitration of Chapter x (yyy), and are not an appeal mechanism for the decisions of domestic courts, the Parties recall that the domestic courts of each Party are responsible for the determination of the existence and validity of intellectual property rights. The Parties further recognize that each Party shall be free to determine the appropriate method of implementing the provisions of this Agreement regarding intellectual property within their own legal system and practice. The Parties agree to review the relation between intellectual property rights and investment disciplines within 3 years after entry into force of the agreement or at the request of a Party. Further to this review and to the extent required, the Parties may issue binding interpretations to ensure the proper interpretation of the scope of investment protection under this Agreement in accordance with the provisions of Article X.27: Applicable Law and Rules of Interpretation of Chapter x (Investment)."

JOINT DECLARATION

With respect to Article X.15 (Denial of Benefits - Investment), Article Y (Denial of Benefits – CBTS) and Article XX (National Security Exception – Exceptions), the Parties confirm their understanding that measures that are ‘related to the maintenance of international peace and security’ include the protection of human rights.

11. CROSS-BORDER TRADE IN SERVICES

CHAPTER XX **CROSS-BORDER TRADE IN SERVICES**

23 July, 2014

Article X-01: Scope

1. This Chapter applies to measures adopted or maintained by a Party affecting cross-border trade in services by service suppliers of the other Party, including measures affecting:

- (a) the production, distribution, marketing, sale and delivery of a service;
- (b) the purchase or use of, or payment for, a service; and,
- (c) the access to and use of, in connection with the supply of a service, services which are required to be offered to the public generally.

2. This Chapter does not apply to measures affecting:

- (a) services supplied in the exercise of governmental authority;
- (b) for the European Union, audio-visual services;
- (c) for Canada, cultural industries;
- (d) financial services as defined in Chapter XX (Financial Services);
- (e) air services, related services in support of air services and other services supplied by means of air transport¹⁸, other than;
 - (i) aircraft repair and maintenance services when an aircraft is withdrawn from service;
 - (ii) the selling and marketing of air transport services;
 - (iii) computer reservation system services;
 - (iv) ground handling services
 - (v) airport operation services
- (f) procurement by a Party for goods and services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of goods and services for

¹⁸ These services include services where an aircraft is being used to carry out specialised activities in sectors including agriculture, construction, photography, surveying, mapping, forestry, observation and patrol, and advertising, where this specialised activity is provided by the person that is responsible for the operation of the aircraft.

commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article II of (Chapter XX - Public procurement); or

(g) subsidies, or government support relating to trade in services, provided by a Party.

Nothing in this Chapter shall affect the Parties' rights and obligations under the Agreement on Air Transport between Canada and the European Community and its Member States.

Nothing in this Chapter shall be construed to impose any obligation on a Party with respect to a national of the other Party seeking access to its employment market, or employed on a permanent basis in its territory, or to confer any right on that national with respect to that access or employment.

Article X-02: National Treatment

1. Each Party shall accord to service suppliers and services of the other Party treatment no less favourable than that it accords, in like situations, to its own service suppliers and services.

2. The treatment accorded by a Party under paragraph 1 means, with respect to a government in Canada other than at the federal level, or, with respect to a government of or in a European Member State, treatment no less favourable than the most favourable treatment accorded, in like situations, by that government to its own service suppliers and services.

Article X-03: Formal Requirements

Nothing in Article X-02 (National Treatment) shall be construed to prevent a Party from adopting or maintaining a measure that prescribes formal requirements in connection with the supply of a service, provided that such requirements are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination. Such measures include requirements:

- (a) to obtain a licence, registration, certification or authorisation in order to supply a service or as a membership requirement of a particular profession, such as requiring membership in a professional organisation or participation in collective compensation funds for members of professional organisations;
- (b) for a service provider to have a local agent for service or maintain a local address;
- (c) to speak the national language or hold a driver's licence;
- (d) that a service supplier:
 - (i) post a bond or other form of financial security;
 - (ii) establish or contribute to a trust account;
 - (iii) maintain a particular type and amount of insurance;
 - (iv) provide other similar guarantees; or

- (v) provide access to records.

Article X-04: Most-Favoured-Nation Treatment

Each Party shall accord to service suppliers and services of the other Party treatment no less favourable than that it accords, in like situations, to service suppliers and services of a non-Party.

For greater certainty, the treatment accorded by a Party under paragraph 1 means, with respect to a government in Canada other than at the federal level, or, with respect to a government of or in a European Member State, the treatment accorded, in like situations, by that government in its territory to services or service suppliers of any third country.

3. The obligations set by paragraph 1 of this provision shall not apply to treatment granted under existing or future measures providing for recognition, including through arrangements or agreements with third parties recognising accreditation of testing and analysis, repair and maintenance services and service suppliers, as well as the certification of the qualifications of or the results or work done by such accredited services and service suppliers.

Article X-05: Market Access

Neither Party may adopt or maintain, either on the basis of its entire territory or on the basis of the territory of a national, provincial, territorial, regional or local level of governments, measures that impose limitations on:

- (a) the number of service suppliers, whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;
- (b) the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) the total number of service operations or the total quantity of services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test.

Article X-06: Reservations

1. Articles X-02 (National Treatment), X-04 (Most-Favoured-Nation Treatment) and X-05 (Market Access) do not apply to:

- (a) any existing non-conforming measure that is maintained by a Party at the level of:
 - (i) the European Union, as set out in its Schedule to Annex I;
 - (ii) a national government, as set out by that Party in its Schedule to Annex I;

- (iii) a provincial, territorial, or regional government, as set out by that Party in its Schedule to Annex I; or
- (iv) a local government.

(b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

(c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles X-02 (National Treatment), X-04 (Most-Favoured-Nation Treatment) and X-05 (Market Access).

2. Articles X-02 (National Treatment), X-04 (Most-Favoured-Nation Treatment) and X-05 (Market Access) do not apply to measures that a Party adopts or maintains with respect to sectors, subsectors or activities, as set out in its Schedule to Annex II.

Article X.07: Denial of Benefits

A Party may deny the benefits of this Chapter to a service supplier of the other Party that is an enterprise of that Party and to services of that service supplier if:

services suppliers of a non-Party own or control the enterprise; and

the denying Party adopts or maintains measures with respect to the non-Party that:

are related to maintenance of international peace and security¹⁹; and

prohibit transactions with the enterprise or would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise.

Note: Parties agree that in order to ensure consistency with the Security Exception Article of the Final Provisions of CETA certain adjustments to this article might be needed.

Article X-08: Definitions

For purposes of this Chapter:

cross-border supply of services is defined as the supply of a service:

- (a) from the territory of a Party into the territory of the other Party
- (b) in the territory of a Party to the service consumer of the other Party

but does not include the supply of a service in the territory of a Party by a person or an enterprise of the other Party.

¹⁹ [CAN: For greater certainty, measures that are “related to the maintenance of international peace and security” include the protection of human rights.]

aircraft repair and maintenance services mean such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance;

airport operation services means the operation and/or management, on a fee or contract basis, of airport infrastructure, including terminals, runways, taxiways and aprons, parking facilities, and intra-airport transportation systems.

For greater certainty, Airport Operation Services do not include the ownership of, or investment in, airports or airport lands, or any of the functions carried out by a board of directors.

Airport Operation Services do not include Air Navigation Services.

computer reservation system services mean services supplied by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;

ground handling services means the provision, on a fee or contract basis, of the following services: ground administration and supervision, including load control and communications; passenger handling; baggage handling; cargo and mail handling; ramp handling and aircraft services; fuel and oil handling; aircraft line maintenance, flight operations and crew administration; surface transport; and catering services. Ground handling services do not include security services or the operation or management of centralised airport infrastructure, such as baggage handling systems, de-icing facilities, fuel distribution systems, and intra-airport transport systems.

selling and marketing of air transport services mean opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions;

services supplied in the exercise of governmental authority means any service that is supplied neither on a commercial basis, nor in competition with one or more service suppliers.

service supplier means a person that supplies or seeks to supply a service.

ANNEX X

UNDERSTANDING ON NATIONAL TREATMENT WITH RESPECT TO THE CROSS-BORDER PROVISION OF SERVICES

1. The European Union and Canada share the following understanding with respect to the application of Article X (CBTS - National Treatment) to treatment accorded by a provincial or territorial government in Canada, or by a government of or in a European Member State with respect to the cross-border supply of services as defined in Chapter X or the supply of a service by a natural person of a Party in the territory of the other Party.

2. Pursuant to Article X (CBTS - National Treatment), treatment “*no less favourable than the most favourable treatment accorded, in like situations, by that government to its own service suppliers and services*” does not extend to a person of the other Party, or to a service provided by such persons where:

a) in the case of Canada, a provincial or territorial government of Canada accords more favourable treatment to a service supplier which is a person of another provincial or territorial government of Canada, or to a service provided by such a supplier; and

b) in the case of the European Union,

(i) a government of a Member State of the European Union accords more favourable treatment to a service supplier which is a person of another Member State or to a service provided by such a supplier;

(ii) a regional government of a Member State of the European Union accords more favourable treatment to a service supplier which is a person of another regional government of that Member State, or to a service provided by such a supplier; and,

c) such more favourable treatment is accorded pursuant to specific mutual rights and obligations applicable between these governments.

3. For the European Union, paragraph 2 includes in particular treatment accorded pursuant to the Treaty on the Functioning of the European Union on the free movement of persons and services, as well as to treatment accorded by any measure adopted pursuant to that Treaty. A government of or in a European Member State may accord more favourable treatment pursuant to the Treaty to those natural persons who are nationals of another Member State of the European Union, or to enterprises formed in accordance with the law of another Member State of the European Union and having their registered office, central administration or principal place of business within the European Union, and to the services of such suppliers.

4. For Canada, paragraph 2 includes in particular treatment accorded pursuant to the Canadian Agreement on Internal Trade (AIT) as well as to treatment accorded by any measure adopted pursuant to the AIT and from regional agreements on the free movement of persons and services. A provincial or territorial government in Canada may accord a more favourable treatment pursuant to these agreements to those persons who are residents in the territory of a party to the AIT or regional agreement or to enterprises formed in accordance with the law of a party to the

AIT or regional agreement that have their registered office, central administration or principal place of business within Canada, and to the services of such suppliers.

ANNEX X

Understanding on New Services Not Classified in the United Nations Provisional Central Product Classification (CPC), 1991

1. The Parties agree that Chapter x (Domestic Regulation), Article X (CBTS-National Treatment), Article X (CBTS – Market Access), and Article X (CBTS – MFN) do not apply in respect to any measure relating to a new service that cannot be classified in the United Nations Provisional Central Product Classification (CPC), 1991.
2. To the extent possible, each Party shall notify the other Party prior to adopting measures inconsistent with Chapter X (Domestic Regulation), Article X (CBTS-National Treatment), Article X (CBTS – Market Access) and Article X (CBTS – MFN) with respect to a new service, as referred to in paragraph 1.
3. At the request of a Party, the Parties shall enter into negotiations to incorporate the new service into the scope of the Agreement.
4. For greater certainty, paragraph 1 does not apply to an existing service that could be classified in the United Nations Provisional Central Product Classification (CPC), 1991 but that could not previously be provided on a cross-border basis due to lack of technical feasibility.

12. TEMPORARY ENTRY

CHAPTER X

TEMPORARY ENTRY AND STAY OF NATURAL PERSONS FOR BUSINESS PURPOSES

Article 1: Scope

1. This Chapter reflects the preferential trading relationship between the Parties as well as the mutual objective to facilitate trade in services and investment by allowing temporary entry and stay to natural persons for business purposes and through ensuring transparency of the process.
2. This Chapter applies to measures of the Parties concerning the temporary entry and stay into their territories of key personnel, contractual services suppliers, independent professionals and short term business visitors. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.
3. Nothing in this Chapter shall prevent a Party from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Party under the terms of this Chapter. The sole fact of requiring a visa for natural persons of a certain country and not for those of others shall not be regarded as nullifying or impairing benefits under a specific commitment.
4. To the extent that commitments are not taken in this Chapter, all other requirements of the Parties' laws and regulations regarding entry and stay shall continue to apply, including regulations concerning period of stay.
5. Notwithstanding the provisions of this Chapter, all requirements of the Parties' laws and regulations regarding work and social security measures shall continue to apply, including regulations concerning minimum wages as well as collective wage agreements.
6. Commitments on temporary entry and stay of natural persons for business purposes do not apply in cases where the intent or effect of such movement is to interfere with or otherwise affect the outcome of any labour/management dispute or negotiation, or the employment of any natural person who is involved in such dispute.

Article 2: General Obligations

1. Each Party shall allow temporary entry to natural persons for business purposes of the other Party in accordance with this Chapter, who comply with its immigration measures applicable to temporary entry.
2. Each Party shall apply its measures relating to the provisions of this Chapter in accordance with Article 1(1), and, in particular, shall apply those measures so as to avoid unduly impairing or delaying trade in goods or services or conduct of investment activities under this Agreement.
3. Any fees for processing applications for temporary entry shall be reasonable and commensurate with the costs incurred.

Article 3: Provision of Information

1. Further to Chapter X (Transparency), and recognizing the importance to the Parties of transparency of temporary entry information, each Party shall, no later than six months after the date of entry into force of this Agreement, make available to the other Party explanatory material regarding the requirements for temporary entry under this Chapter that will enable business persons of the other Party to become acquainted with those requirements.
2. Where a Party collects and maintains data relating to temporary entry by category of business persons under this Chapter, the Party shall make available this data to the other Party on request, in accordance with its domestic law related to privacy and data protection.

Article 4: Contact Points

1. The Parties hereby establish Contact Points:
 - (a) in the case of Canada:
 - Director
 - Temporary Resident Policy
 - Immigration Branch
 - Citizenship and Immigration Canada
 - (b) in the case of the European Commission:
 - Director
 - Services and Investment
 - DG Trade
 - European Commission
 - (c) in the case of the EU Member States: contact points list in Appendix D.

or their respective successors.

2. The Contact Points for Canada and the European Commission, and as appropriate the Contact Point(s) for EU Member States, shall exchange information as described in Article 3 and shall meet as required to consider matters pertaining to this Chapter, such as:

- (a) the implementation and administration of this Chapter, including the practice of the Parties in allowing temporary entry;
- (b) the development and adoption of common criteria as well as interpretations for the implementation of the Chapter;
- (c) the development of measures to further facilitate temporary entry of business persons; and
- (d) recommendations to the Joint Committee concerning this Chapter.

Article 5: Obligations in Other Chapters

1. This Agreement does not impose an obligation on a Party regarding its immigration measures, except as specifically identified in this Chapter and in Chapter X [Transparency].

2. Without prejudice to any decision to allow temporary entry to a natural person of the other Party within the terms of this Chapter, including the length of stay permissible pursuant to any such allowance:

(a) the obligations of Article X-02 (Cross-Border Trade in Services – National Treatment) and Article X-05 (Cross-Border Trade in Services – Market Access), subject to Article X-03 (Cross-Border Trade in Services – Formal Requirements) and Article X-01 (Cross-Border Trade in Services – Scope) but not Article X-01.2(d), are hereby incorporated into and made part of this chapter and apply to the treatment of natural persons for business purposes present in the territory of the other Party under the categories of:

- (i) key personnel, as defined in Article 6 of this Chapter; and
- (ii) contractual services suppliers and independent professionals, as defined in Article 6 of this Chapter, for all sectors listed in Annex I (reservations on CSS and IP);

(b) the obligation of Article X-04 (Cross-Border Trade in Services – Most-Favoured-Nation Treatment), subject to Article X-03 (Cross-Border Trade in Services – Formal Requirements) and Article X-01 (Cross-Border Trade in Services -- Scope) but not Article X-01.2(d), are hereby incorporated into and made part of this Chapter and apply to treatment of natural persons for business purposes present in the territory of the other Party under the categories of key personnel, contractual services suppliers and independent professionals, as defined in Article 6 of this Agreement, as well as under the category of Short Term Business Visitors, as defined in Article 9 of this Agreement.

For greater certainty, the above-mentioned obligations apply to the treatment of natural persons for business purposes present in the territory of the Other Party and falling within the relevant

categories who are supplying Financial Services, as defined in Chapter X (Financial Services). These obligations do not apply to measures relating to the granting of temporary entry to natural persons of a Party or of a non-Party.

3. Where a Party has set out a reservation in the schedule of commitments in Annex I, II or III, the reservation also constitutes a reservation to the obligations contained in paragraph 2, to the extent that the measure set out in or permitted by the reservation affect the treatment of natural persons for business purposes present in the territory of the other Party.

Article 6: Definitions

For the purpose of this Chapter:

(a) ‘Natural persons for business purposes’ means key personnel, contractual services suppliers, independent professionals and short-term business visitors who are a citizen of a Party.

(b) ‘Key personnel’ means natural persons employed within an enterprise of one Party and investors who are responsible for the setting-up or the proper control, administration and operation of an enterprise.

‘Key personnel’ comprises ‘business visitors for investment purposes’, ‘investors’ and ‘intra-corporate transferees’.

‘Business visitors for investment purposes’ means natural persons working in a managerial or specialist position who are responsible for setting up an enterprise. They do not engage in direct transactions with the general public and do not receive remuneration from a source located within the host Party.

‘Investor’ means natural person who establishes, develops or administers the operation of an investment in a capacity that is supervisory or executive, and to which that person or the enterprise employing that person has committed, or is in the process of committing, a substantial amount of capital.

(iii) ‘Intra-corporate transferees’ means natural persons who have been employed by an enterprise of one Party or have been partners in it for at least one year and who are temporarily transferred to an enterprise (that may be a subsidiary, branch or head company of the former) in the territory of the other Party. The natural person concerned must belong to one of the following categories:

1. Senior Personnel means natural persons working in a senior position within an enterprise who:

(a) primarily direct the management of the enterprise, or direct the enterprise, a department or sub-division thereof; and

(b) exercise wide latitude in decision making, which may include having the authority personally to recruit and dismiss or taking other personnel actions (such as promotion or leave authorizations), and

(i) receive only general supervision or direction principally from higher level executives, the board of directors and/or stockholders of the business or their equivalent, or

(ii) supervise and control the work of other supervisory, professional or managerial employees and exercise discretionary authority over day-to-day operations.

2. Specialists means natural persons working within an enterprise who possess:

uncommon knowledge of the enterprise's products or services and its application in international markets; or

an advanced level of expertise or knowledge of the enterprise's processes and procedures such as its production, research equipment, techniques or management.

In assessing such expertise or knowledge, Parties will consider abilities that are unusual and different from those generally found in a particular industry and that cannot be easily transferred to another individual in the short-term. Those abilities would have been obtained through specific academic qualifications or extensive experience with the enterprise.

3. Graduate trainees means natural persons who:

possess a university degree; and

are temporarily transferred to an enterprise in the territory of the other Party for career development purposes, or to obtain training in business techniques or methods.

(c) 'Contractual services suppliers' means natural persons employed by an enterprise of one Party which has no establishment in the territory of the other Party and which has concluded a *bona fide* contract (other than through an agency as defined by CPC 872) to supply services with a consumer in the latter Party requiring the presence on a temporary basis of its employees in that Party in order to fulfil the contract to provide services.

(c) 'Independent professionals' means natural persons engaged in the supply of a service and established as self-employed in the territory of a Party who have no establishment in the territory of the other Party and who have concluded a *bona fide* contract (other than through an agency as defined by CPC 872) to supply services with a consumer in the latter Party requiring their presence on a temporary basis in that Party in order to fulfil the contract to provide services.

Article 7: Key Personnel

Each Party shall allow the temporary entry and stay of key personnel of the other Party subject to the reservations and exceptions listed in Appendix B.

2. A Party may not maintain or adopt limitations on the total number of key personnel of the other Party allowed temporary entry, in the form of a numerical restriction or an economic needs test.
3. Each Party shall allow the temporary entry of business visitors for investment purposes without requiring a work permit or other prior approval procedures of similar intent.
4. Each Party shall allow the employment in its territory of intra-corporate transferees and investors of the other Party.
5. The permissible length of stay of key personnel shall be as follows:
 - a) Intra-corporate Transferees (specialists and senior personnel) – the lesser of 3 years or the length of the contract, with a possible extension of up to 18 months at the discretion of the Party²⁰;
 - b) Intra-corporate Transferees (graduate trainees) – the lesser of 1 year or the length of the contract;
 - c) Investors – 1 year, with possible extensions at the discretion of the Party;
 - d) Business Visitors for investment Purposes – 90 days within any six month period²¹.

Article 8: Contractual Services Suppliers and Independent Professionals

1. In accordance with Annex I, each Party shall allow the temporary entry and stay of contractual services suppliers of the other Party, subject to the following conditions:
 - (a) The natural persons must be engaged in the supply of a service on a temporary basis as employees of an enterprise, which has obtained a service contract for a period not exceeding twelve months. If the service contract is longer than 12 months, the commitments in this chapter shall only apply for the initial 12 months of the contract.
 - (b) The natural persons entering the other Party must be offering such services as an employee of the enterprise supplying the services for at least the year immediately preceding the date of submission of an application for entry into the other Party. In addition, the natural persons must possess, at the date of submission of an application for entry into the other Party, at least three years professional experience²² in the sector of activity which is the subject of the contract.

²⁰ The length of stay permitted under this Chapter may not be taken into consideration in the context of an application for citizenship in a Member State of the European Union.

²¹ This is without prejudice to the rights granted to Canada under bilateral visa waivers by EU Member States.

²² Obtained after having reached the age of majority.

(c) The natural persons entering the other Party must possess (i) a university degree or a qualification demonstrating knowledge of an equivalent level²³ and (ii) professional qualifications where this is required to exercise an activity pursuant to the law, regulations or other requirements of the Party, where the service is supplied.

(d) The natural person shall not receive remuneration for the provision of services other than the remuneration paid by the enterprise employing the contractual service supplier during their stay in the territory of the other Party.

(e) Access accorded under the provisions of this Article relates only to the service activity which is the subject of the contract. Entitlement to utilize the professional title of the Party where the service is provided may be granted, as required, by the Relevant Authority (as defined in Chapter [...] Mutual Recognition of Professional Qualifications), through a Mutual Recognition Agreement or otherwise.

(f) The service contract shall comply with the laws, regulations and other legal requirements of the Party where the contract is executed²⁴.

2. In accordance with Annex I, each Party shall allow the temporary entry and stay of independent professionals of the other Party, subject to the following conditions:

(a) The natural persons must be engaged in the supply of a service on a temporary basis as self-employed persons established in the other Party and must have obtained a service contract for a period not exceeding twelve months. If the service contract is longer than 12 months, the commitments in this chapter shall only apply for the initial 12 months of the contract.

(b) The natural persons entering the other Party must possess, at the date of submission of an application for entry into the other Party, at least six years professional experience in the sector of activity which is the subject of the contract.

(c) The natural persons entering the other Party must possess (i) a university degree or a qualification demonstrating knowledge of an equivalent level²⁵ and ii) professional qualifications where this is required to exercise an activity pursuant to the law, regulations or other requirements of the Party, where the service is supplied.

(d) Access accorded under the provisions of this Article relates only to the service activity which is the subject of the contract. Entitlement to utilize the professional title of the Party where the service is provided may be granted, as required, by the Relevant Authority (as defined in Chapter [...] Mutual Recognition of Professional Qualifications), through a Mutual Recognition Agreement or otherwise.

²³ Where the degree or qualification has not been obtained in the Party where the service is supplied, that Party may evaluate whether this is equivalent to a university degree required in its territory. For the purposes of assessing such equivalence, the provisions of Appendix C, subject to reservations in Annex I, shall apply.

²⁴ For greater certainty, the natural person must be engaged by the enterprise for the fulfilment of the services contract pursuant to which Temporary Entry is sought.

²⁵ Where the degree or qualification has not been obtained in the Party where the service is supplied, that Party may evaluate whether this is equivalent to a university degree required in its territory. For the purposes of assessing such equivalence, the provisions of Appendix C, subject to reservations in Annex I, shall apply.

(e) The service contract shall comply with the laws, regulations and other legal requirements of the Party where the contract is executed

3. Unless otherwise specified in Annex I, a Party may not maintain or adopt limitations on the total number of contract service suppliers and independent professionals of the other Party allowed temporary entry, in the form of numerical restrictions or an economic needs test.

4. The length of stay of contractual services suppliers and independent professionals shall be for a cumulative period of not more than twelve months, with extensions possible at the discretion of the Party, in any twenty-four month period or for the duration of the contract, whichever is less.

Article 9: Short-Term Business Visitors

In accordance with Appendix B, each Party shall allow the temporary entry and stay of short-term business visitors of the other Party, with a view to carrying out the activities listed in Appendix D, subject to the following conditions:

(a) they are not engaged in selling their goods or services to the general public;

(b) they do not on their own behalf receive remuneration from a source located within the Party where they are staying temporarily; and

(c) they are not engaged in the supply of a service in the framework of a contract concluded between an enterprise who has no commercial presence in the territory of the Party where the short-term visitors for business purposes are staying temporarily, and a consumer there, except as provided in Appendix D.

2. Each Party shall allow temporary entry of short-term business visitors without the requirement of a work permit or other prior approval procedures of similar intent.

3. The maximum length of stay of short term business visitors shall be 90 days in any six-month period²⁶.

Article 10: Review of commitments

Within five years following the entry into force of this Agreement, the parties will consider updating their respective commitments under articles 7, 8 and 9 of this Chapter.

²⁶

This is without prejudice to the rights granted under bilateral visa waivers by EU Member States.

Appendix A - EU Member States' List of contact points

AT

For residence and visa issues:

Department III/4 - Residence, Civil Status and Citizenship Matters

Federal Ministry of the Interior

For labour market issues:

EU labour market laws and international affairs of labour market laws

Federal Ministry for Labour, Social Affairs and Consumer Protection

BE

Direction générale Potentiel économique

Politique Commerciale

BG

Director of "International labour migration and mediation"

Employment Agency

CY

Director of Civil Registry and Migration Department

Ministry of Interior

CZ

Ministry of Industry and Trade

Department of Common Trade Policy and International Economic Organisations

DE

CETA Advisor

Canadian German Chamber of Industry and Commerce Inc.

DK

Danish Agency for Labour Market and Recruitment

Ministry of Employment

EE

Head of Migration- and Border Policy Department

Estonian Ministry of the Interior

EL

Directorate for Justice, Home Affairs & Schengen issues

Ministry of Foreign Affairs

ES

Ministry of Employment and Social Security

FI

Immigration Unit, Section for employed persons

Finnish Immigration Service

FR

Direction générale des étrangers en France (DGEF).

Ministère de l'Intérieur

HR

Head of Trade Policy Department

Ministry of Foreign and European Affairs

HU

Department for Trade Policy and Global Economy

Ministry of Foreign Affairs

IE

Immigration and Citizenship Policy Division

Irish Naturalisation & Immigration Service

IT

DG Trade Policy

Ministry for Economic Development

LT

International Economic Organizations Division

External Economic Relations Department

Ministry of Foreign Affairs of the Republic of Lithuania

LU

Bureau des Passeports, Visas et Légalisations

Ministry of Foreign Affairs

LV

Office of Citizenship and Migration Affairs of Latvia

MT

Director Citizenship and Expatriate Affairs

Citizenship and Expatriate Affairs Department

Ministry for Home Affairs & National Security

NL

Directorate General for Foreign Economic Relations

Ministry of Foreign Affairs

PT

Directorate General for Consular Affairs and Portuguese Communities

Ministry of Foreign Affairs

PL

Department of Trade Policy

Ministry of Economy

RO

Unit for Residence/Staying UE, SEE Citizens and Third Country – Migration Directorate

General Inspectorate for Immigration (GII)

SE

National Board of trade

Ministry of Justice, Division for Migration and Asylum Policy

SI

Migration Policy and Legislation Division

Migration Office

Internal Administrative Affairs, Migration and Naturalization Directorate

Ministry of the Interior

SK

Aliens Police Department

Bureau of Border and Aliens Police of Presidium of the Police Force

Trade Policy Department

Ministry of Economy

UK

Head of Migration Policy

Immigration and Border Policy Directorate

Home Office

Appendix B – Member-State Specific Reservations and Exceptions for Key Personnel and Short-Term Business Visitors

Article 7 (Key Personnel) or Article 9 (Short-Term Business Visitors) do not apply to any existing non-conforming measure listed in this Appendix, to the extent of the non-conformity. Listed measures may be maintained, continued, promptly renewed or amended, subject to the requirement that the amendment does not decrease the conformity of the measure with the obligations of Articles 7 or 9, as it existed immediately before the amendment²⁷.

Business visitors for investment purposes

All sectors	<p>AT: Business visitor needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>CZ: Business visitor for investment purposes needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>SK: Business visitor for investment purposes needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound. Work permit required, including economic needs test.</p> <p>UK: Permissible length of stay: up to 90 days in any twelve month period. Business visitor needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p>
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Investors

All sectors	<p>AT: Economic needs test.</p> <p>CZ, SK: Work permit, including economic needs test, required in case of investors employed by an enterprise.</p> <p>DK: Maximum stay of 90 days within any six month period. If investors wish to establish a business in Denmark as self-employed, a work permit is required.</p> <p>FI: Investors need to be employed by an enterprise other than a non-profit organisation, in a position of middle/top management.</p> <p>HU: Maximum length of stay 90 days in case the investor is not employed by an enterprise in Hungary. Economic Need Test required in case the investor is employed by an enterprise in Hungary.</p> <p>IT: Economic needs test required in case the investor is not employed by an enterprise.</p> <p>LT, NL, PL: the category of investors is not recognised with regard to natural persons representing the investor.</p> <p>LV: For pre-investment phase maximum length of stay is limited to 90 days within</p>
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²⁷ Paragraph does not apply to UK reservations.

	<p>any six months period. Extension in post-investment phase to 1 year, subject to criteria in national legislation such as field and amount of investment made.</p> <p>UK: The category of investors is not recognised: Unbound.</p>
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Intra-corporate Transferees (specialists and senior personnel)

All sectors	<p>BG: The number of foreign natural persons employed within a Bulgarian enterprise may not exceed 10 percent of the average annual number of citizens of the European Union employed by the respective Bulgarian enterpriseA. Where less than 100 persons are employed, the number may, subject to authorisation, exceed 10 percent.</p> <p>AT, CZ, SK, UK: ICT needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>FI: Senior personnel needs to be employed by an enterprise other than a non-profit organisation.</p> <p>HU: Natural persons who have been a partner in an enterprise do not qualify to be transferred as intra-corporate transferees.</p>
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Intra-corporate Transferees (graduate trainees)

All sectors	<p>AT, CZ, FR, DE, ES, HU, SK: The training which is to be delivered as a result of the transfer of a graduate trainee to an enterprise must be linked to the university degree which has been obtained by the graduate trainee.</p> <p>BG, HU: Economic needs test.</p> <p>CZ, FI, SK, UK: Graduate trainee needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p>
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Short Term Business Visitors

All activities in Appendix D	<p>DK, HR: Work permit, including economic needs test, required in case the Short term business visitor provides a service in the territory of Denmark or Croatia, respectively.</p> <p>LV: Work permit required for operations/activities to be performed on the basis of a contract.</p> <p>SK: In case of providing a service in the territory of Slovakia, a work permit, including economic needs test, is required beyond 7 days in a month or 30 days in calendar year.</p> <p>UK: The category of short term business visitors is not recognised: Unbound.</p>
Research and Design	AT: Work permit, including economic needs test, required, except for research

	<p>activities of scientific and statistical researchers.</p> <p>NL: Work permit required, including economic needs test.</p>
Marketing research	<p>AT: Work permit required, including economic needs test. Economic needs test is waived for research and analysis activities for up to 7 days in a month or 30 days in a calendar year. University degree required.</p> <p>NL: Work permit required, including economic needs test.</p>
Trade Fairs and Exhibitions	<p>AT: Work permit, including economic needs test, required for activities beyond 7 days in a month or 30 days in a calendar year.</p>
After-Sales or After-Lease Service	<p>AT: Work permit required, including economic needs test. Economic needs test is waived for persons training workers to perform services and possessing uncommon knowledge.</p> <p>CZ: Work permit is required beyond 7 days in a month or 30 days in calendar year.</p> <p>FI: Depending on the activity, a residence permit may be required.</p> <p>SE: Work permit required, except for (i) people who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction, or (ii) fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months, in the context of an emergency. No economic needs test performed.</p>
Commercial Transactions	<p>AT: Work permit, including economic needs test, required for activities beyond 7 days in a month or 30 days in a calendar year.</p> <p>FI: The person needs to be providing services as an employee of an enterprise located in the territory of the other Party.</p> <p>NL: Work permit required, including economic needs test.</p>
Tourism personnel	<p>NL: Work permit required, including economic needs test.</p> <p>FI: The person needs to be providing services as an employee of an enterprise located in the territory of the other Party.</p> <p>PL: Unbound.</p> <p>SE: Work permit required, except for drivers and staff of tourist buses. No economic needs test performed.</p>
Translation and Interpretation	<p>AT, NL: Work permit required, including economic needs test.</p> <p>PL: Unbound.</p>

Appendix C - Equivalent Qualifications for Engineering Technologists and Scientific Technologists

For the purpose of this agreement:

For engineering technologists (CPC* 8672, 8673), completion of a 3 year post-secondary degree from an officially recognized institution in engineering technology shall be considered equivalent to a university degree.

For scientific technologists (CPC* 881, 8671, 8674, 8676, 851, 852, 853, 8675, 883), completion of a 3 year post-secondary degree from an officially recognized institution in the disciplines of agriculture, architecture, biology, chemistry, physics, forestry, geology, geophysics, mining and energy shall be considered equivalent to a university degree.

Appendix D - Short-Term Business Visitors' activities

(a) **Meetings and Consultations:** Natural persons attending meetings or conferences, or engaged in consultations with business associates;

(b) **Research and Design:** Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of the other Party;

(c) **Marketing research:** Market researchers and analysts conducting research or analysis for an enterprise located in the territory of the other Party

(d) **Training seminars:** Personnel of an enterprise who enter the territory of the other Party to receive training in techniques and work practices employed by companies or organisations in that Party, provided that the training received is confined to observation, familiarisation and classroom instruction only;

(e) **Trade Fairs and Exhibitions:** Personnel attending a trade fair for the purpose of promoting their company or its products or services;

(f) **Sales:** Representatives of a service or goods supplier taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves. They do not engage in making direct sales to the general public.

(g) **Purchasing:** Buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in the territory of the other Party;

(h) After-Sales or After-Lease Service

Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, including computer software, purchased or leased from an enterprise located outside the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement.

(i) Commercial Transactions

Management and supervisory personnel and financial services personnel (insurers, bankers, or investment brokers) engaging in a commercial transaction for an enterprise located in the territory of the other Party.

(j) Tourism personnel

Tour and travel agents, tour guides or tour operators attending or participating in conventions or accompanying a tour that has begun in the territory of the other Party.

(k) Translation and Interpretation

Translators or interpreters performing services as employees of an enterprise located in the territory of another Party.

Annex I

SECTORAL COMMITMENTS ON CONTRACTUAL SERVICES SUPPLIERS AND INDEPENDENT PROFESSIONALS

The Parties shall allow the supply of services into their territories by contractual service suppliers and independent professionals of the other Party through the presence of natural persons, in accordance with Article 8 (Contractual Service Suppliers and Independent Professionals) of Chapter [...] (Temporary Entry and Stay of Natural Persons for Business Purposes), for the sectors listed below, and subject to the relevant limitations.

The list of reservations is composed of the following elements:

the first column indicating the sector or sub-sector in which reservations apply; and

the second column describing the applicable limitations.

In identifying individual sectors and sub-sectors:

CPC means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, *CPC prov*, 1991; and

CPC ver. 1.0 means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, *CPC ver 1.0*, 1998.

For Canada, sectoral commitments shall apply to occupations listed under level “0” and “A” of Canada’s National Occupational Classification (NOC).

The list of reservations below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, when they do not constitute a limitation within the meaning of Article 8 (Contractual Service Suppliers and Independent Professionals) of Chapter [...] (Temporary Entry and Stay of Natural Persons for Business Purposes). Those measures (e.g. need to obtain a licence, need to obtain recognition of qualifications in regulated sectors, and need to pass specific examinations, including language examinations), even if not listed below, apply in any case to contractual service suppliers and independent professionals of the Parties.

For the EU, in the sectors where economic needs tests are applied, their main criteria will be the assessment of the relevant market situation in the Member State of the European Union or the region where the service is to be provided, including with respect to the number of, and the impact on, existing services suppliers.

The EU takes commitments with respect to Article 8 differentiated by its Member States, as set out in the list of reservations.

The rights and obligations arising from this annex shall have no self-executing effect and thus confer no rights directly on natural or juridical persons.

The following abbreviations are used in the list below:

	AT	Austria
	BE	Belgium
	BG	Bulgaria
CY	Cyprus	
	CZ	Czech Republic
	DE	Germany
	DK	Denmark
	EE	Estonia
ES	Spain	
EU	European Union, including all its Member States	
	FI	Finland
	FR	France
	EL	Greece
	HR	Croatia
	HU	Hungary
	IE	Ireland
	IT	Italy
	LV	Latvia
	LT	Lithuania
	LU	Luxembourg
	MT	Malta
	NL	The Netherlands
	PL	Poland
	PT	Portugal
	RO	Romania
SK	Slovak Republic	
	SI	Slovenia
	SE	Sweden
	UK	United Kingdom
CAN	Canada	

The obligations of Article 8.1 apply to the following sectors or sub-sectors:

Legal advisory services in respect of international public law and foreign law (i.e. non-EU law)

Accounting and bookkeeping services

Taxation advisory services

Architectural services and urban planning and landscape architecture services

Engineering services and integrated engineering services

Medical and dental services

Veterinary services

Midwives services

Services provided by nurses, physiotherapists and paramedical personnel

Computer and related services

Research and development services

Advertising services

Market research and opinion polling

Management consulting services

Services related to management consulting

Technical testing and analysis services

Related scientific and technical consulting services

Mining

Maintenance and repair of vessels

Maintenance and repair of rail transport equipment

Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment

Maintenance and repair of aircrafts and parts thereof

Maintenance and repair of metal products, of (non-office) machinery, of (non-transport and non-office) equipment and of personal and household goods

Translation and interpretation services

Telecommunication services

Postal and courier services

Construction and related engineering services

Site investigation work

Higher education services

Services Relating to Agriculture, Hunting and Forestry

Environmental services

Insurance and insurance related services advisory and consulting services

Other financial services advisory and consulting services

Transport advisory and consulting services

Travel agencies and tour operators' services

Tourist guides services

Manufacturing advisory and consulting services

The obligations of Article 8.2 apply to the following sectors or sub-sectors:

- 1) *Legal advisory services in respect of international public law and foreign law (i.e. non-EU law)*
- 2) *Architectural services and urban planning and landscape architecture services*
- 3) *Engineering services and integrated engineering services*
- 4) *Computer and related services*
- 5) *Research and development services*
- 6) *Market research and opinion polling*
- 7) *Management consulting services*
- 8) *Services related to management consulting*
- 9) *Mining*
- 10) *Translation and interpretation services*
- 11) *Telecommunication services*
- 12) *Postal and courier services*
- 13) *Higher education services*
- 14) *Insurance related services advisory and consulting services*
- 15) *Other financial services advisory and consulting services*
- 16) *Transport advisory and consulting services*
- 17) *Manufacturing advisory and consulting services*

List of reservations

Sector or sub-sector	Description of reservations
EU - ALL SECTORS	<p style="text-align: center;"><u>Length of stay</u></p> <p>In AT, UK: Maximum stay for CSS and IP shall be for a cumulative period of not more than 6 months in any 12 month period or for the duration of the contract, whichever is less.</p> <p>In LT: Maximum stay for CSS and IP shall be for a period of 6 months renewable once for an additional period of 6 months, or for the duration of the contract, whichever is less.</p> <p>In BE, CZ, MT, PT: Maximum stay for CSS and IP shall be for a period of not more than 12 consecutive months or for the duration of the contract, whichever is less.</p> <p style="text-align: center;"><u>Technologists</u></p> <p>Appendix C applies to the EU with the exception of: AT, DE, EL, ES, HU, IT, LT, NL, PT, SK, UK.</p> <p>In CY: Appendix C applies only with regard to technologists active in sub-sectors CPC 8676, 851, 852, 853, 883.</p> <p>In FI: Economic needs test.</p> <p>In FR: Appendix C applies only with regard to technologists active in sub-sector CPC 86721.</p> <p>In PL: Technologist must possess as a minimum a degree equivalent to bachelor's degree.</p>
CAN – ALL SECTORS	<p style="text-align: center;"><u>Technologists</u></p> <p>CAN: Appendix C applies.</p>
Legal advisory services in respect of public international law and foreign law (i.e. non-domestic law) (part of CPC 861)	<p><u>CSS:</u></p> <p>In AT, BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, PT, SE, UK: None.</p> <p>In BG, CZ, DK, FI, HU, LT, LV, MT, RO, SI, SK: Economic needs test.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In AT, CY, DE, EE, FR, HR, IE, LU, LV, NL, PL, PT, SE, UK: None.</p> <p>In BE, BG, CZ, DK, EL, ES, FI, HU, IT, LT, MT, RO, SI, SK: Economic needs tests.</p> <p>CAN: None.</p>

Sector or sub-sector	Description of reservations
Accounting and bookkeeping services (CPC 86212 other than “auditing services”, CPC 86213, CPC 86219 and CPC 86220)	<u>CSS:</u> In AT, BE, CY, DE, EE, ES, HR, IE, IT, LU, NL, PL, PT, SI, SE, UK : None. In BG, CZ, DK, EL, FI, FR, HU, LT, LV, MT, RO, SK : Economic needs test. CAN : None. <u>IP:</u> EU : Unbound. CAN : Unbound.
Taxation advisory services (CPC 863) ²⁸	<u>CSS:</u> In AT, BE, CY, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, SI, SE, UK : None. In BG, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK : Economic needs test. In PT : Unbound. CAN : None. <u>IP:</u> EU : Unbound. CAN : Unbound.
Architectural services and Urban planning and landscape architectural services (CPC 8671 and CPC 8674)	<u>CSS:</u> In BE, CY, EE, ES, EL, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK : None. In FI : None, except: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied. In BG, CZ, DE, HU, LT, LV, RO, SK : Economic needs test. In DK : Economic needs test except for CSS stays of up to three months. In AT : Urban planning services only, where: Economic needs test. CAN : None.

²⁸

Does not include legal advisory and legal representational services on tax matters, which are to be found under legal advisory services in respect of public international law and foreign law.

Sector or sub-sector	Description of reservations
	<p><u>IP:</u></p> <p>In CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In FI: None, except: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied.</p> <p>In BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test.</p> <p>In AT: Urban planning services only, where: Economic needs test.</p> <p>CAN: None.</p>
<p>Engineering services and Integrated engineering services (CPC 8672 and CPC 8673)</p>	<p><u>CSS:</u></p> <p>In BE, CY, EE, ES, EL, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In FI: None, except: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied.</p> <p>In BG, CZ, DE, LT, LV, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>In AT: Planning services only, where: Economic needs test.</p> <p>In HU: Economic needs test.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In FI: None, except: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied.</p> <p>In BE, BG, CZ, DK, ES, IT, LT, RO, SK: Economic needs test.</p> <p>In AT: Planning services only, where: Economic needs test.</p> <p>In HU: Economic needs test.</p> <p>CAN: None.</p>
<p>Medical (including psychologists) and dental services (CPC 9312 and part of CPC 85201)</p>	<p><u>CSS:</u></p> <p>In SE: None.</p> <p>In CY, CZ, DE, DK, EE, ES, IE, IT, LU, MT, NL, PL, PT, RO, SI: Economic needs test.</p> <p>In FR: Economic needs test except for psychologists, where: unbound.</p>

Sector or sub-sector	Description of reservations
	<p>In AT: Unbound except for psychologists and dental services, where: Economic needs test.</p> <p>In BE, BG, EL, FI, HR, HU, LT, LV, SK, UK: Unbound.</p> <p>CAN: Unbound.</p> <p><u>IP</u>:</p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Veterinary services (CPC 932)</p>	<p><u>CSS</u>:</p> <p>In SE: None.</p> <p>In CY, CZ, DE, DK, EE, EL, ES, FI, FR, IE, IT, LT, LU, MT, NL, PL, PT, RO, SI: Economic needs test.</p> <p>In AT, BE, BG, HR, HU, LV, SK, UK: Unbound.</p> <p>CAN: Unbound.</p> <p><u>IP</u>:</p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Midwives services (part of CPC 93191)</p>	<p><u>CSS</u>:</p> <p>In SE: None.</p> <p>In AT, CY, CZ, DE, DK, EE, EL, ES, FR, IE, IT, LT, LV, LU, MT, NL, PL, PT, RO, SI: Economic needs test.</p> <p>In BE, BG, FI, HR, HU, SK, UK: Unbound.</p> <p>CAN: Unbound.</p> <p><u>IP</u>:</p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Services provided by nurses, physiotherapists and paramedical personnel (part of CPC 93191)</p>	<p><u>CSS</u>:</p> <p>In SE: None.</p> <p>In AT, CY, CZ, DE, DK, EE, EL, ES, FR, IE, IT, LT, LV, LU, MT, NL,</p>

Sector or sub-sector	Description of reservations
	<p>PL, PT, RO, SI: Economic needs test.</p> <p>In BE, BG, FI, HR, HU, SK, UK: Unbound.</p> <p>CAN: Unbound.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Computer and related services (CPC 84)</p>	<p><u>CSS:</u></p> <p>In BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In FI: None, except: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied.</p> <p>In AT, BG, CZ, HU, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, EL, FR, IE, LU, LV, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In FI: None, except: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied.</p> <p>In AT, BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test.</p> <p>In HR: Unbound.</p> <p>CAN: None.</p>
<p>Research and development Services (CPC 851, 852 excluding psychologists services²⁹, 853)</p>	<p><u>CSS:</u></p> <p>EU except in SE: A hosting agreement with an approved research organisation is required³⁰.</p> <p>EU except in CZ, DK, SK: None</p> <p>In CZ, DK, SK: Economic needs test.</p> <p>CAN: None.</p>

²⁹ Part of CPC 85201, which is to be found under medical and dental services.

³⁰ For all Member States except UK and DK, the approval of the research organisation and the hosting agreement have to meet the conditions set pursuant to EU Directive 2005/71/EC.

Sector or sub-sector	Description of reservations
	<p><u>IP:</u></p> <p>EU except in SE: A hosting agreement with an approved research organisation is required³¹.</p> <p>EU except in BE, CZ, DK, IT, SK: None</p> <p>In BE, CZ, DK, IT, SK: Economic needs test.</p> <p>CAN: None.</p>
Advertising (CPC 871)	<p><u>CSS:</u></p> <p>In BE, CY, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK: Economic needs test.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
Market research and opinion polling (CPC 864)	<p><u>CSS:</u></p> <p>In BE, CY, DE, EE, ES, FR, IE, IT, LU, NL, PL, SE, UK: None.</p> <p>In AT, BG, CZ, DK, EL, FI, HR, LV, MT, RO, SI, SK: Economic needs test.</p> <p>In PT: None except for public opinion polling services (CPC 86402), where: Unbound.</p> <p>In HU, LT: Economic needs test except for public opinion polling services (CPC 86402), where: Unbound.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, FR, IE, LU, NL, PL, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, EL, ES, FI, HR, IT, LV, MT, RO, SI, SK: Economic needs test.</p> <p>In PT: None except for public opinion polling services (CPC 86402), where: Unbound.</p> <p>In HU, LT: Economic needs test except for public opinion polling services</p>

³¹

For all Member States except UK and DK, the approval of the research organisation and the hosting agreement have to meet the conditions set pursuant to EU Directive 2005/71/EC.

Sector or sub-sector	Description of reservations
	<p>(CPC 86402), where: Unbound.</p> <p>CAN: None.</p>
<p>Management consulting services (CPC 865)</p>	<p><u>CSS:</u></p> <p>In BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, HU, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, EL, FI, FR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, ES, HR, HU, IT, LT, RO, SK: Economic needs test.</p> <p>CAN: None.</p>
<p>Services related to management consulting (CPC 866)</p>	<p><u>CSS:</u></p> <p>In BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>In HU: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, EL, FI, FR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, ES, HR, IT, LT, RO, SK: Economic needs test</p> <p>In HU: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.</p> <p>CAN: None.</p>
<p>Technical testing and analysis services (CPC 8676)</p>	<p><u>CSS:</u></p>

Sector or sub-sector	Description of reservations
	<p>In BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, SI, SE, UK: None.</p> <p>In AT, BG, CZ, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>CAN: None.</p> <p><u>IP</u>:</p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Related scientific and technical consulting services (CPC 8675)</p>	<p><u>CSS</u>:</p> <p>In BE, CY, EE, EL, ES, HR, IE, IT, LU, NL, PL, SI, SE, UK: None.</p> <p>In AT, CZ, DE, DK, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test.</p> <p>In DE: None, except for publicly appointed surveyors, where: Unbound.</p> <p>In FR: None, except for “surveying” operations relating to the establishment of property rights and to land law, where: Unbound.</p> <p>In BG: Unbound.</p> <p>CAN: None.</p> <p><u>IP</u>:</p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Mining (CPC 883, advisory and consulting services only)</p>	<p><u>CSS</u>:</p> <p>In BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, HU, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>CAN: None.</p> <p><u>IP</u>:</p> <p>In CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, ES, HU, IT, LT, PL, RO, SK: Economic needs test.</p>

Sector or sub-sector	Description of reservations
	CAN: None.
Maintenance and repair of vessels (part of CPC 8868)	<p><u>CSS:</u></p> <p>In BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SI, SE, UK: None</p> <p>In AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK: Economic needs test.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
Maintenance and repair of rail transport equipment (part of CPC 8868)	<p><u>CSS:</u></p> <p>In BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment (CPC 6112, CPC 6122, part of CPC 8867 and part of CPC 8868)	<p><u>CSS:</u></p> <p>In BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK: Economic needs test.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>

Sector or sub-sector	Description of reservations
Maintenance and repair of aircraft and parts thereof (part of CPC 8868)	<p><u>CSS:</u></p> <p>In BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
Maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods ³² (CPC 633, CPC 7545, CPC 8861, CPC 8862, CPC 8864, CPC 8865 and CPC 8866)	<p><u>CSS:</u></p> <p>In BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DE, DK, HU, IE, LT, RO, SK: Economic needs test.</p> <p>In FI: Unbound, except in the context of an after-sales or after-lease contract, where: the length of stay is limited to six months; for maintenance and repair of personal and household goods (CPC 633): Economic needs test.</p> <p>CAN: None, except for Managers in Utilities, where: Unbound.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
Translation and interpretation Services (CPC 87905, excluding official or certified activities)	<p><u>CSS:</u></p> <p>In BE, CY, DE, EE, EL, ES, FR, HR, IT, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DK, FI, HU, IE, LT, LV, RO, SK: Economic needs test.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, FR, LU, LV, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, EL, ES, FI, HU, IE, IT, LT, RO, SK: Economic</p>

³²

Maintenance and repair services of office machinery and equipment including computers (CPC 845) are to be found under computer services.

Sector or sub-sector	Description of reservations
	<p>needs test.</p> <p>In HR: Unbound.</p> <p>CAN: None.</p>
<p>Telecommunication services (CPC 7544, advisory and consulting services only)</p>	<p><u>CSS</u>:</p> <p>In BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, HU, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP</u>:</p> <p>In CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test.</p> <p>CAN: None, except for Managers, where: Unbound.</p>
<p>Postal and courier services (CPC 751, advisory and consulting services only)</p>	<p><u>CSS</u>:</p> <p>In BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, FI, HU, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP</u>:</p> <p>In CY, DE, EE, EL, FR, HR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, ES, FI, HU, IT, LT, RO, SK: Economic needs test.</p> <p>CAN: None, except for Managers, where: Unbound.</p>
<p>Construction and related engineering services CPC 511, 512, 513, 514, 515, 516, 517, 518. BG: CPC 512, 5131, 5132, 5135, 514, 5161, 5162, 51641, 51643, 51644, 5165, 517.</p>	<p><u>CSS</u>:</p> <p>EU: Unbound except in BE, CZ, DK, ES, FR, NL and SE.</p> <p>In BE, DK, ES, NL, SE: None.</p>

Sector or sub-sector	Description of reservations
	<p>In CZ: Economic needs test.</p> <p>In FR: Unbound except for technicians, where: the work permit is delivered for a period not exceeding six months. Compliance with an economic needs test is required.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP</u>:</p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Site investigation work (CPC 5111)</p>	<p><u>CSS</u>:</p> <p>In BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, FI, HU, LT, LV, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>CAN: None.</p> <p><u>IP</u>:</p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
<p>Higher education services (CPC 923)</p>	<p><u>CSS</u>:</p> <p>EU except in LU, SE: Unbound.</p> <p>In LU: Unbound, except for university professors, where: None.</p> <p>In SE: None, except for publicly funded and privately funded educational services suppliers with some form of State support, where: Unbound.</p> <p>CAN: Unbound.</p> <p><u>IP</u>:</p> <p>EU except in SE: Unbound.</p> <p>In SE: None, except for publicly funded and privately funded educational services suppliers with some form of State support, where: Unbound.</p> <p>CAN: Unbound.</p>
<p>Agriculture, hunting and forestry (CPC 881, advisory and consulting)</p>	

Sector or sub-sector	Description of reservations
services only)	<p><u>CSS:</u></p> <p>EU except in BE, DE, DK, ES, FI, HR and SE : Unbound</p> <p>In BE, DE, ES, HR, SE: None</p> <p>In DK: Economic needs test.</p> <p>In FI: Unbound except for advisory and consulting services relating to forestry, where: None.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
Environmental services (CPC 9401 ³³ , CPC 9402, CPC 9403, CPC 9404 ³⁴ , part of CPC 9406 ³⁵ , CPC 9405, part of CPC 9406, CPC 9409)	<p><u>CSS:</u></p> <p>In BE, CY, EE, ES, FI, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DE, DK, EL, HU, LT, LV, RO, SK: Economic needs test.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>EU: Unbound.</p> <p>CAN: Unbound.</p>
Insurance and insurance related services (advisory and consulting services only)	<p><u>CSS:</u></p> <p>In BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, FI, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>In HU: Unbound.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, EL, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK:</p>

³³ Corresponds to sewage services.

³⁴ Corresponds to cleaning services of exhaust gases.

³⁵ Corresponds to parts of nature and landscape protection services.

Sector or sub-sector	Description of reservations
	<p>None.</p> <p>In AT, BE, BG, CZ, DK, ES, FI, IT, LT, PL, RO, SK: Economic needs test.</p> <p>In HU: Unbound.</p> <p>CAN: None.</p>
Other financial services (advisory and consulting services only)	<p><u>CSS:</u></p> <p>In BE, CY, DE, ES, EE, EL, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, FI, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS that stays of up to three months.</p> <p>In HU: Unbound.</p> <p>CAN: None.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, EL, FR, HR, IE, LV, LU, MT, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, ES, FI, IT, LT, NL, PL, RO, SK: Economic needs test.</p> <p>In HU: Unbound.</p> <p>CAN: None.</p>
Transport (CPC 71, 72, 73, 74, advisory and consulting services only)	<p><u>CSS:</u></p> <p>In CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, HU, LT, RO, SK: Economic needs test.</p> <p>In DK: Economic needs test except for CSS stays of up to three months.</p> <p>In BE: Unbound.</p> <p>CAN: None, except for Managers, where: Unbound.</p> <p><u>IP:</u></p> <p>In CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK: None.</p> <p>In AT, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test.</p> <p>In PL: Economic needs test, except for air transport, where: None.</p> <p>In BE: Unbound.</p>

Sector or sub-sector	Description of reservations
	CAN: None, except for Managers, where: Unbound.
Travel agencies and tour operators services (including tour managers³⁶) (CPC 7471)	<u>CSS:</u> In AT, CY, CZ, DE, EE, ES, FR, HR, IT, LU, NL, PL, SI, SE, UK : None. In BG, EL, FI, HU, LT, LV, MT, PT, RO, SK : Economic needs test. In DK : Economic needs test except for CSS stays of up to three months. In BE, IE : Unbound except for tour managers, where: None. CAN: None. <u>IP:</u> EU: Unbound. CAN: Unbound.
Tourist guides services (CPC 7472)	<u>CSS:</u> In SE, UK : None. In AT, BE, BG, CY, CZ, DE, DK, EE, FI, FR, EL, HU, IE, IT, LV, LU, MT, NL, RO, SK, SI : Economic needs test. In ES, HR, LT, PL, PT : Unbound. CAN: None. <u>IP:</u> EU: Unbound. CAN: Unbound.
Manufacturing (CPC 884, 885, advisory and consulting services only)	<u>CSS:</u> In BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK : None. In AT, BG, CZ, HU, LT, RO, SK : Economic needs test. In DK : Economic needs test except for CSS stays of up to three months. CAN: None, except for Managers, where: Unbound.

³⁶

Services suppliers whose function is to accompany a tour group of a minimum of 10 persons, without acting as guides in specific locations.

Sector or sub-sector	Description of reservations
	<p><u>IP:</u></p> <p>In CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK: None.</p> <p>In AT, BE, BG, CZ, DK, ES, HU, IT, LT, PL, RO, SK: Economic needs test.</p> <p>CAN: None, except for Managers, where: Unbound.</p>

ANNEX XXX - Understanding on Spouses

For the European Union Member States that are subject to the application of the Directive, the European Union shall extend to spouses of Canadian citizens who are intra-corporate transferees to the European Union, rights of temporary entry and stay equivalent to those granted to spouses of intra-corporate transferees under the ICT Directive; and

Canada shall extend to spouses of European Union citizens who are intra-corporate transferees to Canada equivalent treatment to that granted to spouses of Canadian citizens who are intra-corporate transferees in the Member State of origin of the European Union intra-corporate transferee.

13. MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

Chapter xx

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

31 July, 2014

Article 1: Objectives and Scope

1. This Chapter establishes the framework to facilitate a fair, transparent and consistent regime for the mutual recognition of professional qualifications by the Parties and determines the general conditions for the negotiation of agreements on the mutual recognition of professional qualifications (MRAs).
2. This chapter applies to professions which are regulated in both Parties, including in all or some EU Member States and in all or some Provinces and Territories of Canada.
3. No Party may accord recognition in a manner that would constitute a means of discrimination in the application of its criteria for the authorization, licensing or certification of services suppliers, or a disguised restriction on trade in services.
4. An MRA adopted pursuant to this Chapter shall apply throughout the entire territories of the EU and Canada, as defined in Article X Geographical Scope of Application of Chapter Y.

For greater certainty, the obligations of this chapter apply to the Exclusive Economic Zones and Continental Shelves, as provided in the United Nations Convention on the Law of the Sea of 10 December 1982:

- (a) of Canada as referred to in Article X.02 (Country-specific definitions – Geographical scope of Application (a)); and
- (b) in which the Treaty on the European Union and the Treaty on the Functioning of the European Union Treaty are applied as referred to in Article X.02 (Country-specific definitions – Geographical scope of Application (b)).

Article 2: Definitions

Jurisdiction means the territory of Canada and of each of the Member States of the European Union, insofar as this Agreement applies in these territories in accordance with Article X Geographical Scope of Application in Chapter Y.

Negotiating Entity means a person or body entitled or empowered to negotiate an MRA.

Professional experience means the effective and lawful practice of a service activity.

Professional qualifications mean the qualifications attested by evidence of formal qualification and/or professional experience.

Relevant Authority means any authority or body, designated pursuant to legislative, regulatory or administrative provisions to recognize qualifications and authorize the practice of a profession in a jurisdiction;

Regulated profession means a service activity, the exercise of which, including the use of a title or designation, is subject to the possession of specific qualifications, by virtue of legislative, regulatory or administrative provisions.

Article 3: Negotiation of an agreement on the mutual recognition of professional qualifications

a) The Parties shall encourage the Relevant Authorities or professional bodies, as appropriate, in their respective jurisdictions to develop and provide to the Joint Committee on Mutual Recognition (the Joint Committee) joint recommendations on proposed MRAs.

b) A recommendation shall:

i) provide an assessment of the potential value of an MRA, on the basis of criteria such as the existing level of market openness, industry needs, and business opportunities (e.g. the number of professionals likely to benefit from the MRA), the existence of other MRAs in the sector, and expected gains in terms of economic and business development.

ii) provide an assessment as to the compatibility of their respective licensing and/or qualification regimes and the intended approach for the negotiation of an MRA.

c) in light of each Party's consultations with its respective Relevant Authorities, the Joint Committee shall, within a reasonable period of time, review the recommendation with a view to ensuring its consistency with the requirements of this Chapter. Where these requirements are satisfied, the Joint Committee shall establish the necessary steps to negotiate and each Party shall inform its respective Relevant Authorities.

d) the Negotiating Entities shall thereafter pursue the negotiation and submit a draft MRA text to the Joint Committee.

e) the Joint Committee will thereafter review the draft MRA to ensure its consistency with the Agreement.

f) If in the view of the Joint Committee the MRA is consistent with the Agreement, the Joint Committee shall adopt the MRA by means of a decision, which shall be conditional upon subsequent notification to the Committee by each Party of the fulfillment of their respective internal requirements. The decision shall become binding on the Parties upon notification to the

Committee by each Party.

Article 4: Recognition

a) The recognition of professional qualifications provided by an MRA shall allow the beneficiary to take up and pursue professional activities in the territory of the host jurisdiction, in accordance with the terms and conditions specified in the MRA.

Where the professional qualifications of a service supplier in a Party are recognised by the other Party pursuant to an MRA, a Relevant Authority of the host jurisdiction shall accord to this service supplier treatment no less favourable than that accorded in like situations to like service suppliers which it has certified or attested in its own jurisdiction.

(b) Recognition under an MRA cannot be conditioned upon:

- (i) a service supplier meeting a citizenship or any form of residency requirement, or
- (ii) a service supplier's education, experience or training having been acquired in the Party's own jurisdiction.

Article 5: Joint Committee on Cooperation for the Recognition of Qualifications

a) On entry into force of this Agreement, a Joint Committee responsible for the implementation of Article XY of this Chapter will be established.

The Joint Committee shall:

- (i) be composed and co-chaired by Canada and the EU;
- (ii) comprise representatives of each Party which must be different from the Relevant Authorities or professional bodies mentioned in Article 3a), the list of which will be communicated through an exchange of letters.
- (iii) meet within one year after this Agreement enters into force, and thereafter as necessary or as agreed;
- (iv) determine its own rules of procedure;
- (v) facilitate the exchange of information regarding laws, regulations, policies and practices concerning standards or criteria for the authorization, licensing or certification of regulated professions;
- (vi) make publicly available information regarding the negotiation and implementation of MRAs;
- (vii) report to the [CETA Commission], on the progress of the negotiation and implementation of MRAs; and

(viii) as appropriate, provide information and complement the guidelines set out in the Annex to this Chapter.

Article 6: Guidelines for the Negotiation and Conclusion of Agreements on the Mutual Recognition of Professional Qualifications

As part of this framework to achieve mutual recognition of qualifications, the Parties set forth in Annex XX non-binding guidelines with respect to the negotiation and conclusion of MRAs.

Article 7: Contact Points

Each Party shall establish one or more contact points for the administration of this Chapter.

ANNEX X Y**Guidelines for Agreements on the Mutual Recognition of Professional Qualifications (MRAs)****Introduction**

This Annex contains guidelines to provide practical guidance for and to facilitate the negotiation of MRAs with respect to regulated professions. These guidelines are non-binding and they do not modify or affect the rights and obligations of the Parties under this Agreement.

The examples listed under the various sections of these guidelines are provided by way of illustration.

Form and Content of the Agreement

This section sets out various issues that may be addressed in any negotiations and, if so agreed, included in final MRAs. It outlines some basic ideas on what might be required of foreign professionals seeking to benefit from an MRA.

1. Participants

The parties to the MRA should be clearly stated.

2. Purpose of Agreement

The purpose of the MRA should be clearly stated.

3. Scope of the MRA

The MRA should set out clearly:

- i) the scope of the MRA, in terms of the specific professional titles and activities which it covers;
- ii) who is entitled to use the professional titles concerned;
- iii) whether the recognition mechanism is based on formal qualifications, a licence obtained in the home jurisdiction, or on some other requirement(s); and
- iv) whether the MRA covers temporary and/or permanent access to the profession concerned.

4. Mutual Recognition Provisions

The MRA should clearly specify the conditions to be met for the recognition of qualifications in each jurisdiction and the level of equivalence agreed.

The following four-step process should be considered to simplify and facilitate the recognition of the qualifications.

Four-Step Process for the Recognition of Qualifications

Step One: Verification of Equivalency

The Negotiating Entities should verify the overall equivalence of the scopes of practice or qualifications of the regulated profession in their respective jurisdictions.

The examination of qualifications should entail the collection of all relevant information pertaining to the scope of practice rights related to a legal competency to practice or to the qualifications required for a specific regulated profession in the respective jurisdictions.

Consequently, the Negotiating Entities should:

i) identify activities or groups of activities covered by the scope of practice rights of the regulated profession; and

ii) identify the qualifications required in each jurisdiction. These may include but are not limited to the following elements:

the minimum level of education required (e.g. entry requirements, length of study, subjects studied);

the minimum level of experience required (e.g. location, length and conditions of practical training or supervised professional practice prior to licensing, framework of ethical and disciplinary standards);

examinations passed (especially examinations of professional competency);

the extent to which qualifications from one jurisdiction are recognised in the other jurisdiction; and,

the qualifications which the Relevant Authorities in each jurisdiction are prepared to recognise, for instance, by listing particular diplomas or certificates issued, or by reference to particular minimum requirements to be certified by the Relevant Authorities of the jurisdiction of origin, including whether the possession of a certain level of qualification would allow recognition for some activities of the scope of practice but not others (level and length of education, major educational focuses, overall subjects and areas).

There is an overall equivalence between the scope of practice rights or the qualifications of the regulated profession where there are no substantial differences in this regard between jurisdictions.

Step Two: Evaluation of Substantial Differences

There exists a substantial difference in the scope of qualifications required to exercise a regulated profession, in cases of:

- i) important differences in the essential knowledge, and
- ii) significant differences in the duration or content of the training between jurisdictions.

There exists a substantial difference in the scope of practice when:

- i) one or more professional activities do not form part of the corresponding profession in the home jurisdiction
- ii) these activities are subject to specific training in the host jurisdiction and,
- iii) the training for these activities in the host jurisdiction covers substantially different matters from those covered by the applicant's qualification.

Step Three: Compensatory Measures

Should the Negotiating Entities determine that there is a substantial difference in the scope of practice rights or of formal qualifications between the jurisdictions, they may determine compensatory measures to bridge the gap.

A compensatory measure may take the form of, *inter alia*, an adaptation period or, if required, an aptitude test.

Compensatory measures should be proportionate to the substantial difference which they seek to address. The Negotiating Entities should also evaluate any practical professional experience obtained in the home jurisdiction to see whether such experience is sufficient to remedy, in whole or in part, the substantial difference in the scope of practice rights or formal qualifications between the jurisdictions, prior to determining a compensatory measure.

Step Four: Identification of the Conditions for Recognition

Once the assessment of the overall equivalency of the scopes of practice rights or qualifications of the regulated profession is completed, the Negotiating Entities should specify in the MRA:

- i) the legal competency required to practice the regulated profession;
- ii) the qualifications for the regulated profession;
- iii) whether compensatory measures are necessary;
- iv) the extent to which professional experience may compensate for any substantial differences;
- v) a description of any compensatory measure, including the use of any adaptation periods or aptitude tests.

5. Mechanisms for Implementation

The MRA should state:

- i) the rules and procedures to be used to monitor and enforce the provisions of the agreement;
 - ii) the mechanisms for dialogue and administrative co-operation between the parties to the MRA;
- and

iii) the means for individual applicants to address any matters arising from the interpretation or implementation of the MRA.

As a guide to the treatment of individual applicants, the MRA should include details on:

- i) the point of contact for information on all issues relevant to the application (e.g. name and address of Relevant Authorities, licensing formalities, information on additional requirements which need to be met in the host jurisdiction);
- ii) the duration of the procedures for the processing of applications by the Relevant Authority of the host jurisdiction;
- iii) the documentation required of applicants and the form in which it should be presented ;
- iv) acceptance of documents and certificates issued in the host jurisdiction in relation to qualifications and licensing;
- v) the procedures of appeal to or review by Relevant Authorities.

The MRA should also include the following commitments by Relevant Authorities:

- i) that requests about the measures will be promptly dealt with;
- ii) that adequate preparation time will be provided where necessary;
- iii) that any exams or tests will be arranged with reasonable frequency;
- iv) that fees to applicants seeking to take advantage of the terms of the MRA will be commensurate with the costs incurred by the host jurisdiction; and
- v) that they will supply information on any assistance programmes in the host jurisdiction for practical training, and any commitments of the host jurisdiction in that context.

6. Licensing and Other Provisions in the Host Jurisdiction

Where applicable, the MRA should also set out the means by which, and the conditions under which, a licence is actually obtained following the establishment of eligibility, and what this licence entails (e.g., a licence and its contents, membership of a professional body, use of professional and/or academic titles). Any licensing requirements other than qualifications should be explained and should include requirements relating to:

- (i) have an office address, maintain an establishment or be a resident;
- (ii) language skills;
- (iii) proof of good character;
- (iv) professional indemnity insurance;
- (v) compliance with host jurisdiction's requirements for use of trade/firm names; and
- (vi) compliance with host jurisdiction ethics (e.g., independence and good conduct); and

In order to ensure the transparency of the system, the MRA should include the following details for each host jurisdiction:

- (i) the relevant laws and regulations to be applied (e.g. disciplinary action, financial responsibility, liability);

- (ii) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and any consequential effects on practicing professional activities;
- (iii) the means for the ongoing verification of competence; and
- (iv) the criteria for, and procedures relating to, revocation of the registration.

7. Revision of the Agreement

If the MRA includes terms under which it can be reviewed or revoked, the details should be clearly stated.

8. Transparency

The Parties should:

- i) make publicly available the text of MRAs which have been concluded and,
- ii) notify the other Party of any modifications to qualifications that may affect the application or implementation of an MRA. Where possible, the other Party should be given an opportunity to comment on such modifications.

Definitions

For purposes of this Annex:

Adaptation period means the pursuit of a regulated profession in the host jurisdiction under the responsibility of a qualified person, such period of supervised practice possibly being accompanied by further training. This period of supervised practice shall be subject to an assessment. The detailed rules governing the adaptation period, its assessment and the professional status of the person under supervision shall be set out, as appropriate, in the host jurisdiction's laws and regulations;

Aptitude test means a test limited to the professional knowledge of applicants, made by the Relevant Authorities of the host jurisdiction with the aim of assessing the ability of applicants to pursue a regulated profession in that jurisdiction;

Scope of practice means an activity or group of activities covered by a regulated profession.

14. DOMESTIC REGULATION

CHAPTER XX

DOMESTIC REGULATION

17 July, 2014

ARTICLE X.1: SCOPE AND DEFINITIONS

1. This Chapter applies to measures adopted or maintained by a Party relating to licensing requirements and procedures and qualification requirements and procedures that affect:

- a) cross-border supply of services as defined in Chapter X; and
- b) the supply of a service or pursuit of any other economic activity, through commercial presence in the territory of another Party, including the establishment of such commercial presence; and,
- c) the supply of a service through the presence of a natural person in the territory of the other Party, in accordance with Article 5.2 of Chapter X].

2. This Chapter does not apply to licensing requirements and procedures and to qualification requirements and procedures:

pursuant to an existing non-conforming measure that is maintained by a Party as set out in its Schedule to Annex 1; or

b) relating to the sectors/activities set out below:

For Canada: Social Services, Aboriginal Affairs, Minority Affairs, and the collection, purification, and distribution of water, as set out in Canada's schedule to Annex II, and cultural industries.

For the European Union: Health, education, and social services, gambling and betting services³⁷, the collection, purification, and distribution of water, as set out in the EU's schedule to Annex II, and audio-visual services.

3. For the purposes of this Chapter:

"Authorisation means the granting of permission to a person to supply a service or to pursue any other economic activity.

³⁷ With the exception of MT.

"Licensing requirements" are substantive requirements, other than qualification requirements, that must be complied with in order to obtain, amend or renew an authorisation;

"Licensing procedures" are administrative or procedural rules, including for the amendment or renewal of a licence, that must be adhered to in order to demonstrate compliance with licensing requirements;

"Qualification requirements" are substantive requirements relating to competency, that must be complied with in order to obtain, amend or renew an authorisation;

"Qualification procedures" are administrative or procedural rules, that must be adhered to in order to demonstrate compliance with qualification requirements;

as they are applied to a person by a Party.

"Competent authority" is any central, regional or local government and authority, or non-governmental body in the exercise of powers delegated by central or regional or local governments or authorities that grants an authorisation.

ARTICLE X.2: LICENSING AND QUALIFICATION REQUIREMENTS AND PROCEDURES

1. Each Party shall ensure that licensing and qualification requirements and procedures shall be based on criteria which preclude the competent authorities from exercising their power of assessment in an arbitrary manner.

2. The criteria referred to in paragraph 1 shall be:

- a) clear and transparent;
- b) objective;
- c) established in advance and made publicly accessible.

3. The Parties recognise that the exercise of statutory discretion conferred on a minister or ministers with respect to a decision on the granting of an authorisation where there is a public interest involved is not inconsistent with paragraph 2. c), provided that it is exercised consistently with the object of the applicable statute and not in an arbitrary manner, and that its exercise is not otherwise inconsistent with this Agreement, including Article X.2.4 of this Chapter.

4. Paragraph 3 does not apply to licensing and qualification requirements with respect to professional services.

5. Each Party shall ensure that an authorisation shall be granted as soon as the competent authority determines that the conditions have been met, and once granted enters into effect without undue delay, in accordance with the terms and conditions specified therein.

6. Each Party shall maintain or institute judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected investor or service supplier, for a prompt

review of, and where justified, appropriate remedies for, administrative decisions affecting the supply of a service or the pursuit of any other economic activity. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, each Party shall ensure that the procedures as applied in practice provide for an objective and impartial review.

7. Each Party shall ensure that licensing and qualification procedures are as simple as possible and do not unduly complicate or delay the supply of a service or the pursuit of any other economic activity.

8. Any authorisation fees which applicants may incur in relation to their application shall be reasonable and commensurate with the costs incurred and shall not in themselves restrict the supply of a service or the pursuit of any other economic activity.

9. Authorisation fees do not include payments for auction, the use of natural resources, royalties, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

10. Each Party shall ensure that the procedures used by and the decisions of the competent authority in the authorisation process are impartial with respect to all applicants. The competent authority should reach its decision in an independent manner and in particular should not be accountable to any person supplying services or pursuing economic activities for which the authorisation is required.

11. Where specific time periods for applications exist, an applicant shall be allowed a reasonable period for the submission of an application. The competent authority shall initiate the processing of an application without undue delay. Where possible, applications should be accepted in electronic format under similar conditions of authenticity as paper submissions.

12. Authenticated copies should be accepted, where considered appropriate, in place of original documents.

13. Each Party shall ensure that the processing of an application, including reaching a final decision, is completed within a reasonable timeframe from the submission of a complete application. Each Party should establish the normal timeframe for the processing of an application.

14. At the request of an applicant, the competent authority shall provide, without undue delay, information concerning the status of the application.

15. In the case where an application is considered to be incomplete, the competent authority shall, within a reasonable period of time, inform the applicant, identify the additional information required to complete the application, and provide an opportunity to correct deficiencies.

16. If an application is rejected by the competent authority, the applicant shall be informed in writing and without undue delay. Upon request, the applicant shall also be informed of the

reasons for rejection of the application and of the timeframe for an appeal or review against the decision. An applicant should be permitted, within reasonable time limits, to resubmit an application.

15. FINANCIAL SERVICES**FINANCIAL SERVICES*****ARTICLE 1: SCOPE***

1. This Chapter applies to measures adopted or maintained by a Party relating to:
 - (a) financial institutions of the other Party;
 - (b) investors of the other Party, and investments of such investors, in financial institutions in the Party's territory; andcross-border supply of financial services.
2. For greater certainty, the provisions of chapter X (Investment) apply to:
 - (a) measures relating to investors of the Parties and investments of such investors in financial service suppliers which are not financial institutions; [and
 - (b) measures, other than measures relating to the supply of financial services, relating to investors of the Parties or investments of such investors in financial institutions.]
3. Articles X.12 (Investment – Transfers), X.11 (Investment – Expropriation), X.10 (Investment Compensation for Losses), X.9 (Investment – Treatment of Investors and of Covered Investments), X.16 (Investment – Formal Requirements), [X.13 (Investment - Subrogation)], X.15 (Investment – Denial of Benefits), are hereby incorporated into and made a part of this Chapter and apply to the measures to which this Chapter applies.
4. Section [Investor-State Dispute Settlement] of Chapter X (Investment) is hereby incorporated into and made part of this Chapter for claims that a Party has breached Articles 3 (National Treatment) or 4 (Most Favoured Nation Treatment) with respect to the expansion, conduct, operation, management, maintenance, use, enjoyment and sale or disposition of a financial institution or an investment in a financial institution, or Articles X.12 (Investment – Transfers), X.11 (Investment – Expropriation), X.10 (Compensation for Losses), X.9 (Investment – Treatment of Investors and of Covered Investments), or X.15 (Investment – Denial of Benefits).
5. This Chapter does not apply to measures adopted or maintained by a Party relating to activities or services forming part of a public retirement plan or statutory system of social security; or
 - (b) activities or services conducted for the account or with the guarantee or using the financial resources of the Party, including its public entities,except that this Chapter shall apply to the extent that a Party allows any of the activities or services referred to in subparagraph (a) or (b) to be conducted by its financial institutions in competition with a public entity or a financial institution.

6. Chapter X (Domestic Regulation) is hereby incorporated into and made part of this Chapter and applies to the measures to which this Chapter applies. For greater certainty, paragraph X.2 Licensing and Qualification Requirements applies to the exercise of statutory discretion by the financial regulatory authorities of the Parties.

ARTICLE 2: DEFINITIONS

For the purpose of this Chapter

(a) 'financial service' means any service of a financial nature. Financial services include all insurance and insurance-related services, and all banking and other financial services (excluding insurance), as well as services incidental or auxiliary to a service of a financial nature. Financial services include the following activities:

A. Insurance and insurance-related services
direct insurance (including co-insurance):

- (a) life;
- (b) non-life;

reinsurance and retrocession;

insurance intermediation, such as brokerage and agency; and

services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.

B. Banking and other financial services (excluding insurance):
acceptance of deposits and other repayable funds from the public;

lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions;

financial leasing;

all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;
guarantees and commitments;

trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

- (a) money market instruments (including cheques, bills, certificates of deposits);
- (b) foreign exchange;
- (c) derivative products including futures and options;

- (d) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;
- (e) transferable securities;
- (f) other negotiable instruments and financial assets, including bullion;

participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

money broking;

asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;

settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

provision and transfer of financial information, and financial data processing and related software;

advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (1) through (11), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

(b) ‘financial service supplier’ means any person of a Party that is engaged in the business of supplying a financial service within the territory of that Party. The term ‘financial service supplier’ does not include a public entity.

(x) ‘cross-border financial service supplier of a Party’ means a person of a Party that is engaged in the business of supplying a financial service within the territory of the Party and that seeks to supply or supplies a financial service through the cross-border supply of such service.

(x) cross-border supply of financial services means the supply of a financial service:
(a) from the territory of a Party into the territory of the other Party; or
(b) in the territory of a Party by a person of that Party to a person of the other Party.

but does not include the supply of a service in the territory of a Party by an investment in that territory.

(c) ‘public entity’ means:

1. a government, a central bank or a monetary authority of a Party or any entity owned or controlled by a Party, that is principally engaged in carrying out governmental functions or activities for governmental purposes, not including an entity principally engaged in supplying financial services on commercial terms; or
2. a private entity, performing functions normally performed by a central bank or monetary authority, when exercising those functions.

(d) ‘new financial service’ means with respect to a Party a financial service that is not supplied in the territory of a Party but which is supplied in the territory of the other Party and includes any new form of delivery of a financial service or the sale of a financial product that is not sold in the Party’s territory;

(e) ‘self-regulatory organisation’ means any non-governmental body, including any securities or futures exchange or market, clearing agency, other organisation or association, that exercises its own or delegated regulatory or supervisory authority over financial service suppliers or financial institutions.

‘financial institution’ means any supplier which carries out one or more of the operations defined as being financial services in Article x, where the supplier is regulated and supervised in respect of the supply of those services under the law of the Party in whose territory this supplier is located, including branches of such financial service suppliers located in the Party whose head offices are located in the territory of the other Party.

‘financial institution of the other Party’ means a financial institution, including a branch, located in the territory of a Party that is controlled by persons of the other Party;

‘investment’ means ‘investment’ as defined in Article X (Investment – Definitions), except that for the purposes of this Chapter, with respect to “loans” and “debt instruments” referred to in that Article:

A loan to or debt instrument issued by a financial institution is an investment in that financial institution only where it is treated as regulatory capital by the Party in whose territory the financial institution is located; and

A loan granted by, or debt instrument owned by a financial institution other than a loan to or debt instrument of a financial institution referred to in subparagraph (a), is not an investment.

For greater certainty, the provisions of Chapter X (Investment) apply to a loan or debt instrument to the extent that it is not covered in this Chapter. A loan granted by or debt instrument owned by a cross-border financial service supplier, other than a loan to or debt instrument issued by a financial institution, is an investment for the purposes of Chapter X (Investment) if such loan or debt instrument meets the criteria for investments set out in Article X (Investment-Definitions).

‘investor of a Party’ means “investor of a Party” as defined in Article X (Investment – Definitions);

‘person of a Party’ means “person of a Party” as defined in Article X (Initial Provisions and General Definitions – Definitions of General Application) and, for greater certainty, does not include a branch of an enterprise of a non-Party.

ARTICLE 3: NATIONAL TREATMENT

1. Article X (Investment - National Treatment) is hereby incorporated into and made part of this Chapter and applies to treatment of financial institutions and investors of the other Party and their investments in financial institutions.
2. The treatment accorded by a Party to its own investors and investments of its own investors under paragraphs 1 and 2 of Article X (Investment - National Treatment) means treatment accorded to its own financial institutions and investments of its own investors in financial institutions.

ARTICLE 4: MOST-FAVOURED-NATION TREATMENT

1. Article X (Investment – Most-Favoured-Nation Treatment) is hereby incorporated into and made part of this Chapter and applies to treatment of financial institutions, investors of the other Party and their investments in financial institutions.
2. The treatment accorded by a Party to investors of a non-Party and investments of investors of a non-Party under paragraphs 1 and 2 of Article X (Investment – Most-Favoured-Nation Treatment) means treatment accorded to financial institutions of a non-Party and investments of investors of a non-Party in financial institutions.

ARTICLE 5: RECOGNITION OF PRUDENTIAL MEASURES

A Party may recognise prudential measures of a non-Party in the application of measures covered by this Chapter. Such recognition may be:

Accorded unilaterally.

Achieved through harmonisation or other means; or

Based upon an agreement or arrangement with the non-Party.

A Party according recognition of prudential measures shall provide adequate opportunity to the other Party to demonstrate that circumstances exist in which there are or will be equivalent regulation, oversight, implementation of regulation and, if appropriate, procedures concerning the sharing of information between the Parties.

If a Party accords recognition of prudential measures under subparagraph 1(c) and the circumstances in paragraph 2 exist, the Party shall provide adequate opportunity to the other Party to negotiate accession to the agreement or arrangement or to negotiate a comparable agreement or arrangement.

ARTICLE 6: MARKET ACCESS

Neither Party shall adopt or maintain, with respect to financial institutions of the other Party or investors of the other Party seeking to establish such institutions, either on the basis of its entire territory or on the basis of the territory of a national, provincial, territorial, regional, or local level of government, measures that:

(a) impose limitations on:

- (i) the number of financial institutions whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;
 - (ii) the total value of financial service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
 - (iii) the total number of financial service operations or the total quantity of financial services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;
 - (iv) the participation of foreign capital in terms of maximum percentage limit on foreign shareholding in financial institutions or the total value of individual or aggregate foreign investment in financial institutions;
 - (v) the total number of natural persons that may be employed in a particular financial services sector or that a financial institution may employ and who are necessary for, and directly related to, the performance of a specific financial service in the form of numerical quotas or the requirement of an economic needs test.
- (b) restrict or require specific types of legal entity or joint venture through which a financial institution may perform an economic activity.

Paragraph 2 of Article X (Investment – Market Access) is hereby incorporated into and made part of this Article and applies to the measures to which this Chapter applies

For greater certainty, a Party may impose terms, conditions and procedures for the authorisation of the establishment and expansion of a commercial presence in so far as they do not circumvent the Party's obligation under paragraph 1 and they are consistent with the other obligations of the Chapter/Annex/Agreement.

For greater certainty, nothing in this Article shall be construed to prevent a Party from requiring financial institutions to supply certain financial services through separate legal entities where under the laws of the Party the range of financial services supplied by the financial institution may not be supplied through a single entity.

ARTICLE 7: CROSS-BORDER SUPPLY OF FINANCIAL SERVICES

Article X (Cross-Border Trade in Services – National Treatment), Article X (Cross-Border Trade in Services -Market Access) and Article X (Cross-Border Trade in Services – Formal Requirements) are hereby incorporated into and made part of this Chapter and apply to treatment

of cross-border financial service suppliers supplying the financial services specified in Annex X-7.

The treatment accorded by a Party to its own service suppliers and services under paragraph 2 of Article X (Cross-Border Trade in Services – National Treatment) means treatment accorded to its own financial service suppliers and financial services.

The measures which shall not be adopted or maintained by a Party with respect to service suppliers and services of the other Party under Article X (Cross-Border Trade in Services – Market Access) means measures relating to cross-border financial service suppliers of the other Party supplying financial services.

Article (Cross-Border Trade in Services – Most-Favoured-Nation Treatment) is hereby incorporated into and made part of this Chapter and applies to treatment of cross-border financial service suppliers of the other Party.

The treatment accorded by a Party to service suppliers and services of a non-Party under Article X (Cross-Border Trade in Services – Most-Favoured-Nation Treatment) means treatment accorded to financial service suppliers of a non-Party and financial services of a non-Party.

Each Party shall permit persons located in its territory, and its nationals wherever located, to purchase financial services from cross-border financial service suppliers of the other Party located in the territory of the other Party. This obligation does not require a Party to permit such suppliers to do business or solicit in its territory. Each Party may define “doing business” and “solicitation” for the purposes of this Article, as long as such definitions are not inconsistent with the obligation of paragraph 1.

For the financial services specified in Annex X, each Party shall permit a cross-border financial service supplier of the other Party, on request or notification to the relevant regulator, where required, to supply a financial service through any new form of delivery, or to sell a financial product that is not sold in the Party’s territory where the first Party would permit its own financial service suppliers to supply such services or products under its domestic law in like situations.

ARTICLE 8: SENIOR MANAGEMENT AND BOARDS OF DIRECTOR

Neither Party may require that a financial institution of the other Party appoint to senior management or board of director positions, natural persons of any particular nationality.

ARTICLE X: PERFORMANCE REQUIREMENTS

The Parties shall negotiate disciplines on Performance Requirements such as those contained in Article X (Investment – Performance Requirements) with respect to investments in financial institutions.

If, after 3 years of entry into force of this Agreement, the Parties have not agreed to such disciplines, upon request of either Party, Article X (Performance Requirements) of Chapter X (Investment) shall be incorporated into and made part of the Chapter on Financial Services, and shall apply to investments in financial institutions. For this purpose, “investment” in Article X (Performance Requirements) means “investment in a financial institution in its territory”.

Within 180 days following agreement by the Parties on the performance requirement disciplines pursuant to paragraph 1, or of a Party’s request for incorporation of Article X (Performance Requirements) of Chapter X (Investment) into this Chapter pursuant to paragraph 2, as the case may be, the Parties may amend their Schedules as required. Any amendments shall be limited to the listing of reservations for existing measures non-conforming with the Performance Requirements obligation of the Financial Services Chapter, for Canada, in Section A of its Schedule to Annex III (Financial Services Annex) and for the EU in its Schedule to Annex I. Article 9.1 shall apply to such measures with respect to the performance requirement disciplines negotiated pursuant to paragraph 1, or Article X (Investment – Performance Requirements) as incorporated into this Chapter pursuant to paragraph 2, as the case may be.

ARTICLE 9: NON-CONFORMING MEASURES

Articles X (National Treatment), X (Most-Favoured Nation Treatment), X (Market Access), [X (Senior Management and Boards of Directors)], do not apply to:

Any existing non-conforming measure that is maintained by a Party at the level of:

the European Union, as set out in its Schedule to Annex I;
a national government, as set out by Canada in Section A of its Schedule to Annex III (Financial Services Annex) or the EU in its Schedule to Annex I;
a provincial, territorial, or regional government, as set out by Canada in Section A of its Schedule to Annex III (Financial Services Annex) or the EU in its Schedule to Annex I; or
a local government.

The continuation or prompt renewal of any non-conforming measure referred to in sub-paragraph (a); or

An amendment to any non-conforming measures referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles X (National Treatment), X (Most-Favoured Nation Treatment), X (Market Access), and X (Senior Management and Boards of Directors).

Article X (Cross-Border Supply of Financial Services) does not apply to:

Any existing non-conforming measure that is maintained by a Party at the level of:

the European Union, as set out in its Schedule to Annex I;
 a national government, as set out by Canada in Section A of its Schedule to Annex III (Financial Services Annex) or the EU in its Schedule to Annex I;
 a provincial, territorial, or regional government, as set out by Canada in Section A of its Schedule to Annex III (Financial Services Annex) or the EU in its Schedule to Annex I; or
 a local government.

The continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

An amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed upon the entry into force of this Agreement, with Article X (Cross-Border Trade).]

Articles X (National Treatment), X (Most-Favoured Nation Treatment), X (Market Access), X (Cross-Border Trade), and X (Senior Management and Boards of Directors) do not apply to measures that Canada adopts or maintains with respect to financial services as set out in Section B of its Schedule to Annex III (Financial Services Annex), or to measures that the EU adopts or maintains with respect to financial services as set out in its Schedule to Annex II.

Where a Party has set out a reservation to Article X (Investment – National Treatment), X (Investment – Most-Favoured-Nation Treatment), X (Investment – Market Access), X (Investment – Performance Requirements), X (Investment – Senior Management and Boards of Directors), X (Cross-Border Trade in Services – National Treatment), X (Cross-Border Trade in Services – Market Access) or X (Cross-Border Trade in Services – Most-Favoured-Nation Treatment) in its Schedule to Annex I or II, the reservation also constitutes a reservation to Articles X (National Treatment), X (Most-Favoured-Nation Treatment), X (Market Access), , X (Cross-Border Trade in Financial Services), X (Senior Management and Boards of Directors), or any disciplines on performance requirements negotiated pursuant to Article X.1 (Performance Requirements) or incorporated into this Chapter pursuant to Article X.2 (Performance Requirements), as the case may be, to the extent that the measure, sector, sub-sector or activity set out in the reservation is covered by this Chapter.

Without prejudice to Article X.11 (Investment - Expropriation) and Article X.9 (Investment - Treatment of Investors and Covered Investments), no Party may adopt any measure or series of measures after the date of entry into force of this Agreement and covered by Section B of Canada's Schedule to Annex III (Financial Services Annex), or by the Schedule to Annex II of the EU that require, directly or indirectly, an investor of the other Party, by reason of nationality, to sell or otherwise dispose of an investment existing at the time the measure or series of measures became effective.

In respect of intellectual property rights, a Party may derogate from Article X.6 (National Treatment), Article X.7 (Most-Favoured-Nation Treatment) and any disciplines on technology transfer in relation to performance requirements negotiated pursuant to Article X.1 (Performance Requirements) or incorporated into this Chapter pursuant to Article X.2 (Performance Requirements) as the case may be, where permitted by the TRIPS Agreement, including any amendments to the TRIPS Agreement in force for both Parties, and waivers to the TRIPS Agreement adopted pursuant to Article IX of the WTO Agreement.

Articles X (National Treatment), X (Most-Favoured-Nation Treatment), X.(Market Access) and X (Senior Management and Board of Directors) do not apply to:

(a) procurement by a Party for goods and services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of goods and services for commercial sale, whether or not that procurement is "covered procurement" with the meaning of Article II of (Chapter XX – Public procurement); or

(b) subsidies, or government support relating to trade in services, provided by a Party. .

ARTICLE 10: EFFECTIVE AND TRANSPARENT REGULATION

Each Party shall ensure that all measures of general application to which this Chapter applies are administered in a reasonable, objective and impartial manner.

Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by this Chapter are promptly published or made available in such a manner as to enable interested persons and the other Party to become acquainted with them. To the extent possible, each Party shall:

publish in advance any such measure that it proposes to adopt;

provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures; and

allow reasonable time between their final publication and effective date

and these requirements shall replace those set out in Article X (Transparency – Publication).

Each Party shall maintain or establish appropriate mechanisms that will respond within a reasonable timeframe to inquiries from interested persons regarding measures of general application covered by this Chapter.

A regulatory authority shall make an administrative decision on a completed application of an investor in a financial institution, a cross-border financial service supplier or a financial institution of the other Party relating to the supply of a financial service within a reasonable

period which is justified by the complexity of the application and the normal timeframes established for the processing of the application and shall promptly notify the applicant of the decision. For Canada, such reasonable period shall be 120 days. An application shall not be considered complete until all relevant hearings are held and all necessary information is received. Where it is not practicable for a decision to be made within a reasonable period, the regulatory authority shall promptly notify the applicant and shall endeavour to make the decision as soon as possible.

ARTICLE 11: SELF-REGULATORY ORGANISATIONS

If a Party requires a financial institution or a cross-border financial service supplier of the other Party to be a member of, participate in or have access to a self-regulatory organization to provide a financial service in or into the territory of that Party, or grants privileges or advantages when providing financial services through such self-regulatory organizations, then the requiring Party shall ensure that the self-regulatory organization observes the obligations of this Chapter.

ARTICLE 12: PAYMENT AND CLEARING SYSTEMS

Under terms and conditions that accord national treatment, each Party shall grant to financial service suppliers of the other Party established in its territory access to payment and clearing systems operated by a Party or by an entity pursuant to governmental authority delegated to it by a Party, as well as to official funding and refinancing facilities available in the normal course of ordinary business. This paragraph is not intended to confer access to a Party's lender of last resort facilities.

ARTICLE 13: NEW FINANCIAL SERVICES

Each Party shall permit a financial institution of the other Party, on request or notification to the relevant regulator, where required, to supply any new financial service that the first Party would permit its own financial institutions to supply under its domestic law in like circumstances.

A Party may determine the institutional and juridical form through which the service may be supplied and may require authorisation for the provision of the service. Where such authorisation is required, a decision shall be made within a reasonable time and the authorisation may only be refused for prudential reasons.

This Article does not prevent a financial institution of a Party from applying to the other Party to consider authorising the supply of a financial service that is not supplied within either Party's territory. That application is subject to the domestic law of the Party receiving the application and is not subject to the obligations of this Article.

ARTICLE 14: TRANSFERS AND PROCESSING OF INFORMATION

Each Party shall permit a financial institution or a cross-border financial service supplier of the other Party to transfer information in electronic or other form, into and out of its territory, for data processing where such processing is required in its ordinary course of business.

Each Party shall maintain adequate safeguards to protect privacy, in particular with regard to the transfer of personal information. Where the provision and transfer of financial information and financial data processing involves personal information, the treatment of such personal information shall be subject to the legislation governing the protection of personal information of the territory of the Party where the transfer has originated.

ARTICLE 15: PRUDENTIAL CARVE-OUT

Nothing in this Agreement shall prevent a Party from adopting or maintaining reasonable measures for prudential reasons, including:

- the protection of investors, depositors, policy-holders or persons to whom a fiduciary duty is owed by a Financial Institution, ~~or~~ cross-border financial service supplier or financial service supplier;
- the maintenance of the safety, soundness, integrity or financial responsibility of a Financial Institution, cross-border financial service supplier or financial service supplier; or
- ensuring the integrity and stability of a Party's financial system.

Without prejudice to other means of prudential regulation of cross-border trade in financial services, a Party may require the registration of cross-border financial service suppliers of the other Party and of financial instruments.

Subject to Article X (National Treatment) and Article Y (Most Favoured Nation Treatment), a Party may, for prudential reasons, prohibit a particular financial service or activity. Such a prohibition may not apply to all financial services or to a complete financial services sub-sector, such as banking.

ARTICLE 16: SPECIFIC EXCEPTIONS

In order to make the Financial Services Chapter subject to GATS exceptions, a reference must be made to Chapter X (Financial Services) in Article X.02.2 (Exceptions – General Exceptions) provision.

Nothing in this Agreement applies to measures taken by any public entity in pursuit of monetary or exchange rate policies. This paragraph shall not affect a Party's obligations under Article X (Investment – Performance Requirements) with respect to measures covered by Chapter X (Investment) or Article X (Investment – Transfers).

Nothing in this Agreement shall be construed as requiring a Party to furnish or allow access to information relating to the affairs and accounts of individual consumers, cross-border financial services suppliers, financial institutions or any confidential information which, if disclosed, would interfere with specific regulatory, supervisory or law enforcement matters, or otherwise be contrary to public interest or prejudice legitimate commercial interests of particular enterprises.

ARTICLE 17: FINANCIAL SERVICES COMMITTEE

The Parties hereby establish a Financial Services Committee (the “Committee”).

The Committee shall include representatives of authorities in charge of financial services policy with expertise in the field covered by this chapter. For Canada, the Committee representative is an official from Finance Canada.

The Committee shall decide by consensus.

The Committee shall meet annually, or as it otherwise agrees, and shall:

- a. supervise the implementation of this Chapter,
- b. carry out a dialogue on the regulation of the financial services sector with a view to improving mutual knowledge of the respective regulatory systems and to cooperate in the development of international standards as illustrated by the Understanding contained in Annex X
- c. implement the provisions of Article 20 (Investment Disputes in Financial Services).

ARTICLE 18: CONSULTATIONS

A Party may request consultations with the other Party regarding any matter arising under this Agreement that affects financial services. The other Party shall give sympathetic consideration to the request.

Each Party shall ensure that for consultations under paragraph 1 its delegation includes officials with the relevant expertise in the area covered by this chapter. For Canada this means officials of Finance Canada.

ARTICLE 19: DISPUTE SETTLEMENT

Chapter X (Dispute Settlement) applies as modified by this Article to the settlement of disputes arising under this Chapter.

In the event that the Parties are unable to agree on the composition of the Panel, Article 14.7 shall apply. However, all references to the list of arbitrators established under Article 14.8 shall be understood to refer to the list of arbitrators established under this Article.

The [CETA institutional Body] may establish a list of at least 15 individuals, chosen on the basis of objectivity, reliability and sound judgement, who are willing and able to serve as arbitrators. The list shall be composed of three sub-lists: one sub-list for each Party and one sub-list of

individuals who are not nationals of either Party to act as chairpersons. Each sub-list shall include at least five individuals. The [CETA body] may review the list at any time and shall ensure that the list conforms with this Article.

The individuals included on the list shall have expertise or experience in financial services law or regulation or the practice thereof, which may include the regulation of financial service suppliers. The individuals acting as chairpersons must also have experience as a counsel, panellist or arbitrator in dispute settlement proceedings. Arbitrators shall be independent, serve in their individual capacities and not take instructions from any organisation or government, and shall comply with the Code of Conduct annexed to the Dispute Settlement chapter.

If a panel finds that a measure to be inconsistent with this Agreement and the measure affects:

- (a) the financial services sector and any other sector, the complaining Party may suspend benefits in the financial services sector that have an effect equivalent to the effect of the measure in the Party's financial services sector; or
- (b) only a sector other than the financial services sector, the complaining Party may not suspend benefits in the financial services sector.

ARTICLE 20: INVESTMENT DISPUTES IN FINANCIAL SERVICES

The provisions of [Investor-to-State Dispute Settlement] apply, as modified by this Article and Annex XXX, to:

investment disputes pertaining to measures to which this Chapter applies in which an investor claims that a Party has breached Articles X.12 (Investment – Transfers), X.11 (Investment – Expropriation), X.10 (Investment - Compensation for Losses), X.9 (Investment – Treatment of Investors and of Covered Investments), X.15 (Investment – Denial of Benefits), X.3 (Financial Services - National Treatment) or X.4 (Financial Services - Most-Favoured Nation Treatment); or

investment disputes commenced pursuant to [Investor State Dispute Settlement] in which Article 15.1 has been invoked.

Unless the disputing parties agree otherwise, in the case of an investment dispute under sub-paragraph 1(a), or where the respondent invokes Article 15.1 within 60 days of the submission of a claim to arbitration under Article X-8 [Submission of a Claim to Arbitration], the Tribunal shall be constituted from the list established under Article X [Financial Services – Dispute Settlement]. Where the respondent invokes Article 15.1 within 60 days of submission of a claim, with respect to an investment dispute other than under sub-paragraph 1(a), the time period applicable to the constitution of the Tribunal under Article X-10 [Constitution of the Tribunal] shall commence on the date the respondent invokes Article 15.1. In the event that the disputing parties are unable to agree on the composition of the Tribunal within the time frame laid down in Article X-10 (Constitution of the Tribunal) either disputing party may request the Secretary-General of ICSID to select the arbitrators from the list established under Article X-19 (Financial

Services – Dispute Settlement). In the event that disputing parties are unable to constitute the Tribunal from the list, or that the list has not been established under Article X [Financial Services – Dispute Settlement] on the date the claim is submitted to arbitration, the Secretary-General of ICSID shall select the arbitrators from the individuals proposed by one or both of the Parties in accordance with Article X-19 [Financial Services –Dispute Settlement].

The respondent may refer the matter in writing to the Financial Services Committee for a decision as to whether and, if so, to what extent the exception under Article 15.1 is a valid defence to the claim. Such a referral cannot be made later than the date the Tribunal fixes for the respondent to submit its counter-memorial. Where the respondent refers the matter to the Financial Services Committee under paragraph 3 the time periods or proceedings specified in [Investor-to-State-Dispute Settlement] shall be suspended.

In a referral under paragraph 3, the Financial Services Committee or the CETA Trade Committee as the case may be, may make a joint determination on whether and to what extent Article 15.1 [Prudential Carve-Out/Exceptions] is a valid defence to the claim. The Financial Services Committee or the CETA Trade Committee as the case may be, shall transmit a copy of any joint determination to the investor and the Tribunal, if constituted. If such joint determination concludes that Article 15.1 is a valid defence to all parts of the claim in their entirety, the investor shall be deemed to have withdrawn its claim and proceedings shall be discontinued in accordance with Article X (Discontinuance). If such joint determination concludes that Article 15.1 is a valid defence to only parts of the claim, the joint determination shall be binding on the Tribunal with respect to those parts of the claim, the suspension of the timelines or proceedings in paragraph 4 shall no longer apply, and the investor may proceed with any remaining parts of the claim.

If the CETA Trade Committee has not made a joint determination within 3 months of referral of the matter by the Financial Services Committee, the suspension of the time periods or proceedings referenced in paragraph 4 shall no longer apply and the investor may proceed with its claim.

At the request of the respondent, the Tribunal shall decide as a preliminary matter whether and to what extent Article 15.1 [Prudential Carve-Out/Exceptions] is a valid defence to the claim. Failure of the respondent to make such a request is without prejudice to the right of the respondent to assert Article 15.1 [Prudential Carve-Out/Exceptions] as a defence in a later phase of the arbitration. The Tribunal shall draw no adverse inference from the fact that the Financial Services Committee or the CETA Trade Committee has not agreed on a joint determination in accordance with Annex XXX.

Annex X: Cross-Border Trade in Financial Services

Schedule of Canada

Insurance and Insurance-Related Services

1. Article 7(1) applies to the cross-border supply of or trade in financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 2, with respect to:

(a) insurance of risks relating to:

(i) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(ii) goods in international transit; and

(b) reinsurance and retrocession,

(c) services auxiliary to insurance as described in subparagraph (A4) of the definition of financial service, and

(d) insurance intermediation such as brokerage and agency, as described in subparagraph (A3) of the definition of financial service, of insurance risks related to the services listed in subparagraphs (a) and (b) of this paragraph.

Banking and Other Financial Services (excluding insurance)

2. Article 7(1) applies to the cross-border supply of or trade in financial services, as defined in subparagraphs (a) of the definition of cross-border supply of financial services in Article 2, with respect to:

(a) the provision and transfer of financial information and financial data processing, as described in subparagraph (B11) of the definition of financial service; and

(b) advisory and other auxiliary financial services, and credit reference and analysis, excluding intermediation, relating to banking and other financial services, as described in subparagraph (B12) of the definition of financial service.

Portfolio Management Services

3. The provision of the following services to a collective investment scheme located in its territory:

- (i) investment advice; and
- (ii) portfolio management services, excluding:

- A. custodial services,
- B. trustee services,
- C. execution services.

4. For the purposes of this commitment, portfolio management means managing portfolios in accordance with mandates given by clients on a discretionary client-by-client basis where such portfolios include one or more financial instruments.

5 A collective investment scheme means investment funds or fund management companies regulated or registered under relevant securities laws and regulations. Notwithstanding paragraph 2(c), Canada may require a collective investment scheme located in Canada to retain ultimate responsibility for the management of the collective investment scheme or the funds that it manages.

6 Non-conforming measures set out by Canada in Annex XX of its Schedule to Annex III (Financial Services Annex) do not apply to paragraphs 3, 4 and 5 (Portfolio Management) above.

Schedule of the European Union (applicable to all EU Member States unless otherwise indicated)

Insurance and Insurance-Related Services

With the exception of **CY, EE, LV, LT, MT** and **PL** Article 7(1) applies to the cross-border supply of Financial Services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:

maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(ii) goods in international transit.

Reinsurance and retrocession,

Services auxiliary to insurance.

For **CY**, Article 7(1) applies to the cross-border supply of Financial Services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

direct insurance services (including co-insurance) for the insurance of risks relating to:

maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(ii) goods in international transit.

Insurance intermediation,

Reinsurance and retrocession,

Services auxiliary to insurance.

For **EE** Article Article 7(1) applies to the cross-border supply of Financial Services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

Direct insurance (including co-insurance),

Reinsurance and retrocession,

Insurance intermediation,

Services auxiliary to insurance.

For **LV, LT** Article 7(1) applies to the cross-border supply of Financial Services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

(a) direct insurance services (including co-insurance) for the insurance of risks relating to:

maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(ii) goods in international transit.

Reinsurance and retrocession,

Services auxiliary to insurance.

For **MT**, Article 7(1) applies to the cross-border supply of Financial Services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

direct insurance services (including co-insurance) for the insurance of risks relating to:

maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(ii) goods in international transit.

Reinsurance and retrocession,

Services auxiliary to insurance.

For **EE** Article Article 7(1) applies to the cross-border supply of Financial Services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

Direct insurance (including co-insurance),

Reinsurance and retrocession,

Insurance intermediation,

Services auxiliary to insurance.

For **PL** Article 7(1) applies to the cross-border supply of Financial Services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

- (a) direct insurance services (including co-insurance) for the insurance of risks relating to goods in international trade.
- (b) Reinsurance and retrocession of risks relating to goods in international trade.,

Banking and Other Financial Services (excluding insurance and insurance-related services)

With the exception of **BE, CY, EE, LV, LT, MT, SI and RO** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

advisory and other auxiliary financial services on all the activities listed in paragraph (a) [banking and other financial services] of Article [] of [], including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy, but excluding intermediation.

For **BE** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

For **CY** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

the trading for own account or for the account of customers, whether on an exchange or an over the counter market or otherwise of transferrable securities;

the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

advisory and other auxiliary financial services, excluding intermediation on all the activities listed in paragraph (a) [banking and other financial services] of Article [] of [], including

credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

For **EE, LT** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

acceptance of deposits;

lending of all types;

financial leasing;

all payment and money transmission services;

guarantees and commitments;

trading for own account or for account of customers, whether on an exchange, in an over-the-counter market;

participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

(f) money broking;

(g) asset management, such as cash or portfolio management, all forms of collective investment management, , custodial, depository and trust services;

settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

provision and transfer of financial information, and financial data processing and related software;

advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (1) through (11), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

For **LV** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

(a) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

advisory and other auxiliary financial services on all the activities listed in paragraph (a) [banking and other financial services] of Article [] of [], including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

For **MT** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

the acceptance of deposits;

lending of all types;

the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

advisory and other auxiliary financial services on all the activities listed in paragraph (a) [banking and other financial services] of Article [] of [], including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

For **RO** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

acceptance of deposits;

lending of all types;

guarantees and commitments;

(f) money broking;

provision and transfer of financial information, and financial data processing and related software;

advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (1) through (11), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

For **SI** Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

lending of all types;

the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;

the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

advisory and other auxiliary financial services on all the activities listed in paragraph (a) [banking and other financial services] of Article [] of [], including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

Article 7(1) applies to the cross-border supply of financial services, as defined in Article 2(x) of Chapter X Financial Services, with respect to:

Portfolio management services to an EU professional client located in the EU, by a Canadian financial institution organized in Canada following a transitional period of 4 years from the entry into force of this Agreement. For greater certainty, this commitment is however subject to the EU prudential regulatory regime including equivalence assessment.³⁸

For the purposes of this commitment, portfolio management means managing portfolios in accordance with mandates given by clients on a discretionary client-by-client basis where such portfolios include one or more financial instruments.

Furthermore, portfolio management services shall not include:

custodial services,
trustee services,
execution services.

For the purposes of this commitment, in the EU professional clients are those defined under letter e) of Section I of Annex II of Directive 2004/39/EC of 21 April 2004 on markets in financial instruments

³⁸ This means that once the European Commission has adopted the equivalence decision related to portfolio management and a Canadian financial institution has satisfied other EU prudential requirements, this financial institution may provide discretionary portfolio management services to an European professional client without being established in the European Union. Furthermore, measures of EU's member states restricting or prohibiting cross-border portfolio management including reservations in Annex X shall no longer apply to this commitment.

ANNEX XX OF THE FINANCIAL SERVICES CHAPTER
Understanding between Canada and the EU
Guidance on the application of Article 15.1 (Prudential Carve-out) and Article 20
(Investment Disputes in Financial Services)

The Parties recognize that prudential measures strengthen domestic financial systems, encourage sound efficient and robust institutions, markets, and infrastructure; and promote international financial stability by facilitating better-informed lending and investment decisions, improving market integrity, and reducing the risks of financial distress and contagion.

As a result, the Parties have agreed to a prudential carve-out in Article 15.1 allowing the Parties to take measures for prudential reasons, and to establish Financial Services Committee (Article 17) to act as a filter in investment disputes in financial services under Article 20.

Process:

The Financial Services Committee, in its role as a filter in investment disputes under Article 20, shall decide whether and, if so, to what extent the prudential carve-out is a valid defence to the claim.

The Parties undertake to act in good faith. Each Party shall present its position to the Financial Services Committee within 60 days of the referral to the Financial Services Committee.

Where the non-disputing Party notifies the Financial Services Committee within the 60 day period in paragraph (2) that it has launched its internal determination process on this matter, the timeframe in paragraph (2) is suspended until that Party notifies the Financial Services Committee of its position. A suspension beyond 6 months will be considered as a breach of the good faith undertaking.

Where the Respondent does not provide its position to the Financial Services Committee within the time period referred to in paragraph (2), the suspension of the time periods or proceedings referred to in paragraph 4 of Article 20 shall no longer apply and the investor may proceed with its claim.

Where the Financial Services Committee is unable to agree on a joint determination within 60 days in relation to a specific investor-to-state dispute concerning a prudential measure, the Financial Services Committee shall refer the matter to the CETA Trade Committee³⁹. This period of 60 days shall commence from the moment the Financial Services Committee receives the positions of the Parties pursuant to paragraph (2).

The joint determination of the Financial Services Committee or the CETA Trade Committee shall be binding on the Tribunal only in the case in question. The joint determination shall not constitute a binding precedent for the Parties with respect to definition and application of the prudential carve-out or other terms of this Agreement.

³⁹ Each Party shall ensure that its representation in the CETA Trade Commission for this purpose includes financial services authorities

Unless the CETA Trade Committee otherwise decides, should the CETA Trade Committee not reach an agreement within 3 months of a referral of the matter by the Financial Services Committee pursuant to paragraph (5), each Party shall make its position available to the Tribunal arbitrating that particular dispute. The Tribunal shall take account of this record in reaching a decision.⁴⁰

High level principles:

The Parties agree that the application of Article 15.1 by the Parties and by tribunals should be guided by the following principles, which are not exhaustive:

Each Party may determine its own appropriate level of prudential regulation. Specifically a Party may establish and enforce measures that provide a higher level of prudential protection than those set out in common international prudential commitments.

Relevant considerations in determining whether a measure meets the requirements of Article 15.1 include the extent to which a measure may be required by the urgency of the situation and the information available to the Party at the time when the measure was adopted.

Given the highly specialized nature of prudential regulation, those applying these principles shall defer to the highest degree possible to regulations and practices in the Parties' respective jurisdictions and to the decisions and factual determinations, including risk assessments, made by financial regulatory authorities.

(a) Except as provided in paragraph (b), a measure is deemed to meet the requirements of Article 15.1 where it:

(i) has a prudential objective; and

(ii) is not so severe in light of its purpose that it is manifestly disproportionate to the attainment of its objective.

(b) A measure that otherwise meets the requirements of paragraph (a) does not meet the requirements of Article 15.1 where it is a disguised restriction on foreign investment or an arbitrary or unjustifiable discrimination between investors in like situations.

Provided that a measure is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between investors in like situations, or a disguised restriction on foreign investment, that measure is deemed to meet the requirements of Article 15.1 where that measure is:

In line with our common international prudential commitments; or

In pursuance of the resolution of a financial institution that is no longer viable or likely to be no longer viable;

In pursuance of the recovery of a financial institution or the management of a financial institution under stress; or

In pursuance of the preservation or the restoration of financial stability, in response to a system-wide financial crisis.

Periodic Review

The Financial Services Committee may, by agreement of both Parties, amend this Understanding at any time. The Financial Services Committee should review this Understanding at least every two years.

In this context, the Financial Services Committee may develop a common understanding on the application of Article 15.1 (Prudential Carve-out), on the basis of the dialogue and discussions held in the Committee in relation to specific disputes and mindful of common international prudential commitments.

Understanding on the dialogue on the regulation of the financial services sector

The Parties reaffirm their commitment to strengthening financial stability. The dialogue on the regulation of the financial services sector within the Financial Services Committee [established by Article X...] shall be based on the principles and prudential standards agreed at multilateral level. The Parties undertake to focus the discussion on issues with cross-border impact, such as cross-border trade in securities (including the possibility of taking further commitments on portfolio management), the respective frameworks for covered bonds and for collateral requirements in reinsurance, and discuss issues related to the operation of branches.

16. INTERNATIONAL MARITIME TRANSPORT SERVICES**_[ANNEX] [CHAPTER] XY****INTERNATIONAL MARITIME TRANSPORT SERVICES****Article 1: Scope**

This [Annex] [Chapter] applies to measures adopted or maintained by a Party relating to the supply of international maritime transport services.⁴¹

For greater certainty, measures adopted or maintained by a Party [relating to] [affecting] the supply of international maritime transport services are also subject to the provisions of the Chapters on Cross-Border Trade in Services (CBTS) and on Investment. Chapter X (CBTS) Article X-02 (National Treatment), Article X-04 (Most-Favoured Nation) and Chapter Y (Investment) Article X-# (National Treatment), and Article X-# (Most-Favoured Nation) include the obligation not to adopt or maintain measures that deny vessels engaged in international maritime transport and flying the flag of the other Party⁴², or international maritime transport service suppliers of the other Party, the treatment accorded by that Party in like situations to its own vessels or service suppliers or those of any third country, whichever is more favourable, with regard to access to ports, the use of infrastructure and services of ports such as towage and pilotage, the use of maritime auxiliary services as well as the imposition of related fees and charges, access to customs facilities, and the assignment of berths and facilities for loading and unloading⁴³.

Article 2: Obligations

Each Party shall permit international maritime transport service suppliers of the other Party to reposition owned/leased empty containers, not being carried as cargo against payment, between ports of that Party.

Each Party shall permit international maritime transport service suppliers of the other Party to provide feeder services between ports of that Party.

Either Party may adopt or maintain cargo-sharing arrangements with third countries concerning international maritime transport services, including dry and liquid bulk and liner trades.

⁴¹ Nothing in this Annex shall be interpreted to apply to fishing vessels as defined under a Party's domestic law.

⁴² For the purposes of this [Annex] [Chapter], for the European Union, flying the flag of a Party means flying the flag of a Member State of the European Union.

⁴³ Paragraph 2 does not oblige a Party to require private sector terminal operators and providers of maritime auxiliary services to accord access to and use of their services on non-discriminatory terms and conditions. Paragraph 2 does not apply to vessels or international maritime transport services suppliers that are subject to the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*.

Neither Party may adopt or maintain measures requiring that all or part of any international cargo be transported exclusively by vessels registered in that Party or owned or controlled by nationals of that Party.

Neither Party may adopt or maintain measures that prevent international maritime transport service suppliers of the other Party from directly contracting with providers of other transport services for the provision of door-to-door or multimodal transport operations.

Article 3: Non-Conforming Measures

Article 2 (Obligations) does not apply to:

an existing non-conforming measure that is maintained by:

The European Union, as set out by the EU in its Schedule to Annex I,

The national government of a Party, as set out in its Schedule to Annex I,

A provincial, territorial or regional government of a Party, as set out in its Schedule to Annex I,
or

A local government of a Party.

The continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

An amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Article 2 (Obligations).

Article 2 (Obligations) does not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors or activities, as set out in its Schedule to Annex II.

Article 5: Definitions

For purposes of this [Annex] [Chapter]:

international maritime transport services means the transport of passengers and/or cargo by sea-going vessels between a port of one Party and a port of another Party or of a non-Party, or between a port of one European Union Member State and a port of another European Union Member State, as well as direct contracting with suppliers of other transport services to ensure door-to-door or multimodal transport operations, but not the supply of such other transport services.

door-to-door or multimodal transport operations means the transport of cargo using more than one mode of transport, involving an international sea-leg, under a single transport document.

international cargo means cargo transported by sea-going vessels between a port of one Party and a port of another Party or of a non-Party, or between a port of one European Union Member State and a port of another European Union Member State.

international maritime transport service supplier means

any enterprise of a Party, as defined in Article (X.01) (Initial Provisions and General Definitions - Definitions of General Application), and a branch of any such entity; or

any enterprise of a non-Party owned or controlled by nationals of a Party, if their vessels are registered in accordance with the legislation of that Party and flying the flag of that Party; or

with the exclusion of Chapter Y (investment), a branch of an enterprise of a non-Party with substantive business operations in the territory of a Party, that is engaged in the supply of international maritime transport services.

maritime auxiliary services means maritime cargo handling services, customs clearance services, container station and depot services, maritime agency services, maritime freight forwarding services, and storage and warehousing services.

maritime cargo handling services means the performance, organization and supervision of:

- (i) the loading/discharging of cargo to/from a vessel;
- (ii) the lashing/unlashing of cargo; and
- (iii) the reception/delivery and safekeeping of cargo before shipment or after discharge,

by stevedoring or terminal operator companies, but does not include work performed by dock labour, when this workforce is organized independently of stevedoring or terminal operator companies.

customs clearance services or **customs house brokers' services** means carrying out, on a fee or contract basis, customs formalities concerning import, export or through transport of cargo, irrespective of whether this service is the main or secondary activity of the service provider;

container station and depot services means storing containers, whether in port areas or inland, stuffing/stripping/repairing containers and making them available for shipment;

maritime agency services means representing, as an agent, within a given geographic area, the business interests of one or more shipping lines or shipping companies, for the following purposes:

- (i) marketing and sales of maritime transport and related services, from quotation to invoicing, issuance of bills of lading on behalf of the companies, acquisition and resale of the

necessary related services, preparation of documentation, and provision of business information; and

(ii) acting on behalf of the companies in organizing the call of the vessel or taking control of cargo when required.

maritime freight forwarding services means organizing and monitoring shipments on behalf of shippers, through providing such services as the arrangement of transport and related services, consolidation and packing of cargo, preparation of documentation and provision of business information.

feeder services means the pre- and onward transportation of international cargo by sea, including containerized, break bulk and dry/liquid bulk cargo, between ports located in a Party. For greater certainty, in respect of Canada, feeder services may include transportation between sea and inland waters, where inland waters means those defined in the Customs Act.

storage and warehousing services means storage services of frozen or refrigerated goods, bulk storage services of liquids or gases, and other storage or warehousing services.

17. TELECOMMUNICATIONS

Telecommunications

Article X.1: Scope of Application

1. This Chapter applies to measures adopted or maintained by a Party relating to telecommunications networks or services, subject to a Party's right to restrict the supply of a service in accordance with its Reservations in Annexes I and II.

2. This Chapter does not apply to any measure of a Party affecting the transmission by any means of telecommunications, including broadcast and cable distribution, of radio or television programming intended for reception by the public, but for greater certainty it would apply to a contribution link.

Nothing in this Chapter shall be construed to:

require a Party to authorize a service supplier of the other Party to establish, construct, acquire, lease, operate or supply telecommunications networks or services, other than as specifically provided in this Agreement; or

require a Party (or require a Party to compel any service supplier) to establish, construct, acquire, lease, operate or supply telecommunications networks or services not offered to the public generally.

Article X.2: Access to and Use of Public Telecommunications Transport Networks or Services

1. A Party shall ensure that enterprises of the other Party are accorded access to and use of public telecommunications transport networks or services on reasonable and non-discriminatory terms and conditions (including technical standards and specifications) and of a quality no less favourable than that accorded to any other enterprise.⁴⁴ This obligation shall be applied, *inter alia*, through paragraphs 2 through 6.

2. Each Party shall ensure that enterprises of the other Party have access to and use of any public telecommunications transport network or service offered within or across its borders, including private leased circuits, and to this end shall ensure, subject to paragraphs 5 and 6, that such enterprises are permitted to:

⁴⁴ **non-discriminatory** means treatment no less favourable than that accorded to any other enterprise when using like public telecommunications transport networks or services in like situations.

purchase or lease and attach terminal or other equipment which interfaces with the public telecommunications transport network;

connect private leased or owned circuits with public telecommunications transport networks and services of that Party or with circuits leased or owned by another enterprise;

use operating protocols of their choice; and

(d) perform switching, signaling, and processing functions.

3. Each Party shall ensure that enterprises of the other Party may use public telecommunications transport networks and services for the movement of information in its territory or across its borders, including for intra-corporate communications of such enterprises, and for access to information contained in data bases or otherwise stored in machine-readable form in the territory of either Party.

4. Further to Article X (Exceptions - General Exceptions), and notwithstanding the paragraph 3, a Party shall take appropriate measures to protect:

the security and confidentiality of telecommunications services, or

the privacy of users of public telecommunications transport services,

subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade.

5. Each Party shall ensure that no condition is imposed on access to and use of public telecommunications transport networks or services other than as necessary to:

safeguard the public service responsibilities of suppliers of public telecommunications transport networks or services, in particular their ability to make their networks or services available to the public generally;

protect the technical integrity of public telecommunications transport networks or services; or

ensure that enterprises of another Party do not supply services limited by the Party's Reservations in Annexes I and II.

6. Provided that they satisfy the criteria set out in paragraph 5, conditions for access to and use of public telecommunications transport networks or services may include:

restrictions on resale or shared use of such services;

a requirement to use specified technical interfaces, including interface protocols, for connection with such networks or services;

requirements, where necessary, for the inter-operability of such services;

type approval of terminal or other equipment which interfaces with the network and technical requirements relating to the attachment of such equipment to such networks;

restrictions on connection of private leased or owned circuits with such networks or services or with circuits leased or owned by another enterprise; and

notification, registration and licensing.

Article X.3: Authorisation to Provide Telecommunications Services

Each Party should ensure that the authorisation of the provision of telecommunications services, wherever possible, is based upon a simple notification procedure.

Article X.4: Competitive Safeguards on Major Suppliers

1. Each Party shall maintain appropriate measures for the purpose of preventing suppliers that, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

2. The anti-competitive practices referred to in paragraph 1 shall include:

engaging in anti-competitive cross-subsidization;

using information obtained from competitors with anti-competitive results; and

not making available to other service suppliers, on a timely basis, technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

Article X.5: Access to Essential Facilities

1. Each Party shall ensure that a major supplier in its territory makes available its essential facilities, which may include, inter alia, network elements, operational support systems or support structures, to suppliers of telecommunications services of the other Party on reasonable and non-discriminatory terms and conditions and cost-oriented rates.

2. Each Party may determine, in accordance with its laws and regulations, those essential facilities required to be made available in its territory.

Article X.6: Interconnection

1. Each Party shall ensure that any major supplier in its territory provides interconnection:
 - at any technically feasible point in the network;
 - under non-discriminatory terms, conditions (including technical standards and specifications) and rates;
 - of a quality no less favourable than that provided for the own like services of such major supplier or for like services of non-affiliated service suppliers or of its subsidiaries or other affiliates;
 - in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that a supplier need not pay for network components or facilities that it does not require for the services to be supplied; and
 - upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.
2. Any supplier authorised to provide telecommunications services shall have the right to negotiate a new interconnection agreement with other suppliers of public telecommunications transport networks and services. Each Party shall ensure that major suppliers are required to establish a reference interconnection offer or negotiate interconnection agreements with other suppliers of telecommunications networks and services.
3. Each Party shall ensure that suppliers of public telecommunications transport services that acquire information from another such supplier during the process of negotiating interconnection arrangements use that information solely for the purpose for which it was supplied and respect at all times the confidentiality of information transmitted or stored.
4. Each Party shall ensure that the procedures applicable for interconnection to a major supplier shall be made publicly available.
5. Each Party shall ensure that major suppliers shall make publicly available either their interconnection agreements or their reference interconnection offers where it is appropriate.

Article X.7: Universal Service

1. Each Party has the right to define the kind of universal service obligations it wishes to maintain.
2. Each Party shall ensure that any measure on universal service that it adopts or maintains is administered in a transparent, objective, non-discriminatory and competitively neutral manner. Each Party shall also ensure that any universal service obligation imposed by it is not more burdensome than necessary for the kind of universal service that the Party has defined.
3. All suppliers should be eligible to ensure universal service. When a supplier is to be designated as the supplier of a universal service, the selection shall be made through an efficient, transparent and non-discriminatory mechanism.

Article X.8: Scarce Resources

Each Party shall administer its procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, in an objective, timely, transparent and non-discriminatory manner.

2. A Party's measures allocating and assigning spectrum and managing frequencies shall not be considered inconsistent with [Article X (Cross-Border Trade in Services – Market Access), as it applies to either Chapter X (Investment) or Chapter X (Cross-Border Trade in Services)]. Accordingly, each Party retains the right to establish and apply its spectrum and frequency management policies that may limit the number of suppliers of public telecommunications transport services. Each Party also retains the right to allocate frequency bands taking into account present and future needs.

3. The current state of allocated frequency bands shall be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

Article X.9: Regulatory Authority

1. Each Party shall ensure that its regulatory authority is legally distinct and functionally independent from any supplier of telecommunications networks, services or equipment, including where a Party retains ownership or control of a supplier of telecommunications network or service.

2. Each Party shall ensure that its regulatory authorities' decisions and procedures are impartial with respect to all market participants and are administered in a transparent and timely manner.

3. Each Party shall ensure that its regulatory authorities are sufficiently empowered to regulate the sector, including having the power to:

(a) require suppliers of telecommunications networks or services submit any information the regulator considers necessary for the administration of its responsibilities; and

(b) enforce their decisions relating to the obligations set out in articles X.2 and X.4 through appropriate sanctions. Such sanctions may include financial penalties, corrective orders or the suspension or revocation of licences.

Article X.10: Resolution of Telecommunication Disputes*Recourse to Regulatory Authorities*

1. Further to Article X (Transparency - Administrative Proceedings) and Article X (Transparency – Review and Appeal), each Party shall ensure the following:

enterprises have timely recourse to its regulatory authority to resolve disputes with suppliers of public telecommunications transport networks or services regarding the matters covered in Articles [X.2, X.4, X.5 and X. 6 – access to and use, competitive safeguards, access to essential facilities, and interconnection] and that, under the domestic law of the Party, are within the regulatory authority’s jurisdiction. This shall include, as appropriate, the issuance of a binding decision by the regulatory authority to resolve the dispute within a reasonable period of time.

suppliers of telecommunications networks or services requesting access to essential facilities or interconnection with a major supplier in the Party’s territory, have recourse to a regulatory authority to resolve disputes regarding the appropriate terms, conditions and rates for interconnection or access with such a major supplier within a reasonable and publicly specified period of time.

Appeal and Review

2. Each Party shall ensure that an enterprise whose interests are adversely affected by a determination or decision of a regulatory authority may obtain review of the determination or decision by an impartial and independent judicial, quasi-judicial or administrative authority, as provided in the domestic law of the Party. Written reasons for the determination or decision of the judicial, quasi-judicial or administrative authority shall be given. Each Party shall ensure that such determinations or decisions, subject to appeal or further review, are implemented by the regulatory authority.

3. An application for judicial review shall not constitute grounds for non-compliance with the determination or decision of the regulatory authority unless the relevant judicial authority stays such determination or decision.

Article X.11: Transparency

1. Further to Articles X (Transparency - Publication) and X (Transparency - Notification and Provision of Information), and in addition to the other provisions in this Chapter relating to the publication of information, each Party shall make publicly available:

(i) the responsibilities of a regulatory authority in an easily accessible and clear form, in particular where those responsibilities are given to more than one body;

(ii) its measures relating to public telecommunications transport network or services, including:

(A) regulations of its regulatory authority, together with the basis for such regulations;

(B) measures relating to tariffs and other terms and conditions of service;

- (C) measures relating to specifications of technical interfaces;
- (D) measures relating to conditions for attaching terminal or other equipment to the public telecommunications transport network;
- (E) measures relating to notification, permit, registration, or licensing requirements, if any; and
- (ii) information on bodies responsible for preparing, amending and adopting standards-related measures.

Article X.12: Forbearance

The Parties recognize the importance of a competitive market to achieve legitimate public policy objectives for telecommunications services. To this end, and to the extent provided in its domestic law, each Party may refrain from applying a regulation to a telecommunications service when, following analysis of the market, it is determined that effective competition is achieved.

[Article X.13: Relation to Other Chapters

In the event of any inconsistency between this Chapter and another Chapter in this Agreement, this Chapter shall prevail to the extent of the inconsistency.]CAN

ARTICLE X.14: Number Portability

Each Party shall ensure that suppliers of public telecommunications transport services in its territory provide number portability on reasonable terms and conditions.

Article X.15: Definitions

For the purpose of this Chapter:

contribution link means a link for the transmission of sound or television broadcasting signals to a programme production centre.

cost-oriented means based on cost and may involve different cost methodologies for different facilities or services;

enterprise means an “enterprise” as defined in Article 3 (Investment– Definitions);

essential facilities means facilities of a public telecommunications transport network or service that:

are exclusively or predominantly provided by a single or a limited number of suppliers; and
cannot feasibly be economically or technically substituted in order to provide a service;

interconnection means linking suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier;

intra-corporate communications means telecommunications through which a company communicates within the company or with or among its subsidiaries, branches and, subject to a Party's domestic laws and regulations, affiliates. For these purposes, "subsidiaries", "branches" and, where applicable, "affiliates" are as defined by each Party. "Intra-corporate communications" excludes commercial or non-commercial services that are supplied to companies that are not related subsidiaries, branches or affiliates or that are offered to customers or potential customers;

leased circuits means telecommunications facilities between two or more designated points that are set aside for the dedicated use of or availability to a particular customer or other users of the customer's choosing;

major supplier means a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for public telecommunications transport networks or services as a result of :

control over essential facilities; or

use of its position in the market;

network termination point means the physical point at which a user is provided with access to a public communications network.

public telecommunications transport network means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;

public telecommunications transport service means any telecommunications transport service required, explicitly or in effect, by a Party to be offered to the public generally involving the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information. Such services may include, *inter alia*, voice telephone services, packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, private leased circuit services and mobile and personal communications services and systems.

regulatory authority means the body responsible for the regulation of telecommunications;

service supplier means a person of a Party that seeks to supply or supplies a service, including a supplier of telecommunications networks or services;

telecommunications services means all services consisting of the transmission and reception of signals by any electro-magnetic means and do not cover the economic activity consisting of the provision of content by means of telecommunications;

user is an enterprise or natural person using or requesting a publicly available telecommunications service.

number portability means the ability of end-users of public telecommunications transport services to retain, at the same location, the same telephone numbers without impairment of quality, reliability or convenience when switching between suppliers of like public telecommunications transport services.

18. ELECTRONIC COMMERCE**CHAPTER X****ELECTRONIC COMMERCE****Article X-01: Objective, Scope and Coverage**

The Parties recognise that electronic commerce increases economic growth and trade opportunities in many sectors and confirm the applicability of WTO rules to electronic commerce. They agree to promote the development of electronic commerce between them, in particular by co-operating on the issues raised by electronic commerce under the provisions of this [Chapter/Sub-section].

The Parties confirm that this Agreement applies to electronic commerce. In the event of an inconsistency between this [Chapter/Sub-section] and another [Chapter/Sub-section] of this Agreement, the other [Chapter/Sub-section] shall prevail to the extent of the inconsistency.

Nothing in this [Chapter/Sub-section] imposes obligations on a Party to allow a delivery transmitted by electronic means except in accordance with the obligations of that Party under the other [Chapter/Sub-section] of this Agreement.

The General Exceptions set out in Art.X.02 in Chapter X (Exceptions) shall apply to this Chapter.

Article X-02: Customs Duties on Electronic Deliveries

The Parties agree that a delivery transmitted by electronic means shall not be subject to customs duties, fees or charges.

For greater clarity, paragraph 1 does not prevent a Party from imposing internal taxes or other internal charges on a delivery transmitted by electronic means, provided that such taxes or charges are imposed in a manner consistent with the other [Chapter/Sub-section] of this Agreement.

Article X-03: Trust and Confidence in Electronic Commerce

Each Party should adopt or maintain laws, regulations or administrative measures for the protection of personal information of users engaged in electronic commerce and, when doing so, shall take into due consideration international standards for data protection of relevant international organisations of which both Parties are a member.

Article X-04: General Provisions

Considering the potential of electronic commerce as a social and economic development tool, the Parties recognize the importance of:

- (a) clarity, transparency and predictability in their domestic regulatory frameworks in facilitating, to the maximum extent possible, the development of electronic commerce;
- (b) interoperability, innovation and competition in facilitating electronic commerce;
- (c) facilitating the use of electronic commerce by small and medium sized enterprises.

Article X-05: Dialogue on E-Commerce

1. Recognising the global nature of electronic commerce, the Parties agree to maintain a dialogue on issues raised by electronic commerce, which will *inter alia* address:

- (a) the recognition of certificates of electronic signatures issued to the public and the facilitation of cross-border certification services,
- (b) the liability of intermediary service providers with respect to the transmission, or storage of information,
- (c) the treatment of unsolicited electronic commercial communications,
- (d) the protection of personal information and the protection of consumers and businesses from fraudulent and deceptive commercial practices in the sphere of electronic commerce.

2. The dialogue in Paragraph 1 may take the form of exchange of information on the Parties' respective laws, regulations, and other measures on these issues, as well as sharing experiences on the implementation of such laws, regulations, and other measures.

3. Recognizing the global nature of electronic commerce, the Parties affirm the importance of actively participating in multilateral fora to promote the development of electronic commerce.

Article X-06: Definitions

For purposes of this Chapter:

delivery means a computer program, text, video, image, sound recording or other delivery that is digitally encoded; and

electronic commerce means commerce conducted through telecommunications, alone or in conjunction with other information and communication technologies.

19. COMPETITION POLICY

COMPETITION POLICY

Article X-01: Competition Policy

The Parties recognize the importance of free and undistorted competition in their trade relations. The Parties acknowledge that anti-competitive business conduct has the potential to distort the proper functioning of markets and undermine the benefits of trade liberalization.

Each Party shall take appropriate measures to proscribe anti-competitive business conduct, recognizing that such measures will enhance the fulfilment of the objectives of this Agreement.

The Parties shall cooperate on matters relating to proscribing anti-competitive business conduct in the free trade area in accordance with the *Agreement between the European Communities and the Government of Canada Regarding the Application of their Competition Laws*, entered into force on 17 June 1999, or any successor Agreement.

The measures referred to in paragraph 2 shall be consistent with the principles of transparency, non-discrimination and procedural fairness. Exclusions from the application of competition law shall be transparent. Each Party shall make available to the other Party public information concerning such exclusions provided under its competition laws.

In this Article, “anti-competitive business conduct” means anti-competitive agreements, concerted practices or arrangements by competitors; anti-competitive practices by an enterprise that is dominant in a market; and mergers with substantial anti-competitive effects.

Article X-02: Application of Competition Policy to Enterprises

Each Party shall ensure that the measures referred to in Article X-01.2 apply to the Parties to the extent required by their respective laws.

For greater certainty

(a) in Canada, the Competition Act is binding on and applies to an agent of Her Majesty in right of Canada or a province that is a corporation, in respect of commercial activities engaged in by the corporation in competition, whether actual or potential, with other persons to the extent that it would apply if the agent were not an agent of Her Majesty. Such an agent may include State enterprises, monopolies and enterprises granted special or exclusive rights or privileges; and

(b) in the European Union, State enterprises, monopolies and enterprises granted special rights or privileges are subject to the European Union’s rules on competition. However, enterprises entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly are subject to these rules, in so far as the application of these rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them.

Article X-03: Dispute Settlement

1. Nothing in this Chapter shall be subject to any form of dispute settlement under the Agreement.

Article X-04: Definition

For purposes of this Chapter:

Service of general economic interest means for the European Union:

a service that cannot be provided satisfactorily and under conditions, such as price, objective quality characteristics, continuity and access to the service, consistent with the public interest, by an undertaking operating under normal market conditions. The operation of an SGEI must be entrusted to one or more undertakings by the State by way of a public service assignment that defines the obligations of the undertakings in question and of the State.

20. STATE ENTERPRISES, MONOPOLIES AND ENTERPRISES GRANTED SPECIAL RIGHTS (MSE)

Chapter on State Enterprises, Monopolies and Enterprises granted Special Rights or Privileges

Article 1

1. For the purposes of this Chapter, the following definitions shall apply:

"State Enterprise" means an enterprise owned or controlled by a Party

"Monopoly" means an entity of a commercial character, including a consortium or government agency, that in a relevant market in the territory of a Party is designated as the sole supplier or purchaser of a good or service, but does not include an entity that has been granted an exclusive intellectual property right solely by reason of such grant.

"Covered entity" means:

i) a monopoly; or

ii) a supplier of a good or service if it is one of a small number of services or goods suppliers authorised or established, formally or in effect, by a Party and the Party substantially prevents competition among those suppliers in its territory; or

iii) any entity that has been formally or in effect granted by a Party any special rights or privileges, substantially affecting the ability of any other enterprise to provide the same good or service in the same geographical area under substantially equivalent conditions, and allowing it to escape, in whole or in part, competitive pressures or market constraints;⁴⁵ or

iv) a state enterprise.

"Designate" means to establish or authorize a monopoly, or to expand the scope of a monopoly to cover an additional good or service.

"Non-discriminatory treatment" means the better of national treatment and most-favoured-nation treatment as set out in this Agreement.

"In accordance with commercial considerations" means consistent with customary business practices of a privately held enterprise in the relevant business or industry.

Article 2

1. The Parties confirm their rights and obligations under Article XVII, paragraphs 1 through 3, of

⁴⁵

For greater certainty, the granting of a license to a limited number of enterprises in allocating a scarce resource through objective, proportional and non-discriminatory criteria is not in and of itself a special right.

GATT 1994, the Understanding on the Interpretation of Article XVII of GATT 1994, as well as under Article VIII of GATS, paragraphs 1 and 2, which are hereby incorporated into and made part of this Agreement and shall apply.

2. This Chapter does not apply to procurement by a Party for goods and services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of goods and services for commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article II of (Chapter XX - Government Procurement).

3. Articles 4 and 5 of this Chapter do not apply to sectors set out in Article XX of CBTS and Article YY of the Investment chapter

4. Articles 4 and 5 of this Chapter do not apply to measures of a covered entity where a National Treatment or MFN reservation of a Party, as set out in that Party's schedule in Annex X, would be applicable if the same measures had been adopted or maintained by that Party.

Article 3

1. Without prejudice to the Parties' rights and obligations under this Agreement, nothing in this Chapter prevents Parties from designating or maintaining state enterprises or monopolies or from granting enterprises special rights or privileges.

2. A Party shall not require or encourage covered entities to act in a manner inconsistent with this Agreement.

Article 4

Each Party shall ensure in its territory that a covered entity accords non-discriminatory treatment to a covered investment, to a good of the other Party *and* or to a service supplier of the other Party in its purchase or sale of a good or a service.

Article 5

1. Except to fulfill the purpose⁴⁶ for which a monopoly has been created or for which special rights or privileges have been granted, or in the case of a state enterprise to fulfill its public mandate, and provided that the entity's conduct is consistent with the provisions in Article 4 of this Chapter and the (Chapter XX – Competition), each Party shall ensure that a covered entity acts in accordance with commercial considerations in the relevant territory in its purchases and sales of goods, including with regard to price, quality, availability, marketability, transportation and other terms and conditions of purchase or sale, as well as in its purchases or supply of services, including when these goods or services are supplied to or by an investment of an investor of the other Party.

2. A covered entity set out in Article 1(c)(ii) through (iv) acting in accordance with Article 5.1

⁴⁶ Such as public service obligations or regional development

shall be deemed to be in compliance with the obligations set out in Article 4.

21. GOVERNMENT PROCUREMENT**Chapter X
Government Procurement****Table of Contents**

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Article I Definitions

For purposes of this Chapter:

- (a) **commercial goods or services** means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes;
- (b) **Committee** means the Committee on Government Procurement established by Article XIX:1;
- (c) **construction service** means a service that has as its objective the realization by whatever means of civil or building works, based on Division 51 of the United Nations Provisional Central Product Classification (CPC);
- (d) **days** means calendar days;
- (e) **electronic auction** means an iterative process that involves the use of electronic means for the presentation by suppliers of either new prices, or new values for quantifiable non-price elements of the tender related to the evaluation criteria, or both, resulting in a ranking or re-ranking of tenders;
- (f) **in writing or written** means any worded or numbered expression that can be read, reproduced and later communicated. It may include electronically transmitted and stored information;
- (g) **limited tendering** means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice;
- (h) **measure** means any law, regulation, procedure, administrative guidance or practice, or any action of a procuring entity relating to a covered procurement;
- (i) **multi-use list** means a list of suppliers that a procuring entity has determined satisfy the conditions for participation in that list, and that the procuring entity intends to use more than once;
- (j) **notice of intended procurement** means a notice published by a procuring entity inviting interested suppliers to submit a request for participation, a tender, or both;
- (k) **offset** means any condition or undertaking that encourages local development or improves a Party's balance-of-payments accounts, such as the use of domestic content, the licensing of technology, investment, counter-trade and similar action or requirement;
- (l) **open tendering** means a procurement method whereby all interested suppliers may submit a tender;

- (m) **person** means a natural person or a juridical person;
- (n) **procuring entity** means an entity covered under Annex X-01, X-02 or X-03;
- (o) **qualified supplier** means a supplier that a procuring entity recognizes as having satisfied the conditions for participation;
- (p) **selective tendering** means a procurement method whereby only qualified suppliers are invited by the procuring entity to submit a tender;
- (q) **services** includes construction services, unless otherwise specified;
- (r) **standard** means a document approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for goods or services, or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, service, process or production method;
- (s) **supplier** means a person or group of persons that provides or could provide goods or services; and
- (t) **technical specification** means a tendering requirement that:
 - (i) lays down the characteristics of goods or services to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision; or
 - (ii) addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or service.

Article II Scope and Coverage

[Note: This article may require adjustment based on a final structure and naming convention for market access annexes/appendices.]

Application of Chapter

1. This Chapter applies to any measure regarding covered procurement, whether or not it is conducted exclusively or partially by electronic means.
2. For the purposes of this Chapter, covered procurement means procurement for governmental purposes:
 - (a) of goods, services, or any combination thereof:
 - (i) as specified in each Party's annexes to this Chapter; and

(ii) not procured with a view to commercial sale or resale, or for use in the production or supply of goods or services for commercial sale or resale;

(b) by any contractual means, including: purchase; lease; and rental or hire purchase, with or without an option to buy;

(c) for which the value, as estimated in accordance with paragraphs 6 through 8, equals or exceeds the relevant threshold specified in a Party's annexes to this Chapter, at the time of publication of a notice in accordance with Article VI;

(d) by a procuring entity; and

(e) that is not otherwise excluded from coverage in paragraph 3 or a Party's annexes to this Chapter.

3. Except where provided otherwise in a Party's annexes to this Chapter, this Chapter does not apply to:

(a) the acquisition or rental of land, existing buildings or other immovable property or the rights thereon;

(b) non-contractual agreements or any form of assistance that a Party provides, including cooperative agreements, grants, loans, equity infusions, guarantees and fiscal incentives;

(c) the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;

(d) public employment contracts;

(e) procurement conducted:

(i) for the specific purpose of providing international assistance, including development aid;

(ii) under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project; or

(iii) under the particular procedure or condition of an international organization, or funded by international grants, loans or other assistance where the applicable procedure or condition would be inconsistent with this Chapter.

4. The procurement subject to the rules of this chapter shall be all procurement covered by Appendices X and Y, in which each Party's commitments shall be set out as follows:

- (a) in Annex X-01, the central government entities whose procurement is covered by this Chapter;
- (b) in Annex X-02, the sub-central government entities whose procurement is covered by this Chapter;
- (c) in Annex X-03, all other entities whose procurement is covered by this Chapter;
- (d) in Annex X-04, the goods covered by this Chapter;
- (e) in Annex X-05, the services, other than construction services, covered by this Chapter;
- (f) in Annex X-06, the construction services covered by this Chapter;
- (g) in Annex X-07, any General Notes; and
- (h) in Annex X-08, the means of publication used for this Chapter.

5. Where a procuring entity, in the context of covered procurement, requires persons not covered under a Party's annexes to this Chapter to procure in accordance with particular requirements, Article IV shall apply *mutatis mutandis* to such requirements.

Valuation

6. In estimating the value of a procurement for the purpose of ascertaining whether it is a covered procurement, a procuring entity shall:

- (a) neither divide a procurement into separate procurements nor select or use a particular valuation method for estimating the value of a procurement with the intention of totally or partially excluding it from the application of this Chapter; and
- (b) include the estimated maximum total value of the procurement over its entire duration, whether awarded to one or more suppliers, taking into account all forms of remuneration, including:
 - (i) premiums, fees, commissions and interest; and
 - (ii) where the procurement provides for the possibility of options, the total value of such options.

7. Where an individual requirement for a procurement results in the award of more than one contract, or in the award of contracts in separate parts (hereinafter referred to as "recurring contracts" the calculation of the estimated maximum total value shall be based on:

(a) the value of recurring contracts of the same type of good or service awarded during the preceding 12 months or the procuring entity's preceding fiscal year, adjusted, where possible, to take into account anticipated changes in the quantity or value of the good or service being procured over the following 12 months; or

(b) the estimated value of recurring contracts of the same type of good or service to be awarded during the 12 months following the initial contract award or the procuring entity's fiscal year.

8. In the case of procurement by lease, rental or hire purchase of goods or services, or procurement for which a total price is not specified, the basis for valuation shall be:

(a) in the case of a fixed-term contract:

(i) where the term of the contract is 12 months or less, the total estimated maximum value for its duration; or

(ii) where the term of the contract exceeds 12 months, the total estimated maximum value, including any estimated residual value;

(b) where the contract is for an indefinite period, the estimated monthly instalment multiplied by 48; and

(c) where it is not certain whether the contract is to be a fixed-term contract, subparagraph (b) shall be used.

Article III Security and General Exceptions

1. Nothing in this Chapter shall be construed to prevent a Party from taking any action or not disclosing any information that it considers necessary for the protection of its essential security interests relating to the procurement of arms, ammunition⁴⁷ or war material, or to procurement indispensable for national security or for national defence purposes.

2. Subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between Parties where the same conditions prevail or a disguised restriction on international trade, nothing in this Chapter shall be construed to prevent a Party from imposing or enforcing measures:

(a) necessary to protect public morals, order or safety;

⁴⁷ The expression "ammunition" in this Article is considered equivalent to the expression "munitions".

- (b) necessary to protect human, animal or plant life or health;
- (c) necessary to protect intellectual property; or
- (d) relating to goods or services of persons with disabilities, philanthropic institutions or prison labour.

Article IV General Principles

Non-Discrimination

1. With respect to any measure regarding covered procurement, each Party, including its procuring entities, shall accord immediately and unconditionally to the goods and services of the other Party and to the suppliers of the other Party offering such goods or services, treatment no less favourable than the treatment the Party, including its procuring entities, accords to goods, services and suppliers. For greater certainty, such treatment includes:

within Canada, treatment no less favourable than that accorded by a province or territory, including its procuring entities, to goods and services of, and to suppliers located in, that province or territory; and

within the European Union, treatment no less favourable than that accorded by a Member State or a sub-central region of a Member State, including its procuring entities, to goods and services of, and to suppliers located in, that Member State or sub-central region, as the case may be.

2. With respect to any measure regarding covered procurement, a Party, including its procuring entities, shall not:

- (a) treat a locally established supplier less favourably than another locally established supplier on the basis of the degree of foreign affiliation or ownership; or
- (b) discriminate against a locally established supplier on the basis that the goods or services offered by that supplier for a particular procurement are goods or services of the other Party.

Use of Electronic Means

3. When conducting covered procurement by electronic means, a procuring entity shall:

- (a) ensure that the procurement is conducted using information technology systems and software, including those related to authentication and encryption of information, that are generally available and interoperable with other generally available information technology systems and software; and

maintain mechanisms that ensure the integrity of requests for participation and tenders, including

establishment of the time of receipt and the prevention of inappropriate access.

Conduct of Procurement

4. A procuring entity shall conduct covered procurement in a transparent and impartial manner that:

(a) is consistent with this Chapter, using methods such as open tendering, selective tendering and limited tendering;

(b) avoids conflicts of interest; and

prevents corrupt practices.

Rules of Origin

5. For purposes of covered procurement, a Party shall not apply rules of origin to goods or services imported from or supplied from the other Party that are different from the rules of origin the Party applies at the same time in the normal course of trade to imports or supplies of the same goods or services from the same Party.

Offsets

6. With regard to covered procurement, a Party, including its procuring entities, shall not seek, take account of, impose or enforce any offset.

Measures Not Specific to Procurement

7. Paragraphs 1 and 2 shall not apply to: customs duties and charges of any kind imposed on, or in connection with, importation; the method of levying such duties and charges; other import regulations or formalities and measures affecting trade in services other than measures governing covered procurement.

Article V Information on the Procurement System

1. Each Party shall:

(a) promptly publish any law, regulation, judicial decision, administrative ruling of general application, standard contract clause mandated by law or regulation and incorporated by reference in notices or tender documentation and procedure regarding covered procurement, and any modifications thereof, in an officially designated electronic or paper medium that is widely disseminated and remains readily accessible to the public; and

(b) provide an explanation thereof to the other Party, on request.

2. Each Party shall list, in Annex X-08:

[[Note: This article may require adjustment based on a final structure and naming convention for market access annexes/appendices.]

(a) the electronic or paper media in which the Party publishes the information described in paragraph 1;

(b) the electronic or paper media in which the Party publishes the notices required by Articles VI, VIII:7 and XV:2; and

(c) the website address or addresses where the Party publishes:

(i) its procurement statistics pursuant to Article XV:5; or

(ii) its notices concerning awarded contracts pursuant to Article XV:6.

3. Each Party shall promptly notify the Committee of any modification to the Party's information listed in Annex X-08.

Article VI Notices

Notice of Intended Procurement

1. For each covered procurement, a procuring entity shall publish a notice of intended procurement, except in the circumstances described in Article XII.

All the notices of intended procurement shall be directly accessible [by electronic means free of charge through a single point of access subject to paragraph 2.] In addition, the notices may also be published in an appropriate paper medium. Such medium shall be widely disseminated and such notices shall remain readily accessible to the public, at least until expiration of the time-period indicated in the notice.

The appropriate paper and electronic medium shall be listed by each Party in Annex X-08.

2. A Party may apply a transitional period of up to 5 years from the date of entry into force of this Agreement to entities covered by Annex 2 and Annex 3 that are not ready to participate in a single point of access referred to in paragraph 1. Those entities shall, during such transitional period, provide their notices of intended procurement, [if accessible by electronic means,] through links in a gateway electronic site that is accessible free of charge and listed in Annex X-08.

3. Except as otherwise provided in this Chapter, each notice of intended procurement shall include:

- (a) the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any;
- (b) a description of the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity;
- (c) for recurring contracts, an estimate, if possible, of the timing of subsequent notices of intended procurement;
- (d) a description of any options;
- (e) the time-frame for delivery of goods or services or the duration of the contract;
- (f) the procurement method that will be used and whether it will involve negotiation or electronic auction;
- (g) where applicable, the address and any final date for the submission of requests for participation in the procurement;
- (h) the address and the final date for the submission of tenders;
- (i) the language or languages in which tenders or requests for participation may be submitted, if they may be submitted in a language other than an official language of the Party of the procuring entity;
- (j) a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers in connection therewith, unless such requirements are included in tender documentation that is made available to all interested suppliers at the same time as the notice of intended procurement;
- (k) where, pursuant to Article VIII, a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, where applicable, any limitation on the number of suppliers that will be permitted to tender; and
- (l) an indication that the procurement is covered by this Chapter.

Summary Notice

4. For each case of intended procurement, a procuring entity shall publish a summary notice that is readily accessible, at the same time as the publication of the notice of intended procurement, in English or French. The summary notice shall contain at least the following information:

- (a) the subject-matter of the procurement;

- (b) the final date for the submission of tenders or, where applicable, any final date for the submission of requests for participation in the procurement or for inclusion on a multi-use list; and
- (c) the address from which documents relating to the procurement may be requested.

Notice of Planned Procurement

5. Procuring entities are encouraged to publish in the appropriate [electronic, and, where available, paper] medium listed in Annex X-08 as early as possible in each fiscal year a notice regarding their future procurement plans (hereinafter referred to as "notice of planned procurement"). [The notice of planned procurement shall also be published in the single point of access site listed in Annex X-08, subject to paragraph 2.] The notice of planned procurement should include the subject-matter of the procurement and the planned date of the publication of the notice of intended procurement.

6. A procuring entity covered under Annex X-02 or 3 may use a notice of planned procurement as a notice of intended procurement provided that the notice of planned procurement includes as much of the information referred to in paragraph 3 as is available to the entity and a statement that interested suppliers should express their interest in the procurement to the procuring entity.

Article VII Conditions for Participation

1. A procuring entity shall limit any conditions for participation in a procurement to those that are essential to ensure that a supplier has the legal and financial capacities and the commercial and technical abilities to undertake the relevant procurement.

2. In establishing the conditions for participation, a procuring entity:

- (a) shall not impose the condition that, in order for a supplier to participate in a procurement, the supplier has previously been awarded one or more contracts by a procuring entity of a Party;

- (b) may require relevant prior experience where essential to meet the requirements of the procurement; and

- (c) shall not require prior experience in the territory of the Party to be a condition of the procurement.

3. In assessing whether a supplier satisfies the conditions for participation, a procuring entity:

- (a) shall evaluate the financial capacity and the commercial and technical abilities of a supplier on the basis of that supplier's business activities both inside and outside the territory of the Party of the procuring entity; and

(b) shall base its evaluation on the conditions that the procuring entity has specified in advance in notices or tender documentation.

4. Where there is supporting evidence, a Party, including its procuring entities, may exclude a supplier on grounds such as:

- (a) bankruptcy;
- (b) false declarations;
- (c) significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts;
- (d) final judgments in respect of serious crimes or other serious offences;
- (e) professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the supplier; or
- (f) failure to pay taxes.

Article VIII Qualification of Suppliers

Registration Systems and Qualification Procedures

1. A Party, including its procuring entities, may maintain a supplier registration system under which interested suppliers are required to register and provide certain information.

2. Each Party shall ensure that:

- (a) its procuring entities make efforts to minimize differences in their qualification procedures; and
- (b) where its procuring entities maintain registration systems, the entities make efforts to minimize differences in their registration systems.

3. A Party, including its procuring entities, shall not adopt or apply any registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of suppliers of the other Party in its procurement.

Selective Tendering

4. Where a procuring entity intends to use selective tendering, the entity shall:

(a) include in the notice of intended procurement at least the information specified in Article VI:2(a), (b), (f), (g), (j), (k) and (l) and invite suppliers to submit a request for participation; and

(b) provide, by the commencement of the time-period for tendering, at least the information in Article VI:2 (c), (d), (e), (h) and (i) to the qualified suppliers that it notifies as specified in Article X:3(b).

5. A procuring entity shall allow all qualified suppliers to participate in a particular procurement, unless the procuring entity states in the notice of intended procurement any limitation on the number of suppliers that will be permitted to tender and the criteria for selecting the limited number of suppliers.

6. Where the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 4, a procuring entity shall ensure that those documents are made available at the same time to all the qualified suppliers selected in accordance with paragraph 5.

Multi-Use Lists

7. A procuring entity may maintain a multi-use list of suppliers, provided that a notice inviting interested suppliers to apply for inclusion on the list is:

(a) published annually; and

(b) where published by electronic means, made available continuously,

in the appropriate medium listed in Annex X-08.

8. The notice provided for in paragraph 7 shall include:

(a) a description of the goods or services, or categories thereof, for which the list may be used;

(b) the conditions for participation to be satisfied by suppliers for inclusion on the list and the methods that the procuring entity will use to verify that a supplier satisfies the conditions;

(c) the name and address of the procuring entity and other information necessary to contact the entity and obtain all relevant documents relating to the list;

(d) the period of validity of the list and the means for its renewal or termination, or where the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list; and

(e) an indication that the list may be used for procurement covered by this Chapter.

9. Notwithstanding paragraph 7, where a multi-use list will be valid for three years or less, a procuring entity may publish the notice referred to in paragraph 7 only once, at the beginning of the period of validity of the list, provided that the notice:

- (a) states the period of validity and that further notices will not be published; and
- (b) is published by electronic means and is made available continuously during the period of its validity.

10. A procuring entity shall allow suppliers to apply at any time for inclusion on a multi-use list and shall include on the list all qualified suppliers within a reasonably short time.

11. Where a supplier that is not included on a multi-use list submits a request for participation in a procurement based on a multi-use list and all required documents, within the time-period provided for in Article X:2, a procuring entity shall examine the request. The procuring entity shall not exclude the supplier from consideration in respect of the procurement on the grounds that the entity has insufficient time to examine the request, unless, in exceptional cases, due to the complexity of the procurement, the entity is not able to complete the examination of the request within the time-period allowed for the submission of tenders.

Annex X-02 and Annex X-03 Entities

12. A procuring entity covered under Annex X-02 or X-03 may use a notice inviting suppliers to apply for inclusion on a multi-use list as a notice of intended procurement, provided that:

- (a) the notice is published in accordance with paragraph 7 and includes the information required under paragraph 8, as much of the information required under Article VI:2 as is available and a statement that it constitutes a notice of intended procurement or that only the suppliers on the multi-use list will receive further notices of procurement covered by the multi-use list; and
- (b) the entity promptly provides to suppliers that have expressed an interest in a given procurement to the entity, sufficient information to permit them to assess their interest in the procurement, including all remaining information required in Article VI:2, to the extent such information is available.

13. A procuring entity covered under Annex X-02 or X-03 may allow a supplier that has applied for inclusion on a multi-use list in accordance with paragraph 10 to tender in a given procurement, where there is sufficient time for the procuring entity to examine whether the supplier satisfies the conditions for participation.

Information on Procuring Entity Decisions

14. A procuring entity shall promptly inform any supplier that submits a request for participation in a procurement or application for inclusion on a multi-use list of the procuring entity's decision with respect to the request or application.

15. Where a procuring entity rejects a supplier's request for participation in a procurement or application for inclusion on a multi-use list, ceases to recognize a supplier as qualified, or removes a supplier from a multi-use list, the entity shall promptly inform the supplier and, on request of the supplier, promptly provide the supplier with a written explanation of the reasons for its decision.

Article IX Technical Specifications and Tender Documentation*Technical Specifications*

1. A procuring entity shall not prepare, adopt or apply any technical specification or prescribe any conformity assessment procedure with the purpose or the effect of creating unnecessary obstacles to international trade.

2. In prescribing the technical specifications for the goods or services being procured, a procuring entity shall, where appropriate:

(a) set out the technical specification in terms of performance and functional requirements, rather than design or descriptive characteristics; and

(b) base the technical specification on international standards, where such exist; otherwise, on national technical regulations, recognized national standards or building codes.

3. Where design or descriptive characteristics are used in the technical specifications, a procuring entity should indicate, where appropriate, that it will consider tenders of equivalent goods or services that demonstrably fulfil the requirements of the procurement by including words such as "or equivalent" in the tender documentation.

4. A procuring entity shall not prescribe technical specifications that require or refer to a particular trademark or trade name, patent, copyright, design, type, specific origin, producer or supplier, unless there is no other sufficiently precise or intelligible way of describing the procurement requirements and provided that, in such cases, the entity includes words such as "or equivalent" in the tender documentation.

5. A procuring entity shall not seek or accept, in a manner that would have the effect of precluding competition, advice that may be used in the preparation or adoption of any technical specification for a specific procurement from a person that may have a commercial interest in the procurement.

6. For greater certainty, a Party, including its procuring entities, may, in accordance with this Article, prepare, adopt or apply technical specifications to promote the conservation of

natural resources or protect the environment.

Tender Documentation

7. A procuring entity shall make available to suppliers tender documentation that includes all information necessary to permit suppliers to prepare and submit responsive tenders. Unless already provided in the notice of intended procurement, such documentation shall include a complete description of:

- (a) the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any technical specifications, conformity assessment certification, plans, drawings or instructional materials;
- (b) any conditions for participation of suppliers, including a list of information and documents that suppliers are required to submit in connection with the conditions for participation;
- (c) all evaluation criteria the entity will apply in the awarding of the contract, and, except where price is the sole criterion, the relative importance of such criteria;
- (d) where the procuring entity will conduct the procurement by electronic means, any authentication and encryption requirements or other requirements related to the submission of information by electronic means;
- (e) where the procuring entity will hold an electronic auction, the rules, including identification of the elements of the tender related to the evaluation criteria, on which the auction will be conducted;
- (f) where there will be a public opening of tenders, the date, time and place for the opening and, where appropriate, the persons authorized to be present;
- (g) any other terms or conditions, including terms of payment and any limitation on the means by which tenders may be submitted, such as whether on paper or by electronic means; and
- (h) any dates for the delivery of goods or the supply of services.

8. In establishing any date for the delivery of goods or the supply of services being procured, a procuring entity shall take into account such factors as the complexity of the procurement, the extent of subcontracting anticipated and the realistic time required for production, de-stocking and transport of goods from the point of supply or for supply of services.

9. The evaluation criteria set out in the notice of intended procurement or tender documentation may include, among others, price and other cost factors, quality, technical merit, environmental characteristics and terms of delivery.

10. A procuring entity shall promptly:

- (a) make available tender documentation to ensure that interested suppliers have sufficient time to submit responsive tenders;
- (b) provide, on request, the tender documentation to any interested supplier; and
- (c) reply to any reasonable request for relevant information by any interested or participating supplier, provided that such information does not give that supplier an advantage over other suppliers.

Modifications

11. Where, prior to the award of a contract, a procuring entity modifies the criteria or requirements set out in the notice of intended procurement or tender documentation provided to participating suppliers, or amends or reissues a notice or tender documentation, it shall transmit in writing all such modifications or amended or re-issued notice or tender documentation:

- (a) to all suppliers that are participating at the time of the modification, amendment or re-issuance, where such suppliers are known to the entity, and in all other cases, in the same manner as the original information was made available; and
- (b) in adequate time to allow such suppliers to modify and re-submit amended tenders, as appropriate.

Article X Time-Periods

General

1. A procuring entity shall, consistent with its own reasonable needs, provide sufficient time for suppliers to prepare and submit requests for participation and responsive tenders, taking into account such factors as:

- (a) the nature and complexity of the procurement;
- (b) the extent of subcontracting anticipated; and
- (c) the time necessary for transmitting tenders by non-electronic means from foreign as well as domestic points where electronic means are not used.

Such time-periods, including any extension of the time-periods, shall be the same for all interested or participating suppliers.

Deadlines

2. A procuring entity that uses selective tendering shall establish that the final date for the submission of requests for participation shall not, in principle, be less than 25 days from the date of publication of the notice of intended procurement. Where a state of urgency duly substantiated by the procuring entity renders this time-period impracticable, the time-period may be reduced to not less than 10 days.

3. Except as provided for in paragraphs 4, 5, 7 and 8 a procuring entity shall establish that the final date for the submission of tenders shall not be less than 40 days from the date on which:

- (a) in the case of open tendering, the notice of intended procurement is published; or
- (b) in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders, whether or not it uses a multi-use list.

4. A procuring entity may reduce the time-period for tendering established in accordance with paragraph 3 to not less than 10 days where:

(a) the procuring entity has published a notice of planned procurement as described in Article VI:4 at least 40 days and not more than 12 months in advance of the publication of the notice of intended procurement, and the notice of planned procurement contains:

- (i) a description of the procurement;
 - (ii) the approximate final dates for the submission of tenders or requests for participation;
 - (iii) a statement that interested suppliers should express their interest in the procurement to the procuring entity;
 - (iv) the address from which documents relating to the procurement may be obtained; and
 - (v) as much of the information that is required for the notice of intended procurement under Article VI:2, as is available;
- (b) the procuring entity, for contracts of a recurring nature, indicates in an initial notice of intended procurement that subsequent notices will provide time-periods for tendering based on this paragraph; or
- (c) a state of urgency duly substantiated by the procuring entity renders the time-period for tendering established in accordance with paragraph 3 impracticable.

5. A procuring entity may reduce the time-period for tendering established in accordance with paragraph 3 by five days for each one of the following circumstances:

- (a) the notice of intended procurement is published by electronic means;

(b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and

(c) the entity accepts tenders by electronic means.

6. The use of paragraph 5, in conjunction with paragraph 4, shall in no case result in the reduction of the time-period for tendering established in accordance with paragraph 3 to less than 10 days from the date on which the notice of intended procurement is published.

7. Notwithstanding any other provision in this Article, where a procuring entity purchases commercial goods or services, or any combination thereof, it may reduce the time-period for tendering established in accordance with paragraph 3 to not less than 13 days, provided that it publishes by electronic means, at the same time, both the notice of intended procurement and the tender documentation. In addition, where the entity accepts tenders for commercial goods or services by electronic means, it may reduce the time-period established in accordance with paragraph 3 to not less than 10 days.

8. Where a procuring entity covered under Annex X-02 or X-03 has selected all or a limited number of qualified suppliers, the time-period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

Article XI Negotiation

1. A Party may provide for its procuring entities to conduct negotiations:

(a) where the entity has indicated its intent to conduct negotiations in the notice of intended procurement required under Article VI:2; or

(b) where it appears from the evaluation that no tender is obviously the most advantageous in terms of the specific evaluation criteria set out in the notice of intended procurement or tender documentation.

2. A procuring entity shall:

(a) ensure that any elimination of suppliers participating in negotiations is carried out in accordance with the evaluation criteria set out in the notice of intended procurement or tender documentation; and

(b) where negotiations are concluded, provide a common deadline for the remaining participating suppliers to submit any new or revised tenders.

Article XII Limited Tendering

1. Provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against suppliers of the other Party or protects domestic suppliers, a procuring entity may use limited tendering and may choose not to apply Articles VI through VIII, IX (paragraphs 7 through 11), X, XI, XIII and XIV only under any of the following circumstances:

(a) where:

- (i) no tenders were submitted or no suppliers requested participation;
- (ii) no tenders that conform to the essential requirements of the tender documentation were submitted;
- (iii) no suppliers satisfied the conditions for participation; or
- (iv) the tenders submitted have been collusive,

provided that the requirements of the tender documentation are not substantially modified;

(b) where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

- (i) the requirement is for a work of art;
- (ii) the protection of patents, copyrights or other exclusive rights; or
- (iii) due to an absence of competition for technical reasons;

(c) for additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services:

- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; and
 - (ii) would cause significant inconvenience or substantial duplication of costs for the procuring entity;
- (d) insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering;

- (e) for goods purchased on a commodity market;
- (f) where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. Original development of a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs;
- (g) for purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from regular suppliers; or
- (h) where a contract is awarded to a winner of a design contest provided that:
- (i) the contest has been organized in a manner that is consistent with the principles of this Chapter, in particular relating to the publication of a notice of intended procurement; and

the participants are judged by an independent jury with a view to a design contract being awarded to a winner.

2. A procuring entity shall prepare a report in writing on each contract awarded under paragraph 1. The report shall include the name of the procuring entity, the value and kind of goods or services procured and a statement indicating the circumstances and conditions described in paragraph 1 that justified the use of limited tendering.

Article XIII Electronic Auctions

Where a procuring entity intends to conduct a covered procurement using an electronic auction, the entity shall provide each participant, before commencing the electronic auction, with:

- (a) the automatic evaluation method, including the mathematical formula, that is based on the evaluation criteria set out in the tender documentation and that will be used in the automatic ranking or re-ranking during the auction;
- (b) the results of any initial evaluation of the elements of its tender where the contract is to be awarded on the basis of the most advantageous tender; and
- (c) any other relevant information relating to the conduct of the auction.

Article XIV Treatment of Tenders and Awarding of Contracts

Treatment of Tenders

1. A procuring entity shall receive, open and treat all tenders under procedures that guarantee the fairness and impartiality of the procurement process, and the confidentiality of tenders.

2. A procuring entity shall not penalize any supplier whose tender is received after the time specified for receiving tenders if the delay is due solely to mishandling on the part of the procuring entity.

3. Where a procuring entity provides a supplier with an opportunity to correct unintentional errors of form between the opening of tenders and the awarding of the contract, the procuring entity shall provide the same opportunity to all participating suppliers.

Awarding of Contracts

4. To be considered for an award, a tender shall be submitted in writing and shall, at the time of opening, comply with the essential requirements set out in the notices and tender documentation and be from a supplier that satisfies the conditions for participation.

5. Unless a procuring entity determines that it is not in the public interest to award a contract, the entity shall award the contract to the supplier that the entity has determined to be capable of fulfilling the terms of the contract and that, based solely on the evaluation criteria specified in the notices and tender documentation, has submitted:

- (a) the most advantageous tender; or
- (b) where price is the sole criterion, the lowest price.

6. Where a procuring entity receives a tender with a price that is abnormally lower than the prices in other tenders submitted, it may verify with the supplier that it satisfies the conditions for participation and is capable of fulfilling the terms of the contract.

7. A procuring entity shall not use options, cancel a procurement or modify awarded contracts in a manner that circumvents the obligations under this Chapter.

Article XV Transparency of Procurement Information

Information Provided to Suppliers

1. A procuring entity shall promptly inform participating suppliers of the entity's contract award decisions and, on the request of a supplier, shall do so in writing. Subject to paragraphs 2 and 3 of Article XVI, a procuring entity shall, on request, provide an unsuccessful supplier with an explanation of the reasons why the entity did not select its tender and the relative advantages of the successful supplier's tender.

Publication of Award Information

2. Not later than 72 days after the award of each contract covered by this Chapter, a procuring entity shall publish a notice in the appropriate paper or electronic medium listed in Annex X-08. Where the entity publishes the notice only in an electronic medium, the information shall remain readily accessible for a reasonable period of time. The notice shall include at least the following information:

- (a) a description of the goods or services procured;
- (b) the name and address of the procuring entity;
- (c) the name and address of the successful supplier;
- (d) the value of the successful tender or the highest and lowest offers taken into account in the award of the contract;
- (e) the date of award; and
- (f) the type of procurement method used, and in cases where limited tendering was used in accordance with Article XII, a description of the circumstances justifying the use of limited tendering.

Maintenance of Documentation, Reports and Electronic Traceability

3. Each procuring entity shall, for a period of at least three years from the date it awards a contract, maintain:

- (a) the documentation and reports of tendering procedures and contract awards relating to covered procurement, including the reports required under Article XII; and
- (b) data that ensure the appropriate traceability of the conduct of covered procurement by electronic means.

Collection and Reporting of Statistics

4. Each Party shall collect and report to the Committee statistics on its contracts covered by this Chapter. Each report shall cover one year and be submitted within two years of the end of the reporting period, and shall contain:

- (a) for Annex X-01 procuring entities:
 - (i) the number and total value, for all such entities, of all contracts covered by this Chapter;

(ii) the number and total value of all contracts covered by this Chapter awarded by each such entity, broken down by categories of goods and services according to an internationally recognized uniform classification system; and

(iii) the number and total value of all contracts covered by this Chapter awarded by each such entity under limited tendering;

(b) for Annex X-02 and X-03 procuring entities, the number and total value of contracts covered by this Chapter awarded by all such entities, broken down by Annex; and

(c) estimates for the data required under subparagraphs (a) and (b), with an explanation of the methodology used to develop the estimates, where it is not feasible to provide the data.

5. Where a Party publishes its statistics on an official website, in a manner that is consistent with the requirements of paragraph 4, the Party may, instead of reporting to the Committee, provide a link to the website, together with any instructions necessary to access and use such statistics.

6. Where a Party requires notices concerning awarded contracts, pursuant to paragraph 2, to be published electronically and where such notices are accessible to the public through a single database in a form permitting analysis of the covered contracts, the Party may, instead of reporting to the Committee, provide a link to the website, together with any instructions necessary to access and use such data.

Article XVI Disclosure of Information

Provision of Information to Parties

1. On request of the other Party, a Party shall provide promptly any information necessary to determine whether a procurement was conducted fairly, impartially and in accordance with this Chapter, including information on the characteristics and relative advantages of the successful tender. In cases where release of the information would prejudice competition in future tenders, the Party that receives the information shall not disclose it to any supplier, except after consulting with, and obtaining the agreement of, the Party that provided the information.

Non-Disclosure of Information

2. Notwithstanding any other provision of this Chapter, a Party, including its procuring entities, shall not provide to any particular supplier information that might prejudice fair competition between suppliers.

3. Nothing in this Chapter shall be construed to require a Party, including its procuring entities, authorities and review bodies, to disclose confidential information where disclosure:

- (a) would impede law enforcement;
- (b) might prejudice fair competition between suppliers;
- (c) would prejudice the legitimate commercial interests of particular persons, including the protection of intellectual property; or
- (d) would otherwise be contrary to the public interest.

Article XVII Domestic Review Procedures

1. Each Party shall provide a timely, effective, transparent and non-discriminatory administrative or judicial review procedure through which a supplier may challenge:

- (a) a breach of the Chapter; or
- (b) where the supplier does not have a right to challenge directly a breach of the Chapter under the domestic law of a Party, a failure to comply with a Party's measures implementing this Chapter,

arising in the context of a covered procurement, in which the supplier has, or has had, an interest. The procedural rules for all challenges shall be in writing and made generally available.

2. In the event of a complaint by a supplier, arising in the context of covered procurement in which the supplier has, or has had, an interest, that there has been a breach or a failure as referred to in paragraph 1, the Party of the procuring entity conducting the procurement shall encourage the entity and the supplier to seek resolution of the complaint through consultations. The entity shall accord impartial and timely consideration to any such complaint in a manner that is not prejudicial to the supplier's participation in ongoing or future procurement or its right to seek corrective measures under the administrative or judicial review procedure.

3. Each supplier shall be allowed a sufficient period of time to prepare and submit a challenge, which in no case shall be less than 10 days from the time when the basis of the challenge became known or reasonably should have become known to the supplier.

4. Each Party shall establish or designate at least one impartial administrative or judicial authority that is independent of its procuring entities to receive and review a challenge by a supplier arising in the context of a covered procurement.

5. Where a body other than an authority referred to in paragraph 4 initially reviews a challenge, the Party shall ensure that the supplier may appeal the initial decision to an impartial administrative or judicial authority that is independent of the procuring entity whose procurement is the subject of the challenge.

6. Each Party shall ensure that a review body that is not a court shall have its decision subject to judicial review or have procedures that provide that:

- (a) the procuring entity shall respond in writing to the challenge and disclose all relevant documents to the review body;
- (b) the participants to the proceedings (hereinafter referred to as "participants") shall have the right to be heard prior to a decision of the review body being made on the challenge;
- (c) the participants shall have the right to be represented and accompanied;
- (d) the participants shall have access to all proceedings;
- (e) the participants shall have the right to request that the proceedings take place in public and that witnesses may be presented; and
- (f) the review body shall make its decisions or recommendations in a timely fashion, in writing, and shall include an explanation of the basis for each decision or recommendation.

7. Each Party shall adopt or maintain procedures that provide for:

- (a) rapid interim measures to preserve the supplier's opportunity to participate in the procurement. Such interim measures may result in suspension of the procurement process. The procedures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account when deciding whether such measures should be applied. Just cause for not acting shall be provided in writing; and
- (b) where a review body has determined that there has been a breach or a failure as referred to in paragraph 1, corrective action or compensation for the loss or damages suffered, which may be limited to either the costs for the preparation of the tender or the costs relating to the challenge, or both.

8. Not later than ten years after the entry into force of this agreement the parties will take up negotiations to further develop the quality of remedies, including a possible commitment to introduce or maintain pre-contractual remedies:

Article XVIII Modifications and Rectifications to Coverage

A Party may modify or rectify its Annexes to this Chapter.

Modifications

2. When a Party modifies an Annex to this Chapter, the Party shall:

- (a) notify the other Party in writing; and

(b) include in the notification a proposal of appropriate compensatory adjustments to the other Party to maintain a level of coverage comparable to that existing prior to the modification.

3. Notwithstanding subparagraph 2(b), a Party need not provide compensatory adjustments if:

(a) the modification in question is negligible in its effect; or

(b) the modification covers an entity over which the Party has effectively eliminated its control or influence.

4. If the other Party disputes that:

(a) an adjustment proposed under subparagraph 2(b) is adequate to maintain a comparable level of mutually agreed coverage;

(b) the modification is negligible in its effect; or

(c) the modification covers an entity over which the Party has effectively eliminated its control or influence under subparagraph 3(b),

it must object in writing within 45 days of receipt of the notification referred to in subparagraph 2(a) or be deemed to have accepted the adjustment or modification, including for the purposes of Chapter X (Dispute Settlement).

Rectifications

5. The following changes to a Party's Annexes shall be considered a rectification, provided that they do not affect the mutually agreed coverage provided for in the Agreement:

(a) a change in the name of an entity;

(b) a merger of two or more entities listed within an Annex; and

(c) the separation of an entity listed in an Annex into two or more entities that are all added to the entities listed in the same Annex.

6. In the case of proposed rectifications to a Party's Annexes, the Party shall notify the other Party every two years, in line with the cycle of notifications provided for under the GPA, following the entry into force of the Agreement.

7. A Party may notify the other Party of an objection to a proposed rectification within 45 days from having received the notification. Where a Party submits an objection, it shall set out the reasons why it believes the proposed rectification is not a change provided for in paragraph 5 of this Article, and describe the effect of the proposed rectification on the mutually agreed coverage provided for in the Agreement. If no such objection is submitted in writing within 45

days after having received the notification, the Party shall be deemed to have agreed to the proposed rectification.

Article XIX Institutions

Committee on Government Procurement

1. There shall be a Committee on Government Procurement composed of representatives from each Party. The Committee shall meet as necessary for the purpose of affording Parties the opportunity to consult on any matters relating to the operation of this Chapter or the furtherance of its objectives, and to carry out such other responsibilities as may be assigned to it by the Parties.

2. The Committee shall meet, upon request of a Party, to:

- (a) consider issues regarding public procurement that are referred to it by a Party;
- (b) exchange information relating to the public procurement opportunities in each Party;
- (c) discuss any other matters related to the operation of this Chapter; and
- (d) consider the promotion of coordinated activities to facilitate access for suppliers to procurement opportunities in the territory of each Party. Such activities may include information sessions in particular with a view to improving electronic access to publicly-available information on each Party's procurement regime, and initiatives to facilitate access for small and medium-sized enterprises.

3. Each Party shall submit statistics relevant to the procurement covered by this Chapter, as established in Article XV, annually to the Committee.

Note: See Government Procurement Market Access Offers attached separately.

22. INTELLECTUAL PROPERTY**Intellectual Property Rights****CETA – IPR CHAPTER**

Article 1.1
Objectives

The objectives of this chapter are to:

- (a) facilitate the production and commercialization of innovative and creative products, and the provision of services, between the Parties; and
- (b) achieve an adequate and effective level of protection and enforcement of intellectual property rights.

Article 1.2
Definitions

For the purposes of this Chapter, “pharmaceutical product” means a product including a chemical drug, biologic drug, vaccine or radiopharmaceutical, which is manufactured, sold or represented for use in:

- (a) making a medical diagnosis, treating, mitigating or preventing disease, disorder, or abnormal physical state, or its symptoms, or
- (b) restoring, correcting or modifying physiological functions.

Section 1
Principles

Article 2
Nature and Scope of Obligations

The provisions of this chapter complement the rights and obligations between the Parties under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter called TRIPS Agreement).

Each Party shall be free to determine the appropriate method of implementing the provisions of this Agreement within its own legal system and practice.

Nothing in this Agreement creates any obligation with respect to the distribution of resources as between enforcement of intellectual property rights and enforcement of law in general.

Article 3

Public Health Concerns

1. The Parties recognise the importance of the Doha Declaration on the TRIPS Agreement and Public Health adopted on 14 November 2001 by the Ministerial Conference of the World Trade Organisation. In interpreting and implementing the rights and obligations under this Chapter, the Parties shall ensure consistency with this Declaration.

2. The Parties shall contribute to the implementation and respect the Decision of the WTO General Council of 30 August 2003 on Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, as well as the Protocol amending the TRIPS Agreement, done at Geneva on 6 December 2005.

Article 4 Exhaustion

Nothing in this Chapter shall affect the freedom of the Parties to determine whether and under what conditions the exhaustion of intellectual property rights applies.

Article 4A Disclosure of Information

Nothing in this Chapter shall require a Party to disclose information that would otherwise be contrary to its law or exempt from disclosure under its law, including its laws and regulations concerning access to information and privacy.

Section 2 Standards Concerning Intellectual Property Rights

Article 5 Copyright and Related Rights

Article 5.1 – Protection Granted

1. The Parties shall comply with the Berne Convention for the Protection of Literary and Artistic Works (1886, last amended in 1979), the WIPO Copyright Treaty – WCT (Geneva, 1996), and the WIPO Performances and Phonograms Treaty – WPPT (Geneva, 1996). The Parties shall comply with Articles 1 through 22 of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).

2. The moral rights of the authors and performers shall be protected in accordance with Article 6*bis* of the Berne Convention for the Protection of Literary and Artistic Works and Article 5 of the WIPO Performances and Phonograms Treaty (WPPT).

3. To the extent permitted by the treaties referred to in paragraph 1, nothing in this Chapter shall be construed as restricting each Party's ability to limit intellectual property protection to performances that are fixed in phonograms.

Article 5.2 – Broadcasting and Communication to the Public

1. The Parties shall provide performers the exclusive right to authorize or prohibit the broadcasting by wireless means and the communication to the public of their performances, except where the performance is itself already a broadcast performance or is made from a fixation.
2. The Parties shall ensure that a single equitable remuneration is paid by the user if a phonogram published for commercial purposes, or a reproduction of such phonogram, is used for broadcasting by wireless means or for any communication to the public, and to ensure that this remuneration is shared between the relevant performers and phonogram producers. The Parties may, in the absence of agreement between the performers and phonogram producers, lay down the conditions as to the sharing of this remuneration between them.

Article 5.3 - Protection of Technological Measures

5.3(1) Each Party shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures⁴⁸ that are used by authors, performers or producers of phonograms in connection with the exercise of their rights in, and that restrict acts in respect of, their works, performances, and phonograms, which are not authorized by the authors, the performers or the producers of phonograms concerned or permitted by law.

5.3(2) In order to provide the adequate legal protection and effective legal remedies referred to in paragraph 5.3(1), each Party shall provide protection at least against:

(a) to the extent provided by its law:

- (i) the unauthorized circumvention of an effective technological measure carried out knowingly or with reasonable grounds to know; and
- (ii) the offering to the public by marketing of a device or product, including computer programs, or a service, as a means of circumventing an effective technological measure; and

(b) the manufacture, importation, or distribution of a device or product, including computer programs, or provision of a service that:

- (i) is primarily designed or produced for the purpose of circumventing an effective technological measure; or
- (ii) has only a limited commercially significant purpose other than circumventing an effective

⁴⁸ For the purposes of this Article, **technological measures** means any technology, device, or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works, performances, or phonograms, which are not authorized by authors, performers or producers of phonograms, as provided for by a Party's law. Without prejudice to the scope of copyright or related rights contained in a Party's law, technological measures shall be deemed effective where the use of protected works, performances, or phonograms is controlled by authors, performers or producers of phonograms through the application of a relevant access control or protection process, such as encryption or scrambling, or a copy control mechanism, which achieves the objective of protection.

technological measure.

5.3(2.1) Under paragraph 5.3(2) “to the extent provided by its law” means that Parties have flexibility in implementing paragraphs 5.3(2)(a)(i) and (ii).

5.3(3) In implementing paragraphs 5.3(1) and (2), no Party shall be obligated to require that the design of, or the design and selection of parts and components for, a consumer electronics, telecommunications, or computing product provide for a response to any particular technological measure, so long as the product does not otherwise contravene its measures implementing these paragraphs. The intention of this provision is that this Agreement does not require a Party to mandate interoperability in its law, i.e., there is no obligation for the ICT (Information Communication Technology) industry to design devices, products, components, or services to correspond to certain technological protection measures.

5.3(4) In providing adequate legal protection and effective legal remedies pursuant to the provisions of paragraph 5.3(1), a Party may adopt or maintain appropriate limitations or exceptions to measures implementing the provisions of paragraphs 5.3(1) and (2). The obligations set forth in paragraphs 5.3(1) and (2) are without prejudice to the rights, limitations, exceptions, or defences to copyright or related rights infringement under a Party’s law.

Article 5.4 - Protection of Rights Management Information

5.4(1) To protect electronic rights management information,⁴⁹ each Party shall provide adequate legal protection and effective legal remedies against any person knowingly performing without authority any of the following acts knowing, or having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any copyright or related rights:

- (a) to remove or alter any electronic rights management information;
- (b) to distribute, import for distribution, broadcast, communicate, or make available to the public copies of works, performances, or phonograms, knowing that electronic rights management information has been removed or altered without authority.

5.4(2) In providing adequate legal protection and effective legal remedies pursuant to the provisions of paragraph 5.4(1), a Party may adopt or maintain appropriate limitations or exceptions to measures implementing the provisions of paragraph 5.4(1). The obligations set forth in paragraph 5.4(1) are without prejudice to the rights, limitations, exceptions, or defences to copyright or related rights infringement under a Party’s law.

Article 5.5 - Liability of Intermediary Service Providers

⁴⁹ For the purposes of this Article, **rights management information** means:

- (a) information that identifies the work, the performance, or the phonogram; the author of the work, the performer of the performance, or the producer of the phonogram; or the owner of any right in the work, performance, or phonogram;
 - (b) information about the terms and conditions of use of the work, performance, or phonogram; or
 - (c) any numbers or codes that represent the information described in (a) and (b) above;
- when any of these items of information is attached to a copy of a work, performance, or phonogram, or appears in connection with the communication or making available of a work, performance, or phonogram to the public.

Subject to the other paragraphs of this Article, each Party shall provide limitations or exceptions in its domestic legislation regarding the liability of service providers, when acting as intermediaries, for infringements of copyright or related rights that take place on or through communication networks, in relation to the provision or use of their services.

The limitations or exceptions referred to in the previous paragraph:

shall cover at least the following functions:

hosting of the information at the request of a user of the hosting services;

caching carried out through an automated process, when the service provider:

does not modify the information other than for technical reasons;

ensures that any directions related to the caching of the information that are specified in a manner widely recognized and used by industry are complied with; and

does not interfere with the use of technology that is lawful and widely recognized and used by the industry in order to obtain data on the use of the information;

mere conduit, which consists of the provision of the means to transmit information provided by a user, or the means of access to a communication network;

may also cover other functions including:

providing an information location tool, by making reproductions of copyright material in an automated manner, and communicating the reproductions.

Eligibility for the limitations or exceptions in this Article may not be conditioned on the service provider monitoring its service, or affirmatively seeking facts indicating infringing activity.

Each Party may prescribe in its domestic law, conditions for service providers to qualify for the limitations or exceptions in this Article. Without prejudice to the above each Party may establish appropriate procedures for effective notifications of claimed infringement, and effective counter-notifications by those whose material is removed or disabled through mistake or misidentification.

This Article is without prejudice to the availability in a Party's law of other defences, limitations and exceptions to the infringement of copyright or related rights. This Article shall not affect the possibility of a court or administrative authority, in accordance with Parties' legal systems, of requiring the service provider to terminate or prevent an infringement.

Article 5.6 – Camcording

Each Party may provide for criminal procedures and penalties to be applied in accordance with its laws and regulations against any person who, without authorisation of the theatre manager or the holder of copyright in a cinematographic work, makes a copy of that work or any part thereof, from a performance of the work in a motion picture exhibition facility open to the public.

Article 6 Trademarks

Article 6.1 – International Agreements

The Parties shall make all reasonable efforts to comply with the Singapore Treaty on the Law of Trademarks (2006) and to accede to *the Protocol related to the Madrid Agreement concerning the*

International Registration of Marks.

Article 6.2 – Registration Procedure

The Parties shall provide for a system for the registration of trademarks in which reasons for the refusal to register a trademark shall be communicated in writing to the applicant who will have the opportunity to contest such refusal and to appeal a final refusal to a judicial authority. The Parties shall provide for the possibility to file oppositions either against trademark applications or against trademark registrations. The Parties shall provide a publicly available electronic database of trademark applications and trademark registrations.

Article 6.3 – Exceptions to the Rights Conferred by a Trademark

The Parties shall provide for the fair use of descriptive terms, including terms descriptive of geographical origin, as a limited exception to the rights conferred by a trademark. In determining what is fair use, account shall be taken of the legitimate interests of the owner of the trademark and of third parties. The Parties may provide other limited exceptions, provided such exceptions take account of the legitimate interests of the owner of the trademark and of third parties.

Article 7

Geographical Indications

Article 7.1 – Definitions

For the purposes of this Article 7

“geographical indication” means an indication which identifies an agricultural product or foodstuff as originating in the territory of a Party, or a region or locality in that territory, where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin;

(b) “product class” means a product class listed in Annex III;

(c) “Harmonized System” means the International Convention on the harmonized commodity, description and coding system done at Brussels on June 14, 1983;

Article 7.2 – Scope

This Article 7 applies to geographical indications identifying products falling within one of the product classes listed in Annex III.

Article 7.3 – Listed geographical indications

For the purposes of this Article 7,

the indications listed in Part A of Annex I are geographical indications which identify a product as originating in the territory of the European Union or a region or locality in that territory; and

the indications listed in Part B of Annex I are geographical indications which identify a product as originating in the territory of Canada or a region or locality in that territory.

Article 7.4 – Protection for geographical indications listed in Annex I

Having examined the geographical indications of the other Party, each Party undertakes to protect them according to the level of protection laid down in this article 7.

Each Party shall provide the legal means for interested parties to prevent:

(a) the use of a geographical indication of the other Party listed in Annex I for any product that falls within the product class specified in Annex I for that geographical indication and that either:

does not originate in the place of origin specified in Annex I for that geographical indication; or

does originate in the place of origin specified in Annex I for that geographical indication but was not produced or manufactured in accordance with the laws and regulations of the other Party that would apply if the product was for consumption in the other Party.

the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good; and,

any other use which constitutes an act of unfair competition within the meaning of Article 10*bis* of the Paris Convention (1967).

The protection referred to in paragraph 2.a shall be provided even where the true origin of the product is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like.

Each Party shall provide for enforcement by administrative action, to the extent provided for by its domestic law, to prohibit a person from manufacturing, preparing, packaging, labelling, selling or importing or advertising a food commodity in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its origin.

Consistent with paragraph 4, each Party will provide for administrative action in respect of complaints related to the labelling of products, including their presentation, in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding their origin.

The registration of a trademark which contains or consists of a geographical indication of the other Party listed in Annex I shall be refused or invalidated, ex officio if a Party's legislation so permits or at the request of an interested party, with respect to a product that falls within the product class specified in Annex I for that geographical indication and that does not originate in the place of origin specified in Annex I for that geographical indication.

There shall be no obligation under this Article 7 to protect geographical indications which are not or cease to be protected in their place of origin, or which have fallen into disuse in that place. If a geographical indication of a Party listed in Annex I ceases to be protected in its place of origin or falls into disuse in that place, that Party shall notify the other Party and request cancellation.

Article 7.5 – Homonymous Geographical Indications

In the case of homonymous geographical indications of the Parties for products falling within the same product class, each Party shall determine the practical conditions under which the homonymous indications in question will be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

Where a Party, in the context of negotiations with a third country, proposes to protect a geographical indication identifying a product originating in the third country, where that indication is homonymous with a geographical indication of the other Party listed in Annex I and where that product falls within the product class specified in Annex I for the homonymous geographical indication of the other Party, the other Party shall be informed and be given the opportunity to comment before the geographical indication becomes protected.

Article 7.6 – Exceptions

1. Notwithstanding paragraphs 2 and 3 of Article 7.4, Canada shall not be required to provide the legal means for interested parties to prevent the use of the terms listed in Part A of Annex I and identified by one asterisk {note: “Asiago”, “Feta”, “Fontina”, “Gorgonzola” and “Munster”} when the use of such terms is accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like and is in combination with a legible and visible indication of the geographical origin of the product concerned.

2. Notwithstanding paragraphs 2 and 3 of Article 7.4, the protection of the geographical indications listed in Part A of Annex I and identified by one asterisk {note: “Asiago”, “Feta”, “Fontina”,

“Gorgonzola” and “Munster”} shall not prevent the use in the territory of Canada of any of these indications by any persons, including their successors and assignees⁵⁰, who made commercial use of those indications with regard to products in the class of “cheeses” preceding the date of 18 October 2013.

3. Notwithstanding paragraphs 2 and 3 of Article 7.4, the protection of the geographical indication listed in Part A of Annex I and identified by two asterisks {note: Nürnberger Bratwürste} shall not prevent the use of this indication by any persons, including their successors and assignees, who made commercial use of this indication with regard to products in the class of “fresh, frozen and processed meats” for at least 5 years preceding the date of 18 October 2013. A transitional period of 5 years from the entry into force of this Article where the use of the indication above shall not be prevented shall apply to any other persons, including their successors and assignees, who made commercial use of those indications with regard to products in the class of “fresh, frozen and processed meats”, for less than 5 years preceding the date of 18 October 2013.

4. Notwithstanding paragraphs 2 and 3 of Article 7.4, the protection of the geographical indications listed in Part A of Annex I and identified by three asterisks {note: "Jambon de Bayonne" and "Beaufort"} shall not prevent the use of those indications by any persons, including their successors and assignees, who made commercial use of those indications with regard to products in the classes of “Dry-cured meats” and “Cheeses”, respectively, for at least 10 years preceding the date of 18 October 2013. A transitional period of 5 years from the entry into force of this Article where the use of the indications above shall not be prevented shall apply to any other persons, including their successors and assignees, who made commercial use of those indications with regard to products in the class of “Dry-cured meats” and “Cheeses”, respectively, for less than 10 years preceding the date of 18 October 2013.

5. Where a trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith, in a Party before the applicable date set out in paragraph 6, measures adopted to implement this Article 7 in that Party shall not prejudice eligibility for or the validity of the registration of the trademark, or the right to use the trademark, on the basis that the trademark is identical with, or similar to, a geographical indication.

6. For the purposes of paragraph 5 the applicable date is

in respect of a geographical indication listed in Annex I on the date of signing of this Agreement, the date of coming into force of this Article 7; or

in respect of a geographical indication added to Annex I after the date of signing of this Agreement under Article 7.7, the date on which the geographical indication is added.

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The notion of "assignment" under Article X.6 excludes any transfer of the right to use a geographical indication on its own.

7. Where a translation of a geographical indication is identical with or contains within it a term customary in common language as the common name for a product in the territory of a Party, or where a geographical indication is not identical with but contains within it such a term, the provisions of this Article 7 shall in no way prejudice the right of any person to use that term in association with that product in the territory of that Party.

8. Nothing shall prevent the use in the territory of a Party, with respect to any product, of a customary name of a plant variety or an animal breed, existing in the territory of that Party as of the date of entry into force of this Article 7.

9. A Party may provide that any request made under this Article 7 in connection with the use or registration of a trademark must be presented within five years after the adverse use of the protected indication has become generally known in that Party or after the date of registration of the trademark in that Party provided that the trademark has been published by that date, if such date is earlier than the date on which the adverse use became generally known in that Party, provided that the geographical indication is not used or registered in bad faith.

10. The provisions of this Article 7 shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead the public.

11. (a) The provisions of this Article 7 shall in no way prejudice the right of any person to use, or to register in Canada a trademark containing or consisting of, any of the terms listed in Annex II (a).

(b) Paragraph (a) does not apply to the terms listed in Annex II (a) in respect of any use that would mislead the public as to the geographical origin of the goods.

12. The use in Canada of the terms listed in Annex II (b) shall not be subject to this Article 7 .

Article 7.7 - Amendments to Annex I

1. The Joint Committee, established by Article [...] , acting by consensus and on a recommendation by the CETA Committee on Geographical Indications, may decide to amend Annex I by adding geographical indications or by removing geographical indications which have ceased to be protected or have fallen into disuse in their place of origin.

A geographical indication shall not in principle be added to Part A of Annex I, if it is a name that on the date of signing of this Agreement is listed in the relevant Register of the European Union with a status of "Registered", in respect of a Member State of the European Union.

A geographical indication identifying a product originating in a particular Party shall not be added to Annex I

if it is identical to a trademark that has been registered in the other Party in respect of the same or similar products, or to a trademark in respect of which in the other Party rights have been acquired through use in good faith and an application has been filed in respect of the same or similar products;

if it is identical to the customary name of a plant variety or an animal breed existing in the other Party; or

if it is identical with the term customary in common language as the common name for such product in the other Party.

Article 7.8 – Other protection

The provisions of this Article 7 are without prejudice to the right to seek recognition and protection of a geographical indication under the relevant legislation of the European Union or Canada.

Article 8 Designs

Article 8.1 - International Agreements

The Parties shall make all reasonable efforts to accede to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (1999).

Article 8.2 - Relationship to Copyright

The subject matter of a design right may be protected under copyright law if the conditions for such protection are met. The extent to which, and the conditions under which, such a protection is conferred, including the level of originality required, shall be determined by each Party.

Article 9 Patents

Article 9.1 - International Agreements

The Parties shall make all reasonable efforts to comply with the Patent Law Treaty (Geneva, 2000).

Article 9.2 –Sui Generis protection for Pharmaceuticals

1. Definitions for the purposes of Article 9.2:

(a) 'Product' means the active ingredient or combination of active ingredients of a pharmaceutical product;

(b) 'Basic patent' means a patent which protects a product as such, a process to obtain a product or an application of a product.

2. Each Party shall provide a period of *sui generis* protection in respect of a product that is protected by a basic patent in force at the request of the holder of the patent or his successor in title, provided the following conditions have been met:

- a) an authorization has been granted to place the product on the market of that Party as a pharmaceutical product;
- b) the product has not already been the subject of a period of *sui generis* protection;
- c) the authorisation referred to in paragraph (a) is the first authorisation to place the product on the market of that Party as a pharmaceutical product.

3. Each Party may:

- a) provide a period of *sui generis* protection only if the first application for authorisation to place the product on their market as a pharmaceutical product is submitted within a reasonable time limit prescribed by that Party; and
- b) prescribe a time limit of no less than 60 days from the date on which the first marketing authorisation was granted for the submission of the request for the period of *sui generis* protection. However, where the first marketing authorisation is granted before the patent is granted, the Parties will provide at least 60 days from the grant during which the application for a further period of protection under this Article may be submitted.

4. In the case where a product is protected by one patent, the period of *sui generis* protection shall take effect at the end of the lawful term of the patent.

In the case where a product is protected by more than one patent, a Party may provide for only a single period of *sui generis* protection that takes effect at the end of the lawful term of a single patent

- a) in the case where all the patents are owned by the same person, selected by the person requesting the period of *sui generis* protection;
- b) in the case where the patents are not owned by the same person and this gives rise to conflicting requests for the *sui generis* protection, selected by agreement between the patent holders.

Each Party shall provide that the period of *sui generis* protection shall be for a period equal to the period which elapsed between the date on which the application for a patent was filed and the date of the first authorisation to place the product on the market of that Party as a pharmaceutical product reduced by a

period of five years.

Notwithstanding the previous paragraph, the duration of the *sui generis* protection may not exceed a period of two to five years, to be established by each Party.⁵¹

Each Party may provide that the period of *sui generis* protection shall lapse:

- a) if the *sui generis* protection is surrendered by the beneficiary;
- b) if prescribed administrative fees are not paid.

Each Party may reduce the period of protection commensurate with any unjustified delays resulting from the inactions of the applicant after applying for the market authorisation, when the holder of the patent is the applicant for market authorisation or an entity related to it.

5. Within the limits of the protection conferred by the patent, the *sui generis* protection shall extend only to the pharmaceutical product covered by the authorisation to place that product on the market and for any use of that product as a pharmaceutical product that has been authorized before the expiry of the *sui generis* protection. Subject to the preceding sentence, the *sui generis* protection shall confer the same rights as conferred by the patent and shall be subject to the same limitations and obligations.

Notwithstanding paragraphs 1 through 4 of this Article, each Party may also limit the scope of the protection by providing exceptions for making, using, offering for sale, selling or importing of products for the purpose of export during the period of protection.

6. Each Party may revoke the protection on grounds relating to invalidity of the applicable patent, including if the basic applicable patent has lapsed before its lawful term expires or is revoked or limited to the extent that the product for which the protection was granted would no longer be protected by the claims of the basic patent, or on grounds relating to withdrawal of the appropriate authorisation or authorisations to place the product on their respective market, or if the protection was granted contrary to the provisions of paragraph 2.

Article 9 bis

Patent Linkage Mechanisms Relating to Pharmaceutical Products

If a Party relies on “patent linkage” mechanisms whereby the granting of marketing authorisations (or notices of compliance or similar concepts) for generic pharmaceutical products is linked to the existence of patent protection, it shall ensure that all litigants are afforded equivalent and effective rights of appeal.

Article 10

⁵¹ This is without prejudice to a possible extension to incentivise or reward research in certain target populations, such as children, if provided for by either Party.

Protection of undisclosed data relation to pharmaceutical products

1. If a Party requires, as a condition for approving the marketing of pharmaceutical products that utilize new chemical entities⁵², the submission of undisclosed test or other data necessary to determine whether the use of such products is safe and effective, the Party shall protect [EU: such data] against disclosure [CA: of the data of persons making such submissions], where the origination of such data involves considerable effort, except where the disclosure is necessary to protect the public or unless steps are taken to ensure that the data is protected against unfair commercial use.

2. Each Party shall provide that for data subject to paragraph 1 that are submitted to the Party after the date of entry into force of this Agreement:

a) no person other than the person that submitted them may, without the latter's permission, rely on such data in support of an application for [CA: product approval] [EU: marketing authorisation] during a period of not less than six years from the date on which the Party granted approval to the person that produced the data for approval to market its product, and

b) no Party shall grant [CA: product approval] [EU: marketing authorisation] to any person who relies on such data during a period of not less than eight years from the date on which the Party granted [EU: authorisation] [CA: approval] to the person that produced the data for [EU: authorisation] [CA: approval] to market its product, unless the person or entity who produced this data provides its permission.

Subject to this provision, there shall be no limitation on any Party to implement abbreviated [EU: authorisation] [CA: approval] procedures for such products on the basis of bioequivalence and bioavailability studies.

Article 11 Data Protection on Plant Protection Products

1. The Parties shall determine safety and efficacy requirements before authorising the placing on the market of plant protection products.

2. The Parties shall recognise a temporary right to the owner of a test or study report submitted for the first time to achieve a marketing authorisation for a plant protection product.

During such period, the test or study report will not be used for the benefit of any other person aiming to achieve a marketing authorisation for plant protection product, except when the explicit consent of the first owner is proved. This right will be hereinafter referred as data protection.

3. The test or study report should be necessary for the authorisation or for an amendment of an

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For greater certainty, with respect to data protection a chemical entity in Canada includes a biologic or radiopharmaceutical which is regulated as a new drug under the Food and Drug Regulations.

authorisation in order to allow the use on other crops.

4. The period of data protection shall be at least ten years starting at the date of the first authorisation in that Party with respect to data supporting the authorisation of a new active ingredient and data supporting the concurrent registration of the end-use product containing the active ingredient. The duration of protection may be extended in order to encourage the authorisation of low-risk plant protection products and minor uses.

5. The Parties may also establish data protection requirements or financial compensation requirements for data supporting the amendment or renewal of an authorisation.

6. Each of the Parties shall establish rules to avoid duplicative testing on vertebrate animals. Any applicant intending to perform tests and studies involving vertebrate animals should be encouraged to take the necessary measures to verify that those tests and studies have not already been performed or initiated.

7. The new applicant and the holder or holders of the relevant authorisations should be encouraged to make every effort to ensure that they share tests and studies involving vertebrate animals. The costs of sharing the test and study reports shall be determined in a fair, transparent and non-discriminatory way. The prospective applicant is only required to share in the costs of information he is required to submit to meet the authorisation requirements.

8. The holder or holders of the relevant authorisation shall have a claim on the prospective applicant for a fair share of the costs incurred by him. The Party may direct the parties involved to resolve the matter by formal and binding arbitration administered under national law.

Article 12 Plant Varieties

The Parties shall co-operate to promote and reinforce the protection of plant varieties based on the International Convention for the Protection of New Varieties of Plants (UPOV).

Section 3 Enforcement of Intellectual Property Rights

Article 13 General Obligations

1. The Parties shall ensure that any procedures for the enforcement of intellectual property rights are fair and equitable, and are not unnecessarily complicated or costly, nor entail unreasonable time-limits or

unwarranted delays. These procedures shall be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.

2. In implementing the provisions of this Sub-Section, each Party shall take into account the need for proportionality between the seriousness of the infringement, the interests of third parties, and the applicable measures, remedies and penalties.

3. Articles 14 to 23 relate to civil enforcement.

4. For the purposes of Articles 14 to 23, unless otherwise mentioned, "intellectual property rights" means all categories of intellectual property that are the subject of Sections 1 through 7 of Part II of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

Article 14 **Entitled Applicants**

The Parties shall recognise as persons entitled to seek application of the procedures and remedies referred to in Articles 15 to 23:

- (a) the holders of intellectual property rights in accordance with the provisions of the applicable domestic law,
- (b) all other persons authorised to use those rights, if such persons are entitled to seek relief in accordance with the provisions of the applicable domestic law,
- (c) intellectual property collective rights management bodies which are regularly recognised as having a right to represent holders of intellectual property rights, if such bodies are entitled to seek relief in accordance with the provisions of the applicable domestic law,
- (d) professional defence bodies which are regularly recognised as having a right to represent holders of intellectual property rights, if such bodies are entitled to seek relief in accordance with the provisions of the applicable domestic law.

Article 15 **Evidence**

Each Party shall ensure that, in the case of an alleged infringement of an intellectual property right committed on a commercial scale, the judicial authorities shall have the authority to order, where appropriate and following an application, the production of relevant information, as provided for in the Party's domestic law, including banking, financial or commercial documents under the control of the opposing party, subject to the protection of confidential information.

Article 16 **Measures for Preserving Evidence**

1. The Parties shall ensure that, even before the commencement of proceedings on the merits of the case, the judicial authorities may, on application by an entity who has presented reasonably available evidence to support its claims that its intellectual property right has been infringed or is about to be infringed, order prompt and effective provisional measures to preserve relevant evidence in respect of the alleged infringement, subject to the protection of confidential information.

2. Each Party may provide that such measures include the detailed description, with or without the taking of samples, or the physical seizure of the alleged infringing goods, and, in appropriate cases, the materials and implements used in the production and/or distribution of these goods and the documents relating thereto. The judicial authorities shall have the authority to take those measures, if necessary without the other party being heard, in particular where any delay is likely to cause irreparable harm to the right holder or where there is a demonstrable risk of evidence being destroyed.

Article 17

Right of Information

Without prejudice to its law governing privilege, the protection of confidentiality of information sources or the processing of personal data, each Party shall provide that, in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities shall have the authority, upon a justified request of the right holder, to order the infringer or the alleged infringer, to provide to the right holder or to the judicial authorities, at least for the purpose of collecting evidence, relevant information as provided for in its applicable laws and regulations that the infringer or alleged infringer possesses or controls. Such information may include information regarding any person involved in any aspect of the infringement or alleged infringement and regarding the means of production or the channels of distribution of the infringing or allegedly infringing goods or services, including the identification of third persons alleged to be involved in the production and distribution of such goods or services and of their channels of distribution.

Article 18

Provisional and Precautionary Measures

1. Each Party shall provide that its judicial authorities shall have the authority to order prompt and effective provisional and precautionary measures, including an interlocutory injunction, against a party, or where appropriate, against a third party over whom the relevant judicial authority exercises jurisdiction, to prevent an infringement of an intellectual property right from occurring, and in particular, to prevent infringing goods from entering the channels of commerce.

2. Each Party shall provide that its judicial authorities have the authority to order the seizure or other taking into custody of the goods suspected of infringing an intellectual property right so as to prevent their entry into or movement within the channels of commerce.

3. Each Party shall provide that, in the case of an alleged infringement of an intellectual property right committed on a commercial scale, the judicial authorities may order, in accordance with domestic

law, the precautionary seizure of property of the alleged infringer, including the blocking of its bank accounts and other assets. To that end, the judicial authorities may order the communication of relevant bank, financial or commercial documents, or access to other relevant information, as appropriate.

Article 19 **Other remedies**

1. The Parties shall ensure that the judicial authorities may order, at the request of the applicant and without prejudice to any damages due to the right holder by reason of the infringement, and without compensation of any sort, the definitive removal from the channels of commerce, or the destruction, of goods that they have found to be infringing an intellectual property right. The Parties shall ensure that the judicial authorities may order, if appropriate, destruction of materials and implements predominantly used in the creation or manufacture of those goods. In considering a request for such remedies, the need for proportionality between the seriousness of the infringement and the remedies ordered, as well as the interests of third parties, shall be taken into account.

2. The Parties shall ensure that the judicial authorities have the authority to order that those remedies shall be carried out at the expense of the infringer, unless particular reasons are invoked for not doing so.

Article 20 **Injunctions**

1. Each Party shall provide that, in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities shall have the authority to issue an order against a party to desist from an infringement, and *inter alia*, an order to that party, or, where appropriate, to a third party over whom the relevant judicial authority exercises jurisdiction, to prevent infringing goods from entering into the channels of commerce.

2. Notwithstanding the other provisions of this Section, a Party may limit the remedies available against use by government, or by third parties authorized by government, without the use of authorization of the right holders to the payment of remuneration provided that the Party complies with the provisions of Part II of the TRIPS Agreement specifically addressing such use. In other cases, the remedies under this Section shall apply or, where these remedies are inconsistent with a Party's law, declaratory judgments and adequate compensation shall be available.

Article 21 **Damages**

1. Each Party shall provide that:

(a) in civil judicial proceedings, its judicial authorities shall have the authority to order the infringer who knowingly or with reasonable grounds to know, engaged in infringing activity of intellectual property rights to pay the right holder:

- (i) damages adequate to compensate for the injury the right holder has suffered as a result of the infringement; or
- (ii) the profits of the infringer that are attributable to the infringement, which may be presumed to be the amount of damages referred to in paragraph (i);
- (b) in determining the amount of damages for infringements of intellectual property rights, its judicial authorities may consider, *inter alia*, any legitimate measure of value that may be submitted by the right holder, including lost profits.
2. As an alternative to the previous paragraph, a Party's law may provide for payment of remuneration, such as a royalty or fee, to compensate a right holder for the unauthorized use of its intellectual property.

Article 22
Legal Costs

Each Party shall provide that its judicial authorities, where appropriate, shall have the authority to order, at the conclusion of civil judicial proceedings concerning the enforcement of intellectual property rights, that the prevailing party be awarded payment by the losing party of legal costs and other expenses, as provided for under that Party's law.

Article 23
Presumption of Authorship or Ownership

For the purposes of civil proceedings involving copyright or related rights,

- (a) for the author of a literary or artistic work, in the absence of proof to the contrary, to be regarded as such, and consequently to be entitled to institute infringement proceedings, it shall be sufficient for his/her name to appear on the work in the usual manner. Proof to the contrary may include registration;
- (b) the provisions under (a) shall apply mutatis mutandis to the holders of rights related to copyright with regard to their protected subject matter.

Section 4
Border Measures

Article 24
Border Measures⁵³

Article 24.1 – Scope of Border Measures

⁵³ It is understood that there shall be no obligation to apply the procedures set forth in this Section to goods put on the market in another country by or with the consent of the right holder.

1. The references to the infringement of intellectual property rights in this Article shall be interpreted as referring to instances of counterfeit trademark goods, pirated copyright goods or counterfeit geographical indication goods. For the purposes of this paragraph, the following definitions shall apply:

“pirated copyright goods” means any goods which are copies made without the consent of the right holder or person duly authorized by the right holder in the country of production and which are made directly or indirectly from an article where the making of that copy would have constituted an infringement of a copyright or a related right under the law of the Party in which the border measure procedures are applied;

“counterfeit trademark goods” means any goods, including packaging, bearing, without authorization, a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such a trademark, and which infringes the rights of the owner of the trademark in question under the law of the Party in which the border measures procedures are applied.

“counterfeit geographical indication goods” means any goods under Article 7.2 falling within one of the product classes listed in Annex III, including packaging, bearing without authorization, a geographical indication which is identical to the geographical indication validly registered or otherwise protected in respect of such goods and which infringes the rights of the owner or right holder of the geographical indication in question under the law of the Party in which the border measures procedures are applied;

2. Each Party shall adopt or maintain procedures with respect to import and export shipments under which a right holder may request its competent authorities to suspend the release of, or detain goods suspected of infringing an intellectual property right.

3. Each Party shall adopt or maintain procedures with respect to import and export shipments under which its competent authorities may act on their own initiative to temporarily suspend the release of, or detain goods suspected of infringing an intellectual property right to provide a right holder an opportunity to formally request assistance under paragraph 2.

4. Either Party may enter into an arrangement with one or more third parties to establish common security customs clearance procedures. Goods cleared pursuant to the terms of the common customs procedures of such an arrangement shall be deemed to be in compliance with paragraphs 2 and 3, provided the Party concerned retains the legal authority to comply with these paragraphs.

5. Each Party may adopt or maintain the procedures referred to in paragraphs 2 and 3 with respect to transshipments and shipments in customs transit.

6. Each Party may exclude from the application of the above provisions small quantities of goods of a non-commercial nature contained in travellers' personal luggage or small quantities of goods of a non-commercial nature sent in small consignments.

7. For the purposes of this Article:

(a) “Import shipments” means shipments of goods brought into the territory of a Party from a place outside that territory, while those goods remain under customs control. This definition includes goods

brought into the territory to a free zone or customs warehouse, but excludes shipments in customs transit and transshipments.

(b) “Shipments in customs transit” means shipments of goods that enter the territory of a Party from a place outside that territory and are authorized by customs authorities for transport under continuous customs control from an office of entry to an office of exit, for the purpose of exiting the territory. Shipments in customs transit that are subsequently approved for removal from customs control without exiting the territory are considered to be import shipments.

(c) “Transshipments” means shipments of goods that are transferred under customs control from the importing means of transport to the exporting means of transport within the area of one Customs office which is the office of both importation and exportation.

(d) “Export shipments” means shipments of goods which are to be taken from the territory of a Party to a place outside that territory, excluding shipments in customs transit and transshipments.

Article 24.2 – Application by the Right Holder

1. Each Party shall provide that its competent authorities require a right holder that requests the procedures described in Article 24.1 to provide adequate evidence to satisfy the competent authorities that, under the law of the Party providing the procedures, there is prima facie an infringement of the right holder's intellectual property right, and to supply sufficient information that may reasonably be expected to be within the right holder's knowledge to make the suspect goods reasonably recognisable by the competent authorities. The requirement to provide sufficient information shall not unreasonably deter recourse to the procedures described in Article 24.1.

2. Each Party shall provide for applications to suspend the release of, or to detain goods⁵⁴ suspected of infringing an IPR listed Article 24.1, under customs control in its territory. The competent authorities may provide for such applications to apply to multiple shipments. Each Party may provide that, at the request of the right holder, the application to suspend the release of, or to detain suspect goods may apply to selected points of entry and exit under customs control.

3. Each Party shall ensure that its competent authorities inform the applicant within a reasonable period whether they have accepted the application. Where its competent authorities have accepted the application, they shall also inform the applicant of the period of validity of the application.

4. A Party may provide that, where the applicant has abused the procedures described in Article 24.1, or where there is due cause, its competent authorities have the authority to deny, suspend, or void an application.

Article 24.3 – Provision of Information from the Right Holder

Each Party shall permit its competent authorities to request a right holder to supply relevant information

⁵⁴ The requirement to provide for such applications is subject to the obligations to provide procedures referred to in subparagraphs 24.1(2) and 24.1(3).

that may reasonably be expected to be within the right holder's knowledge to assist the competent authorities in taking the border measures referred to in this Article. Each Party may also allow a right holder to supply such information to its competent authorities.

Article 24.4 – Security or Equivalent Assurance

Each Party shall provide that its competent authorities have the authority to require a right holder that requests the procedures described in Article 24.1 to provide a reasonable security or equivalent assurance sufficient to protect the defendant and the competent authorities and to prevent abuse. Each Party shall provide that such security or equivalent assurance shall not unreasonably deter recourse to these procedures.

A Party may provide that such security may be in the form of a bond conditioned to hold the defendant harmless from any loss or damage resulting from any suspension of the release of, or detention of, the goods in the event the competent authorities determine that the goods are not infringing. A Party may, only in exceptional circumstances or pursuant to a judicial order, permit the defendant to obtain possession of suspect goods by posting a bond or other security.

Article 24.5 – Determination as to Infringement

Each Party shall adopt or maintain procedures by which its competent authorities may determine, within a reasonable period after the initiation of the procedures described in Article 24.1, whether the suspect goods infringe an intellectual property right.

Article 24.6 – Remedies

1. Each Party shall provide that its competent authorities have the authority to order the destruction of goods following a determination referred to in Article 24.5 that the goods are infringing. In cases where such goods are not destroyed, each Party shall ensure that, except in exceptional circumstances, such goods are disposed of outside the channels of commerce in such a manner as to avoid any harm to the right holder.

2. In regard to counterfeit trademark goods, the simple removal of the trademark unlawfully affixed shall not be sufficient, other than in exceptional cases, to permit release of the goods into the channels of commerce.

3. Each Party may provide that its competent authorities have the authority to impose administrative penalties following a determination referred to in Article 24.5 that the goods are infringing.

Article 24.7 – Specific cooperation in the area of border measures

1. The Parties agree to cooperate with each other with a view to eliminating international trade in goods infringing intellectual property rights. For this purpose, they shall establish contact points in their

administrations and be ready to exchange information on trade in infringing goods. They shall, in particular, promote the exchange of information and cooperation between customs authorities with regard to trade in goods infringing intellectual property rights.

2. Such cooperation may include exchanges of information regarding mechanisms for receiving information from rights holders, best practices, and experiences with risk management strategies, as well as information to aid in the identification of shipments suspected of containing infringing goods.

3. Cooperation under this Article 24 shall be conducted consistent with relevant international agreements. The Committee referred to in Article [X] 'The Joint Customs Cooperation Committee' in Chapter [X] 'Customs and Trade Facilitation' will set the priorities and provide for the adequate procedures for cooperation under this Article 24 between the competent authorities.

Section 5

Co-operation

Article 25

Co-operation

1. The Parties agree to co-operate with a view to supporting implementation of the commitments and obligations undertaken under this chapter. Areas of co-operation include exchanges of information or experience on the following:

- (a) protection and enforcement of intellectual property rights, including geographical indications;
- (b) establishment of arrangements between their respective collecting societies.

2. Without prejudice and as a complement to paragraph 1, the European Union and Canada agree to establish and maintain an effective dialogue on intellectual property issues to address topics relevant to the protection and enforcement of intellectual property rights covered by this Chapter, and any other relevant issue.

ANNEX I -- Part A**Geographical Indications Identifying a Product Originating in the European Union**

Indication	Transliteration (For information purposes only)	Product Class	Place of Origin (Territory, Region or Locality)
České pivo		Beer	Czech Republic
Žatecký Chmel		Hops	Czech Republic
Bayerisches Bier		Beer	Germany
Münchener Bier		Beer	Germany
Hopfen aus der Hallertau		Hops	Germany
Nürnberger Bratwürste**		Fresh, Frozen and Processed meats	Germany
Nürnberger Rostbratwürste		Fresh, Frozen and Processed meats	Germany
Schwarzwälder Schinken		Fresh, Frozen and Processed meats	Germany
Aachener Printen		Confectionery and Baked Products	Germany
Nürnberger Lebkuchen		Confectionery and Baked Products	Germany
Lübecker Marzipan		Confectionery and Baked Products	Germany
Bremer Klaben		Confectionery and Baked Products	Germany
Hessischer Handkäse		Cheese	Germany
Hessischer Handkäs		Cheese	Germany
Terttnanger Hopfen		Hops	Germany
Spreewälder Gurken		Fresh and processed vegetable products	Germany
Danablu		Cheese	Denmark

Ελιά Καλαμάτας	Elia Kalamatas	Table and processed olives	Greece
Μαστίχα Χίου	Masticha Chiou	Confectionery and Baked Products	Greece
Φέτα*	Feta	Cheese	Greece
Ελαιόλαδο Καλαμάτας	Kalamata olive oil	Oils and animal fats	Greece
Ελαιόλαδο Κολυμβάρι Χανίων Κρήτης	Kolymvari Chanion Kritis Olive Oil	Oils and animal fats	Greece
Ελαιόλαδο Σητείας Λασιθίου Κρήτης	Sitia Lasithiou Kritis Olive oil	Oils and animal fats	Greece
Ελαιόλαδο Λακωνία	Olive Oil Lakonia	Oils and animal fats	Greece
Κρόκος Κοζάνης	Krokos Kozanis	Spices	Greece
Κεφαλογραβιέρα	Kefalograviera	Cheeses	Greece
Γραβιέρα Κρήτης	Graviera Kritis	Cheeses	Greece
Γραβιέρα Νάξου	Graviera Naxou	Cheeses	Greece
Μανούρι	Manouri	Cheeses	Greece
Κασέρι	Kasseri	Cheeses	Greece
Φασόλια Γίγαντες Ελέφαντες Καστοριάς	Fassolia Gigantes Elefantas Kastorias	Fresh and processed vegetable products	Greece
Φασόλια Γίγαντες Ελέφαντες Πρεσπών	Fassolia Gigantes Elefantas Prespon Florinas	Fresh and processed vegetable products	Greece
Κονσερβολιά Αμφίσσης	Konservolia Amfissis	Table and Processed olives	Greece
Λουκούμι Γεροσκήπου	Loukoumi Geroskipou	Confectionery and baked products	Cyprus
Baena		Oils and animal fats	Spain
Sierra Mágina		Oils and animal fats	Spain
Aceite del Baix Ebre-		Oils and animal fats	Spain

Montsía			
Oli del Baix Ebre-Montsía		Oils and animal fats	Spain
Aceite del Bajo Aragón		Oils and animal fats	Spain
Antequera		Oils and animal fats	Spain
Priego de Córdoba		Oils and animal fats	Spain
Sierra de Cádiz		Oils and animal fats	Spain
Sierra de Segura		Oils and animal fats	Spain
Sierra de Cazorla		Oils and animal fats	Spain
Siurana		Oils and animal fats	Spain
Aceite de Terra Alta		Oils and animal fats	Spain
Oli de Terra Alta		Oils and animal fats	Spain
Les Garrigues		Oils and animal fats	Spain
Estepa		Oils and animal fats	Spain
Guijuelo		Fresh, Frozen and Processed meats	Spain
Jamón de Huelva		Fresh, Frozen and Processed meats	Spain
Jamón de Teruel		Fresh, Frozen and Processed meats	Spain
Salchichón de Vic		Fresh, Frozen and Processed meats	Spain
Llonganissa de Vic		Fresh, Frozen and Processed meats	Spain
Mahón-Menorca		Cheeses	Spain
Queso Manchego		Cheeses	Spain
Cítricos Valencianos		Fresh and processed fruits and nuts	Spain
Cítrics Valencians		Fresh and processed fruits and nuts	Spain
Jijona		Confectionery and Baked Products	Spain

Turrón de Alicante		Confectionery and Baked Products	Spain
Azafrán de la Mancha		Spices	Spain
Comté		Cheeses	France
Reblochon		Cheeses	France
Reblochon de Savoie		Cheeses	France
Roquefort		Cheeses	France
Camembert de Normandie		Cheeses	France
Brie de Meaux		Cheeses	France
Emmental de Savoie		Cheeses	France
Pruneaux d'Agen		Fresh and processed fruits and nuts	France
Pruneaux d'Agen mi-cuits		Fresh and processed fruits and nuts	France
Huîtres de Marennes-Oléron		Fresh, Frozen and processed fish products	France
Canards à foie gras du Sud-Ouest : Chalosse		Fresh, Frozen and Processed meats	France
Canards à foie gras du Sud-Ouest: Gascogne		Fresh, Frozen and Processed meats	France
Canards à foie gras du Sud-Ouest : Gers		Fresh, Frozen and Processed meats	France
Canards à foie gras du Sud-Ouest : Landes		Fresh, Frozen and Processed meats	France
Canards à foie gras du Sud-Ouest : Périgord		Fresh, Frozen and Processed meats	France
Canards à foie gras du Sud-Ouest : Quercy		Fresh, Frozen and Processed meats	France
Jambon de Bayonne***		Dry-cured meats	France
Huile d'olive de Haute-Provence		Oils and animal fats	France
Huile essentielle de lavande de Haute-Provence		Essential oils	France

Morbier		Cheeses	France
Epoisses		Cheeses	France
Beaufort***		Cheeses	France
Maroilles		Cheeses	France
Marolles		Cheeses	France
Munster *		Cheeses	France
Munster Géromé		Cheeses	France
Fourme d'Ambert		Cheeses	France
Abondance		Cheeses	France
Bleu d'Auvergne		Cheeses	France
Livarot		Cheeses	France
Cantal		Cheeses	France
Fourme de Cantal		Cheeses	France
Cantalet		Cheeses	France
Petit Cantal		Cheeses	France
Tomme de Savoie		Cheeses	France
Pont - L'Evêque		Cheeses	France
Neufchâtel		Cheeses	France
Chabichou du Poitou		Cheeses	France
Crottin de Chavignol		Cheeses	France
Saint-Nectaire		Cheeses	France
Piment d'Espelette		Spices	France
Lentille verte du Puy		Fresh and processed vegetable products	France
Aceto balsamico Tradizionale di Modena		Vinegar	Italy
Aceto balsamico di Modena		Vinegar	Italy
Cotechino Modena		Fresh, Frozen and	Italy

		Processed meats	
Zampone Modena		Fresh, Frozen and Processed meats	Italy
Bresaola della Valtellina		Fresh, Frozen and Processed meats	Italy
Mortadella Bologna		Fresh, Frozen and Processed meats	Italy
Prosciutto di Parma		Dry-cured meats	Italy
Prosciutto di S. Daniele		Dry-cured meats	Italy
Prosciutto Toscano		Dry-cured meats	Italy
Prosciutto di Modena		Dry-cured meats	Italy
Provolone Valpadana		Cheeses	Italy
Taleggio		Cheeses	Italy
Asiago*		Cheeses	Italy
Fontina*		Cheeses	Italy
Gorgonzola*		Cheeses	Italy
Grana Padano		Cheeses	Italy
Mozzarella di Bufala Campana		Cheeses	Italy
Parmigiano Reggiano		Cheeses	Italy
Pecorino Romano		Cheeses	Italy
Pecorino Sardo		Cheeses	Italy
Pecorino Toscano		Cheeses	Italy
Arancia Rossa di Sicilia		Fresh and processed fruits and nuts	Italy
Cappero di Pantelleria		Fresh and processed fruits and nuts	Italy
Kiwi Latina		Fresh and processed fruits and nuts	Italy
Lenticchia di Castelluccio di Norcia		Fresh and processed vegetable products	Italy

Mela Alto Adige		Fresh and processed fruits and nuts	Italy
Südtiroler apfel		Fresh and processed fruits and nuts	Italy
Pesca e nettarina di Romagna		Fresh and processed fruits and nuts	Italy
Pomodoro di Pachino		Fresh and processed vegetable products	Italy
Radicchio Rosso di Treviso		Fresh and processed vegetable products	Italy
Ricciarelli di Siena		Confectionery and Baked Products	Italy
Riso Nano Vialone Veronese		Cereals	Italy
Speck Alto Adige		Fresh, Frozen and Processed meats	Italy
Südtiroler Markenspeck		Fresh, Frozen and Processed meats	Italy
Südtiroler Speck		Fresh, Frozen and Processed meats	Italy
Veneto Valpolicella		Oils and animal fats	Italy
Veneto Euganei e Berici		Oils and animal fats	Italy
Veneto del Grappa		Oils and animal fats	Italy
Culatello di Zibello		Fresh, Frozen and Processed meats	Italy
Garda		Fresh, Frozen and Processed meats	Italy
Lardo di Colonnata		Fresh, Frozen and Processed meats	Italy
Szegedi téliszalámi		Fresh, Frozen and Processed meats	Hungary
Szegedi szalámi		Fresh, Frozen and Processed meats	Hungary
Tiroler Speck		Fresh, Frozen and Processed meats	Austria

Steirischer Kren		Fresh and processed vegetable products	Austria
Steirisches Kürbiskernöl		Oilseeds	Austria
Queijo S. Jorge		Cheeses	Portugal
Azeite de Moura		Oils and animal fats	Portugal
Azeites de Trás-os-Montes		Oils and animal fats	Portugal
Azeite do Alentejo Interior		Oils and animal fats	Portugal
Azeites da Beira Interior		Oils and animal fats	Portugal
Azeites do Norte Alentejano		Oils and animal fats	Portugal
Azeites do Ribatejo		Oils and animal fats	Portugal
Pêra Rocha do Oeste		Fresh and processed fruits and nuts	Portugal
Ameixa d'Elvas		Fresh and processed fruits and nuts	Portugal
Ananás dos Açores / S. Miguel		Fresh and processed fruits and nuts	Portugal
Chouriça de carne de Vinhais		Fresh, Frozen and Processed meats	Portugal
Linguiça de Vinhais		Fresh, Frozen and Processed meats	Portugal
Chouriço de Portalegre		Fresh, Frozen and Processed meats	
Presunto de Barrancos		Fresh, Frozen and Processed meats	Portugal
Queijo Serra da Estrela		Oils and animal fats	Portugal
Queijos da Beira Baixa		Oils and animal fats	Portugal
Queijo de Castelo Branco		Oils and animal fats	Portugal
Queijo Amarelo da Beira Baixa		Cheeses	Portugal
Queijo Picante da Beira		Cheeses	Portugal

Baixa			
Salpicão de Vinhais		Fresh, Frozen and Processed meats	Portugal
Gouda Holland		Cheeses	Netherlands
Edam Holland		Cheeses	Netherlands
Kalix Ljörom		Fresh, frozen and processed fish products	Sweden
Magiun de prune Topoloveni		Fresh and processed fruits and nuts	Romania

Part B**Geographical Indications Identifying a Product Originating in Canada**

Indication	Transliteration (For information purposes only)	Product Class	Place of Origin (Territory, Region or Locality)

Annex II (a)

Valencia Orange

Orange Valencia

Valencia

Black Forest Ham

Jambon Forêt Noire

*Tiroler Bacon*⁵⁵

Bacon Tiroler^l

Parmesan

Bavarian Beer

Bière Bavaroise

Munich Beer

Bière Munich

St. George Cheese

Fromage St-George[s]

⁵⁵ Use of spelling variations in English or French to be permitted, including Tyrol, Tiroler, Tyroler, Tirolien

Annex II(b)

The term "comté" in association with food products when used to refer to a county (for example "Comté du Prince-Edouard"; "Prince Edward County"; "Comté de Prescott-Russell"; "Prescott-Russell County").

The term "Beaufort" in association with cheese products, produced in the proximity of the geographical place called "Beaufort range", Vancouver Island, British Columbia.

ANNEX III**Product classes**

“fresh, frozen and processed meats” means products falling under Chapter 2 and heading 16.01 or 16.02 of the Harmonized System.

“dry-cured meats” means dry cured meat products falling under Chapter 2 and heading 16.01 or 16.02 of the Harmonized System.

“hops” means products falling under heading 12.10 of the Harmonized System;

“fresh, frozen and processed fish products” means products falling under Chapter 3 and heading 16.03, 16.04 or 16.05 of the Harmonized System;

“butter” means products falling under heading 04.05 of the Harmonized System;

“cheeses” means products falling under heading 04.06 of the Harmonized System;

“fresh and processed vegetable products” means products containing vegetables falling under Chapter 7 and Chapter 20 of the Harmonized System;

“fresh and processed fruits and nuts” means products containing fruits falling under Chapter 8 and 20 of the Harmonized System;

“spices” means products falling under Chapter 9 of the Harmonized System;

“cereals” means products falling under Chapter 10 of the Harmonized System;

“products of the milling industry” means products falling under Chapter 11 of the Harmonized System;

“oilseeds” means products falling under Chapter 12 of the Harmonized System;

“beverages from plant extracts” means products falling under heading 13.02 of the Harmonized System;

“oils and animal fats” means products falling under Chapter 15 of the Harmonized System;

“confectionery and baked products” means products falling under heading 17.04, 18.06, 19.04, or 19.05 of the Harmonized System;

“pasta” means products falling under heading 19.02 of the Harmonized System;

“table and processed olives” means products falling under heading 20.01 or 20.05 of the Harmonized System;

“mustard paste” means products falling under sub-heading 2103.30 of the Harmonized System;

“beer” means products falling under heading 22.03 of the Harmonized System;

“vinegar” means products falling under heading 22.09 of the Harmonized System;

“essential oils” means products falling under heading 33.01 of the Harmonized System.

23. SUSTAINABLE DEVELOPMENT

CHAPTER XX: TRADE AND SUSTAINABLE DEVELOPMENT

Article XX.1: Context and objectives

Recalling the Rio Declaration on Environment and Development of 1992, the Agenda 21 on Environment and Development, the Johannesburg Declaration and Plan of Implementation of 2002 on Sustainable Development, the 2006 Ministerial declaration of the UN Economic and Social Council on Full Employment and Decent Work, and the 2008 ILO Declaration on Social Justice for a Fair Globalisation, the Parties recognise that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, and they reaffirm their commitment to promoting the development of international trade in such a way as to contribute to the objective of sustainable development, for the welfare of present and future generations.

The Parties underline the benefit of considering trade related labour and environmental issues as part of a global approach to trade and sustainable development. Accordingly, the Parties agree that the rights and obligations under Chapters X+1 and X+2⁵⁶ are to be considered in the context of this Agreement.

In this regard, through the implementation of Chapters X+1 and X+2⁵⁷, the Parties aim to:

- promote sustainable development through the enhanced coordination and integration of their respective labour, environmental and trade policies and measures;
- promote dialogue and cooperation between the Parties with a view to developing their trade and economic relations in a manner supportive of their respective labour and environmental protection measures and standards, and to upholding their environmental and labour protection objectives in a context of freer, open and transparent trade relations;
- enhance enforcement of domestic labour and environmental laws and respect for labour and environmental international agreements;
- promote the full use of instruments, such as impact assessment and stakeholder consultations, in the regulation of trade, labour and environmental issues and encourage businesses, civil society organisations and citizens to develop and implement practices that contribute to the achievement of sustainable development goals;
- promote public consultation and participation in the discussion of sustainable development issues arising under this Agreement and in the development of relevant domestic laws and policies.

Article 2: Transparency

⁵⁶ Refer to chapters on Environment and Labour

⁵⁷ Refer to chapters on Environment and Labour

The Parties stress the importance of ensuring transparency as a necessary element to promote public participation and information within the context of this Chapter, in accordance with its provisions, with Chapter [Transparency] and with the relevant provisions in Chapters [labour] and [environment].

Article 3: Co-operation and promotion of trade supporting sustainable development

1. The Parties recognise the value of international cooperation to achieve the goal of sustainable development and the integration at the international level of economic, social and environmental development and protection initiatives, actions and measures. Therefore, in the context of this Agreement, they agree to dialogue and consult with each other with regard to trade-related sustainable development issues of common interest.

2. The Parties affirm that trade should promote sustainable development. Accordingly, in the context of their respective policy or legislative frameworks and in a manner consistent with their international obligations, each Party shall strive to promote trade and economic flows and practices that contribute to enhancing decent work and environmental protection, including by:

a. Encouraging the development and use of voluntary schemes relating to the sustainable production of goods and services, such as eco-labelling and fair trade schemes;

Encouraging voluntary best practices of corporate social responsibility by enterprises, such as those embodied in the OECD Guidelines for Multilateral Enterprises, to strengthen coherence between economic, social and environmental objectives.

Encouraging the integration of sustainability considerations in private and public consumption decisions; and

Promoting the development, establishment, maintenance or improvement of environmental performance goals and standards.

The Parties recognise the importance of addressing specific sustainable development issues by assessing the potential economic, social and environmental impacts of possible actions, taking account of the views of stakeholders. Therefore, to identify any need for action that may arise in connection with this Agreement, each Party commits to review, monitor and assess the impact of the implementation of this Agreement on sustainable development in its territory. The Parties may agree to carry out joint assessments. These assessments will be conducted in a manner that is adapted to the practices and conditions of each Party, through the respective participative processes of the Parties, as well as those set up under this Agreement.

Article 4: Institutional Arrangements

The Parties establish a [NAME] on Trade and Sustainable Development, comprised of high level representatives of the Parties responsible for matters covered by this Chapter, Chapter X [Labour], and Chapter Y [Environment]. The [NAME] on Trade and Sustainable Development shall oversee the implementation of these Chapters, including cooperative activities and review of impacts of the Agreement on sustainable development, address in an integrated manner any

matters of common interest in relation to the interface between economic development, social development and environmental protection, and carry out the duties set out under Chapter X [Labour] and Chapter Y [Environment]. With regard to the latter, the [NAME] on Trade and Sustainable Development can also carry out these duties through dedicated sessions comprising participants responsible for matters covered, respectively, under Chapter X [Labour] or Chapter Y [Environment].

The [NAME] on Trade and Sustainable Development shall meet within the first year of the entry into force of this Agreement, and thereafter as often as the Parties consider necessary. The Contact Points referred to in [relevant articles of the labour and environment chapters] shall be responsible for communications between the Parties regarding the scheduling and organisation of such meetings or dedicated sessions.

Unless the Parties otherwise jointly decide, each regular or dedicated meeting of the [NAME] on Trade and Sustainable Development shall include a session with the public to discuss matters relating to the implementation of the relevant Chapter(s).

The NAME on Trade and Sustainable Development shall promote transparency and public participation. To this end:

all decisions and reports that the NAME on Trade and Sustainable Development may adopt shall be made public, unless the NAME on Trade and Sustainable Development decides otherwise;

the NAME on Trade and Sustainable Development shall present updates on matters related to this Chapter, including its implementation, to the Civil Society Forum referred to in [Article]. Any views or opinions of the Civil Society Forum may be submitted to the Parties directly, or through the consultative mechanisms referred to in Article 8.3 of Chapter ... (Trade and Labour) and in Article X.13 of Chapter X (Trade and Environment). The NAME on Trade and Sustainable Development shall report annually on the follow-up given to such communications;

the NAME on Trade and Sustainable Development shall report annually on matters it may address pursuant to Article X.7(3) of Chapter X (Trade and Environment) or Article 8.4 of Chapter ... (Trade and Labour).

Article 5: Civil society forum

1. The Parties shall facilitate a joint Civil Society Forum comprising representatives of civil society organisations established in their territories, including participants in the domestic consultative mechanisms referred to in Article 8.3 of Chapter ... (Trade and Labour) and in Article X.13 of Chapter ... (Trade and Environment), in order to conduct a dialogue encompassing sustainable development aspects of this Agreement.

2. The Civil Society Forum shall be convened once a year unless otherwise agreed by the Parties. The Parties shall promote a balanced representation of relevant interests, including independent representative employers, unions, labour and business organisations, environmental

groups, as well as other relevant civil society organisations as appropriate. The Parties may also facilitate participation by virtual means.

24. TRADE AND LABOUR

CHAPTER X+1: TRADE AND LABOUR

Article 1: Context and objectives

1. The Parties recognise the value of international co-operation and agreements on employment and labour affairs as a response of the international community to economic, employment and social challenges and opportunities resulting from globalisation. They recognize the contribution that international trade could make to full and productive employment and decent work for all and commit to consulting and co-operating as appropriate on trade-related labour and employment issues of mutual interest.

2. The Parties recognise the beneficial role that decent work, encompassing core labour standards, and high levels of labour protection, coupled with effective enforcement, can have on economic efficiency, innovation and productivity, including export performance, and they highlight the value of greater policy coherence in those areas. In this context, the Parties recognize the importance of social dialogue on labour matters among workers and employers, and their respective organizations, and governments, and commit to promotion of such dialogue in their territories.

Article 2: Right to regulate and levels of protection

Recognising the right of each Party to set its labour priorities, to establish its levels of labour protection and to adopt or modify its relevant laws and policies accordingly in a manner compatible with its international labour commitments, including those in this Chapter, each Party shall strive to continue to improve those laws and policies with the goal of providing high levels of labour protection.

Article 3: Multilateral labour standards and agreements

1. Each Party shall ensure that its labour law and practices embody and provide protection for the fundamental principles and rights at work, and reaffirm its commitment to respecting, promoting and realising such principles and rights in accordance with its obligations as member of the ILO and its commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998.

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

2. Each Party shall ensure that its labour law and practices promote the following objectives included in the Decent Work Agenda, and in accordance with the 2008 ILO Declaration on Social Justice for a Fair Globalisation, and other international commitments:

health and safety at work, including the prevention of occupational injuries and illnesses and compensation in cases of such injuries or illnesses;

establishment of acceptable minimum employment standards for wage earners, including those not covered by collective agreements; and,

non-discrimination in respect of working conditions, including for migrant workers.

3. In connection with paragraph 2(a) of this article, each Party shall ensure that its labour law and practices embody and provide protection for working conditions that respect the health and safety of workers, including by formulating policies which promote basic principles aimed at preventing accidents and injuries arising out of or in the course of work, and aimed at developing a domestic preventative safety and health culture where the principle of prevention is accorded the highest priority. When preparing and implementing measures aimed at health protection and safety at work, each Party shall take account of relevant scientific and technical information and related international standards, guidelines or recommendations if they exist, particularly if such measures may affect trade or investment between the Parties. The Parties acknowledge that where there are existing or potential hazards or conditions that could reasonably be expected to cause injury or illness to a person, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective protective measures.

4. Each Party reaffirms its commitment to effectively implement in its laws and practices, in its whole territory, the fundamental ILO Conventions that Canada and the Member States of the European Union have ratified respectively. The Parties will make continued and sustained efforts towards ratifying the fundamental ILO Conventions to the extent that they have not yet done so. The Parties will exchange information on their respective situation and advancements as regards to the ratification of the fundamental as well as priority and other ILO Conventions that are classified as up to date by the ILO.

Article 4: Upholding levels of protection

1. The Parties recognise that it is inappropriate to encourage trade or investment by lowering the levels of protection embodied in domestic labour law and standards.

2. A Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its labour law, as an encouragement for trade or the establishment, acquisition, expansion or retention of an investment or an investor in its territory.

3. A Party shall not fail to effectively enforce its labour law, through a sustained or recurring course of action or inaction, as an encouragement for trade or investment.

Article 5: Enforcement procedures, Administrative proceedings and review of administrative action

1. In connection with the obligations in Article 4, each Party shall promote compliance with and shall effectively enforce its labour law, including by:

- a. in accordance with its international commitments, maintaining a system of labour inspection aimed at securing the enforcement of those legal provisions relating to working conditions and the protection of workers which are enforceable by labour inspectors;
- b. ensuring that administrative and judicial proceedings are available to persons with a legally recognized interest in a particular matter under its domestic law, in order to permit effective action against infringements of its labour laws, including appropriate remedies for violations of such laws.

2. Each Party shall, within the framework of its legal system, ensure that the proceedings referred to in subparagraph 1 (b) are not unnecessarily complicated or prohibitively costly, do not entail unreasonable time limits or unwarranted delays, provide injunctive relief, where appropriate, and are fair and equitable, including by:

providing defendants with reasonable notice when a procedure is initiated, including a description of the nature of the proceeding and the basis of the claims;

affording the parties to the procedures a reasonable opportunity to support or defend their respective positions, including by presenting information or evidence, prior to any final decision;

providing that final decisions are made in writing and give reasons as appropriate to the case; and

allowing the parties to an administrative proceeding an opportunity for review of final administrative decisions within a reasonable time by a tribunal established by law, with appropriate guarantees of independence and impartiality of decision-makers.

Article 6: Public Information and Awareness

1. Each Party, as well as complying with Art X.01 of Transparency Chapter, shall encourage public debate with and among non-State actors as regards the development and definition of policies that may lead to the adoption by public authorities of labour law and standards.

2. Each Party shall promote public awareness of its labour law and standards, as well as enforcement and compliance procedures, including by ensuring the availability of information and by taking steps to further the knowledge and understanding of workers, employers and their representatives.

Article 7: Cooperative activities

1. The Parties commit to cooperate for the promotion of the objectives of this Chapter through actions such as:

exchange of information on best practices on issues of common interest and on relevant events, activities, and initiatives organized in their respective territories;

cooperation in international fora dealing with issues relevant for trade and labour and employment, including in particular the WTO and the ILO;

the international promotion of Fundamental Principles and Rights at Work and their effective application, and the ILO Decent Work Agenda;

dialogue and information sharing on the labour provisions in the context of their respective trade agreements, and their implementation;

exploring collaboration in initiatives vis-a-vis third countries;

other forms of cooperation as the Parties may deem appropriate.

2. In identifying areas for cooperation, and in carrying out cooperative activities, the Parties will consider any views provided by representatives of workers, employers, and civil society.

3. The Parties may establish cooperative arrangements with the International Labour Organization and other competent international and regional organisations to draw on their expertise and resources to achieve the objectives of this Chapter.

Article 8: Institutional mechanisms

1. Each Party shall designate one office which shall serve as a Point of Contact with the other Party for the purposes of implementing this Chapter, including with regard to:

- (a) cooperative programs and activities in accordance with Article 7;
- (b) the receipt of submissions and communications under Article 9; and
- (c) information to be provided to the other Party, the panels of experts and the public.

2. The [NAME TO BE DETERMINED] on Trade and Sustainable Development established under Chapter X [Trade and Sustainable Development] shall, through its regular meetings or dedicated sessions comprising participants responsible for matters covered under this Chapter discuss matters of common interest, oversee the implementation of this Chapter and review progress under it, including its operation and effectiveness, or address any other matter within the scope of this Chapter as they jointly decide.

3. Each Party shall consult a domestic labour or sustainable development advisory group(s), or establish new ones when they do not exist, to provide views and advice on issues relating to this Chapter. Such groups may submit opinions and make recommendations on any matter related to this Chapter on their own initiative. The domestic advisory group(s) comprise(s) independent representative organisations of civil society in a balanced representation of employers, unions, labour and business organisations, as well as other relevant stakeholders as appropriate.

4. Each Party shall be open to receive and shall give due consideration to submissions from the public on matters related to this Chapter, including communications on implementation concerns; each Party shall inform its domestic advisory group(s) of such communications.

5. The Parties shall take into account the activities of the International Labour Organisation so as to promote greater cooperation and coherence between the work of the Parties and that Organisation.

ARTICLE 9: Government Consultations

A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the contact point of the other Party. The request shall present the matter clearly, identifying the questions at issue and providing a brief summary of any claims under this Chapter. Consultations shall commence promptly after a Party delivers a request for consultations.

During consultations, each Party shall provide the other with sufficient information in its possession to allow a full examination of the matters raised, subject to any domestic legislation regarding confidential personal and commercial information.

Where relevant, subject to the agreement of both consulting Parties, they shall seek the information or views of any person, organisation or body that may contribute to the examination of the matter at issue, including the International Labour Organisation.

If a Party considers that the matter needs further discussion, that Party may request that [NAME] be convened to consider the matter by delivering a written request to the contact point of the other Party. The [NAME] shall convene promptly and endeavour to agree on a resolution of the matter. Where appropriate, it shall seek the advice of the Parties' domestic advisory group(s).

Any solutions or decisions on matters discussed under this Article shall be made publicly available.

Article 10: Panel of Experts

1. For any matter that has not been satisfactorily addressed through government consultations, a Party may, 90 days after the delivery of a request for consultations under Article 9.1, request that a Panel of Experts be convened to examine that matter, by delivering a written request to the contact point of the other Party.
2. Subject to the provisions of this Chapter, the Parties shall apply the Rules of Procedure and Code of Conduct set out in Annex I and II of the Chapter on Dispute Settlement, unless the Parties agree otherwise.
3. The Panel of Experts shall be composed of three panellists.
4. The [NAME] shall, at its first meeting after the entry into force of this Agreement, establish a list of at least 9 individuals chosen on the basis of objectivity, reliability and sound judgment who are willing and able to serve as experts in Panel procedures. Each Party shall propose three individuals to serve as experts. The Parties shall also select three individuals who are not nationals of either Party and who shall act as chairperson to the Panel of experts. The [NAME] will ensure that the list is always maintained at this level.
5. The experts proposed as panellists shall comprise individuals with specialised knowledge or expertise in labour law, other issues addressed in this Chapter, or the resolution of disputes arising under international agreements. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government with regard to issues related to the matter at stake, or be affiliated with the government of any Party, and shall comply with [the Code of Conduct].
6. The Parties shall consult with a view to reaching an agreement on the composition of the Panel of Experts within 10 working days of the date of the receipt by the responding Party of the request for the establishment of a Panel of Experts. Due attention shall be paid to ensuring that proposed Panellists meet the requirements set out in paragraph (5) of this article and have the expertise appropriate to the particular matter.
7. In the event that the Parties are unable to agree on the composition of the Panel of Experts within the time frame laid down in paragraph 4, the selection procedure set forth in Article 14.7(3), (4), (5), (6) and (7) of Chapter 14 (Dispute Settlement) shall be applicable in respect of the list established in paragraph (7).
8. Unless the Parties agree otherwise, within five working days of the date of the selection of the panellists, the terms of reference of the Panel of Experts shall be:

"to examine, in the light of the relevant provisions of the Trade and Labour chapter, the matter referred to in the request for the establishment of the Panel of Experts, and to issue a report, in accordance with Article 12 (Panel of Experts) of Chapter ... (Trade and Labour), making recommendations for the resolution of the matter"

9. In matters related to the respect of multilateral agreements as set out in Article 3, the Panel should seek information from the International Labour Organisation, such as pertinent available interpretative guidance, findings or decisions adopted by this body.⁵⁸

10. The Panel may request and receive written submissions or any other information from organisations, institutions, and persons with relevant information or specialised knowledge.

11. The Panel of Experts shall issue to the Parties an interim and a final report setting out the findings of facts, its determinations as to whether the responding Party has conformed with its obligations under this chapter and the rationale behind any findings, determinations and recommendations that it makes. The Panel of Experts shall submit to the Parties the interim report within 120 days after the last panellist is selected, or as otherwise decided by the Parties. The Parties may provide comments to the Panel on the interim report within 45 days of its presentation. After considering any such comments, the Panel of Experts may reconsider its report or make any further examination it considers appropriate. The Panel of Experts shall submit the final report to the Parties within 60 days of the submission of the interim report. Each Party shall make the final report publicly available within 30 days of its issuance.

12. If in the final report the Panel determines that there has been non-conformity, the Parties shall engage in discussions and shall endeavour, within three months from the submission of the final report and taking into account that report, to identify appropriate measures or, where appropriate, to decide upon a mutually satisfactory action plan. The Party concerned shall inform in a timely manner its advisory groups and the other Party of its decisions on any actions or measures to be implemented. Furthermore, the requesting Party shall inform in a timely manner its advisory groups and the other Party of any other action or measure it may decide to take, as a follow-up to the report, to encourage the resolution of the matter in a manner consistent with this Agreement. The follow-up to the report and the recommendations of the Panel of Experts shall be monitored by the NAME. The advisory bodies and the Civil Society Forum may submit observations to the NAME in this regard.

13. If the Parties reach a mutually agreed solution to a matter during the time that a Panel of Experts has been established, they shall notify the [NAME] and the Panel of Experts of any such solution. Upon notification, the panel procedure shall be terminated.

ARTICLE 11: Dispute Resolution

For any matter arising under this Chapter where there is disagreement between the Parties, the Parties shall only have recourse to the rules and procedures provided for in this chapter.

⁵⁸ This provision shall be applied in accordance with rule 43 of the Rules of Procedure set out in Annex I of Chapter XX (Dispute Settlement)

The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter. At any time, the Parties may have recourse to good offices, conciliation, or mediation to resolve that matter.

It is understood that the obligations included under this chapter are binding, and enforceable through the procedures for the resolution of disputes provided for in Art. 10 [Panel of experts] of this chapter. Within this context, the Parties will discuss, through the meetings of the [NAME] on Trade and Sustainable Development, the effectiveness of the implementation of the chapter, domestic policy developments in both Parties, developments in international agreements, and views presented by stakeholders, as well as possible reviews of the procedures for the resolution of disputes provided for in Art. 10 [Panel of experts] of this chapter.

In case of disagreement, a Party may request consultations according to the procedures established in Art. 9 [Government consultations] in order to review the provisions for the resolution of disputes provided for in Art. 10 [Panel of experts] of this chapter, with a view to reach a mutually agreed position on the matter.

The [NAME] may decide to modify the relevant provisions of this chapter, in accordance with the amendment procedures established in Chapter ..., Article ... [CETA amendment procedure].]

25. TRADE AND ENVIRONMENT

Chapter XX: Trade and Environment

Article X.1: Context and Objectives

The Parties recognize that the environment is a fundamental pillar of sustainable development and the contribution that trade could make to sustainable development. They stress that enhanced cooperation between the Parties to protect and conserve the environment brings benefits which will promote sustainable development, strengthen the environmental governance of the Parties, build on international environmental agreements to which they are party and complement the objectives of the CETA.

Article X.2: Definition

For the purposes of this Chapter:

“environmental law” means laws or statutory or regulatory provisions, or other legally binding measures, the purpose of which is the protection of the environment, including the prevention of a danger to human life or health from environmental impacts, such as those that aim at:

- (a) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants,
- (b) the management of chemicals and waste and the dissemination of information related thereto, and
- (c) the conservation and protection of wild flora or fauna, including endangered species and their habitats, as well as protected areas;

but does not include any measures solely related to worker health and safety, which fall under Chapter X - Labour, nor any measures by a Party for which the purpose is managing subsistence or aboriginal harvesting of natural resources.

Article X.3: Multilateral Environmental Agreements

1. The Parties recognise the value of international environmental governance and agreements as a response of the international community to global or regional environmental problems and stress the need to enhance the mutual supportiveness between trade and environment policies, rules and measures.

2. Each Party reaffirms its commitment to effectively implement in its laws and practices, in its whole territory, the Multilateral Environmental Agreements to which it is a party.

3. The Parties commit to consulting and cooperating as appropriate with respect to environmental matters of mutual interest related to Multilateral Environmental Agreements, in particular trade-related issues. This includes, inter alia, exchanging information on the implementation of Multilateral Environmental Agreements that a Party is bound by, on ongoing negotiations of new Multilateral Environmental Agreements, as well as on each Party's respective views as regards to becoming a party to additional Multilateral Environmental Agreements.

The Parties acknowledge their right to make full use of the General Exceptions in Chapter X (Exceptions) in relation to environmental measures, including those taken pursuant to Multilateral Environmental Agreements to which they are party.

Article X.4: Right to regulate and levels of protection

Recognizing the right of each Party to set its own environmental priorities, to establish its own domestic levels of environmental protection, and to adopt or modify its relevant laws and policies accordingly in a manner consistent with the multilateral environmental agreements to which they are a party and with this Agreement, each Party shall seek to ensure that those laws and policies provide for and encourage high levels of environmental protection and shall strive to continue to improve those laws and policies and their underlying levels of protection.

Article X.5: Upholding levels of protection

The Parties recognize that it is inappropriate to encourage trade or investment by weakening or reducing the levels of protection afforded in domestic environmental laws.

A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental laws as an encouragement for trade or investment.

A Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental laws, as an encouragement for trade or the establishment, acquisition, expansion or retention of an investment of an investor in its territory.

Article X.6: Access to Remedies and Procedural Guarantees

In connection with the obligations in Article X.5:

Each Party shall, in accordance with its laws, ensure that its authorities competent to enforce environmental laws give due consideration to alleged violations of those laws brought to its attention by interested persons residing or established in its territory.

Each Party shall ensure that administrative or judicial proceedings are available to persons⁵⁹ with a legally recognized interest in a particular matter or maintaining impairment of a right, subject to the conditions specified under its domestic law, in order to permit effective action against infringements of its environmental laws, including appropriate remedies for violations of such laws.

2. Each Party shall, within the framework of its legal system and in accordance with its domestic laws, ensure that the proceedings referred to in paragraph 1(b) are not unnecessarily complicated or prohibitively costly, do not entail unreasonable time limits or unwarranted delays, provide injunctive relief where appropriate, and are fair, equitable and transparent, including by:

providing defendants with reasonable notice when a proceeding is initiated, including a description of the nature of the proceeding and the basis of the claims;

affording the parties to the proceedings a reasonable opportunity to support or defend their respective positions, including by presenting information or evidence, prior to any final decision;

providing that final decisions are made in writing and give reasons as appropriate to the case and based on information or evidence in respect of which the parties were offered the opportunity to be heard; and

allowing the parties to an administrative proceeding an opportunity for review and, where warranted, correction of final administrative decisions within a reasonable time by a tribunal established by law, with appropriate guarantees of independence and impartiality of decision-makers.

Article X.7: Public Information

1. Each Party, as well as complying with Art. X.01 of Transparency Chapter, shall encourage public debate with and among non-State actors as regards the development and definition of policies that may lead to the adoption by public authorities of environmental laws and regulations.

Each Party shall promote public awareness of its environmental laws and regulations, as well as enforcement and compliance procedures, by ensuring the availability of information to stakeholders.

Each Party shall be open to receive and shall give due consideration to submissions from the public on matters related to this Chapter, including communications on implementation concerns; each Party shall inform its civil society of such communications through the consultative mechanisms referred to in Article X.13(4).

⁵⁹ Including non-governmental organisations promoting environmental protection and meeting any requirements under domestic law.

Article X.8: Scientific and technical information

Each Party shall, when preparing and implementing measures aimed at environmental protection which may affect trade or investment between the Parties, take account of relevant scientific and technical information and related international standards, guidelines or recommendations if they exist.

The Parties acknowledge that where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Article X.9: Trade favouring environment protection

The Parties are resolved to make efforts to facilitate and promote trade and investment in environmental goods and services, including through addressing the reduction of non-tariff barriers related to these goods and services.

2. The Parties shall, consistent with their international obligations, pay special attention to facilitating the removal of obstacles to trade or investment concerning goods and services of particular relevance for climate change mitigation in particular renewable energy goods and related services.

Article X.10: Trade in forest products

1. The Parties recognize the importance of the conservation and sustainable management of forests for providing environmental functions and economic and social opportunities for present and future generations, and of market access for legally-harvested forest products from sustainably managed forests.

2. To this end, the Parties undertake to, in a manner consistent with their international obligations:

(a) Encourage trade in forest products from sustainably managed forests, harvested in accordance with the domestic legislation of the country of harvest;

(b) Exchange information, and where appropriate, cooperate on initiatives to promote sustainable forest management, including initiatives designed to combat illegal logging and related trade;

(c) Promote the effective use of CITES with regard to timber species considered at risk; and

(d) Cooperate, where appropriate, in international fora dealing with the conservation and sustainable management of forests.

3. The Parties agree to discuss issues identified in paragraph (2) in the [NAME⁶⁰] or in the Bilateral Dialogue on Forest Products referenced in [Chapter X: Dialogues and Sector Specific Cooperation⁶¹] in accordance with their respective scopes.

Article X.11: Trade in Fisheries and Aquaculture Products

The Parties recognise the importance of the conservation and the sustainable and responsible management of fisheries and aquaculture and their contribution to providing environmental, economic and social opportunities for present and future generations. To this end, the Parties undertake to, in a manner consistent with their international obligations:

- (a) Adopt effective monitoring, control and surveillance—measures, such as observer schemes, vessel monitoring schemes, transshipment control, inspections at sea and port state control and associated sanctions, aimed at the conservation of fish stocks and the prevention of overfishing;
- (b) Maintain or adopt actions and cooperate to combat illegal, unreported and unregulated (IUU) fishing, including, where appropriate, the exchange of information on IUU activities in their waters and the implementation of policies and measures to exclude IUU products from trade flows and fish farming operations;
- (c) Cooperate with, and where appropriate in, Regional Fisheries Management Organisations in which both Parties are either members, observers, or cooperating non-contracting parties, with the aim of achieving good governance, including by advocating for science based decisions and compliance with such decisions in these organizations; and
- (d) Promote the development of an environmentally responsible and economically competitive aquaculture industry.

Article X.12: Cooperation on environment issues

1. The parties recognise that enhanced cooperation is an important element to advance the objectives of this Chapter, and they commit to cooperate, through actions and instruments that may include technical exchanges, exchanges of information and best practices, research projects, studies, reports, conferences and workshops, on trade-related environmental issues of common interest, in areas such as:

the potential impacts of this Agreement on the environment and ways to enhance, prevent or mitigate them, taking into account impact assessments carried out by the Parties;

⁶⁰ Institutional body established under the Trade and Sustainable Development Chapter.

⁶¹ Will need to be updated

activities in international *fora* dealing with issues relevant for both trade and environmental policies, including in particular the WTO, the OECD, the United Nations Environment Programme and multilateral environmental agreements;

the environmental dimension of corporate social responsibility and accountability, including on the implementation and follow-up of internationally agreed guidelines;

the trade impact of environmental regulations and standards as well as the environmental impacts of trade and investment rules including on the development of environmental regulations and policy;

trade-related aspects of the current and future international climate change regime, as well as domestic climate policies and programs relating to mitigation and adaptation, including issues relating to carbon markets, ways to address adverse effects of trade on climate, as well as means to promote energy efficiency and the development and deployment of low-carbon and other climate-friendly technologies.

trade and investment in environmental goods and services, including environmental and green technologies and practices, renewable energy, energy efficiency and water use, conservation and treatment;

cooperation on trade-related aspects of the conservation and sustainable use of biological diversity;

the promotion of life-cycle management of goods, including carbon accounting and end of life management – extended producer responsibility, recycling and reduction of waste, and other best practices;

improved understanding of the effects of economic activities and market forces on the environment; or

exchange of views on the relationship between multilateral environmental agreements and international trade rules.

2. The parties will consider views or input from the public and interested stakeholders for the definition and implementation of their cooperation activities, and they may involve them further in such activities, as appropriate.

Article X.13: Institutional mechanisms

1. Each Party shall designate one office which shall serve as a Point of Contact with the other Party for the purposes of implementing this Chapter, including with regard to:

cooperative programs and activities in accordance with Article X.12;
the receipt of submissions and communications under Article X.7(3); and
information to be provided to the other Party, the Panels of Experts and the public.

2. The [NAME] on Trade and Sustainable Development established under Chapter X [Trade and Sustainable Development] shall, through its regular meetings or dedicated sessions comprising participants responsible for matters covered under this Chapter:
Oversee the implementation of this Chapter and review progress under it;
Discuss matters of common interest; and
Address any other matter within the scope of this Chapter as the Parties jointly decide.

3. The Parties shall take into account the activities of relevant multilateral environmental organisations or bodies so as to promote greater cooperation and coherence between the work of the Parties and these organisations.

4. Each Party shall make use of existing, or establish new, consultative mechanisms, such as domestic advisory groups, to seek views and advice on issues relating to this Chapter. Such mechanisms shall involve independent representative organisations of civil society in a balanced representation of environmental groups, business organisations, as well as other relevant stakeholders as appropriate. Through such mechanisms, stakeholders may submit views and make recommendations on any matter related to this Chapter on their own initiative.

Article X.14: Government consultations

A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the contact point of the other Party. The request shall present the matter clearly, identifying the questions at issue and providing a brief summary of any claims under this Chapter. Consultations shall commence promptly after a Party delivers a request for consultations.

During consultations, each Party shall provide the other with sufficient information in its possession to allow a full examination of the matters raised, subject to any domestic legislation regarding confidential personal and commercial information.

Where relevant and agreed to by both Parties, the Parties shall seek the information or views of any person, organisation or body that may contribute to the examination of the matter at issue, including the relevant international organisations or bodies.

If a Party considers that the matter needs further discussion, that Party may request that [NAME] be convened to consider the matter by delivering a written request to the contact point of the other Party. The [NAME] shall convene promptly and endeavour to agree on a resolution of the matter. Where appropriate, it shall seek the advice of the Parties' civil society through the consultative mechanisms referred to in Art. X.13(4).

Any solutions or decisions on matters discussed under this Article shall be made publicly available.

ARTICLE X.15: Panel of Experts

For any matter that has not been satisfactorily addressed through government consultations, a Party may, 90 days after the delivery of a request for consultations under Article X.14(1), request that a Panel of Experts be convened to examine that matter, by delivering a written request to the contact point of the other Party.

Subject to the provisions of this Chapter, the Parties shall apply the Rules of Procedure and Code of Conduct set out in Annex I and II of the Chapter on Dispute Settlement, unless the Parties agree otherwise.

The Panel of Experts shall be composed of three panellists.

The Parties shall consult with a view to reaching an agreement on the composition of the Panel of Experts within 10 working days of the date of the receipt by the responding Party of the request for the establishment of a Panel of Experts. Due attention shall be paid to ensuring that proposed Panellists meet the requirements set out in paragraph (7) of this article and have the expertise appropriate to the particular matter.

5. In the event that the Parties are unable to agree on the composition of the Panel of Experts within the time frame laid down in paragraph 4, the selection procedure set forth in Article 14.7(3), (4), (5), (6) and (7) of Chapter 14 (Dispute Settlement) shall be applicable in respect of the list established in paragraph (7).

6. The NAME shall, at its first meeting after the entry into force of this Agreement, establish a list of at least 9 individuals chosen on the basis of objectivity, reliability and sound judgment who are willing and able to serve as experts in Panel procedures. Each Party shall propose at least three individuals to serve as experts. The Parties shall also select at least three individuals who are not nationals of either Party and who shall act as chairperson to the Panel of Experts. The NAME will ensure that the list is always maintained at this level.

7. The experts proposed as panellists shall comprise individuals with specialized knowledge or expertise in environmental law, issues addressed in this Chapter or the resolution of disputes arising under international agreements. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government with regard to issues related to the matter at stake, or be affiliated with the government of any Party, and shall comply with the Code of Conduct.

8. Unless the Parties agree otherwise, within five working days of the date of the selection of the panellists, the terms of reference of the Panel of Experts shall be:

"to examine, in the light of the relevant provisions of the Trade and Environment chapter, the matter referred to in the request for the establishment of the Panel of Experts, and to issue a report, in accordance with Article X (Panel of Experts) of Chapter ... (Trade and Environment), making recommendations for the resolution of the matter"

9. In matters related to the respect of multilateral agreements as set out in Article X.3, the Panel should seek views and information from relevant MEA bodies, including any pertinent available interpretative guidance, findings or decisions adopted by those bodies.⁶²

10. The Panel of Experts shall issue to the Parties an interim and a final report setting out the findings of facts, its determinations as to whether the responding Party has conformed with its obligations under this Chapter and the rationale behind any findings, determinations and recommendations that it makes. The Panel of Experts shall submit to the Parties the interim report within 120 days after the last panellist is selected, or as otherwise decided by the Parties. The Parties may provide comments to the Panel on the interim report within 45 days of its presentation. After considering any such comments, the Panel of Experts may reconsider its report or make any further examination it considers appropriate. The Panel of Experts shall submit the final report to the Parties within 60 days of the submission of the interim report. Each Party shall make the final report publicly available within 30 days of its issuance.

11. If in the final report the Panel determines that there has been non-conformity, the Parties shall engage in discussions and shall endeavour, within three months from the submission of the final report and taking into account that report, to identify appropriate measures or, where appropriate, to decide upon a mutually satisfactory action plan. The Party concerned shall keep informed in a timely manner its civil society organisations through the consultative mechanisms referred to in Art.X.13(4) and the other Party of its decisions on any actions or measures to be implemented. The follow-up to the report and the recommendations of the Panel of Experts shall be monitored by the NAME. The civil society organisations through the consultative mechanisms referred to in Art. X.13(4) and the Civil Society Forum may submit observations to the NAME in this regard.

12. If the Parties reach a mutually agreed solution to a matter during the time that a Panel of Experts has been established, they shall notify the [NAME] and the Panel of Experts of any such solution. Upon notification, the panel procedure shall be terminated.

ARTICLE X.16: Dispute Resolution

1. For any matter arising under this Chapter where there is disagreement between the Parties, the Parties shall only have recourse to the rules and procedures provided for in Articles X.14 and X.15.

2. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter. At any time, the Parties may have recourse to good offices, conciliation, or mediation to resolve that matter.

⁶² This provision shall be applied in accordance with rule 43 of the Rules of Procedure set out in Annex I of Chapter XX (Dispute Settlement)

26. REGULATORY COOPERATION

REGULATORY COOPERATION

Article X.1: Scope

This Chapter applies to the development, review and methodological aspects of regulatory measures of the Parties' regulatory authorities that are covered by, *inter alia*, the *TBT Agreement*, the *SPS Agreement*, the *GATT 1994*, the *GATS*, and Chapters X (TBT); X (SPS); X (CBTS); X (Environment); X (SD) and X (Labour); of this Agreement.

Article X.2: Principles

1. The Parties affirm their rights and obligations relating to regulatory measures under the *TBT Agreement*, *SPS Agreement*, *GATT 1994* and *GATS*.

The Parties commit themselves to ensuring high levels of protection for human, animal and plant life or health, and the environment in accordance with the *TBT Agreement*, *SPS Agreement*, *GATT 1994* and *GATS*.

The Parties recognise the value of regulatory cooperation with their relevant trading partners both bilaterally and multilaterally. The Parties will, whenever practicable and mutually beneficial, approach regulatory cooperation in a way that is open to participation by other international trading partners.

Without limiting the ability of each Party to carry out its regulatory, legislative and policy activities, the Parties commit themselves to further developing their regulatory cooperation in light of their mutual interest in order to: (a) prevent and eliminate unnecessary barriers to trade and investment; (b) enhance the climate for competitiveness and innovation, including through pursuing regulatory compatibility, recognition of equivalence, and convergence; and (c) promote transparent, efficient and effective regulatory processes that better support public policy objectives and fulfil the mandates of regulatory bodies, including through the promotion of information exchange and enhanced use of best practices.

The provisions of this Chapter replace the Government of Canada – European Commission Framework on Regulatory Cooperation and Transparency and shall govern the activities previously undertaken in the context of that Framework.

The Parties may undertake regulatory cooperation activities, on a voluntary basis. For greater certainty, neither Party is obliged to enter into particular regulatory cooperation activities, and either Party may refuse to cooperate or may withdraw from cooperation. However, if a Party refuses to initiate regulatory cooperation or withdraws from such cooperation, it should be prepared to explain the reasons for its decision to the other Party.

Article X.3 Objectives of Regulatory Cooperation

The objectives of regulatory co-operation include:

(a) Contributing to the protection of human life, health or safety, animal or plant life or health and the environment by:

(i) leveraging international resources in areas such as research, pre-market reviews and risk analysis to address important regulatory issues of local, national and international concern; and

(ii) contributing to the base of information used by regulatory departments for identifying, assessing and managing risks.

(b) Building trust, deepening mutual understanding of regulatory governance and obtaining from each other the benefit of expertise and perspective to:

(i) improve the planning and development of regulatory proposals;

(ii) promote transparency and predictability in the development and establishment of regulations;

(iii) enhance the efficacy of regulations;

(iv) identify alternative instruments;

(v) recognize the associated impacts of regulations;

(vi) avoid unnecessary regulatory differences; and

(vii) improve regulatory implementation and compliance.

(c) Facilitating bilateral trade and investment by:

(i) building on previously existing co-operative arrangements;

(ii) reducing unnecessary differences in regulation; and

(iii) identifying new ways of working for co-operation in specific sectors.

(d) Contributing to the improvement of competitiveness and efficiency of industry by:

(i) minimizing administrative costs wherever possible;

(ii) reducing duplicative regulatory requirements and consequential compliance costs wherever possible; and

(iii) pursuing compatible regulatory approaches including, if possible and appropriate, through:

- a). the application of regulatory approaches which are technology-neutral, and
- b). the recognition of equivalence or the promotion of convergence.

Article X.4 Regulatory Cooperation Activities

The Parties endeavour to fulfill the objectives set out in Article X.3 by undertaking regulatory co-operation activities. These activities may include:

1. Engaging in ongoing bilateral discussions on regulatory governance, including to:
 - (a) discuss regulatory reform and its effects on the Canada-EU relationship;
 - (b) identify lessons learned;
 - (c) explore, if appropriate, alternative approaches to regulation; and
 - (d) exchange experiences with regulatory tools and instruments, including regulatory impact assessments, risk assessment and compliance and enforcement strategies.
2. Consulting with each other as appropriate and exchanging information during the regulatory development process. This consultation and exchange may occur throughout the regulatory development process, and should begin as early as possible in that process.
3. Sharing non-public information to the extent that such information may be made available to foreign governments in accordance with the applicable rules of the Party.
4. Sharing proposed technical or sanitary and phytosanitary regulations that may have an impact on trade with the other Party at as early a stage as possible so that comments and proposals for amendments may be taken into account,
5. Providing, upon request by the other Party, copies of the proposed regulation, subject to applicable privacy laws, and allowing sufficient time for interested parties to provide comments in writing.
6. Exchanging information about contemplated regulatory actions, measures or amendments under consideration, at the earliest stage possible, in order to:
 - (a) better understand the rationale behind regulatory choices, including instrument choice, and examine the possibilities for greater convergence on how to state the objectives of regulations and how to define their scope. The interface between regulations, standards and conformity assessment should also be addressed in this context;
 - (b) compare methods and assumptions used in analyzing regulatory proposals, including, when appropriate, analysis of technical or economic practicability and benefits in relation to the objective pursued of any major alternative regulatory requirements and approaches considered. This information exchange may also include compliance strategies and impact assessments,

including a comparison of the potential cost-effectiveness of the regulatory proposal to that of major alternative regulatory requirements and approaches considered;

7. Examining opportunities to minimize unnecessary divergences in regulations through means such as:

- (a) Conducting concurrent or joint risk assessments and regulatory impact assessments if practicable and mutually beneficial,
- (b) achieving harmonized, equivalent or compatible solutions, or
- (c) considering the use of mutual recognition in specific cases.

8. Cooperating on issues regarding the development, adoption, implementation and maintenance of international standards, guides and recommendations.

9. Examining the appropriateness and possibility of collecting the same or similar data about the nature, extent and frequency of problems potentially warranting regulatory action when it would expedite making statistically significant judgments about those problems.

10. Periodically conducting comparisons of data collection practices.

11. Examining the appropriateness and the possibility of using the same or similar assumptions and methodologies as those used by the other Party when analyzing data and assessing underlying issues to be addressed through regulation in order to:

reduce differences in identifying issues; and

promote similarity of results.

12. Periodically comparing analytical assumptions and methodologies.

13. Exchanging information on the administration, implementation and enforcement of regulations, as well as on the means to obtain and measure compliance.

14. Conducting co-operative research agendas in order to:

- (a) reduce duplicative research;
- (b) generate more information at less cost;
- (c) gather the best data;
- (d) establish, when appropriate, a common scientific basis;

(e) address the most pressing regulatory problems in a more consistent and performance-oriented manner; and

(f) minimize unnecessary differences in new regulatory proposals while more effectively improving health, safety and environmental protection.

15. Conducting post-implementation reviews of regulations or policies.

16. Comparing methods and assumptions used in those post-implementation reviews.

17. When applicable, making summaries of the results of those post-implementation reviews available to each other.

18. Identifying the appropriate approaches to reducing any adverse effects of existing regulatory differences on bilateral trade and investment in sectors identified by a Party, including, when appropriate, through greater convergence, mutual recognition, minimising the use of trade distorting regulatory instruments, and use of international standards including standards and guides for conformity assessment.

19. Exchanging information, expertise and experiences in the field of animal welfare in order to promote collaboration on animal welfare between the Parties.

Article X.5: Compatibility of Regulations

With a view to enhancing convergence and compatibility between regulatory measures of the Parties, each Party shall, when appropriate, consider the regulatory measures or initiatives of the other Party on the same or related topics. This consideration does not prevent either Party from adopting differing measures or pursuing differing approaches for reasons including different institutional and legislative approaches, or circumstances, values or priorities particular to that Party.

Article X.6: Role and Composition of the Regulatory Cooperation Forum

A Regulatory Cooperation Forum (“the RCF”) shall be established to facilitate and promote regulatory cooperation between the Parties in accordance with the provisions of this Chapter.

2. The RCF shall perform the following functions:

(a) Provide a setting for discussion of regulatory policy issues of mutual interest identified by the Parties through, *inter alia*, any consultations conducted in accordance with Article X.8;

(b) Assist individual regulators in identifying potential partners for cooperation activities and provide appropriate tools, such as model confidentiality agreements;

(c) Review regulatory initiatives, whether in progress or anticipated, that either Party considers provide potential for cooperation; these reviews, which will be carried out in consultation with regulatory departments and agencies, should support the implementation of this Chapter;

(d) Encourage the development of bilateral cooperation activities in accordance with Article X.4 and, on the basis of information obtained from regulatory departments and agencies, review the progress, achievements and best practices of regulatory cooperation initiatives in specific sectors.

3. The RCF shall be co-chaired by a senior representative of the Government of Canada at the level of a Deputy Minister, equivalent or designate and a senior representative of the European Commission at the level of a Director General, equivalent or designate and shall comprise relevant officials of each Party. The Parties may together invite other interested parties to participate in the meetings of the RCF.

4. The RCF shall:

(a) adopt its own terms of reference, procedures and work-plan at its first meeting after the entry into force of this Agreement;

(b) meet within one year from the date of entry into force of this Agreement and at least annually thereafter, unless the Parties decide otherwise;

(c) report to the [CETA's Trade Council] on the implementation of this Chapter as appropriate.

Article X.7: Further Cooperation of the Parties

Pursuant to Article X.6.2(c) and to enable monitoring of forthcoming regulatory projects and to identify opportunities for regulatory cooperation, the Parties shall periodically exchange information of ongoing or planned regulatory projects in their areas of responsibility. This information should include, where appropriate, new technical regulations, and the amendments to existing technical regulations that are likely to be proposed or adopted.

The Parties may facilitate regulatory cooperation through the exchange of officials pursuant to a specified arrangement.

The Parties endeavour to cooperate and share information on a voluntary basis in the area of non-food product safety. Such cooperation or exchange of information may in particular relate to:

scientific, technical, and regulatory matters, to help improve non-food product safety;

emerging issues of significant health and safety relevance falling within the scope of their respective authority;

standardisation related activities;

market surveillance and enforcement activities;

risk assessment methods and product testing;

coordinated product recalls or other similar actions.

The Parties may establish reciprocal information exchange on the safety of consumer products and on preventive, restrictive and corrective measures taken in this regard. In particular, Canada may receive access to selected information from the EU RAPEX alert system, or, if applicable, its successor, with respect to consumer products as referred to in Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety; the EU may receive early warning information on restrictive measures and product recalls from Canada's consumer product incident reporting system, known as RADAR, or, if applicable, its successor, with respect to consumer products as defined in the *Canada Consumer Product Safety Act* and cosmetics as defined in the *Food and Drugs Act*. This reciprocal exchange of information shall be possible on the basis of a separate arrangement laying down the details referred to under paragraph 6.

Before the first information exchange provided for under paragraph 5, the Parties shall ensure that the detailed measures to implement such exchanges are endorsed by *<a CETA Committee to be determined>*. These detailed measures shall include specification on the type of information to be exchanged, the modalities for the exchange, the application of confidentiality rules and rules on personal data protection.

The *<CETA committee to be determined>* shall endorse the detailed measures under paragraph 6 within 1 year from the date of entry into force of the Agreement unless extended by the Parties.

The Parties may make modifications or corrections to the detailed measures referred to in paragraph 6. Any modification or correction to the detailed measures shall be endorsed by the *<relevant CETA Committee>*.

References in this Article to specific laws, regulations or other legal instruments of a Party include, if applicable, any subsequent amendments or successors to them.

Article X.8: Consultations with Private Entities

In order to gain non-governmental perspectives, the Parties may jointly or separately consult, as appropriate, with stakeholders and interested parties, including representatives from academia, think-tanks, non-governmental organizations, business, consumer and other organizations by any means they deem appropriate on matters relating to the implementation of this Chapter.

Article X.9: Contact Points

The Contact Points responsible for communications related to matters arising under this Chapter are:

in the case of Canada: the Technical Barriers and Regulations Division of the Department of Foreign Affairs, Trade and Development or its successor;

in the case of the European Union: the International Affairs Unit of the Directorate-General for Enterprise and Industry, European Commission, or its successor.

2. Each Contact Point is responsible for consulting and coordinating with its respective regulatory departments and agencies, as appropriate, in matters arising under this Chapter.

27. PROTOCOL ON THE MUTUAL ACCEPTANCE OF THE RESULTS OF CONFORMITY ASSESSMENT

Protocol to the Comprehensive Economic and Trade Agreement between the European Union and Canada on the Mutual Acceptance of the Results of Conformity Assessment

Article 1

Scope and exceptions

1. This Protocol applies to those categories of goods listed in Annex 1 for which a Party recognizes non-governmental bodies for the purpose of assessing conformity of goods with that Party's technical regulations.
2. The Parties shall consult within three years of the entry into force of this Agreement with a view to broadening the scope of application of this Protocol, set out in Annex 1, to include additional categories of goods for which a Party has recognised non-governmental bodies for the purpose of assessing conformity of those goods with that Party's technical regulations on or before the entry into force of this Agreement. Priority categories of goods for consideration are set out in Annex 2.
3. The Parties shall give positive consideration to making this Protocol applicable to additional categories of goods which may become subject to third-party conformity assessment by recognized non-governmental bodies pursuant to technical regulations adopted by either Party after the date of entry into force of this Agreement. To that end, the Party having adopted such a technical regulation shall promptly notify the other Party in writing. If the other Party has expressed an interest in including a new category of goods in Annex 1 but the notifying Party does not agree to it, the notifying Party shall provide to the other Party, upon request, the reasons that justify its refusal to expand the scope of the Protocol.
4. Where the Parties decide in accordance with paragraphs 2 or 3 to include additional categories of goods in Annex 1, they shall request the Committee on Trade in Goods, pursuant to Article 18(c), to make recommendations to the Trade Committee to amend Annex 1.
5. This Protocol does not apply to:

sanitary and phytosanitary measures as defined in Annex A of the SPS Agreement;

purchasing specifications prepared by a governmental body for production or consumption requirements of that body;

activities performed by non-governmental bodies on behalf of market surveillance or enforcement authorities for post-market surveillance and enforcement, except as provided for in Article 11 (Market Surveillance, Enforcement, and Safeguards);

where a Party has delegated exclusive authority to a single non-governmental body to assess conformity of goods with that Party's technical regulations;

agricultural [products][goods];

the assessment of aviation safety, whether or not it is covered under the Bilateral Aviation Safety Agreement (BASA); and

the statutory inspection and certification of vessels other than recreational craft.

6. Nothing in this Protocol shall be interpreted as requiring the recognition or acceptance by a Party that the other Party's technical regulations are equivalent to its own.

7. Nothing in this Protocol shall be interpreted as limiting the ability of a Party to prepare, adopt, apply, or amend conformity assessment procedures in accordance with Article 5 of the WTO Agreement on Technical Barriers to Trade.

8. Nothing in this Protocol shall be interpreted as affecting or modifying the laws or obligations in the territory of a Party applicable to civil liability.

Article 2 *Definitions*

For the purpose of this Protocol, except as otherwise provided herein, the definitions contained in Annex 1 of the WTO Agreement on Technical Barriers to Trade apply. However, the definitions contained in the sixth edition of the ISO/IEC Guide 2: 1991 General Terms and Their Definitions Concerning Standardization and Related Activities do not apply. The following additional definitions also apply:

Accreditation: Third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks;

Accreditation body: Authoritative body that performs accreditation⁶³;

Agricultural [product][good]: A [product] [good] listed in Annex 1 of the WTO Agreement on Agriculture with any subsequent changes agreed in the WTO to be automatically effective for this Agreement;

Attestation: The issuing of a statement based on a decision following review, that fulfilment of specified technical requirements has been demonstrated;

Canadian technical regulation: A technical regulation of Canada's central government or of one or more of its provinces and territories;

⁶³ The authority of an accreditation body is generally derived from government.

Conformity assessment: A process to determine whether relevant requirements in technical regulations have been fulfilled. For the purpose of this Protocol, conformity assessment does not include accreditation;

Conformity assessment body: A body that performs conformity assessment activities including calibration, testing, certification and inspection;

Decision 768/2008/EC: Decision 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC;

European Union technical regulation: A technical regulation of the European Union and any measure adopted by a Member State implementing a Directive of the European Union;

In-house body: conformity assessment body that performs conformity assessment activities for the entity of which it forms a part, including, in the case of the European Union and its Member States, an accredited in-house body as provided by Article R21 of Annex I of *Decision 768/2008/EC*, or the corresponding requirements in a successor instrument;

Legitimate objective has the same meaning as under Article 2.2 of the TBT Agreement;

Mutual Recognition Agreement: The *Agreement on Mutual Recognition between the European Community and Canada*, done at London on 14 May 1998;

Third-party conformity assessment: Conformity assessment that is performed by a person or body that is independent of the person or organization that provides the product, and of user interests in that product;

Third-party conformity assessment body: A conformity assessment body that performs third-party conformity assessment.

Article 3

Recognition of Conformity Assessment Bodies

1. Canada shall recognize a conformity assessment body established in the European Union as competent to assess conformity with specific Canadian technical regulations, under conditions no less favourable than those applied for the recognition of conformity assessment bodies established in Canada, provided that either of the following conditions are met:

(a) the conformity assessment body is accredited, by an accreditation body recognized by Canada, as competent to assess conformity with those requirements;

Or,

(b) (i) the conformity assessment body is accredited, by an accreditation body that is recognised pursuant to Article 12 (Recognition of Accreditation Bodies) or Article 15

(Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic Compatibility), as competent to assess conformity with those requirements;

And,

(ii) the conformity assessment body has been designated by a Member State of the European Union in accordance with the procedures set out in Article 5 (Designation of Conformity Assessment Bodies);

And,

(iii) there are no objections pursuant to Article 6 (Objections to the Designation of Conformity Assessment Bodies) that have not been resolved;

And,

(iv) the designation made in accordance with the procedures set out in Article 5 (Designation of Conformity Assessment Bodies) has not been withdrawn by a Member State of the European Union;

And,

(v) After the expiry of the period in Article 6 (Objections to the Designation of Conformity Assessment Bodies), the conformity assessment body continues to meet all the conditions in paragraph 5 of Article 5 (Designation of Conformity Assessment Bodies).

2. The European Union shall recognize a third-party conformity assessment body established in Canada as competent to assess conformity with specific European Union technical regulations, under conditions no less favourable than those applied for the recognition of third-party conformity assessment bodies established in the European Union, provided that either of the following conditions are met:

(i) the conformity assessment body is accredited, by an accreditation body appointed by one of the Member States of the European Union, as competent to assess conformity with those requirements;

And,

(ii) the conformity assessment body has been designated by Canada in accordance with the procedures set out in Article 5 (Designation of Conformity Assessment Bodies);

And,

(iii) there are no objections pursuant to Article 6 (Objections to the Designation of Conformity Assessment Bodies) that have not been resolved;

And,

(iv) the designation made in accordance with the procedures set out Article 5 (Designation of Conformity Assessment Bodies) has not been withdrawn by Canada;

And,

(v) After the expiry of the period in Article 6 (Objections to the Designation of Conformity Assessment Bodies), the conformity assessment body continues to meet all the conditions in paragraph 2 of Article 5 (Designation of Conformity Assessment Bodies).

Or,

(i) the conformity assessment body is accredited, by an accreditation body that is recognised pursuant to Article 12 (Recognition of Accreditation Bodies) or Article 15 (Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic Compatibility), as competent to assess conformity with those requirements;

And,

(ii) the conformity assessment body has been designated by Canada in accordance with the procedures set out in Article 5 (Designation of Conformity Assessment Bodies);

And,

(iii) there are no objections pursuant to Article 6 (Objections to the Designation of Conformity Assessment Bodies) that have not been resolved;

And,

(iv) the designation made in accordance with the procedures set out Article 5 (Designation of Conformity Assessment Bodies) has not been withdrawn by Canada;

And,

(v) After the expiry of the period in Article 6 (Objections to the Designation of Conformity Assessment Bodies), the conformity assessment body continues to meet all the conditions in paragraph 2 of Article 5 (Designation of Conformity Assessment Bodies).

3. Each Party shall maintain and publish a list of recognized conformity assessment bodies which includes the scope for which each body has been recognized. The European Union shall assign an identification number to conformity assessment bodies established in Canada that are recognised under this Protocol, and shall list such conformity assessment bodies in the European Union's NANDO (New Approach Notified and Designated Organisations) information system, or a successor system.

Article 4

Accreditation of Conformity Assessment Bodies

The Parties recognize that a conformity assessment body should seek accreditation from an accreditation body that is in the territory in which the conformity assessment body is established, provided that that accreditation body has been recognized pursuant either to Article 12 (Recognition of Accreditation Bodies) or to Article 15 (Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic Compatibility) as able to grant the specific accreditation sought by the conformity assessment body. If there are no accreditation bodies in the territory of a Party that are recognized pursuant either to Article 12 (Recognition of Accreditation Bodies) or to Article 15 (Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic Compatibility) as able to grant a specific accreditation sought by a conformity assessment body established in the territory of that Party, then:

(a) Each Party shall take such reasonable measures as may be available to it to ensure that accreditation bodies in its territory accredit conformity assessment bodies established in the territory of the other Party under conditions no less favourable than those applied to conformity assessment bodies established in its territory;

(b) A Party may not take measures which limit the ability of accreditation bodies in its territory to accredit, or discourage such accreditation bodies from accrediting, conformity assessment bodies established in the territory of the other Party, on conditions no less favourable than those applied for the accreditation of conformity assessment bodies established in the recognizing Party's territory;

(c) A Party shall not take measures requiring or encouraging accreditation bodies in its territory to apply less favourable conditions for the accreditation of conformity assessment bodies in the territory of the other Party, than those applied for the accreditation of conformity assessment bodies in its territory.

Article 5*Designation of Conformity Assessment Bodies*

1. A Party shall designate a conformity assessment body by notifying the contact point of the other Party that it is designating that conformity assessment body, and by sending to the contact point the information described in Annex 3 to this Protocol. The European Union shall allow Canada to use the European Union's electronic notification tool for those purposes.

2. Canada shall only designate a conformity assessment body that meets the following conditions and shall take reasonable measures to ensure that the conditions continue to be met:

it meets the requirements set out in Article R17 of Annex I of *Decision 768/2008/EC*, or the corresponding requirements in successor instruments except that establishment under national law shall be interpreted as meaning Canadian law for the purposes of this Protocol;

And,

Either:

(i) it is accredited, by an accreditation body appointed by a Member State of the European Union, as competent to assess conformity with the European Union technical regulations for which it is being designated;

Or,

(ii) it is accredited, by an accreditation body established in Canada that has been recognised pursuant either to Article 12 (Recognition of Accreditation Bodies of the Other Party) or to Article 15 (Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic Compatibility), as competent to assess conformity with the European Union technical regulations for which it is being designated.

3. The Parties shall deem the applicable requirements of Article R17 of Annex I of *Decision 768/2008/EC* to have been met where the conformity assessment body has been accredited pursuant to either procedure described in subparagraph 2(b) and the accreditation body requires as a condition for granting the accreditation that the conformity assessment body meets requirements equivalent to the applicable requirements of Article R17 of Annex I of *Decision 768/2008/EC* or the corresponding requirements in successor instruments.

4. Should the European Union consider revising the requirements set out in Article R17 of Annex I of *Decision 768/2008/EC*, it shall duly consult Canada at the earliest stage of and throughout the review process with a view to ensuring that conformity assessment bodies in the territory of Canada could continue to meet any revised requirements on no less favourable terms than conformity assessment bodies in the territory of the European Union.

5. A Member State of the European Union shall only designate a conformity assessment body that meets the following conditions and shall take reasonable measures to ensure that the conditions continue to be met:

it is established in the territory of the Member State;

And,

Either:

(i) it is accredited, by an accreditation body recognized by Canada, as competent to assess conformity with the Canadian technical regulations for which it is being designated;

Or,

(ii) it is accredited, by an accreditation body established in the European Union that has been recognised pursuant either to Article 12 (Recognition of Accreditation Bodies) or to Article 15 (Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic

Compatibility), as competent to assess conformity with the Canadian technical regulations for which it is being designated.

6. A Party may refuse to recognize a conformity assessment body that does not meet the conditions in paragraphs 2 or 5, as the case may be.

Article 6

Objections to the Designation of Conformity Assessment Bodies

1. A Party may object to the designation of a conformity assessment body, within 30 days of the notification by the other Party, if either:

the Party which designated the conformity assessment body failed to provide the information described in Annex 3 to this protocol;

Or,

(b) it has reasons to believe that the conditions described in paragraphs 2 or paragraph 5 of Article 5 (Designation of Conformity Assessment Bodies) have not been met by the conformity assessment body being designated.

2. Following any subsequent transmission of information, a Party may object within 30 days of the receipt of that information, if the information remains insufficient to demonstrate that the designated conformity assessment body meets the conditions described in paragraph 2 or paragraph 5 of Article 5 (Designation of Conformity Assessment Bodies).

Article 7

Challenges to Designations of Conformity Assessment Bodies

1. A Party which has recognized a conformity assessment body under this Protocol may challenge the competence of that conformity assessment body if:

the Party which designated the conformity assessment body failed, following a notification by the other Party of the non-conformity with applicable technical regulations of a product that had been assessed as being in conformity with such technical regulations by that conformity assessment body, to take the actions required by paragraph 3 of Article 11 (Market Surveillance, Enforcement and Safeguards);

Or,

the Party has reasons to believe that the results of conformity assessment activities performed by that conformity assessment body do not provide sufficient assurances that the products assessed by it as being in conformity with applicable technical regulations are in fact in conformity with these technical regulations.

2. A Party which challenges the competence of a recognized conformity assessment body under this Protocol shall immediately notify the Party which designated the conformity assessment body of the challenge, and of the reasons for the challenge.

3. A Party which:

has challenged the competence of a recognized conformity assessment body under this Protocol;

And,

has well-founded reasons to believe that the products assessed as in conformity with applicable technical regulations by that conformity assessment body may fail to conform to its technical regulations;

may refuse to accept the results of that conformity assessment body's conformity assessment activities until the challenge is resolved or the recognizing Party has ceased to recognize the conformity assessment body in accordance with paragraph 5.

4. The Parties shall cooperate and make reasonable efforts to resolve the challenge promptly.

5. Without prejudice to paragraph 3, the recognizing Party may cease to recognize the conformity assessment body whose competence has been challenged if:

the Parties resolve the challenge by concluding that the recognizing Party has raised valid concerns as to the competence of the conformity assessment body;

Or,

the Party which designated the conformity assessment body failed to complete the actions required by paragraph 3 of Article 11 (Market Surveillance, Enforcement and Safeguards) within 60 days after being notified pursuant to paragraph 1(a);

Or both,

the recognizing Party objectively demonstrates to the other Party that the results of conformity assessment activities performed by that conformity assessment body do not provide sufficient assurance that the products assessed by it as being in conformity with the applicable technical regulations are in fact in conformity with these technical regulations;

And,

the challenge has not been resolved within 120 days after the Party that had designated the conformity assessment body has been notified of the challenge.

Article 8
Withdrawals of Conformity Assessment Bodies

1. A Party shall withdraw the designation, or modify the scope of the designation, as appropriate, of a conformity assessment body it has designated if it becomes aware that:

the conformity assessment body's scope of accreditation has been reduced;

Or,

the conformity assessment body's accreditation lapses;

Or,

the conformity assessment body no longer meets the other conditions in paragraphs 2 or 5 of Article 5 (Designation of Conformity Assessment Bodies);

Or,

(d) the conformity assessment body no longer wishes, or is otherwise no longer competent or able, to assess conformity with the scope for which it was designated.

The Party shall notify the other Party in writing.

2. When a Party withdraws the designation or modifies the scope of the designation of a conformity assessment body owing to concerns about the competence or the continued fulfillment by that conformity assessment body of the requirements and responsibilities to which it is subject under Article 5 (Designation of Conformity Assessment Bodies), it shall communicate the reasons for its decision in writing to the other Party.

3. When communicating with the other Party, a Party shall indicate the date as of which it considers that any of the concerns enumerated under paragraphs 1 or 2, as applicable, may have applied to the conformity assessment body.

4. Without prejudice to paragraph 5 of Article 7 (Challenges to Designations of Conformity Assessment Bodies), the recognizing Party may immediately cease to recognize a conformity assessment body as competent if:

The conformity assessment body's accreditation lapses;

Or,

the conformity assessment body voluntarily withdraws its recognition;

Or,

the designation of the conformity assessment body is withdrawn pursuant to this Article;

Or,

the conformity assessment body ceases to be established on the territory of one of the Parties;

Or,

the recognizing Party ceases to recognize the accreditation body which accredits the conformity assessment body pursuant to Article 13 (Cessation of the Recognition of Accreditation Bodies) or Article 14 (Challenges to the Recognition of Accreditation Bodies).

Article 9

Acceptance of the Results of Conformity Assessment by Recognized Conformity Assessment Bodies

1. A Party shall accept the results of conformity assessment activities performed by conformity assessment bodies established in the other Party's territory which it recognizes in accordance with Article 3 (Recognition of Conformity Assessment Bodies) under conditions no less favourable than those applied to the results of conformity assessment activities performed by recognized conformity assessment bodies in its territory. Results shall be accepted regardless of the nationality and location of the supplier or manufacturer, or of the country of origin of the product for which the conformity assessment activities were performed.

2. Where a Party has ceased to recognize a conformity assessment body established on the territory of the other Party, it may cease to accept the results of conformity assessment activities performed by such a conformity assessment body from the date when it ceased to recognize that conformity assessment body. Unless the Party has reasons to believe that the conformity assessment body established on the territory of the other Party was not competent to assess conformity of products with the technical regulations of the Party prior to the date when the Party ceased to recognize that conformity assessment body, the Party shall continue to accept the results of conformity assessment activities performed by such a conformity assessment body prior to the date when the Party ceased to recognize the conformity assessment body, even though the products may have been placed on the market of the Party after that date.

Article 10

Acceptance of Results of Conformity Assessment by Canadian In-house Bodies

The European Union shall accept the results of conformity assessment activities performed by accredited in-house bodies established in Canada under conditions no less favourable than those applied to the results of conformity assessment activities performed by accredited in-house bodies established in the territory of one of the Member States of the European Union, provided that either of the following conditions are met:

(a) the in-house body is accredited, by an accreditation body that has been appointed by one of the Member States of the European Union, as competent to assess conformity with those requirements;

Or,

(b) the in-house body is accredited, by an accreditation body that has been recognised pursuant to Article 12 (Recognition of Accreditation Bodies) or Article 15 (Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic Compatibility), as competent to assess conformity with those requirements.

Results shall be accepted regardless of the country of origin of the product for which the conformity assessment activities were performed.

Article 11

Market Surveillance, Enforcement, and Safeguards

1. Except for customs procedures, a Party shall ensure that activities performed by market surveillance or enforcement authorities for the inspection or verification of conformity with applicable technical regulations for products assessed by a recognized conformity assessment body established in the territory of the other Party or an in-house body which meets the conditions of Article 10 (Acceptance of Results of Conformity Assessment by Canadian In-house Bodies), are conducted under conditions no less favourable than those conducted with respect to products assessed by conformity assessment bodies in the territory of the recognizing Party. The Parties shall co-operate as necessary in the conduct of such activities.

2. A Party may take measures with respect to a product the placing or use of which on the market may compromise the fulfillment of a legitimate objective, provided that those measures are consistent with the provisions of this Agreement. These measures could include withdrawing such a product from the market, prohibiting its placement on the market or restricting its movement. A Party that takes such a measure shall promptly inform the other Party and provide, upon request of that other Party, its reasons for taking the measure.

3. A Party shall, upon receipt of a written complaint by the other Party, supported by evidence, that products assessed by a conformity assessment body it designated do not comply with applicable technical regulations, promptly seek additional information from the designated conformity assessment body, its accreditation body and relevant operators where necessary, investigate the complaint and provide a written reply to the complaint. A Party may take these actions through an accreditation body.

Article 12

Recognition of Accreditation Bodies

1. A Party ("the recognizing Party") may, in accordance with the procedure described under paragraphs 2 and 3, recognise an accreditation body established in the territory of the other Party ("the nominating Party") as competent to accredit conformity assessment bodies as, themselves, competent to assess conformity with the relevant technical regulations of the recognizing Party.

2. The nominating Party may request that the other Party recognize an accreditation body established on its territory as competent by providing a notification to the recognizing Party with the following information regarding the nominated accreditation body:

its name, address and contact details;

evidence that its authority is derived from the government;

whether it acts on a non-commercial and non-competitive basis;

evidence of its independence of the conformity assessment bodies it assesses and of commercial pressures, so as to ensure that no conflicts of interest with conformity assessment bodies occur;

evidence that it is organised and operated so as to safeguard the objectivity and impartiality of its activities and the confidentiality of the information obtained;

evidence that each decision relating to the attestation of competence of conformity assessment bodies is taken by competent persons different from those who carried out the assessment;

the scope for which its recognition is sought;

evidence of its competence to accredit for such scope, referring to applicable international standards, guides and recommendations, and applicable European or Canadian standards, technical regulations and conformity assessment procedures;

evidence of the internal procedures it has set up to ensure efficient management and appropriate internal controls, including the procedures in place for documenting the duties, responsibilities and authorities of personnel who could affect the quality of the assessment and of the attestation of competence;

evidence of the number of competent personnel at its disposal, which should be sufficient for the proper performance of its tasks, and of the procedures in place for monitoring the performance and competence of the personnel involved;

whether or not it is appointed for such scope in the territory of the nominating Party;

(l) evidence of its status as a signatory to the International Laboratory Accreditation Cooperation (ILAC) or International Accreditation Forum (IAF) multilateral recognition arrangements and to any related regional recognition arrangements;

And,

(m) any other information as may be agreed as necessary by the Parties.

3. Differences may exist between the Parties' standards, technical regulations and conformity assessment procedures. Where such differences exist, the recognizing Party may seek to assure itself that a nominated accreditation body is competent to accredit conformity assessment bodies as competent to assess conformity with relevant technical regulations of the recognizing Party. The recognizing Party may assure itself based on:

(a) a cooperation arrangement between the European and Canadian accreditation systems;

Or, in the absence of such an arrangement;

(b) a cooperation arrangement between the nominated accreditation body and an accreditation body recognised as competent by the recognizing Party.

4. Pursuant to a request made under paragraph 2, and subject to paragraph 3, a Party shall recognize a competent accreditation body established in the territory of the other Party under conditions no less favourable than those applied for the recognition of accreditation bodies established in its territory.

5. The recognizing Party shall respond within 60 days to a request made under the terms of paragraph 2, stating either,

(a) that it recognises the nominating Party's accreditation body as competent to accredit conformity assessment bodies for the scope proposed;

Or,

(b) that it will recognize the nominating Party's accreditation body as competent to accredit conformity assessment bodies for the scope proposed following necessary legislative or regulatory amendments. Such a response shall include an explanation of the amendments required and an estimate of the timeframe required for the amendments to come into force;

Or,

(c) that the nominating Party failed to provide the information described in paragraph 2. Such a response shall include a statement of what information is missing;

Or,

(d) that it does not recognize the nominated accreditation body as competent to accredit conformity assessment bodies for the scope proposed. Such a statement shall be justified in an objective and reasoned manner, and shall state explicitly the conditions under which recognition would be granted.

6. Each Party shall publish the names of the accreditation bodies of the other Party that it recognizes, and, for each such accreditation body that it recognizes, the scope of the technical regulations for which it recognizes that accreditation body.

Article 13

Cessation of the Recognition of Accreditation Bodies

If a recognized accreditation body ceases to be a signatory of a multilateral or regional arrangement identified in subparagraph 2(l) of Article 12 (Recognition of Accreditation Bodies), or of a cooperation arrangement of the type described in paragraph 3 of Article 12 (Recognition of Accreditation Bodies), the Party may cease to recognize that accreditation body as competent, and any conformity assessment bodies recognized on the basis that they were accredited solely by that accreditation body.

Article 14

Challenges to the Recognition of Accreditation Bodies

1. Without prejudice to Article 13 (Cessation of the Recognition of Accreditation Bodies), the recognizing Party may challenge the competence of an accreditation body that it has recognized under paragraph 5(a) or (b) of Article 12 (Recognition of Accreditation Bodies) on the grounds that the accreditation body is no longer competent to accredit conformity assessment bodies as, themselves, competent to assess conformity with the relevant technical regulations of the recognizing Party. The recognizing Party shall immediately notify the nominating Party of the challenge and shall justify its reasons in an objective and reasoned manner.

2. The Parties shall cooperate and make reasonable efforts to resolve the challenge promptly. If a cooperation arrangement between the European and Canadian accreditation systems or bodies has been concluded pursuant to paragraph 3 of Article 12 (Recognition of Accreditation Bodies), then the Parties shall ensure that the European and Canadian accreditation systems or bodies seek to resolve the challenge on behalf of the Parties.

3. The recognizing Party may cease to recognize the nominated accreditation body whose competence has been challenged and any conformity assessment bodies recognized on the basis that they were accredited solely by that accreditation body if:

the Parties, including through the efforts of the European and Canadian accreditation systems, resolve the challenge by concluding that the recognizing Party has raised valid concerns as to the competence of the nominated accreditation body;

Or both,

the recognizing Party objectively demonstrates to the other Party that the accreditation body is no longer competent to accredit conformity assessment bodies as, themselves, competent to assess conformity with the relevant technical regulations of the recognizing Party;

And,

the challenge has not been resolved within 120 days after the nominated Party has been notified of the challenge.

Article 15

Recognition of Accreditation Bodies in the Areas of Telecommunications and Electromagnetic Compatibility

1. For technical regulations related to telecommunications terminal equipment, information technology equipment, apparatus used for radio communication, and electromagnetic compatibility, the accreditation bodies recognized by Canada shall include, from the date of entry into force of this Protocol:

for test laboratories, any national accreditation body of a Member State of the European Union that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement;

And,

for certification bodies, any national accreditation body of a Member State of the European Union that is a signatory to the International Accreditation forum (IAF) Multilateral Recognition Arrangement.

2. For the technical regulations described in paragraph 1, the accreditation bodies recognized by the European Union shall include, from the date of entry into force of this Protocol, the Standards Council of Canada, or its successor.

Article 16

Transition from the Mutual Recognition Agreement

The Parties agree that a conformity assessment body which had been designated under the Mutual Recognition Agreement will automatically become a recognized conformity assessment body under this Protocol, on the date of entry into force of this Protocol.

Article 17

Communication

1. Each Party shall identify contact points responsible for communications with the other Party related to any matter arising under this Protocol.
2. The contact points may communicate by electronic mail, video-conferencing or other means on which they decide.

Article 18

Management of the Protocol

The [Committee's] functions include:

managing the implementation of this Protocol;

addressing any matter that a Party may raise related to this Protocol;

developing recommendations for amendments to this Protocol for consideration by the [CETA Trade Council];

taking any other step that the Parties consider will assist them in implementing this Protocol;

And,

reporting to the [CETA Trade Council] on the implementation of this Protocol, as appropriate.

Article 19

Other Provisions

The procedures of the Dispute Settlement Chapter of the CETA apply to this Protocol.

Article 20

Entry into Force

This Protocol shall enter into force on the date of entry into force of the CETA.

ANNEX 1
Product Coverage

Electrical and electronic equipment, including electrical installations and appliances, and related components
Radio and telecommunications terminal equipment;
Electromagnetic compatibility (EMC)
Toys;
[Construction products];
Machinery, including parts, components, including safety components, interchangeable equipment, and assemblies of machines;
Measuring instruments;
Hot-water boilers, including related appliances;
[Equipment, machines, apparatus, devices, control components, protection systems, safety devices, controlling devices and regulating devices, and related instrumentation and prevention and detection systems for use in potentially explosive atmospheres (ATEX equipment)];
[Equipment for use outdoors as it relates to noise emission in the environment];
Recreational craft, including their components.

ANNEX 2

Priority categories of goods for consideration for inclusion in Annex 1 pursuant to Article 1(2)

- a) Medical devices including accessories
- b) Pressure equipment, including vessels, piping, accessories and assemblies
- c) Appliances burning gaseous fuels, including related fittings
- d) Personal protective equipment
- e) Rail systems, subsystems and interoperability constituents
- f) Equipment placed on board of a ship

ANNEX 3***Information to be Included as part of a Designation***
[To be reviewed by technical experts ahead of legal scrub]

The information that a Party must provide when designating a conformity assessment body is as follows:

(a) In all cases:

(i) the scope of designation (not to exceed that body's scope of accreditation);

(ii) the accreditation certificate and the related scope of accreditation;

And,

(iii) the body's address and contact information;

And,

(b) when a Member State of the European Union designates a certification body, except for in regards to the technical regulations described in Article 15 (Telecommunications and Electromagnetic Compatibility):

(i) the certification body's registered certification mark, including the qualifying statement⁶⁴;

And,

(c) when a Member State of the European Union designates a conformity assessment body in regards to technical regulations described in Article 15 (Telecommunications and Electromagnetic Compatibility):

(i) in the case of a certification body:

its unique identifier⁶⁵;

an application for recognition signed by the body in accordance with CB-01 (Requirements for Certification Bodies), or its successor;

And,

⁶⁴ The qualifying statement normally takes the form of a small "c" placed beside the certification body's registered certification mark to indicate that a product conforms with applicable Canadian technical regulations.

⁶⁵ A unique six-character identifier comprised of two letters (usually the ISO 3166 country code) followed by four numbers.

(C) a cross reference checklist completed by the body with evidence that it meets the applicable recognition criteria in accordance with CB-02 (Recognition Criteria, and Administrative and Operational Requirements Applicable to Certification Bodies (CB) for the Certification of Radio Apparatus to Industry Canada's Standards and Specifications), or its successor;

And,

(ii) in the case of a testing laboratory:

its unique identifier;

And,

(B) an application for recognition signed by the body in accordance with REC-LAB (Procedure for the Recognition of Designated Foreign Testing Laboratories by Industry Canada), or its successor;

And,

(d) any other information as may be jointly decided upon by the Parties.

28. PROTOCOL ON THE GOOD MANUFACTURING PRACTICES FOR PHARMACEUTICAL PRODUCTS

Protocol to the Comprehensive Economic and Trade Agreement between the European Union and Canada on the Mutual Recognition of the Compliance and Enforcement Programme regarding Good Manufacturing Practices for Pharmaceutical Products

Article 1 Definitions

1. For purposes of this Protocol:

certificate of GMP compliance means a certificate issued by a regulatory authority attesting to the GMP compliance of a manufacturing facility;

equivalent authority means a regulatory authority of a Party that is recognized as an equivalent authority by the other Party;

manufacturing includes fabrication, packaging, re-packaging, labelling, testing and storage;

medicinal product or drug means any product qualifying as a “drug” under the *Food and Drugs Act*, or qualifying as a pharmaceutical product, being it finished, intermediate, investigational product or active substance under the applicable EU legislation;

on-site evaluations (OSE) means a product-specific evaluation conducted in the context of a marketing application for a medicinal product or drug at the site(s) of manufacture to assess conformity of the premises in which the medicinal product or drug is manufactured, the process, conditions and control of manufacture with the information submitted, and to address any outstanding issues from the evaluation;

regulatory authority means an entity in a State having the legal right, under the law of the relevant Party, to supervise and control medicinal products or drugs within that State.

2. Where this Protocol refers to legal instruments in whole or in part, such references include amendments to those instruments or parts of instruments, and successor instruments or parts of instruments.

3. Unless specified otherwise, where this Protocol refers to inspections, these references do not include on-site-evaluations.

Article 1bis

Objective

The objective of this Protocol is to strengthen the cooperation between the Parties' authorities in ensuring that medicinal products and drugs meet appropriate quality standards through the mutual recognition of certificates of GMP compliance.

Article 2 Product Scope

This Protocol applies to all medicinal products or drugs to which GMP requirements apply in both Parties, as set out in Annex II (Medicinal Products or Drugs).

Article 3 Recognition of Regulatory Authorities

1. The procedure for evaluating a new regulatory authority listed in Annex III (Regulatory Authorities), as equivalent must be conducted in accordance with Article 11 (Equivalence of New Regulatory Authorities).

3. Each Party shall ensure that a list of regulatory authorities that it recognizes as equivalent, including any modifications, is publicly available.

Article 4 Mutual Recognition of Certification of GMP Compliance

1. A Party shall accept a certificate of GMP compliance issued by an equivalent authority of the other Party, in accordance with paragraph 3, as demonstrating that the manufacturing facility, located in the territory of either Party, covered by the certificate complies with the good manufacturing practices identified in the certificate.

2. A Party may accept a certificate of GMP compliance issued by an equivalent authority with respect to a manufacturing facility outside the territory of either Party, in accordance with paragraph 3. That Party may determine the terms and conditions upon which it chooses to accept the certificate.

3. A certificate of GMP compliance must identify:

- (a) the name and address of the manufacturing facility;
- (b) the date that the equivalent authority that issued the certificate last inspected the manufacturing facility;

(c) the manufacturing processes and where relevant, medicinal products or drugs and dosage forms for which the facility is in compliance with good manufacturing practices; and

(d) the validity period of the certificate of GMP compliance.

4. If an importer, an exporter or a regulatory authority of a Party, requests a certificate of GMP compliance for a manufacturing facility that is certified by an equivalent authority of the other Party, then that other Party shall ensure that that equivalent authority issues a certificate of GMP compliance:

(a) within 30 calendar days of the date that the certifying authority receives the request for the certificate, if a new inspection is not required, and

(b) within 90 calendar days of the date that the certifying authority receives the request for the certificate, if a new inspection is required, and the manufacturing facility passes the inspection.

Article 5

Other Recognition of Certificates of GMP Compliance

1. A Party may accept certificates of GMP compliance with respect to medicinal products or drugs that are not included under Annex II.2 (Medicinal Products or Drugs).

2. A Party intending to accept certificates under paragraph 1 may determine the terms and conditions under which it will accept such certificates.

Article 6

Acceptance of Batch Certificates

1. A Party shall accept a batch certificate issued by a manufacturer without re-control of that batch at import provided that:

(a) the products in the batch were manufactured in a manufacturing facility that has been certified as compliant by an equivalent authority;

(b) the batch certificate is consistent with the Content of the Batch Certificate for Medicinal Products of the *Internationally Harmonized Requirements for Batch Certification*.

(c) the batch certificate is signed by the person responsible for releasing the batch for sale or supply; and

2. Notwithstanding paragraph 1, nothing shall affect a Party's right to conduct official batch release.

3. The person responsible for releasing the batch:

(a) of the finished medicinal product for sale or supply for manufacturing facilities in the European Union, must be a “qualified person” as defined in article 48 of Directive 2001/83/EC and article 52 of Directive 2001/82/EC.

(b) for sale or supply of a drug for manufacturing facilities in Canada, the person in charge of the quality control department, as provided for by the Food and Drugs Regulations, Part C, Division 2, section C.02.014.

Article 7

On-Site Evaluation

1. A Party has the right to conduct its own on-site evaluation of a manufacturing facility that has been certified as compliant by an equivalent authority of the other Party.

2. A Party wishing to exercise the right described in paragraph 1 shall notify the other Party in writing prior to conducting its own on-site evaluation, and inform that other Party of the scope of the on-site evaluation. The Party shall endeavour to notify the other Party in writing at least 30 days before a proposed on-site evaluation, but may provide less notice in urgent situations. That other Party has the right to join the on-site evaluation of the Party.

Article 8

Inspections and On-Site Evaluations at the Request of a Party

1. At the request of a Party, the other Party shall inspect a facility involved in the manufacturing process of a medicinal product or drug that is being imported into the territory of the requesting Party in order to verify that the facility is in compliance with good manufacturing practices.

2. At the request of a Party, the other Party may conduct on-site evaluations based on the assessment of data contained in a product submission dossier. The Parties may exchange relevant product information with respect to a request to conduct an on-site evaluation in accordance with Article 13 (Confidentiality).

Article 9

Safeguards

1. A Party has the right to conduct its own inspection of a manufacturing facility that has been certified as compliant by an equivalent authority of the other Party. Recourse to this right should be an exception from the normal practice of the Party.

2. A Party wishing to exercise the right described in paragraph 1 shall notify the other Party in writing prior to conducting its own inspection, and inform that other Party of its reasons for conducting its own inspection. The Party shall endeavour to notify the other Party in writing at least 30 days before a proposed inspection, but may provide less notice in urgent situations. That other Party has the right to join the inspection of the Party.

Article 10

Two-way Alert Programme and Information Sharing

1. A Party shall, as provided in the Two Way Alert Programme under the GMP Administrative Arrangement referred to in Article 14.3 (Management of the Protocol):

ensure that any restriction, suspension or withdrawal of a manufacturing authorization that could affect the protection of public health is communicated from the relevant regulatory authority in its territory to the relevant regulatory authority in the territory of the other Party; and

when relevant, proactively notify the other Party in writing of any confirmed reports of serious problems relating to a manufacturing facility in its territory, or as identified through an on-site evaluation or inspection in the territory of the other Party, including problems related to quality defects, batch recalls, counterfeited or falsified medicinal products or drugs, or potential serious shortages.

2. A Party shall, as provided in the Components of the Information Sharing Process under the GMP Administrative Arrangement referred to in Article 14.3 (Management of the Protocol):

respond to special requests for information, including reasonable requests for inspection reports and on-site evaluation reports.

ensure that, at the request of the other Party or of an equivalent authority of the other Party, equivalent authorities within its territory provide relevant information.

3. A Party shall provide the other Party, through written notification, contact points for each equivalent authority in its territory.

Article 11

Equivalence of New Regulatory Authorities

1. A Party (the “requesting Party”) may request that a regulatory authority in its territory that is not recognized as equivalent to regulatory authorities in the other Party (the “evaluating Party”), be evaluated to determine whether it should be recognized as equivalent. Upon receiving the request, the evaluating Party shall conduct an evaluation pursuant to the Procedure for

Evaluating New Regulatory Authorities under the GMP Administrative Arrangement referred to in Article 14.3 (Management of the Protocol).

2. The evaluating Party shall evaluate the new regulatory authority by applying the Components of a GMP Compliance Programme under the Administrative Arrangement referred to in Article 14.3 (Management of the Protocol). The Components of a GMP Compliance Programme must include such elements as legislative and regulatory requirements, inspections standards, surveillance systems and a quality management system.

3. If, upon completion of its evaluation, the evaluating Party determines that the new regulatory authority is equivalent, then it shall notify the requesting Party in writing that it recognizes the new regulatory authority as equivalent.

4. If, upon completion of its evaluation, the evaluating Party does not determine that the new regulatory authority is equivalent, then the evaluating Party shall provide to the requesting Party a written justification demonstrating that it has well-founded reasons for not recognizing that the new regulatory authority is equivalent. At the request of the requesting Party, the Joint Sectoral Group must consider the evaluating Party's refusal to recognize the new regulatory authority as equivalent, and may provide recommendations to assist both Parties to resolve the matter.

5. If, upon completion of its evaluation, the evaluating Party determines that the new regulatory authority is only equivalent for a more limited scope than that proposed by the requesting Party, then, the evaluating Party shall provide to the requesting Party a written justification demonstrating that it has well-founded reasons for determining that the new regulatory authority is only equivalent for the more limited scope. At the request of the requesting Party, the Joint Sectoral Group must consider the evaluating Party's refusal to recognize the new regulatory authority as equivalent, and may provide recommendations to assist both Parties to resolve the matter.

Article 12

Equivalence Maintenance Programme

1. The Parties shall, through the Joint Sectoral Group, develop an equivalence maintenance programme under the GMP Administrative Arrangement referred to in Article 14.3 (Management of the Protocol) to maintain the equivalence of the regulatory authorities. Each Party shall act in accordance with this programme when deciding whether to change the equivalency status of a regulatory authority.

2. If the equivalence status of a regulatory authority changes, a Party may re-evaluate that regulatory authority. Any re-evaluation must be undertaken pursuant to the procedure set out in Article 11 (Equivalence of New Regulatory Authorities). The scope of re-evaluation shall be limited to the elements having caused the change of the equivalence status.

3. The Parties shall exchange all the information that is necessary to ensure that both Parties remain confident that equivalent authorities are in fact equivalent.
4. A Party shall inform the other Party before adopting changes to its technical guidance or regulations relating to good manufacturing practices.
5. A Party shall inform the other Party of any new technical guidance, inspection procedures, or regulations relating to good manufacturing practices.

Article 13 Confidentiality

1. A Party shall not publicly disclose non-public and confidential technical, commercial, or scientific information, including trade secrets and proprietary information that it has received from the other Party.
2. A Party may disclose the information referred to in paragraph 1 if it deems such disclosure necessary to protect public health and safety. The other Party shall be consulted prior to disclosure.

Article 14 Management of the Protocol

1. The Parties establish a Joint Sectoral Group on Pharmaceuticals (“Joint Sectoral Group”), composed of representatives from both Parties.
2. The Joint Sectoral Group shall establish its composition and determine its rules and procedures.
- [5. The following Annexes are integral part of this Protocol:
 - Annex I (Applicable Legislation);
 - Annex II (Medicinal Products or Drugs);
 - Annex III (Regulatory Authorities)]

3. The Parties shall, through the Joint Sectoral Group, conclude a GMP Administrative Arrangement to facilitate the effective implementation of this Protocol. The GMP Administrative Arrangement shall include:

the Joint Sectoral Group Terms of Reference;

the Two Way Alert Programme;

the list of contact points responsible for matters arising under this Protocol;

the Components of the Information Sharing Process ;

(e) the Components of a GMP Compliance Programme;

(f) the Procedure for Evaluating New Regulatory Authorities; and

(g) the Equivalence Maintenance Programme.

4. The Joint Sectoral Group may modify the GMP Administrative Arrangement if it considers it necessary.

5. At the request of the Parties, the Joint Sectoral Group shall review the Annexes to this Protocol, and shall develop recommendations for amendments to these annexes for consideration by the Trade Committee.

6. Pursuant to paragraph 5, the Joint Sectoral Group shall review the Operational Scope of Medicinal Products or Drugs under Annex II.2 with a view to including those medicinal products or drugs listed in Annex II.1.

Article 15

Fees

1. For the purposes of this article, “fees” includes cost-recovery measures such as user fees, regulatory charges and amounts set under a contract.

2. A Party shall have the right to determine any fees applicable to manufacturing facilities in its territory, including fees related to issuing Certificates of GMP Compliance and fees related to inspections or on-site evaluations.

3. In case of an inspection or on-site evaluation conducted by one Party at the request of the other Party, the fees charged to a manufacturing facility must be consistent with paragraphs 1 and 2.

Article 16

Relationship to the CETA

This Protocol constitutes an integral part of the [CETA].

Annex I

Applicable Legislation

For the European Union:

Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (as amended);

Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (as amended);

Directive 2001/20/EC of European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use;

Regulation (EU) 536/2014 of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC

Commission Directive 2003/94/EC of 8 October 2003 laying down the principles and guidelines of good manufacturing practice in respect of medicinal products for human use and investigational medicinal products for human use;

Commission Directive 91/412/EEC of 23 July 1991 laying down the principles and guidelines of good manufacturing practice for veterinary medicinal products;

Current version of the Guide to good manufacturing practices contained in volume IV of Rules governing medicinal products in the European Union and compilation of the community procedures on inspections and exchange of information;

For Canada:

Food and Drugs Act, R.S.C. 1985, c. F-27.

Annex II

Medicinal Products or Drugs

1. Scope of Medicinal Products or Drugs

This Protocol applies to the following medicinal products or drugs as defined in the legislation of the Parties referred to in Annex I, provided that the GMP requirements and compliance programmes of both Parties, with respect to these medicinal products or drugs, are equivalent:

human pharmaceuticals including prescription and non-prescription drugs and medicinal gases;
human biologicals including immunologicals, stable medicinal products derived from human blood or human plasma, and biotherapeutics;
human radiopharmaceuticals;
veterinary pharmaceuticals, including prescription and non-prescription drugs, and pre-mixes for the preparation of veterinary medicated feeds;
veterinary biologicals;
where appropriate, vitamins, minerals, herbal remedies and homeopathic medicinal products;
active pharmaceutical ingredients;
intermediate products and bulk pharmaceuticals (e.g. bulk tablets);
products intended for use in clinical trials or investigational medicinal products; and
advanced therapy medicinal products.

2. Operational Scope of Medicinal Products or Drugs

Further to paragraph 1, the GMP requirements and compliance programmes of both Parties are equivalent for the following medicinal products or drugs:

human pharmaceuticals including prescription and non-prescription drugs and medicinal gases;
human biologicals including immunologicals and biotherapeutics;
human radiopharmaceuticals;
veterinary pharmaceuticals, including prescription and non-prescription drugs, and pre-mixes for the preparation of veterinary medicated feeds;
intermediate products and bulk pharmaceuticals;
products intended for use in clinical trials or investigational medicinal products; manufactured by the manufacturers holding a manufacturing authorisation or establishment licence; and
vitamins, minerals and herbal remedies, homeopathic medicinal products (known in Canada as Natural Health Products (NHP)) manufactured by manufacturers holding a manufacturing authorisation or establishment licence, in the case of Canada.

Annex III

Regulatory Authorities*

* [Note: names of organizations to be confirmed by legal scrub.]

The Parties recognize the following entities, or their successors notified by a Party through the Joint Sectoral Group, as their respective regulatory authorities:

For the European Union:

Country	For medicinal products for human use	For medicinal products for veterinary use
Belgium	Federal agency for medicines and health products / Federaal Agentschap voor geneesmiddelen en gezondheidsproducten	See responsible authority for human medicinal products
Czech Republic	State Institute for Drug Control/ Státní Ústav pro Kontrolu Léčiv (SÚKL)	Institute for State Control of Veterinary Biologicals and Medicaments/ Ústav pro Státní Kontrolu Veterinárních Biopreparátů a Léčiv (ÚSKVBL)
Republic of Croatia	Agency for Medicinal Products and Medical Devices (HALMED)/ Agencija za Lijekove i Medicinske Proizvode	Ministry of Agriculture, Veterinary Department/ Ministarstvo Poljoprivrede Uprava veterinarstva
Denmark	The Danish Medicines Agency/ Laegemiddelstyrelsen	See responsible authority for human medicinal products
Germany	Federal Institute for Drugs and Medical Devices/ Bundesinstitut für Arzneimittel und Medizinprodukte (BfArM)	Federal Ministry of Health/ Bundesministerium für Gesundheit (BMG)
Estonia	State Agency of Medicines/ Ravimiamet	See responsible authority for human medicinal products
Greece	National Organisation for Medicines/ Ethnikos Organismos Farmakon (EOF) - (ΕΘΝΙΚΟΣ)	See responsible authority for human medicinal products

	ΟΡΓΑΝΙΣΜΟΣ ΦΑΡΜΑΚΩΝ))	
Spain	<i>Spanish Agency of Medicines and Health Products /</i> Agencia Española de Medicamentos y Productos Sanitarios	See responsible authority for human medicinal products
France	National Agency for the Safety of Medicine and Health Products/ Agence nationale de sécurité du médicament et des produits de santé (ANSM)	<i>National Agency for Veterinary Medicinal Products/</i> Agence Nationale du Médicament Vétérinaire
Ireland	Irish Medicines Board	See responsible authority for human medicinal products
Italy	<i>Italian Medicines Agency/</i> Agenzia Italiana del Farmaco/	<i>Ministry of Health, Direction General of Animal Health and Veterinary Drug/</i> Ministero della Salute, Direzione Generale della Sanità Animale e del Farmaco Veterinario/
Cyprus	Ministry of Health - Pharmaceutical Services/ Φαρμακευτικές Υπηρεσίες, Υπουργείο Υγείας	Ministry of Agriculture, Veterinary Services/ Κτηνιατρικές Υπηρεσίες, Υπουργείο Γεωργίας
Latvia	State Agency of Medicines/ Zāļu valsts aģentūra	Food and Veterinary Service, Division of the Marketing Authorisation for Veterinary Medicinal Products/ Pārtikas un veterinārā dienesta
Lithuania	State Medicines Control Agency/ Valstybinė vaistų kontrolės tarnyba	State Food and Veterinary Service/ Valstybinės maisto ir veterinarijo tarnyba
Luxembourg	Ministère de la Santé, Division de la Pharmacie et des Médicaments	See responsible authority for human medicinal products
Hungary	National Institute of Pharmacy/	Directorate of Veterinary Medicinal Products/

	Országos Gyógyszerészeti Intézet (OGYI)	Állatgyógyászati Termékek Igazgatósága (ÁTI)
Malta	Medicines Regulatory Authority	Medicines Regulatory Unit - Veterinary Medicines and Animal Nutrition Section, Agriculture and Fisheries Regulation Department,
Netherlands	Healthcare Inspectorate/ Inspectie voor de Gezondheidszorg (IGZ)	Medicines Evaluation Board/ Bureau Diergeneesmiddelen, College ter Beoordeling van Geneesmiddelen (CBG)/
Austria	Austrian Agency for Health and Food Safety/ Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH	See responsible authority for human medicinal products
Poland	The Main Pharmaceutical Inspectorate/ Główny Inspektorat Farmaceutyczny (GIF)/	See responsible authority for human medicinal products
Portugal	<i>National Authority of Medicines and Health Products / INFARMED</i> Instituto Nacional da Farmácia e do Medicamento	<i>General Directorate of Food and Veterinary / GDAV</i> Direcção Geral de Alimentação e Veterinária (PT)
Slovenia	Agency for Medicinal Products and Medical Devices of the Republic of Slovenia/ Javna agencija Republike Slovenije za zdravila in medicinske pripomočke (JAZMP)	See responsible authority for human medicinal products
Slovak Republic (Slovakia)	State Institute for Drug Control/ Štátny ústav pre kontrolu liečiv (SUKL)	Institute for State Control of Veterinary Biologicals and Medicaments/ Ústav štátnej kontroly veterinárnych biopreparátov a liečiv (USKVBL)

Finland	Finnish Medicines Agency/ Lääkealan turvallisuus- ja kehittämiskeskus	See responsible authority for human medicinal products
Sweden	Medical Products Agency/ Läkemedelsverket	See responsible authority for human medicinal products
United Kingdom	Medicines and Healthcare products Regulatory Agency	Veterinary Medicines Directorate
Bulgaria	Bulgarian Drug Agency/ ИЗПЪЛНИТЕЛНА АГЕНЦИЯ ПО ЛЕКАРСТВАТА	Bulgarian Drug Agency
Romania	National Medicines Agency/ Agentia Nationala a Medicamentului	Institute for Control of Biological Products and Veterinary Medicines/ Institutul Pentru Controlul Produselor Biologice și Medicamentelor de Uz Veterinar

For Canada:

	Health Canada	Health Canada
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29. DIALOGUES AND BILATERAL COOPERATION

Chapter X – Dialogues and Bilateral Cooperation

Article X.01: Basis of Cooperation

1. Building on their well-established partnership and shared values, the Parties agree to develop their cooperation on issues of common interest. Their efforts will in particular be aimed at:

Strengthening bilateral cooperation on biotechnology through the bilateral Dialogue on Biotech Market Access Issues;

Fostering and facilitating dialogue and exchange of information on issues related to trade in forest products;

Establishing a forum for an ad hoc dialogue and cooperation on matters related to raw materials;

Encouraging enhanced cooperation on science, technology, research and innovation issues.

Unless otherwise provided for in this Agreement, dialogues shall take place, at an appropriate level, at the request of either Party or of the CETA Joint Committee and without undue delay. They shall be co-chaired by representatives of Canada and the European Union. The Parties shall agree on the meeting schedules and set agendas for the dialogues.

The Parties shall inform the CETA Joint Committee of the schedules and agendas of the dialogues sufficiently in advance of meetings. The Parties shall report to the CETA Joint Committee on the results and conclusions of the dialogues as appropriate or on request. The creation or existence of a dialogue shall not prevent either Party from bringing any matter directly to the CETA Joint Committee.

The CETA Joint Committee may decide to change or undertake the task assigned to a dialogue or dissolve any dialogue.

Article X.02: Future Areas for Bilateral Cooperation

1. Further to the areas of bilateral cooperation identified in Article X.01 the Parties, by consent of the Trade Council, may agree to other areas for bilateral cooperation under this Agreement.

Article X.03: Bilateral Cooperation on Biotechnology

1. The Parties agree that cooperation and information exchange on issues related to biotechnology products are of mutual interest. Such cooperation and exchange of information will take place in the bilateral Dialogue on Biotech Market Access Issues which was established as part of the Mutually Agreed Solution reached on 15 July, 2009 between Canada and the European Union following the WTO dispute *European Communities – Measures Affecting the Approval and Marketing of Biotech Products* (WT/DS292). The dialogue covers any relevant issues of mutual interest to Canada and the EU, including, among others:

Biotechnology product approvals in the territory of Canada or the EU as well as, where appropriate, forthcoming applications of commercial interest to either side;

the commercial and economic outlook for future approvals of biotechnology products;

any trade impact related to asynchronous approvals of biotechnology products or the accidental release of unauthorised products, and any appropriate measures in this respect;

any biotech-related measures that may affect trade between Canada and the EU, including measures of EU Member States;
any new legislation in the field of biotechnology; and
best practices in the implementation of legislation on biotechnology.

2. The Parties also note the importance of the following shared objectives with respect to cooperation in the field of biotechnology:

exchanging information on policy, regulatory and technical issues of common interest related to a product of biotechnology; and in particular information on their respective systems and processes for risk assessment for taking a decision on the use of a genetically modified organism;
promoting efficient science-based approval processes for products of biotechnology;
cooperating internationally on issues related to biotechnology such as low level presence of genetically modified organisms;
engaging in regulatory cooperation to minimize adverse trade impacts of regulatory practices related to biotechnology products.

Article X.04: Bilateral Dialogue on Forest Products

1. The Parties agree that dialogue, cooperation and exchange of information and views on relevant laws, regulations, policies and sector issues of importance to the production, trade, and consumption of forest products are of mutual interest. The Parties agree to carry out such dialogue, cooperation and exchange in the Bilateral Dialogue on Forest Products including on:

- (a) the development, adoption and implementation of relevant laws, regulations, policies and standards, and testing, certification and accreditation requirements and their potential impact on trade in forest products between the Parties;
- (b) initiatives of the Parties related to sustainable management of forests and forest governance;
- (c) mechanisms to assure the legal and/or sustainable origin of forest products;
- (d) access for forest products to the EU, Canada, or third-country markets;
- (e) perspectives on multilateral and plurilateral organizations and processes in which they participate which seek to promote sustainable forest management and/or combat illegal logging;
- (f) issues referenced in Article X (Trade in Forest Products) of the Trade and Environment Chapter; and
- (g) any other issue as may be agreed upon by the Parties.

2. The Parties agree that the Bilateral Dialogue on Forest Products shall meet within the first year of the entry into force of this Agreement, and thereafter in accordance with Article X.01(2) of this Chapter [Dialogues and Cooperation].

3. The Parties agree that discussions taking place in the Bilateral Dialogue on Forest Products can inform discussions in the Sustainable Development Committee.

Article X.05 Bilateral Dialogue on Raw Materials

- 1) Recognizing the importance of an open, non-discriminatory and transparent trading environment based on rules and science, the Parties agree to foster a dialogue on raw materials.
- 2) Raw materials is considered to include, but is not limited to, minerals and metals, and agricultural products with an industrial use.
- 3) The functions of the bilateral dialogue shall be to, inter alia:

Provide a forum to discuss raw materials cooperation between Canada and the European Union, to contribute to market access for raw material goods and related services and investments and to avoid non-tariff barriers to trade;

Enhance mutual understanding in the field of raw materials with a view to exchange information on best-practices and on the Parties' regulatory policies vis-à-vis raw materials;

Encourage activities that support corporate social responsibility in accordance with internationally recognized standards such as the OECD Guidelines for Multinational Enterprises and Due Diligence Guidance.

Facilitate, as appropriate, consultation on the Parties' positions in multilateral or plurilateral fora where issues related to raw materials may be raised and discussed.

- 4) Without prejudice, and as a complement to paragraph 1, the Parties will endeavour to establish and maintain effective cooperation on raw materials issues through a dialogue, at the request of either Party.

Article X.06: Enhanced Cooperation on Science, Technology, Research and Innovation

1. The Parties acknowledge the interdependence of science, technology, research and innovation, and international trade and investment in increasing industrial competitiveness and social and economic prosperity.
2. Building on this shared understanding, the parties agree to strengthen their cooperation in the areas of science, technology, research and innovation.
3. The Parties shall endeavour to encourage, develop and facilitate cooperative activities on a reciprocal basis in support of, or supplementary to the Agreement for Scientific and Technological Cooperation between Canada and the European Union. The Parties agree to conduct these activities on the basis of the following principles:

The activities are of mutual benefit to the Parties;

The Parties agree on the scope and parameters of the activities;

The activities should take into account the important role of the private sector and research institutions in the development of science, technology, research and innovation, and commercialization of goods and services thereof.

4. The Parties also recognize the importance of enhanced cooperation on science, technology, research and innovation including activities initiated, developed or undertaken by a variety of stakeholders, including the Canadian federal government, Canadian Provinces and Territories, the European Union and its Member States.

5. Each Party, according to its own laws, shall encourage the participation of the private sector, research institutions and civil society within its own territory in activities to enhance cooperation.

30. ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

Chapter X: Administrative and Institutional Provisions

Article X.01: The CETA Joint Committee

The Parties hereby establish a CETA Joint Committee comprising representatives of the European Union, on the one hand, and representatives of Canada, on the other. The CETA Joint Committee shall be co-chaired by the Minister for International Trade of Canada and the Member of the European Commission responsible for Trade, or their respective designees.

The CETA Joint Committee shall meet once a year, or at the request of either Party. The CETA Joint Committee shall agree on its meeting schedule and its agenda.

The CETA Joint Committee is responsible for all questions concerning EU-Canada trade and investment and the implementation and application of the CETA. Either Party may refer to the CETA Joint Committee any issue relating to the implementation and interpretation of the CETA, or any other issue concerning EU-Canada trade and investment.

The CETA Joint Committee shall:

- Supervise and facilitate the implementation and application of the CETA and further its general aims;
- Supervise the work of all specialized committees and other bodies established under the CETA;
- Without prejudice to Chapter X (Dispute Settlement), Y (Labour), Z (Environment), A (Sustainable Development) and B (Investment), seek appropriate ways and methods of forestalling problems which might arise in areas covered by the CETA, or of resolving disputes that may arise regarding the interpretation or application of the CETA;
- Adopt its own rules of procedure;
- Take decisions as set out in Article X.04 Decision Making;
- Consider any matter of interest relating to an area covered by the CETA;

The CETA Joint Committee may:

- Establish and delegate responsibilities to Specialized Committees ;
- Communicate with all interested parties including private sector and civil society organizations;
- Consider or agree on amendments as provided in this Agreement;
- Study the development of trade between the Parties and consider ways to further enhance trade relations between the Parties;
- Adopt interpretations of the Provisions of the CETA, which shall be binding on tribunals established under Chapter X (Dispute Settlement) and Chapter X (Investment) as it relates to investor-state dispute settlement;
- Make recommendations suitable for promoting the expansion of trade and investment as envisaged in the Agreement;
- Take such other action in the exercise of its functions as the Parties agree;
- Change or undertake the task assigned to a specialized committee or dissolve any specialized committees;
- Establish other committees, specialized committees and dialogues in order to assist it in the performance of its tasks.

Article X.02 Specialized Committees

The specialized committees mentioned under paragraphs (a) to (h) below are hereby established or, in the case of paragraph (c), is granted authority to act under the auspices of the CETA Joint Committee. They shall operate according to the provisions of paragraphs 2 to 5 of this Article.

The Committee on Trade in Goods, which will address matters arising in any of the following areas: Trade in Goods; Tariffs ; Technical Barriers to Trade; the Protocol on the Mutual Acceptance of the Results of Conformity Assessment; Intellectual Property Rights related to goods.

The following committees shall also be established under the Committee on Trade in Goods and shall report to that Committee: Committee on Agriculture; Committee on Wines and Spirits; Joint Sectoral Group on Pharmaceuticals.

At the request of a Party, or upon a reference from the relevant specialized Committee, or when preparing a discussion in the CETA Joint Committee, the Committee on Trade in Goods may address matters arising in the areas of Rules of Origin, Origin Procedures, Customs and Trade Facilitation, and Border Measures; Sanitary and Phytosanitary Measures; Government Procurement; Regulatory Cooperation; if doing so could facilitate the resolution of a matter that cannot otherwise be resolved by the relevant specialized Committee.

The Committee on Services and Investment, which will address matters arising in any of the following areas: Cross-Border Trade in Services; Investment; Temporary Entry; E-commerce; Intellectual Property Rights related to Services.

A Committee on Mutual Recognition of Professional Qualifications shall also be established under the Committee on Services and Investment and shall report to that Committee.

At the request of a Party, or upon a reference from the relevant specialized Committee, or when preparing a discussion in the CETA Joint Committee, the Committee on Services and Investment may address matters arising in the areas of Financial Services; Government Procurement; if doing so could facilitate the resolution of a matter that cannot otherwise be resolved by the relevant specialized Committee.

The Joint Customs Cooperation Committee (JCCC), established pursuant to the 1998 Agreement between the European Community and Canada on Customs Cooperation and Mutual Assistance in Customs Matters, which shall, for the purpose of CETA, address matters arising in any of the following areas: Rules of origin, Origin Procedures, Customs and Trade Facilitation, Border Measures, as well as Temporary Suspension of Preferential Tariff Treatment.

The Sanitary and Phytosanitary Committee, which will address matters arising in the area of Sanitary and Phytosanitary Measures.

The Government Procurement Committee, which will address matters as set out in the Government Procurement Chapter (Article X).

The Financial Services Committee, which will address matters as set out in the Financial Services Chapter

The Sustainable Development Committee, which will address matters arising in any of the following areas: Sustainable Development (Article X), Labour (Article X), and Environment (Article X).

The Regulatory Cooperation Forum, which will address matters as set out in the Regulatory Cooperation Chapter (Article X).

The remit and tasks of the above mentioned specialized committees are further defined in the relevant chapters and protocols of this Agreement.

Unless otherwise provided for in this Agreement, the specialized committees shall normally meet once a year, or at the request of either Party or of the CETA Joint Committee and shall be co-chaired by representatives of Canada and the European Union. The specialized committees shall agree on their meeting schedule and set their agenda by mutual consent. They shall set and modify their own rules of procedures, if they deem it appropriate to do so. The specialized committees may propose draft decisions to be adopted by the CETA Joint Committee, or take decisions when the Agreement so provides.

Each Party shall ensure that when a specialized committee meets, all the competent authorities for each issue on the agenda will be represented, as each Party deems appropriate, and that each issue can be discussed at the adequate level of expertise.

The specialized committees shall inform the CETA Joint Committee of their schedules and agenda sufficiently in advance of their meetings and shall report to the CETA Joint Committee on results and conclusions from each of their meetings. The creation or existence of a specialized committee shall not prevent either Party from bringing any matter directly to the CETA Joint Committee.

Article X.03 Decision Making

The CETA Joint Committee shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions in respect of all matters in the cases provided by this Agreement.

The decisions taken shall be binding on the Parties, which shall take the measures necessary to implement the decisions taken. The CETA Joint Committee may also make appropriate recommendations.

The CETA Joint Committee shall make its decisions and recommendations by agreement between the Parties.

Article X.04 Sharing of Information

When a Party submits to the CETA Joint Committee or any committee established under this Agreement, information considered as confidential or protected from disclosure under its laws and regulations, the other Party shall treat that information as confidential.

Article X.05 Contact Points

Each Party shall promptly appoint a Contact Point and notify the other Party within 60 days following the entry into force of this Agreement.

The Contact Points shall jointly:

Monitor the work of all institutional bodies established under this Agreement, including communications relating to successors to those bodies;

Coordinate preparations for Committee meetings;

Follow up on any decisions taken by the CETA Joint Committee, as appropriate;

Except as otherwise provided in this Agreement, receive all notifications and information provided pursuant to this Agreement and, as necessary, facilitate communications between the Parties on any matter covered by this Agreement;

Respond to any information requests pursuant to Article X.02 Notification and Provision of Information of Chapter X – Transparency; and

Consider any other matter that may affect the operation of this Agreement as mandated by the CETA Joint Committee.

The Contact Points shall communicate as required.

Article X.06 Meetings

Meetings referred to in this chapter should be in person. Parties may also agree to meet by videoconference or teleconference.

The Parties agree that they shall endeavour to meet within 30 days of the receipt of a request to meet by either Party.

31. TRANSPARENCY

TRANSPARENCY

Section A- Publication, Notification and Administration of Laws

Article X.01: Publication

Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by this Agreement are promptly published or made available in such a manner as to enable interested persons and the other Party to become acquainted with them.

To the extent possible, each Party shall:

publish in advance any such measure that it proposes to adopt; and

provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures.

Article X.02: Notification and Provision of Information

To the extent possible, on request of the other Party, a Party shall promptly provide information and respond to questions pertaining to any existing or proposed measure materially affecting the operation of this Agreement, whether or not the other Party has been previously notified of that measure.

A notification or information provided under this Article is without prejudice for the purposes of determining whether the measure is consistent with this Agreement.

Article X.03: Administrative Proceedings

In order to administer a measure of general application affecting matters covered by this Agreement, in a consistent, impartial and reasonable manner, each Party shall ensure that in its administrative proceedings applying measures referred to in Article X.01 (Publication) to particular persons, goods or services of the other Party in specific cases:

whenever possible, a person of the other Party who is directly affected by a proceeding is given reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of the issues in controversy;

a person referred to in subparagraph (a) is afforded a reasonable opportunity to present facts and arguments in support of its position prior to any final administrative action, when permitted by time, the nature of the proceeding, and the public interest; and,

its procedures are in accordance with its domestic law.

Article X.04: Review and Appeal

Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by this Agreement. Each Party shall ensure that its tribunals are impartial and independent of the office or authority entrusted with administrative enforcement and that they do not have any substantial interest in the outcome of the matter.

Each Party shall ensure that, in its tribunals or procedures, the parties to the proceeding are provided with the right to:

a reasonable opportunity to support or defend their respective positions; and

a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority.

Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article X.05: Cooperation on Promoting Increased Transparency

The Parties agree to cooperate in bilateral, regional and multilateral fora on ways to promote transparency in respect of international trade and investment.

Article X-06: Definitions

For purposes of this Section:

administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit and that establishes a norm of conduct but does not include:

a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of the other Party in a specific case; or

a ruling that adjudicates with respect to a particular act or practice.

32. EXCEPTIONS

EXCEPTIONS

Article X.01: Definitions

For purposes of this Chapter:

competition authority means:

for Canada, the Commissioner of Competition or a successor notified to the other party through the Coordinators; and

for the European Union, the Commission of the European Union as to its responsibilities pursuant to the competition laws of the European Union.

competition laws means:

for Canada, the *Competition Act*; and

for the European Union, Articles 101, 102 and 106 of the Treaty on the Functioning of the European Union ("TFEU"), Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings, and their implementing regulations or amendments.

cultural industries means a person engaged in:

(a) the publication, distribution or sale of books, magazines, periodicals or newspapers in print or machine-readable form, except when printing or typesetting any of the foregoing is the only activity;

(b) the production, distribution, sale or exhibition of film or video recordings;

the production, distribution, sale or exhibition of audio or video music recordings;

the publication, distribution or sale of music in print or machine-readable form; or

radiocommunications in which the transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services.

information protected under its competition laws means:

(a) for Canada, information within the scope of Section 29 of the *Competition Act*,

R.S. 1985, c.34, or any successor provision; and

(b) for the European Union this means information within the scope of Article 28 of Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty or Article 17 of Council Regulation No 139/2004 on the control of concentrations between undertakings, or any successor provisions.

residence means residence for tax purposes;

tax convention means a convention for the avoidance of double taxation or other international taxation agreement or arrangement; and

tax and **taxation measure** includes an excise duty, but does not include:

- (a) a “customs duty”, or
- (b) a measure listed in exceptions (b), (c), or (d) in the definition of “customs duty” in Article 1.01 (Initial Provisions and General Definitions – Definitions of General Application).

Article X.02: General Exceptions

1. For the purposes of Chapters X through Y and Chapter Z (National Treatment and Market Access for Goods, Rules of Origin, Origin Procedures, Customs and Trade Facilitation, Wines and Spirits, Sanitary and Phytosanitary Measures, Investment Section 2 (Establishment of Investments) and Investment Section 3 (Non-discriminatory Treatment)), GATT 1994 Article XX is incorporated into and made part of this Agreement. The Parties understand that the measures referred to in GATT 1994 Article XX (b) include environmental measures necessary to protect human, animal or plant life or health. The Parties further understand that GATT 1994 Article XX (g) applies to measures for the conservation of living and non-living exhaustible natural resources.

2. For the purposes of Chapters X, Y, and Z (Cross-Border Trade in Services, Telecommunications, and Temporary Entry and Stay of Natural Persons for Business Purposes, Investment Section 2 (Establishment of Investments) and Investment Section 3 (Non-Discriminatory Treatment)), a Party may adopt or enforce a measure necessary:

- (a) to protect public security or public morals or to maintain public order (x);
- (b) to protect human, animal or plant life or health;
- (c) to secure compliance with laws or regulations which are not inconsistent with the provisions of this Chapter including those relating to:
 - (i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on contracts;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
 - (iii) safety;

(x) The public security and public order exceptions may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

Article X.03: Temporary safeguard measures with regard to capital movements and payments

Where, in exceptional circumstances, capital movements and payments, including transfers, cause or threaten to cause serious difficulties for the operation of the economic and monetary union of the European Union, safeguard measures that are strictly necessary and do not constitute a means of arbitrary or unjustified discrimination between a Party and a non-Party may be taken by the European Union with regard to capital movements and payments, including transfers, for a period not exceeding six months. The European Union shall inform Canada forthwith and present, as soon as possible, a time schedule for the removal of such measures.

Article X.04: Restrictions in Case of Balance of Payments and External Financial Difficulties

Where Canada or a Member State of the European Union that is not a member of the European Monetary Union experiences serious balance-of-payments or external financial difficulties, or threat thereof, it may adopt or maintain restrictive measures with regard to capital movements or payments, including transfers.

Measures referred to in paragraph 1 shall:

not treat a Party less favourably than a non-Party in like situations;

be consistent with the Articles of the Agreement of the International Monetary Fund, as applicable;

avoid unnecessary damage to the commercial, economic and financial interests of any other Party;

be temporary and phased out progressively as the situation specified in paragraph 1 improves and not exceed six months; however, if extremely exceptional circumstances arise such that a Party seeks to extend such measures beyond a period of six months, it will consult in advance with the other Party concerning the implementation of any proposed extension.

3. In the case of trade in goods, a Party may adopt restrictive measures in order to safeguard its balance-of-payments or external financial position. Such measures shall be in accordance with the General Agreement on Tariffs and Trade (GATT) and the Understanding on Balance of Payment Provisions of the GATT 1994.

4. In the case of trade in services, a Party may adopt restrictive measures in order to safeguard its balance-of-payments or external financial position. Such measures shall be in accordance with the General Agreement on Trade in Services (GATS).

5. Any Party maintaining or having adopted measures referred to in paragraph 1 or 2 shall promptly notify the other Party of them and present, as soon as possible, a time schedule for their removal.

6. Where the restrictions are adopted or maintained under this Article, consultations shall be held promptly in the Trade Committee, if such consultations are not otherwise taking place outside of this Agreement. The consultations shall assess the balance-of-payments or external financial difficulty that led to the respective measures, taking into account, *inter alia*, such factors as:

- (a) the nature and extent of the difficulties;
- (b) the external economic and trading environment; or
- (c) alternative corrective measures which may be available.

The consultations shall address the compliance of any restrictive measures with paragraphs 1 to 4. All findings of statistical and other facts presented by the IMF relating to foreign exchange, monetary reserves and balance-of-payments shall be accepted and conclusions shall be based on the assessment by the IMF of the balance-of-payments and the external financial situation of the Party concerned.

Article X.05: National Security

This Agreement does not:

require a Party to furnish or allow access to information if that Party determines that the disclosure of this information would be contrary to its essential security interests;

prevent a Party from taking an action that it considers necessary to protect its essential security interests:

connected to the production of or traffic in arms, ammunition and implements of war and to such traffic and transactions in other goods and materials, services and technology undertaken, and to economic activities, carried out directly or indirectly for the purpose of supplying a military or other security establishment⁶⁶;

taken in time of war or other emergency in international relations; or

relating to fissionable and fusionable materials or the materials from which they are derived; or

to prevent a Party from taking any action in order to carry out its international obligations for the purpose of maintaining international peace and security.

Article X 06: Taxation

Nothing in this Agreement shall be construed to prevent a Party from adopting or maintaining any taxation measure that distinguishes between persons who are not in the same situation, in

⁶⁶ The expression "traffic in arms, ammunition and implements of war" in this Article is considered equivalent to the expression "trade in arms, munitions and war material".

particular with regard to their place of residence or with regard to the place where their capital is invested.

Nothing in this Agreement shall be construed to prevent a Party from adopting or maintaining any taxation measure aimed at preventing the avoidance or evasion of taxes pursuant to its tax laws or tax conventions.

3. This Agreement does not affect the rights and obligations of a Party under a tax convention. In the event of inconsistency between this Agreement and a tax convention, that convention prevails to the extent of the inconsistency.

4. Nothing in this Agreement or in any arrangement adopted under this Agreement shall apply:

to a taxation measure of a Party that provides a more favourable tax treatment to a corporation, or to a shareholder of a corporation, on the basis that the corporation is wholly or partly owned or controlled, directly or indirectly, by one or more investors who are residents of that Party;

to a taxation measure of a Party that provides an advantage relating to the contributions made to, or income of, an arrangement providing for the deferral of, or exemption from, tax for pension, retirement, savings, education, health, disability or other similar purposes, conditional on a requirement that that Party maintains continuous jurisdiction over such arrangement;

to a taxation measure of a Party that provides an advantage relating to the purchase or consumption of a particular service, conditional on a requirement that the service be provided in the territory of that Party;

to a taxation measure of a Party that is aimed at ensuring the equitable and effective imposition or collection of taxes, including a measure that is taken by a Party in order to ensure compliance with the Party's taxation system;

to a taxation measure that provides an advantage to a government, a part of a government, or a person that is directly or indirectly owned, controlled or established by a government;

to an existing non-conforming taxation measure not otherwise covered in paragraphs 1, 2, 4(a) to (e), to the continuation or prompt renewal of such a measure, or an amendment of such a measure, provided that the amendment does not decrease its conformity with the provisions of this Agreement as it existed immediately before the amendment.

5. For greater certainty, the fact that a taxation measure constitutes a significant amendment to an existing taxation measure, takes immediate effect as of its announcement, clarifies the intended application of an existing taxation measure, or has an unexpected impact on an investor or covered investment, does not, in and of itself, constitute a violation of Article X.9 (Treatment of Investors and of Covered Investments).

6. Article x (Investment - Most-Favoured Nation obligation), Article x (CBTS - Most-Favoured Nation obligation) and Article X (Financial Services- Most-Favoured Nation obligation) do not apply to an advantage accorded by a Party pursuant to a tax convention.

7.

(1) Where an investor submits a request for consultations pursuant to Article x-4 (Consultations - ISDS) claiming that a taxation measure breaches an obligation under Section 3 (Non-

discriminatory Treatment) or Section 4 (Investment Protection) of Chapter x (Investment Rules), the respondent may refer the matter for consultation and joint determination by the Parties as to whether:

- (a) the measure is a taxation measure;
 - (b) the measure, if it is found to be a taxation measure, breaches an obligation under Section 3 (Non-discriminatory Treatment) or Section 4 (Investment Protection);
 - (c) there is an inconsistency between the obligations in this Agreement that are alleged to have been breached and those of a tax convention.
- (2) A referral pursuant to paragraph 1 cannot be made later than the date the Tribunal fixes for the respondent to submit its counter-memorial. Where the respondent makes such a referral the time periods or proceedings specified in Section 6 of Chapter X (Investor-to-State Dispute Settlement) shall be suspended. If within 180 days from the referral the Parties do not agree to consider the issue, or fail to make a joint determination, the suspension of the time periods or proceedings shall no longer apply and the investor may proceed with its claim.
- (3) A joint determination by the Parties pursuant to paragraph 1 shall be binding on the Tribunal.
- (4) Each Party shall ensure that its delegation for the consultations to be conducted pursuant to paragraph 1 shall include persons with relevant expertise on the issues covered by this Article, including representatives from the relevant tax authorities of each Party. For Canada this means officials from the Department of Finance.

8. For greater certainty,

- (a) **taxation measure of a Party** means a taxation measure adopted at any level of government of a Party.
- (b) For measures of a sub-national government, **resident of a Party**, means either resident of that sub-national jurisdiction or resident of the Party of which it forms part.

Article X.07: Disclosure of Information

1. This Agreement does not require a Party to furnish or allow access to information which if disclosed would impede law enforcement or the disclosure of which is prohibited or restricted under its law.

In the course of a dispute settlement procedure under this Agreement:

a Party is not required to furnish or allow access to information protected under its competition laws;

a competition authority of a Party is not required to furnish or allow access to information that is privileged or otherwise protected from disclosure.

Article X.08: Cultural Industries

The parties recall the exceptions applicable to culture as set out in the relevant provisions of Chapters X, Y and Z (Cross-Border Trade in Services, Domestic Regulation, Government Procurement, Investment, Subsidies).

Article X.09: World Trade Organization Waivers

If a right or obligation in this Agreement duplicates one under the WTO Agreement, the Parties agree that a measure adopted by a Party in conformity with a waiver decision adopted by the WTO pursuant to Article IX of the WTO Agreement is deemed to be also in conformity with the present Agreement.

33. DISPUTE SETTLEMENT**DISPUTE SETTLEMENT****SECTION 1****GENERAL PROVISIONS****ARTICLE 14.1: COOPERATION**

The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

ARTICLE 14.2: SCOPE

1. Except as otherwise provided in this Agreement, this Chapter applies to any dispute concerning the interpretation or application of the provisions of this Agreement.
2. Proposed measures may be the subject of consultations under Article 14.4. but not mediation under Article 14.5 or the dispute settlement procedures under Section 3 of this Chapter.

ARTICLE 14.3: CHOICE OF FORUM

1. Recourse to the dispute settlement provisions of this Chapter shall be without prejudice to any action in the WTO framework, including dispute settlement action.
2. Notwithstanding paragraph 1, a Party shall not seek redress for the breach of an obligation which is equivalent in substance under the [CETA] and under the WTO Agreement in the two fora. In such case, once a dispute settlement proceeding has been initiated, the Party shall not bring a claim seeking redress for the breach of the substantially equivalent obligation under the other agreement to the other forum, unless the forum selected fails, for procedural or jurisdictional reasons other than termination under paragraph XX (b) of Annex I, to make findings on that claim.
3. For the purposes of paragraph 2:

(a) dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party's request for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes contained in Annex 2 of the WTO Agreement (hereinafter referred to as the "DSU"); and

(b) dispute settlement proceedings under this Chapter are deemed to be initiated by a Party's request for the establishment of an arbitration panel under Article 14.4.1.

4. Nothing in this Agreement shall preclude a Party from implementing the suspension of obligations authorised by the DSB. A Party may not invoke the WTO Agreement to preclude the other Party from suspending obligations under this Chapter.

SECTION 2

CONSULTATIONS AND MEDIATION

ARTICLE 14.4: CONSULTATIONS

A Party may request in writing consultations with the other Party regarding any matter referred to in Article 14.2.

The requesting Party shall transmit the request to the responding Party, and shall set out the reasons for the request, including the identification of the specific measure at issue and an indication of the legal basis for the complaint.

Subject to paragraph 4, the disputing Parties shall enter into consultations within 30 days of the date of receipt of the request by the responding Party. Consultations shall take place in the territory of the responding Party unless the Parties agree otherwise.

In cases of urgency, including those involving perishable or seasonal goods or services that rapidly lose their trade value, consultations shall commence within 15 days of the date of receipt of the request by the responding Party.

The disputing Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter through consultations. To this end, each disputing Party shall:

- provide sufficient information to enable a full examination of the matter at issue;
- protect any confidential or proprietary information exchanged in the course of consultations as requested by the Party providing the information; and
- make available the personnel of its government agencies or other regulatory bodies who have expertise in the matter subject to the consultations.

Consultations are confidential and without prejudice to the rights of the disputing Parties in proceedings under this Chapter.

Consultations may be held in person or by any other means agreed to by the disputing Parties.

ARTICLE 14.5: MEDIATION

The Parties may have recourse to mediation, with regards to measures as set out in Article 14.2 where the measures adversely affect trade and investment between the Parties. Mediation Procedures are set out in Annex III of this Chapter.

**SECTION 3
DISPUTE SETTLEMENT PROCEDURES****SUB-SECTION 1 – DISPUTE SETTLEMENT PROCEDURES****ARTICLE 14.6: INITIATION OF THE DISPUTE SETTLEMENT PROCEDURE**

Unless the disputing Parties agree otherwise, if a matter referred to in Article 14.4 has not been resolved within:

45 days of the date of receipt of the request for consultations; or

25 days of the date of receipt of the request for consultations for matters referred to in Article 14.4(4);

the requesting Party may refer the matter to a dispute settlement panel by providing written notice to the responding Party.

In the notice referred to in sub-paragraph 1, the requesting Party shall identify the specific measure at issue and it shall explain how such measure constitutes a breach of the provisions referred to in Article 14.2.

ARTICLE 14.7: COMPOSITION OF THE DISPUTE SETTLEMENT PANEL

The panel shall comprise three individuals.

The Parties shall consult with a view to reaching an agreement on the composition of the arbitration panel within 10 working days of the date of receipt by the responding Party of the request for the establishment of an arbitration panel.

In the event that the Parties are unable to agree on the composition of the arbitration panel within the time frame laid down in paragraph 2, either Party may request the Chair of the [CETA institutional body], or the Chair's delegate, to draw by lot the members of the arbitration panel from the list established under [Article 14.6*bis*]. One member shall be drawn from sub-list of the complaining Party, one from the sub-list of the responding Party and one from the sub-list of chairperson. If the Parties have agreed on one or more of the members of the arbitration panel, any remaining members shall be selected by the same procedure in the applicable sub-list of panellists. If the Parties have agreed on a member of the arbitration panel, other than the chairperson, who is not a national of either Party, the chairperson and other member shall be selected from the sub-list of chairpersons.

The Chair of the [CETA institutional body], or the Chair's delegate, shall select the arbitrators as soon as possible and normally within five working days of the request referred to in paragraph 3 by either Party. The Chair, or the Chair's delegate, shall give a reasonable opportunity to representatives of each Party to be present when lots are drawn. [One of the chairpersons can perform the selection by lot alone if the other chairperson was informed about the date, time and place of the lot and did not accept to participate in the lot within five working days of the request referred to in paragraph 3]

The date of establishment of the arbitration panel shall be the date on which the last of the three arbitrators is selected.

Should the list provided for in Article 14.8 not be established or not contain sufficient names at the time a request is made pursuant to paragraph 3 the three arbitrators shall be drawn by lot from the individuals who have been proposed by one or both of the Parties in accordance with paragraph 1 of Article 14.8 [list of arbitrators].

Replacement of arbitrators shall take place only for the reasons and according to the procedures detailed in rules 22 to 26 of the Rules of Procedure.

ARTICLE 14.8 – Lists of arbitrators

1. The [CETA institutional body] shall, at its first meeting after the entry into force of this Agreement, establish a list of at least 15 individuals, chosen on the basis of objectivity, reliability and sound judgment, who are willing and able to serve as arbitrators. The list shall be composed of three sub-lists: one sub-list for each Party and one sub-list of individuals who are not nationals of either Party to act as chairpersons. Each sub-list shall include at least five individuals. The [CETA institutional body] may review the list at any time and shall ensure that the list conforms with this article.

2. The arbitrators must have specialised knowledge of international trade law. The individuals acting as chairpersons must also have experience as counsel or panelist in dispute settlement proceedings on subject matters within the scope of this Chapter. Arbitrators shall be independent, serve in their individual capacities and not take instructions from any organisation or government, or be affiliated with the government of any of the Parties, and shall comply with the Code of Conduct annexed to this Chapter.

ARTICLE 14.9: INTERIM PANEL REPORT

1. The panel shall present to the disputing Parties an interim report within [150] days after the last panel member is appointed. The report shall contain:
findings of fact; and
determinations as to whether the responding Party has conformed with its obligations under this Agreement.

2. Each Party may submit written comments to the panel on the interim report, subject to any time limits set by the panel. After considering any such comments, the panel may:

- a) reconsider its report; or
- b) make any further examination that it considers appropriate.

3. Notwithstanding any other provision of this Chapter, the interim report of the panel shall be confidential.

ARTICLE 14.10: FINAL PANEL REPORT

Unless the disputing Parties agree otherwise, the panel shall issue a report in accordance with the provisions of this Chapter. The ruling shall set out the findings of fact, the applicability of the relevant provisions of this Agreement and the basic rationale behind any findings and conclusions that it makes. The ruling of the arbitration panel shall be binding on the Parties.

The panel shall present to the Parties a final report within 30 days of presentation of the interim report.

Each Party shall make publicly available the final report of the panel after it is presented to the disputing Parties, subject to rule 40(confidentiality).

In cases of urgency, including those involving perishable or seasonal goods or services that rapidly lose their trade value, the arbitration panel and the parties shall make every effort to accelerate the proceedings to the greatest extent possible. The Panel shall aim at presenting an interim report to the parties within 75 days after the last panel member is appointed, and a final report within 15 days of the presentation of the interim report. Upon request of a party, the arbitration panel shall make a preliminary ruling within 10 days of the request on whether it deems the case to be urgent.

The panel shall interpret the provisions referred to in Article 14.2 in accordance with customary rules of interpretation of public international law, including those set out in the *Vienna Convention on the Law of Treaties*. The panel shall also take into account relevant interpretations in reports of Panels and the Appellate Body adopted by the WTO DSB. The rulings of the arbitration panel cannot add to or diminish the rights and obligations provided for in the provisions referred to in Article 14.2.

SUB-SECTION 2: COMPLIANCE

ARTICLE 14.11: Compliance with the arbitration panel ruling

The responding Party shall take any measure necessary to comply with the arbitration panel ruling. No later than 20 days after the receipt of the arbitration panel ruling by the Parties, the responding Party shall inform the other party and the [institutional body] of its intentions in respect of this.

ARTICLE 14.12: The reasonable period of time for compliance

1. If immediate compliance is not possible, no later than 20 days after the receipt of the notification of the arbitration panel ruling by the Parties, the responding Party shall notify the complaining Party and the [institutional body] of the time it will require for compliance (reasonable period of time).

2. In the event of disagreement between the Parties on the reasonable period of time in which to comply with the arbitration panel ruling, the complaining Party shall, within 20 days of the receipt of the notification made under paragraph 1 by the responding Party, request in writing the arbitration panel to determine the length of the reasonable period of time. Such request shall be notified simultaneously to the other Party and to the [institutional body]. The arbitration panel shall notify its ruling to the Parties and to the [institutional body] within 30 days from the date of submission of the request.

3. The reasonable period of time may be extended by mutual agreement of the Parties.

4. At any time after the midpoint in the reasonable period of time and at the request of the complaining party, the responding party shall make itself available to discuss the steps it is taking to comply with the arbitration panel ruling.

5. The responding Party shall notify the other Party and the [institutional body] before the end of the reasonable period of time of any measure that it has taken to comply with the arbitration panel ruling.

ARTICLE 14.13: Temporary remedies in case of non-compliance

1. If:

a) the responding Party fails to notify its intention to comply with the panel ruling under Article 14.11 or the time it will require for compliance under Article 14.12.1, or

b) at the expiry of the reasonable period of time:

- the responding Party fails to notify any measure taken to comply with the arbitration panel ruling, or

- it is otherwise established⁶⁷ that the responding Party has not taken any measure to comply with the arbitration panel ruling, or any measure taken to comply is inconsistent with that Party's obligations under the provisions referred to in Article 14.2,

⁶⁷ By admission or through a ruling of the arbitration panel on compliance referred to in paragraph 5.

the complaining Party shall be entitled to suspend obligations or receive compensation.

2. (a) Before suspending obligations, the complaining Party shall notify the responding Party and the [institutional body] of its intention to do so, including in the notification the level of obligations it intends to suspend.

(b) [Except as otherwise provided in this Agreement,] The suspension of obligations may concern any provision referred to in Article 14.2 and shall be limited at a level equivalent to the nullification or impairment caused by the violation.

(c) If at the expiry of the reasonable period of time the measure taken to comply does not exist or does not comply with the arbitration panel ruling, the level of the nullification and impairment shall be calculated starting from the date of notification of the arbitration panel report to the Parties.

(d) The complaining Party may implement the suspension 10 working days after the date of receipt of the notification by the responding Party, unless a Party has requested arbitration under paragraphs 3 and 4.

3. Any disagreement between the Parties concerning the existence of any measure taken to comply or its consistency with the provisions referred to in Article 14.2 ("disagreement on compliance"), or on the equivalence between the level of suspension and the nullification or impairment caused by the violation ("disagreement on equivalence"), shall be referred to the arbitration panel.

4. The panel shall be reconvened in writing through a request notified to the panel, the other Party and the [institutional body]. In case of a disagreement on compliance, the panel shall be reconvened by the complaining Party. In case of a disagreement on equivalence, the panel shall be reconvened by the responding Party. In case of disagreements on both compliance and on equivalence, the Panel shall rule on the disagreement on compliance before ruling on the disagreement on equivalence.

5. The panel shall notify its ruling to the Parties and to the [institutional body]:

- within 90 days of its request, in case of a disagreement on compliance;
- within 30 days of its request, in case of a disagreement on equivalence;
- within 120 days of its request, in case of a disagreement on both compliance and equivalence.

6. Obligations shall not be suspended until the arbitration panel has delivered its ruling, and any suspension shall be consistent with the arbitration panel ruling.

7. The suspension of obligations shall be temporary and shall be applied only until any measure found to be inconsistent with the provisions referred to in Article 14.2 has been withdrawn or amended so as to bring it into conformity with those provisions, as established under Article 14.14, or until the Parties have settled the dispute.

8. At any time, the complaining party may request the responding party to provide an offer for temporary compensation and the responding party shall present such offer.

ARTICLE 14.14: Review of any measure taken to comply after the suspension of obligations

1. The responding Party shall notify the other Party and the [institutional body] of any measure it has taken to comply with the ruling of the arbitration panel and of its request for an end to the suspension of obligations applied by the complaining Party.

2. If the Parties do not reach an agreement on the compatibility of the notified measure with the provisions referred to in Article 14.2 within 60 days of the date of receipt of the notification, the complaining Party shall request in writing the arbitration panel to rule on the matter. Such request shall be notified simultaneously to the other Party and to the [institutional body]. The arbitration panel ruling shall be notified to the Parties and to the [institutional body] within 90 days of the date of submission of the request. If the arbitration panel rules that any measure taken to comply is in conformity with the provisions referred to in Article 14.2, the suspension of obligations shall be terminated.

SECTION 4 FINAL PROVISIONS

ARTICLE 14.15: RULES OF PROCEDURE

Dispute settlement procedures under this Chapter shall be governed by the Rules of Procedure annexed to this Agreement, unless the Parties agree otherwise.

ARTICLE 14.16: PRIVATE RIGHTS

Nothing in this Agreement shall be construed as conferring rights or imposing obligations on persons other than those created between the Parties under public international law, nor as permitting this Agreement to be directly invoked in the domestic legal systems of the Parties.

No Party may provide for a right of action under its domestic law against the other Party on the ground that a measure of the other Party is inconsistent with this Agreement.

ARTICLE 14.17: MUTUALLY AGREED SOLUTIONS

The Parties may reach a mutually agreed solution to a dispute under this Chapter at any time. They shall notify the [institutional body] and the arbitration panel of any such solution. Upon notification of the mutually agreed solution, the arbitration panel shall terminate its work and the procedure shall be terminated.

RULES OF PROCEDURE AND CODE OF CONDUCT

ANNEX I

RULES OF PROCEDURE FOR ARBITRATION

GENERAL PROVISIONS

1. In [Chapter 14 (Dispute Settlement)] and under these rules:

“adviser” means a person retained by a Party to advise or assist that Party in connection with the arbitration panel proceeding;

"member" or “arbitrator” means a member of an arbitration panel established under Article 14.7;

“assistant” means a person who, under the terms of appointment of an arbitrator conducts research for or provides assistance to the member;

“complaining Party” means any Party that requests the establishment of an arbitration panel under Article 14.6;

“responding Party” means the Party that is alleged to be in violation of the provisions referred to in Article 14.2

“arbitration panel” means a panel established under Article 14.7; *[joint comment: we may revise terminology on panel and panelists at a later stage]*

“representative of a Party” means an employee or any person appointed by a government department or agency or any other public entity of a Party who represents the Party for the purposes of a dispute under this Agreement;

“day” means a calendar day, unless otherwise specified;

“legal holiday” means every Saturday and Sunday and any other day designated by a Party as a holiday for the purposes of these rules.

2. The responding Party shall be in charge of the logistical administration of dispute settlement proceedings, in particular the organisation of hearings, unless otherwise agreed. However, the Parties shall bear equally the administrative expenses of the dispute settlement proceedings as well as the remuneration and all travel, lodging and general expenses of the panellists and their assistants.

NOTIFICATIONS

3. Unless agreed otherwise, the Parties and the arbitration panel shall transmit any request, notice, written submission or other document by e-mail, with a copy submitted on the same day by facsimile transmission, registered post, courier, delivery against receipt or any other means of telecommunication that provides a record of its sending. Unless proven otherwise, an e-mail message shall be deemed to be received on the same date of its sending.

4. When communicating in writing, a Party shall provide an electronic copy of its communications to the other Party and to each of the arbitrators.

5. Before the entry into force of this Agreement, each Party shall inform the other of its designated point of contact for all notifications.

6. Minor errors of a clerical nature in any request, notice, written submission or other document related to the arbitration panel proceeding may be corrected by delivery of a new document clearly indicating the changes.

7. If the last day for delivery of a document falls on an official holiday or rest day in Canada or in the European Union, the document may be delivered on the next business day. No documents, notifications or requests of any kind shall be deemed to be received on a legal holiday.

8. [Depending on the object of the provisions under dispute, all requests and notifications addressed to the [institutional body to be defined] in accordance with [Chapter X (Dispute Settlement)] shall also be copied to the other relevant [institutional bodies]] *[EU comment: depending on the institutional set up of the agreement and of the chapter].*

COMMENCING THE ARBITRATION

9. Unless the Parties agree otherwise, they shall meet the arbitration panel within seven working days of its establishment in order to determine such matters that the Parties or the arbitration panel deem appropriate, including the remuneration and expenses to be paid to the arbitrators, which shall be in accordance with WTO standards. Remuneration for each arbitrator's assistant shall not exceed 50% of the total remuneration of that arbitrator. Members of the arbitration panel and representatives of the Parties may take part in this meeting via telephone or video conference.

10. (a) Unless the Parties agree otherwise, within five working days of the date of the selection of the arbitrators, the terms of reference of the arbitration panel shall be:

“to examine, in the light of the relevant provisions of the Agreement, the matter referred to in the request for establishment of the arbitration panel, to rule on the compatibility of the measure in question with the provisions referred to in Article 2 of [Chapter X (Dispute Settlement)] and to make a ruling in accordance with Article 8 of [Chapter X (Dispute Settlement)].”

(b) The Parties shall notify the agreed terms of reference to the arbitration panel within three working days of their agreement.

(c) The panel may rule on its own jurisdiction.

INITIAL SUBMISSIONS

11. The complaining Party shall deliver its initial written submission no later than 10 days after the date of establishment of the arbitration panel. The responding Party shall deliver its written counter-submission no later than 21 days after the date of delivery of the initial written submission.

WORKING OF ARBITRATION PANELS

12. The chairperson of the arbitration panel shall preside at all its meetings. An arbitration panel may delegate to the chairperson authority to make administrative and procedural decisions.
13. Hearings shall take place in person. Unless otherwise provided in [Chapter 14 (Dispute Settlement)] and without prejudice to paragraph 31, the arbitration panel may conduct its other activities by any means, including telephone, facsimile transmissions or computer links.
14. Only arbitrators may take part in the deliberations of the arbitration panel, but the arbitration panel may permit its assistants to be present at its deliberations.
15. The drafting of any ruling shall remain the exclusive responsibility of the arbitration panel and must not be delegated.
16. Findings, determinations and recommendations of the panel under Articles [14.9] and [14.10] should be made by consensus, but if consensus is not possible then by a majority of its members.
17. Panel members may not furnish separate opinions on matters not unanimously agreed.
18. Where a procedural question arises that is not covered by the provisions of [Chapter 14 (Dispute Settlement)] and its annexes, the arbitration panel, after consulting the Parties, may adopt an appropriate procedure that is compatible with those provisions and that ensures equal treatment between the Parties.
19. When the arbitration panel considers that there is a need to modify any time-limit applicable in the proceedings or to make any other procedural or administrative adjustment as may be required for the fairness or efficiency of the proceedings, it shall inform the Parties in writing of the reasons for the modification or adjustment and of the period or adjustment needed. The arbitration panel may adopt such modification or adjustment after having consulted the Parties.
20. Any time-limit referred to in this chapter may be modified by mutual agreement of the Parties. Upon request of a Party, the arbitration panel may modify the time-limits applicable in the proceedings.
21. The panel shall suspend its work:

at the request of the complaining Party for a period specified in the request but not to exceed 12 consecutive months, and shall resume its work at the request of the complaining Party; after it has issued its interim report or in the case of proceedings on a disagreement on equivalence under Article 14.13 or proceedings under Article 14.14, only upon the request of both Parties, for a period specified in the request, and shall resume its work at the request of either Party.

If there is no request for the resumption of the panel's work by the end of the period specified in the request for suspension, the procedure shall be terminated. The termination of the panel's work is without prejudice to the rights of either Party in another proceeding on the same matter under this Chapter.

REPLACEMENT

22. If an arbitrator is unable to participate in the proceeding, withdraws, or must be replaced, a replacement shall be selected in accordance with [Article 14.7.3].

23. Where a Party considers that an arbitrator does not comply with the requirements of the Code of Conduct and for this reason must be replaced, that Party shall notify the other Party within 15 days from the time at which it came to know of the circumstances underlying the arbitrator's material violation of the Code of Conduct.

24. Where a Party considers that an arbitrator other than the chairperson does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, replace the arbitrator and select a replacement following the procedure set out in [Article 14.7.3].

If the Parties fail to agree on the need to replace an arbitrator, any Party may request that such matter be referred to the chairperson of the arbitration panel, whose decision shall be final.

If, pursuant to such a request, the chairperson finds that an arbitrator does not comply with the requirements of the Code of Conduct, she or he shall draw a new arbitrator by lot from the names on the list referred to in [Article 14.8.1] and on which the original arbitrator was included. If the original arbitrator was chosen by the Parties pursuant to [Article 14.7] of [Chapter X (Dispute Settlement)], the replacement shall be drawn by lot from the individuals proposed by the complaining Party and by the responding Party under [Article 14.8.1]. The selection of the new arbitrator shall be made within five working days of the date of the submission of the request to the chairperson of the arbitration panel.

25. Where a Party considers that the chairperson of the arbitration panel does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, shall dismiss the chairperson and select a replacement following the procedure set out in [Article 14.7.3].

If the Parties fail to agree on the need to replace the chairperson, any Party may request that such matter be referred to the two remaining members of the arbitration panel. The decision by these persons on the need to replace the chairperson shall be final.

If these persons decide that the original chairperson does not comply with the requirements of the Code of Conduct, they shall draw a new chairperson by lot among the remaining names on the list referred to in [Article 14.8.1] to act as chairperson. The selection of the new chairperson shall be made within five working days of the date of the submission of the request referred to in this paragraph.

If these persons cannot reach a decision within 10 days of the matter being referred to them, the procedures set out in Article 14.7 shall apply.

26. The arbitration panel proceedings shall be suspended for the period taken to carry out the procedures provided for in rules 22, 23, 24 and 25.

HEARINGS

27. The chairperson shall fix the date and time of the hearing in consultation with the Parties and the other members of the arbitration panel, and confirm this in writing to the Parties. This

information shall also be made publicly available by the Party in charge of the logistical administration of the proceedings, subject to rule 40 (confidentiality).

28. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is Canada and in Ottawa if the complaining Party is the European Union.

29. As a general rule there should be only one hearing. The panel may on its own initiative or on the request of a Party convene one additional hearing when the dispute involves issues of exceptional complexity. No additional hearing shall be convened for the procedures established under Articles 14.13 and 14.14, except in the case of a disagreement on compliance and equivalence.

30. All arbitrators shall be present during the entirety of the hearing.

31. The following persons may attend the hearing, irrespective of whether the proceedings are open to the public or not:

- (a) representatives of the Parties;
- (b) advisers to the Parties;
- (c) administrative staff, interpreters, translators and court reporters; and
- (d) arbitrators' assistants.

Only the representatives of and advisers to the Parties may address the arbitration panel.

32. No later than five working days before the date of a hearing, each Party shall deliver to the arbitration panel and to the other Party a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party and of other representatives or advisers who will be attending the hearing.

33. The arbitration panel shall conduct the hearing in the following manner, ensuring that the complaining Party and the responding Party are afforded equal time:

Argument

- (a) argument of the complaining Party
- (b) argument of the responding Party

Rebuttal Argument

- (a) argument of the complaining Party
- (b) counter-reply of the responding Party

34. The arbitration panel may direct questions to either Party at any time during the hearing.

35. The arbitration panel, after having received the comments of the Parties, shall issue to the parties a final transcript of each hearing.

36. Each Party may deliver to the arbitrators and to the other Party a supplementary written submission concerning any matter that arose during the hearing within 10 working days of the date of the hearing.

QUESTIONS IN WRITING

37. The arbitration panel may at any time during the proceedings address questions in writing to one or both Parties. Each of the Parties shall receive a copy of any questions put by the arbitration panel.

38. Each Party shall also provide the other Party with a copy of its written response to the questions of the arbitration panel. Each Party shall be given the opportunity to provide written comments on the other Party's reply within five working days of the date of receipt.

TRANSPARENCY AND CONFIDENTIALITY

39 Subject to paragraph 40, each party shall make its submissions publicly available and, unless the Parties decide otherwise, the hearings of the arbitration panel shall be open to the public.

40. The arbitration panel shall meet in closed session when the submission and arguments of a Party contain confidential business information. The Parties shall maintain the confidentiality of the arbitration panel hearings where the hearings are held in closed session. Each Party and its advisers shall treat as confidential any information submitted by the other Party to the arbitration panel which that Party has designated as confidential. Where a Party's submission to the arbitration panel contains confidential information, that Party shall also provide, within 15 days, a non-confidential version of the submission that could be disclosed to the public.

EX PARTE CONTACTS

41. The arbitration panel shall not meet or contact a Party in the absence of the other Party.

42. No member of the arbitration panel may discuss any aspect of the subject matter of the proceedings with a Party or the Parties in the absence of the other arbitrators.

INFORMATION AND TECHNICAL ADVICE

43. On request of a disputing Party, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, subject to any terms and conditions agreed by the Parties. Any information obtained in this manner must be disclosed to each Party and submitted for their comments.

AMICUS CURIAE SUBMISSIONS

44. Non-governmental persons established in a Party may submit amicus curiae briefs to the arbitration panel in accordance with the following paragraphs.

45. Unless the Parties agree otherwise within five days of the date of the establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions, provided that they are made within 10 days of the date of the establishment of the arbitration panel, and in no

case longer than 15 typed pages, including any annexes, and that they are directly relevant to the issue under consideration by the arbitration panel.

46. The submission shall contain a description of the person making the submission, whether natural or legal, including the nature of that person's activities and the source of that person's financing, and specify the nature of the interest that that person has in the arbitration proceeding. It shall be drafted in the languages chosen by the Parties in accordance with Rules 49 and 50 of these Rules of Procedure.

47. The arbitration panel shall list in its ruling all the submissions it has received that conform to the above rules. The arbitration panel shall not be obliged to address in its ruling the arguments made in such submissions. The arbitration panel shall submit to the Parties for their comments any submission it obtains under this rule.

URGENT CASES

48. In cases of urgency referred to in Article 14.10.4, the arbitration panel, after consulting the Parties, shall adjust the time limits referred to in these rules as appropriate and shall notify the Parties of such adjustments.

TRANSLATION AND INTERPRETATION

49. During the consultations referred to in Article 14.7.2, and no later than the meeting referred to in Rule 9 of these Rules of Procedure, the Parties shall endeavour to agree on a common working language for the proceedings before the arbitration panel.

50. If the Parties are unable to agree on a common working language, each Party shall arrange for and bear the costs of the translation of its written submissions into the language chosen by the other Party. The responding Party shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.

51. Arbitration panel rulings shall be issued in the language or languages chosen by the Parties.

52. Any costs incurred for translation of an arbitration ruling into the language or languages chose by the Parties shall be borne equally by the Parties.

53. A Party may provide comments on the accuracy of the translation of any translated version of a document drawn up in accordance with these rules.

CALCULATION OF TIME-LIMITS

54. All time-limits laid down in this chapter including the limits for the arbitration panels to notify their rulings, shall be counted in calendar days from the day following the act or fact to which they refer, unless otherwise specified.

55. Where, by reason of the application of rule 7 of these Rules of Procedure, a Party receives a document on a date other than the date on which this document is received by the other Party, any period of time that is calculated on the basis of the date of receipt of that document shall be calculated from the last date of receipt of that document.

OTHER PROCEDURES

56. These Rules of Procedure are also applicable to procedures established under Articles 14.13 and 14.14. However, the time-limits laid down in these Rules of Procedure shall be adjusted in line with the special time-limits provided for the adoption of a ruling by the arbitration panel in those other procedures.

57. In the event of the original panel, or some of its members, being unable to reconvene for the procedures established under Article 14.13 and 14.14, the procedures set out in Article 14.7. The time limit for the notification of the ruling shall be extended by 15 days.

ANNEX II

CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS AND MEDIATORS DEFINITIONS

1. In this Code of Conduct:

- (a) "member" or "arbitrator" means a member of an arbitration panel effectively established under [Article 14.7];
- [(b) "mediator" means a person who conducts a mediation in accordance with [Article 14.5];]
- (c) "candidate" means an individual whose name is on the list of arbitrators referred to in Article [14.8] and who is under consideration for selection as a member of an arbitration panel under Article 14.7];
- (d) "assistant" means a person who, under the terms of appointment of a member, conducts, researches or provides assistance to the member;
- (e) "proceeding", unless otherwise specified, means an arbitration panel proceeding under [Chapter 14 (Dispute Settlement)];
- (f) "staff", in respect of a member, means persons under the direction and control of the member, other than assistants.

RESPONSIBILITIES TO THE PROCESS

2. Every candidate and member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former members must comply with the obligations established in paragraphs 16, 17, 18 and 19 of this Code of Conduct.

DISCLOSURE OBLIGATIONS

3. Prior to confirmation of her or his selection as a member of the arbitration panel under [Chapter 14 (Dispute Settlement)], a candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.
4. Without limiting the generality of the foregoing, candidates shall disclose the following interests, relationships and matters:
- (1) any financial interest of the candidate:
 - (a) in the proceeding or in its outcome, and
 - (b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;

- (2) any financial interest of the candidate's employer, partner, business associate or family member
 - (a) in the proceeding or in its outcome, and
 - (b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;
- (3) any past or existing financial, business, professional, family or social relationship with any interested parties in the proceeding, or their counsel, or any such relationship involving a candidate's employer, partner, business associate or family member; and
- (4) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same goods.

5. A candidate or member shall communicate matters concerning actual or potential violations of this Code of Conduct only to the [institutional body to be defined] for consideration by the Parties.

6. Once selected, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 of this Code of Conduct and shall disclose them. The disclosure obligation is a continuing duty which requires a member to disclose any such interests, relationships or matters that may arise during any stage of the proceeding. The member shall disclose such interests, relationships or matters by informing the [institutional body to be defined], in writing, for consideration by the Parties.

DUTIES OF MEMBERS

- 7. Upon selection a member shall be available to perform and shall perform her or his duties thoroughly and expeditiously throughout the course of the proceeding, and with fairness and diligence.
- 8. A member shall consider only those issues raised in the proceeding and necessary for a ruling and shall not delegate this duty to any other person.
- 9. A member shall take all appropriate steps to ensure that his or her assistant and staff are aware of, and comply with, paragraphs 2, 3, 4, 5, 6, 17, 18 and 19 of this Code of Conduct.
- 10. A member shall not engage in ex parte contacts concerning the proceeding.

INDEPENDENCE AND IMPARTIALITY OF MEMBERS

11. A member must be independent and impartial and avoid creating an appearance of impropriety or bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, and loyalty to a Party or fear of criticism.

12. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of her or his duties.

13. A member may not use her or his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence her or him.

14. A member may not allow financial, business, professional, family or social relationships or responsibilities to influence her or his conduct or judgement.

15. A member must avoid entering into any relationship or acquiring any financial interest that is likely to affect her or his impartiality or that might reasonably create an appearance of impropriety or bias.

OBLIGATIONS OF FORMER MEMBERS

16. All former members must avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decision or ruling of the arbitration panel.

CONFIDENTIALITY

17. No member or former member shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding except for the purposes of that proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others.

18. A member shall not disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with [Chapter 14 (Dispute Settlement)].

19. A member or former member shall not at any time disclose the deliberations of an arbitration panel, or any member's view.

EXPENSES

20. Each member shall keep a record and render a final account of the time devoted to the procedure and of her or his expenses as well as the time and expenses of his or her assistant.

MEDIATORS

21. The disciplines described in this Code of Conduct as applying to members or former members shall apply, *mutatis mutandis*, to mediators.

ANNEX III

MEDIATION PROCEDURE

ARTICLE 1: OBJECTIVE

1. The objective of this Annex is to facilitate the finding of a mutually agreed solution through a comprehensive and expeditious procedure with the assistance of a mediator.

SECTION A MEDIATION PROCEDURE

ARTICLE 2: INITIATION OF THE PROCEDURE

1. A Party may request, at any time, that the Parties enter into a mediation procedure. Such request shall be addressed to the other Party in writing. The request shall be sufficiently detailed to present clearly the concerns of the requesting Party and shall:

identify the specific measure at issue;
provide a statement of the alleged adverse effects that the requesting Party believes the measure has, or will have, on trade or investment between the Parties; and
explain how the requesting Party considers that those effects are linked to the measure.

2. The mediation procedure may only be initiated by mutual agreement of the Parties. When a Party requests mediation pursuant to paragraph 1, the other Party shall give good faith consideration to the request and reply in writing within 10 days of receiving it.

ARTICLE 3: SELECTION OF THE MEDIATOR

1. Upon launch of the mediation procedure, the Parties shall agree on a mediator, if possible, no later than 15 days after the receipt of the reply to the request.

2. A mediator shall not be a citizen of either party, unless the parties agree otherwise.

3. The mediator shall assist, in an impartial and transparent manner, the Parties in bringing clarity to the measure and its possible trade effects, and in reaching a mutually agreed solution. The [code of conduct of the dispute settlement chapter] shall apply to mediators. Rules 3 through 8 (notifications) and 49 through 55 (translation and calculation of time limits) of the [Rules of Procedure of the Dispute Settlement Chapter] shall also apply, *mutatis mutandis*.

ARTICLE 4: RULES OF THE MEDIATION PROCEDURE

1. Within 10 days after the appointment of the mediator, the Party having invoked the mediation procedure shall present, in writing, a detailed description of the problem to the mediator and to the other Party, in particular of the operation of the measure at issue and its trade effects. Within 20 days after the date of delivery of this submission, the other Party may provide, in writing, its comments to the description of the problem. Either Party may include in its description or comments any information that it deems relevant.

2. The mediator may decide on the most appropriate way of bringing clarity to the measure concerned and its possible trade-related impact. In particular, the mediator may organize meetings between the Parties, consult the Parties jointly or individually, seek the assistance of or consult with relevant experts⁶⁸ and stakeholders and provide any additional support requested by the parties. However, before seeking the assistance of or consulting with relevant experts and stakeholders, the mediator shall consult with the Parties.

3. The mediator may offer advice and propose a solution for the consideration of the Parties which may accept or reject the proposed solution or may agree on a different solution. However, the mediator shall not advise or give comments on the consistency of the measure at issue with this Agreement.

4. The procedure shall take place in the territory of the Party to which the request was addressed, or by mutual agreement in any other location or by any other means.

5. The parties shall endeavour to reach a mutually agreed solution within 60 days from the appointment of the mediator. Pending a final agreement, the parties may consider possible interim solutions, especially if the measure relates to perishable goods.

6. The solution may be adopted by means of a decision of the [FTA joint body]. Either Party may make such solution subject to the completion of any necessary internal procedures. Mutually agreed solutions shall be made publicly available. However, the version disclosed to the public may not contain any information that a Party has designated as confidential.

7. On request of the Parties, the mediator shall issue to the parties, in writing, a draft factual report, providing a brief summary of (1) the measure at issue in these procedures; (2) the procedures followed; and (3) any mutually agreed solution reached as the final outcome of these procedures, including possible interim solutions. The mediator shall provide the parties 15 days to comment on the draft report. After considering the comments of the parties submitted within the period, the mediator shall submit, in writing, a final factual report to the parties within 15 days. The factual report shall not include any interpretation of this Agreement.

⁶⁸ Neither Party may object to an expert being consulted in a dispute settlement proceeding under this Chapter or under the WTO Agreement solely on the ground that the expert has been consulted under this paragraph.

8. The procedure shall be terminated:

by the adoption of a mutually agreed solution by the Parties, on the date of adoption.

by a written declaration of the mediator, after consultation with the Parties, that further efforts at mediation would be to no avail;

by a written declaration of a Party after exploring mutually agreed solutions under the mediation procedure and after having considered any advice and proposed solutions by the mediator. Such declaration may not be issued before the period set out in Article 4.5 has expired; or

at any stage of the procedure by mutual agreement of the Parties.

SECTION B IMPLEMENTATION

ARTICLE 5: IMPLEMENTATION OF A MUTUALLY AGREED SOLUTION

1. Where the Parties have agreed to a solution, each Party shall take the measures necessary to implement the mutually agreed solution within the agreed timeframe.
2. The implementing Party shall inform the other Party in writing of any steps or measures taken to implement the mutually agreed solution.

SECTION C GENERAL PROVISIONS

ARTICLE 6: CONFIDENTIALITY AND RELATIONSHIP TO DISPUTE SETTLEMENT

1. Unless the Parties agree otherwise, and without prejudice to Article 4(6), all steps of the procedure, including any advice or proposed solution, are confidential. However, any Party may disclose to the public that mediation is taking place. The obligation of confidentiality does not extend to factual information already existing in the public domain.
2. The mediation procedure is without prejudice to the Parties' rights and obligations under the provisions on Dispute Settlement in this Agreement or any other agreement.
3. Consultations under the Dispute Settlement Chapter are not required before initiating the mediation procedure. However, a Party should normally avail itself of the other relevant

cooperation or consultation provisions in this Agreement before initiating the mediation procedure.

4. A Party shall not rely on or introduce as evidence in other dispute settlement procedures under this Agreement or any other agreement, nor shall a panel take into consideration:

positions taken by the other Party in the course of the mediation procedure or information gathered under Article 4.2;

the fact that the other Party has indicated its willingness to accept a solution to the measure subject to mediation; or

advice given or proposals made by the mediator.

5. A mediator may not serve as a panellist in a dispute settlement proceeding under this Agreement or under the WTO Agreement involving the same matter for which he or she has been a mediator.

ARTICLE 7: TIME LIMITS

Any time limit referred to in this Annex may be modified by mutual agreement between the Parties.

ARTICLE 8: COSTS

1. Each Party shall bear its costs of participation in the mediation procedure.

2. The Parties shall share jointly and equally the costs of organisational matters, including the remuneration and expenses of the mediator. Remuneration of the mediator shall be in accordance with that of the Chairperson of an arbitration Panel in [Rule 9 of the Rules of Procedure]

ARTICLE 9: REVIEW

Five years after the date of entry into force of this Agreement, the Parties shall consult each other on the need to modify the mediation mechanism in light of the experience gained and the development of any corresponding mechanism in the WTO.

34. FINAL PROVISIONS**FINAL PROVISIONS****Article X.01: Annexes, Appendices and Footnotes**

The Annexes, Appendices, Protocols and footnotes to this Agreement constitute integral parts of this Agreement.

Article X.02: Amendments

The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force after the Parties exchange written notifications certifying that they have completed their respective applicable internal requirements and procedures, on such date as the Parties may agree.

The Trade Committee may decide to amend the Annexes, Appendices, Protocols and Notes of this Agreement. The Parties may approve the decision subject to their respective applicable internal requirements and procedures. The decision shall enter into force on such date as the Parties may agree.

Article X.03: Preference Utilization

For a period of 10 years after the entry into force of this Agreement, the parties shall exchange quarterly figures at the tariff line level for HS chapters 1 to 97, on imports of goods from the other Party that are subject to i) MFN-applied tariff rates, and ii) tariff preferences under this Agreement. This period will be renewed by 5 years unless the Parties jointly decide otherwise. After that, the period may be further extended by mutual agreement of the Parties.

Article X.04: Current account

The Parties shall authorise, in freely convertible currency and in accordance with the provisions of Article VIII of the Articles of the Agreement of the International Monetary Fund, any payments on the current account of the balance of payments between the Parties.

Article X.05: Movement of Capital

The Parties shall consult each other with a view to facilitating the movement of capital between them by continuing the implementation of their policies regarding the liberalisation of the capital and financial account, supporting a stable and secure framework for long term investment.

[Article X.06: Entry into Force]

1. The Parties shall approve this Agreement in accordance with their own procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the Parties have notified each other that the procedures referred to in the first paragraph have been completed. The Parties may by mutual agreement fix another date.
3. (a) This Agreement shall be provisionally applied from the first day of the month following the date on which the parties have notified each other that their respective relevant procedures have been completed. The Parties may by mutual agreement fix another date.

(b) If a Party cannot provisionally apply certain provisions of this Agreement, it shall so notify the other Party. If the other Party objects to this notification, the Agreement shall not be provisionally applied. If the other Party does not object to this notification within 10 days, the provisions of this Agreement which have not been notified by either Party shall be provisionally applied by both Parties from the first day of the month following this notification, provided the Parties have exchanged notifications under sub-paragraph (a).

(c) The provisional application of the Agreement may be terminated by written notice of either Party. Such termination shall take effect on the first day of the second month following notification.

(d) If this Agreement, or certain provisions thereof, is provisionally applied, the term “entry into force of this Agreement” shall be understood to mean the date of provisional application. The [Trade Committee] and other bodies established by this Agreement may exercise their functions during the provisional application of the Agreement. If the provisional application of the Agreement is terminated under sub-paragraph (c), any decisions adopted in the exercise of these functions will cease to be effective.
4. The Parties shall submit notifications under this article to the General Secretariat of the Council of the European Union and Canada's Department of Foreign Affairs, Trade and Development or their respective successors.]

Article X.07: Relationship with Other Agreements

1. This Agreement replaces the agreements between Member States of the European Union and Canada listed in Annex (Y). The provisions of such agreements shall cease to apply from the date of entry into force of this Agreement.
2. In the event of the provisional application in accordance with [paragraph 3(a) of Article X:06 (Entry into Force)] of this Agreement, the application of the provisions of the agreements listed in Annex (Y), as well as the rights and obligations derived therefrom, shall be suspended as of the date of provisional application. In the event the provisional application of this Agreement is terminated, the suspension shall cease and the agreements listed in Annex Y shall have effect.

3. Notwithstanding paragraphs 1 and 2, a claim may be submitted pursuant to the provisions of an agreement listed in Annex (Y), regarding treatment accorded while the said agreement was in force, pursuant to the rules and procedures established in the agreement, and provided that no more than three (3) years have elapsed since the date of suspension of the agreement pursuant to paragraph 2 or, if the agreement is not suspended pursuant to paragraph 2, the date of entry into force of this Agreement.

4. Notwithstanding paragraphs 1 and 2, if the provisional application of this Agreement is terminated and it does not enter into force, a claim may be submitted pursuant to the provisions of this Agreement, regarding any matter arising during the period of the provisional application of this Agreement, pursuant to the rules and procedures established in this Agreement, and provided no more than three (3) years have elapsed since the date of termination of the provisional application.

5. For the purposes of this Article, the definition of “entry into force of this Agreement” provided for in [paragraph 3(d) of Article X.06 (Entry into Force)] shall not apply.

Article X.08: Termination

1. This Agreement may be terminated by either Party by giving notice in writing under this article to the General Secretariat of the Council of the European Union and Canada's Department of Foreign Affairs, Trade and Development or their respective successors. It shall cease to be in force 6 months after the date of the notice. The Party giving a notice of termination shall also provide the Joint Committee with a copy of the notice.

2. Notwithstanding paragraph 1, in the event that the present Agreement is terminated, the provisions of [Chapter X Investment] shall continue to be effective for a further period of 20 years from that date in respect of investments made before the date of termination of the present Agreement. This paragraph shall not apply in the case of the provisional application of this Agreement.

Article X.09: Accession of new Member States of the European Union

1. The EU shall notify Canada of any request by a state for accession to the EU.

2. During the negotiations between the EU and the state seeking accession, the EU shall:

provide, upon request of Canada, and to the extent possible, any information regarding any matter covered by this Agreement; and

take into account any concerns expressed by Canada;

3. The EU shall notify Canada of the entry into force of any accession to the EU.

4. Sufficiently in advance of the date of accession of a state to the EU, the Joint Committee shall examine any effects of such accession on this Agreement and shall decide on any necessary adjustment or transition measures.

[5. For matters within its competence, any new Member State of the EU shall accede to this Agreement from the date of its accession to the EU by means of a clause to that effect in the act of accession to the EU. If the act of accession to the EU does not provide for such automatic accession of the EU Member State to this Agreement, the EU Member State concerned shall accede to this agreement by depositing an act of accession to this agreement with the General Secretariat of the Council of the European Union and Canada's Department of Foreign Affairs, Trade and Development, or their respective successors.]

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at _____, this _____ day of 20XX in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish languages, each version being equally authentic.

For Canada

For the EU

ANNEX (Y)
**LIST OF EU MEMBER STATES BILATERAL INVESTMENT TREATIES WITH
CANADA**

Agreement between the Government of the Republic of Croatia and the Government of Canada for the Promotion and Protection of Investments - signed on 03/02/1997.

Agreement between the Czech Republic and Government of Canada for the Promotion and Protection of Investments - signed on 06/05/2009.

Agreement between the Government of the Republic of Hungary and the Government of Canada for the Promotion and Reciprocal Protection of Investments - signed on 03/10/1991.

Agreement between the Government of the Republic of Latvia and the Government of Canada for the Promotion and Protection of Investments - signed on 05/05/2009.

Foreign Investment Insurance Agreement between Canada and Malta – signed on 24/05/1982.

Agreement between the Government of the Republic of Poland and the Government of Canada for the Reciprocal Promotion and Protection of Investments - signed on 06/04/1990.

Agreement between the Government of Romania and the Government of Canada for the Promotion and Reciprocal protection of investments – signed on 08/05/2009.

Agreement between the Slovak Republic and the Government of Canada for the Promotion and Protection of Investments - signed on 20/07/2010.

35. SERVICES AND INVESTMENT

Note: Services and Investment Reservations are attached separately

36. Joint Declarations Concerning the Principality of Andorra and the Republic of San Marino

JOINT DECLARATION concerning the Principality of Andorra

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonized System shall be accepted by Canada as originating in the EU within the meaning of this Agreement, provided that the customs union established by the Council Decision of 26 November 1990 on the conclusion of an agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra remains in force.
2. The [Protocol/Chapter] on Rules of Origin shall apply *mutatis mutandis* for the purpose of defining the originating status of the above-mentioned products.

JOINT DECLARATION concerning the Republic of San Marino

1. Products originating in the Republic of San Marino shall be accepted by Canada as originating in the EU within the meaning of this Agreement, provided that the Agreement on Cooperation and Customs Union of 16 December 1991 concluded between the European Economic Community and the Republic of San Marino remains in force.
2. The [Protocol/Chapter] on Rules of Origin shall apply *mutatis mutandis* for the purpose of defining the originating status of the above-mentioned products.
3. Paragraph 1 does not apply to products that were covered by the *Treaty establishing the European Coal and Steel Community*.

37. Declarations on TRQ Administration

DECLARATION ON TARIFF RATE QUOTA ADMINISTRATION

EU TRQ administration for beef, veal and pork under CETA:

General overall principle that tariff quota administration should be as conducive to trade as possible. More specifically, it must not impair or nullify the market access commitments negotiated by Parties, it must be transparent, predictable, minimize transactional costs for traders, maximize fill rates and aim to avoid potential speculation.

1. Structure of Import Licensing System

A Quarterly sub periods with carryover between periods for unused quantities

In each of the four quarters of the marketing year, 25% of the annual TRQ volume will be made available for license applications.

Any quantities remaining available at the end of one quarter will be automatically rolled over into the subsequent period until the end of the marketing year.

B Application period for import licenses

Applications for import licenses will be accepted up to 45 calendar days preceding the beginning of each quarter and import licenses shall be issued no less than 30 calendar days before the quarter begins.

Should demand for licenses during the application period exceed the quantities available for that quarter, licences will be attributed on a prorata basis.

Should the available quantity for any quarter not be fully subscribed during the application period, then the remaining quantity will be made available for eligible applicants to apply for on demand for the rest of that quarter. Import licenses will be issued automatically on demand until the available quantity has been fully subscribed for that period.

C Validity of licenses

Import licenses will be valid for 5 months from the date of the beginning of the quarter for which the import license is issued, or the date of issue, whichever is later, and up to the end of the marketing year

Import licenses may be used at any EU customs entry point and for multiple shipments.

2. Eligibility Criteria:

The eligibility criteria/allocation method should result in the quota going to those that are most likely to use it and must not create barriers to imports.

For the application period, eligible applicants would include historical importers of beef, bison and veal for beef imports and beef, bison, veal and pork for pork imports.

In any quarter following the application period when licenses are made available on demand the eligible applicants criteria will be expanded to include wholesalers and accredited meat processors (establishments approved under EC Reg 853/2004 or equivalent).

3. Securities:

A Securities tied to import licenses applications

A security of not more than 95 euro per tonne of beef and 65 euro per tonne of pork will be lodged with the application for a license.

B Transfer of license and corresponding security

Unused license shall not be transferred.

C Return of license and corresponding security

Unused license quantities may be returned before expiration and up to 4 months prior to the end of the marketing year. Each license holder may return up to 30% of their individual license quantity. When such a quantity is returned, 60% of the corresponding security is released.

All returned quantities will be immediately made available to other eligible applicants to apply for on demand for the rest of that quarter, and will be rolled-over to subsequent quarters if not requested.

D Release of Security and release of full security when 95% of imports occur

Securities shall be proportionally released each time physical imports have taken place.

- o Once 95% of an importer's individual license quantity is physically imported the full security shall be released.

DECLARATION ON TARIFF RATE QUOTA ADMINISTRATION**CANADIAN TRQ Administration for cheese under CETA**

General overall principle that tariff quota administration should be as conducive to trade as possible. More specifically, it must not impair or nullify the market access commitments negotiated by Parties, it must be transparent, predictable, minimize transactional costs for traders, maximize fill rates and aim to avoid potential speculation.

The eligibility criteria/allocation method should result in the quota going to those that are most likely to use it and must not create barriers to imports.

Structure of Import Licensing system

The annual TRQ access quantity will be allocated each year amongst eligible applicants.

The TRQ allocation method will allow for new entrants each year. During the implementation period, at least 30% of the TRQ will be available to new entrants every year. After that period, at least 10% of the TRQ access quantity will be available for new entrants.

The TRQ will be allocated on a calendar year basis. Applications from all interested parties will be received and processed according to the provisions of the Bali Declaration, with a period of four to six weeks to submit applications. Imports will be able to start from the first day of the year.

In the event that the TRQ is not fully allocated following the application process, available quantities will immediately be offered to eligible applicants on the basis of a prorata of their allocation, or on demand if quantities still remain after the first offer.

Eligibility criteria

To be eligible, an applicant would at a minimum have to be a Canadian resident and be active in the Canadian cheese sector regularly during the year.

During the implementation period, a new entrant would be an eligible applicant who is not an allocation holder under Canada's WTO cheese TRQ.

After that period, a new entrant would be an eligible applicant who is not an allocation holder under Canada's WTO cheese TRQ or did not receive an allocation of the CETA TRQ in the preceding year. A new entrant would be considered as such for a period of three years.

Once an applicant is no longer considered to be a "new entrant", he would be treated on an equal footing as all other applicants.

Canada may consider capping the size of the allocations to a specific percentage if it is deemed necessary to foster a competitive, fair, and balanced import environment.

Use of import allocations and Import permits

Allocations will be valid for a year (from January 1 to December 31).

To ensure that imports are aligned with domestic market conditions and to minimize barriers to trade, allocation holders will normally be free to use their allocation to import any product covered by the TRQ at any time during the year.

On the basis of their allocation, importers will submit an import permit request for each shipment of product covered by the TRQ that they wish to bring into Canada. Import permits are normally issued automatically upon request through the Government of Canada electronic permitting system. Under current policies, import permits may be requested up to 30 days before the planned date of entry and are valid for a period of five days before and 25 days from the date of entry. Permits are not transferable. Permits may be amended and/or cancelled.

Transfers of allocations may be authorized.

A company that uses less than 95% of its allocation in any one year may be subject to an underutilization penalty in the next year, whereby it will receive an allocation which reflects the actual level of use. Those companies affected will be advised prior to the final allocation of the TRQ.

Allocation holders will be able to return any unused portion of their allocation up to a given date. Returned quantities are considered used for the purpose of the application of the underutilization penalty. Chronic returns may be penalized.

Returned quantities will normally be made available to interested allocation holders who have not returned the day after the return deadline. If quantities remain after that, they may be offered to other interested parties.

The return deadline will be set at a date that is early enough to give sufficient time for use of the returned quantities, while being late enough to allow allocation holders to establish their import needs until the end of the year (potentially around the middle of the quota year).

38. Declaration Concerning Rules of Origin for Textiles and Apparel

Canada-EU Declaration

Concerning Rules of Origin for Textiles and Apparel

[To be appended to the CETA]

Under this agreement, trade in textiles and apparel between the Parties is based on the principle that double transformation confers origin, as reflected in Annex 1 (Product-Specific Rules of Origin).

Nevertheless, for a number of reasons, including the absence of a negative cumulative effect on EU producers, the Parties have agreed, by derogation, to limited, reciprocal origin quotas to the otherwise applicable CETA rules of origin for textiles and apparel. The origin quotas are expressed in terms of volumes classified by product category, and includes considering dyeing as equivalent to printing, for a limited and clearly identified range of product categories. The Parties hereby affirm that the origin quotas, which have an exceptional character, will be applied in strict adherence to the CETA Rules of Origin Protocol.

39. Declaration by Canada on the ICA

“Upon implementation of the Canada-European Union Comprehensive Economic and Trade Agreement (“CETA”), Canada will increase the threshold for review under the *Investment Canada Act* (“ICA”) to CAD \$1.5 billion.

Any future amendments to the *ICA* would be subject to the requirement that such amendments could not decrease the conformity of the *ICA* with CETA investment obligations.

As set out in Canada's ICA reservation, the higher threshold will apply to an acquisition of a Canadian enterprise by a EU investor that is not a state enterprise. The determination of whether the acquirer is an EU investor would be based on whether an EU national controls the acquirer in law, or in the absence of a majority ownership, whether EU nationals control the acquirer in fact such as through the ownership of voting interests or the nationality of members of the board of directors. Moreover EU enterprises that are controlled by nationals from Canada's existing FTA partners with which Canada has taken investment commitments would also benefit from the higher threshold.

Canada will be amending its *ICA* to provide for changes necessary to provide for the higher review threshold upon entry into force of the CETA.”

40. Joint Declaration

Joint Declaration

1. The European Union recalls the obligations of those states that have established a Customs Union with the European Union to align their trade regime to the one of the European Union, and for certain of them, to conclude preferential agreements with countries having preferential agreements with the European Union.

2. In this context, Canada shall endeavour to start negotiations with those states which as of the date of entry into force of this Agreement

- a) have established a Customs Union with the EU, and
- b) whose products do not benefit from the tariff concessions under this Agreement,

with a view to concluding a comprehensive bilateral agreement establishing a free trade area in accordance with the relevant WTO provisions on goods and services provided that those states are willing to negotiate an ambitious and comprehensive agreement comparable to CETA in scope and ambition. Canada shall endeavour to start negotiations as soon as possible with a view to having such agreement enter into force as quickly as possible after the entry into force of this Agreement.

41. Declaration on Wines and Spirits

Declaration on Wine and Spirits:

Canada and the European Union acknowledge the effort and progress that has been made on Wines and Spirits in the context of the CETA negotiations. These efforts have led to mutually agreed solutions on a number of issues of high importance.

Parties agree to discuss through the appropriate mechanisms, without delay and in view to find mutually agreed solutions, any other issue of concern related to Wines and Spirits, and notably the EU's desire to seek the elimination of the differentiation of provincial mark-ups applied on domestic wines and wines bottled in Canada in private wine outlets.

At the end of the fifth year following the entry into force of this agreement, Parties agree to review the progress made on the elimination of the differentiation referred to in the previous paragraph, based on the examination of all developments in the sector, including the consequences of any granting to third parties of a more favourable treatment in the framework of other trade negotiations involving Canada.

42. Understanding on Courier Services

Understanding on article 1, paragraph 2 (e) of Chapter XX on Cross-border Trade in Services and article 1, paragraph 2 (a) of Chapter XX on Investment

The Parties confirm that courier services are subject to the provisions of Chapter XX on Cross-border Trade in Services and Chapter XX on Investment, subject to applicable reservations as set out in the Parties' schedules. For greater certainty, this does not include the grant of air traffic rights to courier service suppliers. Such rights are subject to the *Agreement on Air Transport between Canada and the European Community and its Member States*.of other trade negotiations involving Canada.

Canada's Negative List Tariff Schedule				
Tariff Item	Description	Base Rate	Staging Category	Note
01051122	Broilers for domestic production: Over access commitment	238% but not less than 30.8¢ each	E	SSG
01059492	Other: Over access commitment	238% but not less than \$1.25/kg	E	SSG
01059912	Turkeys: Over access commitment	154.5% but not less than \$1.60/kg	E	SSG
02071192	Other: Over access commitment	238% but not less than \$1.67/kg	E	SSG
02071292	Other: Over access commitment	238% but not less than \$1.67/kg	E	SSG
02071392	Other: Over access commitment, bone in	249% but not less than \$3.78/kg	E	SSG
02071393	Other: Over access commitment, boneless	249% but not less than \$6.74/kg	E	SSG
02071422	Livers: Over access commitment	238% but not less than \$6.45/kg	E	SSG
02071492	Other: Over access commitment, bone in	249% but not less than \$3.78/kg	E	SSG
02071493	Other: Over access commitment, boneless	249% but not less than \$6.74/kg	E	SSG
02072412	Canner pack: Over access commitment	154.5% but not less than \$2.11/kg	E	SSG
02072492	Other: Over access commitment	154.5% but not less than \$1.95/kg	E	SSG
02072512	Canner pack: Over access commitment	154.5% but not less than \$2.11/kg	E	SSG
02072592	Other: Over access commitment	154.5% but not less than \$1.95/kg	E	SSG
02072620	Over access commitment, bone in	165% but not less than \$2.94/kg	E	SSG
02072630	Over access commitment, boneless	165% but not less than \$4.82/kg	E	SSG
02072712	Livers: Over access commitment	154.5% but not less than \$4.51/kg	E	SSG
02072792	Other: Over access commitment, bone in	165% but not less than \$2.94/kg	E	SSG
02072793	Other: Over access commitment, boneless	165% but not less than \$4.82/kg	E	SSG
02090022	Poultry fat: Fat of fowls of the species Gallus domesticus, over access commitment	249% but not less than \$6.74/kg	E	SSG
02090024	Poultry fat: Fat of turkeys, over access commitment	165% but not less than \$4.82/kg	E	SSG
02109912	Meat of poultry: Of fowls of the species Gallus domesticus, over access commitment, bone in	249% but not less than \$5.81/kg	E	SSG
02109913	Meat of poultry: Of fowls of the species Gallus domesticus, over access commitment, boneless	249% but not less than \$10.36/kg	E	SSG
02109915	Meat of poultry: Of turkeys, over access commitment, bone in	165% but not less than \$3.67/kg	E	SSG

02109916	Meat of poultry: Of turkeys, over access commitment, boneless	165% but not less than \$6.03/kg	E	SSG
04011020	Over access commitment	241% but not less than \$34.50/hl	E	SSG
04012020	Over access commitment	241% but not less than \$34.50/hl	E	SSG
04013020	Over access commitment	292.5% but not less than \$2.48/kg	E	SSG
04021020	Over access commitment	201.5% but not less than \$2.01/kg	E	SSG
04022112	Milk: Over access commitment	243% but not less than \$2.82/kg	E	SSG
04022122	Cream: Over access commitment	295.5% but not less than \$4.29/kg	E	SSG
04022912	Milk: Over access commitment	243% but not less than \$2.82/kg	E	SSG
04022922	Cream: Over access commitment	295.5% but not less than \$4.29/kg	E	SSG
04029120	Over access commitment	259% but not less than 78.9¢/kg	E	SSG
04029920	Over access commitment	255% but not less than 95.1¢/kg	E	SSG
04031020	Over access commitment	237.5% but not less than 46.6¢/kg	E	SSG
04039012	Powdered buttermilk: Over access commitment	208% but not less than \$2.07/kg	E	SSG
04039092	Other: Over access commitment	216.5% but not less than \$2.15/kg	E	SSG
04041022	Powdered whey: Over access commitment	208% but not less than \$2.07/kg	E	SSG
04041090	Other	11%	C	
04049020	Over access commitment	270% but not less than \$3.15/kg	E	SSG
04051020	Over access commitment	298.5% but not less than \$4.00/kg	E	SSG
04052020	Over access commitment	274.5% but not less than \$2.88/kg	E	SSG
04059020	Over access commitment	313.5% but not less than \$5.12/kg	E	SSG
04061010	Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04061020	Over access commitment	245.5% but not less than \$4.52/kg	E	SSG
04062011	Cheddar and Cheddar types: Within access commitment	2.84¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04062012	Cheddar and Cheddar types: Over access commitment	245.5% but not less than \$3.58/kg	E	SSG
04062091	Other: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04062092	Other: Over access commitment	245.5% but not less than \$5.11/kg	E	SSG
04063010	Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04063020	Over access commitment	245.5% but not less than \$4.34/kg	E	SSG

04064010	Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04064020	Over access commitment	245.5% but not less than \$5.33/kg	E	SSG
04069011	Cheddar and Cheddar types: Within access commitment	2.84¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069012	Cheddar and Cheddar types: Over access commitment	245.5% but not less than \$3.53/kg	E	SSG
04069021	Camembert and Camembert types: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069022	Camembert and Camembert types: Over access commitment	245.5% but not less than \$5.78/kg	E	SSG
04069031	Brie and Brie types: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069032	Brie and Brie types: Over access commitment	245.5% but not less than \$5.50/kg	E	SSG
04069041	Gouda and Gouda types: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069042	Gouda and Gouda types: Over access commitment	245.5% but not less than \$4.23/kg	E	SSG
04069051	Provolone and Provolone types: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069052	Provolone and Provolone types: Over access commitment	245.5% but not less than \$5.08/kg	E	SSG
04069061	Mozzarella and Mozzarella types: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069062	Mozzarella and Mozzarella types: Over access commitment	245.5% but not less than \$3.53/kg	E	SSG
04069071	Swiss/Emmental and Swiss/Emmental types: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069072	Swiss/Emmental and Swiss/Emmental types: Over access commitment	245.5% but not less than \$4.34/kg	E	SSG
04069081	Gruyère and Gruyère types: Within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069082	Gruyère and Gruyère types: Over access commitment	245.5% but not less than \$5.26/kg	E	SSG
04069091	Other: Havarti and Havarti types, within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069092	Other: Havarti and Havarti types, over access commitment	245.5% but not less than \$4.34/kg	E	SSG
04069093	Other: Parmesan and Parmesan types, within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069094	Other: Parmesan and Parmesan types, over access commitment	245.5% but not less than \$5.08/kg	E	SSG
04069095	Other: Romano and Romano types, within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese
04069096	Other: Romano and Romano types, over access commitment	245.5% but not less than \$5.15/kg	E	SSG
04069098	Other: Other, within access commitment	3.32¢/kg	A	TRQ Cheese, TRQ Industrial Cheese

04069099	Other: Other, over access commitment	245.5% but not less than \$3.53/kg	E	SSG
04070012	Of fowls of the species Gallus domesticus: Hatching, for broilers, over access commitment	238% but not less than \$2.91/dozen	E	SSG
04070019	Of fowls of the species Gallus domesticus: Other, over access commitment	163.5% but not less than 79.9¢/dozen	E	SSG
04081120	Over access commitment	\$6.12/kg	E	SSG
04081920	Over access commitment	\$1.52/kg	E	SSG
04089120	Over access commitment	\$6.12/kg	E	SSG
04089920	Over access commitment	\$1.52/kg	E	SSG
06031100	Roses	10.5%	B	
06031310	Cymbidium	16%	B	
06031390	Other	12.5%	B	
06031400	Chrysanthemums	8%	B	
10030012	For malting purposes: Over access commitment	94.5%	C	
11071012	Whole: Over access commitment	\$157.00/tonne	C	
11071092	Other: Over access commitment	\$160.10/tonne	C	
11072012	Whole: Over access commitment	\$141.50/tonne	C	
11081300	Potato starch	10.5%	C	
15171020	Over access commitment	82.28¢/kg	E	SSG
15179022	Substitutes for butter: Over access commitment	218% but not less than \$2.47/kg	E	SSG
16010022	Of fowls of the species Gallus domesticus, other than in cans or glass jars: Other than spent fowl, over access commitment	238%	E	SSG
16010032	Of turkeys, other than in cans or glass jars: Over access commitment	154.5%	E	SSG
16022022	Paste, of fowls of the species Gallus domesticus, not in cans or glass jars: Over access commitment	238%	E	SSG
16022032	Paste, of turkeys, not in cans or glass jars: Over access commitment	154.5%	E	SSG
16023113	Prepared meals: Other, over access commitment, bone in	169.5% but not less than \$3.76/kg	E	SSG
16023114	Prepared meals: Other, over access commitment, boneless	169.5% but not less than \$6.18/kg	E	SSG
16023194	Other: Other, over access commitment, bone in	165% but not less than \$3.67/kg	E	SSG
16023195	Other: Other, over access commitment, boneless	165% but not less than \$6.03/kg	E	SSG
16023213	Prepared meals: Other, over access commitment, bone in	253% but not less than \$5.91/kg	E	SSG
16023214	Prepared meals: Other, over access commitment, boneless	253% but not less than \$10.54/kg	E	SSG

16023294	Other: Other, over access commitment, bone in	249% but not less than \$5.81/kg	E	SSG
16023295	Other: Other, over access commitment, boneless	249% but not less than \$10.36/kg	E	SSG
17019100	Containing added flavouring or colouring matter	\$30.86/tonne	S	
17019900	Other	\$30.86/tonne	S	
18062022	Chocolate ice cream mix or ice milk mix: Over access commitment	265% but not less than \$1.15/kg	E	SSG
18069012	Chocolate ice cream mix or ice milk mix: Over access commitment	265% but not less than \$1.15/kg	E	SSG
19012012	In packages of a weight not exceeding 11.34 kg each: Containing more than 25% by weight of butterfat, not put up for retail sale, over access commitment	246% but not less than \$2.85/kg	E	SSG
19012022	In bulk or in packages of a weight exceeding 11.34 kg each: Containing more than 25% by weight of butterfat, not put up for retail sale, over access commitment	244% but not less than \$2.83/kg	E	SSG
19019032	Food preparations of goods of headings 04.01 to 04.04, containing more than 10% but less than 50 % on a dry weight basis of milk solids: Ice cream mixes or ice milk mixes, over access commitment	267.5% but not less than \$1.16/kg	E	SSG
19019034	Food preparations of goods of headings 04.01 to 04.04, containing more than 10% but less than 50 % on a dry weight basis of milk solids: Other, not put up for retail sale, over access commitment	250.5% but not less than \$2.91/kg	E	SSG
19019052	Food preparations of goods of headings 04.01 to 04.04, containing 50 % or more on a dry weight basis of milk solids: Ice cream mixes or ice milk mixes, over access commitment	267.5% but not less than \$1.16/kg	E	SSG
19019054	Food preparations of goods of headings 04.01 to 04.04, containing 50 % or more on a dry weight basis of milk solids: Other, not put up for retail sale, over access commitment	250.5% but not less than \$2.91/kg	E	SSG
21050092	Other: Over access commitment	277% but not less than \$1.16/kg	E	SSG
21069032	Milk, cream or butter substitutes and preparations suitable for use as butter substitutes: Milk, cream or butter substitutes, containing 50% or more by weight of dairy content, over access commitment	212% but not less than \$2.11/kg	E	SSG
21069034	Milk, cream or butter substitutes and preparations suitable for use as butter substitutes: Preparations, containing more than 15% by weight of milk fat but less than 50% by weight of dairy content, suitable for use as butter substitutes, over access commi	212% but not less than \$2.11/kg	E	SSG
21069052	Egg preparations: Over access commitment	\$1.45/kg	E	SSG
21069094	Other: Containing 50% or more by weight of dairy content, over access commitment	274.5% but not less than \$2.88/kg	E	SSG
22029043	Beverages containing milk: Other, containing 50% or more by weight of dairy content, not put up for retail sale, over access commitment	256% but not less than \$36.67/hl	E	SSG

23099032	Complete feeds and feed supplements, including concentrates: Containing 50% or more by weight in the dry state of non-fat milk solids, over access commitment	205.5% but not less than \$1.64/kg	E	SSG
35021120	Over access commitment	\$6.12/kg	E	SSG
35021920	Over access commitment	\$1.52/kg	E	SSG
87021010	For the transport of 16 or more persons, including the driver	6.1%	C	
87021020	For the transport of ten to 15 persons, including the driver	6.1%	C	
87029010	For the transport of 16 or more persons, including the driver	6.1%	C	
87029020	For the transport of ten to 15 persons, including the driver	6.1%	C	
87032190	Other	6.1%	C	
87032200	Of a cylinder capacity exceeding 1,000 cc but not exceeding 1,500 cc	6.1%	D	
87032300	Of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc	6.1%	D	
87032400	Of a cylinder capacity exceeding 3,000 cc	6.1%	D	
87033100	Of a cylinder capacity not exceeding 1,500 cc	6.1%	D	
87033200	Of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc	6.1%	D	
87033300	Of a cylinder capacity exceeding 2,500 cc	6.1%	D	
87039000	Other	6.1%	C	
87042100	g.v.w. not exceeding 5 tonnes	6.1%	B	
87042200	g.v.w. exceeding 5 tonnes but not exceeding 20 tonnes	6.1%	B	
87042300	g.v.w. exceeding 20 tonnes	6.1%	B	
87043100	g.v.w. not exceeding 5 tonnes	6.1%	B	
87043200	g.v.w. exceeding 5 tonnes	6.1%	B	
89011000	Cruise ships, excursion boats and similar vessels principally designed for the transport of persons; ferry-boats of all kinds	25%	D	
89013000	Refrigerated vessels, other than those of subheading 8901.20	25%	B	
89019010	Open vessels	15%	B	
89019090	Other	25%	B	
89040000	Tugs and pusher craft.	25%	D	
89052010	Drilling platforms	20%	B	

89052020	Production platforms	25%	B	
89059010	Drilling ships, drilling barges and floating drilling rigs	20%	B	
89059090	Other	25%	B	
89069019	Open vessels: Other	15%	B	
89069090	Other	25%	B	

Note: This Tariff Schedule uses Canada's 2009 tariff nomenclature and tariff codes. Concordance to the applicable tariff nomenclature and tariff codes (e.g. 2014) will be done during the legal scrub.

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Tariff Item	Description	Base Rate	Staging Category
01051191	Laying stock "fowls of the species Gallus domesticus" of a weight of <= 185 g (excl. grandparent and parent female chicks)	52 €/1 000 p/st	E
01051199	Live fowls of the species Gallus domesticus of a weight of <= 185 g (excl. turkeys, guinea fowls, grandparent and parent female chicks and laying stocks)	52 €/1 000 p/st	E
01059400	Live fowls of the species Gallus domesticus, weighing > 185	20.9 €/100 kg/net	E
01059930	Live domestic turkeys, weighing > 185 g	23.8 €/100 kg/net	E
02011000	Carcases or half-carcases of bovine animals, fresh or chilled	12.8 + 176.8 €/100 kg/net	E
02012020	"Compensated" quarters of bovine animals with bone in, fresh or chilled	12.8 + 176.8 €/100 kg/net	E
02012030	Unseparated or separated forequarters of bovine animals, with bone in, fresh or chilled	12.8 + 141.4 €/100 kg/net	E
02012050	Unseparated or separated hindquarters of bovine animals, with bone in, fresh or chilled	12.8 + 212.2 €/100 kg/net	E
02012090	Fresh or chilled bovine cuts, with bone in (excl. carcasses and half-carcasses, "compensated quarters", forequarters and hindquarters)	12.8 + 265.2 €/100 kg/net	E
02013000	Fresh or chilled bovine meat, boneless	12.8 + 303.4 €/100 kg/net	E
02021000	Frozen bovine carcasses and half-carcasses	12.8 + 176.8 €/100 kg/net	E
02022010	Frozen "compensated" bovine quarters, with bone in	12.8 + 176.8 €/100 kg/net	E
02022030	Frozen unseparated or separated bovine forequarters, with bone in	12.8 + 141.4 €/100 kg/net	E
02022050	Frozen unseparated or separated bovine hindquarters, with bone in	12.8 + 221.1 €/100 kg/net	E
02022090	Frozen bovine cuts, with bone in (excl. carcasses and half-carcasses, "compensated" quarters, forequarters and hindquarters)	12.8 + 265.3 €/100 kg/net	E
02023010	Frozen bovine boneless forequarters, whole or cut in max. 5 pieces, each quarter in 1 block; "compensated" quarters in 2 blocks, one containing the forequarter, whole or cut in max. 5 pieces, and the other the whole hindquarter, excl. the tenderloin, in one piece	12.8 + 221.1 €/100 kg/net	E
02023050	Frozen bovine boneless crop, chuck and blade and brisket cuts	12.8 + 221.1 €/100 kg/net	E

02023090	Frozen bovine boneless meat (excl. forequarters, whole or cut into a maximum of five pieces, each quarter being in a single block "compensated" quarters in two blocks, one of which contains the forequarter, whole or cut into a maximum of five pieces, and the other, the hindquarter, excl. the tenderloin, in one piece, crop, chuck and blade and brisket cuts)	12.8 + 304.1 €/100 kg/net	E
02031211	Fresh or chilled with bone in, domestic swine hams and cuts thereof	77.8 €/100 kg/net	E
02031219	Fresh or chilled with bone in, domestic swine shoulders and cuts thereof	60.1 €/100 kg/net	E
02031911	Fresh or chilled fore-ends and cuts thereof of domestic swine	60.1 €/100 kg/net	E
02031913	Fresh or chilled loins and cuts thereof of domestic swine	86.9 €/100 kg/net	E
02031915	Fresh or chilled bellies "streaky" and cuts thereof of domestic swine	46.7 €/100 kg/net	E
02031955	Fresh or chilled boneless meat of domestic swine (excl. bellies and cuts thereof)	86.9 €/100 kg/net	E
02031959	Fresh or chilled meat of domestic swine, with bone in (excl. carcasses and half-carcasses, hams, shoulders and cuts thereof, and fore-ends, loins, bellies and cuts thereof)	86.9 €/100 kg/net	E
02032211	Frozen bone-in hams and cuts thereof of domestic swine	77.8 €/100 kg/net	E
02032219	Frozen bone-in shoulders and cuts thereof of domestic swine	60.1 €/100 kg/net	E
02032911	Frozen fore-ends and cuts thereof of domestic swine	60.1 €/100 kg/net	E
02032913	Frozen loins and cuts thereof of domestic swine, with bone in	86.9 €/100 kg/net	E
02032915	Frozen bellies "streaky" and cuts thereof of domestic swine	46.7 €/100 kg/net	E
02032955	Frozen boneless meat of domestic swine (excl. bellies and cuts thereof)	86.9 €/100 kg/net	E
02032959	Frozen meat of domestic swine, with bone in (excl. carcasses and half-carcasses, hams, shoulders and cuts thereof, and fore-ends, loins, bellies and cuts thereof)	86.9 €/100 kg/net	E
02050080	Frozen meat of horses, asses, mules or hinnies	5.1	B
02061095	Fresh or chilled edible bovine thick and thin skirt (excl. for manufacture of pharmaceutical products)	12.8 + 303.4 €/100 kg/net	E
02062991	Frozen edible bovine thick and thin skirt (excl. for manufacture of pharmaceutical products)	12.8 + 304.1 €/100 kg/net	E
02068091	Fresh or chilled edible offal of horses, asses, mules and hinnies (excl. for manufacture of pharmaceutical products)	6.4	B
02069091	Frozen edible offal of horses, asses, mules and hinnies (excl. for manufacture of pharmaceutical products)	6.4	B
02071110	Fresh or chilled, plucked and gutted fowls of species Gallus domesticus, with heads and feet, known as "83% chickens"	26.2 €/100 kg/net	E

02071130	Fresh or chilled, plucked and drawn fowls of species <i>Gallus domesticus</i> , without heads and feet but with necks, hearts, livers and gizzards, known as "70% chickens"	29.9 €/100 kg/net	E
02071190	Fresh or chilled, plucked and drawn fowls of species <i>Gallus domesticus</i> , without heads, feet, necks, hearts, livers and gizzards, known as "65% chickens", and other forms of fresh or chilled fowl, not cut in pieces (excl. "83% and 70% chickens")	32.5 €/100 kg/net	E
02071210	Frozen fowls of species <i>Gallus domesticus</i> , plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as "70% chickens"	29.9 €/100 kg/net	E
02071290	Frozen fowls of species <i>Gallus domesticus</i> , plucked and drawn, without heads, feet, necks, hearts, livers and gizzards, known as "65% chickens", and other forms of fowl, not cut in pieces (excl. "70% chickens")	32.5 €/100 kg/net	E
02071310	Fresh or chilled boneless cuts of fowls of the species <i>Gallus domesticus</i>	102.4 €/100 kg/net	E
02071320	Fresh or chilled halves or quarters of fowls of the species <i>Gallus domesticus</i>	35.8 €/100 kg/net	E
02071330	Fresh or chilled whole wings, with or without tips, of fowls of the species <i>Gallus domesticus</i>	26.9 €/100 kg/net	E
02071340	Fresh or chilled backs, necks, backs with necks attached, rumps and wing-tips of fowls of the species <i>Gallus domesticus</i>	18.7 €/100 kg/net	E
02071350	Fresh or chilled breasts and cuts thereof of fowls of the species <i>Gallus domesticus</i> , with bone in	60.2 €/100 kg/net	E
02071360	Fresh or chilled legs and cuts thereof of fowls of the species <i>Gallus domesticus</i> , with bone in	46.3 €/100 kg/net	E
02071370	Fresh or chilled cuts of fowls of the species <i>Gallus domesticus</i> , with bone in (excl. halves and quarters, whole wings, with or without tips, backs, necks, backs with necks attached, rumps and wing-tips, breasts, legs and parts thereof)	100.8 €/100 kg/net	E
02071391	Fresh or chilled edible livers of fowls of the species <i>Gallus domesticus</i>	6.4	E
02071399	Fresh or chilled edible offal of fowls of the species <i>Gallus domesticus</i> (excl. livers)	18.7 €/100 kg/net	E
02071410	Frozen boneless cuts of fowls of the species <i>Gallus domesticus</i>	102.4 €/100 kg/net	E
02071420	Frozen halves or quarters of fowls of the species <i>Gallus domesticus</i>	35.8 €/100 kg/net	E
02071430	Frozen whole wings, with or without tips, of fowls of the species <i>Gallus domesticus</i>	26.9 €/100 kg/net	E
02071440	Frozen backs, necks, backs with necks attached, rumps and wing-tips of fowls of the species <i>Gallus domesticus</i>	18.7 €/100 kg/net	E

02071450	Frozen breasts and cuts thereof of fowls of the species Gallus domesticus, with bone in	60.2 €/100 kg/net	E
02071460	Frozen legs and cuts thereof of fowls of the species Gallus domesticus, with bone in	46.3 €/100 kg/net	E
02071470	Frozen cuts of fowls of the species Gallus domesticus, with bone in (excl. halves or quarters, whole wings, with or without tips, backs, necks, backs with necks attached, rumps and wing-tips, breasts, legs and cuts thereof)	100.8 €/100 kg/net	E
02071491	Frozen edible livers of fowls of the species Gallus domesticus	6.4	E
02071499	Frozen edible offal of fowls of the species Gallus domesticus (excl. livers)	18.7 €/100 kg/net	E
02072410	Fresh or chilled, plucked and drawn turkeys of the species domesticus, without heads and feet but with necks, hearts, livers and gizzards, known as "80% turkeys"	34 €/100 kg/net	E
02072490	Fresh or chilled, plucked and drawn turkeys of the species domesticus, without heads, feet, necks, hearts, livers and gizzards, known as "73% turkeys", and other forms of fresh or chilled turkeys, not cut in pieces (excl. "80% turkeys")	37.3 €/100 kg/net	E
02072510	Frozen turkeys of the species domesticus, plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as "80% turkeys"	34 €/100 kg/net	E
02072590	Frozen turkeys of the species domesticus, plucked and drawn, without heads, feet, necks, hearts, livers and gizzards, known as "73% turkeys", and other forms of turkeys, not cut in pieces (excl. "80% turkeys")	37.3 €/100 kg/net	E
02072610	Fresh or chilled boneless cuts of turkeys of the species domesticus	85.1 €/100 kg/net	E
02072620	Fresh or chilled halves or quarters of turkeys of the species domesticus	41 €/100 kg/net	E
02072630	Fresh or chilled whole wings, with or without tips, of turkeys of the species domesticus	26.9 €/100 kg/net	E
02072640	Fresh or chilled backs, necks, backs with necks attached, rumps and wing-tips of turkeys of the species domesticus	18.7 €/100 kg/net	E
02072650	Fresh or chilled breasts and cuts thereof of turkeys of the species domesticus, with bone in	67.9 €/100 kg/net	E
02072660	Fresh or chilled drumsticks and cuts thereof of turkeys of the species domesticus, with bone in	25.5 €/100 kg/net	E
02072670	Fresh or chilled legs and cuts thereof of turkeys of the species domesticus, with bone in (excl. drumsticks)	46 €/100 kg/net	E

02072680	Fresh or chilled cuts of turkeys of the species domesticus, with bone in (excl. halves or quarters, whole wings, with or without tips, backs, necks, backs with necks attached, rumps and wing-tips, breasts, legs and cuts thereof)	83 €/100 kg/net	E
02072691	Fresh or chilled edible livers of turkeys of the species domesticus	6.4	E
02072699	Fresh or chilled edible offal of turkeys of the species domesticus (excl. livers)	18.7 €/100 kg/net	E
02072710	Frozen boneless cuts of turkeys of the species domesticus	85.1 €/100 kg/net	E
02072720	Frozen halves and quarters of turkeys of the species domesticus	41 €/100 kg/net	E
02072730	Frozen whole wings, with or without tips, of turkeys of the species domesticus	26.9 €/100 kg/net	E
02072740	Frozen backs, necks, backs with necks attached, rumps and wing-tips of turkeys of the species domesticus	18.7 €/100 kg/net	E
02072750	Frozen breasts and cuts thereof of turkeys of the species domesticus, with bone in	67.9 €/100 kg/net	E
02072760	Frozen drumsticks and cuts thereof of turkeys of the species domesticus, with bone in	25.5 €/100 kg/net	E
02072770	Frozen legs and cuts thereof of turkeys of the species domesticus, with bone in (excl. drumsticks)	46 €/100 kg/net	E
02072780	Frozen cuts of turkeys of the species domesticus, with bone in (excl. halves or quarters, whole wings, with or without tips, backs, necks, backs with necks attached, rumps and wing-tips, breasts, legs and cuts thereof)	83 €/100 kg/net	E
02072791	Frozen edible livers of turkeys of the species domesticus	6.4	E
02072799	Frozen edible offal of turkeys of the species domesticus (excl. livers)	18.7 €/100 kg/net	E
02101111	Domestic swine hams and cuts thereof, salted or in brine, with bone in	77.8 €/100 kg/net	E
02101119	Domestic swine shoulders and cuts thereof, salted or in brine, with bone in	60.1 €/100 kg/net	E
02101131	Domestic swine hams and cuts thereof, dried or smoked, with bone in	151.2 €/100 kg/net	E
02101139	Domestic swine shoulders and cuts thereof, dried or smoked, with bone in	119 €/100 kg/net	E
02102010	Meat of bovine animals, salted, in brine, dried or smoked, with bone in	15.4 + 265.2 €/100 kg/net	E
02102090	Boneless meat of bovine animals, salted, in brine, dried or smoked	15.4 + 303.4 €/100 kg/net	E
02109910	Horsemeat, salted, in brine or dried	6.4	B
02109921	Meat of sheep and goats, salted, in brine, dried or smoked, with bone in	222.7 €/100 kg/net	D
02109929	Boneless meat of sheep and goats, salted, in brine, dried or smoked	311.8 €/100 kg/net	D
02109931	Reindeer meat, salted, in brine, dried or smoked	15.4	B

02109939	Meat, salted, in brine, dried or smoked (excl. of swine, bovine animals, reindeer, sheep or goats, primates, whales, dolphins and porpoises "mammals of the order Cetacea", manatees and dugongs "mammals of the order Sirenia", reptiles, and meat, salted, in brine or dried, of horses)	130 €/100 kg/net	B
02109951	Edible thick skirt and thin skirt of bovine animals, salted, in brine, dried or smoked	15.4 + 303.4 €/100 kg/net	E
02109959	Edible offal of bovine animals, salted, in brine, dried or smoked (excl. thick skirt and thin skirt)	12.8	E
02109960	Edible offal of sheep and goats, salted, in brine, dried or smoked	15.4	B
02109979	Edible poultry liver, salted, in brine, dried or smoked (excl. fatty goose or duck livers)	6.4	B
02109980	Edible offal, salted, in brine, dried or smoked (excl. of domestic swine, bovine animals, sheep, goats, primates, whales, dolphins and porpoises "mammals of the order Cetacea", manatees and dugongs "mammals of the order Sirenia", reptiles and poultry liver)	15.4	B
02109990	Edible flours and meals, of meat and meat offal	15.4 + 303.4 €/100 kg/net	D
03042929	Frozen fillets of cod "Gadus morhua, Gadus ogac" and of fish of species "Boreogadus saida"	7.5	D
03054945	Trout "Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster", smoked, incl. fillets	14	D
03061210	Frozen lobsters "Homarus spp.", whole, incl. lobsters in shell, cooked by steaming or by boiling in water	6	B
03061290	Frozen lobsters "Homarus spp." (excl. whole)	16	B
03061490	Frozen crabs, whether in shell or not, incl. crabs in shell, cooked by steaming or by boiling in water (excl. "Paralithodes camchaticus, Chionoecetes spp.", "Callinectes sapidus", and "Cancer pagurus")	7.5	B
04070019	Poultry eggs for hatching (excl. turkey or goose)	35 €/1 000 p/st	E
04070030	Poultry eggs, in shell, fresh, preserved or cooked (excl. for hatching)	30.4 €/100 kg/net	E
04081180	Egg yolks, dried, for human consumption, whether or not containing added sugar or other sweetening matter	142.3 €/100 kg/net	E
04081981	Egg yolks, liquid, suitable for human consumption, whether or not containing added sugar or other sweetening matter	62 €/100 kg/net	E
04081989	Egg yolks (other than liquid), frozen or otherwise preserved, suitable for human consumption, whether or not containing added sugar or other sweetening matter (excl. dried)	66.3 €/100 kg/net	E
04089180	Dried birds' eggs, not in shell, whether or not containing added sugar or other sweetening matter, suitable for human consumption (excl. egg yolks)	137.4 €/100 kg/net	E

04089980	Birds" eggs, not in shell, fresh, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter, suitable for human consumption (excl. dried and egg yolks)	35.3 €/100 kg/net	E
07020000	Tomatoes, fresh or chilled	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
07070005	Cucumbers, fresh or chilled	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
07099070	Fresh or chilled courgettes	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
07099080	Fresh or chilled globe artichokes	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
07104000	Sweetcorn, uncooked or cooked by steaming or by boiling in water, frozen	5.1 + 9.4 €/100 kg/net	D
08051020	Fresh sweet oranges	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08052010	Fresh or dried clementines	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08052030	Fresh or dried monreales and satsumas	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08052050	Fresh or dried mandarins and wilkings	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP

08052070	Fresh or dried tangerines	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08052090	Fresh or dried tangelos, ortaniques, malaquinas and similar citrus hybrids (excl. clementines, monreales, satsumas, mandarins, wilkings and tangerines)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08055010	Fresh or dried lemons "Citrus limon, Citrus limonum"	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08061010	Fresh table grapes	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08081080	Fresh apples (excl. cider apples, in bulk, from 16 September to 15 December)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08082050	Fresh pears (excl. perry pears, in bulk, from 1 August to 31 December)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08091000	Fresh apricots	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08092005	Fresh sour cherries "Prunus cerasus"	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08092095	Fresh cherries (excl. sour cherries "Prunus cerasus")	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08093010	Fresh nectarines	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP

08093090	Fresh peaches (excl. nectarines)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
08094005	Fresh plums	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
10011000	Durum wheat	148 €/t	D
10019099	Spelt, common wheat and meslin (excl. seed)	95 €/t	D
10020000	Rye	93 €/t	D
10030090	Barley (excl. seed)	93 €/t	D
10040000	Oats	89 €/t	D
11081100	Wheat starch	224 €/t	D
11081200	Maize starch	166 €/t	D
11081300	Potato starch	166 €/t	D
11081400	Manioc starch	166 €/t	D
11081910	Rice starch	216 €/t	D
11081990	Starch (excl. wheat, maize, potato, manioc and rice)	166 €/t	D
16041411	Prepared or preserved tunas and skipjack, whole or in pieces, in vegetable oil (excl. minced)	24	D
16041416	Fillets known as "loins" of tunas or skipjack, prepared or preserved (excl. such products in vegetable oil)	24	D
16041418	Prepared or preserved tunas and skipjack (excl. minced, fillets known as "loins" and such products in vegetable oil)	24	D
16041490	Prepared or preserved bonito "sarda spp.", whole or in pieces (excl. minced)	25	D
16042070	Prepared or preserved tunas, skipjack or other fish of genus Euthynnus (excl. whole or in pieces)	24	D
16051000	Crab, prepared or preserved	8	D
16052010	Shrimps and prawns, prepared or preserved, in airtight containers	20	D
16052099	Shrimps and prawns, prepared or preserved, in immediate packings of a net content of > 2 kg (excl. shrimps and prawns in airtight containers)	20	D
16053090	Lobster, prepared or preserved (excl. lobster meat, cooked, for the manufacture of lobster butter or of lobster pastes, pâtés, soups or sauces)	20	C
16059011	Mussels of the species Mytilus and of the species Perna, prepared or preserved, in airtight containers	20	D

16059019	Mussels of the species <i>Mytilus</i> and of the species <i>Perna</i> , prepared or preserved (excl. mussels in airtight containers)	20	D
16059030	Mussels, snails and other molluscs, prepared or preserved (excl. mussels of the species <i>Mytilus</i> and of the species <i>Perna</i>)	20	C
17011110	Raw cane sugar, for refining (excl. added flavouring or colouring)	33.9 €/100 kg/net	D
17011190	Raw cane sugar (excl. for refining and added flavouring or colouring)	41.9 €/100 kg/net	D
17011210	Raw beet sugar, for refining (excl. added flavouring or colouring)	33.9 €/100 kg/net	D
17011290	Raw beet sugar (excl. for refining and added flavouring or colouring)	41.9 €/100 kg/net	D
17019100	Refined cane or beet sugar, containing added flavouring or colouring, in solid form	41.9 €/100 kg/net	D
17019910	White sugar, containing in dry state $\geq 99,5\%$ sucrose (excl. flavoured or coloured)	41.9 €/100 kg/net	D
17019990	Cane or beet sugar and chemically pure sucrose, in solid form (excl. cane and beet sugar containing added flavouring or colouring, raw sugar and white sugar)	41.9 €/100 kg/net	D
20058000	Sweetcorn " <i>Zea Mays</i> var. <i>Saccharata</i> ", prepared or preserved otherwise than by vinegar or acetic acid (excl. frozen)	5.1 + 9.4 €/100 kg/net	E
20096110	Grape juice, incl. grape must, unfermented, Brix value ≤ 30 at 20°C, value of > 18 € per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
20096919	Grape juice, incl. grape must, unfermented, Brix value > 67 at 20°C, value of > 22 € per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
20096951	Concentrated grape juice, incl. grape must, unfermented, Brix value > 30 but ≤ 67 at 20°C, value of > 18 € per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
20096959	Grape juice, incl. grape must, unfermented, Brix value > 30 but ≤ 67 at 20°C, value of > 18 € per 100 kg, whether or not containing added sugar or other sweetening matter (excl. concentrated or containing spirit)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
22043092	Grape must, unfermented, concentrated within the meaning of Additional Note 7 to chapter 22, of a density $\leq 1,33$ g/cm ³ at 20°C and of an actual alcoholic strength $\leq 1\%$ vol but $> 0,5\%$ vol (excl. grape must whose fermentation has been arrested by the addition of alcohol)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP

22043094	Grape must, unfermented, non-concentrated, of a density $\leq 1,33 \text{ g/cm}^3$ at 20°C and of an actual alcoholic strength $\leq 1\%$ vol but $> 0,5\%$ vol (excl. grape must whose fermentation has been arrested by the addition of alcohol)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
22043096	Grape must, unfermented, concentrated within the meaning of Additional Note 7 to chapter 22, of a density $> 1,33 \text{ g/cm}^3$ at 20°C and of an actual alcoholic strength $\leq 1\%$ vol but $> 0,5\%$ vol (excl. grape must whose fermentation has been arrested by the addition of alcohol)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
22043098	Grape must, unfermented, non-concentrated, of a density $> 1,33 \text{ g/cm}^3$ at 20°C and of an actual alcoholic strength $\leq 1\%$ vol but $> 0,5\%$ vol (excl. grape must whose fermentation has been arrested by the addition of alcohol)	See Annex 2 of Commission Regulation (EC) No 1031/2008 (OJ 31.12.2008, p. 669-703)	AV0+EP
87021011	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine", of a cylinder capacity of $> 2.500 \text{ cm}^3$, new	16	C
87021019	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine", of a cylinder capacity of $> 2.500 \text{ cm}^3$, used	16	C
87021091	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine", of a cylinder capacity of $\leq 2.500 \text{ cm}^3$, new	10	C
87021099	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine", of a cylinder capacity of $\leq 2.500 \text{ cm}^3$, used	10	C
87029011	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with spark-ignition internal combustion piston engine, of a cylinder capacity of $> 2.800 \text{ cm}^3$, new	16	C
87029019	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with spark-ignition internal combustion piston engine, of a cylinder capacity of $> 2.800 \text{ cm}^3$, used	16	C
87029031	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with spark-ignition internal combustion piston engine, of a cylinder capacity of $\leq 2.800 \text{ cm}^3$, new	10	C
87029039	Motor vehicles for the transport of ≥ 10 persons, incl. driver, with spark-ignition internal combustion piston engine, of a cylinder capacity of $\leq 2.800 \text{ cm}^3$, used	10	C
87029090	Motor vehicles for the transport of ≥ 10 persons, incl. driver, not with internal combustion piston engine	10	C

87032110	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine of a cylinder capacity $\leq 1.000 \text{ cm}^3$, new (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	C
87032210	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine, of a cylinder capacity $> 1.000 \text{ cm}^3$ but $\leq 1.500 \text{ cm}^3$, new (excl. those of heading 8702 and vehicles for the transport of persons on snow and similar vehicles of subheading 8703.10)	10	D
87032290	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine of a cylinder capacity $> 1.000 \text{ cm}^3$ but $\leq 1.500 \text{ cm}^3$, used (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D
87032311	Motors caravans with spark-ignition internal combustion reciprocating piston engine, of a cylinder capacity $> 1.500 \text{ cm}^3$ but $\leq 3.000 \text{ cm}^3$, new	10	D
87032319	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No 8702), incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine, of a cylinder capacity $> 1.500 \text{ cm}^3$ but $\leq 3.000 \text{ cm}^3$, new (excl. 8703.10-10 and 8703.23.11)	10	D
87032390	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine of a cylinder capacity $> 1.500 \text{ cm}^3$ but $\leq 3.000 \text{ cm}^3$, used (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D
87032410	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine of a cylinder capacity $> 3.000 \text{ cm}^3$, new (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D

87032490	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine of a cylinder capacity > 3.000 cm ³ , used (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D
87033110	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity ≤ 1.500 cm ³ , new (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D
87033190	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity ≤ 1.500 cm ³ , used (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D
87033211	Motor caravans with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity > 1.500 cm ³ but ≤ 2.500 cm ³ , new	10	D
87033219	Motor cars and other motor vehicles, principally designed for the transport of persons, incl. station wagons, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity > 1.500 cm ³ but ≤ 2.500 cm ³ , new (excl. motor caravans and vehicles specially designed for travelling on snow and other special purpose vehicles of subheading 8703.10)	10	D
87033290	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity > 1.500 cm ³ but ≤ 2.500 cm ³ , used (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D
87033311	Motor caravans with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity > 2.500 cm ³ , new	10	D

87033319	Motor cars and other motor vehicles, principally designed for the transport of persons, incl. station wagons, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity > 2.500 cm ³ , new (excl. motor caravans and vehicles specially designed for travelling on snow and other special purpose vehicles of subheading 8703.10)	10	D
87033390	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a cylinder capacity > 2.500 cm ³ , used (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	D
87039010	Motor cars and other vehicles principally designed for the transport of persons, with electric motors (excl. motor vehicles of heading 8702, vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	C
87039090	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with engines other than spark-ignition internal combustion reciprocating piston engine or electric motors (excl. vehicles for the transport of persons on snow and other specially designed vehicles of subheading 8703.10)	10	C
87042110	Motor vehicles for the transport of highly radioactive materials [Euratom], with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight <= 5 t	3.5	B
87042131	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight <= 5 t, of a cylinder capacity > 2.500 cm ³ , new (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B
87042139	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight <= 5 t, of a cylinder capacity > 2.500 cm ³ , used (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B

87042191	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight ≤ 5 t, of a cylinder capacity ≤ 2.500 cm ³ , new (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	10	B
87042199	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight ≤ 5 t, of a cylinder capacity ≤ 2.500 cm ³ , used (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	10	B
87042210	Motor vehicles, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight > 5 t but ≤ 20 t, for the transport of highly radioactive materials [Euratom]	3.5	B
87042291	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight > 5 t but ≤ 20 t, new (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B
87042299	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight > 5 t but ≤ 20 t, used (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B
87042310	Motor vehicles with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight > 20 t, for the transport of highly radioactive materials [Euratom]	3.5	B
87042391	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight > 20 t, new (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B

87042399	Motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine "diesel or semi-diesel engine" of a gross vehicle weight > 20 t, used (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B
87043110	Motor vehicles, with spark-ignition internal combustion piston engine, of a gross vehicle weight ≤ 5 t, for the transport of highly radioactive materials [Euratom]	3.5	B
87043131	Motor vehicles for the transport of goods, with spark-ignition internal combustion piston engine, of a gross vehicle weight ≤ 5 t, of a cylinder capacity > 2.800 cm ³ , new (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B
87043139	Motor vehicles for the transport of goods, with spark-ignition internal combustion piston engine, of a gross vehicle weight ≤ 5 t, of a cylinder capacity > 2.800 cm ³ , used (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B
87043191	Motor vehicles for the transport of goods, with spark-ignition internal combustion piston engine, of a gross vehicle weight ≤ 5 t, of a cylinder capacity ≤ 2.800 cm ³ , new (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	10	B
87043199	Motor vehicles for the transport of goods, with spark-ignition internal combustion piston engine, of a gross vehicle weight ≤ 5 t, of a cylinder capacity ≤ 2.800 cm ³ , used (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	10	B
87043210	Motor vehicles, with spark-ignition internal combustion piston engine, of a gross vehicle weight > 5 t, for the transport of highly radioactive materials [Euratom]	3.5	B
87043291	Motor vehicles for the transport of goods, with spark-ignition internal combustion piston engine, of a gross vehicle weight > 5 t, new (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B

87043299	Motor vehicles for the transport of goods, with spark-ignition internal combustion piston engine, of a gross vehicle weight > 5 t, used (excl. dumpers for off-highway use of subheading 8704.10, special purpose motor vehicles of heading 8705 and special motor vehicles for the transport of highly radioactive materials)	22	B
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ANNEX 1**PRODUCT-SPECIFIC RULES OF ORIGIN****INTRODUCTORY NOTES TO ANNEX 1**

6. This Annex sets out the conditions required for a product to be considered originating within the meaning of Article 5 (Sufficient Production).
7. The following definitions apply:
 - **subheading** means any six-digit number, or the first six digits of any number, used in the Harmonized System,
 - **heading** means any four-digit number, or the first four digits of any number, used in the Harmonized System,
 - **chapter** means a chapter of the Harmonized System, and
 - **section** means a section of the Harmonized System.
8. The product-specific rule of origin, or set of rules of origin, that applies to a product classified in a particular heading, subheading or group of headings or subheadings is set out immediately adjacent to that heading, subheading or group of headings or subheadings.
9. Unless otherwise specified, a requirement of a change in tariff classification or any other condition set out in a product-specific rule of origin applies only to non-originating material.
10. Section, chapter, heading or subheading notes, where applicable, are found at the beginning of each new section, chapter, heading or subheading. These notes must be read in conjunction with the product-specific rules of origin for the applicable section, chapter, heading or subheading and may impose further conditions on, or provide an alternative to, the product-specific rules of origin.
11. Unless otherwise specified, reference to weight in a product-specific rule of origin means the net weight, which is the weight of a material or a product not including the weight of packaging. Article 1 (Definitions) of the Rules of Origin and Origin Procedures Protocol includes definitions of “net weight of non-originating material” and “net weight of the product.”
12. A reference to non-originating sugar in a product-specific rule of origin means the non-originating material referred to in Article 16 (Sugar) of the Rules of Origin and Origin Procedures Protocol.
13. Where a product-specific rule of origin requires:
 - **a change from any other chapter, heading or subheading, or a change to [a product] from any other chapter, heading or subheading**, only non-originating material classified in a chapter, heading or subheading other than that of the product may be used in the production of the product.

- **a change from within a heading or subheading, or from within any one of these headings or subheadings**, non-originating material classified within the heading or subheading may be used in the production of the product, as well as non-originating material classified in a chapter, heading or subheading other than that of the product.
- **a change from any heading or subheading outside a group**, only non-originating material classified outside the group of headings or subheadings may be used in the production of the product.
- **a product is wholly obtained**, the product must be wholly obtained within the meaning of Article 4 (Wholly Obtained Products). Where a shipment consists of a number of identical products classified under the specified [tariff provision], each product shall be considered separately.
- **production in which all the [material] of [tariff provision] used is wholly obtained**, all of the material of the specified [tariff provision] used in production of the product must be wholly obtained within the meaning of Article 4 (Wholly Obtained Products).
- a change from [tariff provision], **whether or not there is also a change from any other chapter, heading or subheading**, the value of any non-originating material that satisfies the change in tariff classification specified in the phrase commencing with the words “whether or not” is not considered when calculating the value of non-originating material. Where two or more product-specific rules of origin are applicable to a heading, subheading or group of headings or subheadings, the change in tariff classification specified in this phrase reflects the change specified in the first rule of origin.
- **that the value of the non-originating materials of [tariff provision] does not exceed [x] per cent of the transaction value or ex-works price of the product**, only the value of the non-originating material specified in this rule of origin is considered when calculating the value of non-originating material. The percentage for the maximum value of non-originating material as set out in this rule of origin may not be exceeded through the use of Article 6 (Tolerance).
- **that the value of the non-originating materials classified in the same [tariff provision] as the final product does not exceed [x] per cent of the transaction value or ex-works price of the product**, non-originating material classified in a [tariff provision] other than that of the product may be used in the production of the product. Only the value of the non-originating material classified in the same [tariff provision] as the final product is considered when calculating the value of non-originating material. The percentage for the maximum value of non-originating material as set out in this rule of origin may not be exceeded through the use of Article 6 (Tolerance).
- **that the value of all non-originating materials does not exceed [x] per cent of the transaction value or ex-works price of the product**. The value of all non-originating material is considered when calculating the value of non-originating material. The percentage for the maximum value of non-originating material as set out in this rule of origin may not be exceeded through the use of Article 6 (Tolerance).
- **that the net weight of the non-originating [material] of [tariff classification] used in production does not exceed [x] per cent of the net weight of the product**, the specified

non-originating material may be used in the production of the product, provided that it does not exceed the specified percentage of the net weight of the product in accordance with the definition of “net weight of the product”. The percentage for the maximum weight of non-originating material as set out in this rule of origin may not be exceeded through the use of Article 6 (Tolerance).

14. The product-specific rule of origin represents the minimum amount of production required on non-originating material for the resulting product to achieve originating status. A greater amount of production than that required by the product-specific rule of origin for that product also confers originating status.
15. Where a product-specific rule of origin provides that a specified non-originating material may not be used, or that the value or weight of a specified non-originating material cannot exceed a specific threshold, these conditions do not apply to non-originating material classified elsewhere in the Harmonized System.
16. In accordance with Article 5 (Sufficient Production), when a material obtains originating status in the territory of a Party and this material is further used in the production of a product for which origin is being determined, no account will be taken of any non-originating material used in the production of that material. This applies whether or not the material has acquired originating status inside the same factory where the product is produced.
17. The product-specific rules of origin set out in this Annex also apply to used products.

Harmonized System Classification	Sufficient production
Section I	Live Animals; Animal Products
Chapter 1 01.01-01.06	Live Animals All animals of Chapter 1 are wholly obtained.
Chapter 2 02.01-02.10	Meat and Edible Meat Offal Production in which all the material of Chapters 1 or 2 used is wholly obtained.
Chapter 3 03.01-03.07	Fish and Crustaceans, Molluscs and Other Aquatic Invertebrates <i>Note: Aquaculture products of Chapter 3 will only be considered as originating in a Party if they are raised in the territory of that Party from non-originating or originating seedstock such as eggs, fry, fingerlings or larvae.</i> Production in which all the material of Chapter 3 used is wholly obtained.
Chapter 4 04.01 0402.10 0402.21-0402.99	Dairy Produce; Birds' Eggs; Natural Honey; Edible Products of Animal Origin, Not Elsewhere Specified or Included A change from any other chapter, except from dairy preparations of subheading 1901.90 containing more than 10 per cent by dry weight of milk solids, provided that all the material of Chapter 4 used is wholly obtained. A change from any other chapter, except from dairy preparations of subheading 1901.90 containing more than 10 per cent by dry weight of milk solids, provided that: (a) all the material of Chapter 4 used is wholly obtained, and (b) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product. A change from any other chapter, except from dairy preparations of subheading 1901.90 containing more than 10 per cent by dry weight of milk solids, provided that: (a) all the material of Chapter 4 used is wholly obtained, and (b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.

Harmonized System Classification	Sufficient production
<p>04.03-04.06</p> <p>04.07-04.10</p>	<p>A change from any other chapter, except from dairy preparations of subheading 1901.90 containing more than 10 per cent by dry weight of milk solids, provided that:</p> <p>(a) all the material of Chapter 4 used is wholly obtained, and</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>Production in which:</p> <p>(a) all the material of Chapter 4 used is wholly obtained, and</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p>
<p>Chapter 5</p> <p>0501.00-0511.99</p>	<p>Products of Animal Origin, Not Elsewhere Specified or Included</p> <p>A change from within any one of these subheadings or any other subheading.</p>
<p>Section II</p>	<p>Vegetable Products</p> <p>Note:</p> <p><i>Agricultural and horticultural products grown in the territory of a Party shall be treated as originating in the territory of that Party even if grown from seed, bulbs, rootstock, cuttings, slips, grafts, shoots, buds or other live parts of plants imported from a non-Party.</i></p>
<p>Chapter 6</p> <p>06.01-06.04</p>	<p>Live Trees and Other Plants; Bulbs, Roots and the Like; Cut Flowers and Ornamental Foliage</p> <p>Production in which all the material of Chapter 6 used is wholly obtained.</p>
<p>Chapter 7</p> <p>07.01-07.09</p> <p>0710.10-0710.80</p> <p>0710.90</p>	<p>Edible Vegetables and Certain Roots and Tubers</p> <p>Production in which all the material of Chapter 7 used is wholly obtained.</p> <p>Production in which all the material of Chapter 7 used is wholly obtained.</p> <p>A change from any other subheading, provided that:</p> <p>a. the net weight of non-originating asparagus, beans, broccoli, cabbage, carrots,</p>

Harmonized System Classification	Sufficient production
<p>07.11</p> <p>0712.20-0712.39</p> <p>0712.90</p> <p>07.13-07.14</p>	<p>cauliflower, courgettes, cucumbers, gherkins, globe artichokes, mushrooms, onions, peas, potatoes, sweet corn, sweet peppers and tomatoes of Chapter 7 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>b. the net weight of all non-originating vegetables of Chapter 7 used in production does not exceed 50 per cent of the net weight of the product.</p> <p>Production in which all the material of Chapter 7 used is wholly obtained.</p> <p>Production in which all the material of Chapter 7 used is wholly obtained.</p> <p>A change to mixtures of dried vegetables from single dried vegetables from within this subheading or any other subheading, provided that:</p> <p>(a) the net weight of non-originating cabbage, carrots, courgettes, cucumbers, gherkins, globe artichokes, mushrooms, potatoes, sweet corn, sweet peppers tomatoes and turnips of Chapter 7 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of all non-originating vegetables of Chapter 7 used in production does not exceed 50 per cent of the net weight of the product;</p> <p>or</p> <p>For any other product of subheading 0712.90, production in which all the material of Chapter 7 used is wholly obtained.</p> <p>Production in which all the material of Chapter 7 used is wholly obtained.</p>
<p>Chapter 8</p> <p>08.01-08.10</p> <p>08.11</p> <p>08.12</p> <p>0813.10-0813.40</p>	<p>Edible Fruits and Nuts; Peel of Citrus Fruit or Melons</p> <p>Production in which all the material of Chapter 8 used is wholly obtained.</p> <p>Production in which:</p> <p>(a) all the material of Chapter 8 used is wholly obtained, and</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product.</p> <p>Production in which all the material of Chapter 8 used is wholly obtained.</p> <p>Production in which all the material of Chapter 8 used is wholly obtained.</p>

Harmonized System Classification	Sufficient production
0813.50	<p>A change from any other subheading, provided that:</p> <p>(a) the net weight of non-originating almonds, apples, apricots, bananas, cherries, chestnuts, citrus fruit, figs, grapes, hazelnuts, nectarines, peaches, pears, plums and walnuts of Chapter 8 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating fruits and nuts other than almonds, apples, apricots, bananas, brazil nuts, carambola, cashew apples, cashew nuts, cherries, chestnuts, citrus fruit, coconuts, figs, grapes, guava, hazelnuts, jackfruit, lychees, macadamia nuts, mangoes, mangosteens, nectarines, papaws (papaya), passion fruit, peaches, pears, pistachios, pitahaya, plums, tamarinds or walnuts of Chapter 8 used in production does not exceed 50 per cent of the net weight of the product, and</p> <p>(c) the net weight of all non-originating fruits and nuts of Chapter 8 used in production does not exceed 80 per cent of the net weight of the product.</p>
08.14	Production in which all the material of Chapter 8 used is wholly obtained.
Chapter 9 0901.11-0901.90 0902.10-0910.99	Coffee, Tea, Maté and Spices A change from any other subheading. A change from within any one of these subheadings or any other subheading.
Chapter 10 10.01-10.08	Cereals All the cereals of Chapter 10 are wholly obtained.
Chapter 11 11.01-11.09	Products of the Milling Industry; Malt; Starches; Inulin; Wheat Gluten Production in which all the material of heading 07.01, subheading 0710.10, Chapter 10 through 11 or heading 23.02 through 23.03 used is wholly obtained.
Chapter 12 12.01-12.07 12.08	Oil Seeds and Oleaginous Fruits; Miscellaneous Grains, Seeds and Fruit; Industrial or Medicinal Plants; Straw and Fodder A change from any other heading. A change from any other chapter.

Harmonized System Classification	Sufficient production
12.09-12.14	A change from any other heading.
Chapter 13	Lac; Gums, Resins and other Vegetable Saps and Extracts
1301.20-1301.90	A change from within any one of these subheadings or any other subheading.
1302.11-1302.39	A change from within any one of these subheadings or any other subheading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.
Chapter 14	Vegetable Plaiting Materials; Vegetable Products Not Elsewhere Specified or Included
1401.10-1404.90	A change from within any one of these subheadings or any other subheading.
Section III	Animal or Vegetable Fats and Oils and their Cleavage Products; Prepared Edible Fats; Animal or Vegetable Waxes
Chapter 15	Animal or Vegetable Fats and Oils and the Cleavage Products; Prepared Edible Fats; Animal or Vegetable Waxes
15.01-15.04	A change from any other heading.
15.05	A change from within any one of these subheadings or any other subheading.
15.06	A change from any other heading.
15.07-15.08	A change from any other chapter.
15.09-15.10	Production in which all the olive oils of heading 15.09 through 15.10 are wholly obtained.
15.11-15.15	A change from any other chapter.
1516.10	A change from any other heading.
1516.20	A change from any other chapter.
15.17	A change from any other heading, except from heading 15.07 through 15.15, subheading 1516.20 or heading 15.18.
	Note:

Harmonized System Classification	Sufficient production
15.18	For the purposes of the rule of origin for heading 15.18 which references insoluble impurity content, this content is to be measured using American Oil Chemists' Society method Ca 3a-46. A change to single vegetable fats or oils or their fractions from any other chapter; or A change to inedible mixtures of animal or vegetable fats or oils or their fractions, or preparations thereof, containing 0.15 per cent or less by net weight of insoluble impurities from within this heading or any other heading, provided that the production reduces the insoluble impurity content; or A change to any other product of heading 15.18 from any other heading.
15.20	A change from with this heading or any other heading.
15.21-15.22	A change from any other heading.
Section IV	Prepared Foodstuffs; Beverages, Spirits and Vinegar; Tobacco and Manufactured Tobacco Substitutes
Chapter 16	Preparations of Meat, of Fish or of Crustaceans, Molluscs or other Aquatic Invertebrates
16.01-16.02	A change from any other chapter, except from Chapter 2.
16.03	A change from any other chapter, except from Chapter 2 through 3.
16.04-16.05	A change from any other chapter, except from Chapter 3.
Chapter 17	Sugars and Sugar Confectionary
17.01	A change from any other heading.
17.02	A change from any other heading, except from subheading 1701.91 through 1701.99, provided that the net weight of non-originating material of heading 11.01 through 11.08, subheading 1701.11 through 1701.12 or heading 17.03 used in production does not exceed 20 per cent of the net weight of the product.
17.03	A change from any other heading.
17.04	A change from any other heading, provided that:

Harmonized System Classification	Sufficient production
	<p>(a)</p> <p>(i) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product; or</p> <p>(ii) the value of non-originating sugar used in production does not exceed 30 per cent of the transaction value or ex-works price of the product, and</p> <p>(b) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.</p>
<p>Chapter 18</p> <p>18.01-18.02</p> <p>1803.10-1803.20</p> <p>18.04-18.05</p> <p>18.06</p>	<p>Cocoa and Cocoa Preparations</p> <p>A change from any other heading.</p> <p>A change from any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other heading, provided that:</p> <p>(a)</p> <p>(i) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product; or</p> <p>(ii) the value of non-originating sugar used in production does not exceed 30 per cent of the transaction value or ex-works price of the product, and</p> <p>(b) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.</p>
<p>Chapter 19</p> <p>19.01</p>	<p>Preparations of Cereals, Flour, Starch or Milk; Pastrycooks' Products</p> <p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating material of heading 10.06 or 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 30 per cent of the net weight of the product,</p> <p>(c) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product, and</p>

Harmonized System Classification	Sufficient production
1902.11-1902.19	<p>(d) the net weight of non-originating sugar and non-originating material of Chapter 4 used in production does not exceed 40 per cent of the net weight of the product.</p>
1902.20	<p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating material of heading 10.06 or heading 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(c) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.</p>
1902.30-1902.40	<p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating material of Chapter 2 through 3 or Chapter 16 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating material of heading 10.06 or heading 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(c) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(d) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.</p>
19.03	<p>A change from any other heading, provided that:</p>

Harmonized System Classification	Sufficient production
1904.10-1904.20	<p>(a) the net weight of non-originating material of heading 10.06 or 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating material of heading 10.06 or heading 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 30 per cent of the net weight of the product,</p> <p>(c) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(d) the net weight of non-originating sugar and non-originating material of Chapter 4 used in production does not exceed 40 per cent of the net weight of the product.</p>
1904.30	<p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating material of heading 10.06 or heading 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p>
1904.90	<p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating material of heading 10.06 or heading 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 30 per cent of the net weight of the product,</p> <p>(c) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product, and</p>

Harmonized System Classification	Sufficient production
19.05	<p>(d) the net weight of non-originating sugar and non-originating material of Chapter 4 used in production does not exceed 40 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating material of heading 10.06 or heading 11.01 through 11.08 used in production does not exceed 20 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product,</p> <p>(c) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(d) the net weight of non-originating sugar and non-originating material of Chapter 4 used in production does not exceed 50 per cent of the net weight of the product.</p>
<p>Chapter 20</p> <p>20.01</p> <p>20.02-20.03</p> <p>20.04-20.05</p> <p>20.06</p> <p>2007.10-2007.91</p> <p>2007.99</p>	<p>Preparations of Vegetables, Fruit, Nuts or other Parts of Plants</p> <p>A change from any other heading.</p> <p>A change from any other heading, in which all the material of Chapter 7 used is wholly obtained.</p> <p>A change from any other heading.</p> <p>A change to preparations of blueberries, cherries, cranberries, loganberries, raspberries, Saskatoon berries or strawberries from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 60 per cent of the net weight of the product; or</p> <p>A change to any other product of heading 20.06 from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change to jams, fruit jellies, fruit spreads or fruit butters from any other heading, provided that the net weight of non-originating sugar used in production does not</p>

Harmonized System Classification	Sufficient production
<p>2008.11-2008.19</p> <p>2008.20-2008.50</p> <p>2008.60</p> <p>2008.70</p> <p>2008.80</p> <p>2008.91</p> <p>2008.92</p>	<p>exceed 60 per cent of the net weight of the product; or</p> <p>A change to any other product of subheading 2007.99 from any other heading provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>Note:</p> <p>For the purposes of the rules of origin for preparations of blueberries, cherries, cranberries, loganberries, raspberries, Saskatoon berries or strawberries of heading 20.08, the net weight of the product may be the net weight of all material used in production of the product excluding the net weight of water of heading 22.01 that is added during the production of the product. The net weight of any fruit used in production may be the net weight of the fruit whether or not frozen or cut but not further processed.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 60 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 60 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change to preparations of blueberries, cherries, cranberries, loganberries, raspberries, Saskatoon berries or strawberries from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 60 per cent of the net weight of the product; or</p>

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<p>2008.99</p> <p>2009.11-2009.79</p> <p>2009.80</p> <p>2009.90</p>	<p>A change to any other product of subheading 2008.92 from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product.</p> <p>A change to preparations of blueberries, cranberries, loganberries, raspberries, or Saskatoon berries from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 60 per cent of the net weight of the product; or</p> <p>A change to any other product of subheading 2008.99 from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change to cranberry juice from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product; or</p> <p>A change to any other product of subheading 2009.80 from any other heading, provided that the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change to mixtures containing blueberry juice, cranberry juice, elderberry juice, loganberry juice or Saskatoon berry juice from any other subheading, except from non-originating blueberry juice, cranberry juice, elderberry juice, loganberry juice or Saskatoon berry juice of heading 2009, provided that:</p> <p>(a) the net weight of non-originating juice of heading 20.09 in single strength form used in production does not exceed 40 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product; or</p> <p>A change to any other product of subheading 2009.90 from any other heading, provided that net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product.</p>
<p>Chapter 21</p> <p>2101.11-2101.30</p>	<p>Miscellaneous Edible Preparations</p> <p>A change from any other subheading, provided that:</p>

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2102.10-2102.30	<p>(a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.</p>
2103.10	A change from any other subheading.
2103.20	<p>A change from any other subheading, provided that:</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating material of heading 04.07 through 04.10 used in production does not exceed 20 per cent of the net weight of the product.</p>
2103.30	<p>A change to tomato ketchup or barbeque sauce from any other subheading, provided that:</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating material of heading 04.07 through 04.08 or heading 04.10 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(c) the net weight of non-originating sugar and non-originating material of heading 04.07 through 04.08 or heading 04.10 used in production does not exceed 50 per cent of the net weight of the product; or</p> <p>A change to any other product of subheading 2103.20 from any other subheading, provided that</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating material of heading 04.07 through 04.10 used in production does not exceed 20 per cent of the net weight of the product.</p>
2103.30	<p>A change from any other subheading, provided that:</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p>

Harmonized System Classification	Sufficient production
<p>2103.90</p> <p>2104.10-2105.00</p> <p>21.06</p>	<p>(b) the net weight of non-originating material of heading 04.07 through 04.10 used in production does not exceed 20 per cent of the net weight of the product.</p> <p>Note:</p> <p>For the purposes of the rule of origin for subheading 2103.90, mixed condiments and mixed seasonings are food preparations that may be added to a food in order to enhance or impart flavour during the food's manufacture or preparation before it is served, or after the food has been served.</p> <p>A change to barbeque sauce, fruit-based sauces, mixed condiments or mixed seasonings from any other subheading, provided that:</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product,</p> <p>(b) the net weight of non-originating material of heading 04.07 through 04.08 or heading 04.10 used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(c) the net weight of non-originating sugar and non-originating material of heading 04.07 through 04.08 or heading 04.10 used in production does not exceed 50 per cent of the weight of the product; or</p> <p>A change to any other product of subheading 2103.90 from any other subheading, provided that</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating material of heading 04.07 through 04.10 used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other subheading, provided that:</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and</p> <p>(b) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading, provided that:</p> <p>(a) the net weight of non-originating sugar used in production does not exceed 40 per cent of the net weight of the product, and</p>

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	(b) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.
Chapter 22	Beverages, Spirits and Vinegar
22.01	A change from any other heading.
2202.10	A change from any other heading, provided that: <ul style="list-style-type: none"> (a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and (b) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.
2202.90	A change to beverages containing milk from any other heading, except from heading 04.01 through 04.06 or dairy preparations of subheading 1901.90 containing more than 10 per cent by dry weight of milk solids, provided that: <ul style="list-style-type: none"> (a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and (b) the net weight of non-originating material of heading 04.07 through 04.10 used in production does not exceed 20 per cent of the net weight of the product; or A change to any other product of subheading 2202.90 from any other heading, provided that: <ul style="list-style-type: none"> (a) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and (b) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.
22.03	A change from any other heading.
22.04	A change from any other heading, except from subheading 0806.10, 2009.61 or 2009.69 or heading 22.07 through 22.08.
22.05-22.06	A change from any other heading.
22.07-22.09	A change from any other heading outside this group, except from heading 22.04.

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Chapter 23 23.01 23.02 2303.10 2303.20-2303.30 23.04-23.08 23.09	Residues and Waste from the Food Industries; Prepared Animal Fodder A change from any other heading. A change from any other heading, provided that the net weight of non-originating material of Chapter 10 used in production does not exceed 20 per cent of the net weight of the product. A change from any other heading, provided that the net weight of non-originating material of Chapter 10 used in production does not exceed 20 per cent of the net weight of the product. A change from any other heading. A change from any other heading. A change from any other heading, except from Chapter 2 through 3, provided that: (a) the net weight of non-originating material of Chapter 10 through 11 used in production does not exceed 20 per cent of the net weight of the product, (b) the net weight of non-originating sugar used in production does not exceed 20 per cent of the net weight of the product, and (c) the net weight of non-originating material of Chapter 4 used in production does not exceed 20 per cent of the net weight of the product.
Chapter 24 24.01 2402.10 2402.20	Tobacco and Manufactured Tobacco Substitutes Note: <i>Agricultural and horticultural products grown in the territory of a Party shall be treated as originating in the territory of that Party even if grown from seed, bulbs, rootstock, cuttings, slips, grafts, shoots, buds or other live parts of plants imported from a non-Party.</i> Production in which all the material of heading 24.01 used is wholly obtained. A change from any other heading, provided that the net weight of non-originating material of Chapter 24 used in production does not exceed 30 per cent of the net weight of all the material of Chapter 24 used in the production of the product. A change from any other heading, except from subheading 2403.10, provided that the net weight of the material of heading 24.01 that is wholly obtained is at least 10

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2402.90	per cent by net weight of all the material of Chapter 24 used in the production of the product. A change from any other heading, provided that the net weight of non-originating material of Chapter 24 used in production does not exceed 30 per cent of the net weight of all the material of Chapter 24 used in the production of the product.
24.03	A change from any other heading, provided that the net weight of non-originating material of Chapter 24 used in production does not exceed 30 per cent of the net weight of all the material of Chapter 24 used in the production of the product.
Section V	Mineral Products
Chapter 25	Salt; Sulphur; Earths and Stone; Plastering Materials; Lime and Cement
25.01-25.03	A change from any other heading.
2504.10-2504.90	A change from within any one of these subheadings or any other subheading.
25.05-25.14	A change from any other heading.
2515.11-2516.90	A change from within any one of these subheadings or any other subheading.
25.17	A change from any other heading.
2518.10-2520.20	A change from within any one of these subheadings or any other subheading.
25.21-25.23	A change from any other heading.
2524.10-2525.30	A change from within any one of these subheadings or any other subheading.
25.26-25.29	A change from any other heading.
2530.10-2530.90	A change from within any one of these subheadings or any other subheading.
Chapter 26	Ores, Slag and Ash
26.01-26.21	A change from any other heading.
Chapter 27	Mineral Fuels, Mineral Oils and Products of Their Distillation; Bituminous Substances; Mineral Waxes
27.01-27.09	A change from within any one of these headings or any other heading.

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27.10 27.11-27.16	A change from within this heading or any other heading, except from biodiesel of subheading 3824.90. A change from within any one of these headings or any other heading.
Section VI	Products of the Chemical or Allied Industries
Chapter 28	<p>Inorganic Chemicals; Organic or Inorganic Compounds of Precious Metals, of Rare-Earth Metals, of Radioactive Elements or of Isotopes</p> <p><i>Note 1: A product of this Chapter is an originating product if it is the result of any one of the following:</i></p> <ul style="list-style-type: none"> <i>a) an applicable change in tariff classification specified in the rules of origin of this Chapter;</i> <i>b) a chemical reaction as described in Note 2 below; or</i> <i>c) purification as described in Note 3 below.</i> <p><i>Note 2: Chemical Reaction and Change of Chemical Abstract Service Number</i> A product of this Chapter shall be treated as an originating product if it is the result of a chemical reaction and that chemical reaction results in a change of Chemical Abstract Service (CAS) number.</p> <p><i>For purposes of this Chapter, a "chemical reaction" is a process (including a biochemical process) that results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds or by altering the spatial arrangement of atoms in a molecule.</i></p> <p><i>The following are not considered to be chemical reactions for the purposes of determining whether a product is originating:</i></p> <ul style="list-style-type: none"> <i>a) dissolution in water or in another solvent;</i> <i>b) the elimination of solvents, including solvent water; or</i> <i>c) the addition or elimination of water of crystallization..</i> <p><i>Note 3: Purification</i> A product of this Chapter that is subject to purification shall be treated as an originating product provided that the purification occurs in the territory of one or both of the Parties and results in the elimination of not less than 80 per cent of the impurities.</p> <p><i>Note 4: Separation Prohibition</i> A product that meets the applicable change in tariff classification in the territory of one or both of the Parties as a result of the separation of one or more materials from a man-made mixture shall not be treated as an originating product unless the</p>

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2801.10-2853.00	<p><i>isolated material underwent a chemical reaction in the territory or one or both of the Parties.</i></p> <p>A change from any other subheading; or</p> <p>A change from within any one of these subheadings, whether or not there is also a change from any other subheading, provided that the value of the non-originating materials classified in the same subheading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
Chapter 29	<p>Organic Chemicals</p> <p>Note 1: <i>A product of this Chapter is an originating good if it is the result of any one of the following:</i></p> <ul style="list-style-type: none"> <i>a) an applicable change in tariff classification specified in the rules of origin of this Chapter;</i> <i>b) a chemical reaction as described in Note 2 below; or</i> <i>c) purification as described in Note 3 below.</i> <p>Note 2: Chemical Reaction and Change of Chemical Abstract Service Number <i>A product of this Chapter shall be treated as an originating product if it is the result of a chemical reaction and that chemical reaction results in a change of Chemical Abstract Service (CAS) number.</i></p> <p><i>For purposes of this Chapter, a "chemical reaction" is a process (including a biochemical process) that results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds or by altering the spatial arrangement of atoms in a molecule.</i></p> <p><i>The following are not considered to be chemical reactions for the purposes of determining whether a product is originating:</i></p> <ul style="list-style-type: none"> <i>a) dissolution in water or in another solvent;</i> <i>b) the elimination of solvents, including solvent water; or</i> <i>c) the addition or elimination of water of crystallization.</i> <p>Note 3: Purification <i>A product of this Chapter that is subject to purification shall be treated as an originating product provided that the purification occurs in the territory of one or both of the Parties and results in the elimination of not less than 80 per cent of the impurities.</i></p> <p>Note 4: Separation Prohibition <i>A product that meets the applicable change in tariff classification in the territory of one or both of the Parties as a result of the separation of one or more materials</i></p>

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2901.10-2942.00	<p><i>from a man-made mixture shall not be treated as an originating product unless the isolated material underwent a chemical reaction in the territory or one or both of the Parties.</i></p> <p>A change from any other subheading; or</p> <p>A change from within any one of these subheadings, whether or not there is also a change from any other subheading, provided that the value of the non-originating materials classified in the same subheading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
Chapter 30 3001.20-3005.90 3006.10-3006.60 3006.70-3006.92	Pharmaceutical Products <p>A change from within any one of these subheadings or any other subheading.</p> <p>A change from within any one of these subheadings or any other subheading.</p> <p>A change from any other subheading.</p>
Chapter 31 31.01 31.02 3103.10-3104.90 31.05	Fertilisers <p>A change from within this heading or any other heading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from within any one of these subheadings or any other subheading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
Chapter 32 3201.10-3210.00	Tanning or Dyeing Extracts; Tannins and Their Derivatives; Dyes, Pigments and Other Colouring Matter; Paints and Varnishes; Putty and Other Mastics; Inks <p>A change from within any of these subheadings or any other subheading.</p>

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<p>32.11-32.12</p> <p>3213.10</p> <p>3213.90</p> <p>32.14-32.15</p>	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 33</p> <p>3301.12-3301.90</p> <p>3302.10</p> <p>3302.90</p>	<p>Essential Oils and Resinoids; Perfumery, Cosmetic or Toilet Preparations</p> <p>A change from any other subheading; or</p> <p>A change from within any one of these subheadings, whether or not there is also a change from any other subheading, provided that the value of the non-originating materials classified in the same subheading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading, provided that the weight of non-originating materials of heading 17.01 through 17.02 does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading.</p>

Harmonized System Classification	Sufficient production
33.03	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
33.04-33.07	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
Chapter 34 3401.11-3401.20 3401.30 3402.11-3402.19 3402.20 3402.90	<p>Soap, Organic Surface-Active Agents, Washing Preparations, Lubricating Preparations, Artificial Waxes, Prepared Waxes, Polishing or Scouring Preparations, Candles and Similar Articles, Modelling Pastes, "Dental Waxes" and Dental Preparations with a Basis of Plaster</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading, except from subheading 3402.90; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading except subheading 3402.90, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading; or</p> <p>A change from within any one of these subheadings, whether or not there is also a change from any other subheading, provided that the value of the non-originating materials classified in the same subheading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading, except from subheading 3402. 90.</p> <p>A change from any other subheading; or</p>

Harmonized System Classification	Sufficient production
<p>3403.11-3405.90</p> <p>34.06</p> <p>34.07</p>	<p>A change from within this subheading, whether or not there is also a change from any other subheading, provided that the value of the non-originating materials of this subheading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading: or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that:</p> <p>(a) at least one of the component products of the set is originating, and</p> <p>(b) the value of the non-originating component products of 34.07 does not exceed 50 per cent of the transaction value or ex-works price of the set.</p>
<p>Chapter 35</p> <p>35.01-35.02</p> <p>35.03</p> <p>35.04</p>	<p>Albuminoidal Substances; Modified Starches; Glues; Enzymes</p> <p>A change from any other heading, except from Chapter 2 through 4; or</p> <p>A change from Chapter 2 through 4, whether or not there is also a change from any other heading, provided that the value of non-originating materials of Chapter 2 through 4 does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading, except from Chapter 2 other than swine skin or Chapter 3 other than fish skin; or</p> <p>A change from Chapter 2 other than swine skin or Chapter 3 other than fish skin , whether or not there is also a change from any other heading, swine skin of Chapter 2 or fish skin of Chapter 3, provided that the value of non-originating material of Chapter 2 other than swine skin or Chapter 3 other than fish skin does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>A change to milk protein substances from any other heading, except from Chapter 4 or dairy preparations of heading 1901.90 containing more than 10 per cent by dry weight of milk solids;</p>

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<p>35.05</p> <p>35.06-35.07</p>	<p>A change to any other product of heading 35.04 from any other heading, except from non-originating material of Chapter 2 through 4 or heading 11.08; or</p> <p>A change to any other product of heading 35.04 from Chapter 2 through 4 or heading 11.08, whether or not there is also a change from any other heading, provided that the value of non-originating material of Chapter 2 through 4 or heading 11.08 does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading, except from heading 11.08; or</p> <p>A change from heading 11.08, whether or not there is also a change from any other heading, provided that the value of non-originating material of heading 11.08 does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of non-originating materials classified in the same heading as the final product does not exceed 40 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 36</p> <p>36.01-36.06</p>	<p>Explosives; Pyrotechnic Products; Matches; Pyrophoric Alloys; Certain Combustible Preparations</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 37</p> <p>37.01</p> <p>37.02</p>	<p>Photographic or Cinematographic Goods</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading, except from heading 37.01.</p>

Harmonized System Classification	Sufficient production
37.03-37.06	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
3707.10-3707.90	A change from any other subheading.
<p>Chapter 38</p> <p>38.01-38.02</p> <p>38.03</p> <p>38.04</p> <p>3805.10</p> <p>3805.90</p> <p>3806.10-3806.90</p> <p>38.07</p> <p>3808.50-3808.99</p> <p>3809.10</p>	<p>Miscellaneous Chemical Products</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from within this heading or any other heading.</p> <p>A change from any other heading.</p> <p>A change to purified sulphate turpentine from any other subheading, or from raw spirits of sulphate turpentine as a result of purification by distillation; or</p> <p>A change to any other product of subheading 3805.10 from any other subheading.</p> <p>A change from any other subheading.</p> <p>A change from any other subheading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading.</p> <p>A change from any other heading, except from heading 10.06 or 11.01 through 11.08; or</p> <p>A change from heading 10.06 or 11.01 through 11.08, whether or not there is also a</p>

Harmonized System Classification	Sufficient production
3809.91-3809.93	change from any other heading, provided the value of the non-originating materials of heading 10.06 or 11.01 through 11.08 does not exceed 20 per cent of the weight of the product.
38.10	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
3811.11-3811.90	A change from any other subheading.
38.12	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p>
38.13-38.14	A change from any other heading.
3815.11-3815.90	A change from any other subheading.
38.16-38.19	A change from any other heading.
38.20	<p>A change from any other heading, except from subheading 2905.31 or 2905.49; or</p> <p>A change from subheading 2905.31 or 2905.49, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 2905.31 or 2905.49 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
38.21-38.22	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 20 per</p>

Harmonized System Classification	Sufficient production
<p>3823.11-3823.70</p> <p>3824.10-3824.50</p> <p>3824.60</p> <p>3824.71-3824.83</p> <p>3824.90</p> <p>38.25</p>	<p>cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 20 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading except from heading 11.01 through 11.08, 17.01 through 17.02 or subheading 2905.44; or</p> <p>A change from heading 11.01 through 11.08, 17.01 through 17.02 or subheading 2905.44, whether or not there is also a change from any other subheading, provided that the weight of non-originating materials of heading 11.01 through 11.08, 17.01 through 17.02, or subheading 2905.44 does not exceed 20 per cent of the net weight of the product.</p> <p>A change from any other heading.</p> <p>A change to biodiesel from any other heading, provided that the biodiesel is transesterified in the territory of a Party;</p> <p>A change to products containing ethanol from any other heading, except from ethanol of heading 22.07 or subheading 2208.90; or</p> <p>A change to any other product of subheading 3824.90 from any other heading.</p> <p>A change from any other heading.</p>
Section VII	Plastics and Articles Thereof; Rubber and Articles Thereof
<p>Chapter 39</p> <p>39.01-39.15</p>	<p>Plastics and Articles Thereof</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product; or</p> <p>A change from within any one of these headings, whether or not there is also a</p>

Harmonized System Classification	Sufficient production
39.16-39.26	<p>change from any other heading, provided that the net weight of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the net weight of the product.</p> <p>A change from any other heading.</p>
Chapter 40 40.01-40.11 4012.11-4012.19 4012.20-4012.90 40.13-40.16 40.17	Rubber and Articles Thereof <p>A change from any other heading.</p> <p>A change from any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other heading.</p> <p>A change from within this heading or any other heading.</p>
Section VIII	Raw Hides and Skins, Leather, Furskins and Articles Thereof; Saddlery and Harness; Travel Goods, Handbags and Similar Containers; Articles of Animal Gut (Other Than Silk-Worm Gut)
Chapter 41 41.01-41.03 4104.11-4104.19 4104.41-4104.49 4105.10 4105.30 4106.21 4106.22 4106.31 4106.32 4106.40	Raw Hides and Skins (Other Than Furskins) and Leather <p>A change from any other heading.</p> <p>A change from any other heading.</p> <p>A change from any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other subheading.</p> <p>A change from within this subheading or any other subheading.</p>

Harmonized System Classification	Sufficient production
4106.91	A change from any other heading.
4106.92	A change from any other subheading.
41.07-41.13	A change from any other heading, except from subheading 4104.41, 4104.49, 4105.30, 4106.22, 4106.32 or 4106.92; or A change from subheading 4104.41, 4104.49, 4105.30, 4106.22, 4106.32 or 4106.92, whether or not there is also a change from any other heading, provided that materials of subheading 4104.41, 4104.49, 4105.30, 4106.22, 4106.32 or 4106.92 undergo a retanning operation in the territory of a Party.
41.14-41.15	A change from any other heading.
Chapter 42	Articles of Leather; Saddlery and Harness; Travel Goods, Handbags and Similar Containers; Articles of Animal Gut (Other Than Silk-Worm Gut)
42.01-42.06	A change from any other heading.
Chapter 43	Furskins and Artificial Fur; Manufactures Thereof
43.01	A change from any other heading.
4302.11-4302.30	A change from any other subheading.
43.03-43.04	A change from any other heading.
Section IX	Wood and Articles of Wood; Wood Charcoal; Cork and Articles of Cork; Manufactures of Straw, of Esparto or of Other Plaiting Materials; Basketware and Wickerwork
Chapter 44	Wood and Articles of Wood; Wood Charcoal
44.01-44.21	A change from any other heading.
Chapter 45	Cork and Articles of Cork
45.01-45.04	A change from any other heading.
Chapter 46	Manufactures of Straw, of Esparto or of Other Plaiting Materials; Basketware and Wickerwork
46.01-46.02	A change from any other heading.

Harmonized System Classification	Sufficient production
Section X	Pulp of Wood or of Other Fibrous Cellulosic Material; Recovered (Waste and Scrap) Paper or Paperboard; Paper and Paperboard and Articles Thereof
Chapter 47 47.01-47.07	Pulp of Wood or of Other Fibrous Cellulosic Material; Recovered (Waste and Scrap) Paper or Paperboard A change from any other heading.
Chapter 48 48.01-48.09 4810.13-4811.90 48.12-48.23	Paper and Paperboard; Articles of Paper Pulp, of Paper or of Paperboard A change from any other heading. A change from any other subheading. A change from any other heading.
Chapter 49 49.01-49.11	Printed Books, Newspapers, Pictures and Other Products of the Printing Industry; Manuscripts, Typescripts and Plans A change from any other heading.
Section XI	Textiles and Textile Articles
Chapter 50 50.01-50.02 50.03 50.04-50.06 50.07	Silk A change from any other heading. A change from within this heading or any other heading. Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning or twisting. Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn or twisting, in each case accompanied by weaving; Weaving accompanied by dyeing; Yarn dyeing accompanied by weaving; or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5

Harmonized System Classification	Sufficient production
	per cent of the transaction value or ex-works price of the product.
Chapter 51 51.01-51.05 51.06-51.10 51.11-51.13	Wool, Fine or Coarse Animal Hair; Horsehair Yarn and Woven Fabric A change from any other heading. Spinning of natural fibres or extrusion of man-made fibres, accompanied by spinning. Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving; Weaving accompanied by dyeing; Yarn dyeing accompanied by weaving; or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.
Chapter 52 52.01-52.03 52.04-52.07 52.08-52.12	Cotton A change from any other heading. Spinning of natural fibres or extrusion of man-made fibres, accompanied by spinning. Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving; Weaving accompanied by dyeing or by coating; Yarn dyeing accompanied by weaving; or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.
Chapter 53	Other Vegetable Textile Fibres; Paper Yarn and Woven Fabrics of Paper Yarn

Harmonized System Classification	Sufficient production
<p>53.01-53.05</p> <p>53.06-53.08</p> <p>53.09-53.11</p>	<p>A change from any other heading.</p> <p>Spinning of natural fibres or extrusion of man-made fibres, accompanied by spinning.</p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving;</p> <p>Weaving accompanied by dyeing or by coating;</p> <p>Yarn dyeing accompanied by weaving; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 54</p> <p>54.01-54.06</p> <p>54.07-54.08</p>	<p>Man-Made Filaments</p> <p>Extrusion of man-made fibres accompanied, if necessary, by spinning or spinning of natural fibres.</p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving;</p> <p>Weaving accompanied by dyeing or by coating;</p> <p>Twisting or texturing accompanied by weaving provided that the value of the non-twisted/non-textured yarns used does not exceed 47.5 per cent of the transaction value or ex-works price of the product; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 55</p> <p>55.01-55.07</p> <p>55.08-55.11</p>	<p>Man-Made Staple Fibres</p> <p>Extrusion of man-made fibres.</p> <p>Spinning of natural fibres or extrusion of man-made fibres, accompanied by</p>

Harmonized System Classification	Sufficient production
55.12-55.16	<p>spinning.</p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving;</p> <p>Weaving accompanied by dyeing or by coating;</p> <p>Yarn dyeing accompanied by weaving; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 56</p> <p>56.01</p> <p>5602.10</p> <p>5602.21-5602.90</p> <p>56.03</p> <p>5604.10</p> <p>5604.90 -Rubber thread</p>	<p>Wadding, Felt and Non-Wovens; Special Yarns; Twine, Cordage, Ropes and Cables and Articles Thereof</p> <p>A change from any other chapter.</p> <p>Extrusion of man-made fibres accompanied by fabric formation,</p> <p>However:</p> <ul style="list-style-type: none"> -polypropylene filament of heading 54.02, -polypropylene fibres of heading 55.03 or 55.06, or -polypropylene filament tow of heading 55.01, <p>of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used, provided that their total value does not exceed 40 per cent of the transaction value or ex-works price of the product; or</p> <p>Fabric formation alone in the case of felt made from natural fibres.</p> <p>Extrusion of man-made fibres accompanied by fabric formation; or</p> <p>Fabric formation alone in the case of other felt made from natural fibres.</p> <p>Extrusion of man-made fibres, or use of natural fibres, accompanied by nonwoven techniques including needle punching.</p> <p>A change from any other heading.</p> <p>Production from rubber thread or cord, not textile covered.</p>

Harmonized System Classification	Sufficient production
<p>(textile covered)</p> <p>-Other</p> <p>56.05</p> <p>56.06</p> <p>56.07</p> <p>56.08</p> <p>56.09</p>	<p>Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning.</p> <p>A change from any other heading, except from yarn of heading 50.04 through 50.06, 51.06 through 51.10, 52.04 through 52.07, 53.06 through 53.08, 54.01 through 54.06 or 55.09 through 55.11.</p> <p>Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres.</p> <p>A change from any other heading, except from yarn of heading 50.04 through 50.06, 51.06 through 51.10, 52.04 through 52.07, 53.06 through 53.08, 54.01 through 54.06 or 55.09 through 55.11;</p> <p>Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres;</p> <p>Spinning accompanied by flocking; or</p> <p>Flocking accompanied by dyeing.</p> <p>A change from any other heading, except from yarn of heading 50.04 through 50.06, 51.06 through 51.10, 52.04 through 52.07, 53.06 through 53.08, 54.01 through 54.06 or 55.09 through 55.11;</p> <p>Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres; or</p> <p>Flocking accompanied by dyeing or printing.</p> <p>Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres; or</p> <p>Flocking accompanied by dyeing or printing.</p> <p>A change from any other heading, except from yarn of heading 50.04 through 50.06, 51.06 through 51.10, 52.04 through 52.07, 54.01 through 54.06 or 55.09 through 55.11;</p> <p>Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres; or</p> <p>Flocking accompanied by dyeing or printing.</p>

Harmonized System Classification	Sufficient production
<p>Chapter 57</p> <p>57.01-57.05</p>	<p>Carpets and Other Textile Floor Coverings</p> <p><i>Note: For products of this Chapter jute fabric may be used as a backing.</i></p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving;</p> <p>Production from coir yarn or sisal yarn or jute yarn;</p> <p>Flocking accompanied by dyeing or by printing; Tufting accompanied by dyeing or by printing; or Extrusion of man-made fibres accompanied by non-woven techniques including needle punching,</p> <p>However: -polypropylene filament of heading 54.02, -polypropylene fibres of heading 55.03 or 55.06, or -polypropylene filament tow of heading 55.01,</p> <p>of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 58</p> <p>58.01-58.04</p>	<p>Special Woven Fabrics; Tufted Textile Fabrics; Lace; Tapestries; Trimmings; Embroidery</p> <p><i>Note: For products of 58.11, the materials used to produce wadding must be extruded in the territory of one or both of the Parties.</i></p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving;</p> <p>Weaving accompanied by dyeing or flocking or coating;</p> <p>Flocking accompanied by dyeing or by printing;</p> <p>Yarn dyeing accompanied by weaving; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>

Harmonized System Classification	Sufficient production
58.05	A change from any other heading.
58.06-58.09	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving or fabric formation;</p> <p>Weaving or fabric formation accompanied by dyeing or flocking or coating;</p> <p>Flocking accompanied by dyeing or by printing;</p> <p>Yarn dyeing accompanied by weaving or fabric formation; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
58.10	Production in which the value of all the materials used does not exceed 50 per cent of the transaction value or ex-works price of the product.
58.11	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving, knitting or non-woven process;</p> <p>Weaving, knitting or non-woven process accompanied by dyeing or flocking or coating;</p> <p>Flocking accompanied by dyeing or by printing;</p> <p>Yarn dyeing accompanied by weaving, knitting or non-woven process; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>

Harmonized System Classification	Sufficient production
<p>Chapter 59</p> <p>59.01</p> <p>59.02 -Containing not more than 90 per cent by weight of textile materials</p> <p>-Other</p> <p>59.03</p> <p>59.04</p> <p>59.05 -Impregnated, coated, covered or laminated with rubber, plastics or other materials</p> <p>-Other</p>	<p>Impregnated, Coated, Covered or Laminated Textile Fabrics; Textile Articles of a Kind Suitable for Industrial Use</p> <p>Weaving, knitting, or a non-woven process accompanied by dyeing or by flocking or by coating; or</p> <p>Flocking accompanied by dyeing or by printing.</p> <p>Weaving, knitting or a non-woven process.</p> <p>Extrusion of man-made fibres accompanied by weaving, knitting or a non-woven process.</p> <p>Weaving, knitting or a non-woven process accompanied by dyeing or by coating; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving, knitting, or a non-woven process accompanied by dyeing or by coating.</p> <p>Weaving, knitting or a non-woven process accompanied by dyeing or by coating.</p> <p>Spinning of natural and/or man-made staple fibres;</p> <p>Extrusion of man-made filament yarn, in each case accompanied by weaving, knitting or a non-woven process; or</p> <p>Weaving, knitting or a non-woven process accompanied by dyeing or by coating; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5</p>

Harmonized System Classification	Sufficient production
<p>59.06 -Knitted or crocheted fabrics</p> <p>-Other fabrics made of synthetic filament yarn, containing more than 90 per cent by weight of textile materials</p> <p>-Other</p> <p>59.07</p> <p>59.08 -Incandescent gas mantles, impregnated</p> <p>-Other</p>	<p>per cent of the ex-works price of the product.</p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting; or</p> <p>Knitting accompanied by dyeing or by coating; or</p> <p>Dyeing of yarn of natural fibres accompanied by knitting.</p> <p>Extrusion of man-made fibres accompanied by weaving, knitting or a non-woven process.</p> <p>Weaving, or knitting or a non-woven process accompanied by dyeing or by coating; or</p> <p>Dyeing of yarn of natural fibres accompanied by weaving, knitting or forming.</p> <p>A change from any other chapter, except from fabric of heading 50.07, 51.11 through 51.13, 52.08 through 52.12, 53.10 through 53.11, 54.07 through 54.08, 55.12 through 55.16, 56.02 through 56.03, Chapter 57, 58.03, 58.06, 58.08 or 60.02 through 60.06;</p> <p>Weaving accompanied by dyeing or by flocking or by coating;</p> <p>Flocking accompanied by dyeing or by printing; or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Production from tubular knitted gas-mantle fabric.</p> <p>A change from any other heading.</p>

Harmonized System Classification	Sufficient production
<p>59.09-59.11</p> <p>-Polishing discs or rings other than of felt of heading 5911</p> <p>-Woven fabrics, of a kind commonly used in papermaking or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading 59.11</p> <p>-Other</p>	<p>Weaving, knitting or a non-woven process.</p> <p>Spinning of natural and/or of man-made staple fibres, in each case accompanied by weaving or knitting; or</p> <p>Weaving, knitting or a non-woven process accompanied by dyeing or by coating, provided that only one or more of the following materials are used:</p> <ul style="list-style-type: none"> -coir yarn, -yarn of polytetrafluoroethylene, -yarn, multiple, of polyamide, coated impregnated or covered with a phenolic resin, -yarn of synthetic textile fibres of aromatic polyamides, obtained by polycondensation of m-phenylenediamine and isophthalic acid, -monofil of polytetrafluoroethylene, -yarn of synthetic textile fibres of poly(p-phenylene terephthalamide), -glass fibre yarn, coated with phenol resin and gimped with acrylic yarn, -copolyester monofilaments of a polyester and a resin of terephthalic acid and 1,4-cyclohexanediethanol and isophthalic acid. <p>Extrusion of man-made filament yarn or spinning of natural or man-made staple fibres, accompanied by weaving, knitting or a non-woven process; or</p> <p>Weaving, knitting or a non-woven process accompanied by dyeing or by coating.</p>
<p>Chapter 60</p> <p>60.01-60.06</p>	<p>Knitted or Crocheted Fabrics</p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting;</p> <p>Knitting accompanied by dyeing or by flocking or by coating;</p> <p>Flocking accompanied by dyeing or by printing;</p> <p>Dyeing of yarn of natural fibres accompanied by knitting; or</p> <p>Twisting or texturing accompanied by knitting provided that the value of the non-twisted/non-textured yarns used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 61</p>	<p>Articles of Apparel and Clothing Accessories, Knitted or Crocheted</p>

Harmonized System Classification	Sufficient production
<p>61.01-61.17</p> <p>-Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form</p> <p>-Other (knit to shape products)</p>	<p>Knitting or crocheting and making-up (including cutting).</p> <p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting or crocheting; or</p> <p>Dyeing of yarn of natural fibres accompanied by knitting or crocheting.</p>
<p>Chapter 62</p> <p>62.01</p> <p>62.02</p> <p>-Women's, or girls' clothing, embroidered</p> <p>-Other</p>	<p>Articles of Apparel and Clothing Accessories, Not Knitted or Crocheted</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Production from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the</p>

Harmonized System Classification	Sufficient production
62.03	product.
62.04 -Women's, or girls' clothing, embroidered	<p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
-Other	<p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
62.05	<p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
62.06 -Women's, or girls' clothing, embroidered	<p>Weaving accompanied by making-up (including cutting); or</p> <p>Production from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product.</p>
-Other	Weaving accompanied by making-up (including cutting); or

Harmonized System Classification	Sufficient production
<p>62.07-62.08</p> <p>62.09 -Women's, or girls' clothing, embroidered</p> <p>-Other</p> <p>62.10 -Fire-resistant equipment of fabric covered with foil of aluminised polyester</p> <p>-Other</p>	<p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Production from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Production from yarn; or</p> <p>Production from uncoated fabric, provided that the value of the uncoated fabric used does not exceed 40 per cent of the ex-works price of the product.</p> <p>Weaving or other fabric formation process accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatising,</p>

Harmonized System Classification	Sufficient production
<p>62.11 -Women's, or girls' clothing, embroidered</p> <p>-Other</p>	<p>impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Production from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
<p>62.12</p>	<p>Knitting or weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
<p>62.13-62.14 -Embroidered</p>	<p>Weaving accompanied by making-up (including cutting);</p> <p>Production from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product; or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p>
<p>-Other</p>	<p>Weaving accompanied by making-up (including cutting); or</p>

Harmonized System Classification	Sufficient production
<p>62.15</p> <p>62.16 -Fire-resistant equipment of fabric covered with foil of aluminised polyester</p> <p>-Other</p> <p>62.17 -Embroidered</p> <p>-Fire-resistant equipment of fabric covered with foil of aluminised polyester</p> <p>-Interlinings for collars and cuffs,</p>	<p>Making-up preceded by printing accompanied by at least two preparatory finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Production from yarn; or</p> <p>Production from uncoated fabric, provided that the value of the uncoated fabric used does not exceed 40 per cent of the ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47.5 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Production from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product.</p> <p>Weaving accompanied by making-up (including cutting); or</p> <p>Coating provided that the value of the uncoated fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product accompanied by making-up (including cutting).</p> <p>Production from materials of any heading, except that of the product, and in which the value of all the non-originating materials used does not exceed 40 per cent of</p>

Harmonized System Classification	Sufficient production
cut out	the transaction value or ex-works price of the product.
-Other	Weaving accompanied by making-up (including cutting).
Chapter 63 63.01-63.04 -Of felt, of nonwovens -Other, embroidered -Other, not embroidered 63.05 63.06 -Of nonwovens -Other 63.07 63.08	Other Made Up Textile Articles; Sets; Worn Clothing and Worn Textile Articles; Rags Extrusion of man-made fibres or use of natural fibres in each case accompanied by non-woven process including needle punching and making-up (including cutting) Weaving or knitting accompanied by making-up (including cutting); or Production from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product. Weaving or knitting accompanied by making-up (including cutting). Extrusion of man-made fibres or spinning of natural and/or man-made staple fibres accompanied by weaving or knitting and making-up (including cutting); or Extrusion of man-made fibres or use of natural fibres in each case accompanied by any non-woven techniques including needle punching and making-up (including cutting). Extrusion of man-made fibres or use of natural fibres in each case accompanied by any non-woven techniques including needle punching. Weaving accompanied by making-up (including cutting); or Coating provided that the value of the uncoated fabric used does not exceed 40 per cent of the transaction value or ex-works price of the product accompanied by making-up (including cutting). Production from in which the value of the non-originating materials used does not exceed 40 per cent of the transaction value or ex-works price of the product. A change from any other chapter, provided that either the fabric or the yarn meets the rule of origin that would be applicable if the fabric or yarn were classified alone.

Harmonized System Classification	Sufficient production
63.09	A change from any other heading.
63.10	A change from any other heading.
Section XII	Footwear, Headgear, Umbrellas, Sun Umbrellas, Walking-Sticks, Seat-Sticks, Whips, Riding-Crops and Parts Thereof; Prepared Feathers and Articles Made Therewith; Artificial Flowers; Articles of Human Hair
Chapter 64	Footwear, Gaiters and the Like; Parts of Such Articles
64.01-64.05	A change from any other heading, except from assemblies of uppers affixed to inner soles or to other sole components of heading 6406.
64.06	A change from any other heading.
Chapter 65	Headgear and Parts Thereof
65.01-65.07	A change from any other heading.
Chapter 66	Umbrellas, Sun Umbrellas, Walking-Sticks, Seat-Sticks, Whips, Riding-Crops and Parts Thereof
66.01-66.03	A change from any other heading.
Chapter 67	Prepared Feathers and Down and Articles Made of Feathers or of Down; Artificial Flowers; Articles of Human Hair
67.01	A change to articles of feather or down from within this heading or any other heading; or A change to any other product of heading 67.01 from any other heading.
67.02-67.04	A change from any other heading.
Section XIII	Articles of Stone, Plaster, Cement, Asbestos, Mica or Similar Materials; Ceramic Products; Glass and Glassware
Chapter 68	Articles of Stone, Plaster, Cement, Asbestos, Mica or Similar Materials
68.01-68.02	A change from any other heading.
68.03	A change from within this heading or any other heading.

Harmonized System Classification	Sufficient production
68.04-68.11 6812.80-6812.99 68.13 6814.10-6814.90 68.15	A change from any other heading. A change from any other subheading. A change from any other heading. A change from within any one of these subheadings or any other subheading. A change from any other heading.
Chapter 69 69.01-69.14	Ceramic Products A change from any other heading.
Chapter 70 70.01-70.05 70.06 70.07-70.08 7009.10 7009.91-7009.92 70.10 70.11 70.13 70.14-70.18	Glass and Glassware A change from any other heading. A change from within this heading or any other heading. A change from any other heading. A change from any other subheading. A change from any other heading. A change from any other heading; or A change to cut glassware from uncut glassware of heading 70.10, whether or not there is also a change from any other heading, provided that the value of the non-originating uncut glassware does not exceed 50 per cent of the transaction value or ex-works price of the product. A change from any other heading. A change from any other heading; or A change to cut glassware from uncut glassware of heading 70.13, whether or not there is also a change from any other heading, provided that the value of the non-originating uncut glassware does not exceed 50 per cent of the transaction value or ex-works price of the product. A change from any other heading.

Harmonized System Classification	Sufficient production
7019.11-7019.40 7019.51 7019.52-7019.90 70.20	A change from any other heading. A change from any other subheading, except from subheading 7019.52 through 7019.59. A change from any other subheading. A change from any other heading.
Section XIV	Natural or Cultured Pearls, Precious or Semi-Precious Stones, Precious Metals, Metals Clad with Precious Metal and Articles Thereof; Imitations Jewellery; Coin
Chapter 71 71.01 7102.10 7102.21-7102.39 7103.10-7104.90 71.05 7106.10-7106.92 71.07 7108.11-7108.20	Natural or Cultured Pearls, Precious or Semi-Precious Stones, Precious Metals, Metals Clad with Precious Metal, and Articles Thereof; Imitation Jewellery; Coin A change from any other heading. A change from any other heading. A change from any other subheading, except from subheading 7102.10. A change from any other subheading. A change from any other heading. A change from any other subheading; or A change from within any one of these subheadings, whether or not there is also a change from another subheading, provided that the non-originating materials classified in the same subheading as the final product undergo electrolytic, thermal or chemical separation or alloying. A change from within this heading or any other heading. A change from any other subheading; or A change from within any one of these subheadings, whether or not there is also a change from another subheading, provided that the non-originating materials classified in the same subheading as the final product undergo electrolytic, thermal or chemical separation or alloying.

Harmonized System Classification	Sufficient production
<p>71.09</p> <p>7110.11-7110.49</p> <p>71.11</p> <p>71.12-71.15</p> <p>71.16-71.17</p> <p>71.18</p>	<p>A change from within this heading or any other heading.</p> <p>A change from any other subheading; or</p> <p>A change from within any one of these subheadings, whether or not there is also a change from another subheading, provided that the non-originating materials classified in the same subheading as the final product undergo electrolytic, thermal or chemical separation or alloying.</p> <p>A change from within this heading or any other heading.</p> <p>A change from any other heading.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading.</p>
Section XV	Base Metals and Articles of Base Metal
<p>Chapter 72</p> <p>72.01-72.07</p> <p>72.08-72.17</p> <p>72.18</p> <p>72.19-72.23</p> <p>72.24</p> <p>72.25-72.29</p>	<p>Iron and Steel</p> <p>A change from any other heading.</p> <p>A change from any heading outside this group.</p> <p>A change from any other heading.</p> <p>A change from any heading outside this group.</p> <p>A change from any other heading.</p> <p>A change from any heading outside this group.</p>
<p>Chapter 73</p> <p>73.01-73.03</p> <p>7304.11-7304.39</p>	<p>Articles of Iron or Steel</p> <p>A change from any other heading.</p> <p>A change from any other heading.</p>

Harmonized System Classification	Sufficient production
7304.41	A change from any other subheading.
7304.49-7304.90	A change from any other heading.
73.05-73.06	A change from any other heading.
7307.11-7307.19	A change from any other heading.
7307.21-7307.29	A change from any other heading, except from forged blanks of heading 72.07; or A change from forged blanks of heading 72.07, whether or not there is also a change from any other heading, provided that the value of the non-originating forged blanks of heading 72.07 does not exceed 50 per cent of the transaction value or ex-works price of the product.
7307.91-7307.99	A change from any other heading.
73.08	A change from any other heading, except from subheading 7301.20; or A change from subheading 7301.20, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 7301.20 does not exceed 50 per cent of the transaction value or ex-works price of the product.
73.09-73.14	A change from any other heading.
73.15	A change from any other heading; or A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.
73.16-73.20	A change from any other heading.
73.21	A change from any other heading; or A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.
73.22-73.23	A change from any other heading.
73.24	A change from any other heading; or

Harmonized System Classification	Sufficient production
73.25-73.26	<p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading.</p>
Chapter 74 74.01-74.02 7403.11-7403.29 74.04-74.19	Copper and Articles Thereof <p>A change from any other heading.</p> <p>A change from any other subheading.</p> <p>A change from any other heading.</p>
Chapter 75 75.01-75.08	Nickel and Articles Thereof <p>A change from any other heading.</p>
Chapter 76 7601.10-7601.20 76.02-76.06 76.07 76.08-76.16	Aluminium and Articles Thereof <p>A change from within any one of these subheadings or any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading.</p>
Chapter 78 7801.10 7801.91-7801.99 78.02-78.06	Lead and Articles Thereof <p>A change from any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other heading.</p>

Harmonized System Classification	Sufficient production
Chapter 79 79.01-79.07	Zinc and Articles Thereof A change from any other heading.
Chapter 80 80.01-80.07	Tin and Articles Thereof A change from any other heading.
Chapter 81 8101.10-8113.00	Other Base Metals; Cermets; Articles Thereof A change from any other subheading.
Chapter 82 82.01-82.04 8205.10-8205.80 8205.90 82.06	Tools, Implements, Cutlery, Spoons and Forks, of Base Metal; Parts Thereof of Base Metal <i>Note: Handles of base metal used in the production of a product of this chapter shall be disregarded in determining the origin of that product.</i> A change from any other heading; or A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product. A change from any other heading; or A change from within this heading, except from subheading 8205.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading, other than subheading 8205.90 does not exceed 50 per cent of the transaction value or ex-works price of the product. A change from any other heading; or A change from subheading 8205.10 through 8205.80, whether or not there is also a change from any other heading, provided that the value of the non-originating component products of subheading 8205.10 through 8205.80 does not exceed 25 per cent of the transaction value or ex-works price of the set. A change from any other heading, except from heading 82.02 through 82.05; or A change from heading 82.02 through 82.05, whether or not there is also a change from any other heading, provided that the value of the non-originating component products of heading 82.02 through 82.05 does not exceed 25 per cent of the

Harmonized System Classification	Sufficient production
	transaction value or ex-works price of the set.
8207.13	<p>A change from any other heading, except from heading 82.09; or</p> <p>A change from subheading 8207.19 or heading 82.09, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8207.19 or heading 82.09 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8207.19-8207.90	<p>A change from any other heading; or</p> <p>A change from within any one of these subheadings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same subheading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
82.08-82.10	A change from any other heading.
8211.10	<p>A change from any other heading; or</p> <p>A change from subheading 8211.91 through 8211.95, whether or not there is also a change from any other heading, provided that the value of the non-originating component products of subheading 8211.91 through 8211.93 does not exceed 25 per cent of the transaction value or ex-works price of the set.</p>
8211.91-8211.93	<p>A change from any other heading; or</p> <p>A change from subheading 8211.94 through 8211.95, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8211.94 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8211.94-8211.95	A change from any other heading.
82.12-82.13	A change from any other heading.
8214.10	A change from any other heading.
8214.20	<p>A change from any other heading; or</p> <p>A change to a set of subheading 8214.20 from within this subheading, whether or not there is also a change from any other heading, provided that the value of the non-originating component products of subheading 8214.20 does not exceed 25 per cent of the transaction value or ex-works price of the set.</p>

Harmonized System Classification	Sufficient production
8214.90 8215.10-8215.20 8215.91-8215.99	A change from any other heading. A change from any other heading; or A change from subheading 8215.91 through 8215.99, whether or not there is also a change from any other heading, provided that the value of the non-originating component products of heading 8215.91 through 8215.99 does not exceed 25 per cent of the transaction value or ex-works price of the product. A change from any other heading.
Chapter 83 8301.10-8301.50 8301.60-8301.70 8302.10-8302.30 8302.41 8302.42-8302.50 8302.60 83.03-83.04 83.05	Miscellaneous Articles of Base Metal A change from any other heading; or A change from subheading 8301.60, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8301.60 does not exceed 50 per cent of the transaction value or ex-works price of the product. A change from any other heading. A change from any other heading. A change from any other heading; or A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product. A change from any other heading. A change from any other heading; or A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product. A change from any other heading. A change from any other heading; or

Harmonized System Classification	Sufficient production
<p>83.06</p> <p>83.07</p> <p>83.08</p> <p>83.09-83.10</p> <p>83.11</p>	<p>A change from subheading 8305.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8305.90 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading.</p> <p>A change from any other heading; or</p> <p>A change from subheading 8308.90, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 8308.90 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
Section XVI	Machinery and Mechanical Appliances; Electrical Equipment; Parts Thereof; Sound Recorders and Reproducers, Television Image and Sound Recorders and Reproducers, And Parts and Accessories of Such Articles
<p>Chapter 84</p> <p>84.01-84.12</p>	<p>Nuclear Reactors, Boilers, Machinery and Mechanical Appliances; Parts Thereof</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>

Harmonized System Classification	Sufficient production
8413.11-8413.82	A change from any other subheading.
8413.91-8413.92	A change from any other heading.
84.14-84.15	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8416.10-8417.90	A change from any other subheading.
84.18-84.22	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8423.10-8426.99	A change from any other subheading.
84.27	<p>A change from any other heading except from heading 84.31; or</p> <p>A change from heading 84.31, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 84.31 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8428.10-8430.69	A change from any other subheading.
84.31	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8432.10-8442.50	A change from any other subheading.
84.43	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of</p>

Harmonized System Classification	Sufficient production
	the product.
8444.00-8449.00	A change from any other subheading.
84.50-84.52	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8453.10-8454.90	A change from any other subheading.
84.55	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
84.56-84.65	<p>A change from any other heading, except from heading 84.66; or</p> <p>A change from within any one of these headings or heading 84.66, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product or heading 84.66 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
84.66	A change from any other heading.
84.67-84.68	<p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
8469.00-8472.90	A change from any other subheading.
84.73	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>

Harmonized System Classification	Sufficient production
<p>8474.10-8479.90</p> <p>84.80-84.83</p> <p>8484.10-8484.20</p> <p>8484.90</p> <p>84.86</p> <p>8487.10-8487.90</p>	<p>A change from any other subheading.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading.</p> <p>A change from any other subheading, provided the value of the non-originating component products does not exceed 25 per cent of the transaction value or ex-works price of the set.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading.</p>
<p>Chapter 85</p> <p>85.01-85.02</p> <p>85.03-85.16</p>	<p>Electrical Machinery and Equipment and Parts Thereof; Sound Recorders and Reproducers, Television Image and Sound Recorders and Reproducers, and Parts and Accessories of Such Articles</p> <p>A change from any other heading, except from heading 85.03; or</p> <p>A change from within any one of these headings or heading 85.03, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product or heading 85.03 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>

Harmonized System Classification	Sufficient production
8517.11-8517.62	A change from any other subheading.
8517.69-8517.70	<p>A change from any other heading; or</p> <p>A change from within heading 85.17, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 85.17 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
85.18	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
85.19-85.21	<p>A change from any other heading, except heading 85.22; or</p> <p>A change from 85.22, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in heading 85.22 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
85.22	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
85.23	A change from any other heading.
85.25	A change from within this heading or any other heading, provided that the value of all non-originating materials does not exceed 40 per cent of the transaction value or ex-works price of the product.
85.26-85.28	<p>A change from any other heading, except from heading 85.29; or</p> <p>A change from heading 85.29, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 85.29 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
85.29	A change from any other heading; or

Harmonized System Classification	Sufficient production
<p>8530.10-8530.90</p> <p>85.31</p> <p>8532.10-8534.00</p> <p>85.35-85.37</p> <p>85.38-85.48</p>	<p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other subheading.</p> <p>A change from any other heading, except from heading 85.38; or</p> <p>A change from heading 85.38, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in heading 85.38 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
Section XVII	Vehicles, Aircraft, Vessels and Associated Transport Equipment
<p>Chapter 86</p> <p>86.01-86.06</p> <p>86.07</p>	<p>Railway or Tramway Locomotives, Rolling-Stock and Parts Thereof; Railway or Tramway Track Fixtures and Fittings and Parts Thereof; Mechanical (Including Electro-Mechanical) Traffic Signalling Equipment of all Kinds</p> <p>A change from any other heading, except from heading 86.07; or</p> <p>A change from heading 86.07, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 86.07 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p>

Harmonized System Classification	Sufficient production
86.08-86.09	<p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading.</p>
Chapter 87 87.01 87.02 87.03 87.04	<p>Vehicles Other Than Railway or Tramway Rolling-Stock, and Parts and Accessories Thereof</p> <p>Production in which the value of all non-originating materials used does not exceed 45 per cent of the ex-works price or transaction value of the product.⁶⁹</p> <p>Production in which the value of all non-originating materials used does not exceed 45 per cent of the ex-works price or transaction value of the product.⁶⁹</p> <p>Production in which the value of all non-originating materials used does not exceed 50 per cent of the ex-works price or transaction value of the product.⁷⁰</p> <p>Production in which the value of all non-originating materials used does not exceed</p>

⁶⁹ The Parties agree to apply cumulation with the United States according to the following provisions:

Provided that there is an FTA in force between both Parties and the United States consistent with the Parties' WTO obligations and the Parties reach agreement on all the applicable conditions, any material of Chapter 84, 85, 87 or 94 of the Harmonized System used in the production of this product in Canada or the EU will be considered as originating. Without prejudice to the outcome of the free trade negotiations between the EU and the United States, the discussions on the applicable conditions will include consultations to ensure consistency between the calculation method agreed between the EU and the United States and the method applicable under this Agreement for this product, if necessary.

Accordingly the above rule of origin will cease to apply one year following the entry into application of such cumulation and the following rule of origin shall apply instead:

Production in which the value of all non-originating materials used does not exceed 40 % of the ex-works price or transaction value of the product.

The application of cumulation and of the new rule of origin will be published in the EU Official Journal for information purposes.

⁷⁰ This rule of origin will cease to apply seven years after the entry into force of this Agreement. The following rule of origin shall apply instead:

Production in which the value of all non-originating materials used does not exceed 45 % of the ex-works price or transaction value of the product.

Notwithstanding the foregoing, and subject to any applicable conditions agreed upon by the Parties, the following rule of origin shall apply when the cumulation provided for in Appendix 1: (Origin Quotas and Alternatives to Annex 1) of Section D – Vehicles, Note 1 enters into application:

Production in which the value of all non-originating materials used does not exceed 40 % of the ex-works price or transaction value of the product.

Harmonized System Classification	Sufficient production
	45 per cent of the ex-works price or transaction value of the product. ⁶⁹
87.05	Production in which the value of all non-originating materials used does not exceed 45 per cent of the ex-works price or transaction value of the product. ⁶⁹
87.06	<p>A change from any other heading, except from heading 84.07 through 84.08 or 87.08; or</p> <p>A change from within this heading, heading 84.07 through 84.08 or 87.08, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading or heading 84.07 through 84.08 or 87.08 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
87.07	<p>A change from any other heading, except from heading 87.08; or</p> <p>A change from within this heading or heading 87.08, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading or heading 87.08 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
87.08	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
87.09	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
87.10-87.11	A change from any other heading.
87.12	<p>A change from any other heading, except from 87.14; or</p> <p>A change from heading 87.14, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 87.14 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>

Harmonized System Classification	Sufficient production
87.13 87.14-87.16	A change from any other heading. A change from any other heading; or A change from within any one of these headings, whether or not there is a change from any other heading, provided that the value of non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.
Chapter 88 88.01 88.02-88.05	Aircraft, Spacecraft, and Parts Thereof A change from any other heading. A change from any other heading; or A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.
Chapter 89 89.01-89.06 89.07-89.08	Ships, Boats and Floating Structures A change from any other chapter; or A change from within this chapter, whether or not there is also a change from any other chapter, provided that the value of the non-originating materials of Chapter 89 does not exceed 40 per cent of the transaction value or ex-works price of the product. A change from any other heading.
Section XVIII	Optical, Photographic, Cinematographic, Measuring, Checking, Precision, Medical or Surgical Instruments and Apparatus; Clocks and Watches; Musical Instruments; Parts and Accessories Thereof
Chapter 90 90.01 90.02	Optical, Photographic, Cinematographic, Measuring, Checking, Precision, Medical or Surgical Instruments and Apparatus; Parts and Accessories Thereof A change from any other heading. A change from any other heading, except from heading 90.01; or

Harmonized System Classification	Sufficient production
90.03-90.33	<p>A change from within this heading or heading 90.01, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading or heading 90.01 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 91</p> <p>91.01-91.07</p> <p>91.08-91.14</p>	<p>Clocks and Watches and Parts Thereof</p> <p>A change from any other heading, except from heading 91.08 through 91.14; or</p> <p>A change from heading 91.08 through 91.14, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 91.08 through 91.14 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
<p>Chapter 92</p> <p>92.01-92.08</p> <p>92.09</p>	<p>Musical Instruments; Parts and Accessories of Such Articles</p> <p>A change from any other heading, except from heading 92.09; or</p> <p>A change from heading 92.09, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 92.09 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>

Harmonized System Classification	Sufficient production
Section XIX	Arms and Ammunition; Parts and Accessories Thereof
Chapter 93	Arms and Ammunition; Parts and Accessories Thereof
93.01-93.04	A change from any other heading, except from heading 93.05; or A change from heading 93.05, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of heading 93.05 does not exceed 50 per cent of the transaction value or ex-works price of the product.
93.05-93.07	A change from any other heading; or A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.
Section XX	Miscellaneous Manufactured Articles
Chapter 94	Furniture; Bedding, Mattresses, Mattress Supports, Cushions and Similar Stuffed Furnishings; Lamps and Lighting Fittings, Not Elsewhere Specified or Included; Illuminated Signs, Illuminated Name-Plates and the Like; Prefabricated Buildings
94.01-94.06	A change from any other heading; or A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.
Chapter 95	Toys, Games and Sports Requisites; Parts and Accessories Thereof
95.03-95.05	A change from any other heading; or A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.
9506.11-9506.29	A change from any other heading; or

Harmonized System Classification	Sufficient production
<p>9506.31</p> <p>9506.32-9506.99</p> <p>95.07-95.08</p>	<p>A change from within any one of these subheadings or any other subheading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same subheading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from subheading 9506.39, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of subheading 9506.39 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these subheadings or any other subheading, whether or not there is also a change from any other subheading, provided that the value of the non-originating materials classified in the same subheading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading.</p>
<p>Chapter 96</p> <p>9601.10-9602.00</p> <p>96.03-96.04</p> <p>96.05</p> <p>96.06-96.07</p> <p>9608.10-9608.40</p>	<p>Miscellaneous Manufactured Articles</p> <p>A change from within any one of these subheadings or any other subheading.</p> <p>A change from any other heading.</p> <p>A change from any other heading, provided that the value of the non-originating component products does not exceed 25 per cent of the transaction value or ex-works price of the set.</p> <p>A change from any other heading; or</p> <p>A change from within any one of these headings, whether or not there is also a change from any other heading, provided that the value of the non-originating materials classified in the same heading as the final product does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from within this heading, except from subheading 9608.50, whether or not there is also a change from any other heading, provided that the value of the</p>

Harmonized System Classification	Sufficient production
9608.50	<p>non-originating materials of this heading other than subheading 9608.50 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p> <p>A change from any other heading; or</p> <p>A change from subheading 9608.10 through 9608.40 or 9608.60 through 9608.99, whether or not there is also a change from any other heading, provided that the value of the non-originating component products of subheading 9608.10 through 9608.40 or 9608.60 through 9608.99 does not exceed 25 per cent of the transaction value or ex-works price of the set</p>
9608.60-9608.99	<p>A change from any other heading; or</p> <p>A change from within this heading, except from subheading 9608.50, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading other than subheading 9608.50 does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
96.09	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
96.10-96.12	A change from any other heading.
96.13	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
96.14	A change from within this heading or any other heading.
96.15	<p>A change from any other heading; or</p> <p>A change from within this heading, whether or not there is also a change from any other heading, provided that the value of the non-originating materials of this heading does not exceed 50 per cent of the transaction value or ex-works price of the product.</p>
96.16-96.18	A change from any other heading.

Harmonized System Classification	Sufficient production
Section XXI	Works of Art, Collectors' Pieces and Antiques
Chapter 97	Works of Art, Collectors' Pieces and Antiques
97.01-97.06	A change from any other heading.

Product Specific Rules of Origin

Appendix 1: Origin Quotas and Alternatives to Annex 1 – Product-Specific Rules of Origin

Common Provisions

1. This Appendix applies to the products identified in the following Sections:
 - a. Section A: Agricultural Products
 - b. Section B: Fish and Seafood
 - c. Section C: Textiles and Apparel
 - d. Section D: Vehicles
2. For the products listed in the tables within each Section, the corresponding rules of origin are alternatives to those set out in Annex 1 – Product-Specific Rules of Origin, within the limits of the applicable annual quota.
3. The importing Party shall manage the origin quotas on a first-come, first-served basis and shall calculate the quantity of products entered under these origin quotas on the basis of that Party's imports.
4. All exports under the origin quotas must make reference to this Appendix. The Parties shall not count any products against the annual origin quota without such reference.
5. Canada shall notify the EU if any Canadian-issued documentation requirements are established for:
 - a. products exported from Canada under the applicable origin quota, or
 - b. products imported into Canada under the applicable origin quota.
6. Where the EU receives notification as per paragraph 5(a), the EU shall allow for only those products accompanied by such documentation to claim the preferential tariff treatment based on the alternative rule of origin specified in this Appendix.
7. The Parties shall administer the origin quotas on a calendar year basis with the full in-quota quantity to be made available on January 1st of each year. For the administration of these origin quotas in year 1, the Parties shall calculate the quota volumes of these origin quotas by discounting the volume corresponding to the period running between the 1st of January and the date of entry into force of the Agreement.
8. In the EU Party, any quantities referred to in this Annex shall be managed by the European Commission, which shall take all administrative actions it deems advisable for their efficient management in respect of the applicable legislation of the EU Party.
9. The Parties shall consult as needed to ensure that this Appendix is administered effectively and shall cooperate in the administration of this Appendix. The Parties shall consult to discuss possible amendments to this Appendix.
10. Additional provisions, such as review or growth of the origin quotas, are provided separately for each Section.

Product Specific Rules of Origin

Section A – Agriculture

Table A.1 – Annual Quota Allocation for High-Sugar Containing⁷¹ Products Exported from Canada to the EU⁷²

Harmonized system classification	Product description	Sufficient production	Annual quota for exports from Canada into the EU (metric tonnes, net weight)
ex 1302.20	Pectic substances, pectinates and pectates, containing added sugar of subheading 1701.91 through 1701.99	A change from within this subheading or any other subheading, except from subheading 1701.91 through 1701.99.	30,000
ex 1806.10	Cocoa powder, containing added sugar of subheading 1701.91 through 1701.99	A change from any other subheading, except from subheading 1701.91 through 1701.99.	
ex 1806.20	Preparations containing added sugar of subheading 1701.91 through 1701.99 for the preparation of chocolate beverages	A change from within this subheading or any other subheading, except from subheading 1701.91 through 1701.99.	
ex 2101.12	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee containing added sugar of subheading 1701.91 through 1701.99	A change from any other subheading, except from subheading 1701.91 through 1701.99.	
ex 2101.20	Preparations with a basis of extracts, essences or concentrates of tea or maté, or with a basis of tea or maté containing added sugar of subheading 1701.91 through 1701.99	A change from within this subheading or any other subheading, except from subheading 1701.91 through 1701.99.	
ex 2106.90	Food preparations containing added sugar of subheading 1701.91	A change from within this subheading or any other subheading, except from	

⁷¹ The products, to which Table A1 applies, must contain 65 per cent or more by net weight of added cane or beet sugar of subheading 1701.91 through 1701.99. All the cane or beet sugar must have been refined in Canada.

⁷² With regard to the products to which Table A1 applies, it is understood that the sufficient production included in this column provides for production beyond the insufficient production provided in Article 7.

Product Specific Rules of Origin

	through 1701.99	subheading 1701.91 through 1701.99.	
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Review and Growth

1. The Parties shall review the origin quota level at the end of every five year period for the first three consecutive periods following the entry into force of this Agreement.
2. At the end of each five year period for the first three consecutive periods of five years following the entry into force of this Agreement, the origin quota volume in Table A.1 will be increased by 20 per cent of the volume set in the previous period, provided that:
 - a. in any one year during the first five year period the fill-rate is at least 60 per cent,
 - b. in any one year during the second five year period the fill-rate is at least 70 per cent,
 - c. in any one year during the third five year period the fill-rate is at least 80 per cent.
3. Any increase in the origin quota volume will be implemented in the first quarter of the subsequent calendar year.
4. This review will be conducted by the sub-committee on agriculture. At the end of the review, if applicable, the Parties shall notify each other in writing of an increase in the origin quota under paragraph 2 and the date on which the increase applies under paragraph 3. The Parties shall ensure that an increase in the origin quota and the date it becomes applicable are publicly available.

Table A.2 – Annual Quota Allocation for Sugar Confectionery and Chocolate Preparations Exported from Canada to the EU

Harmonized system classification	Product description	Sufficient production	Annual quota for exports from Canada into the EU (metric tonnes, net weight)
17.04	Sugar confectionery (including white chocolate), not containing cocoa	A change from any other heading.	10,000
1806.31	Chocolate and other food preparations containing cocoa, in blocks, slabs or bars, filled, weighing no more than 2 kilograms	A change from any other subheading, provided that the change is the result of more than packaging.	
1806.32	Chocolate and other food preparations containing cocoa, , in blocks, slabs or bars, not filled, weighing no more than 2 kilograms		
1806.90	Chocolate and other food preparations containing cocoa		

Product Specific Rules of Origin

	other than those of subheading 1806.10 through 1806.32.		
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Review and Growth

1. The Parties shall review the origin quota in Table A.2 at the end of every 5 year period following the entry into force of this Agreement, provided that in any one year during the previous 5 year period, the origin quota fill-rate is at least 60 per cent.
2. The review will be conducted with a view to increasing the volume based on the examination of all relevant factors, in particular the fill rate, growth in Canadian exports to the world, growth in total EU imports, and any other significant trends in trade of the products to which the origin quota applies.
3. The rate of increase in the origin quota will be established for the subsequent period of five years, and will not be greater than 10 per cent of the volume set in the previous period.
4. This review will be conducted by the sub-committee on agriculture. Any recommendation of the sub-committee on agriculture to increase the origin quota volume shall be submitted to the Joint Committee for a decision in accordance with Article X.02 (2) of the Chapter on Final Provisions.

Table A.3 – Annual Quota Allocation for Processed Foods Exported from Canada to the EU

Harmonized system classification	Product description	Sufficient production	Annual quota for exports from Canada into the EU (metric tonnes net weight)
19.01	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading 04.01 through 04.04, not containing cocoa or containing less than 5% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included	A change from any other heading.	35,000

Product Specific Rules of Origin

ex 1902.11	Uncooked pasta, not stuffed or otherwise prepared, containing eggs and rice	A change from any other heading.	
ex 1902.19	Uncooked pasta, not stuffed or otherwise prepared, other, containing rice		
ex 1902.20	Stuffed pasta, whether or not cooked or otherwise prepared, containing rice		
ex 1902.30	Other pasta, containing rice		
1904.10	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes)	A change from any other heading; or	
1904.20	Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals.	A change from within this heading, whether or not there is also a change from any other heading, provided that the weight of the non-originating materials of this heading does not exceed 30 per cent of either the net weight of the product or of the net weight of all material used in production.	
1904.90	Prepared foods other than those of subheading 1904.10 through 1904.30.	A change from any other heading.	
19.05	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and	A change from any other heading.	

Product Specific Rules of Origin

	similar products		
ex 2009.80	Cranberry juice and blueberry juice	A change from any other heading.	
2103.90	Other sauces and preparations therefor, other mixed condiments and mixed seasonings	A change from any other heading.	
ex 2106.10	Protein concentrates and textured protein substances, not containing added sugar of subheading 1701.91 through 1701.99 or containing less than 65 per cent by net weight of added sugar of subheading 1701.91 through 1701.99	A change from any other subheading; or A change from within the same subheading, whether or not there is also a change from any other subheading, provided that the net weight of the non-originating material from within that subheading does not exceed 30 per cent of either the net weight of the product or the net weight of all material used in production.	
ex 2106.90	Other food preparations not elsewhere specified or included, not containing added sugar of subheading 1701.91 through 1701.99 or containing less than 65 per cent by net weight of added sugar of subheading 1701.91 through 1701.99		

Review and Growth

1. The Parties shall review the origin quota in Table A.3 at the end of every 5 year period following the entry into force of this Agreement, provided that in any one year during the previous 5 year period, the origin quota fill-rate is at least 60 per cent.
2. The review will be conducted with a view to increasing the volume based on the examination of all relevant factors, in particular the fill rate, growth in Canadian exports to the world, growth in total EU imports, and any other significant trends in trade of the products to which the origin quota applies.
3. The rate of increase in the origin quota will be established for the subsequent period of five years, and will not be greater than 10 per cent of the volume set in the previous period.
4. This review will be conducted by the sub-committee on agriculture. Any recommendation of the sub-committee on agriculture to increase the origin quota volume shall be submitted to the Joint Committee for a decision in accordance with Article X.02 (2) of the Chapter on Final Provisions.

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Table A.4 – Annual Quota Allocation for Dog and Cat Food Exported from Canada to the EU

Harmonized system classification	Product description	Sufficient production	Annual quota for exports from Canada into the EU (metric tonnes, net weight)
2309.10	Dog or cat food, put up for retail sale	A change from subheading 2309.90 or any other heading, except from dog or cat food of subheading 2309.90.	60,000
ex 2309.90	Dog or cat food, not put up for retail sale	A change from within this subheading or any other heading, except from dog or cat food from within this subheading.	

Review and Growth

1. The Parties shall review the origin quota in Table A.4 at the end of every 5 year period following the entry into force of this Agreement, provided that in any one year during the previous 5 year period, the origin quota fill-rate is at least 60 per cent.
2. The review will be conducted with a view to increasing the volume based on the examination of all relevant factors, in particular the fill rate, growth in Canadian exports to the world, growth in total EU imports, and any other significant trends in trade of the products to which the origin quota applies.
3. The rate of increase in the origin quota will be established for the subsequent period of five years, and will not be greater than 10 per cent of the volume set in the previous period.
4. This review will be conducted by the sub-committee on agriculture. Any recommendation of the sub-committee on agriculture to increase the origin quota volume shall be submitted to the Joint Committee for a decision in accordance with Article X.02 (2) of the Chapter on Final Provisions.

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Section B – Fish and Seafood

Table B.1 – Annual Quota Allocation for Fish and Seafood Exported from Canada to the EU

Harmonized system classification	Product description	Annual quota for exports from Canada into the EU (metric tonnes, net weight)	Sufficient production
ex 0304.29	Frozen fillets of halibut, other than <i>Rheinhardtius hippoglossoides</i>	10	A change from any other heading. ⁷³
ex 0306.12	Cooked and frozen lobster	2,000	A change from any other subheading.
1604.11	Prepared or preserved salmon	3,000	A change from any other chapter.
1604.12	Prepared or preserved herring	50	
ex 1604.13	Prepared or preserved sardines, sardinella and brisling or sprats, excluding <i>Sardina pilchardus</i>	200	
ex 1605.10	Prepared or preserved Crab, other than <i>Cancer pagurus</i>	44	
1605.20	Prepared or preserved shrimps and prawns	5,000	
1605.30	Prepared and preserved lobster	240	

Growth

1. For each of the products listed in Table B.1, if more than 80 per cent of an origin quota assigned to a product is used during a calendar year, the origin quota allocation will be increased for the following calendar year. The increase will be 10 per cent of the origin quota assigned to the product in the previous calendar year. The growth provision will apply for the first time after the expiry of the first complete calendar year following the entry into force of the Agreement and will be applied for 4 consecutive years in total.
2. Any increase in the origin quota volume will be implemented in the first quarter of the subsequent calendar year. The importing Parties shall notify the Party of export in writing if the condition in paragraph 1 is met, and if so, the increase in the origin quota and the date on which the increase is applicable.

⁷³ With regard to the rule of origin for products of 0304.29, it is understood that the production is beyond the insufficient production provided in Article 7.

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The Parties shall ensure that the increased origin quota and the date it becomes applicable are publicly available.

Review

After the completion of the third calendar year following the entry into force of this Agreement, at the request of a Party, the Parties will engage in a discussion on possible revisions to this Section.

Product Specific Rules of Origin

Section C – Textiles and Apparel

Table C.1 – Annual Quota Allocation for Textiles Exported from Canada to the EU

Harmonized system classification	Product description	Annual quota for exports from Canada into the EU (kilograms net weight, unless otherwise specified)	Sufficient production
5107.20	Yarn of combed wool, not put up for retail sale, containing less than 85% by weight of wool	192,000	A change from any other heading.
5205.12	Cotton yarn nesoi, 85% or more by weight of cotton, not put up for retail sale, single uncombed yarn, over 14 nm but not over 43 nm	1,176,000	A change from any other heading.
5208.59	Woven fabrics of cotton, 85% or more cotton by weight, printed, other than plain weave, nesoi, weighing not over 200 g/m ²	60,000 m ²	A change from any other heading.
5209.59	Woven fabrics of cotton, 85% or more cotton by weight, printed, other than plain weave, nesoi, weighing over 200 g/m ²	79,000 m ²	
54.02	Synthetic filament yarn (other than sewing thread), not put up for retail sale, including synthetic monofilaments of less than 67 decitex	4,002,000	A change from any other heading.
5404.19	Synthetic monofilament of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm, nesoi	21,000	
54.07	Woven fabrics of synthetic filament yarn, including woven fabrics obtained from materials of heading 5404	4,838,000 m ²	A change from any other heading; or Printing or dyeing accompanied by at least two preparatory or finishing operations (such as scouring,

Product Specific Rules of Origin

			bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the non-originating fabric does not exceed 47.5 per cent of the transaction value or ex-works price of the product.
5505.10	Waste (including noils, yarn waste and garnetted stock), of synthetic fibers	1,025,000	A change from any other heading.
5513.11	Woven fabrics of polyester staple fibers, under 85% (wt.) Of such fibers, unbleached or bleached, plain weave, mixed mainly or solely with cotton, not over 170 g/m2	6,259,000 m ²	A change from any other heading.
56.02	Felt, whether or not impregnated, coated, covered or laminated	583,000	A change from any other chapter.
56.03	Nonwovens (of textile materials), whether or not impregnated, coated, covered or laminated	621,000	
57.03	Carpets and other textile floor coverings, tufted, whether or not made-up	196,000 m ²	
58.06	Narrow woven fabrics, other than goods of heading 5807 (other than labels, badges and similar articles, in the piece etc.); narrow fabrics consisting of warp without weft assembled by means of an adhesive	169,000	A change from any other heading.
5811.00	Quilted textile products in the piece (one or more layers assembled with padding by stitching etc.), other than embroidery of heading 58.10	12,000 m ²	A change from any other heading.
59.03	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 59.02	1,754,000 m ²	A change from any other chapter, provided that the value of the non-originating fabric does not exceed 60 per cent of the transaction value or ex-works price of the product.
5904.90	Floor coverings, consisting of a coating or covering applied on a textile backing, whether or not cut to shape, excluding linoleum	24,000 m ²	

Product Specific Rules of Origin

59.06	Rubberized textile fabrics, other than those of heading 5902	450,000	
5907.00	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	2,969,000 m ²	
59.11	Textile products and articles for specified technical uses	173,000	
60.04	Knitted or crocheted fabrics of a width exceeding 30 cm, containing by weight 5% or more elastomeric yarn or rubber thread, other than those of heading 60.01	25,000	A change from any other heading; or Printing or dyeing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the non-originating fabric does not exceed 47.5 per cent of the transaction value or ex-works price of the product.
60.05	Warp knit fabrics (including those made on galloon knitting machines), other than those of heading 60.01 to 60.04	16,000	
60.06	Knitted or crocheted fabrics, nesoi	24,000	
63.06	Tarpaulins, awnings, sunblinds, tents, sails for boats, sailboards or landcraft, and camping goods, of textile materials	124,000	A change from any other chapter.
63.07	Made-up articles of textile materials, nesoi	503,000	

m² = metres squared

Table C.2 – Annual Quota Allocation for Apparel Exported from Canada to the EU

Harmonized system classification	Product description	Annual quota for exports from Canada into the EU (units, unless otherwise	Sufficient production ⁷⁴
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⁷⁴ With regard to the products to which Table C.2 applies it is understood that the sufficient production included in this column provides for production beyond the insufficient production provided for in Article 7.

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		specified)	
6101.30	Men's or boys' overcoats, car coats, capes, cloaks, anoraks, ski-jackets, and similar articles of manmade fibers, knitted or crocheted	10,000	A change from any other chapter, provided that the product is both cut (or knit to shape) and sewn or otherwise assembled in the territory of a Party; or A change to a good knit to shape, for which no sewing or other assembly is required, from any other chapter.
6102.30	Women's or girls' overcoats, car coats, capes, cloaks, anoraks, ski-jackets and similar articles of manmade fibers, knitted or crocheted	17,000	
61.04	Women's or girls' suits, ensembles, suit-type jackets, blazers, dresses, skirts, divided skirts, trousers, etc. (no swimwear), knitted or crocheted	535,000	
6106.20	Women's or girls' blouses and shirts of manmade fibers, knitted or crocheted	44,000	
6108.22	Women's or girls' briefs and panties of manmade fibers, knitted or crocheted	129,000	
6108.92	Women's or girls' negligees, bathrobes, dressing gowns and similar articles of manmade fibers, knitted or crocheted	39,000	
6109.10	T-shirts, singlets and other vests, of cotton, knitted or crocheted	342,000	
6109.90	T-shirts, singlets and other vests, of textile materials nesoi, knitted or crocheted	181,000	
61.10	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted	478,000	
6112.41	Women's or girls' swimwear of synthetic fibers, knitted or crocheted	73,000	
61.14	Garments nesoi, knitted or crocheted	90,000 kilograms	
61.15	Pantyhose, tights, stockings, socks and other hosiery, including graduated compression hosiery (for example stockings for varicose veins) and footwear without applied soles, knitted or crocheted	98,000 kilograms	
62.01	Men's or boys' overcoats car coats, capes, cloaks, anoraks (including ski-jackets), windcheaters, wind-jackets and similar articles, not knitted or crocheted, other than those of heading 6203	96,000	
62.02	Women's or girls' overcoats, car coats, capes, cloaks, anoraks (including ski-jackets),	99,000	

Product Specific Rules of Origin

	windcheaters, wind-jackets and similar articles, not knitted or crocheted, other than those of heading 6204		
62.03	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), not knitted or crocheted	95,000	
62.04	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), not knitted or crocheted	506,000	
62.05	Men's or boys' shirts, not knitted or crocheted	15,000	
62.06	Women's or girls' blouses, shirts and shirt-blouses, not knitted or crocheted	64,000	
6210.40	Men's or boys' garments, made up of fabrics of heading 59.03, 59.06 or 59.07, nesoi, not knitted or crocheted	68,000 kilograms	
6210.50	Women's or girls' garments, made up of fabrics of heading 59.03, 59.06 or 59.07, nesoi, not knitted or crocheted	30,000 kilograms	
62.11	Track suits, ski-suits and swimwear, other garments nesoi, not knitted or crocheted	52,000 kilograms	
6212.10	Brassieres, whether or not knitted or crocheted	297,000	
6212.20	Girdles and panty girdles, whether or not knitted or crocheted	32,000	
6212.30	Corselettes, whether or not knitted or crocheted	40,000	
6212.90	Braces, suspenders, garters and similar articles and parts thereof, whether or not knitted or crocheted	16,000 kilograms	

Table C.3 – Annual Quota Allocation for Textiles Exported from the EU to Canada

Harmonized system classification	Product description	Annual quota for exports from the EU into Canada (kilograms, unless otherwise specified)	Sufficient production
5007.20	Woven fabrics containing $\geq 85\%$ by	83,000 m ²	Weaving

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	weight of silk or of silk waste other than noil silk		
5111.30	Woven fabrics containing predominantly, but < 85% by weight of carded wool or carded fine animal hair, mixed mainly or solely with man-made staple fibres	205,000 m ²	Weaving
5112	Woven fabrics of combed wool or of combed fine animal hair	200,000	Weaving
5208.39	Woven fabrics of cotton, containing >= 85% cotton by weight and weighing <= 200 g/m ² , dyed (excl. those in three-thread or four-thread twill, incl. Cross twill, and plain woven fabrics	116,000 m ²	Weaving
5401.10	Sewing thread of synthetic filaments, whether or not put up for retail sale	18,000	Extrusion of man-made filament yarn whether or not accompanied by spinning OR spinning
5402.11	Synthetic filament yarn, not put up for retail sale, high tenacity yarn of aramids	504,000	Extrusion of man-made filament yarn whether or not accompanied by spinning OR spinning
5404	Synthetic monofilament of >= 67 decitex and with a cross sectional dimension of <= 1 mm; strip and the like, e.g. Artificial straw, of synthetic textile material, with an apparent width of <= 5 mm	275,000	Extrusion of man-made filament yarn whether or not accompanied by spinning OR spinning
5407	Woven fabrics of synthetic filament yarn, including woven fabrics obtained from materials of heading 5404	636,000	Weaving
5603	Nonwovens, whether or not impregnated, coated, covered or laminated, n.e.s	1,629,000	Any non-woven process including needle punching
5607.41	Binder or baler twine, of polyethylene or polypropylene	813,000	Any non-woven process including needle punching
5607.49	Twine, cordage, ropes and cables of	347,000	Any non-woven process including

Product Specific Rules of Origin

	polyethylene or polypropylene, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics (excl. binder or baler twine)		needle punching
5702.42	Carpets and other floor coverings, of man-made textile materials, woven, not tufted or flocked, of pile construction, made up (excl. kelem, schumacks, karamanie and similar hand-woven rugs)	187,000 m ²	Weaving OR use of any non-woven process including needle punching
5703.20	Carpets and other floor coverings, of nylon or other polyamides, tufted whether or not made up	413,000 m ²	Weaving OR use of any non-woven process including needle punching
5704.90	Carpets and other floor coverings, of felt, not tufted or flocked, whether or not made-up (excl. floor tiles with an area of ≤ 0,3 m ²)	1,830,000	Weaving OR use of any non-woven process including needle punching
5903	Textile fabrics impregnated, coated, covered or laminated with plastics (excl. tyre cord fabric of high-tenacity yarn of nylon or other polyamides, polyesters or viscose rayon)	209,000	Weaving OR coating/flocking/laminating/metalizing accompanied by at least two other main preparatory finishing operations (such as calendaring, shrinking resistance processing) confer origin provided that at least 52.5% value was added based on ex-work price of product
5904.10	Linoleum, whether or not cut to shape	61,000 m ²	Weaving OR coating/flocking/laminating/metalizing accompanied by at least two other main preparatory finishing operations (such as calendaring, shrinking resistance processing) confer origin provided that at least 52.5% value was added based on ex-work price of product

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5910.00	Transmission or conveyor belts or belting, of textile material, whether or not impregnated, coated, covered or laminated with plastics, or reinforced with metal or other material	298,000	Manufacturing from yarn or waste fabrics or rags of headings 6310 OR Weaving OR coating/flocking/laminating/metalizing accompanied by at least two other main preparatory finishing operations (such as calendaring, shrinking resistance processing) confer origin provided that at least 52.5% value was added based on ex-work price of product
5911	Textile products and articles, for technical uses, specified in note 7 to chapter 59	160,000	Manufacturing from yarn or waste fabrics or rags of headings 6310 OR Weaving OR coating/flocking/laminating/metalizing accompanied by at least two other main preparatory finishing operations (such as calendaring, shrinking resistance processing) confer origin provided that at least 52.5% value was added based on ex-work price of product
6302.21	Bed linen, printed, of cotton, not knitted or crocheted	176,000	Cutting of fabric and making up or use of any non-woven process including needle punching accompanied by making up (including cutting)
6302.31	Bed linen (other than printed) of cotton, not knitted or crocheted	216,000	Cutting of fabric and making up or use of any non-woven process including needle punching accompanied by making up (including cutting) or making up preceded by printing
6302.91	Toilet linen and kitchen linen of cotton (excl. of terry towelling or similar terry fabrics) floor-cloths, polishing-cloths,	20,000	Use of any non-woven process including needle punching accompanied by making up(including

Product Specific Rules of Origin

	dish-cloths and dusters		cutting) or Cutting of fabric and making up or making up preceded by printing
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Table C.4 – Annual Quota Allocation for Apparel Exported from the EU to Canada

Harmonized system classification	Product description	Annual quota for exports from the EU into Canada (units, unless otherwise specified)	Sufficient production⁷⁵
6105.10	Men's or boys' shirts of cotton, knitted or crocheted (excl. nightshirts, t-shirts, singlets and other vests)	46,000	Cutting of fabric and making up
6106	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted (excl. t-shirts and vests)	126,000	Cutting of fabric and making up
6109	T-shirts, singlets and other vests, knitted or crocheted	722,000	Cutting of fabric and making up
6110	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted (excl. wadded waistcoats)	537,000	Cutting of fabric and making up OR knit to shape for products which not sewing or other assembly is required
6114	Other garments n.e.s., knitted or crocheted	58,000 kilograms	Cutting of fabric and making up or knit to shape for products which not sewing or other assembly is required
6115	Pantyhose, tights, stockings, socks and other hosiery, incl. Graduated compression hosiery (e.g., stockings for varicose veins) and footwear without applied soles, knitted or crocheted (excl. for babies)	1,691,000 pairs	Cutting of fabric and making up or knit to shape for products which not sewing or other assembly is required

⁷⁵ With regard to the products to which Table C.4 applies it is understood that the sufficient production included in this column provides for production beyond the insufficient production provided for in Article 7.

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6202.11	Women's or girls' overcoats, raincoats, carcoats, capes, cloaks and similar articles of wool or fine animal hair, not knitted or crocheted	15,000	Cutting of fabric and making up
6202.93	Women's or girls' anoraks, windcheaters, wind jackets and similar articles, of man-made fibres (not knitted or crocheted)	16,000	Cutting of fabric and making up
6203.11	Men's or boys' suits of wool or fine animal hair	39,000	Cutting of fabric and making up
6203.12-6203.49	Men's or boys' suits (excluding wool or fine animal hair), ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (excl. knitted or crocheted, and swimwear)	281,000	Cutting of fabric and making up
6204	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (excl. Knitted or crocheted and swimwear)	537,000	Cutting of fabric and making up
6205.20	Men's or boys' shirts of cotton, not knitted or crocheted	182,000	Cutting of fabric and making up
6210	Garments made up of fabrics of heading 5602, 5603, 5903, 5906 or 5907 (excl. knitted or crocheted, and babies' garments)	19,000	Cutting of fabric and making up
6211	Tracksuits, ski suits, swimwear and other garments, n.e.s. (excl. knitted or crocheted)	85,000 kilograms	Cutting of fabric and making up
6212	Brassieres, girdles, corsets, braces, suspenders, garters and similar articles and parts thereof, of all types of textile materials, whether or not elasticated, incl. Knitted or crocheted (excl. belts and corselets made entirely of rubber)	26,000 dozens	Cutting of fabric and making up

Growth

Product Specific Rules of Origin

1. For each of the products listed in Tables C.1, C.2, C.3 and C.4, if more than 80 per cent of an origin quota assigned to a product is used during a calendar year, the origin quota allocation will be increased for the following calendar year. The increase will be 3 per cent of the origin quota assigned to the product in the previous calendar year. The growth provision will apply for the first time after the expiry of the first complete calendar year following the entry into force of the Agreement. The annual origin quota allocations may be increased during a period of up to ten years.
2. Any increase in the origin quota volume will be implemented in the first quarter of the subsequent calendar year. The importing Party shall notify the Party of export in writing if the condition in paragraph 1 is met, and if so, the increase in the origin quota and the date on which the increase is applicable. The Parties shall ensure that the increased origin quota and the date it becomes applicable are publicly available.

Review

At the request of a Party, the Parties shall meet to revise the product coverage quantities of the quota allocations based on developments in the relevant markets and sectors. The Parties may make recommendations to the Committee on Trade in Goods.

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Section D – Vehicles

Table D.1 – Annual Quota Allocation for Vehicles Exported from Canada to the EU

Harmonized system classification	Product description	Sufficient production	Annual quota for exports from Canada into the EU (units)
8703.21	Other vehicles, with spark-ignition internal combustion reciprocating piston engine: of a cylinder capacity not exceeding 1,000 cc	Production in which the value of all non-originating materials used does not exceed: (a) 70 per cent of the transaction value or ex-works price of the product, or (b) 80 per cent of the net cost of the product.	100,000
8703.22	Other vehicles, with spark-ignition internal combustion reciprocating piston engine: of a cylinder capacity exceeding 1,000 cc but not exceeding 1,500 cc		
8703.23	Other vehicles, with spark-ignition internal combustion reciprocating piston engine: of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc		
8703.24	Other vehicles, with spark-ignition internal combustion reciprocating piston engine: of a cylinder capacity exceeding 3,000 cc		
8703.31	Other vehicles, with compression-ignition internal combustion piston engine (diesel or semi-diesel): of a cylinder capacity not exceeding 1,500 cc		
8703.32	Other vehicles, with compression-ignition internal combustion piston engine (diesel or semi-diesel): of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc		
8703.33	Other vehicles, with compression-ignition internal combustion piston engine (diesel or semi-diesel): of a cylinder capacity exceeding 2,500 cc		
8703.90	Other		

Note 1

The Parties agree to apply cumulation with the United States according to the following provisions:

Product Specific Rules of Origin

Provided that there is an FTA in force between both Parties and the United States consistent with the Parties' WTO obligations and the Parties reach agreement on all the applicable conditions, any material of Chapter 84, 85, 87 or 94 of the Harmonized System used in the production of a product of 8703.21 through 8703.90 of the Harmonized System in Canada or the EU will be considered as originating. Without prejudice to the outcome of the free trade negotiations between the EU and the United States, the discussions on the applicable conditions will include consultations to ensure consistency between the calculation method agreed between the EU and the United States and the method applicable under this Agreement for products of Chapter 87, if necessary.

Accordingly Table D.1 will cease to apply one year following the entry into application of such cumulation.

The application of cumulation and deletion of Note 1 will be published in the EU Official Journal for information purposes.

Review Provision

If 7 years after entry into force of the Agreement, cumulation with the US has not yet entered into force, both Parties shall meet to review these provisions if one Party requests so.

Alternative PSRO for Products of 87.02

For products of heading 87.02 exported from Canada to the EU, the following rule of origin applies as an alternative to the rule of origin provided in Annex 1 (Product-Specific Rules of Origin):

A change from any other heading, except from heading 87.06 through 87.08; or

A change from within this heading or heading 87.06 through 87.08, whether or not there is a change from any other heading, provided that the value of the non-originating materials of this heading or heading 87.06 through 87.08 does not exceed 50 per cent of the transaction value or ex-works price of the product.

This rule of origin will apply to the enterprises located in Canada and their successors and assigns producing products of heading 87.02 in Canada, as of date of initialling of this Agreement.

Note 2

The Parties agree to apply cumulation with the United States according to the following provisions:

Provided that there is an FTA in force between both Parties and the United States consistent with the Parties' WTO obligations and the Parties reach agreement on all the applicable conditions, any material of Chapter 84, 85, 87 or 94 of the Harmonized System used in the production of a product of 87.02 of the Harmonized System in Canada or the EU will be considered as originating.

Accordingly the alternative PSRO for products of 87.02 will cease to apply one year following the entry into application of such cumulation. The application of cumulation and deletion of Note 2 will be published in the EU Official Journal for information purposes.

CANADIAN GOVERNMENT PROCUREMENT MARKET ACCESS OFFER

Annex X-01

Federal Government Entities

The following thresholds shall apply to procurements by entities covered in this Annex except when conducting procurements for the activities listed in Section B of Annex X-03:

<i>Thresholds</i>	130,000 SDRs	Goods covered in Annex X-04
130,000 SDRs		Services covered in Annex X-05
5,000,000 SDRs		Construction Services covered in Annex X-06

List of Entities

1. Atlantic Canada Opportunities Agency
2. Canada Border Services Agency
3. Canada Emission Reduction Incentives Agency
4. Canada Employment Insurance Commission
5. Canada Industrial Relations Board
6. Canada Revenue Agency
7. Canada School of Public Service
8. Canadian Centre for Occupational Health and Safety
9. Canadian Environmental Assessment Agency
10. Canadian Food Inspection Agency
11. Canadian Forces Grievance Board
12. Canadian Grain Commission
13. Canadian Human Rights Commission
14. Canadian Human Rights Tribunal
15. Canadian Institutes of Health Research
16. Canadian Intergovernmental Conference Secretariat
17. Canadian International Trade Tribunal
18. Canadian Northern Economic Development Agency
19. Canadian Nuclear Safety Commission
20. Canadian Polar Commission
21. Canadian Radio-television and Telecommunications Commission
22. Canadian Space Agency
23. Canadian Transportation Accident Investigation and Safety Board
24. Canadian Transportation Agency
25. Copyright Board
26. Correctional Service of Canada
27. Courts Administration Service
28. Department of Agriculture and Agri-Food
29. Department of Canadian Heritage
30. Department of Citizenship and Immigration
31. Department of Employment and Social Development
32. Department of Finance
33. Department of Fisheries and Oceans

34. Department of Foreign Affairs, Trade and Development
35. Department of Health
36. Department of Indian Affairs and Northern Development
37. Department of Industry
38. Department of Justice
39. Department of National Defence
40. Department of Natural Resources
41. Department of Public Safety and Emergency Preparedness
42. Department of Public Works and Government Services
43. Department of the Environment
44. Department of Transport
45. Department of Veterans Affairs
46. Department of Western Economic Diversification
47. Director of Soldier Settlement
48. Director, The Veterans' Land Act
49. Economic Development Agency of Canada for the Regions of Quebec
50. Federal Economic Development Agency for Southern Ontario
51. Financial Consumer Agency of Canada
52. Immigration and Refugee Board
53. Indian Residential Schools Truth and Reconciliation Commission
54. Library and Archives of Canada
55. Military Police Complaints Commission
56. National Battlefields Commission
57. National Energy Board
58. National Farm Products Council
59. National Film Board
60. National Parole Board
61. National Research Council of Canada
62. Natural Sciences and Engineering Research Council
63. Northern Pipeline Agency
64. Office of Infrastructure Canada
65. Office of the Auditor General
66. Office of the Chief Electoral Officer
67. Office of the Commissioner for Federal Judicial Affairs
68. Office of the Commissioner of Lobbying
69. Office of the Commissioner of Official Languages
70. Office of the Communications Security Establishment Commissioner
71. Office of the Coordinator, Status of Women
72. Office of the Correctional Investigator of Canada
73. Office of the Director of Public Prosecutions
74. Office of the Governor General's Secretary
75. Office of the Public Sector Integrity Commissioner
76. Office of the Superintendent of Financial Institutions
77. Offices of the Information and Privacy Commissioners of Canada
78. Parks Canada Agency
79. Patented Medicine Prices Review Board
80. Privy Council Office
81. Public Health Agency of Canada
82. Public Service Commission
83. Public Service Labour Relations Board
84. Public Service Staffing Tribunal

85. Registrar of the Supreme Court of Canada
86. Registry of the Competition Tribunal
87. Registry of the Public Servants Disclosure Protection Tribunal
88. Registry of the Specific Claims Tribunal
89. Royal Canadian Mounted Police
90. Royal Canadian Mounted Police External Review Committee
91. Royal Canadian Mounted Police Public Complaints Commission
92. Security Intelligence Review Committee
93. Shared Services Canada
94. Social Sciences and Humanities Research Council
95. Statistics Canada
96. Transportation Appeal Tribunal of Canada
97. Treasury Board Secretariat
98. Veterans Review and Appeal Board

Note to Annex X-01

1. For the Canadian Space Agency, the procurement of covered goods and services shall be limited to those related to satellite communications, earth observation and global navigation satellite systems. This commitment shall be in effect for a five-year period following the entry into force of this Agreement, including any provisional application of the agreement. Before the end of the five-year period, Canada may notify the EU that it wishes to remove the temporary commitment. Such notification shall take effect at the end of the five-year period. If Canada does not provide such notification, the temporary commitment shall become permanent.

Article XVIII of this Chapter shall not apply to the possible removal of the temporary commitment in this note.”

Annex X-02**Sub-Central Government Entities**

The following thresholds shall apply to procurements by entities covered in this Annex except when conducting procurements for the activities listed in Section B of Annex X-03:

<i>Thresholds:</i>	200,000 SDRs	Goods covered in Annex X-04
	200,000 SDRs	Services covered in Annex X-05
	5,000,000 SDRs	Construction Services covered in Annex X-06

*List of Entities***ALBERTA**

This Annex covers all:

- (i) departments, ministries, agencies, boards, councils, committees, commissions and similar agencies of government;
- (ii) regional, local, district or other forms of municipal government; and
- (iii) school boards and publicly-funded academic, health and social service entities.

This Annex does not cover the Legislative Assembly, the Legislative Assembly Office, the Office of the Auditor General, the Office of the Chief Electoral Officer, the Office of the Ethics Commissioner, the Office of the Information and Privacy Commissioner and the Office of the Ombudsman.

BRITISH COLUMBIA

This Annex covers all:

- (i) ministries, agencies, boards, councils, committees, commissions and similar agencies of government;
- (ii) regional, local, district or other forms of municipal government; and
- (iii) school boards and publicly-funded academic, health and social service entities.

This Annex does not cover the Legislative Assembly and its independent offices.

MANITOBA

This Annex covers all:

- (i) departments, boards, commissions, committees and similar agencies of government;
- (ii) municipalities, municipal organizations; and
- (iii) school boards and publicly-funded academic, health and social service entities.

NEW BRUNSWICK

This Annex covers:

Departments, Secretariats and Agencies

Aboriginal Affairs Secretariat
Agriculture, Aquaculture and Fisheries

Algonquin Golf Ltd.
Algonquin Properties
Ambulance New Brunswick
Aquarium and Marine Center of New Brunswick
Attorney General
Business New Brunswick
Child and Youth Advocate
Communications New Brunswick
Education and Early Childhood Development
Efficiency New Brunswick
Elections New Brunswick
Energy
Environment
Executive Council Office
FacilicorpNB Ltd.
Farm Products Commission
Finance
Fisheries
Forest Protection Limited
Health
Horizon Health Network (Regional Health Authority)
Intergovernmental Affairs
Justice and Consumer Affairs
Labour and Employment Board
Local Government
Natural Resources
New Brunswick Arts Board
New Brunswick Emergency Measures Organization
New Brunswick Energy & Utilities Board
New Brunswick Forest Products Commission
New Brunswick Health Council
New Brunswick Human Rights Commission
New Brunswick Insurance Board
New Brunswick Internal Services Agency
New Brunswick Lotteries Commission
New Brunswick Museum
New Brunswick Police Commission
New Brunswick Public Libraries
Office of Human Resources
Office of the Auditor General
Office of the Commissioner of Official Languages
Office of the Comptroller
Office of the Consumer Advocate for Insurance
Office of the leader of the Opposition
Office of the Lieutenant-Governor
Office of the Premier

Office of the Public Trustee
Ombudsman
Population Growth Secretariat
Post-Secondary Education, Training and Labour
Premier's Council on the Status of Disabled Persons
Public Safety
Vitalité (Regional Health Authority)
Senior and Healthy Aging Secretariat
Social Development
Supply and Services
Tourism and Parks
Transportation
Village Historique Acadien
Wellness, Culture and Sport
WorkSafeNB

District Education Councils
All District Education Councils

Universities
Mount Allison University
St. Thomas University
Université de Moncton
University of New Brunswick

Community Colleges
College communautaire du Nouveau-Brunswick (Francophone)
New Brunswick Community College (Anglophone)

Regional Solid Waste Commissions
Commission de gestion déchets de Kent
Commission de gestion des déchets solides de la Péninsule acadienne
Commission des Déchets Solides / Nepisiguit-Chaleur Solid Waste Commission
Fredericton Region Solid Waste Commission
Fundy Region Solid Waste Commission
Kings County Region Solid Waste Commission
La Commission de gestion enviro ressources du Nord-Ouest
Northumberland Solid Waste Commission
Restigouche Solid Waste Corporation
Southwest Solid Waste Commission
Valley Solid Waste Commission
Westmorland-Albert Solid Waste Corporation

Wastewater Commissions
Fredericton Area Pollution Control Commission
Greater Moncton Sewerage Commission

Municipalities and Municipal Organizations (does not include municipal energy entities)

City of Bathurst
City of Campbellton
City of Dieppe
City of Edmundston
City of Fredericton
City of Miramichi
City of Moncton
City of Saint John

NEWFOUNDLAND AND LABRADOR

This Annex covers all:

- (i) departments, boards, commissions;
- (ii) municipalities, municipal organizations; and
- (iii) school boards and publicly-funded academic, health and social service entities.

This Annex does not cover the Legislative Assembly.

NORTHWEST TERRITORIES

This Annex covers all:

- (i) ministries, agencies;
- (ii) municipalities; and
- (iii) school boards and publicly-funded academic, health and social service entities.

This Annex does not cover the Legislative Assembly.

This Annex does not include procurement subject to the Northwest Territories Business Incentive Policy.

NOVA SCOTIA

This Annex covers all public sector entities as defined in the *Public Procurement Act* except:

- (i) any listed intergovernmental or privatized governmental unit if the Province does not own or control a majority of it;
- (ii) any entity listed or described in Annex X-03 Section A, whether as an inclusion or exclusion;
- (iii) Emergency Health Services (a division of the Department of Health) in respect of ground ambulance-related procurement, for Emergency Health Care purposes;
- (iv) Sydney Tar Ponds Agency;
- (v) Nova Scotia Lands Inc.; and
- (vi) Harbourside Commercial Park.

NUNAVUT

This Annex covers all:

- (i) ministries, agencies;
- (ii) municipalities, municipal organizations; and
- (iii) school boards and publicly-funded academic, health and social service entities.

This Annex does not cover the Legislative Assembly.

This Annex does not include procurement subject to the Nunavummi Nangminiqagtunik Ikajuuti Policy (NNI Policy).

ONTARIO

This Annex covers all:

- (i) provincial ministries and classified agencies but does not include energy agencies, agencies of a commercial or industrial nature, and Ontario Infrastructure and Lands Corporation;
- (ii) school boards and publicly-funded academic, health and social service entities; and
- (iii) municipalities but does not include municipal energy entities.

This Annex does not cover the Offices of the Legislative Assembly.

PRINCE EDWARD ISLAND

This Annex covers all:

- (i) departments, agencies;
- (ii) municipalities; and
- (iii) school boards and publicly-funded academic, health and social service entities.

QUÉBEC

This Annex covers all:

- (i) departments, governmental agencies; and
- (ii) parapublic organizations.

“Governmental agencies” means the bodies set out in subparagraphs (2) through (4) of the first paragraph of section 4 of the *Act Respecting Contracting by Public Bodies* (R.S.Q., c.C-65.1), including the Agence du revenu du Québec, and the persons set out in the second paragraph of that section, with the exception of the bodies and persons mentioned in section 5 of the Act.

“Parapublic organizations” means the municipalities, the municipal organizations, and the bodies set out in subparagraphs (5) and (6) of the first paragraph of section 4 of the *Act Respecting Contracting by Public Bodies*, including the legal persons or other entities owned or controlled by one or several parapublic organizations.

SASKATCHEWAN

This Annex covers all:

- (i) ministries, agencies, Treasury Board Crown corporations, boards, commissions;
- (ii) municipalities; and
- (iii) school boards and publicly-funded academic, health and social service entities.

YUKON

This Annex covers:

Departments

Department of Community Services

Department of Economic Development

Department of Education

Department of Energy, Mine and Resources
Department of Environment
Department of Finance
Department of Health and Social Services
Department of Highways and Public Works
Department of Justice
Department of Tourism and Culture
Executive Council Office
Public Service Commission
Women's Directorate
French Language Services Directorate

Agencies

Yukon Worker's Compensation Health & Safety Board

Annex X-03***Other Entities*****Section A**

The following thresholds shall apply to procurements by entities covered in Section A of this Annex except when conducting procurements for the activities listed in Section B of this Annex:

<i>Thresholds</i>	SDR 355,000	Goods covered in Annex X-04
SDR 355,000		Services covered in Annex X-05
SDR 5,000,000		Construction Services covered in Annex X-06

List of Entities**FEDERAL ENTITIES**

This Annex covers all Crown corporations within the meaning of Part X of the *Financial Administration Act (FAA)*, which are accountable to Parliament under section 88 of the FAA.

ALBERTA

This Annex covers all:

- (i) Crown corporations, government-owned commercial enterprises, and other entities that are owned by the Government of Alberta through ownership interest; and
- (ii) corporations or entities owned or controlled by a regional, local, district or other form of municipal government covered under Annex X-02.

BRITISH COLUMBIA

This Annex covers all:

- (i) Crown corporations, government-owned commercial enterprises, and other entities that are owned by the Government of British Columbia through ownership interest; and
- (ii) corporations or entities owned or controlled by one or more municipal governments.

MANITOBA

This Annex covers all provincial Crown corporations, except:

- Manitoba Public Insurance Corporation
- Venture Manitoba Tours Limited

NEW BRUNSWICK

This Annex covers the following Crown corporations:

Kings Landing
NB Energy Efficiency and Conservation Agency

New Brunswick Credit Union Deposit Insurance Corporation
New Brunswick Highway Corporation
New Brunswick Housing Corporation
New Brunswick Investment Management Corporation
New Brunswick Liquor Corporation
New Brunswick Municipal Finance Corporation
New Brunswick Research and Productivity Council
New Brunswick Securities Commission
Regional Development Corporation
Service New Brunswick

NEWFOUNDLAND AND LABRADOR

This Annex covers all provincial Crown Corporations other than:

- Nalcor Energy and all its existing and future subsidiaries and affiliates, except for Newfoundland and Labrador Hydro.
- Research & Development Corporation of Newfoundland and Labrador and any subsidiary thereof.

NORTHWEST TERRITORIES

This Annex covers all territorial Crown corporations.

This Annex does not include procurement subject to the Northwest Territories Business Incentive Policy.

NOVA SCOTIA

This Annex covers any entity designated as a government business enterprise pursuant to the *Provincial Finance Act* and the *Public Procurement Act*, except any listed intergovernmental or privatized governmental unit under the *Provincial Finance Act* if the Province does not own or control a majority of it.

NUNAVUT

This Annex covers all territorial Crown corporations.

This Annex does not include procurement subject to the Nunavummi Nangminiaqtunik Ikajuuti Policy (NNI Policy).

ONTARIO

This Annex covers all provincial and municipal government-owned entities of a commercial or industrial nature.

This Annex excludes energy entities except for Hydro One and Ontario Power Generation.

PRINCE EDWARD ISLAND

This Annex covers all provincial Crown corporations except:

- Innovation PEI

QUÉBEC

This Annex covers government enterprises and legal persons or other entities that are owned or controlled by one or several of these enterprises, which are not in competition with the private sector.

“Government enterprise” means a body set out in section 7 of the *Act Respecting Contracting by Public Bodies*.

SASKATCHEWAN

This Annex covers all provincial Crown corporations, corporations owned or controlled by one or more municipal governments and the Saskatchewan Liquor and Gaming Authority.

YUKON

This Annex covers all Government Corporations within the meaning of the *Corporate Governance Act* except:

- Yukon Development Corporation

Notes to Annex X-03 Section A

1. This Annex does not include procurements in respect of the intervention activities of the Canada Deposit Insurance Corporation or its subsidiaries, or procurements by any subsidiary created in respect of such intervention activities.
2. This Annex does not include procurements by the Canada Lands Company Limited or its subsidiaries for the development of real property for commercial sale or resale.
3. Ontario Power Generation reserves the right to accord a preference to tenders that provide benefits to the province, such as favouring local sub-contracting, in the context of procurements relating to the construction or maintenance of nuclear facilities or related services. A selection criterion of benefits to the province in the evaluation of tenders shall not exceed 20% of total points.
4. For greater certainty, nothing in this Agreement affects the procurement for the production, transmission and distribution of renewable energy, other than hydro-electricity, by the province of Ontario as set out in the *Green Energy Act*.

Section B

The following thresholds shall apply to procurement by procuring entities in Annexes X-01, X-02 and X-03, Section A, which have as one of their core activities any of those referred to below or any combination thereof:

- (1) Provision of airport or other terminal facilities to air carriers;
- (2) Provision or operation of networks providing a service to the public in the field of transport by railway, automated systems, tramway, trolley bus, bus or cable;
- (3) Provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- (4) Provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water and treatment of wastewater, or the supply of drinking water to such networks;
- (5) Provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity, or the supply of electricity to such networks;
- (6) Provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas or heat, or the supply of gas or heat to such networks.

<i>Thresholds</i>	SDR 400,000	Goods covered in Annex X-04
	SDR 400,000	Services covered in Annex X-05
	SDR 5,000,000	Construction Services covered in Annex X-06

Notes to Annex X-03 Section B

1. This Appendix does not include procurements by procuring entities for the activities listed in Section B above when exposed to competitive forces in the market concerned.
2. This Appendix does not include procurements by procuring entities for the activities listed in Section B:
 - (i) for the purchase of water, energy, or fuels for the production of energy; or
 - (ii) for the pursuit of such activities outside of Canada; or
 - (iii) for purposes of re-sale or hire to third parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.
3. This Appendix does not include procurements by procuring entities for the purposes of exploitation of a geographical area for the purpose of exploring for or extracting oil, gas, coal or other solid fuels.

Annex X-04**Goods**

1. Unless otherwise specified and subject to paragraph 2, this Agreement covers all goods.
2. Subject to the application of paragraph 1 of Article III, with respect to procurement by the Department of National Defence, the Royal Canadian Mounted Police, the Department of Fisheries and Oceans for the Canadian Coast Guard, the Canadian Air Transport Security Authority, and provincial and municipal police forces, this Agreement covers only the goods described in any of the Federal Supply Classifications (FSC) listed below:

FSC	22.	Railway equipment
FSC	23.	Motor vehicles, trailers and cycles (except buses in 2310; and, except military trucks and trailers in 2320 and 2330 and tracked combat, assault and tactical vehicles in 2350 and wheeled combat, assault and tactical vehicles in 2350 formerly classified in 2320)
FSC	24.	Tractors
FSC	25.	Vehicular equipment components
FSC	26.	Tires and tubes
FSC	29.	Engine accessories
FSC	30.	Mechanical power transmission equipment
FSC	32.	Woodworking machinery and equipment
FSC	34.	Metal working machinery
FSC	35.	Service and trade equipment
FSC	36.	Special industry machinery
FSC	37.	Agricultural machinery and equipment
FSC	38.	Construction, mining, excavating and highway maintenance equipment
FSC	39.	Materials handling equipment
FSC	40.	Rope, cable, chain and fittings
FSC	41.	Refrigeration and air conditioning equipment
FSC	42.	Fire fighting, rescue and safety equipment (except 4220: Marine lifesaving and diving equipment; and 4230: Decontaminating and impregnating equipment)
FSC	43.	Pumps and compressors
FSC	44.	Furnace, steam plant, drying equipment and nuclear reactors
FSC	45.	Plumbing, heating and sanitation equipment
FSC	46.	Water purification and sewage treatment equipment
FSC	47.	Pipe, tubing, hose and fittings
FSC	48.	Valves
FSC	49.	Maintenance and repair shop equipment

FSC	52.	Measuring tools
FSC	53.	Hardware and abrasives
FSC	54.	Prefabricated structures and scaffolding
FSC	55.	Lumber, millwork, plywood and veneer
FSC	56.	Construction and building materials
FSC	61.	Electric wire and power and distribution equipment
FSC	62.	Lighting fixtures and lamps
FSC	63.	Alarm and signal systems (except 6350: Security detection systems related to security screening)
FSC	65.	Medical, dental and veterinary equipment and supplies
FSC	66.	Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components; 6635: Physical properties testing and inspection related to security screening; and 6665: Hazard detecting instruments and apparatus)
FSC	67.	Photographic equipment
FSC	68.	Chemicals and chemical products
FSC	69.	Training aids and devices
FSC	70.	General purpose automatic data processing equipment, software, supplies and support equipment (except 7010: Automatic Data Processing Equipment (ADPE) configurations)
FSC	71.	Furniture
FSC	72.	Household and commercial furnishings and appliances
FSC	73.	Food preparation and serving equipment
FSC	74.	Office machines, text processing system and visible record equipment
FSC	75.	Office supplies and devices
FSC	76.	Books, maps and other publications (except 7650: drawings and specifications)
FSC	77.	Musical instruments, phonographs and radios
FSC	78.	Recreational and athletic equipment
FSC	79.	Cleaning equipment and supplies
FSC	80.	Brushes, paints, sealers and adhesives
FSC	81.	Containers, packaging and packing supplies
FSC	85.	Toiletries
FSC	87.	Agricultural supplies
FSC	88.	Live animals
FSC	91.	Fuels, lubricants, oils and waxes
FSC	93.	Nonmetallic fabricated materials
FSC	94.	Nonmetallic crude materials
FSC	96.	Ores, minerals and their primary products

FSC 99. Miscellaneous

3. Procurement of mass transit vehicles

This section applies to the procurement of mass transit vehicles in the provinces of Ontario and Québec. A mass transit vehicle refers to a street car, bus, trolley bus, subway car, passenger rail car or locomotive for subway or rail system used for public transportation.

Procuring entities in the provinces of Ontario and Québec, when purchasing mass transit vehicles, may, in accordance with the terms of this agreement, require that the successful bidder contracts up to 25% of the contract value in Canada.

Any lowering of such percentage of contract value decided by the Government of Canada or the province of Ontario or the province of Québec, as a result of an international agreement or in domestic law, regulation or policy, will replace the above-mentioned percentage of 25% on a permanent basis under this agreement for that province and for the category of mass transit vehicle to which such new percentage applies. When applying this note, the provinces of Ontario and Québec must treat EU bidders no less favourably than Canadian or other third country bidders.

The term “value” refers to the eligible costs in the procurement of mass transit vehicles for components, sub-components and raw materials produced in Canada, including labour or other related services such as after-sale and maintenance services, as determined in the tender. It also includes all costs related to a final assembly of the mass transit vehicle in Canada. It will be for the bidder to determine which part of the contract value will be fulfilled through the use of Canadian acquired value. However, the province of Québec may require that final assembly takes place in Canada.

Final assembly means:

a) for a bus

Final assembly of a bus includes installation and connection of the following parts:

- Installation and interconnection of the engine, transmission, axles, including the brake system.
- Installation and interconnection of heating and air conditioning systems.
- Installation of pneumatic, electrical and door systems.
- Installation of passenger seats and handrails.
- Installation of the destination sign.
- Installation of the wheelchair access ramp.
- Final inspection, road tests and preparation for delivery.

b) for a train

Final assembly of a train includes installation and connection of the following parts: ventilation, heating and air conditioning system, bogie frames, suspension, axles, differential, propulsion engines, propulsion control, auxiliary power, braking control, braking equipment, air brake compressors, communication system, on-board information and remote monitoring system, inspection and verification of all installation and interconnection work and fixed-point testing to verify all functions.

The eligible costs must provide reasonable flexibility for a successful bidder to source the contract value on competitive terms from Canadian suppliers, including price and quality.

Contracts may not be split with the purpose of restricting the choice of eligible costs by the bidder.

The procuring entities must indicate the existence of such conditions clearly and objectively in both tender notices and contract documents.

The application of this section will be revisited five years after entry into force of this agreement.

The application of this section will be revisited with a view to reduce its inconsistency with the provisions of the government procurement chapter in the event where the United States would permanently lower its local content restrictions applicable to transit vehicles (rolling stock) below 25% for local and state contracting authorities.

Notes to Annex X-04

1. For the Province of Prince Edward Island, this Annex does not include procurement of construction materials that are used for highway construction and maintenance.
2. For the Province of Québec, the Annex does not include procurement of the following goods by Hydro-Québec (identified in accordance with the Harmonized System Codes (HS)): HS 7308.20; HS 8406; HS 8410; HS 8426; HS 8504; HS 8535; HS 8536; HS 8537; HS 8544; HS 8705.10; HS 8705.20; HS 8705.90; HS 8707; HS 8708; HS 8716.39; HS 8716.40.
3. For the Province of Manitoba, this Annex does not include procurement of the following goods by Manitoba Hydro Electric Board:
 - Textiles – Fire Retardant Clothing and other Work Apparel
 - Prefabricated buildings
 - Bridges, bridge sections, towers and lattice masts, or iron or steel
 - Steam turbines and other vapour turbines; hydraulic turbines and water wheels; gas turbines other than turbo-jets and turbo-propellers
 - Electrical transformers, static converters and inductors
 - Electricity distribution or control apparatus
 - Parts of electricity distribution or control apparatus
 - Co-axial cable and other co-axial electrical conductors
 - Other electric conductors, for a voltage exceeding 1000V
 - Gates
 - Woodpoles and crossarms
 - Generators

Annex X-05**Services**

1. Unless otherwise specified, this annex covers the services specified in paragraph 2 and 3. The subject matter of construction services is addressed in Annex X-06. The services covered in this Annex and Annex X-06 are identified in accordance with the United Nations Provisional Central Products Classification (CPC), which may be found at:

<http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1> .

2. This Annex covers the following services procured by federal entities covered in Annexes X-01 and X-03 Section A:

861 Legal services (advisory services of foreign and international law only)

862 Accounting, auditing and book-keeping services

3. This Annex covers the following services procured by entities covered in Annexes X-01, X-02, and X-03 Section A:

633 Repair services of personal and household goods

7512 Commercial courier services (including multi-modal)

7523 Electronic data interchange (EDI)

7523 Electronic mail

7523 Enhanced/value-added facsimile services, including store and forward, store and retrieve Code and protocol conversion

7523 On-line information and data base retrieval

7523 Voice mail

822 Real estate services on a fee or contract basis

841 Consultancy services related to the installation of computer hardware

842 Software implementation services, including systems and software consulting services, systems analysis, design, programming and maintenance services

843 Data processing services, including processing, tabulation and facilities management services

843 On-line information and/or data processing (including transaction processing)

844 Data base services

845	Maintenance and repair services of office machinery and equipment including computers
849	Other computer services
86501	General management consulting services
86503	Marketing management consulting services
86504	Human resources management consulting services
86505	Production management consulting services
866	Services related to management consulting (except 86602 Arbitration and conciliation services)
8671	Architectural services
8672	Engineering services
8673	Integrated engineering services (excluding 86731 Integrated engineering services for transportation infrastructure turnkey projects)
8674	Urban planning and landscape architectural services
8676	Technical testing and analysis services including quality control and inspection (except with reference to FSC 58 and transportation equipment)
874	Building-cleaning services
8861 to 8864, and 8866	Repair services incidental to metal products, machinery and equipment
94	Sewage and refuse disposal, sanitation and similar services

Notes to Annex X-05:

1. This Annex does not include the following:
 - (a) all services, with reference to those goods purchased by the Department of National Defence, the Royal Canadian Mounted Police, the Department of Fisheries and Oceans for the Canadian Coast Guard, the Canadian Air Transport Security Authority, and provincial and municipal police forces which are not covered by Annex X-04; and
 - (b) services procured in support of military forces located overseas.
2. This Chapter does not apply to instruments of monetary policy, exchange rates, public debt, reserve management or other policies involving transactions in securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital. Accordingly, this Chapter does not apply to contracts relating to the issue, purchase, sale or

transfer of securities or other financial instruments are not covered. Central bank services are also excluded.

3. For procuring entities covered under Annex X-02, the thresholds will be 355,000 SDR when an entity procures consulting services regarding matters of a confidential nature, the disclosure of which could reasonably be expected to compromise government confidences, cause economic disruption or similarly be contrary to public interest.

4. For the Province of Québec, this Annex does not include procurement from a non-profit organization with respect to urban planning, and for the ensuing plans and specifications preparation and works management, provided that the non-profit organization respects, for its procurement, the procuring entity's obligations under this Chapter.

5. For the Province of Québec, this Annex does not include procurement of the following services by Hydro-Québec (identified in accordance with the United Nations Provisional Central Products Classification (CPC)):

7523 – Data and message transmission services

84 – Computer and related services

86725 – Engineering design services for industrial processes and production

86729 – Other engineering services.

6. For the Province of Manitoba, this Annex does not include procurement of services by Manitoba Hydro Electric Board.

Annex X-06**Construction Services**

1. All construction services in CPC Division 51 are covered. Construction Services are identified in accordance with the Provisional Central Product Classification (CPC).
2. Construction services contracts awarded by Annex X-01, Annex X-02 and Section A of Annex X-03 entities, which involve, as complete or partial consideration, any grant to the supplier of the construction service, for a specified period of time, of temporary ownership or a right to control and operate the civil or building work resulting from such contract, and demand payment for the use of such work for the duration of the contract, are subject only to the following provisions: Articles I, II, IV, V, VI (except for sub-paragraphs 3 (e) and (l)), XV (except paragraphs 3 and 4) and XVII of the Chapter.
3. This Appendix does not include construction services contracts as described in paragraph 2 to Annex X-06 that are awarded by procuring entities when carrying out activities listed in Annex X-03 Section B.

Notes to Annex X-06

1. For federal entities in Annex X-01, this Annex includes dredging services, and dredging services that are incidental to construction services contracts, subject to the following requirements:

(1) The vessel or other floating plant equipment used in the supply of the dredging services:

- a. is of Canadian or European Union make or manufacture; or
- b. has been predominantly modified in Canada or the European Union and has been owned by a person located in Canada or the European Union for at least a year prior to the submission of the tender by the bidder; and

(2) The vessel must be registered in:

- a. Canada; or
- b. a Member State of the European Union and have been granted a temporary licence under the Coasting Trade Act. The temporary license will be granted to the EU vessel, subject to applicable non-discretionary requirements.* The requirement that a temporary licence will only be issued if there is no Canadian duty or non-duty paid vessel available will not be applied to the application for that temporary licence.

*For greater certainty, the Coasting Trade Act does not impose nationality requirements on crew.

2. The Province of Québec reserves the right to adopt or maintain any measure favouring local outsourcing in the case of construction services contracts awarded by Hydro-Québec. For

greater certainty, such measure would in no case be a condition for the participation or qualification of suppliers.

3. For the Province of Manitoba, this Annex does not include procurement of construction services by Manitoba Hydro Electric Board.

Annex X-07

General Notes

1. This Chapter does not include procurement:
 - (a) in respect of shipbuilding and repair, including related architectural and engineering services, for federal entities in Annex X-01 and Section A of Annex X-03; and for sub-central entities in British Columbia, Manitoba, Newfoundland and Labrador, New Brunswick, Nova Scotia and Prince Edward Island covered by Annex X-02 and Section A of Annex X-03;
 - (b) in respect of agricultural goods made in furtherance of agricultural support programs or human feeding programs;
 - (c) of transportation services that form a part of, or are incidental to, a procurement contract;
 - (d) of goods purchased for representational or promotional purposes, or of services or construction services purchased for representational or promotional purposes outside the province, in respect of the provinces of, Alberta, British Columbia, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, Québec and Saskatchewan;
 - (e) of services contracts, excluding construction services contracts, which grant to a supplier the right to provide and exploit a service to the public as complete or partial consideration for the delivery of a service under a procurement contract;
 - (f) for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - (g) by Québec entities of works of art from local artists or to procurement by any municipality, academic institution or school board of other provinces and territories with respect to cultural industries; for the purpose of this paragraph, works of art includes specific artistic works to be integrated into a public building or a site; and
 - (h) by procuring entities covered under Annex X-01, Annex X-02 and Section A of Annex X-03 in connection with activities in the fields of drinking water, energy, transport and the postal sector, unless such contracts are covered by Section B of Annex X-03.
2. This Chapter does not apply to:
 - (a) any measure adopted or maintained with respect to Aboriginal peoples, nor to set asides for aboriginal businesses: existing aboriginal or treaty rights of any of the Aboriginal

peoples of Canada protected by section 35 of the *Constitution Act, 1982* are not affected by this Chapter;

- (b) any procurement in relation to an international crossing between Canada and another country, including the design, construction, operation or maintenance of the crossing as well as any related infrastructure;
- (c) procurements between subsidiaries or affiliates of the same entity, or between an entity and any of its subsidiaries or affiliates, or between an entity and a general, limited or special partnership in which the entity has a majority or controlling interest; and
- (d) any measure adopted or maintained by Québec with respect to cultural industries.

3. For greater certainty, this Chapter shall be interpreted in accordance with the following:

- (a) Procurement in terms of Canadian coverage is defined as contractual transactions to acquire goods or services for the direct benefit or use of the government. The procurement process is the process that begins after an entity has decided on its requirement and continues through to and including contract award. It does not include procurements between one government entity or government enterprise and another government entity or government enterprise.
- (b) Where a contract to be awarded by an entity is not covered by this Chapter, Canada's Annexes shall not be construed to cover any good or service component of that contract.
- (c) Any exclusion that is related either specifically or generally to federal or sub-central entities or enterprises covered by Annex X-01, Annex X-02, or Section A of Annex X-03 will also apply to any successor entity or entities, enterprise or enterprises, in such a manner as to maintain the value of the coverage of Canada's Annexes.
- (d) Services covered by this Chapter are subject to Canada's exclusions from and reservations to the Chapters on Cross-Border Trade in Services, Investment and Financial Services.
- (e) This Chapter does not cover procurement by a procuring entity on behalf of another entity where the procurement would not be covered by this Chapter if it were conducted by the other entity itself.

4. Regional Economic Development

- (a) The provinces and territories of Manitoba, Newfoundland and Labrador, New Brunswick, Nova Scotia, Northwest Territories, Nunavut, Prince Edward Island, or Yukon may derogate from this Chapter in order to promote regional economic development, without providing undue support to monopolistic activities.
- (b) Any procurement qualifying for a derogation pursuant to this Note shall:
 - (i) be of a total value estimated at one million Canadian dollars, or less; and
 - (ii) support small firms or employment opportunities in non-urban areas.

- (c) If the procurement meets the requirement of paragraph (b)(ii) but its total value exceeds one million Canadian dollars, the value of the part of the contract that would be affected by the derogation would not exceed one million Canadian dollars.
- (d) Each province or territory listed under paragraph (a) may not derogate pursuant to this Note more than ten times per year.
- (e) A procurement shall not qualify for a derogation pursuant to this Note if it is funded by the federal government.
- (f) A procurement qualifying for a derogation pursuant to this Note shall be notified at least 30 days prior to the signing of a procurement contract, accompanied by:
 - (i) the details of the circumstances justifying a derogation pursuant to this Note;
 - (ii) the information regarding the name of firm(s) and/or area(s) where the procurement is expected to provide regional economic benefits; and
 - (iii) an explanation of the conformity of the procurement with the requirements of this Note.

ANNEX 8

Publication Media

a) Electronic or paper media utilized for the publication of laws, regulations, judicial decisions, administrative rulings of general application, standard contract clauses, and procedures regarding government procurement covered by this Agreement pursuant to Article V

(...)

b) Electronic or paper media utilized for the publication of notices required by Articles VI, VIII:7 and XV:2 pursuant to Article V

(...)

c) Website address or addresses where Parties publish procurement statistics pursuant to Article XV:5 and notices concerning awarded contracts pursuant to Article XV:6

(...)

CETA – Public Procurement

EU FINAL OFFER TO CANADA

ANNEX 1***Central government entities which procure in accordance with the provisions of the Chapter***

Supplies

Specified in Annex 4

Thresholds SDR 130,000

Services

Specified in Annex 5

Thresholds SDR 130,000

Works

Specified in Annex 6

Thresholds SDR 5,000,000

1. EUROPEAN UNION ENTITIES

1. The Council of the European Union
2. The European Commission
3. The European External Action Service (EEAS)

2. THE CENTRAL GOVERNMENT CONTRACTING AUTHORITIES OF EU MEMBER STATES

1. EUROPEAN UNION ENTITIES

1. The Council of the European Union
2. The European Commission
3. European External Action Service (EEAS)

2. THE CENTRAL GOVERNMENT CONTRACTING AUTHORITIES OF EU MEMBER STATES

(Note: this list is exhaustive.)**BELGIUM****1. Services publics fédéraux:**

SPF Chancellerie du Premier Ministre;

SPF Personnel et Organisation;

1. Federale Overheidsdiensten:

FOD Kanselarij van de Eerste Minister;

FOD Kanselarij Personeel en Organisatie;

SPF Budget et Contrôle de la Gestion;	FOD Budget en Beheerscontrole;
SPF Technologie de l'Information et de la Communication (Fedict);	FOD Informatie- en Communicatietechnologie (Fedict);
SPF Affaires étrangères, Commerce extérieur et Coopération au Développement;	FOD Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking;
SPF Intérieur;	FOD Binnenlandse Zaken;
SPF Finances;	FOD Financiën;
SPF Mobilité et Transports;	FOD Mobiliteit en Vervoer;
SPF Emploi, Travail et Concertation sociale; overleg;	FOD Werkgelegenheid, Arbeid en sociaal
SPF Sécurité Sociale et Institutions publiques de Sécurité Sociale;	FOD Sociale Zekerheid en Openbare Instellingen van sociale Zekerheid;
SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement;	FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu;
SPF Justice;	FOD Justitie;
SPF Economie, PME, Classes moyennes Energie; et Energie;	FOD Economie, KMO, Middenstand en
Ministère de la Défense;	Ministerie van Landsverdediging;
Service public de programmation Intégration sociale, Lutte contre la pauvreté Et Economie sociale;	Programmatorische Overheidsdienst Maatschappelijke Integratie, Armoedsbestrijding en sociale Economie;
Service public fédéral de Programmation Développement durable;	Programmatorische federale Overheidsdienst Duurzame Ontwikkeling;
Service public fédéral de Programmation Politique scientifique;	Programmatorische federale Overheidsdienst Wetenschapsbeleid;
2. Régie des Bâtiments:	2. Regie der Gebouwen:
Office national de Sécurité sociale;	Rijksdienst voor sociale Zekerheid;
Institut national d'Assurance sociales Pour travailleurs indépendants;	Rijksinstituut voor de sociale Verzekeringen der Zelfstandigen;
Institut national d'Assurance Maladie-Invalidité;	Rijksinstituut voor Ziekte- en Invaliditeitsverzekering;

Office national des Pensions;	Rijksdienst voor Pensioenen;
Caisse auxiliaire d'Assurance Maladie-Invalidité;	Hulpkas voor Ziekte-en Invaliditeitsverzekering;
Fond des Maladies professionnelles;	Fonds voor Beroepsziekten;
Office national de l'Emploi;	Rijksdienst voor Arbeidsvoorziening
La Poste [∞]	De Post [∞]

BULGARIA

1. Администрация на Народното събрание (Administration of the National Assembly)
2. Администрация на Президента (Administration of the President)
3. Администрация на Министерския съвет (Administration of the Council of Ministers)
4. Конституционен съд (Constitutional Court)
5. Българска народна банка (Bulgarian National Bank)
6. Министерство на външните работи (Ministry of Foreign Affairs)
7. Министерство на вътрешните работи (Ministry of the Interior)
8. Министерство на извънредните ситуации (Ministry of Emergency Situations)
9. Министерство на държавната администрация и административната реформа (Ministry of State Administration and Administrative Reform)
10. Министерство на земеделието и храните (Ministry of Agriculture and Food)
11. Министерство на здравеопазването (Ministry of Health)
12. Министерство на икономиката и енергетиката (Ministry of Economy and Energy)
13. Министерство на културата (Ministry of Culture)
14. Министерство на образованието и науката (Ministry of Education and Science)
15. Министерство на околната среда и водите (Ministry of Environment and Water)
16. Министерство на отбраната (Ministry of Defence)
17. Министерство на правосъдието (Ministry of Justice)
18. Министерство на регионалното развитие и благоустройството (Ministry of Regional Development and Public Works)
19. Министерство на транспорта (Ministry of Transport)
20. Министерство на труда и социалната политика (Ministry of Labour and Social Policy)
21. Министерство на финансите (Ministry of Finance)
22. държавни агенции, държавни комисии, изпълнителни агенции и други държавни институции, създадени със закон или с постановление на Министерския съвет, които имат функции във връзка с осъществяването на изпълнителната власт (state agencies, state commissions, executive agencies and other state authorities established by law or by Council of Ministers' decree having a function relating to the exercise of executive power):
23. Агенция за ядрено регулиране (Nuclear Regulatory Agency)
24. Държавна комисия за енергийно и водно регулиране (Energy and Water State Regulatory Commission)
25. Държавна комисия по сигурността на информацията (State Commission on Information Security)

[∞] Postal activities as per act of 24 December 1993

26. Комисия за защита на конкуренцията (Commission for Protection of Competition)
27. Комисия за защита на личните данни (Commission for Personal Data Protection)
28. Комисия за защита от дискриминация (Commission for Protection Against Discrimination)
29. Комисия за регулиране на съобщенията (Communications Regulation Commission)
30. Комисия за финансов надзор (Financial Supervision Commission)
31. Патентно ведомство на Република България (Patent Office of the Republic of Bulgaria)
32. Сметна палата на Република България (National Audit Office of the Republic of Bulgaria)
33. Агенция за приватизация (Privatization Agency)
34. Агенция за следприватизационен контрол (Agency for Post-privatization Control)
35. Български институт по метрология (Bulgarian Institute for Metrology)
36. Държавна агенция "Архиви (State Agency "Archives")
37. Държавна агенция "Държавен резерв и военновременни запаси" (State Agency "State Reserve and War-Time Stocks")
38. Държавна агенция за бежанците (State Agency for Refugees)
39. Държавна агенция за българите в чужбина (State Agency for Bulgarians Abroad)
40. Държавна агенция за закрила на детето (State Agency for Child Protection)
41. Държавна агенция за информационни технологии и съобщения (State Agency for Information Technology and Communications)
42. Държавна агенция за метрологичен и технически надзор (State Agency for Metrological and Technical Surveillance)
43. Държавна агенция за младежта и спорта (State Agency for Youth and Sports)
44. Държавна агенция по туризма (State Agency for Tourism)
45. Държавна комисия по стоковите борси и тържища (State Commission on Commodity Exchanges and Market-places)
46. Институт по публична администрация и европейска интеграция (Institute of Public Administration and European Integration)
47. Национален статистически институт (National Statistical Institute)
48. Агенция "Митници" (Customs Agency)
49. Агенция за държавна и финансова инспекция (Public Financial Inspection Agency)
50. Агенция за държавни вземания (State Receivables Collection Agency)
51. Агенция за социално подпомагане (Social Assistance Agency)
52. Държавна агенция "Национална сигурност" (State Agency "National Security")
53. Агенция за хората с увреждания (Agency for Persons with Disabilities)
54. Агенция по вписванията (Registry Agency)
55. Агенция по енергийна ефективност (Energy Efficiency Agency)
56. Агенция по заетостта (Employment Agency)
57. Агенция по геодезия, картография и кадастър (Geodesy, Cartography and Cadastre Agency)
58. Агенция по обществени поръчки (Public Procurement Agency)
59. Българска агенция за инвестиции (Bulgarian Investment Agency)
60. Главна дирекция "Гражданска въздухоплавателна администрация" (General Directorate "Civil Aviation Administration")
61. Дирекция за национален строителен контрол (Directorate for National Construction Supervision)
62. Държавна комисия по хазарта (State Commission on Gambling)
63. Изпълнителна агенция "Автомобилна администрация" (Executive Agency "Automobile Administration")
64. Изпълнителна агенция "Борба с градушките" (Executive Agency "Hail Suppression")

65. Изпълнителна агенция "Българска служба за акредитация" (Executive Agency "Bulgarian Accreditation Service")
66. Изпълнителна агенция "Главна инспекция по труда" (Executive Agency "General Labour Inspectorate")
67. Изпълнителна агенция "Железопътна администрация" (Executive Agency "Railway Administration")
68. Изпълнителна агенция "Морска администрация" (Executive Agency "Maritime Administration")
69. Изпълнителна агенция "Национален филмов център" (Executive Agency "National Film Centre")
70. Изпълнителна агенция "Пристанищна администрация" (Executive Agency "Port Administration")
71. Изпълнителна агенция "Проучване и поддържане на река Дунав" (Executive Agency "Exploration and Maintenance of the Danube River")
72. Фонд "Републиканска пътна инфраструктура" (National Infrastructure Fund)
73. Изпълнителна агенция за икономически анализи и прогнози (Executive Agency for Economic Analysis and Forecasting)
74. Изпълнителна агенция за насърчаване на малките и средни предприятия (Executive Agency for Promotion of Small and Medium Enterprises)
75. Изпълнителна агенция по лекарствата (Executive Agency on Medicines)
76. Изпълнителна агенция по лозата и виното (Executive Agency on Vine and Wine)
77. Изпълнителна агенция по околна среда (Executive Environment Agency)
78. Изпълнителна агенция по почвените ресурси (Executive Agency on Soil Resources)
79. Изпълнителна агенция по рибарство и аквакултури (Executive Agency on Fisheries and Aquaculture)
80. Изпълнителна агенция по селекция и репродукция в животновъдството (Executive Agency for Selection and Reproduction in Animal Husbandry)
81. Изпълнителна агенция по сортоизпитване, апробация и семеконтрол (Executive Agency for Plant Variety Testing, Field Inspection and Seed Control)
82. Изпълнителна агенция по трансплантация (Transplantation Executive Agency)
83. Изпълнителна агенция по хидромелиорации (Executive Agency on Hydromelioration)
84. Комисията за защита на потребителите (Commission for Consumer Protection)
85. Контролно-техническата инспекция (Control Technical Inspectorate)
86. Национална агенция за приходите (National Revenue Agency)
87. Национална ветеринарномедицинска служба (National Veterinary Service)
88. Национална служба за растителна защита (National Service for Plant Protection)
89. Национална служба по зърното и фуражите (National Grain and Feed Service)
90. Държавна агенция по горите (State Forestry Agency)
91. Висшата атестационна комисия (Higher Attestation Commission)
92. Национална агенция за оценяване и акредитация (National Evaluation and Accreditation Agency)
93. Националната агенция за професионално образование и обучение (National Agency for Vocational Education and Training)
94. Национална комисия за борба с трафика на хора (Bulgarian National Anti-Trafficking Commission)
95. Дирекция "Материално-техническо осигуряване и социално обслужване" на Министерство на вътрешните работи (Directorate "Material-technical Ensuring and Social Service" at the Ministry of the Interior)
96. Дирекция "Оперативно издирване" на Министерство на вътрешните работи (Directorate "Operative Investigation" at the Ministry of the Interior)

97. Дирекция "Финансово-ресурсно осигуряване" на Министерство на вътрешните работи (Directorate "Financial and Resource Ensuring" at the Ministry of the Interior)
98. Изпълнителна агенция "Военни клубове и информация" (Executive Agency "Military Clubs and Information")
99. Изпълнителна агенция "Държавна собственост на Министерството на отбраната" (Executive Agency "State Property at the Ministry of Defence")
100. Изпълнителна агенция "Изпитвания и контролни измервания на въоръжение, техника и имущества" (Executive Agency "Testing and Control Measurements of Arms, Equipment and Property")
101. Изпълнителна агенция "Социални дейности на Министерството на отбраната" (Executive Agency "Social Activities at the Ministry of Defence")
102. Национален център за информация и документация (National Center for Information and Documentation)
103. Национален център по радиобиология и радиационна защита (National Centre for Radiobiology and Radiation Protection)
104. Национална служба "Полиция" (National Office "Police")
105. Национална служба "Пожарна безопасност и защита на населението" (National Office "Fire Safety and Protection of the Population")
106. Национална служба за съвети в земеделието (National Agricultural Advisory Service)
107. Служба "Военна информация" (Military Information Service)
108. Служба "Военна полиция" (Military Police)
109. Авиоотряд 28 (Airsquad 28)

CZECH REPUBLIC

1. Ministerstvo dopravy (Ministry of Transport)
2. Ministerstvo financí (Ministry of Finance)
3. Ministerstvo kultury (Ministry of Culture)
4. Ministerstvo obrany (Ministry of Defence)
5. Ministerstvo pro místní rozvoj (Ministry for Regional Development)
6. Ministerstvo práce a sociálních věcí (Ministry of Labour and Social Affairs)
7. Ministerstvo průmyslu a obchodu (Ministry of Industry and Trade)
8. Ministerstvo spravedlnosti (Ministry of Justice)
9. Ministerstvo školství, mládeže a tělovýchovy (Ministry of Education, Youth and Sports)
10. Ministerstvo vnitra (Ministry of the Interior)
11. Ministerstvo zahraničních věcí (Ministry of Foreign Affairs)
12. Ministerstvo zdravotnictví (Ministry of Health)
13. Ministerstvo zemědělství (Ministry of Agriculture)
14. Ministerstvo životního prostředí (Ministry of the Environment)
15. Poslanecká sněmovna PČR (Chamber of Deputies of the Parliament of the Czech Republic)
16. Senát PČR (Senate of the Parliament of the Czech Republic)
17. Kancelář prezidenta (Office of the President)
18. Český statistický úřad (Czech Statistical Office)
19. Český úřad zeměměřičský a katastrální (Czech Office for Surveying, Mapping and Cadastre)
20. Úřad průmyslového vlastnictví (Industrial Property Office)
21. Úřad pro ochranu osobních údajů (Office for Personal Data Protection)
22. Bezpečnostní informační služba (Security Information Service)

23. Národní bezpečnostní úřad (National Security Authority)
24. Česká akademie věd (Academy of Sciences of the Czech Republic)
25. Vězeňská služba (Prison Service)
26. Český báňský úřad (Czech Mining Authority)
27. Úřad pro ochranu hospodářské soutěže (Office for the Protection of Competition)
28. Správa státních hmotných rezerv (Administration of the State Material Reserves)
29. Státní úřad pro jadernou bezpečnost (State Office for Nuclear Safety)
30. Energetický regulační úřad (Energy Regulatory Office)
31. Úřad vlády České republiky (Office of the Government of the Czech Republic)
32. Ústavní soud (Constitutional Court)
33. Nejvyšší soud (Supreme Court)
34. Nejvyšší správní soud (Supreme Administrative Court)
35. Nejvyšší státní zastupitelství (Supreme Public Prosecutor's Office)
36. Nejvyšší kontrolní úřad (Supreme Audit Office)
37. Kancelář Veřejného ochránce práv (Office of the Public Defender of Rights)
38. Grantová agentura České republiky (Grant Agency of the Czech Republic)
39. Státní úřad inspekce práce (State Labour Inspection Office)
40. Český telekomunikační úřad (Czech Telecommunication Office)
41. Ředitelství silnic a dálnic ČR (ŘSD) (Road and Motorway Directorate of the Czech Republic)

DENMARK

1. Folketinget — The Danish Parliament Rigsrevisionen — The National Audit Office
2. Statsministeriet — The Prime Minister's Office
3. Udenrigsministeriet — Ministry of Foreign Affairs
4. Beskæftigelsesministeriet — Ministry of Employment
5 styrelser og institutioner — 5 agencies and institutions
5. Domstolsstyrelsen — The Court Administration
6. Finansministeriet — Ministry of Finance
5 styrelser og institutioner — 5 agencies and institutions
7. Forsvarsministeriet — Ministry of Defence
5 styrelser og institutioner — 5 agencies and Institutions
8. Ministeriet for Sundhed og Forebyggelse — Ministry of the Interior and Health
Adskillige styrelser og institutioner, herunder Statens Serum Institut — Several agencies and institutions, including Statens Serum Institut
9. Justitsministeriet — Ministry of Justice
Rigspolitichefen, anklagemyndigheden samt 1 direktorat og et antal styrelser — Commissioner of Police, 1 directorate and a number of agencies
10. Kirkeministeriet — Ministry of Ecclesiastical Affairs
10 stiftsøvrigheder — 10 diocesan authorities

11. Kulturministeriet — Ministry of Culture
4 styrelser samt et antal statsinstitutioner — A Department and a number of institutions
12. Miljøministeriet — Ministry of the Environment
5 styrelser — 5 agencies
13. Ministeriet for Flygtninge, Indvandrere og Integration — Ministry of Refugee, Immigration and Integration Affairs
1 styrelse — 1 agency
14. Ministeriet for Fødevarer, Landbrug og Fiskeri — Ministry of Food, Agriculture and Fisheries
4 direktorater og institutioner — 4 directorates and institutions
15. Ministeriet for Videnskab, Teknologi og Udvikling — Ministry of Science, Technology and Innovation
Adskillige styrelser og institutioner, Forskningscenter Risø og Statens uddannelsesbygninger — Several agencies and institutions, including Risoe National Laboratory and Danish National Research and Education Buildings
16. Skatteministeriet — Ministry of Taxation
1 styrelse og institutioner — 1 agency and several institutions
17. Velfærdsministeriet — Ministry of Welfare
3 styrelser og institutioner — 3 agencies and several institutions
18. Transportministeriet — Ministry of Transport
7 styrelser og institutioner, herunder Øresundsbrokonsortiet — 7 agencies and institutions, including Øresundsbrokonsortiet
19. Undervisningsministeriet — Ministry of Education
3 styrelser, 4 undervisningsinstitutioner og 5 andre institutioner — 3 agencies, 4 educational establishments, 5 other institutions
20. Økonomi- og Erhvervsministeriet — Ministry of Economic and Business Affairs
Adskillige styrelser og institutioner — Several agencies and institutions
21. Klima- og Energiministeriet — Ministry for Climate and Energy
3 styrelser og institutioner — 3 agencies and institutions

GERMANY

1.	Federal Foreign Office	Auswärtiges Amt
2.	Federal Chancellery	Bundeskanzleramt
3.	Federal Ministry of Labour and Social Affairs	Bundesministerium für Arbeit und Soziales
4.	Federal Ministry of Education and Research	Bundesministerium für Bildung und Forschung
5.	Federal Ministry for Food, Agriculture and Consumer Protection	Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz
6.	Federal Ministry of Finance	Bundesministerium der Finanzen
7.	Federal Ministry of the Interior (civil goods only)	Bundesministerium des Innern
8.	Federal Ministry of Health	Bundesministerium für Gesundheit
9.	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth	Bundesministerium für Familie, Senioren, Frauen und Jugend
10.	Federal Ministry of Justice	Bundesministerium der Justiz
11.	Federal Ministry of Transport, Building and Urban Affairs	Bundesministerium für Verkehr, Bau und Stadtentwicklung
12.	Federal Ministry of Economic Affairs and Technology	Bundesministerium für Wirtschaft und Technologie
13.	Federal Ministry for Economic Co-operation and Development	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung
14.	Federal Ministry of Defence	Bundesministerium der Verteidigung
15.	Federal Ministry of Environment, Nature Conservation and Reactor Safety	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit

ESTONIA

1.	Vabariigi Presidendi Kantselei (Office of the President of the Republic of Estonia)
2.	Eesti Vabariigi Riigikogu (Parliament of the Republic of Estonia)
3.	Eesti Vabariigi Riigikohus (Supreme Court of the Republic of Estonia)
4.	Riigikontroll (The State Audit Office of the Republic of Estonia)
5.	Õiguskantsler (Legal Chancellor)
6.	Riigikantselei (The State Chancellery)
7.	Rahvusarhiiv (The National Archives of Estonia)
8.	Haridus- ja Teadusministeerium (Ministry of Education and Research)
9.	Justiitsministeerium (Ministry of Justice)
10.	Kaitseministeerium (Ministry of Defence)
11.	Keskkonnaministeerium (Ministry of Environment)
12.	Kultuuriministeerium (Ministry of Culture)
13.	Majandus- ja Kommunikatsiooniministeerium (Ministry of Economic Affairs and Communications)
14.	Põllumajandusministeerium (Ministry of Agriculture)
15.	Rahandusministeerium (Ministry of Finance)
16.	Siseministeerium (Ministry of Internal Affairs)
17.	Sotsiaalministeerium (Ministry of Social Affairs)
18.	Välisministeerium (Ministry of Foreign Affairs)
19.	Keeleinspektsioon (The Language Inspectorate)

20. Riigiprokuratuur (Prosecutor's Office)
21. Teabeamet (The Information Board)
22. Maa-amet (Estonian Land Board)
23. Keskkonnainspeksioon (Environmental Inspectorate)
24. Metsakaitse- ja Metsauuenduskeskus (Centre of Forest Protection and Silviculture)
25. Muinsuskaitseamet (The Heritage Board)
26. Patendiamet (Patent Office)
27. Tehnilise Järelevalve Amet (The Estonian Technical Surveillance Authority)
28. Tarbijakaitseamet (The Consumer Protection Board)
29. Riigihangete Amet (Public Procurement Office)
30. Taimetoodangu Inspeksioon (The Plant Production Inspectorate)
31. Põllumajanduse Registrite ja Informatsiooni Amet (Agricultural Registers and Information Board)
32. Veterinaar- ja Toiduamet (The Veterinary and Food Board)
33. Konkurentsiamet (The Estonian Competition Authority)
34. Maksu –ja Tolliamet (Tax and Customs Board)
35. Statistikaamet (Statistics Estonia)
36. Kaitsepolitseiamet (The Security Police Board)
37. Kodakondsus- ja Migratsiooniamet (Citizenship and Migration Board)
38. Piirivalveamet (National Board of Border Guard)
39. Politseiamet (National Police Board)
40. Eesti Kohtuekspertiisi ja Instituut (Forensic Service Centre)
41. Keskkriminaalpolitsei (Central Criminal Police)
42. Päästeamet (The Rescue Board)
43. Andmekaitse Inspeksioon (Estonian Data Protection Inspectorate)
44. Ravimiamet (State Agency of Medicines)
45. Sotsiaalkindlustusamet (Social Insurance Board)
46. Tööturuamet (Labour Market Board)
47. Tervishoiuamet (Health Care Board)
48. Tervisekaitseinspeksioon (Health Protection Inspectorate)
49. Tööinspeksioon (Labour Inspectorate)
50. Lennuamet (Estonian Civil Aviation Administration)
51. Maanteeamet (Estonian Road Administration)
52. Veeteede Amet (Maritime Administration)
53. Julgestuspolitsei (Central Law Enforcement Police)
54. Kaitseressursside Amet (Defence Resources Agency)
55. Kaitseväge Logistikeskus (Logistics Centre of Defence Forces)

GREECE

1. Υπουργείο Εσωτερικών (Ministry of Interior)
2. Υπουργείο Εξωτερικών (Ministry of Foreign Affairs)
3. Υπουργείο Οικονομίας και Οικονομικών (Ministry of Economy and Finance)
4. Υπουργείο Ανάπτυξης (Ministry of Development)
5. Υπουργείο Δικαιοσύνης (Ministry of Justice)
6. Υπουργείο Εθνικής Παιδείας και Θρησκευμάτων (Ministry of Education and Religion)
7. Υπουργείο Πολιτισμού (Ministry of Culture)
8. Υπουργείο Υγείας και Κοινωνικής Αλληλεγγύης (Ministry of Health and Social Solidarity)

9. Υπουργείο Περιβάλλοντος, Χωροταξίας και Δημοσίων Έργων (Ministry of Environment, Physical Planning and Public Works)
10. Υπουργείο Απασχόλησης και Κοινωνικής Προστασίας (Ministry of Employment and Social Protection)
11. Υπουργείο Μεταφορών και Επικοινωνιών (Ministry of Transport and Communications)
12. Υπουργείο Αγροτικής Ανάπτυξης και Τροφίμων (Ministry of Rural Development and Food)
13. Υπουργείο Εμπορικής Ναυτιλίας, Αιγαίου και Νησιωτικής Πολιτικής (Ministry of Mercantile Marine, Aegean and Island Policy)
14. Υπουργείο Μακεδονίας- Θράκης (Ministry of Macedonia and Thrace)
15. Γενική Γραμματεία Επικοινωνίας (General Secretariat of Communication)
16. Γενική Γραμματεία Ενημέρωσης (General Secretariat of Information)
17. Γενική Γραμματεία Νέας Γενιάς (General Secretariat for Youth)
18. Γενική Γραμματεία Ισότητας (General Secretariat of Equality)
19. Γενική Γραμματεία Κοινωνικών Ασφαλίσεων (General Secretariat for Social Security)
20. Γενική Γραμματεία Απόδημου Ελληνισμού (General Secretariat for Greeks Living Abroad)
21. Γενική Γραμματεία Βιομηχανίας (General Secretariat for Industry)
22. Γενική Γραμματεία Έρευνας και Τεχνολογίας (General Secretariat for Research and Technology)
23. Γενική Γραμματεία Αθλητισμού (General Secretariat for Sports)
24. Γενική Γραμματεία Δημοσίων Έργων (General Secretariat for Public Works)
25. Γενική Γραμματεία Εθνικής Στατιστικής Υπηρεσίας Ελλάδος (National Statistical Service)
26. Εθνικό Συμβούλιο Κοινωνικής Φροντίδας (National Welfare Council)
27. Οργανισμός Εργατικής Κατοικίας (Workers' Housing Organisation)
28. Εθνικό Τυπογραφείο (National Printing Office)
29. Γενικό Χημείο του Κράτους (General State Laboratory)
30. Ταμείο Εθνικής Οδοποιίας (Greek Highway Fund)
31. Εθνικό Καποδιστριακό Πανεπιστήμιο Αθηνών (University of Athens)
32. Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης (University of Thessaloniki)
33. Δημοκρίτειο Πανεπιστήμιο Θράκης (University of Thrace)
34. Πανεπιστήμιο Αιγαίου (University of Aegean)
35. Πανεπιστήμιο Ιωαννίνων (University of Ioannina)
36. Πανεπιστήμιο Πατρών (University of Patras)
37. Πανεπιστήμιο Μακεδονίας (University of Macedonia)
38. Πολυτεχνείο Κρήτης (Polytechnic School of Crete)
39. Σιβιτανίδειος Δημόσια Σχολή Τεχνών και Επαγγελματών (Sivitanidios Technical School)
40. Αιγινήτειο Νοσοκομείο (Eginitio Hospital)
41. Αρεταίειο Νοσοκομείο (Areteio Hospital)
42. Εθνικό Κέντρο Δημόσιας Διοίκησης (National Centre of Public Administration)
43. Οργανισμός Διαχείρισης Δημοσίου Υλικού (A.E. Public Material Management Organisation)
44. Οργανισμός Γεωργικών Ασφαλίσεων (Farmers' Insurance Organisation)
45. Οργανισμός Σχολικών Κτιρίων (School Building Organisation)
46. Γενικό Επιτελείο Στρατού (Army General Staff)
47. Γενικό Επιτελείο Ναυτικού (Navy General Staff)
48. Γενικό Επιτελείο Αεροπορίας (Airforce General Staff)
49. Ελληνική Επιτροπή Ατομικής Ενέργειας (Greek Atomic Energy Commission)
50. Γενική Γραμματεία Εκπαίδευσης Ενηλίκων (General Secretariat for Further Education)
51. Υπουργείο Εθνικής Άμυνας (Ministry of National Defence)

- 52. Γενική Γραμματεία Εμπορίου (General Secretariat of Commerce)
- 53. Ελληνικά Ταχυδρομεία Hellenic Post (EL. TA)

SPAIN

Presidencia de Gobierno

Ministerio de Asuntos Exteriores y de Cooperación

Ministerio de Justicia

Ministerio de Defensa

Ministerio de Economía y Hacienda

Ministerio del Interior

Ministerio de Fomento

Ministerio de Educación y Ciencia

Ministerio de Industria, Turismo y Comercio

Ministerio de Trabajo y Asuntos Sociales

Ministerio de Agricultura, Pesca y Alimentación

Ministerio de la Presidencia

Ministerio de Administraciones Públicas

Ministerio de Cultura

Ministerio de Sanidad y Consumo

Ministerio de Medio Ambiente

Ministerio de Vivienda

FRANCE

1. Ministères

Services du Premier ministre

Ministère chargé de la santé, de la jeunesse et des sports

Ministère chargé de l'intérieur, de l'outre-mer et des collectivités territoriales

Ministère chargé de la justice

Ministère chargé de la défense
Ministère chargé des affaires étrangères et européennes
Ministère chargé de l'éducation nationale
Ministère chargé de l'économie, des finances et de l'emploi
Secrétariat d'Etat aux transports
Secrétariat d'Etat aux entreprises et au commerce extérieur
Ministère chargé du travail, des relations sociales et de la solidarité
Ministère chargé de la culture et de la communication
Ministère chargé du budget, des comptes publics et de la fonction publique
Ministère chargé de l'agriculture et de la pêche
Ministère chargé de l'enseignement supérieur et de la recherche
Ministère chargé de l'écologie, du développement et de l'aménagement durables
Secrétariat d'Etat à la fonction publique
Ministère chargé du logement et de la ville
Secrétariat d'Etat à la coopération et à la francophonie
Secrétariat d'Etat à l'outre-mer
Secrétariat d'Etat à la jeunesse et aux sports et de la vie associative
Secrétariat d'Etat aux anciens combattants
Ministère chargé de l'immigration, de l'intégration, de l'identité nationale et du co-développement
Secrétariat d'Etat en charge de la prospective et de l'évaluation des politiques publiques
Secrétariat d'Etat aux affaires européennes
Secrétariat d'Etat aux affaires étrangères et aux droits de l'homme
Secrétariat d'Etat à la consommation et au tourisme
Secrétariat d'Etat à la politique de la ville
Secrétariat d'Etat à la solidarité
Secrétariat d'Etat en charge de l'emploi
Secrétariat d'Etat en charge du commerce, de l'artisanat, des PME, du tourisme et des services
Secrétariat d'Etat en charge du développement de la région-capitale
Secrétariat d'Etat en charge de l'aménagement du territoire

2. Etablissements publics nationaux

Académie de France à Rome
Académie de marine
Académie des sciences d'outre-mer
Académie des technologies
Agence Centrale des Organismes de Sécurité Sociale (A.C.O.S.S.)
Agences de l'eau
Agence de biomédecine
Agence pour l'enseignement du français à l'étranger
Agence française de sécurité sanitaire des aliments
Agence française de sécurité sanitaire de l'environnement et du travail
Agence Nationale de l'Accueil des Etrangers et des migrations
Agence nationale pour l'amélioration des conditions de travail (ANACT)
Agence nationale pour l'amélioration de l'habitat (ANAH)
Agence Nationale pour la Cohésion Sociale et l'Egalité des Chances
Agence pour la garantie du droit des mineurs
Agence nationale pour l'indemnisation des français d'outre-mer (ANIFOM)
Assemblée permanente des chambres d'agriculture (APCA)
Bibliothèque nationale de France
Bibliothèque nationale et universitaire de Strasbourg

Caisse des Dépôts et Consignations
Caisse nationale des autoroutes (CNA)
Caisse nationale militaire de sécurité sociale (CNMSS)
Caisse de garantie du logement locatif social
Casa de Velasquez
Centre d'enseignement zootechnique
Centre d'études de l'emploi
Centre hospitalier national des Quinze-Vingts
Centre international d'études supérieures en sciences agronomiques (Montpellier Sup Agro)
Centre des liaisons européennes et internationales de sécurité sociale
Centre des Monuments Nationaux
Centre national d'art et de culture Georges Pompidou
Centre national des arts plastiques
Centre national de la cinématographie
Institut national supérieur de formation et de recherche pour l'éducation des jeunes handicapés et les enseignements adaptés
Centre National d'Etudes et d'expérimentation du machinisme agricole, du génie rural, des eaux et des forêts (CEMAGREF)
Ecole nationale supérieure de Sécurité Sociale
Centre national du livre
Centre national de documentation pédagogique
Centre national des œuvres universitaires et scolaires (CNOUS)
Centre national professionnel de la propriété forestière
Centre National de la Recherche Scientifique (C.N.R.S)
Centres d'éducation populaire et de sport (CREPS)
Centres régionaux des œuvres universitaires (CROUS)
Collège de France
Conservatoire de l'espace littoral et des rivages lacustres
Conservatoire National des Arts et Métiers
Conservatoire national supérieur de musique et de danse de Paris
Conservatoire national supérieur de musique et de danse de Lyon
Conservatoire national supérieur d'art dramatique
Ecole centrale de Lille
Ecole centrale de Lyon
École centrale des arts et manufactures
École française d'archéologie d'Athènes
École française d'Extrême-Orient
École française de Rome
École des hautes études en sciences sociales
Ecole du Louvre
École nationale d'administration
École nationale de l'aviation civile (ENAC)
École nationale des Chartes
École nationale d'équitation
Ecole Nationale du Génie de l'Eau et de l'environnement de Strasbourg
Écoles nationales d'ingénieurs
Ecole nationale d'ingénieurs des industries des techniques agricoles et alimentaires de Nantes
Écoles nationales d'ingénieurs des travaux agricoles
École nationale de la magistrature
Écoles nationales de la marine marchande
École nationale de la santé publique (ENSP)

École nationale de ski et d'alpinisme
École nationale supérieure des arts décoratifs
École nationale supérieure des arts et industries textiles Roubaix
Ecole nationale supérieure des arts et techniques du théâtre
Écoles nationales supérieures d'arts et métiers
École nationale supérieure des beaux-arts
École nationale supérieure de céramique industrielle
École nationale supérieure de l'électronique et de ses applications (ENSEA)
Ecole Nationale Supérieure des Sciences de l'information et des bibliothécaires
Écoles nationales vétérinaires
École nationale de voile
Écoles normales supérieures
École polytechnique
École de viticulture — Avize (Marne)
Etablissement national d'enseignement agronomique de Dijon
Établissement national des invalides de la marine (ENIM)
Établissement national de bienfaisance Koenigswarter
Fondation Carnegie
Fondation Singer-Polignac
Haras nationaux
Hôpital national de Saint-Maurice
Institut français d'archéologie orientale du Caire
Institut géographique national
Institut National des Appellations d'origine
Institut national des hautes études de sécurité
Institut de veille sanitaire
Institut National d'enseignement supérieur et de recherche agronomique et agroalimentaire de Rennes
Institut National d'Etudes Démographiques (I.N.E.D)
Institut National d'Horticulture
Institut National de la jeunesse et de l'éducation populaire
Institut national des jeunes aveugles — Paris
Institut national des jeunes sourds — Bordeaux
Institut national des jeunes sourds — Chambéry
Institut national des jeunes sourds — Metz
Institut national des jeunes sourds — Paris
Institut national de physique nucléaire et de physique des particules (I.N.P.N.P.P)
Institut national de la propriété industrielle
Institut National de la Recherche Agronomique (I.N.R.A)
Institut National de la Recherche Pédagogique (I.N.R.P)
Institut National de la Santé et de la Recherche Médicale (I.N.S.E.R.M)
Institut national d'histoire de l'art (I.N.H.A.)
Institut National des Sciences de l'Univers
Institut National des Sports et de l'Education Physique
Instituts nationaux polytechniques
Instituts nationaux des sciences appliquées
Institut national de recherche en informatique et en automatique (INRIA)
Institut national de recherche sur les transports et leur sécurité (INRETS)
Institut de Recherche pour le Développement
Instituts régionaux d'administration
Institut des Sciences et des Industries du vivant et de l'environnement (Agro Paris Tech)

Institut supérieur de mécanique de Paris
Institut Universitaires de Formation des Maîtres
Musée de l'armée
Musée Gustave-Moreau
Musée du Louvre
Musée du Quai Branly
Musée national de la marine
Musée national J.-J.-Henner
Musée national de la Légion d'honneur
Musée de la Poste
Muséum National d'Histoire Naturelle
Musée Auguste-Rodin
Observatoire de Paris
Office français de protection des réfugiés et apatrides
Office National des Anciens Combattants et des Victimes de Guerre (ONAC)
Office national de la chasse et de la faune sauvage
Office National de l'eau et des milieux aquatiques
Office national d'information sur les enseignements et les professions (ONISEP)
Office universitaire et culturel français pour l'Algérie
Palais de la découverte
Parcs nationaux
Universités

3. Institutions, autorités et juridictions indépendantes

Présidence de la République
Assemblée Nationale
Sénat
Conseil constitutionnel
Conseil économique et social
Conseil supérieur de la magistrature
Agence française contre le dopage
Autorité de contrôle des assurances et des mutuelles
Autorité de contrôle des nuisances sonores aéroportuaires
Autorité de régulation des communications électroniques et des postes
Autorité de sûreté nucléaire
Comité national d'évaluation des établissements publics à caractère scientifique, culturel et professionnel
Commission d'accès aux documents administratifs
Commission consultative du secret de la défense nationale
Commission nationale des comptes de campagne et des financements politiques
Commission nationale de contrôle des interceptions de sécurité
Commission nationale de déontologie de la sécurité
Commission nationale du débat public
Commission nationale de l'informatique et des libertés
Commission des participations et des transferts
Commission de régulation de l'énergie
Commission de la sécurité des consommateurs
Commission des sondages
Commission de la transparence financière de la vie politique
Conseil de la concurrence

Conseil supérieur de l'audiovisuel
 Défenseur des enfants
 Haute autorité de lutte contre les discriminations et pour l'égalité
 Haute autorité de santé
 Médiateur de la République
 Cour de justice de la République
 Tribunal des Conflits
 Conseil d'Etat
 Cours administratives d'appel
 Tribunaux administratifs
 Cour des Comptes
 Chambres régionales des Comptes
 Cours et tribunaux de l'ordre judiciaire (Cour de Cassation, Cours d'Appel, Tribunaux d'instance et Tribunaux de grande instance)

4. Autre organisme public national

Union des groupements d'achats publics (UGAP)
 Agence Nationale pour l'emploi (A.N.P.E)
 Autorité indépendante des marchés financiers
 Caisse Nationale des Allocations Familiales (CNAF)
 Caisse Nationale d'Assurance Maladie des Travailleurs Salariés (CNAMS)
 Caisse Nationale d'Assurance-Vieillesse des Travailleurs Salariés (CNAVTS)

CROATIA

Croatian Parliament;
 President of the Republic of Croatia;
 Office of the President of the Republic of Croatia;
 Office of the President of the Republic of Croatia after the expiry of the term of office;
 Government of the of the Republic of Croatia;
 Offices of the Government of the Republic of Croatia;

Ministry of Economy
 Ministry of Regional Development and EU Funds
 Ministry of Finance
 Ministry of Defence
 Ministry of Foreign and European Affairs
 Ministry of the Interior
 Ministry of Justice
 Ministry of Public Administration
 Ministry of Entrepreneurship and Crafts
 Ministry of Labour and Pension System
 Ministry of Maritime Affairs, Transport and Infrastructure
 Ministry of Agriculture
 Ministry of Tourism
 Ministry of Environmental and Nature Protection
 Ministry of Construction and Physical Planning

Ministry of Veterans' Affairs
Ministry of Social Policy and Youth
Ministry of Health
Ministry of Science, Education and Sports
Ministry of Culture

State administrative organisations;
County state administration offices;
Constitutional Court of the Republic of Croatia;
Supreme Court of the Republic of Croatia;
Courts;
State Judiciary Council;
State attorney's offices;
State Prosecutor's Council;
Ombudsman's offices;
State Commission for the Supervision of Public Procurement Procedures;
Croatian National Bank;
State agencies and offices;
State Audit Office.

IRELAND

1. President's Establishment
2. Houses of the Oireachtas — [Parliament]
3. Department of the Taoiseach — [Prime Minister]
4. Central Statistics Office
5. Department of Finance
6. Office of the Comptroller and Auditor General
7. Office of the Revenue Commissioners
8. Office of Public Works
9. State Laboratory
10. Office of the Attorney General
11. Office of the Director of Public Prosecutions
12. Valuation Office
13. Commission for Public Service Appointments

14. Office of the Ombudsman
15. Chief State Solicitor's Office
16. Department of Justice, Equality and Law Reform
17. Courts Service
18. Prisons Service
19. Office of the Commissioners of Charitable Donations and Bequests
20. Department of the Environment, Heritage and Local Government
21. Department of Education and Science
22. Department of Communications, Energy and Natural Resources
23. Department of Agriculture, Fisheries and Food
24. Department of Transport
25. Department of Health and Children
26. Department of Enterprise, Trade and Employment
27. Department of Arts, Sports and Tourism
28. Department of Defence
29. Department of Foreign Affairs
30. Department of Social and Family Affairs
31. Department of Community, Rural and Gaeltacht — [Gaelic speaking regions] Affairs
32. Arts Council
33. National Gallery

ITALY

I. Purchasing bodies:

1. Presidenza del Consiglio dei Ministri (Presidency of the Council of Ministers)
2. Ministero degli Affari Esteri (Ministry of Foreign Affairs)
3. Ministero dell'Interno (Ministry of Interior)

4. Ministero della Giustizia e Uffici giudiziari (esclusi i giudici di pace) (Ministry of Justice and the Judicial Offices (other than the *giudici di pace*)
5. Ministero della Difesa (Ministry of Defence)
6. Ministero dell'Economia e delle Finanze (Ministry of Economy and Finance)
7. Ministero dello Sviluppo Economico (Ministry of Economic Development)
8. Ministero del Commercio internazionale (Ministry of International Trade)
9. Ministero delle Comunicazioni (Ministry of Communications)
10. Ministero delle Politiche Agricole e Forestali (Ministry of Agriculture and Forest Policies)
11. Ministero dell'Ambiente e Tutela del Territorio e del Mare (Ministry of Environment, Land and Sea)
12. Ministero delle Infrastrutture (Ministry of Infrastructure)
13. Ministero dei Trasporti (Ministry of Transport)
14. Ministero del Lavoro e delle politiche sociali e della Previdenza sociale (Ministry of Labour, Social Policy and Social Security)
15. Ministero della Solidarietà sociale (Ministry of Social Solidarity)
16. Ministero della Salute (Ministry of Health)
17. Ministero dell' Istruzione dell' università e della ricerca (Ministry of Education, University and Research)
18. Ministero per i Beni e le Attività culturali comprensivo delle sue articolazioni periferiche (Ministry of Heritage and Culture, including its subordinated entities)

II. Other National public bodies:

CONSIP (Concessionaria Servizi Informatici Pubblici)⁷⁶

CYPRUS

1. (a) Προεδρία και Προεδρικό Μέγαρο (Presidency and Presidential Palace)
(b) Γραφείο Συντονιστή Εναρμόνισης (Office of the Coordinator for Harmonisation)
2. Υπουργικό Συμβούλιο (Council of Ministers)
3. Βουλή των Αντιπροσώπων (House of Representatives)
4. Δικαστική Υπηρεσία (Judicial Service)
5. Νομική Υπηρεσία της Δημοκρατίας (Law Office of the Republic)
6. Ελεγκτική Υπηρεσία της Δημοκρατίας (Audit Office of the Republic)
7. Επιτροπή Δημόσιας Υπηρεσίας (Public Service Commission)
8. Επιτροπή Εκπαιδευτικής Υπηρεσίας (Educational Service Commission)
9. Γραφείο Επιτρόπου Διοικήσεως (Office of the Commissioner for Administration (Ombudsman))
10. Επιτροπή Προστασίας Ανταγωνισμού (Commission for the Protection of Competition)
11. Υπηρεσία Εσωτερικού Ελέγχου (Internal Audit Service)
12. Γραφείο Προγραμματισμού (Planning Bureau)
13. Γενικό Λογιστήριο της Δημοκρατίας (Treasury of the Republic)
14. Γραφείο Επιτρόπου Προστασίας Δεδομένων Προσωπικού Χαρακτήρα (Office of the Personal Character Data Protection Commissioner)
15. Γραφείο Εφόρου Δημοσίων Ενισχύσεων (Office of the Commissioner for the Public Aid)
16. Αναθεωρητική Αρχή Προσφορών (Tender Review Body)

⁷⁶ Acts as the central purchasing entity for all the Italian public administration.

17. Υπηρεσία Εποπτείας και Ανάπτυξης Συνεργατικών Εταιρειών (Cooperative Societies' Supervision and Development Authority)
18. Αναθεωρητική Αρχή Προσφύγων (Refugees' Review Body)
19. Υπουργείο Άμυνας (Ministry of Defence)
20. (a) Υπουργείο Γεωργίας, Φυσικών Πόρων και Περιβάλλοντος (Ministry of Agriculture, Natural Resources and Environment)
- (b) Τμήμα Γεωργίας (Department of Agriculture)
- (c) Κτηνιατρικές Υπηρεσίες (Veterinary Services)
- (d) Τμήμα Δασών (Forest Department)
- (e) Τμήμα Αναπτύξεως Υδάτων (Water Development Department)
- (f) Τμήμα Γεωλογικής Επισκόπησης (Geological Survey Department)
- (g) Μετεωρολογική Υπηρεσία (Meteorological Service)
- (h) Τμήμα Αναδασμού (Land Consolidation Department)
- (i) Υπηρεσία Μεταλλείων (Mines Service)
- (j) Ινστιτούτο Γεωργικών Ερευνών (Agricultural Research Institute)
- (k) Τμήμα Αλιείας και Θαλάσσιων Ερευνών (Department of Fisheries and Marine Research)
21. (a) Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως (Ministry of Justice and Public Order)
- (b) Αστυνομία (Police)
- (c) Πυροσβεστική Υπηρεσία Κύπρου (Cyprus Fire Service)
- (d) Τμήμα Φυλακών (Prison Department)
22. (a) Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού (Ministry of Commerce, Industry and Tourism)
- (b) Τμήμα Εφόρου Εταιρειών και Επίσημου Παραλήπτη (Department of Registrar of Companies and Official Receiver)
23. (a) Υπουργείο Εργασίας και Κοινωνικών Ασφαλίσεων (Ministry of Labour and Social Insurance)
- (b) Τμήμα Εργασίας (Department of Labour)
- (c) Τμήμα Κοινωνικών Ασφαλίσεων (Department of Social Insurance)
- (d) Τμήμα Υπηρεσιών Κοινωνικής Ευημερίας (Department of Social Welfare Services)
- (e) Κέντρο Παραγωγικότητας Κύπρου (Productivity Centre Cyprus)
- (f) Ανώτερο Ξενοδοχειακό Ινστιτούτο Κύπρου (Higher Hotel Institute Cyprus)
- (g) Ανώτερο Τεχνολογικό Ινστιτούτο (Higher Technical Institute)
- (h) Τμήμα Επιθεώρησης Εργασίας (Department of Labour Inspection)
- (i) Τμήμα Εργασιακών Σχέσεων (Department of Labour Relations)
24. (a) Υπουργείο Εσωτερικών (Ministry of the Interior)
- (b) Επαρχιακές Διοικήσεις (District Administrations)
- (c) Τμήμα Πολεοδομίας και Οικήσεως (Town Planning and Housing Department)
- (d) Τμήμα Αρχείου Πληθυσμού και Μεταναστεύσεως (Civil Registry and Migration Department)
- (e) Τμήμα Κτηματολογίου και Χωρομετρίας (Department of Lands and Surveys)
- (f) Γραφείο Τύπου και Πληροφοριών (Press and Information Office)
- (g) Πολιτική Άμυνα (Civil Defence)
- (h) Υπηρεσία Μέριμνας και Αποκαταστάσεων Εκτοπισθέντων (Service for the care and rehabilitation of displaced persons)
- (i) Υπηρεσία Ασύλου (Asylum Service)
25. Υπουργείο Εξωτερικών (Ministry of Foreign Affairs)
26. (a) Υπουργείο Οικονομικών (Ministry of Finance)
- (b) Τελωνεία (Customs and Excise)

- (c) Τμήμα Εσωτερικών Προσόδων (Department of Inland Revenue)
- (d) Στατιστική Υπηρεσία (Statistical Service)
- (e) Τμήμα Κρατικών Αγορών και Προμηθειών (Department of Government Purchasing and Supply)
- (f) Τμήμα Δημόσιας Διοίκησης και Προσωπικού (Public Administration and Personnel Department)
- (g) Κυβερνητικό Τυπογραφείο (Government Printing Office)
- (h) Τμήμα Υπηρεσιών Πληροφορικής (Department of Information Technology Services)
- 27. Υπουργείο Παιδείας και Πολιτισμού (Ministry of Education and Culture)
- 28. (a) Υπουργείο Συγκοινωνιών και Έργων (Ministry of Communications and Works)
- (b) Τμήμα Δημοσίων Έργων (Department of Public Works)
- (c) Τμήμα Αρχαιοτήτων (Department of Antiquities)
- (d) Τμήμα Πολιτικής Αεροπορίας (Department of Civil Aviation)
- (e) Τμήμα Εμπορικής Ναυτιλίας (Department of Merchant Shipping)
- (f) Τμήμα Ταχυδρομικών Υπηρεσιών (Postal Services Department)
- (g) Τμήμα Οδικών Μεταφορών (Department of Road Transport)
- (h) Τμήμα Ηλεκτρομηχανολογικών Υπηρεσιών (Department of Electrical and Mechanical Services)
- (i) Τμήμα Ηλεκτρονικών Επικοινωνιών (Department of Electronic Telecommunications)
- 29. (a) Υπουργείο Υγείας (Ministry of Health)
- (b) Φαρμακευτικές Υπηρεσίες (Pharmaceutical Services)
- (c) Γενικό Χημείο (General Laboratory)
- (d) Ιατρικές Υπηρεσίες και Υπηρεσίες Δημόσιας Υγείας (Medical and Public Health Services)
- (e) Οδοντιατρικές Υπηρεσίες (Dental Services)
- (f) Υπηρεσίες Ψυχικής Υγείας (Mental Health Services)

LATVIA

A) Ministrijas, īpašu ministru sekretariāti un to padotībā esošās iestādes (Ministries, secretariats of ministers for special assignments, and their subordinate institutions):

1. Aizsardzības ministrija un tās padotībā esošās iestādes (Ministry of Defence and subordinate institutions)
2. Ārlietu ministrija un tās padotībā esošās iestādes (Ministry of Foreign Affairs and subordinate institutions)
3. Ekonomikas ministrija un tās padotībā esošās iestādes (Ministry of Economics and subordinate institutions)
4. Finanšu ministrija un tās padotībā esošās iestādes (Ministry of Finance and subordinate institutions)
5. Iekšlietu ministrija un tās padotībā esošās iestādes (Ministry of the Interior Affairs and subordinate institutions)
6. Izglītības un zinātnes ministrija un tās padotībā esošās iestādes (Ministry of Education and Science and subordinate institutions)
7. Kultūras ministrija un tās padotībā esošās iestādes (Ministry of Culture and subordinate institutions)
8. Labklājības ministrija un tās padotībā esošās iestādes (Ministry of Welfare and subordinate institutions)

9. Satiksmes ministrija un tās padotībā esošās iestādes (Ministry of Transport and subordinate institutions)
10. Tieslietu ministrija un tās padotībā esošās iestādes (Ministry of Justice and subordinate institutions)
11. Veselības ministrija un tās padotībā esošās iestādes (Ministry of Health and subordinate institutions)
12. Vides aizsardzības un reģionālās attīstības ministrija un tās padotībā esošās iestādes (Ministry of Environmental Protection and Regional Development and subordinate institutions)
13. Zemkopības ministrija un tās padotībā esošās iestādes (Ministry of Agriculture and subordinate institutions)
14. Īpašu uzdevumu ministra sekretariāti un to padotībā esošās iestādes (Ministries for Special Assignments and subordinate institutions)

B) Citas valsts iestādes (Other state institutions):

1. Augstākā tiesa (Supreme Court)
2. Centrālā vēlēšanu komisija (Central Election Commission)
3. Finanšu un kapitāla tirgus komisija (Financial and Capital Market Commission)
4. Latvijas Banka (Bank of Latvia)
5. Prokuratūra un tās pārraudzībā esošās iestādes (Prosecutor's Office and institutions under its supervision)
6. Saeimas un tās padotībā esošās iestādes (The Parliament and subordinate institutions)
7. Satversmes tiesa (Constitutional Court)
8. Valsts kanceleja un tās pārraudzībā esošās iestādes (State Chancellery and institutions under its supervision)
9. Valsts kontrole (State Audit Office)
10. Valsts prezidenta kanceleja (Chancellery of the State President)
11. Citas valsts iestādes, kuras nav ministriju padotībā (Other state institutions not subordinate to ministries):
 - Tiesībsarga birojs (Office of the Ombudsman)
 - Nacionālā radio un televīzijas padome (National Broadcasting Council)
 - Other state institutions

LITHUANIA

Prezidentūros kanceliarija (Office of the President)

Seimo kanceliarija (Office of the Seimas)

Seimui atskaitingos institucijos: (Institutions Accountable to the Seimas):

Lietuvos mokslo taryba (Science Council);

Seimo kontrolierių įstaiga (The Seimas Ombudsmen's Office);

Valstybės kontrolė (National Audit Office);

Specialiųjų tyrimų tarnyba (Special Investigation Service);

Valstybės saugumo departamentas (State Security Department);

Konkurencijos taryba (Competition Council);

Lietuvos gyventojų genocido ir rezistencijos tyrimo centras (Genocide and Resistance Research Centre);

Vertybinių popierių komisija (Lithuanian Securities Commission);

Ryšių reguliavimo tarnyba (Communications Regulatory Authority);
Nacionalinė sveikatos taryba (National Health Board);
Etninės kultūros globos taryba (Council for the Protection of Ethnic Culture);
Lygių galimybių kontrolieriaus tarnyba (Office of Equal Opportunities Ombudsperson);
Valstybinė kultūros paveldo komisija (National Cultural Heritage Commission);
Vaiko teisių apsaugos kontrolieriaus įstaiga (Children's Rights Ombudsman Institution);
Valstybinė kainų ir energetikos kontrolės komisija (State Price Regulation Commission of Energy Resources);
Valstybinė lietuvių kalbos komisija (State Commission of the Lithuanian Language);
Vyriausioji rinkimų komisija (Central Electoral Committee);
Vyriausioji tarnybinės etikos komisija (Chief Commission of Official Ethics);
Žurnalistų etikos inspektorius tarnyba (Office of the Inspector of Journalists' Ethics).

Vyriausybės kanceliarija (Office of the Government)
Vyriausybei atskaitingos institucijos (Institutions Accountable to the Government):
Ginklų fondas (Weaponry Fund);
Informacinės visuomenės plėtros komitetas (Information Society Development Committee);
Kūno kultūros ir sporto departamentas (Department of Physical Education and Sports);
Lietuvos archyvų departamentas (Lithuanian Archives Department);
Mokestinių ginčų komisija (Commission on Tax Disputes);
Statistikos departamentas (Department of Statistics);
Tautinių mažumų ir išeivijos departamentas (Department of National Minorities and Lithuanians Living Abroad);
Valstybinė tabako ir alkoholio kontrolės tarnyba (State Tobacco and Alcohol Control Service);
Viešųjų pirkimų tarnyba (Public Procurement Office);
Valstybinė atominės energetikos saugos inspekcija (State Nuclear Power Safety Inspectorate);
Valstybinė duomenų apsaugos inspekcija (State Data Protection Inspectorate);
Valstybinė lošimų priežiūros komisija (State Gaming Control Commission);
Valstybinė maisto ir veterinarijos tarnyba (State Food and Veterinary Service);
Vyriausioji administracinių ginčų komisija (Chief Administrative Disputes Commission);
Draudimo priežiūros komisija (Insurance Supervisory Commission);
Lietuvos valstybinis mokslo ir studijų fondas (Lithuanian State Science and Studies Foundation);
Konstitucinis Teismas (Constitutional Court)
Lietuvos bankas (Bank of Lithuania).

Aplinkos ministerija (Ministry of Environment)
Įstaigos prie Aplinkos ministerijos (Institutions under the Ministry of Environment):
Generalinė miškų urėdija (Directorate General of State Forests);
Lietuvos geologijos tarnyba (Geological Survey of Lithuania);
Lietuvos hidrometeorologijos tarnyba (Lithuanian Hydrometereological Service);
Lietuvos standartizacijos departamentas (Lithuanian Standards Board);
Nacionalinis akreditacijos biuras (Lithuanian National Accreditation Bureau);
Valstybinė metrologijos tarnyba (State Metrology Service);
Valstybinė saugomų teritorijų tarnyba (State Service for Protected Areas);
Valstybinė teritorijų planavimo ir statybos inspekcija (State Territory Planning and construction Inspectorate).

Finansų ministerija (Ministry of Finance)
Įstaigos prie Finansų ministerijos (Institutions under the Ministry of Finance):
Muitinės departamentas (Lithuania Customs);

Valstybės dokumentų technologinės apsaugos tarnyba (Service of Technological Security of State Documents);

Valstybinė mokesčių inspekcija (State Tax Inspectorate);

Finansų ministerijos mokymo centras (Training Centre of the Ministry of Finance).

Krašto apsaugos ministerija (Ministry of National Defence)

Įstaigos prie Krašto apsaugos ministerijos (Institutions under the Ministry of National Defence):

Antrasis operatyvinių tarnybų departamentas (Second Investigation Department);

Centralizuota finansų ir turto tarnyba (Centralised Finance and Property Service);

Karo prievolės administravimo tarnyba (Military Enrolment Administration Service);

Krašto apsaugos archyvas (National Defence Archives Service);

Krizių valdymo centras (Crisis Management Centre);

Mobilizacijos departamentas (Mobilisation Department);

Ryšių ir informacinių sistemų tarnyba (Communication and Information Systems Service);

Infrastruktūros plėtros departamentas (Infrastructure Development Department);

Valstybinis pilietinio pasipriešinimo rengimo centras (Civil Resistance Centre);

Lietuvos kariuomenė (Lithuanian Armed Forces);

Krašto apsaugos sistemos kariniai vienetai ir tarnybos (Military Units and Services of the National Defence System).

Kultūros ministerija (Ministry of Culture)

Įstaigos prie Kultūros ministerijos (Institutions under the Ministry of Culture):

Kultūros paveldo departamentas (Department for the Lithuanian Cultural Heritage);

Valstybinė kalbos inspekcija (State Language Commission).

Socialinės apsaugos ir darbo ministerija (Ministry of Social Security and Labour)

Įstaigos prie Socialinės apsaugos ir darbo ministerijos (Institutions under the Ministry of Social Security and Labour):

Garantinio fondo administracija (Administration of Guarantee Fund);

Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba (State Child Rights Protection and Adoption Service);

Lietuvos darbo birža (Lithuanian Labour Exchange);

Lietuvos darbo rinkos mokymo tarnyba (Lithuanian Labour Market Training Authority);

Trišalės tarybos sekretoriatas (Tripartite Council Secretariat);

Socialinių paslaugų priežiūros departamentas (Social Services Monitoring Department);

Darbo inspekcija (Labour Inspectorate);

Valstybinio socialinio draudimo fondo valdyba (State Social Insurance Fund Board);

Neįgalumo ir darbingumo nustatymo tarnyba (Disability and Working Capacity Establishment Service);

Ginčų komisija (Disputes Commission);

Techninės pagalbos neįgaliesiems centras (State Centre of Compensatory Technique for the Disabled);

Neįgaliųjų reikalų departamentas (Department of the Affairs of the Disabled).

Susisiekimo ministerija (Ministry of Transport and Communications)

Įstaigos prie Susisiekimo ministerijos (Institutions under the Ministry of Transport and Communications):

Lietuvos automobilių kelių direkcija (Lithuanian Road Administration);

Valstybinė geležinkelio inspekcija (State Railway Inspectorate);

Valstybinė kelių transporto inspekcija (State Road Transport Inspectorate);

Pasienio kontrolės punktų direkcija (Border Control Points Directorate).

Sveikatos apsaugos ministerija (Ministry of Health)

Įstaigos prie Sveikatos apsaugos ministerijos (Institutions under the Ministry of Health):
Valstybinė akreditavimo sveikatos priežiūros veiklai tarnyba (State Health Care Accreditation Agency);
Valstybinė ligonių kasa (State Patient Fund);
Valstybinė medicininio audito inspekcija (State Medical Audit Inspectorate);
Valstybinė vaistų kontrolės tarnyba (State Medicines Control Agency);
Valstybinė teismo psichiatrijos ir narkologijos tarnyba (Lithuanian Forensic Psychiatry and Narcology Service);
Valstybinė visuomenės sveikatos priežiūros tarnyba (State Public Health Service);
Farmacijos departamentas (Department of Pharmacy);
Sveikatos apsaugos ministerijos Ekstremalių sveikatai situacijų centras (Health Emergency Centre of the Ministry of Health);
Lietuvos bioetikos komitetas (Lithuanian Bioethics Committee);
Radiacinės saugos centras (Radiation Protection Centre).

Švietimo ir mokslo ministerija (Ministry of Education and Science)

Įstaigos prie Švietimo ir mokslo ministerijos (Institutions under the Ministry of Education and Science):
Nacionalinis egzaminų centras (National Examination Centre);
Studijų kokybės vertinimo centras (Centre for Quality Assessment in Higher Education).

Teisingumo ministerija (Ministry of Justice)

Įstaigos prie Teisingumo ministerijos (Institutions under the Ministry of Justice):
Kalėjimų departamentas (Department of Imprisonment Establishments);
Nacionalinė vartotojų teisių apsaugos taryba (National Consumer Rights Protection Board);
Europos teisės departamentas (European Law Department).

Ūkio ministerija (Ministry of Economy)

Įstaigos prie Ūkio ministerijos (Institutions under the Ministry of Economy):
Įmonių bankroto valdymo departamentas (Enterprise Bankruptcy Management Department);
Valstybinė energetikos inspekcija (State Energy Inspectorate);
Valstybinė ne maisto produktų inspekcija (State Non Food Products Inspectorate);
Valstybinis turizmo departamentas (Lithuanian State Department of Tourism).

Užsienio reikalų ministerija (Ministry of Foreign Affairs)

Diplomatinės atstovybės ir konsulinės įstaigos užsienyje bei atstovybės prie tarptautinių organizacijų (Diplomatic Missions and Consular as well as Representations to International Organisations).

Vidaus reikalų ministerija (Ministry of the Interior)

Įstaigos prie Vidaus reikalų ministerijos (Institutions under the Ministry of the Interior):
Asmens dokumentų išrašymo centras (Personalisation of Identity Documents Centre);
Finansinių nusikaltimų tyrimo tarnyba (Financial Crime Investigation Service);
Gyventojų registro tarnyba (Residents' Register Service);
Policijos departamentas (Police Department);
Priešgaisrinės apsaugos ir gelbėjimo departamentas (Fire-Prevention and Rescue Department);
Turto valdymo ir ūkio departamentas (Property Management and Economics Department);
Vadovybės apsaugos departamentas (VIP Protection Department);
Valstybės sienos apsaugos tarnyba (State Border Guard Department);

Valstybės tarnybos departamentas (Civil Service Department);
 Informatikos ir ryšių departamentas (IT and Communications Department);
 Migracijos departamentas (Migration Department);
 Sveikatos priežiūros tarnyba (Health Care Department);
 Bendrasis pagalbos centras (Emergency Response Centre).

Žemės ūkio ministerija (Ministry of Agriculture)
 Įstaigos prie Žemės ūkio ministerijos (Institutions under the Ministry of Agriculture):
 Nacionalinė mokėjimo agentūra (National Paying Agency);
 Nacionalinė žemės tarnyba (National Land Service);
 Valstybinė augalų apsaugos tarnyba (State Plant Protection Service);
 Valstybinė gyvulių veislininkystės priežiūros tarnyba (State Animal Breeding Supervision Service);
 Valstybinė sėklų ir grūdų tarnyba (State Seed and Grain Service);
 Žuvininkystės departamentas (Fisheries Department).
 Teismai (Courts):
 Lietuvos Aukščiausiasis Teismas (The Supreme Court of Lithuania);
 Lietuvos apeliacinis teismas (The Court of Appeal of Lithuania);
 Lietuvos vyriausiasis administracinis teismas (The Supreme Administrative Court of Lithuania);
 Apygardų teismai (County courts);
 Apygardų administraciniai teismai (County administrative courts);
 Apylinkių teismai (District courts);
 Nacionalinė teismų administracija (National Courts Administration)
 Generalinė prokuratūra (The Prosecutor's Office)

Kiti centriniai valstybinio administravimo subjektai (institucijos, įstaigos, tarnybos) (Other Central Public Administration Entities (institutions, establishments, agencies):

- Muitinės kriminalinė tarnyba (Customs Criminal Service);
- Muitinės informacinių sistemų centras (Customs Information Systems Centre);
- Muitinės laboratorija (Customs Laboratory);
- Muitinės mokymo centras (Customs Training Centre);

LUXEMBOURG

1. Ministère d'Etat
2. Ministère des Affaires Etrangères et de l'Immigration
Ministère des Affaires Etrangères et de l'Immigration: Direction de la Défense (Armée)
3. Ministère de l'Agriculture, de la Viticulture et du Développement Rural
Ministère de l'Agriculture, de la Viticulture et du Développement Rural: Administration des Services Techniques de l'Agriculture
4. Ministère des Classes moyennes, du Tourisme et du Logement
5. Ministère de la Culture, de l'Enseignement Supérieur et de la Recherche
6. Ministère de l'Economie et du Commerce extérieur
7. Ministère de l'Education nationale et de la Formation professionnelle
Ministère de l'Education nationale et de la Formation professionnelle: Lycée d'Enseignement Secondaire et d'Enseignement Secondaire Technique
8. Ministère de l'Egalité des chances
9. Ministère de l'Environnement

- 10. Ministère de l'Environnement: Administration de l'Environnement
Ministère de la Famille et de l'Intégration
Ministère de la Famille et de l'Intégration: Maisons de retraite
- 11. Ministère des Finances
- 12. Ministère de la Fonction publique et de la Réforme administrative
Ministère de la Fonction publique et de la Réforme administrative: Service Central des Imprimés et des Fournitures de l'Etat – Centre des Technologies de l'informatique de l'Etat
- 13. Ministère de l'Intérieur et de l'Aménagement du territoire
Ministère de l'Intérieur et de l'Aménagement du territoire: Police Grand-Ducale
Luxembourg– Inspection générale de Police
- 14. Ministère de la Justice
Ministère de la Justice: Etablissements Pénitentiaires
- 15. Ministère de la Santé
Ministère de la Santé: Centre hospitalier neuropsychiatrique
- 16. Ministère de la Sécurité sociale
- 17. Ministère des Transports
- 18. Ministère du Travail et de l'Emploi
- 19. Ministère des Travaux publics
Ministère des Travaux publics: Bâtiments Publics – Ponts et Chaussées

HUNGARY

Nemzeti Erőforrás Minisztérium (Ministry of National Resources)

Vidékfejlesztési Minisztérium (Ministry of Rural Development)

Nemzeti Fejlesztési Minisztérium (Ministry of National Development)

Honvédelmi Minisztérium (Ministry of Defence)

Közigazgatási és Igazságügyi Minisztérium (Ministry of Public Administration and Justice)

Nemzetgazdasági Minisztérium (Ministry for National Economy)

Külügyminisztérium (Ministry of Foreign Affairs)

Miniszterelnöki Hivatal (Prime Minister's Office)

Belügyminisztérium, (Ministry of Internal Affairs)

Központi Szolgáltatási Főigazgatóság (Central Services Directorate)

MALTA

- 1. Uffiċċju tal-Prim Ministru (Office of the Prime Minister)

2. Ministeru għall-Familja u Solidarjeta' Soċjali (Ministry for the Family and Social Solidarity)
3. Ministeru ta' l-Edukazzjoni Zghazagh u Impjieg (Ministry for Education Youth and Employment)
4. Ministeru tal-Finanzi (Ministry of Finance)
5. Ministeru tar-Riżorsi u l-Infrastruttura (Ministry for Resources and Infrastructure)
6. Ministeru tat-Turiżmu u Kultura (Ministry for Tourism and Culture)
7. Ministeru tal-Ġustizzja u l-Intern (Ministry for Justice and Home Affairs)
8. Ministeru għall-Affarijiet Rurali u l-Ambjent (Ministry for Rural Affairs and the Environment)
9. Ministeru għal Għawdex (Ministry for Gozo)
10. Ministeru tas-Saħħa, l-Anzjani u Kura fil-Kommunita' (Ministry of Health, the Elderly and Community Care)
11. Ministeru ta' l-Affarijiet Barranin (Ministry of Foreign Affairs)
12. Ministeru għall-Investimenti, Industrija u Teknologija ta' Informazzjoni (Ministry for Investment, Industry and Information Technology)
13. Ministeru għall-Kompetittivà u Komunikazzjoni (Ministry for Competitiveness and Communications)
14. Ministeru għall-Iżvilupp Urban u Toroq (Ministry for Urban Development and Roads)
15. L-Uffiċċju tal-President (Office of the President)
16. Uffiċċju ta' l-iskrivan tal-Kamra tad-Deputati (Office of the Clerk of the House of Representatives)

THE NETHERLANDS

MINISTERIE VAN ALGEMENE ZAKEN — (MINISTRY OF GENERAL AFFAIRS)

- Bestuursdepartement — (Central policy and staff departments)
- Bureau van de Wetenschappelijke Raad voor het Regeringsbeleid — (Advisory Council on Government Policy)
- Rijksvoorlichtingsdienst: — (The Netherlands Government Information Service)

MINISTERIE VAN BINNENLANDSE ZAKEN EN KONINKRIJKSRELATIES — (MINISTRY OF THE INTERIOR)

- Bestuursdepartement — (Central policy and staff departments)
- Centrale Archiefselectiedienst (CAS) — (Central Records Selection Service)
- Algemene Inlichtingen- en Veiligheidsdienst (AIVD) — (General Intelligence and Security Service)
- Agentschap Basisadministratie Persoonsgegevens en Reisdocumenten (BPR) — (Personnel Records and Travel Documents Agency)
- Agentschap Korps Landelijke Politiediensten — (National Police Services Agency)

MINISTERIE VAN BUITENLANDSE ZAKEN — (MINISTRY OF FOREIGN AFFAIRS)

- Directoraat-generaal Regiobeleid en Consulaire Zaken (DGRC) — (Directorate-general for Regional Policy and Consular Affairs)
- Directoraat-generaal Politieke Zaken (DGPZ) — (Directorate-general for Political Affairs)
- Directoraat-generaal Internationale Samenwerking (DGIS) — (Directorate-general for International Cooperation)

- Directoraat-generaal Europese Samenwerking (DGES) — (Directorate-general for European Cooperation)
- Centrum tot Bevordering van de Import uit Ontwikkelingslanden (CBI) — (Centre for the Promotion of Imports from Developing Countries)
- Centrale diensten ressorterend onder S/PlvS — (Support services falling under the Secretary-general and Deputy Secretary-general)
- Buitenlandse Posten (ieder afzonderlijk) — (the various Foreign Missions)

MINISTERIE VAN DEFENSIE — (MINISTRY OF DEFENCE)

- Bestuursdepartement — (Central policy and staff departments)
- Commando Diensten Centra (CDC) — (Support Command)
- Defensie Telematica Organisatie (DTO) — (Defence Telematics Organisation)
- Centrale directie van de Defensie Vastgoed Dienst — (Defence Real Estate Service, Central Directorate)
- De afzonderlijke regionale directies van de Defensie Vastgoed Dienst — (Defence Real Estate Service, Regional Directorates)
- Defensie Materieel Organisatie (DMO) — (Defence Material Organisation)
- Landelijk Bevoorradingsbedrijf van de Defensie Materieel Organisatie — National Supply Agency of the Defence Material Organisation
- Logistiek Centrum van de Defensie Materieel Organisatie — Logistic Centre of the Defence Material Organisation
- Marinebedrijf van de Defensie Materieel Organisatie — Maintenance Establishment of the Defence Material Organisation
- Defensie Pijpleiding Organisatie (DPO) — Defence Pipeline Organisation

MINISTERIE VAN ECONOMISCHE ZAKEN — (MINISTRY OF ECONOMIC AFFAIRS)

- Bestuursdepartement — (Central policy and staff departments)
- Centraal Planbureau (CPB) — (Netherlands Bureau for Economic Policy Analyses)
- Bureau voor de Industriële Eigendom (BIE) — (Industrial Property Office)
- SenterNovem — (SenterNovem – Agency for sustainable innovation)
- Staatstoezicht op de Mijnen (SodM) — (State Supervision of Mines)
- Nederlandse Mededingingsautoriteit (NMa) — (Netherlands Competition Authority)
- Economische Voorlichtingsdienst (EVD) — (Netherlands Foreign Trade Agency)
- Agentschap Telecom — (Radiocommunications Agency)
- Kenniscentrum Professioneel & Innovatief Aanbesteden, Netwerk voor Overheidsopdrachtgevers (PIANOo) — (Professional and innovative procurement, network for contracting authorities)
- Regiebureau Inkoop Rijksoverheid — (Coordination of Central Government Purchasing)
- Octrooiencentrum Nederland — (Netherlands Patent Office)
- Consumentenautoriteit — (Consumer Authority)

MINISTERIE VAN FINANCIËN — (MINISTRY OF FINANCE)

- Bestuursdepartement — (Central policy and staff departments)
- Belastingdienst Automatiseringscentrum — (Tax and Custom Computer and Software Centre)
- Belastingdienst — (Tax and Customs Administration)
- de afzonderlijke Directies der Rijksbelastingen — (the various Divisions of the Tax and Customs Administration throughout the Netherlands)
- Fiscale Inlichtingen- en Opsporingsdienst (incl. Economische Controle dienst (ECD) — (Fiscal Information and Investigation Service (the Economic Investigation Service included))

- Belastingdienst Opleidingen — (Tax and Customs Training Centre)
- Dienst der Domeinen — (State Property Service)

MINISTERIE VAN JUSTITIE — (MINISTRY OF JUSTICE)

- Bestuursdepartement — (Central policy and staff departments)
- Dienst Justitiële Inrichtingen — (Correctional Institutions Agency)
- Raad voor de Kinderbescherming — (Child Care and Protection Agency)
- Centraal Justitie Incasso Bureau — (Central Fine Collection Agency)
- Openbaar Ministerie — (Public Prosecution Service)
- Immigratie en Naturalisatiedienst — (Immigration and Naturalisation Service)
- Nederlands Forensisch Instituut — (Netherlands Forensic Institute)
- Dienst Terugkeer & Vertrek — (Repatriation and Departure Agency)

MINISTERIE VAN LANDBOUW, NATUUR EN VOEDSELKWALITEIT — (MINISTRY OF AGRICULTURE, NATURE AND FOOD QUALITY)

- Bestuursdepartement — (Central policy and staff departments)
- Dienst Regelingen (DR) — (National Service for the Implementation of Regulations (Agency))
- Agentschap Plantenziektenkundige Dienst (PD) — (Plant Protection Service (Agency))
- Algemene Inspectiedienst (AID) — (General Inspection Service)
- Dienst Landelijk Gebied (DLG) — (Government Service for Sustainable Rural Development)
- Voedsel en Waren Autoriteit (VWA) — (Food and Consumer Product Safety Authority)

MINISTERIE VAN ONDERWIJS, CULTUUR EN WETENSCHAPPEN — (MINISTRY OF EDUCATION, CULTURE AND SCIENCE)

- Bestuursdepartement — (Central policy and staff departments)
- Inspectie van het Onderwijs — (Inspectorate of Education)
- Erfgoedinspectie — (Inspectorate of Heritage)
- Centrale Financiën Instellingen — (Central Funding of Institutions Agency)
- Nationaal Archief — (National Archives)
- Adviesraad voor Wetenschaps- en Technologiebeleid — (Advisory Council for Science and Technology Policy)
- Onderwijsraad — (Education Council)
- Raad voor Cultuur — (Council for Culture)

MINISTERIE VAN SOCIALE ZAKEN EN WERKGELEGENHEID — (MINISTRY OF SOCIAL AFFAIRS AND EMPLOYMENT)

- Bestuursdepartement — (Central policy and staff departments)
- Inspectie Werk en Inkomen — (the Work and Income Inspectorate)
- Agentschap SZW- (SZW Agency)

MINISTERIE VAN VERKEER EN WATERSTAAT — (MINISTRY OF TRANSPORT, PUBLIC WORKS AND WATERMANAGEMENT)

- Bestuursdepartement — (Central policy and staff departments)
- Directoraat-Generaal Transport en Luchtvaart — (Directorate-general for Transport and Civil Aviation)
- Directoraat-generaal Personenvervoer — (Directorate-general for Passenger Transport)
- Directoraat-generaal Water — (Directorate-general of Water Affairs)
- Centrale diensten — (Central Services)

- Shared services Organisatie Verkeer en Watersaat — (Shared services Organisation Transport and Water management) (*new organisation*)
- Koninklijke Nederlandse Meteorologisch Instituut KNMI — (Royal Netherlands Meteorological Institute)
- Rijkswaterstaat, Bestuur — (Public Works and Water Management, Board)
- De afzonderlijke regionale Diensten van Rijkswaterstaat — (Each individual regional service of the Directorate-general of Public Works and Water Management)
- De afzonderlijke specialistische diensten van Rijkswaterstaat — (Each individual specialist service of the Directorate-general of Public Works and Water Management)
- Adviesdienst Geo-Informatie en ICT — (Advisory Council for Geo-information and ICT)
- Adviesdienst Verkeer en Vervoer (AVV) – (Advisory Council for Traffic and Transport)
- Bouwdienst – (Service for Construction)
- Corporate Dienst — (Corporate Service)
- Data ICT Dienst — (Service for Data and IT)
- Dienst Verkeer en Scheepvaart — (Service for Traffic and Ship Transport)
- Dienst Weg- en Waterbouwkunde (DWW) — (Service for Road and Hydraulic Engineering)
- Rijksinstituut voor Kust en Zee (RIKZ) — (National Institute for Coastal and Marine Management)
- Rijksinstituut voor Integraal Zoetwaterbeheer en Afvalwaterbehandeling (RIZA) — (National Institute for Sweet Water Management and Water Treatment)
- Waterdienst — (Service for Water)
- Inspectie Verkeer en Waterstaat, Hoofddirectie — (Inspectorate Transport and Water Management, Main Directorate)
- Port state Control
- Directie Toezichtontwikkeling Communicatie en Onderzoek (TCO) — (Directorate of Development of Supervision of Communication and Research)
- Toezichthouder Beheer Eenheid Lucht — Management Unit "Air"
- Toezichthouder Beheer Eenheid Water — Management Unit "Water"
- Toezichthouder Beheer Eenheid Land — Management Unit "Land"

MINISTERIE VAN VOLKSHUISVESTING, RUIMTELIJKE ORDENING EN MILIEUBEHEER — (MINISTRY FOR HOUSING, SPATIAL PLANNING AND THE ENVIRONMENT)

- Bestuursdepartement — (Central policy and staff departments)
- Directoraat-generaal Wonen, Wijken en Integratie — (Directorate General for Housing, Communities and Integration)
- Directoraat-generaal Ruimte — (Directorate General for Spatial Policy)
- Directoraat-general Milieubeheer — (Directorate General for Environmental Protection)
- Rijksgebouwendienst — (Government Buildings Agency)
- VROM Inspectie — (Inspectorate)

MINISTERIE VAN VOLKSGEZONDHEID, WELZIJN EN SPORT — (MINISTRY OF HEALTH, WELFARE AND SPORTS)

- Bestuursdepartement — (Central policy and staff departments)
- Inspectie Gezondheidsbescherming, Waren en Veterinaire Zaken — (Inspectorate for Health Protection and Veterinary Public Health)
- Inspectie Gezondheidszorg — (Health Care Inspectorate)
- Inspectie Jeugdhulpverlening en Jeugdbescherming — (Youth Services and Youth Protection Inspectorate)

- Rijksinstituut voor de Volksgezondheid en Milieu (RIVM) — (National Institute of Public Health and Environment)
- Sociaal en Cultureel Planbureau — (Social and Cultural Planning Office)
- Agentschap t.b.v. het College ter Beoordeling van Geneesmiddelen — (Medicines Evaluation Board Agency)

TWEEDE KAMER DER STATEN-GENERAAL — (SECOND CHAMBER OF THE STATES GENERAL)

EERSTE KAMER DER STATEN-GENERAAL — (FIRST CHAMBER OF THE STATES GENERAL)

RAAD VAN STATE — (COUNCIL OF STATE)

ALGEMENE REKENKAMER — (NETHERLANDS COURT OF AUDIT)

NATIONALE OMBUDSMAN — (NATIONAL OMBUDSMAN)

KANSELARIJ DER NEDERLANDSE ORDEN — (CHANCELLERY OF THE NETHERLANDS ORDER)

KABINET DER KONINGIN — (QUEEN'S CABINET)

RAAD VOOR DE RECHTSPRAAK EN DE RECHTBANKEN — (JUDICIAL MANAGEMENT AND ADVISORY BOARD AND COURTS OF LAW)

AUSTRIA

A/ Present coverage of entities

1. Bundeskanzleramt (Federal Chancellery)
2. Bundesministerium für europäische und internationale Angelegenheiten (Federal Ministry for European and International Affairs)
3. Bundesministerium für Finanzen (Federal Ministry of Finance)
4. Bundesministerium für Gesundheit (Federal Ministry of Health)
5. Bundesministerium für Inneres (Federal Ministry of Interior)
6. Bundesministerium für Justiz (Federal Ministry of Justice)
7. Bundesministerium für Landesverteidigung und Sport (Federal Ministry of Defence and Sport)
8. Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft (Federal Ministry for Agriculture and Forestry, the Environment and Water Management)

9. Bundesministerium für Arbeit, Soziales und Konsumentenschutz (Federal Ministry for Employment, Social Affairs and Consumer Protection)
10. Bundesministerium für Unterricht, Kunst und Kultur (Federal Ministry for Education, Art and Culture)
11. Bundesministerium für Verkehr, Innovation und Technologie (Federal Ministry for Transport, Innovation and Technology)
12. Bundesministerium für Wirtschaft , Familie und Jugend (Federal Ministry for Economic Affairs, Family and Youth)
13. Bundesministerium für Wissenschaft und Forschung (Federal Ministry for Science and Research)
14. Bundesamt für Eich- und Vermessungswesen (Federal Office for Calibration and Measurement)
15. Österreichische Forschungs- und Prüfzentrum Arsenal Gesellschaft m.b.H (Austrian Research and Test Centre Arsenal Ltd)
16. Bundesanstalt für Verkehr (Federal Institute for Traffic)
17. Bundesbeschaffung G.m.b.H (Federal Procurement Ltd)
18. Bundesrechenzentrum G.m.b.H (Federal Data Processing Centre Ltd)

B/ All other central public authorities including their regional and local sub-divisions provided that they do not have an industrial or commercial character.

POLAND

1. Kancelaria Prezydenta RP (Chancellery of the President)
2. Kancelaria Sejmu RP (Chancellery of the Sejm)
3. Kancelaria Senatu RP (Chancellery of the Senate)
4. Kancelaria Prezesa Rady Ministrów (Chancellery of the Prime Minister)
5. Sąd Najwyższy (Supreme Court)
6. Naczelny Sąd Administracyjny (Supreme Administrative Court)
7. Sądy powszechne - rejonowe, okręgowe i apelacyjne (Common Court of Law - District Court, Regional Court, Appellate Court)
8. Trybunał Konstytucyjny (Constitutional Court)
9. Najwyższa Izba Kontroli (Supreme Chamber of Control)
10. Biuro Rzecznika Praw Obywatelskich (Office of the Human Rights Defender)
11. Biuro Rzecznika Praw Dziecka (Office of the Children's Rights Ombudsman)
12. Biuro Ochrony Rządu (Government Protection Bureau)
13. Biuro Bezpieczeństwa Narodowego (The National Security Office)
14. Centralne Biuro Antykorupcyjne (Central Anticorruption Bureau)
15. Ministerstwo Pracy i Polityki Społecznej (Ministry of Labour and Social Policy)
16. Ministerstwo Finansów (Ministry of Finance)

17. Ministerstwo Gospodarki (Ministry of Economy)
18. Ministerstwo Rozwoju Regionalnego (Ministry of Regional Development)
19. Ministerstwo Kultury i Dziedzictwa Narodowego (Ministry of Culture and National Heritage)
20. Ministerstwo Edukacji Narodowej (Ministry of National Education)
21. Ministerstwo Obrony Narodowej (Ministry of National Defence)
22. Ministerstwo Rolnictwa i Rozwoju Wsi (Ministry of Agriculture and Rural Development)
23. Ministerstwo Skarbu Państwa (Ministry of the State Treasury)
24. Ministerstwo Sprawiedliwości (Ministry of Justice)
25. Ministerstwo Transportu, Budownictwa i Gospodarki Morskiej (Ministry of Transport, Construction and Maritime Economy)
26. Ministerstwo Nauki i Szkolnictwa Wyższego (Ministry of Science and Higher Education)
27. Ministerstwo Środowiska (Ministry of Environment)
28. Ministerstwo Spraw Wewnętrznych (Ministry of Internal Affairs)
29. Ministerstwo Administracji i Cyfryzacji (Ministry of Administration and Digitisation)
30. Ministerstwo Spraw Zagranicznych (Ministry of Foreign Affairs)
31. Ministerstwo Zdrowia (Ministry of Health)
32. Ministerstwo Sportu i Turystyki (Ministry of Sport and Tourism)
33. Urząd Patentowy Rzeczypospolitej Polskiej (Patent Office of the Republic of Poland)
34. Urząd Regulacji Energetyki (The Energy Regulatory Authority of Poland)
35. Urząd do Spraw Kombatantów i Osób Represjonowanych (Office for Military Veterans and Victims of Repression)
36. Urząd Transportu Kolejowego (Office for Railroad Transport)
37. Urząd Dozoru Technicznego (Office of Technical Inspection)
38. Urząd Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych (The Office for Registration of Medicinal Products, Medical Devices and Biocidal Products)
39. Urząd do Spraw Cudzoziemców (Office for Foreigners)
40. Urząd Zamówień Publicznych (Public Procurement Office)
41. Urząd Ochrony Konkurencji i Konsumentów (Office for Competition and Consumer Protection)
42. Urząd Lotnictwa Cywilnego (Civil Aviation Office)
43. Urząd Komunikacji Elektronicznej (Office of Electronic Communication)
44. Wyższy Urząd Górniczy (State Mining Authority)
45. Główny Urząd Miar (Main Office of Measures)
46. Główny Urząd Geodezji i Kartografii (The Main Office of Geodesy and Cartography)
47. Główny Urząd Nadzoru Budowlanego (The General Office of Building Control)
48. Główny Urząd Statystyczny (Main Statistical Office)
49. Krajowa Rada Radiofonii i Telewizji (National Broadcasting Council)
50. Generalny Inspektor Ochrony Danych Osobowych (Inspector General for the Protection of Personal Data)
51. Państwowa Komisja Wyborcza (State Election Commission)
52. Państwowa Inspekcja Pracy (National Labour Inspectorate)
53. Rządowe Centrum Legislacji (Government Legislation Centre)
54. Narodowy Fundusz Zdrowia (National Health Fund)
55. Polska Akademia Nauk (Polish Academy of Science)
56. Polskie Centrum Akredytacji (Polish Accreditation Centre)
57. Polskie Centrum Badań i Certyfikacji (Polish Centre for Testing and Certification)
58. Polska Organizacja Turystyczna (Polish National Tourist Office)
59. Polski Komitet Normalizacyjny (Polish Committee for Standardisation)
60. Zakład Ubezpieczeń Społecznych (Social Insurance Institution)

61. Komisja Nadzoru Finansowego (Polish Financial Supervision Authority)
62. Naczelną Dyrekcję Archiwów Państwowych (Head Office of State Archives)
63. Kasa Rolniczego Ubezpieczenia Społecznego (Agricultural Social Insurance Fund)
64. Generalna Dyrekcja Dróg Krajowych i Autostrad (The General Directorate of National Roads and Motorways)
65. Główny Inspektorat Ochrony Roślin i Nasiennictwa (The Main Inspectorate for the Inspection of Plant and Seeds Protection)
66. Komenda Główna Państwowej Straży Pożarnej (The National Headquarters of the State Fire-Service)
67. Komenda Główna Policji (Polish National Police)
68. Komenda Główna Straży Granicznej (The Chief Border Guards Command)
69. Główny Inspektorat Jakości Handlowej Artykułów Rolno-Spożywczych (The Main Inspectorate of Commercial Quality of Agri-Food Products)
70. Główny Inspektorat Ochrony Środowiska (The Main Inspectorate for Environment Protection)
71. Główny Inspektorat Transportu Drogowego (Main Inspectorate of Road Transport)
72. Główny Inspektorat Farmaceutyczny (Main Pharmaceutical Inspectorate)
73. Główny Inspektorat Sanitarny (Main Sanitary Inspectorate)
74. Główny Inspektorat Weterynarii (The Main Veterinary Inspectorate)
75. Agencja Bezpieczeństwa Wewnętrznego (Internal Security Agency)
76. Agencja Wywiadu (Foreign Intelligence Agency)
77. Agencja Mienia Wojskowego (Agency for Military Property)
78. Wojskowa Agencja Mieszkaniowa (Military Real Estate Agency)
79. Agencja Restrukturyzacji i Modernizacji Rolnictwa (Agency for Restructuring and Modernisation of Agriculture)
80. Agencja Rynku Rolnego (Agriculture Market Agency)
81. Agencja Nieruchomości Rolnych (Agricultural Property Agency)
82. Państwowa Agencja Atomistyki (National Atomic Energy Agency)
83. Polska Agencja Żeglugi Powietrznej (Polish Air Navigation Services Agency)
84. Polska Agencja Rozwiązywania Problemów Alkoholowych (State Agency for Prevention of Alcohol Related Problems)
85. Agencja Rezerw Materiałowych (The Material Reserves Agency)
86. Narodowy Bank Polski (National Bank of Poland)
87. Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej (The National Fund for Environmental Protection and Water Management)
88. Państwowy Fundusz Rehabilitacji Osób Niepełnosprawnych (National Disabled Persons Rehabilitation Fund)
89. Instytut Pamięci Narodowej - Komisja Ścigania Zbrodni Przeciwko Narodowi Polskiemu (National Remembrance Institute - Commission for Prosecution of Crimes Against the Polish Nation)
90. Rada Ochrony Pamięci Walk i Męczeństwa (The Committee of Protection of Memory of Combat and Martyrdom)
91. Służba Celna Rzeczypospolitej Polskiej (Customs Service of the Republic of Poland)
92. Państwowe Gospodarstwo Leśne "Lasy Państwowe" (State Forest Enterprise Lasy Państwowe")
93. Polska Agencja Rozwoju Przedsiębiorczości (Polish Agency for Enterprise Development)
94. Samodzielne Publiczne Zakłady Opieki Zdrowotnej, jeśli ich organem założycielskim jest minister, centralny organ administracji rządowej lub wojewoda (Public Autonomous Health Care Management Units established by minister, central government unit or voivoda).

PORTUGAL

1. Presidência do Conselho de Ministros (Presidency of the Council of Ministers)
2. Ministério das Finanças (Ministry of Finance)
3. Ministério da Defesa Nacional (Ministry of Defence)
4. Ministério dos Negócios Estrangeiros e das Comunidades Portuguesas (Ministry of Foreign Affairs and Portuguese Communities)
5. Ministério da Administração Interna (Ministry of Internal Affairs)
6. Ministério da Justiça (Ministry of Justice)
7. Ministério da Economia (Ministry of Economy)
8. Ministério da Agricultura, Desenvolvimento Rural e Pescas (Ministry of Agriculture, Rural Development and Fishing)
9. Ministério da Educação (Ministry of Education)
10. Ministério da Ciência e do Ensino Superior (Ministry of Science and University Education)
11. Ministério da Cultura (Ministry of Culture)
12. Ministério da Saúde (Ministry of Health)
13. Ministério do Trabalho e da Solidariedade Social (Ministry of Labour and Social Solidarity)
14. Ministério das Obras Públicas, Transportes e Habitação (Ministry of Public Works, Transports and Housing)
15. Ministério das Cidades, Ordenamento do Território e Ambiente (Ministry of Cities, Land Management and Environment)
16. Ministério para a Qualificação e o Emprego (Ministry for Qualification and Employment)
17. Presidência da República (Presidency of the Republic)
18. Tribunal Constitucional (Constitutional Court)
19. Tribunal de Contas (Court of Auditors)
20. Provedoria de Justiça (Ombudsman)

ROMANIA

Administrația Prezidențială (Presidential Administration)
Senatul României (Romanian Senate)
Camera Deputaților (Chamber of Deputies)
Inalta Curte de Casație și Justiție (Supreme Court)
Curtea Constituțională (Constitutional Court)
Consiliul Legislativ (Legislative Council)
Curtea de Conturi (Court of Accounts)
Consiliul Superior al Magistraturii (Superior Council of Magistracy)
Parchetul de pe lângă Inalta Curte de Casație și Justiție (Prosecutor's Office Attached to the Supreme Court)
Secretariatul General al Guvernului (General Secretariat of the Government)
Cancelaria primului ministru (Chancellery of the Prime Minister)
Ministerul Afacerilor Externe (Ministry of Foreign Affairs)
Ministerul Economiei și Finanțelor (Ministry of Economy and Finance)
Ministerul Justiției (Ministry of Justice)
Ministerul Apărării (Ministry of Defense)
Ministerul Internelor și Reformei Administrative (Ministry of Interior and Administration Reform)
Ministerul Muncii, Familiei și Egalității de Sanse (Ministry of Labor and Equal Opportunities)
Ministerul pentru Intreprinderi Mici și Mijlocii, Comerț, Turism și Profesii Liberale (Ministry for Small and Medium Sized Enterprises, Trade, Tourism and Liberal Professions)
Ministerul Agriculturii și Dezvoltării Rurale (Ministry of Agricultural and Rural Development)
Ministerul Transporturilor (Ministry of Transport)
Ministerul Dezvoltării, Lucrărilor Publice și Locuinței (Ministry of Development, Public Works and Housing)
Ministerul Educației Cercetării și Tineretului (Ministry of Education, Research and Youth)
Ministerul Sănătății Publice (Ministry of Public Health)
Ministerul Culturii și Cultelor (Ministry of Culture and Religious Affairs)
Ministerul Comunicațiilor și Tehnologiei Informației (Ministry of Communications and Information Technology)
Ministerul Mediului și Dezvoltării Durabile (Ministry of Environment and Sustainable Development)
Serviciul Român de Informații (Romanian Intelligence Service)
Serviciul Român de Informații Externe (Romanian Foreign Intelligence Service)
Serviciul de Protecție și Pază (Protection and Guard Service)
Serviciul de Telecomunicații Speciale (Special Telecommunication Service)
Consiliul Național al Audiovizualului (The National Audiovisual Council)
Consiliul Concurenței (CC) (Competition Council)
Direcția Națională Anticorupție (National Anti-corruption Department)
Inspectoratul General de Poliție (General Inspectorate of Police)
Autoritatea Națională pentru Reglementarea și Monitorizarea Achizițiilor Publice (National Authority for Regulation and Monitoring Public Procurement)
Consiliul Național de Soluționare a Contestațiilor (National Council for Solving the Contests)
Autoritatea Națională de Reglementare pentru Serviciile Comunitare de Utilități Publice (ANRSC) (National Authority for Regulating Community Services Public Utilities)
Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor (Sanitary Veterinary and Food Safety National Authority)

Autoritatea Națională pentru Protecția Consumatorilor (National Authority for Consumer Protection)
 Autoritatea Navală Română (Romanian Naval Authority)
 Autoritatea Feroviară Română (Romanian Railway Authority)
 Autoritatea Rutieră Română (Romanian Road Authority)
 Autoritatea Națională pentru Protecția Drepturilor Copilului-și Adoptie (National Authority for the Protection of Child Rights and Adoption)
 Autoritatea Națională pentru Persoanele cu Handicap (National Authority for Disabled Persons)
 Autoritatea Națională pentru Tineret (National Authority for Youth)
 Autoritatea Națională pentru Cercetare Stiințifică (National Authority for Scientific Research)
 Autoritatea Națională pentru Comunicații (National Authority for Communications)
 Autoritatea Națională pentru Serviciile Societății Informaționale (National Authority for Informational Society Services)
 Autoritatea Electorală Permanente (Permanent Electoral Authority)
 Agenția pentru Strategii Guvernamentale (Agency for Governmental Strategies)
 Agenția Națională a Medicamentului (National Medicines Agency)
 Agenția Națională pentru Sport (National Agency for Sports)
 Agenția Națională pentru Ocuparea Forței de Muncă (National Agency for Employment)
 Agenția Națională de Reglementare în Domeniul Energiei (National Authority for Electrical Energy Regulation)
 Agenția Română pentru Conservarea Energiei (Romanian Agency for Power Conservation)
 Agenția Națională pentru Resurse Minerale (National Agency for Mineral Resources)
 Agenția Română pentru Investiții Străine (Romanian Agency for Foreign Investment)
 Agenția Națională a Funcționarilor Publici (National Agency of Public Civil Servants)
 Agenția Națională de Administrare Fiscală (National Agency of Fiscal Administration)
 Agenția de Compensare pentru Achiziții de Tehnică Specială (Agency For Offsetting Special Technique Procurements)
 Agenția Națională Anti-doping (National Anti-Doping Agency)
 Agenția Nucleară (Nuclear Agency)
 Agenția Națională pentru Protecția Familiei (National Agency for Family Protection)
 Agenția Națională pentru Egalitatea de Sanse între Bărbați și Femei (National Authority for Equality of Chances between Men and Women)
 Agenția Națională pentru Protecția Mediului (National Agency for Environmental Protection)
 Agenția națională Antidrog (National Anti-drugs Agency)

SLOVENIA

1. Predsednik Republike Slovenije (President of the Republic of Slovenia)
2. Državni zbor (The National Assembly)
3. Državni svet (The National Council)
4. Varuh človekovih pravic (The Ombudsman)
5. Ustavno sodišče (The Constitutional Court)
6. Računsko sodišče (The Court of Audits)
7. Državna revizijska komisija (The National Review Commission)
8. Slovenska akademija znanosti in umetnosti (The Slovenian Academy of Science and Art)
9. Vladne službe (The Government Services)
10. Ministrstvo za finance (Ministry of Finance)
11. Ministrstvo za notranje zadeve (Ministry of Internal Affairs)
12. Ministrstvo za zunanje zadeve (Ministry of Foreign Affairs)

13. Ministrstvo za obrambo (Ministry of Defence)
14. Ministrstvo za pravosodje (Ministry of Justice)
15. Ministrstvo za gospodarstvo (Ministry of the Economy)
16. Ministrstvo za kmetijstvo, gozdarstvo in prehrano (Ministry of Agriculture, Forestry and Food)
17. Ministrstvo za promet (Ministry of Transport)
18. Ministrstvo za okolje, prostor in energijo (Ministry of Environment, Spatial Planning and Energy)
19. Ministrstvo za delo, družino in socialne zadeve (Ministry of Labour, Family and Social Affairs)
20. Ministrstvo za zdravje (Ministry of Health)
21. Ministrstvo za visoko šolstvo, znanost in tehnologijo (Ministry of Higher Education, Science and Technology)
22. Ministrstvo za kulturo (Ministry of Culture)
23. Ministerstvo za javno upravo (Ministry of Public Administration)
 24. Vrhovno sodišče Republike Slovenije (The Supreme Court of the Republic of Slovenia)
 25. Višja sodišča (Higher Courts)
 26. Okrožna sodišča (District Courts)
 27. Okrajna sodišča (County Courts)
 28. Vrhovno tožilstvo Republike Slovenije (The Supreme Prosecutor of the Republic of Slovenia)
 29. Okrožna državna tožilstva (Districts' State Prosecutors)
 30. Družbeni pravobranilec Republike Slovenije (Social Attorney of the Republic of Slovenia)
 31. Državno pravobranilstvo Republike Slovenije (National Attorney of the Republic of Slovenia)
 32. Upravno sodišče Republike Slovenije (Administrative Court of the Republic of Slovenia)
 33. Senat za prekrške Republike Slovenije (Senat of Minor Offenses of the Republic of Slovenia)
 34. Višje delovno in socialno sodišče v Ljubljani (Higher Labour and Social Court)
 35. Delovna in sodišča (Labour Courts)
 36. Upravne note (Local Administrative Units)

SLOVAKIA

Ministries and other central government authorities referred to as in Act No. 575/2001 Coll. on the structure of activities of the Government and central state administration authorities in wording of later amendments:

Ministerstvo hospodárstva Slovenskej republiky (Ministry of Economy of the Slovak Republic)
 Ministerstvo financií Slovenskej republiky (Ministry of Finance of the Slovak Republic)
 Ministerstvo dopravy, výstavby a regionálneho rozvoja Slovenskej republiky (Ministry of Transport, Construction and Regional Development of the Slovak Republic)
 Ministerstvo pôdohospodárstva a rozvoja vidieka Slovenskej republiky (Ministry of Agriculture and Rural Development of the Slovak Republic)
 Ministerstvo vnútra Slovenskej republiky (Ministry of Interior of the Slovak Republic)
 Ministerstvo obrany Slovenskej republiky (Ministry of Defence of the Slovak Republic)

Ministerstvo spravodlivosti Slovenskej republiky (Ministry of Justice of the Slovak Republic)
Ministerstvo zahraničných vecí Slovenskej republiky (Ministry of Foreign Affairs of the Slovak Republic)
Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky (Ministry of Labour, Social Affairs and Family of the Slovak Republic)
Ministerstvo životného prostredia Slovenskej republiky (Ministry of Environment of the Slovak Republic)
Ministerstvo školstva, vedy, výskumu a športu Slovenskej republiky (Ministry of Education, Science, Research and Sport of the Slovak Republic)
Ministerstvo kultúry Slovenskej republiky (Ministry of Culture of the Slovak Republic)
Ministerstvo zdravotníctva Slovenskej republiky (Ministry of Health Service of the Slovak Republic)

Úrad vlády Slovenskej republiky (The Government Office of the Slovak Republic)
Protimonopolný úrad Slovenskej republiky (Antimonopoly Office of the Slovak Republic)
Štatistický úrad Slovenskej republiky (Statistical Office of the Slovak Republic)
Úrad geodézie, kartografie a katastra Slovenskej republiky (The Office of Land Surveyor, Cartography and Cadastre of the Slovak Republic)
Úrad jadrového dozoru Slovenskej republiky (Nuclear Regulatory Authority of the Slovak Republic)*
Úrad pre normalizáciu, metrológiu a skúšobníctvo Slovenskej republiky (Slovak Office of Standards, Metrology and Testing)
Úrad pre verejné obstarávanie (The Office for Public Procurement)
Úrad priemyselného vlastníctva Slovenskej republiky (Industrial Property Office of the Slovak Republic)
Správa štátnych hmotných rezerv Slovenskej republiky (The Administration of State Material Reserves of the Slovak Republic)
Národný bezpečnostný úrad (National Security Authority)
Kancelária Prezidenta Slovenskej republiky (The Office of the President of the Slovak Republic)
Národná rada Slovenskej republiky (National Council of the Slovak Republic)
Ústavný súd Slovenskej republiky (Constitutional Court of the Slovak Republic)
Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic)
Generálna prokuratúra Slovenskej republiky (Public Prosecution of the Slovak Republic)
Najvyšší kontrolný úrad Slovenskej republiky (Supreme Audit Office of the Slovak Republic)
Telekomunikačný úrad Slovenskej republiky (Telecommunications Office of the Slovak Republic)
Poštový úrad (Postal Regulatory Office)
Úrad na ochranu osobných údajov (Office for Personal Data Protection)
Kancelária verejného ochrancu práv (Ombudsman's Office)
Úrad pre finančný trh (Office for the Finance Market)

FINLAND

OIKEUSKANSLERINVIRASTO – JUSTITIEKANSLEERSÄMBETET (OFFICE OF THE CHANCELLOR OF JUSTICE)

LIIKENNE- JA VIESTINTÄMINISTERIÖ – KOMMUNIKATIONSMINISTERIET
(MINISTRY OF TRANSPORT AND COMMUNICATIONS)
Viestintävirasto – Kommunikationsverket (Finnish Communications Regulatory Authority)

Ajoneuvohallintokeskus AKE – Fordonsförvaltningscentralen AKE (Finnish Vehicle Administration)

Ilmailuhallinto – Luftfartsförvaltningen (Finnish Civil Aviation Authority)

Ilmatieteen laitos – Meteorologiska institutet (Finnish Meteorological Institute)

Merenkulkulaitos – Sjöfartsverket (The Finnish Maritime Administration)

Merentutkimuslaitos – Havsforskningsinstitutet (Finnish Institute of Marine Research)

Ratahallintokeskus RHK – Banförvaltningscentralen RHK (Rail Administration)

Rautatievirasto – Järnvägsverket (Finnish Railway Agency)

Tiehallinto – Vägförvaltningen (Road Administration)

MAA- JA METSÄTALOUSMINISTERIÖ – JORD- OCH SKOGSBRUKSMINISTERIET (MINISTRY OF AGRICULTURE AND FORESTRY)

Elintarviketurvallisuusvirasto – Livsmedelssäkerhetsverket (Finnish Food Safety Authority)

Maanmittauslaitos – Lantmäteriverket (National Land Survey of Finland)

Maaseutuvirasto – Landsbygdsverket (The Countryside Agency)

OIKEUSMINISTERIÖ – JUSTITIEMINISTERIET (MINISTRY OF JUSTICE)

Tietosuojavaltuutetun toimisto – Dataombudsmannens byrå (Office of the Data Protection Ombudsman)

Tuomioistuimet – domstolar (Courts of Law)

Korkein oikeus – Högsta domstolen (Supreme Court)

Korkein hallinto-oikeus – Högsta förvaltningsdomstolen (Supreme Administrative Court)

Hovioikeudet – hovrätter (Courts of Appeal)

Käräjäoikeudet – tingsrätter (District Courts)

Hallinto-oikeudet – förvaltningsdomstolar (Administrative Courts)

Markkinaoikeus – Marknadsdomstolen (Market Court)

Työtuomioistuin – Arbetsdomstolen (Labour Court)

Vakuutus-oikeus – Försäkringsdomstolen (Insurance Court)

Kuluttajariitalautakunta – Konsumenttvistenämnden (Consumer Complaint Board)

Vankeinhoitolaitos – Fängsvärdsväsendet (Prison Service)

HEUNI – Yhdistyneiden Kansakuntien yhteydessä toimiva Euroopan kriminaalipolitiikan instituutti – HEUNI – Europeiska institutet för kriminalpolitik, verksamt i anslutning till Förenta Nationerna (the European Institute for Crime Prevention and Control)

Konkurssiasiamiehen toimisto – Konkursombudsmannens byrå (Office of Bankruptcy Ombudsman)

Oikeushallinnon palvelukeskus – Justitieförvaltningens servicecentral (Legal Management Service)

Oikeushallinnon tietotekniikkakeskus – Justitieförvaltningens datateknikcentral (Legal Administrative Computing Center)

Oikeuspoliittinen tutkimuslaitos (Optula) – Rättspolitiska forskningsinstitutet (Legal Policy Institute)

Oikeusrekisterikeskus – Rättsregistercentralen (Legal Register Centre)

Onnettomuustutkintakeskus – Centralen för undersökning av olyckor (Accident Investigation Board)

Rikosseuraamusvirasto – Brottspåföljdsverket (Criminal sanctions Agency)

Rikosseuraamusalan koulutuskeskus – Brottspåföljdsområdets utbildningscentral (Training Institute for Prison and Probation Services)

Rikoksenteorijuntaneuvosto Rådet för brottsförebyggande (National Council for Crime Prevention)

Saamelaiskäräjät – Sametinget (The Saami Parliament)

Valtakunnansyyttäjänvirasto – Riksåklagarämbetet (the Office of the Prosecutor General)

OPETUSMINISTERIÖ – UNDERVISNINGSMINISTERIET (MINISTRY OF EDUCATION)
Opetushallitus – Utbildningsstyrelsen (National Board of Education)
Valtion elokuvatarkastamo – Statens filmgranskningsbyrå (Finnish Board of Film Classification)

PUOLUSTUSMINISTERIÖ – FÖRSVARSMINISTERIET (MINISTRY OF DEFENCE)
Puolustusvoimat – Försvarsmakten (Finnish Defence Forces)

SISÄASIAINMINISTERIÖ – INRIKESMINISTERIET (MINISTRY OF THE INTERIOR)
Keskusrikospoliisi – Centralkriminalpolisen (Central Criminal Police)
Liikkuva poliisi – Rörliga polisen (National Traffic Police)
Rajavartiolaitos – Gränsbevakningsväsendet (Frontier Guard)
Suojelupoliisi – Skyddspolisen (Police protection)
Poliisiammattikorkeakoulu – Polisyrkeshögskolan (Police College)
Poliisin tekniikkakeskus – Polisens teknikcentral (Police Technical Centre)
Pelastusopisto – Räddningsverket (Emergency Services)
Hätäkeskuslaitos – Nödcentralverket (Emergency Response Centre)
Maahanmuuttovirasto – Migrationsverket (Immigration Authority)
Sisäasiainhallinnon palvelukeskus – Inrikesförvaltningens servicecentral (Interior Management Service)
Helsingin kihlakunnan poliisilaitos – Polisnärättningen i Helsingfors (Helsinki Police Department)
Valtion turvapaikanhakijoiden vastaanottokeskukset – Statliga förläggningar för asylsökande (Reception centres for Asylum Seekers)

SOSIAALI- JA TERVEYSMINISTERIÖ – SOCIAL- OCH HÄLSOVÅRDSMINISTERIET (MINISTRY OF SOCIAL AFFAIRS AND HEALTH)
Työttömyysturvalautakunta – Besvärnämnden för utkomstskyddsärenden (Unemployment Appeal Board)
Sosiaaliturvan muutoksenhakulautakunta – Besvärnämnden för socialtrygghet (Appeal Tribunal)
Lääkelaitos – Läkemedelsverket (National Agency for Medicines)
Terveysturvallisuuden oikeusturvakeskus – Rättsskyddscentralen för hälsovården (National Authority for Medicolegal Affairs)
Säteilyturvakeskus – Strålsäkerhetscentralen (Finnish Centre for Radiation and Nuclear Safety)
Kansanterveyslaitos – Folkhälsoinstitutet (National Public Health Institute)
Lääkehoidon kehittämiskeskus ROHTO – Utvecklingscentralen för läkemedelsbehandling (Centre for Pharmacotherapy Development ROHTO)
Sosiaali- ja terveydenhuollon tuotevalvontakeskus – Social- och hälsovårdens produkttilsynscentral (the National Product Control Agency's SSTV)
Sosiaali- ja terveysalan tutkimus- ja kehittämiskeskus Stakes – Forsknings- och utvecklingscentralen för social- och hälsovården Stakes (Health and Social Care Research and Development Center STAKES)

TYÖ- JA ELINKEINOMINISTERIÖ – ARBETS- OCH NÄRINGSMINISTERIET (MINISTRY OF EMPLOYMENT AND THE ECONOMY)
Kuluttajavirasto – Konsumentverket (Finnish Consumer Agency)
Kilpailuvirasto – Konkurrensverket (Finnish Competition Authority)
Patentti- ja rekisterihallitus – Patent- och registerstyrelsen (National Board of Patents and Registration)
Valtakunnansovittelijain toimisto – Riksförlikningsmännens byrå (National Conciliators' Office)
Työneuvosto – Arbetsrådet (Labour Council)
Energiamarkkinavirasto – Energimarknadsverket (Energy Market Authority)

Geologian tutkimuskeskus – Geologiska forskningscentralen (Geological Survey of Finland)
Huoltovarmuuskasutus – Försörjningsberedskapscentralen (The National Emergency Supply Agency)
Kuluttajatutkimuskeskus – Konsumentforskningscentralen (National Consumer Research Center)
Matkailun edistämiskasutus (MEK) – Centralen för turistfrämjande (Finnish Tourist Board)
Mittatekniikan kasutus (MIKES) – Mätteknikcentralen (Centre for Metrology and Accreditation)
Tekes - teknologian ja innovaatioiden kehittämiskasutus – Tekes - utvecklingscentralen för teknologi och innovationer (Finnish Funding Agency for Technology and Innovation)
Turvatekniikan kasutus (TUKES) – Säkerhetsteknikcentralen (Safety Technology Authority)
Valtion teknillinen tutkimuskeskus (VTT) – Statens tekniska forskningscentral (VTT Technical Research Centre of Finland)
Syrjintälautakunta – Nationella diskrimineringsnämnden (Discrimination Tribunal)
Vähemmistövaltuutetun toimisto – Minoritetsombudsmannens byrå (Office of the Ombudsman for Minorities)

ULKOASIAINMINISTERIÖ – UTRIKESMINISTERIET (MINISTRY FOR FOREIGN AFFAIRS)

VALTIONEUVOSTON KANSLIA – STATSRÅDETS KANSLI (PRIME MINISTER'S OFFICE)

VALTIOVARAINMINISTERIÖ – FINANSMINISTERIET (MINISTRY OF FINANCE)
Valtiokonttori – Statskontoret (State Treasury)
Verohallinto – Skatteförvaltningen (Tax Administration)
Tullilaitos – Tullverket (Customs)
Tilastokeskus – Statistikcentralen (Statistics Finland)
Valtionaloudellinen tutkimuskeskus – Statens ekonomiska forskningscentral (Government Institute for Economic Research)
Väestörekisterikeskus – Befolkningsregistercentralen (Population Register Centre)

YMPÄRISTÖMINISTERIÖ – MILJÖMINISTERIET (MINISTRY OF ENVIRONMENT)
Suomen ympäristökasutus - Finlands miljöcentral (Finnish Environment Institute)
Asumisen rahoitus- ja kehityskasutus – Finansierings- och utvecklingscentralen för boendet (The Housing Finance and Development Centre of Finland)

VALTIONTALouden TARKASTUSVIRASTO – STATENS REVISIONSVERK
(NATIONAL AUDIT OFFICE)

SWEDEN

Royal Academy of Fine Arts	Akademien för de fria konsterna
National Board for Consumer Complaints	Allmänna reklamationsnämnden
Labour Court	Arbetsdomstolen
Swedish Employment Services	Arbetsförmedlingen
National Agency for Government Employers	Arbetsgivarverk, statens
National Institute for Working Life	Arbetslivsinstitutet
Swedish Work Environment Authority	Arbetsmiljöverket
Swedish Inheritance Fund Commission	Arvsfondsdelegationen
Museum of Architecture	Arkitekturmuseet
National Archive of Recorded Sound and Moving Images	Ljud och bildarkiv, statens
The Office of the Childrens' Ombudsman	Barnombudsmannen
Swedish Council on Technology Assessment in Health Care	Beredning för utvärdering av medicinsk metodik, statens
Royal Library	Kungliga Biblioteket
National Board of Film Censors	Biografbyrå, statens
Dictionary of Swedish Biography	Biografiskt lexikon, svenskt
Swedish Accounting Standards Board	Bokföringsnämnden
Swedish Companies Registration Office	Bolagsverket
National Housing Credit Guarantee Board	Bostadskreditnämnd, statens (BKN)
National Housing Board	Boverket
National Council for Crime Prevention	Brottsförebyggande rådet
Criminal Victim Compensation and Support Authority	Brottsoffermyndigheten
National Board of Student Aid	Centrala studiestödsnämnden
Data Inspection Board	Datainspektionen
Ministries (Government Departments)	Departementen
National Courts Administration	Domstolsverket
National Electrical Safety Board	Elsäkerhetsverket
Swedish Energy Markets Inspectorate	Energimarknadsinspektionen
Export Credits Guarantee Board	Exportkreditnämnden
Swedish Fiscal Policy Council	Finanspolitiska rådet
Financial Supervisory Authority	Finansinspektionen
National Board of Fisheries	Fiskeriverket
National Institute of Public Health	Folkhälsoinstitut, statens
Swedish Research Council for Environment	Forskningsrådet för miljö, areella näringar och samhällsbyggande, Formas
National Fortifications Administration	Fortifikationsverket
National Mediation Office	Medlingsinstitutet
Defence Material Administration	Försvarets materielverk
National Defence Radio Institute	Försvarets radioanstalt

Swedish Museums of Military History	Försvarshistoriska museer, statens
National Defence College	Försvarshögskolan
The Swedish Armed Forces	Försvarsmakten
Social Insurance Office	Försäkringskassan
Geological Survey of Sweden	Geologiska undersökning, Sveriges
Geotechnical Institute	Geotekniska institut, statens
The National Rural Development Agency	Glesbygdsverket
Graphic Institute and the Graduate School of Communications	Grafiska institutet och institutet för högre kommunikations- och reklamutbildning
The Swedish Broadcasting Commission	Granskningsnämnden för Radio och TV
Swedish Government Seamen's Service	Handelsflottans kultur- och fritidsråd
Ombudsman for the Disabled	Handikappombudsmannen
Board of Accident Investigation	Haverikommission, statens
Courts of Appeal (6)	Hovrätterna (6)
Regional Rent and Tenancies Tribunals (12)	Hyres- och arendenämnder (12)
Committee on Medical Responsibility	Hälso- och sjukvårdens ansvarsnämnd
National Agency for Higher Education	Högskoleverket
Supreme Court	Högsta domstolen
National Institute for Psycho-Social Factors and Health	Institut för psykosocial miljömedicin, statens
National Institute for Regional Studies	Institut för tillväxtpolitiska studier
Swedish Institute of Space Physics	Institutet för rymdfysik
International Programme Office for Education and Training	Internationella programkontoret för utbildningsområdet
Swedish Migration Board	Migrationsverket
Swedish Board of Agriculture	Jordbruksverk, statens
Office of the Chancellor of Justice	Justitiekanslern
Office of the Equal Opportunities Ombudsman	Jämställdhetsombudsmannen
National Judicial Board of Public Lands and Funds	Kammarkollegiet
Administrative Courts of Appeal (4)	Kammarrätterna (4)
National Chemicals Inspectorate	Kemikalieinspektionen
National Board of Trade	Kommerskollegium
Swedish Agency for Innovation Systems	Verket för innovationssystem (VINNOVA)
National Institute of Economic Research	Konjunkturinstitutet
Swedish Competition Authority	Konkurrensverket
College of Arts, Crafts and Design	Konstfack
College of Fine Arts	Konsthögskolan
National Museum of Fine Arts	Nationalmuseum
Arts Grants Committee	Konstnärsnämnden
National Art Council	Konstråd, statens
National Board for Consumer Policies	Konsumentverket

National Laboratory of Forensic Science	Kriminaltekniska laboratorium, statens
Prison and Probation Service	Kriminalvården
National Paroles Board	Kriminalvårdsnämnden
Swedish Enforcement Authority	Kronofogdemyndigheten
National Council for Cultural Affairs	Kulturråd, statens
Swedish Coast Guard	Kustbevakningen
National Land Survey	Lantmäteriverket
Royal Armoury	Livrustkammaren/Skoklosters slott/ Hallwylska museet
National Food Administration	Livsmedelsverk, statens
The National Gaming Board	Lotteriinspektionen
Medical Products Agency	Läkemedelsverket
County Administrative Courts (24)	Länsrätterna (24)
County Administrative Boards (24)	Länsstyrelserna (24)
National Government Employee and Pensions Board	Pensionsverk, statens
Market Court	Marknadsdomstolen
Swedish Meteorological and Hydrological Institute	Meteorologiska och hydrologiska institut, Sveriges
Modern Museum	Moderna museet
Swedish National Collections of Music	Musiksamlingar, statens
Swedish Agency for Disability Policy Coordination	Myndigheten för handikappolitisk samordning
Swedish Agency for Networks and Cooperation in Higher Education	Myndigheten för nätverk och samarbete inom högre utbildning
Commission for state grants to religious communities	Nämnden för statligt stöd till trossamfun
Museum of Natural History	Naturhistoriska riksmuseet
National Environmental Protection Agency	Naturvårdsverket
Scandinavian Institute of African Studies	Nordiska Afrikainstitutet
Nordic School of Public Health	Nordiska högskolan för folkhälsovetenskap
Recorders Committee	Notarienämnden
Swedish National Board for Intra Country Adoptions	Myndigheten för internationella adoptionsfrågor
Swedish Agency for Economic and Regional Growth	Verket för näringslivsutveckling (NUTEK)
Office of the Ethnic Discrimination Ombudsman	Ombudsmannen mot etnisk diskriminering
Court of Patent Appeals	Patentbesvärsrätten
Patents and Registration Office	Patent- och registreringsverket
Swedish Population Address Register Board	Personadressregisternämnd statens, SPAR-nämnden
Swedish Polar Research Secretariat	Polarforskningssekretariatet
Press Subsidies Council	Presstödsnämnden

The Council of the European Social Fund in Sweden	Rådet för Europeiska socialfonden i Sverige
The Swedish Radio and TV Authority	Radio- och TV-verket
Government Offices	Regeringskansliet
Supreme Administrative Court	Regeringsrätten
Central Board of National Antiquities	Riksantikvarieämbetet
National Archives	Riksarkivet
Bank of Sweden	Riksbanken
Parliamentary Administrative Office	Riksdagsförvaltningen
The Parliamentary Ombudsmen	Riksdagens ombudsmän, JO
The Parliamentary Auditors	Riksdagens revisorer
National Debt Office	Riksgäldskontoret
National Police Board	Rikspolisstyrelsen
National Audit Bureau	Riksrevisionen
Travelling Exhibitions Service	Riksutställningar, Stiftelsen
National Space Board	Rymdstyrelsen
Swedish Council for Working Life and Social Research	Forskningsrådet för arbetsliv och socialvetenskap
National Rescue Services Board	Räddningsverk, statens
Regional Legal-aid Authority	Rättshjälpsmyndigheten
National Board of Forensic Medicine	Rättsmedicinalverket
Sami (Lapp) School Board	Sameskolstyrelsen och sameskolor
Sami (Lapp) Schools	
National Maritime Administration	Sjöfartsverket
National Maritime Museums	Maritima museer, statens
Swedish Commission on Security and Integrity Protection	Säkerhets- och integritetsskyddsnämnden
Swedish Tax Agency	Skatteverket
National Board of Forestry	Skogsstyrelsen
National Agency for Education	Skolverk, statens
Swedish Institute for Infectious Disease Control	Smittskyddsinstitutet
National Board of Health and Welfare	Socialstyrelsen
National Inspectorate of Explosives and Flammables	Sprängämnesinspektionen
Statistics Sweden	Statistiska centralbyrån
Agency for Administrative Development	Statskontoret
Swedish Radiation Safety Authority	Strålsäkerhetsmyndigheten
Swedish International Development Cooperation Authority	Styrelsen för internationellt utvecklings- samarbete, SIDA
National Board of Psychological Defence and Conformity Assessment	Styrelsen för psykologiskt försvar
Swedish Board for Accreditation	Styrelsen för ackreditering och teknisk kontroll
Swedish Institute	Svenska Institutet, stiftelsen

Library of Talking Books and Braille Publications	Talboks- och punktskriftsbiblioteket
District and City Courts (97)	Tingsrätterna (97)
Judges Nomination Proposal Committee	Tjänsteförslagsnämnden för domstolsväsendet
Armed Forces' Enrolment Board	Totalförsvarets pliktverk
Swedish Defence Research Agency	Totalförsvarets forskningsinstitut
Swedish Board of Customs	Tullverket
Swedish Tourist Authority	Turistdelegationen
The National Board of Youth Affairs	Ungdomsstyrelsen
Universities and University Colleges	Universitet och högskolor
Aliens Appeals Board	Utlänningsnämnden
National Seed Testing and Certification Institute	Utsädeskontroll, statens
Swedish National Road Administration	Vägverket
National Water Supply and Sewage Tribunal	Vatten- och avloppsnämnd, statens
National Agency for Higher Education	Verket för högskoleservice (VHS)
Swedish Agency for Economic and Regional Development	Verket för näringslivsutveckling (NUTEK)
Swedish Research Council	Vetenskapsrådet'
National Veterinary Institute	Veterinärmedicinska anstalt, statens
Swedish National Road and Transport Research Institute	Väg- och transportforskningsinstitut, statens
National Plant Variety Board	Växsortsnämnd, statens
Swedish Prosecution Authority	Åklagarmyndigheten
Swedish Emergency Management Agency	Krisberedskapsmyndigheten
Board of Appeals of the Manna Mission	Överklagandenämnden för nämndemannaupdrag

UNITED KINGDOM

Cabinet Office

Office of the Parliamentary Counsel

Central Office of Information

Charity Commission

Crown Estate Commissioners (Vote Expenditure Only)

Crown Prosecution Service

Department for Business, Enterprise and Regulatory Reform

Competition Commission

Gas and Electricity Consumers' Council

Office of Manpower Economics
Department for Children, Schools and Families
Department of Communities and Local Government
Rent Assessment Panels
Department for Culture, Media and Sport
British Library
British Museum
Commission for Architecture and the Built Environment
The Gambling Commission
Historic Buildings and Monuments Commission for England (English Heritage)
Imperial War Museum
Museums, Libraries and Archives Council
National Gallery
National Maritime Museum
National Portrait Gallery
Natural History Museum
Science Museum
Tate Gallery
Victoria and Albert Museum
Wallace Collection
Department for Environment, Food and Rural Affairs
Agricultural Dwelling House Advisory Committees
Agricultural Land Tribunals
Agricultural Wages Board and Committees
Cattle Breeding Centre
Countryside Agency
Plant Variety Rights Office
Royal Botanic Gardens, Kew
Royal Commission on Environmental Pollution
Department of Health
Dental Practice Board

National Health Service Strategic Health Authorities
NHS Trusts
Prescription Pricing Authority
Department for Innovation, Universities and Skills
Higher Education Funding Council for England
National Weights and Measures Laboratory
Patent Office
Department for International Development
Department of the Procurator General and Treasury Solicitor
Legal Secretariat to the Law Officers
Department for Transport
Maritime and Coastguard Agency
Department for Work and Pensions
Disability Living Allowance Advisory Board
Independent Tribunal Service
Medical Boards and Examining Medical Officers (War Pensions)
Occupational Pensions Regulatory Authority
Regional Medical Service
Social Security Advisory Committee
Export Credits Guarantee Department
Foreign and Commonwealth Office
Wilton Park Conference Centre
Government Actuary's Department
Government Communications Headquarters
Home Office
HM Inspectorate of Constabulary
House of Commons
House of Lords
Ministry of Defence
Defence Equipment & Support
Meteorological Office

Ministry of Justice

- Boundary Commission for England
- Combined Tax Tribunal
- Council on Tribunals
- Court of Appeal - Criminal
- Employment Appeals Tribunal
- Employment Tribunals
- HMCS Regions, Crown, County and Combined Courts (England and Wales)
- Immigration Appellate Authorities
- Immigration Adjudicators
- Immigration Appeals Tribunal
- Lands Tribunal
- Law Commission
- Legal Aid Fund (England and Wales)
- Office of the Social Security Commissioners
- Parole Board and Local Review Committees
- Pensions Appeal Tribunals
- Public Trust Office
- Supreme Court Group (England and Wales)
- Transport Tribunal

The National Archives

National Audit Office

National Savings and Investments

National School of Government

Northern Ireland Assembly Commission

Northern Ireland Court Service

- Coroners Courts
- County Courts
- Court of Appeal and High Court of Justice in Northern Ireland
- Crown Court
- Enforcement of Judgements Office

Legal Aid Fund
Magistrates' Courts
Pensions Appeals Tribunals
Northern Ireland, Department for Employment and Learning
Northern Ireland, Department for Regional Development
Northern Ireland, Department for Social Development
Northern Ireland, Department of Agriculture and Rural Development
Northern Ireland, Department of Culture, Arts and Leisure
Northern Ireland, Department of Education
Northern Ireland, Department of Enterprise, Trade and Investment
Northern Ireland, Department of the Environment
Northern Ireland, Department of Finance and Personnel
Northern Ireland, Department of Health, Social Services and Public Safety
Northern Ireland, Office of the First Minister and Deputy First Minister
Northern Ireland Office
Crown Solicitor's Office
Department of the Director of Public Prosecutions for Northern Ireland
Forensic Science Laboratory of Northern Ireland
Office of the Chief Electoral Officer for Northern Ireland
Police Service of Northern Ireland
Probation Board for Northern Ireland
State Pathologist Service
Office of Fair Trading
Office for National Statistics
National Health Service Central Register
Office of the Parliamentary Commissioner for Administration and Health Service Commissioners
Paymaster General's Office
Postal Business of the Post Office
Privy Council Office
Public Record Office
HM Revenue and Customs

The Revenue and Customs Prosecutions Office
Royal Hospital, Chelsea
Royal Mint
Rural Payments Agency
Scotland, Auditor-General
Scotland, Crown Office and Procurator Fiscal Service
Scotland, General Register Office
Scotland, Queen's and Lord Treasurer's Remembrancer
Scotland, Registers of Scotland
The Scotland Office
The Scottish Ministers
 Architecture and Design Scotland
 Crofters Commission
 Deer Commission for Scotland
 Lands Tribunal for Scotland
 National Galleries of Scotland
 National Library of Scotland
 National Museums of Scotland
 Royal Botanic Garden, Edinburgh
 Royal Commission on the Ancient and Historical Monuments of Scotland
 Scottish Further and Higher Education Funding Council
 Scottish Law Commission
 Community Health Partnerships
 Special Health Boards
 Health Boards
 The Office of the Accountant of Court
 High Court of Justiciary
 Court of Session
 HM Inspectorate of Constabulary
 Parole Board for Scotland
 Pensions Appeal Tribunals

Scottish Land Court
Sheriff Courts
Scottish Police Services Authority
Office of the Social Security Commissioners
The Private Rented Housing Panel and Private Rented Housing Committees
Keeper of the Records of Scotland
The Scottish Parliamentary Body Corporate
HM Treasury
Office of Government Commerce
United Kingdom Debt Management Office
The Wales Office (Office of the Secretary of State for Wales)
The Welsh Ministers
Higher Education Funding Council for Wales
Local Government Boundary Commission for Wales
The Royal Commission on the Ancient and Historical Monuments of Wales
Valuation Tribunals (Wales)
Welsh National Health Service Trusts and Local Health Boards
Welsh Rent Assessment Panels

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Notes to Annex 1

1. The procurement by procuring entities covered under this annex of good or service components of procurements which are not themselves covered by this Agreement shall not be considered as covered procurement.
2. "Contracting authorities of EU Member States" covers also any subordinated entity of any contracting authority of an EU Member State provided it does not have separate legal personality.
3. As far as procurement by entities in the field of defence and security is concerned, only non-sensitive and non-warlike materials contained in the list attached to Annex 4 are covered.

ANNEX 2***Sub central government entities which procure in accordance with the provisions of the Chapter***

1. ALL REGIONAL OR LOCAL CONTRACTING AUTHORITIES
<p>All contracting authorities of the administrative units as defined by Regulation 1059/2003 – NUTS Regulation.⁷⁷</p> <p>For the purposes of the Agreement, ‘Regional contracting authorities’ shall be understood as contracting authorities of the administrative units falling under NUTS 1 and 2, as referred to by Regulation 1059/2003 – NUTS Regulation.</p> <p>For the purposes of the Agreement, ‘Local contracting authorities’ shall be understood as contracting authorities of the administrative units falling under NUTS 3 and smaller administrative units, as referred to by Regulation 1059/2003 – NUTS Regulation.</p>

Supplies

Specified in Annex 4

Thresholds SDR 200,000

Services

Specified in Annex 5

Thresholds SDR 200,000

Works

Specified in Annex 6

Thresholds SDR 5,000,0000

2. ALL CONTRACTING AUTHORITIES WHICH ARE BODIES GOVERNED BY PUBLIC LAW AS DEFINED BY EU PROCUREMENT DIRECTIVE

Supplies

Specified in Annex 4

Thresholds for hospitals, schools, universities, and entities providing social services (housing, social insurance, day care), that are bodies governed by public law:

SDR 200,000

for other entities:

SDR 355,000

Services

Specified in Annex 5

⁷⁷ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) OJ L154 21.06.2003 as last amended by Regulation (EC) N° 1137/2008.

Thresholds for hospitals, schools, universities, and entities providing social services (housing, social insurance, day care), that are bodies governed by public law:

SDR 200,000

for other entities:

SDR 355,000

Works

Specified in Annex 6

Thresholds SDR 5,000,0000

A "body governed by public law" means any body:

- established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and
- having legal personality, and
- financed, for the most part, by the State, or regional or local authorities, or other bodies governed by public law, or subject to management supervision by those bodies, or having an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

Notes to Annex 2

1. The procurement by procuring entities covered under this annex of good or service components of procurement which are not themselves covered by this Agreement shall not be considered as covered procurement.
2. The EU stands ready to cover easily identifiable categories of bodies governed by public law in annex 2 (active in areas such as: social services, libraries, ...) under a lower threshold (200K SDR) if Canada demonstrates that the same threshold applies to the same types of entities in Canada.

ANNEX 3***Utilities which procure in accordance with the provisions of this Chapter***

Supplies

Specified in Annex 4

Thresholds SDR 400,000

Services

Specified in Annex 5

Thresholds SDR 400,000

Works

Specified in Annex 6

Thresholds SDR 5,000,000

All contracting entities whose procurement is covered by the EU utilities directive which are contracting authorities (e.g. those covered under Annex 1 and Annex 2) or public undertakings⁷⁸ and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;⁷⁹
- (b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity, gas, and heat, or the supply of electricity ,gas and heat to such networks;
- (c) the provision or operation of networks⁸⁰ providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable⁸¹;

⁷⁸ According to the EU utilities directive, a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

A dominant influence on the part of the contracting authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- hold the majority of the undertaking's subscribed capital, or
- control the majority of the votes attaching to shares issued by the undertaking, or
 - can appoint more than half of the undertaking's administrative, management or supervisory body.

⁷⁹ For greater certainty, it is noted that if and where such networks include the disposal and treatment of sewage, that part of the operation shall also be covered.

⁸⁰ As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of an

- (d) the provision or operation of networks providing a service to the public in the field of transport by railways.

EU Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

⁸¹ For the procurement of mass transit vehicles, Canadian bidders must be treated no less favourably than EU bidders or other third country bidders. A mass transit vehicle refers to a street car, bus, trolley bus, subway car, light rail car or passenger locomotive for subway or light rail used for public transportation.

Notes to Annex 3

1. Contracts awarded for the pursuit of an activity listed above when exposed to competitive forces in the market concerned are not covered by this Agreement.

2. This Agreement shall not apply to contracts awarded by procuring entities covered under this Annex:

- for the purchase of water and for the supply of energy or of fuels for the production of energy;
- for purposes other than the pursuit of their activities as listed in this Annex or for the pursuit of such activities in a non-EEA country;
- for purposes of re-sale or hire to third parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

3. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as an activity within the meaning of paragraphs (a) or (b) of this Annex where:

- the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraphs (a) to (d) of this Annex; and
- supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

4. The supply of gas or heat to networks which provide a service to the public by a contracting entity other than a contracting authority shall not be considered a relevant activity within the meaning of paragraph (b) where:

- the production of gas or heat by the entity concerned is the unavoidable consequence of carrying out an activity other than those referred to in paragraphs (a) to (d) of this Annex; and
- supply to the public network is aimed only at the economic exploitation of such production and amounts to not more than 20 % of the entity's turnover having regard to the average for the preceding three years, including the current year.

5. I. Provided that the conditions in paragraph II are met, this Agreement shall not apply to contracts awarded:

- (i) by a procuring entity to an affiliated undertaking⁸², or
 - (ii) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of paragraphs (a) to (d) of this Annex, to an undertaking which is affiliated with one of these procuring entities.
- II. Paragraph I shall apply to services or supplies contracts provided that at least 80 per cent of the average turnover of the affiliated undertaking with respect to services or supplies for the preceding three years derives respectively from the provision of such services or supplies to undertakings with which it is affiliated.⁸³
- 6. This Agreement shall not apply to contracts awarded:
 - (i) by a joint venture, formed exclusively by a number of procuring entities for the purposes of carrying out activities within the meaning of paragraphs (a) to (d) of this Annex, to one of these procuring entities, or
 - (ii) by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up to carry out the activity concerned over a period of at least three years and the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.
- 7. This Agreement shall not apply to procurements by procuring entities covered by this annex for the purpose of activities relating to the exploitation of a geographical area for the purpose of exploring for, or extracting of, oil, gas, coal or other solid fuels.

⁸² "affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

⁸³ When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in this paragraph is credible, in particular by means of business projections.

ANNEX 4***Goods***

1. This Agreement will apply to the procurement of all goods procured by the entities listed in Annex 1 through 3, unless otherwise specified in this Agreement.

2. This Agreement covers only the supplies and equipment that are described in the Chapters of the Combined Nomenclature (CN) specified below and that are purchased by Ministries of Defence in Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom that are covered by the Agreement:

- Chapter 25: Salt, sulphur, earths and stone, plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes
 - except:
 - ex 27.10: special engine fuels
- Chapter 28: Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes
 - except:
 - ex 28.09: explosives
 - ex 28.13: explosives
 - ex 28.14: tear gas
 - ex 28.28: explosives
 - ex 28.32: explosives
 - ex 28.39: explosives
 - ex 28.50: toxic products
 - ex 28.51: toxic products
 - ex 28.54: explosives
- Chapter 29: Organic chemicals
 - except:
 - ex 29.03: explosives
 - ex 29.04: explosives
 - ex 29.07: explosives
 - ex 29.08: explosives
 - ex 29.11: explosives
 - ex 29.12: explosives
 - ex 29.13: toxic products
 - ex 29.14: toxic products
 - ex 29.15: toxic products

- ex 29.21: toxic products
- ex 29.22: toxic products
- ex 29.23: toxic products
- ex 29.26: explosives
- ex 29.27: toxic products
- ex 29.29: explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes'
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
 - except:
 - ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
 - except:
 - ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
 - except:
 - ex 40.11: bullet-proof tyres
- Chapter 41: Raw hides and skins (other than fur skins) and leather
- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork

Chapter 46:	Manufactures of straw of esparto and of other plaiting materials, basket ware and wickerwork
Chapter 47:	Paper-making material
Chapter 48:	Paper and paperboard, articles of paper pulp, of paper or of paperboard
Chapter 49:	Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
Chapter 65:	Headgear and parts thereof
Chapter 66:	Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
Chapter 67:	Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
Chapter 68:	Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
Chapter 69:	Ceramic products
Chapter 70:	Glass and glassware
Chapter 71:	Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
Chapter 73:	Iron and steel and articles thereof
Chapter 74:	Copper and articles thereof
Chapter 75:	Nickel and articles thereof
Chapter 76:	Aluminium and articles thereof
Chapter 77:	Magnesium and beryllium and articles thereof
Chapter 78:	Lead and articles thereof
Chapter 79:	Zinc and articles thereof
Chapter 80:	Tin and articles thereof
Chapter 81:	Other base metals employed in metallurgy and articles thereof
Chapter 82:	Tools, implements, cutlery, spoons and forks, of base metal, parts thereof except: ex 82.05: tools

ex 82.07: tools, parts

Chapter 83: Miscellaneous articles of base metal

Chapter 84: Boilers, machinery and mechanical appliances, parts thereof

except:

ex 84.06: engines

ex 84.08: other engines

ex 84.45: machinery

ex 84.53: automatic data-processing machines

ex 84.55: parts of machines under heading No 84.53

ex 84.59: nuclear reactors

Chapter 85: Electrical machinery and equipment, parts thereof

except:

ex 85.13: telecommunication equipment

ex 85.15: transmission apparatus

Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)

except:

ex 86.02: armoured locomotives, electric

ex 86.03: other armoured locomotives

ex 86.05: armoured wagons

ex 86.06: repair wagons

ex 86.07: wagons

Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof

except:

ex 87.08: tanks and other armoured vehicles

ex 87.01: tractors

ex 87.02: military vehicles

ex 87.03: breakdown lorries

ex 87.09: motorcycles

ex 87.14: trailers

Chapter 89: Ships, boats and floating structures

except:

ex 89.01 A: warships

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts thereof

except:

ex 90.05: binoculars

ex 90.13: miscellaneous instruments, lasers
ex 90.14: telemeters
ex 90.28: electrical and electronic measuring instruments
ex 90.11: microscopes
ex 90.17: medical instruments
ex 90.18: mechano-therapy appliances
ex 90.19: orthopaedic appliances
ex 90.20: X-ray apparatus

- Chapter 91: Manufacture of watches and clocks
- Chapter 92: Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles
- Chapter 94: Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings
- except:
ex 94.01 A: aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 98: Miscellaneous manufactured articles

ANNEX 5***Services***

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

<i>Service</i>	<i>CPC Reference</i>
Repair services of personal and household goods	633
Commercial courier services (including multi-modal)	7512
Electronic data interchange (EDI)	7523
Electronic mail	
Enhanced/value-added facsimile services, including store and forward, store and retrieve Code and protocol conversion	
On-line information and data base retrieval	
Voice mail	
Real estate services on a fee or contract basis	822
Consultancy services related to the installation of computer hardware	841
Software implementation services, including systems and software consulting services, systems analysis, design, programming and maintenance services	842
Data processing services, including processing, tabulation and facilities management services	843
On-line information and/or data processing (including transaction processing)	
Data base services	844
Maintenance and repair services of office machinery and equipment including computers	845
Other computer services	849
General management consulting services	86501
Marketing management consulting services	86503
Human resources management consulting services	86504
Production management consulting services	86505
Services related to management consulting	866*
Architectural services	8671
Engineering services	8672
Integrated engineering services (excluding 86731 Integrated engineering services for transportation infrastructure turnkey projects)	8673
Urban planning and landscape architectural services	8674
Technical testing and analysis services including quality control and inspection (except with reference to FSC 58 and transportation equipment)	8676
Building-cleaning services	874

Repair services incidental to metal products, machinery and equipment	8861 to 8864, and 8866
Sewage and refuse disposal, sanitation and similar services	94

Notes to Annex 5

1. * Except arbitration and conciliation services.
2. For procuring entities covered under Annex 2, the thresholds will be 355,000 SDR when an entity procures consulting services regarding matters of a confidential nature, the disclosure of which could reasonably be expected to compromise government confidences, cause economic disruption or similarly be contrary to public interest.
3. This Chapter does not apply to services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.
4. The EU stands ready, should the ongoing revision of EU legislation on public procurement result in a widening of the scope of services and services concessions covered by that legislation, to take up negotiations with Canada in view of extending the mutual coverage of services and services concessions of this Chapter.

ANNEX 6

Construction services and works concessions

A/ Construction services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of Division 51, CPC:

All services listed in Division 51.

B/ Works concessions

Works concessions contracts, when awarded by Annex 1 and 2 entities, are subject only to Articles I, II, IV, V, VI (except sub-paragraphs 3 (e) and (l)), XV (except paragraphs 3 and 4) and XVII of the Chapter.

ANNEX 7***General Notes***

1. The Chapter shall not apply to:
 - a.
 - i. procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes (e.g. food aid including urgent relief aid), and
 - ii. procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
 - b. contracts awarded by procuring entities covered under Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport and the postal sector, unless covered under Annex 3.
 - c. procurement related to shipbuilding and maintenance by
 - i. procuring entities covered under annex 3,
 - ii. bodies governed by public law covered under annex 2, and
 - iii. local contracting authorities covered in annex 2, section 1 (identified therein as administrative units NUTS 3 and smaller);
 - d. any procurement by procuring entities covered under annexes 2 or 3 that is financed in part or as a whole by the European Cohesion Fund;
 - e. goods and services that are procured by a covered entity internally or that are supplied by one covered entity to another.
2. In respect of the Åland Islands, the special conditions of Protocol No 2 on the Åland Islands to the Treaty of accession of Finland to the European Union shall apply.
3. The EU will provide to Canadian suppliers access to pre-contractual remedies under Article XVII of this Chapter for the first ten years after the entry into force of this agreement. Thereafter the access of Canadian suppliers to pre-contractual remedies will be made dependent on the outcome of the negotiations provided for under Article XVII.8

ANNEX 8

Publication Media

a) Electronic or paper media utilized for the publication of laws, regulations, judicial decisions, administrative rulings of general application, standard contract clauses, and procedures regarding government procurement covered by this Agreement pursuant to Article V

(...)

b) Electronic or paper media utilized for the publication of notices required by Articles VI, VIII:7 and XV:2 pursuant to Article V

(...)

c) Website address or addresses where Parties publish procurement statistics pursuant to Article XV:5 and notices concerning awarded contracts pursuant to Article XV:6

(...)

Annex I

Reservations for Existing Measures and Liberalisation Commitments

1. The Schedule of a Party sets out, under Articles X.14 (Investment - Reservations and Exceptions), X-06 (Cross-Border Trade in Services – Reservations), X-03 (International Maritime Transport Services – Non-Conforming Measures), and, for the EU, X.9 (Financial Services – Non-Conforming Measures), the reservations taken by that Party with respect to existing measures of a Party that do not conform with obligations imposed by:

Articles X.6 (Investment - National Treatment), X-03 (Cross-Border Trade in Services - National Treatment) or, for the EU, X.03 (Financial Services – National Treatment);

Articles X.7 (Investment - Most-Favoured-Nation Treatment), X-04 (Cross-Border Trade in Services - Most-Favoured-Nation Treatment) or, for the EU, X.04 (Financial Services – Most-Favoured-Nation Treatment);

Article X.4 (Investment - Market Access), X-05 (Cross-Border Trade in Services - Market Access) or, for the EU, X.06 (Financial Services – Market Access);.

Article X.5 (Investment - Performance Requirements);

Article X.8 (Investment - Senior Management and Boards of Directors) or, for the EU, X.08 (Financial Services – Senior Management and Board of Directors);

For the EU, Article X.07 (Financial Services – Cross-Border Supply of Financial Services); or

Article X.02 (International Maritime Transport Services – Obligations)

and, in certain cases, sets out commitments for immediate or future liberalisation.

The reservations of a Party are without prejudice to the rights and obligations of the Parties under the GATS.

2. Each reservation sets out the following elements:

- (a) Sector refers to the general sector in which the reservation is taken;
- (b) Sub-Sector refers to the specific sector in which the reservation is taken;
- (c) Industry Classification refers, where applicable, to the activity covered by the reservation according to CPC codes, ISIC codes, SIC codes, or as expressly otherwise described in a Party's reservation;
- (d) Type of Reservation specifies the obligation referred to in paragraph 1 for which a reservation is taken;
- (e) Level of Government indicates the level of government maintaining the measure for which a reservation is taken;
- (f) Measures identifies the laws, regulations or other measures, as qualified, where indicated, by the Description element, for which the reservation is taken. A measure cited in the Measures element:
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (iii) includes:
 - a) for EU Directives, any laws, regulations or other measures which implement the Directive at Member State level;
 - b) for Canada, any laws, regulations or other measures at the national or sub-national level that implement agreements between the federal government and provinces and territories.
- (g) Description sets out the non-conforming aspects of the existing measure for which the reservation is taken. It may also set out commitments for liberalization.

(h) Phase-Out sets out commitments, if any, for liberalisation after the date of entry into force of this Agreement.

3. In the interpretation of a reservation, all elements of the reservation [are][shall be] considered. A reservation [is][shall be] interpreted in the light of the relevant provisions of the Chapters against which the reservation is taken. To the extent that:

(a) the Phase-Out element provides for the phasing out of non-conforming aspects of measures, the Phase-Out element shall prevail over all other elements;

(b) the Measures element is qualified by a liberalisation commitment from the Description element, the Measures element as so qualified shall prevail over all other elements; and

(c) the Measures element is not so qualified, the Measure element prevails over other elements, unless a discrepancy between the Measure element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the Measure element prevails, in which case the other elements prevail to the extent of that discrepancy. A reservation is interpreted in the light of the relevant provisions of the Articles against which the reservation is taken.

4. Where a Party maintains a measure that requires that a service provider be a natural person, citizen, permanent resident or resident of its territory as a condition to the provision of a service in its territory, a reservation for that measure taken with respect to cross-border services shall operate as a reservation with respect to investment, to the extent of that measure.

5. For purposes of this Annex:

CPC means Central Product Classification (CPC) numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991;

ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002;

SIC means Standard Industrial Classification (SIC) numbers as set out in Statistics Canada, Standard Industrial Classification, fourth edition, 1980.

6. The following abbreviations are used in the Schedule:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EU	European Union
ES	Spain
EE	Estonia
FI	Finland
FR	France
EL	Greece
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	Netherlands
PL	Poland

PT	Portugal
RO	Romania
SK	Slovakia
SI	Slovenia
SE	Sweden
UK	United Kingdom

Annex II**Reservations for Future Measures**

1. The Schedule of a Party sets out, under Articles XX (Investment - Reservations and Exceptions), X-06 (Cross-Border Trade in Services - Reservations), X-03 (International Maritime Transport Services – Non-Conforming Measures), and, for the EU, X.9 (Financial Services – Non-Conforming Measures), the reservations taken by that Party with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

(a) Article X.6 (Investment - National Treatment) X-02 (Cross-Border Trade in Services - National Treatment) or, for the EU, X.03 (Financial Services – National Treatment);

(b) Article X.7 (Investment - Most-Favoured-Nation Treatment) X-04 (Cross-Border Trade in Services - Most-Favoured-Nation Treatment) or, for the EU, X.04 (Financial Services – Most-Favoured-Nation Treatment);

(c) Article X.4 (Investment -Market Access) X-05 (Cross-Border Trade in Services - Market Access) or, for the EU, X.06 (Financial Services – Market Access);

(d) Article X.5 (Investment - Performance Requirements);

(e) Article X.8 (Investment - Senior Management and Boards of Directors) or, for the EU, X.08 (Financial Services – Senior Management and Board of Directors);

(f) For the EU, Article X.07 (Financial Services – Cross-Border Supply of Financial Services); or

(g) Article X.02 (International Maritime Transport Services – Obligations).

The reservations of a Party are without prejudice to the rights and obligations of the Parties under the GATS.

2. Each reservation sets out the following elements:

- (a) Sector refers to the general sector in which the reservation is taken;
- (b) Sub-Sector refers to the specific sector in which the reservation is taken;
- (c) Industry Classification refers, where applicable, to the activity covered by the reservation according to CPC codes, ISIC codes, SIC codes, or as expressly otherwise described in a Party's reservation;
- (d) Type of Reservation specifies the obligation referred to in paragraph 1 for which a reservation is taken;
- (e) Description sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (f) Existing Measures identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In interpreting a reservation, all elements of the reservation [are] [shall be] considered. The Description element [prevails] [shall prevail] over all other elements.

4. A reservation taken at the level of the European Union applies to a measure of any EU Member State at the national level as well as a measure of a government within a EU Member State, unless the reservation excludes a EU Member State. A reservation taken at the national level by Canada or by an EU Member State applies to a measure of a government at regional, provincial, territorial or local level within that country.

5. Where a Party maintains a measure that requires that a service provider be a natural person, citizen, permanent resident or resident of its territory, as a condition to the provision of a service in its territory, a reservation for that measure taken with respect to cross-border services shall be applied as a reservation with respect to investment, to the extent of that measure.

6. For purposes of this Annex:

CPC means Central Product Classification (CPC) numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991;

ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002;

SIC means Standard Industrial Classification (SIC) numbers as set out in Statistics Canada, Standard Industrial Classification, fourth edition, 1980.

7. The following abbreviations are used in the Schedule:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EU	European Union, including all its Member States
ES	Spain
EE	Estonia
FI	Finland
FR	France
EL	Greece
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania

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LU	Luxembourg
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SK	Slovakia
SI	Slovenia
SE	Sweden
UK	United Kingdom

Annex 1

Schedule of Canada

Sector:	All Sectors
Sub-Sector:	
Industry Classification:	
Type of Reservation:	National Treatment (Article) Market Access (Article) Performance Requirements (Article) Senior Management and Boards of Directors (Article)
Level of Government:	Federal
Measures:	<i>Investment Canada Act</i> , R.S.C. 1985, c. 28 (1st Supp.) Investment Canada Regulations, SOR/85-611
Description:	Investment <ol style="list-style-type: none">1. Except as set out in paragraphs 3 and 7, the Director of Investments will review a direct “acquisition of control”, as defined in the <i>Investment Canada Act</i>, of a Canadian business by an investor of the EU if the value of the Canadian business is not less than C\$1.5 Billion, adjusted in accordance with the applicable methodology in January of each subsequent year as set out in the <i>Investment Canada Act</i>.2. Notwithstanding the definition of “investor of a Party” in Article [X.3 Definitions], only investors who are nationals of the EU or entities controlled by nationals of the EU as provided for in the <i>Investment Canada Act</i> may benefit from the higher review.3. The higher threshold in paragraph 1 does not apply to a direct “acquisition of control” by a state owned enterprise of a Canadian business. Such acquisitions are subject to review by the Director of Investments if the value of the Canadian business is not less than C\$354 million in 2014, adjusted in accordance with the

applicable methodology in January of each subsequent year as set out in the *Investment Canada Act*.

4. An investment subject to review under the *Investment Canada Act* may not be implemented unless the Minister responsible for the *Investment Canada Act* advises the applicant that the investment is likely to be of net benefit to Canada. This determination is made in accordance with 6 factors described in the Act, summarized as follows:
 - (a) the effect of the investment on the level and nature of economic activity in Canada, including the effect on employment, on the use of parts, components and services produced in Canada and on exports from Canada;
 - (b) the degree and significance of participation by Canadians in the investment;
 - (c) the effect of the investment on productivity, industrial efficiency, technological development and product innovation in Canada;
 - (d) the effect of the investment on competition within an industry or industries in Canada;
 - (e) the compatibility of the investment with national industrial, economic and cultural policies, taking into consideration industrial, economic and cultural policy objectives enunciated by the government or legislature of any province likely to be significantly affected by the investment; and
 - (f) the contribution of the investment to Canada's ability to compete in world markets.
5. In making a net benefit determination, the Minister, through the Director of Investments, may review plans under which the applicant demonstrates the net benefit to Canada of the proposed acquisition. An applicant may also submit undertakings to the Minister in

connection with a proposed acquisition that is the subject of review. In the event of noncompliance with an undertaking by an applicant, the Minister may seek a court order directing compliance or any other remedy authorized under the *Investment Canada Act*.

6. A non-Canadian who establishes or acquires a Canadian business, other than those that are subject to review must notify the Director of Investments.
7. The review thresholds set out in paragraphs 1 and 3, do not apply to an acquisition of a cultural business.
8. In addition, the specific acquisition or establishment of a new business in designated types of business activities relating to Canada's cultural heritage or national identity, which are normally notifiable, may be subject to review if the Governor-in-Council authorizes a review in the public interest.
9. An indirect "acquisition of control" of a Canadian business by an investor of the EU other than a cultural business is not reviewable.
10. Notwithstanding Article [X.5 Performance Requirements], Canada may impose requirements or enforce a commitment or undertaking in connection with the establishment, acquisition, expansion, conduct or operation of an investment of an investor of the EU or of a non-Party for the transfer of technology, production process or other proprietary knowledge to a national or enterprise, affiliated to the transferor, in Canada in connection with the review of an acquisition of an investment under the *Investment Canada Act*.
11. Except for requirements, commitments or undertakings relating to technology transfer as set out in paragraph 10 of this reservation, Article (X.5 Performance Requirements) applies to requirements, commitments or undertakings imposed or enforced under the *Investment Canada Act*.
12. For the purposes of this reservation: a "non-Canadian" means an individual, government or agency thereof or an entity that is not Canadian; and "Canadian" means a

Canadian citizen or permanent resident, a government in Canada or agency thereof, or a Canadian-controlled entity as described in the *Investment Canada Act*.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article ·)
Market Access (Article ·)
Senior Management and Boards of Directors (Article ·)

Level of Government: Federal – Provincial – Territorial – All

Measures: As set out in the **Description** element.

Description: **Investment**

1. Canada or a province or territory, when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing governmental entity, may prohibit or impose limitations on the ownership of such interests or assets and on the ability of owners of such interests or assets to control a resulting enterprise by investors of the European Union or of a non-Party or their investments. With respect to such a sale or other disposition, Canada or a province or territory may adopt or maintain a measure relating to the nationality of senior management or members of the board of directors.
2. For the purposes of this reservation:
 - (a) a measure maintained or adopted after the date of entry into force of this Agreement that, at the time of sale or other disposition, prohibits or imposes a limitation on the ownership of equity interests or assets or imposes a nationality

requirement described in this reservation is an existing measure; and

- (b) **government enterprise** means an enterprise owned or controlled through ownership interests by Canada or a province or territory, and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing State enterprise or governmental entity.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article ·)
Market Access

Measures: *Canada Business Corporations Act*, R.S.C. 1985, c. C-44
Canada Business Corporations Regulations, SOR/2001-512
Canada Cooperatives Act, S.C. 1998, c. 1
Canada Cooperatives Regulations, SOR/99-256

Level of Government: Federal

Description: **Investment**

1. A corporation may place constraints on the issue, transfer and ownership of shares in a federally incorporated corporation. The object of those constraints is to permit a corporation to meet Canadian ownership or control requirements, under certain laws set out in the *Canada Business Corporations Regulations*, in sectors where Canadian ownership or control is required as a condition to receive licences, permits, grants, payments or other benefits. In order to maintain certain Canadian ownership levels, a corporation is permitted to sell shareholders' shares without the consent of those shareholders, and to purchase its own shares on the open market.

2. The *Canada Cooperatives Act* provides that constraints may be placed on the issue or transfer of investment shares of a cooperative to persons not resident in Canada, to permit cooperatives to meet Canadian ownership requirements to obtain a licence to carry on a business, to become a publisher of a Canadian newspaper or periodical or to acquire investment shares of a financial intermediary and in sectors where ownership or control is a required condition to receive licences, permits, grants, payments and other benefits. Where the ownership or control of investment shares would adversely affect the ability of a cooperative to maintain a level of Canadian ownership or control, the *Canada Cooperatives Act* provides for the limitation of the number of investment shares that may be owned or for the prohibition of the ownership of investment shares.
3. For the purposes of this reservation Canadian means “Canadian” as defined in the *Canada Business Corporations Regulations* or in the *Canada Cooperatives Regulations*.

Sector:	All Sectors
Sub-Sector:	
Industry Classification:	
Type of Reservation:	Senior Management and Boards of Directors (Article ·) National Treatment (Article)
Level of Government:	Federal
Measures:	<i>Canada Business Corporations Act</i> , R.S.C. 1985, c. C-44 <i>Canada Business Corporations Regulations</i> , SOR/2001-512 <i>Canada Cooperatives Act</i> , S.C. 1998, c. 1 <i>Canada Cooperatives Regulations</i> , SOR/99-256 <i>Canada Corporations Act</i> , R.S.C. 1970, c. C-32 Special Acts of Parliament incorporating specific companies
Description:	Investment 1. The <i>Canada Business Corporations Act</i> requires, for most federally incorporated corporations, that 25 percent of directors be resident Canadians and, if such corporations have fewer than four directors, at least one director must be a resident Canadian. As provided in

the *Canada Business Corporations Regulations*, a simple majority of resident Canadian directors is required for corporations in the following sectors: uranium mining; book publishing or distribution; book sales, where the sale of books is the primary part of the corporation's business, and film or video distribution. Similarly, corporations that, by an Act of Parliament or Regulation, are individually subject to minimum Canadian ownership requirements are required to have a majority of resident Canadian directors.

2. For the purposes of the *Canada Business Corporations Act*, resident Canadian means an individual who is a Canadian citizen ordinarily resident in Canada, a Canadian citizen who is not ordinarily resident in Canada who is a member of a class set out in the *Canada Business Corporations Regulations*, or a permanent resident as defined in the *Immigration and Refugee Protection Act* other than a permanent resident who has been ordinarily resident in Canada for more than one year after becoming eligible to apply for Canadian citizenship.
3. In the case of a holding corporation, not more than one-third of the directors need be resident Canadians if the earnings in Canada of the holding corporation and its subsidiaries are less than 5 percent of the gross earnings of the holding corporation and its subsidiaries.
4. The *Canada Cooperatives Act* requires that not less than two-thirds of the directors be members of the cooperative. At least 25 percent of directors of a cooperative must be resident in Canada; if a cooperative has only three directors, at least one director must be resident in Canada.
5. For the purposes of the *Canada Cooperatives Act*, a resident of Canada is defined in the *Canada Cooperatives Regulations* as an individual who is a Canadian citizen and who is ordinarily resident in Canada; a Canadian citizen who is not ordinarily resident in Canada and who is a member of a class set out in the *Canada Cooperatives Regulations*, or a permanent resident as defined in the *Immigration and Refugee Protection Act* other than a permanent resident

who has been ordinarily resident in Canada for more than one year after becoming eligible to apply for Canadian citizenship.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article ·)

Level of Government: Federal – Provincial

Measures: *Citizenship Act*, R.S.C. 1985, c. C-29
Foreign Ownership of Land Regulations, SOR/79-416

Description: **Investment**

1. The *Foreign Ownership of Land Regulations* are made pursuant to the *Citizenship Act* and the *Agricultural and Recreational Land Ownership Act*, RSA 1980, c. A-9.

In Alberta, an ineligible person or foreign-owned or -controlled corporation may only hold an interest in controlled land consisting of a maximum of 2 parcels containing, in the aggregate, a maximum of 20 acres.

2. For the purposes of this reservation:

ineligible person means:

- (a) a natural person who is not a Canadian citizen or permanent resident;
- (b) a foreign government or agency thereof; or
- (c) a corporation incorporated in a country other than Canada;

controlled land means land in Alberta but does not include:

- (a) land of the Crown in right of Alberta;
- (b) land within a city, town, new town, village or summer village; and
- (c) mines or minerals.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article ·)
Market Access

Level of Government: Federal

Measures: *Air Canada Public Participation Act*, R.S.C. 1985, c. 35 (4th Supp.)
Canadian Arsenal Limited Divestiture Authorization Act, S.C. 1986, c. 20
Eldorado Nuclear Limited Reorganization and Divestiture Act, S.C. 1988, c. 41

Nordion and Theratronics Divestiture Authorization Act,
S.C. 1990, c. 4

Description:

Investment

1. A “non-resident” or “non-residents” may not own more than a specified percentage of the voting shares of the corporation to which each Act applies. For some companies the restrictions apply to individual shareholders, while for others the restrictions may apply in the aggregate. Where there are limits on the percentage that an individual Canadian investor can own, these limits also apply to non-residents. The restrictions are as follows:
 - Air Canada: 25% in the aggregate;
 - Cameco Limited (formerly Eldorado Nuclear Limited): 15% per non-resident natural person, 25% in the aggregate;
 - Nordion International Inc.: 25% in the aggregate;
 - Theratronics International Limited: 49% in the aggregate; and
 - Canadian Arsenals Limited: 25% in the aggregate.
2. For the purposes of this reservation, “non-resident” includes:
 - (a) a natural person who is not a Canadian citizen and not ordinarily resident in Canada;
 - (b) a corporation incorporated, formed or otherwise organised outside Canada;
 - (c) the government of a foreign State or a political subdivision thereof, or a person empowered to perform a function or duty on behalf of such a government;
 - (d) a corporation that is controlled directly or indirectly by an entity referred to in subparagraphs (a) through (c);
 - (e) a trust:

- (i) established by an entity referred to in subparagraphs (b) through (d), other than a trust for the administration of a pension fund for the benefit of natural persons the majority of whom are resident in Canada, or
 - (ii) in which an entity referred to in subparagraphs (a) through (d) has more than 50% of the beneficial interest; and
- (f) a corporation that is controlled directly or indirectly by a trust referred to in subparagraph (e).

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Market Access

Level of Government: Federal

Measure: *Export and Import Permits Act*, R.S.C. 1985, c. E-19

Description:

Cross-Border Trade in Services

Only a natural person ordinarily resident in Canada, an enterprise with its head office in Canada or a branch office in Canada of a foreign enterprise may apply for and be issued an import or export permit or transit authorization certificate for a good or related service subject to controls under the *Export and Import Permits Act*.

Sector:

Social Services

Sub-Sector:

Industry Classification:

Type of Reservation:

National Treatment
Most-Favoured Nation Treatment
Performance Requirements
Senior Management and Boards of Directors

Level of Government: Provincial – Territorial – All

Descriptions: **Cross-border Trade in Services and Investment**

Canada reserves the right to maintain any measure with respect to the provision of social services not otherwise reserved under its Annex II reservation in respect of Social Services on page II – C – 9.

This reservation against Most-Favoured Nation Treatment does not apply to the provision of private education services.

Sector:	Communications
Sub-sector:	Telecommunications Transport Networks and Services Radiocommunications
Industry Classification:	CPC 752
Type of Reservation:	National Treatment (Article XX) Senior Management and Boards of Directors (Article XX) Market Access (Article XX)
Level of Government:	Federal
Measures:	<i>Telecommunications Act</i> , S.C. 1993, c. 38 <i>Canadian Telecommunications Common Carrier Ownership and Control Regulations</i> , SOR/94-667 <i>Radiocommunications Act</i> , R.S.C. 1985, c. R-2 <i>Radiocommunication Regulations</i> , SOR/96-484
Description:	Investment Foreign investment in facilities-based telecommunications service suppliers is restricted to a maximum, cumulative total of 46.7 percent voting interest, based on 20 percent direct investment and 33.3 percent indirect investment; Facilities-based telecommunications service suppliers must be controlled in fact by Canadians; At least 80 percent of the members of the board of directors of facilities-based telecommunications service suppliers must be Canadians; 1. Notwithstanding the restrictions described above: (a) foreign investment is allowed up to 100 percent for suppliers conducting operations under an international submarine cable licence; (b) mobile satellite systems of a foreign service supplier may be used by a Canadian service supplier to provide services in Canada;

- (c) fixed satellite systems of a foreign service supplier may be used to provide services between points in Canada and all points outside Canada;
- (d) foreign investment is allowed up to 100 percent for suppliers conducting operations under a satellite authorization; and
- (e) foreign investment is allowed up to 100 percent for facilities-based telecommunications service suppliers that have revenues, including those of its affiliates, from the provision of telecommunications services in Canada representing less than 10 percent of the total telecommunications services revenues in Canada.

Sector:	Professional services
Sub-Sector:	Customs Brokers, Other supporting and auxiliary transport services
Industry Classification:	CPC 749
Type of Reservation:	National Treatment (Article ·) Market Access (Article ·) Senior Management and Boards of Directors (Article ·)
Level of Government:	Federal
Measures:	<i>Customs Act</i> , R.S.C. 1985, c. 1 (2nd Supp.) <i>Customs Brokers Licensing Regulations</i> , SOR/86-1067
Description:	Cross-Border Trade in Services and Investment To be a licensed customs broker in Canada: (a) a natural person must be a Canadian national; (b) a corporation must be incorporated in Canada with a majority of its directors being Canadian nationals; and (c) a partnership must be composed of persons who are Canadian nationals, or corporations incorporated in Canada with a majority of their directors being Canadian nationals.

Sector:	Retail Services
Sub-Sector:	Duty Free Shops
Industry Classification:	CPC 631, 632 (limited to duty-free shops)
Type of Reservation:	National Treatment (Articles ____ and ____) Market Access (Articles ____)
Level of Government:	Federal
Measures:	<i>Customs Act</i> , R.S.C. 1985, c. 1 (2nd Supp.) <i>Duty Free Shop Regulations</i> , SOR/86-1072
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>1. To be a licensed duty free shop operator at a land border crossing in Canada, a natural person must:</p> <ul style="list-style-type: none">(a) be a Canadian national;(b) be of good character;(c) be principally resident in Canada; and(d) have resided in Canada for at least 183 days of the year preceding the year of application for the licence. <p>2. To be a licensed duty free shop operator at a land border crossing in Canada, a corporation must:</p> <ul style="list-style-type: none">(a) be incorporated in Canada; and(b) have all of its shares beneficially owned by Canadian nationals who meet the requirements of paragraph 1.

Sector:	Business Services
Sub-Sector:	Examination Services relating to the Export and Import of Cultural Property, Museum services except for historical sites and buildings (limited to cultural property examination services)
Industry Classification:	CPC 96321, 87909 (limited to cultural property examination services)
Type of Reservation:	National Treatment Market Access
Level of Government:	Federal
Measure:	<i>Cultural Property Export and Import Act</i> , R.S.C. 1985, c. C-51
Description:	<p>Cross-Border Trade in Services and Investment</p> <ol style="list-style-type: none">1. Only a resident of Canada or an institution in Canada may be designated as an expert examiner of cultural property for the purposes of the <i>Cultural Property Export and Import Act</i>.2. For the purposes of this reservation: <p>institution means an entity that is publicly owned and operated solely for the benefit of the public, that is established for educational or cultural purposes and that conserves objects and exhibits them;</p><p>resident of Canada means a natural person who is ordinarily resident in Canada, or a corporation that has its head office in Canada or maintains an establishment in Canada to which employees employed in connection</p>

with the business of the corporation ordinarily report
for work.

Sector:	Professional services
Sub-Sector:	Patent Agents, Patent agents providing legal advisory and representation services.
Classification:	CPC 8921
Type of Reservation:	National Treatment (Article ·) Market Access (Article)
Level of Government:	Federal
Measures:	<i>Patent Act</i> , R.S.C. 1985, c. P-4 <i>Patent Rules</i> , SOR/96-423
Description:	Cross-Border Trade in Services To represent a person in the prosecution of a patent application or in other business before the Patent Office, a patent agent must be resident in Canada and registered by the Patent Office.

Sector:	Professional services
Sub-Sector:	Trade-mark Agents, trade mark agents providing legal advisory and representation services in statutory procedures
Industry Classification:	CPC 8922
Type of Reservation:	National Treatment (Article ·) Market Access (Article)
Level of Government:	Federal
Measures:	<i>Trade-marks Act</i> , R.S.C. 1985, c. T-13 <i>Trade-marks Regulations</i> , SOR/96-195
Description:	Cross-Border Trade in Services To represent a person in the prosecution of an application for a trade-mark or in other business before the Trade-marks Office, a trade-mark agent must be resident in Canada and registered by the Trade-marks Office.

Sector:	Energy (Oil and Gas)
Sub-Sector:	Crude Petroleum and Natural Gas Industries, Services incidental to mining
Industry Classification:	CPC 120, 883
Type of Reservation:	National Treatment (Article)
Level of Government:	Federal
Measures:	<i>Canada Petroleum Resources Act</i> , R.S.C. 1985, c. 36 (2 nd Supp.) <i>Territorial Lands Act</i> , R.S.C. 1985, c. T-7 <i>Federal Real Property and Federal Immovables Act</i> , S.C. 1991, c. 50 <i>Canada-Newfoundland Atlantic Accord Implementation Act</i> , S.C. 1987, c. 3 <i>Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act</i> , S.C. 1988, c. 28
Description:	Investment 1. This reservation applies to production licences issued for “frontier lands” and “offshore areas” (areas not under provincial jurisdiction) as defined in the applicable measures.

2. A person who holds an oil and gas production licence or shares therein must be a corporation incorporated in Canada.

Sector:	Energy (Oil and Gas)
Sub-Sector:	Crude Petroleum and Natural Gas Industries CPC 883 Services incidental to mining
Industry Classification:	CPC 120, 883
Type of Reservation:	Performance Requirements (Article) National Treatment (CBTS)
Level of Government:	Federal
Measures:	<i>Canada Oil and Gas Production and Conservation Act</i> , R.S.C. 1985, c. O-7, as amended by the <i>Canada Oil and Gas Operations Act</i> , S.C. 1992, c. 35 <i>Canada - Nova Scotia Offshore Petroleum Resources Accord Implementation Act</i> , S.C. 1988, c. 28 <i>Canada - Newfoundland Atlantic Accord Implementation Act</i> , S.C. 1987, c. 3 Measures implementing the Canada-Yukon Oil and Gas Accord, including the <i>Canada-Yukon Oil and Gas Accord Implementation Act</i> , 1998, c.5, s. 20 and the <i>Oil and Gas Act</i> , RSY 2002, c. 162 Measures implementing the Northwest Territories Oil and Gas Accord, including implementing measures that apply to or are adopted by Nunavut as the successor territories to the former Northwest Territories

Measures implementing the Canada-Quebec Gulf of St. Lawrence Petroleum Resources Accord

Description:

Cross-Border Trade in Services and Investment

1. Under the *Canada Oil and Gas Operations Act*, a “benefits plan” must be approved by the Minister in order to be authorized to proceed with an oil and gas development project.
2. A “benefits plan” is a plan for the employment of Canadians and for providing Canadian manufacturers, consultants, contractors and service companies with a full and fair opportunity to participate on a competitive basis in the supply of goods and services used in proposed work or activity referred to in the benefits plan.
3. The benefits plan contemplated by the *Canada Oil and Gas Operations Act* permits the Minister to impose on the applicant an additional requirement to ensure that disadvantaged individuals or groups have access to training and employment opportunities or can participate in the supply of goods and services used in proposed work referred to in the benefits plan.
4. Provisions continuing those set out in the *Canada Oil and Gas Operations Act* are included in laws which implement the Canada-Yukon Oil and Gas Accord.
5. Provisions continuing those set out in the *Canada Oil and Gas Operations Act* will be included in laws or regulations to implement accords with various provinces and territories, including implementing legislation by provinces and territories (for example, the Northwest Territories Oil and Gas Accord, the Canada-Quebec Gulf of St. Lawrence Petroleum Resources Accord, and the New Brunswick Oil and Gas Accord). For the purposes of this reservation these accords and implementing legislation shall be deemed, once concluded, to be existing measures.
6. The *Canada - Nova Scotia Offshore Petroleum Resources Accord Implementation Act* and the *Canada - Newfoundland Atlantic Accord Implementation Act*

have the same requirement for a benefits plan but also require that the benefits plan ensures that:

- (a) the corporation or other body submitting the plan establishes in the applicable province an office where appropriate levels of decision-making are to take place, prior to carrying out work or an activity in the offshore area;
 - (b) expenditures be made for research and development to be carried out in the province, and for education and training to be provided in the province; and
 - (c) first consideration be given to goods produced or services provided from within the province, where those goods or services are competitive in terms of fair market price, quality and delivery.
7. The Boards administering the benefits plan under these Acts may also require that the plan include provisions to ensure that disadvantaged individuals or groups, or corporations owned or cooperatives operated by them, participate in the supply of goods and services used in proposed work or activity referred to in the plan.

In addition, Canada may impose a requirement or enforce a commitment or undertaking for the transfer of technology, a production process or other proprietary knowledge to a person of Canada in connection with the approval of development projects under the applicable Acts.

Sector:	Energy (Oil and Gas)
Sub-Sector:	Crude Petroleum and Natural Gas Industries, Services incidental to mining
Industry Classification:	CPC 120, 883
Type of Reservation:	Performance Requirements (Article)
Level of Government:	Federal
Measures:	<i>Canada - Newfoundland Atlantic Accord Implementation Act</i> , S.C. 1987, c. 3 <i>Hibernia Development Project Act</i> , S.C. 1990, c. 41
Description:	Investment 1. Under the <i>Hibernia Development Project Act</i> , Canada and the Hibernia Project Owners may enter into agreements. Those agreements may require the Project Owners to undertake to perform certain work in Canada and Newfoundland and to use their best efforts to

achieve specific Canadian and Newfoundland target levels in relation to the provisions of a “benefits plan” required under the *Canada - Newfoundland Atlantic Accord Implementation Act*. “Benefits plans” are further described in the Schedule of Canada, Annex I at pages I-C-26-28.

2. In addition, Canada may impose in connection with the Hibernia project a requirement or enforce a commitment or undertaking for the transfer of technology, a production process or other proprietary knowledge to a national or enterprise in Canada.

Sector:	Energy (Uranium)
Sub-Sector:	Uranium Mines, Services incidental to mining
Industry Classification:	CPC 883
Type of Reservation:	National Treatment (Article) Most-Favoured-Nation Treatment (Article)
Level of Government:	Federal
Measures:	<i>Investment Canada Act</i> , R.S.C. 1985, c. 28 (1st Supp.) <i>Investment Canada Regulations</i> , SOR/85-611 <i>Policy on Non-Resident Ownership in the Uranium Mining Sector</i> , 1987
Description:	Investment 1. Ownership by “non-Canadians”, as defined in the <i>Investment Canada Act</i> , of a uranium mining property is limited to 49 percent at the stage of first production.

Exceptions to this limit may be permitted if it can be established that the property is in fact “Canadian controlled”, as defined in the *Investment Canada Act*.

2. Exemptions from the *Policy on Non Resident Ownership in the Uranium Mining Sector* are permitted, subject to approval of the Governor-in-Council, only in cases where Canadian participants in the ownership of the property are not available. Investments in properties by non-Canadians, made prior to December 23, 1987 and that are beyond the permitted ownership level, may remain in place. No increase in non-Canadian ownership is permitted.
3. In considering a request for an exemption from the Policy from an investor of the European Union, Canada will not require that it be demonstrated that a Canadian partner cannot be found.

Sector: Professional services
Sub-Sector: Auditing

Industry Classification: CPC 862

Type of Reservation: National Treatment (Article)

Level of Government: Federal

Measures: *Bank Act*, S.C. 1991, c. 46
Insurance Companies Act, S.C. 1991, c. 47
Cooperative Credit Associations Act, S.C. 1991, c. 48
Trust and Loan Companies Act, S.C. 1991, c. 45

Description: **Cross-Border Trade in Services**

1. Banks are required to have a firm of accountants to be auditors of the bank. A firm of accountants must be qualified as set out in the *Bank Act*. Among the

qualifications required is that two or more members of the firm must be ordinarily resident in Canada and that the member of the firm jointly designated by the firm and the bank to conduct the audit must be ordinarily resident in Canada.

2. An insurance company, a cooperative credit association, and a trust or loan company require an auditor who can either be a natural person or a firm of accountants. An auditor of such an institution must be qualified as set out in the *Insurance Companies Act*, the *Cooperative Credit Associations Act* or the *Trust and Loan Companies Act*, as the case may be. In the case where a natural person is appointed to be the auditor of such a financial institution, among the qualifications required is that the person must be ordinarily resident in Canada. In the case where a firm of accountants is appointed to be the auditor of such a financial institution, the member of the firm jointly designated by the firm and the financial institution to conduct the audit must be ordinarily resident in Canada.

Sector:	Air Transportation
Sub-Sector:	Air transport services (passenger and freight), specialty air services (as set out in the Description section below) and courier services.
Industry Classification:	CPC 73, 7512, Specialty Air Services as defined below.
Type of Reservation:	National Treatment (Article ____) Market Access (Article ____) Senior Management and Board of Directors (Article ____)
Measures:	<i>Canada Transportation Act</i> , S.C. 1996, c. 10 <i>Aeronautics Act</i> , R.S.C. 1985, c. A-2 <i>Canadian Aviation Regulations</i> , SOR/96-433: Part II, Subpart 2 -“Aircraft Markings & Registration”; Part IV “Personnel Licensing & Training”; and

Part VII “Commercial Air Services”

Description:

Investment

The *Canada Transportation Act*, in Section 55, defines “Canadian” in the following manner:

"... 'Canadian' means a Canadian citizen or a permanent resident within the meaning of the Immigration and Refugee Protection Act, a government in Canada or an agent of such a government or a corporation or other entity that is incorporated or formed under the laws of Canada or a province, that is controlled in fact by Canadians and of which at least seventy-five per cent, or such lesser percentage as the Governor in Council may by regulation specify, of the voting interests are owned and controlled by Canadians..."

Regulations made under the *Aeronautics Act* incorporate by reference the definition of “Canadian” found in the *Canada Transportation Act*. These Regulations require that a Canadian operator of commercial air services operate Canadian-registered aircraft. These regulations require an operator to be Canadian in order to obtain a Canadian Air Operator Certificate and to qualify to register aircraft as “Canadian”.

Only “Canadians” may provide the following commercial air transportation services:

- (a) “domestic services” (air services between points, or from and to the same point, in the territory of Canada, or between a point in the territory of Canada and a point not in the territory of another country);
- (b) “scheduled international services” (scheduled air services between a point in the territory of Canada and a point in the territory of another country) where those services have been reserved to Canadian carriers under existing or future air services agreements;
- (c) “non-scheduled international services” (non-scheduled air services between a point in the

territory of Canada and a point in the territory of another country) where those services have been reserved to Canadian carriers under the *Canada Transportation Act*;

- (d) “specialty air services” (include, but are not limited to: aerial mapping, aerial surveying, aerial photography, forest fire management, fire-fighting, aerial advertising, glider towing, parachute jumping, aerial construction, heli-logging, aerial inspection, aerial surveillance, flight training, aerial sightseeing and aerial crop spraying).

No foreign individual is qualified to be the registered owner of a Canadian-registered aircraft.

Further to the *Canadian Aviation Regulations*, a corporation incorporated in Canada, but that does not meet the Canadian ownership and control requirements, may only register an aircraft for private use where a significant majority of use of the aircraft (at least 60 percent) is in Canada.

The *Canadian Aviation Regulations* also have the effect of limiting foreign-registered private aircraft registered to “non-Canadian” corporations to be present in Canada for a maximum of 90 days per twelve-month period. Such foreign-registered private aircraft would be limited to private use, as would be the case for Canadian-registered aircraft requiring a private operating certificate.

Sector:	Air Transportation
Sub-Sector:	Aircraft repair and maintenance services, and ground handling services (line maintenance only) (as defined in the Chapters on Cross-Border Trade in Services [and Investment
Industry Classification:	Aircraft repair and maintenance and ground handling services (line maintenance only) as defined in the Chapters on Cross-Border Trade in Services and Investment
Type of Reservation:	National Treatment (Article ____) Market Access (Article ____)
Measures:	<i>Aeronautics Act</i> , R.S.C. 1985, c. A-2 <i>Canadian Aviation Regulations</i> , SOR/96-433: Part IV “Personnel Licensing & Training”; Part V “Airworthiness”; Part VI “General Operating & Flight Rules”; and Part VII “Commercial Air Services”
Description:	Cross-Border Trade in Services Aircraft and other aeronautical product repair, overhaul or maintenance activities (including line maintenance) required to maintain the airworthiness of Canadian-registered aircraft and other aeronautical products must be performed by persons meeting Canadian aviation regulatory requirements (i.e., approved maintenance organizations and aircraft maintenance engineers). Certifications are not provided for persons located outside Canada, except sub-organizations of approved maintenance organizations that are themselves located in Canada.

Sector:	Land Transportation
Sub-Sector:	Scheduled and non-scheduled passenger and freight transportation by road, including courier services.
Industry Classification:	CPC 7121, 7122, 7123, 7512
Type of Reservation:	National Treatment (Article ____) Market Access (Article ____)
Measures:	<i>Motor Vehicle Transport Act</i> , R.S.C. 1985, c. 29 (3rd Supp.), as amended by S.C. 2001, c. 13. <i>Canada Transportation Act</i> , S.C. 1996, c. 10 <i>Customs Tariff</i> , 1997, c. 36
Description:	Cross-Border Trade in Services Only persons of Canada using Canadian-registered and either Canadian built or duty-paid trucks or buses, may provide truck or bus services between points in the territory of Canada.

Sector:	Water Transportation
Sub-Sector:	Water transport services (passengers and freight) by sea-going and non-sea-going vessels, supporting and other services for water transport, construction for waterways, harbors, dams and other water works, and any other commercial marine activity undertaken from a vessel.
Industry Classification:	CPC 721, 722, 745, 5133, 5223, any other commercial marine activity undertaken from a vessel
Type of Reservation:	National Treatment (Articles ___ and ___) Market Access (Articles ___ and ___) Obligations (Article X.02) (IMTS)
Measures:	<i>Canada Shipping Act, 2001, S.C. 2001, c. 26</i>
Description:	Cross-Border Trade in Services, Investment, and International Maritime Transport Services 1. To register a vessel in Canada, the owner of that vessel or the person who has exclusive possession of that vessel must be: (a) a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act, (b) a corporation incorporated under the laws of Canada or a province or territory; or (c) when the vessel is not already registered in another country, a corporation incorporated under the laws of a country other than Canada if one of the following is acting with respect to all matters relating to the vessel, namely: (i) a subsidiary of the corporation that is incorporated under the laws of Canada or a province or territory, (ii) an employee or director in Canada of any branch office of the corporation that is carrying on business in Canada, or

- (iii) a ship management company incorporated under the laws of Canada or a province or territory.
- 2. A vessel registered in a foreign country which has been bareboat chartered may be listed in Canada for the duration of the charter while the vessel's registration is suspended in its country of registry, if the charterer is:
 - (a) a Canadian citizen or permanent resident, as defined in subsection 2(1) of the Immigration and Refugee Protection Act; or
 - (b) a corporation incorporated under the laws of Canada or a province or territory.

Sector:	Water Transportation
Sub-Sector:	Water transport services (passengers and freight) by sea-going and non-sea-going vessels, supporting and other services for water transport, construction for waterways, harbors, dams and other water works and any other commercial marine activity undertaken from a vessel
Industry Classification:	CPC 721, 722, 745, 5133, 5223, any other commercial marine activity undertaken from a vessel
Type of Reservation:	National Treatment (Article ____) Market Access (Article ____) Obligations (Article X.02) (IMTS)
Measures:	<i>Canada Shipping Act, 2001, S.C. 2001, c. 26</i> <i>Marine Personnel Regulations, SOR/2007-115</i>
Description:	Cross-Border Trade in Services and International Maritime Transport Services Masters, mates, engineers and certain other seafarers must hold certificates granted by the Minister of Transport as a requirement of service on Canadian registered vessels. Such certificates may be granted only to Canadian citizens or permanent residents.

Sector:	Water Transportation
Sub-Sector:	Pilotage and berthing services
Industry Classification:	CPC 74520
Type of Reservation:	National Treatment (Article ____) Market Access (Article ____) Obligations (Article X.02) (IMTS)
Measures:	<i>Pilotage Act</i> , R.S.C., 1985, c. P-14 <i>General Pilotage Regulations</i> , SOR/2000-132 <i>Atlantic Pilotage Authority Regulations</i> , C.R.C., c. 1264 <i>Laurentian Pilotage Authority Regulations</i> , C.R.C., c. 1268 <i>Great Lakes Pilotage Regulations</i> , C.R.C., c. 1266 <i>Pacific Pilotage Regulations</i> , C.R.C., c. 1270
Description:	Cross-Border Trade in Services and International Maritime Transport Services Subject to the Schedule of Canada, Annex II, at pages____, a licence or a pilotage certificate issued by the relevant regional Pilotage Authority is required to provide pilotage services in the compulsory pilotage waters of the territory of Canada. Only Canadian citizens or permanent residents may obtain such a licence or pilotage certificate. A permanent resident of Canada who has been issued a pilot's licence or pilotage certificate must become a Canadian citizen within five years of receipt of such licence or pilotage certificate in order to retain it.

Sector:	Water Transportation
Sub-Sector:	Transportation services by sea-going and non-sea-going vessels
Industry Classification:	CPC 721, 722
Type of Reservation:	Market Access (Article ____) Obligations (Article X.02) (IMTS)
Measures:	<i>Shipping Conferences Exemption Act</i> , 1987, R.S.C. 1985, c.17 (3rd Supp.)
Description:	Cross-Border Trade in Services and International Maritime Transport Services Members of a shipping conference must maintain jointly an office or agency in the region of Canada where they operate. A shipping conference is an association of ocean carriers that has the purpose or effect of regulating rates and conditions for the transportation by those carriers of goods by water.

Sector:	Water Transportation
Sub-Sector:	Transportation services by sea-going and non-sea-going vessels
Industry Classification:	CPC 721, 722
Type of Reservation:	Most-Favoured-Nation Treatment (Article ____) Obligations (Article X.02) (IMTS)
Measures:	<i>Coasting Trade Act</i> , S.C. 1992, c. 31
Description:	Cross-Border Trade in Services and International Maritime Transport Services The prohibitions under the <i>Coasting Trade Act</i> , set out in Schedule of Canada, Annex II, at pages ____, do not apply to any vessel that is owned by the U.S. Government when used solely for the purpose of transporting goods owned by the U.S. Government from the territory of Canada to supply Distant Early Warning sites.

Sector:	Land Transportation
Sub-Sector:	Scheduled/non-scheduled passenger transportation by road
Industry Classification:	CPC 7121, 7122
Type of Reservation:	National Treatment (Articles____ and ____) Market Access (Articles____ and ____)
Measures:	<i>Motor Vehicle Transport Act</i> , R.S.C. 1985, c. 29 (3 rd Supp.), as amended by S.C. 2001, c. 13.
Description:	Cross-Border Trade in Services and Investment Provincial agencies have been delegated authority to permit persons to provide extra-provincial (inter-provincial and cross-border) bus services in their respective provinces and territories on the same basis as local bus services. Most provincial agencies permit the provision of local bus services on the basis of a public convenience and necessity test.

Sector:	Transportation
Sub-Sector:	All transportation sub-sectors
Industry Classification:	CPC 7
Type of Reservation:	Market Access (Article ____)
Measures:	<i>Canada Transportation Act</i> (S.C. 1996, c. 10)
Description:	Investment Pursuant to the <i>Canada Transportation Act</i> , any proposed transaction that involves a transportation undertaking that raises issues with respect to the public interest as it relates to national transportation as determined by the Minister requires approval by the Governor in Council.

Sector:	Postal Services
Sub-sector:	Postal services, mail transportation by any mode of transport.
Industry Classification:	CPC 7511, 7321, 71124, 71235
Type of Reservation:	Market Access (Article____)
Measures:	<i>Canada Post Corporation Act</i> , R.S.C., 1985, c. C-10 <i>Letter Definition Regulations</i> , SOR/83-481
Description:	Cross-Border Trade in Services and Investment The sole and exclusive privilege of collecting, transmitting and delivering letters (as defined in the <i>Letter Definition Regulations</i> , SOR/83-481) within Canada is reserved for the postal monopoly. For greater certainty, activities relating to the exclusive privilege may also be restricted, including the issuance of postage stamps and the installation, erection or relocation in any public place of any mail receptacle or device to be used for the collection, delivery or storage of mail.

Annex II

Schedule of Canada

Sector:	Aboriginal Affairs
Sub-sector:	
Industry Classification:	
Type of Reservation:	National Treatment (Articles ____ and ____) Market Access (Articles ____ and ____) Most-Favoured-Nation Treatment (____ and ____) Performance Requirements (Article ____) Senior Management and Boards of Directors (Article ____)
Description:	Cross-Border Trade in Services and Investment Canada reserves the right to adopt or maintain any measure denying investors of the European Union [Member States] and their investments, or service providers of the European Union [Member States], rights or preferences provided to aboriginal peoples.
Existing Measures:	<i>Constitution Act</i> , 1982, being Schedule B of the <i>Canada Act 1982</i> (U.K.), 1982, c. 11

Sector: Agriculture

Sub-sector:

Industry Classification:

Type of Reservation: Market Access

Description: **Cross-Border Trade in Services and Investment**

Canada reserves the right to adopt or maintain any measure related to collective marketing arrangements for agricultural products,* which includes, but is not limited to, activities such as production, pricing, buying, selling or any other activity to prepare the product in a form or make it available at a place or time for purchase for consumption or use.

Existing Measures:

* Note: Agricultural products as defined in the WTO Agreement on Agriculture.

Sector: All Sectors

Sub-sector:

Industry Classification:

Type of Reservation: Senior Management and Boards of Directors
National Treatment (Article ____)

Description: **Investment**

British Columbia, New Brunswick, Nova Scotia, Nunavut, Prince Edward Island, Quebec, The Northwest Territories, and Yukon, reserve the right to adopt or maintain any measure relating to an enterprise of Canada that is a covered investment that requires 25 percent, or less, of the board of directors, or any committee thereof, be of a particular nationality. An amendment to a measure adopted pursuant to the above must not decrease the conformity of the measure with the obligations set out in Chapter X (Investment) as it existed immediately before the amendment.

Canada reserves the right to adopt or maintain any measure requiring that up to 50 percent of the board of directors of an enterprise that is a covered investment be ordinarily resident in Canada. A granting of residency to an EU national who is an appointee to a board of directors of an enterprise that is a covered investment will be conducted in accordance with Canadian domestic law relating to the entry of foreign nationals. However, such an EU national shall not be subject to an economic needs test solely for the purposes of the appointment to the board of directors.

Existing Measures:

Sector: All Sectors

Sub-sector:

Industry Classification:

Type of Reservation: National Treatment (Article ____)
Market Access (Article ____)

Description: **Investment**

Canada reserves the right to adopt or maintain any measure relating to residency requirements for the ownership by investors of the European Union [Member States], or their investments, of oceanfront land.

Existing Measures:

Sector: Fisheries

Sub-Sector: Fishing and Services Incidental to Fishing

Industry Classification: CPC 04, 882

Type of Reservations: National Treatment (Articles X)
Most-Favoured Nation Treatments (Article X)
Market Access (Articles X)

Description: **Cross-Border Trade in Services and Investment**

Canada reserves the right to adopt or maintain any measure with respect to collective marketing and trading arrangements for fish and seafood products, and licensing fishing or fishing related activities, including entry of foreign fishing vessels to Canada's exclusive economic zone, territorial sea, internal waters or ports, and use of any services therein.

Canada shall endeavour to accord to vessels entitled to fly the flag of a Member State of the European Union treatment no less favourable than that it accords, in like situations, to vessels entitled to fly the flag of any other foreign State.

Existing Measures: *Fisheries Act*, R.S.C. 1985, c. F14
Coastal Fisheries Protection Act, R.S.C. 1985, c.33
Coastal Fisheries Protection Regulations, C.R.C. 1978, c. 413
Commercial Fisheries Licensing Policy
Policy on Foreign Investment in the Canadian Fisheries Sector, 1985
Freshwater Fisher Marketing Act, R.S.C., 1985, c. F-13

Sector: Financial Services

Sub-sector: Securities

Industry Classification: SIC 8152

Type of Reservation: National Treatment (Article)
Market Access (Article)

Description: **Investment**

Canada reserves the right to adopt or maintain any measure relating to the acquisition, sale or other disposition by nationals of the European Union of bonds, treasury bills or other kinds of debt securities issued by the Government of Canada or a Canadian sub-national government.

Existing Measures:

Financial Administration Act, R.S.C. 1985, c. F-11

Sector:	Food, Beverage and Drug Industries
Sub-Sector:	Liquor, Wine and Beer Stores
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	Market Access
Measures:	<i>Importation of Intoxicating Liquors Act</i> , R.S.C. 1985, c. I-3
Description:	Cross-Border Trade in Services and Investment The <i>Importation of Intoxicating Liquors Act</i> gives each provincial government an import monopoly on any intoxicating liquors entering its territory.

Sector: Minority Affairs

Sub-sector:

Industry Classification:

Type of Reservation: National Treatment (Articles)
Market Access (Articles)
Performance Requirements (Article)
Senior Management and Boards of Directors (Article)

Description: **Cross-Border Trade in Services and Investment**

Canada reserves the right to adopt or maintain any measure conferring rights or privileges to a socially or economically disadvantaged minority.

Existing Measures:

Sector: Social Services

Sub-sector:

Industry Classification:

Type of Reservation: National Treatment (Articles)
Market Access (Articles)

Most-Favoured-Nation Treatment (Articles)
Senior Management and Boards of Directors (Article)

Description:

Cross-Border Trade in Services and Investment

Canada reserves the right to adopt or maintain any measure with respect to the provision of public law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care.

Existing Measures:

Sector: Social Services

Sub-Sector:

Industry Classification:

Type of Reservation: Market Access

Descriptions:

Cross-border Trade in Services and Investment

Canada reserves the right to adopt or maintain any measure with respect to the provision of social services not otherwise reserved under its Annex II reservation in respect of social services on page II – C – 9.

This reservation shall not extend to the adoption of any new measure imposing limitations on the participation of foreign capital in the provision of such social services.

Measures:

Sector: Collection, Purification and Distribution of Water

Sub-sector:

Industry Classification:

Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Trade in Services and Investment**

Canada reserves the right to adopt or maintain any measure with respect to the collection, purification and distribution of water.

Sector:	Energy
Sub-sector:	Transportation Services via Pipeline
Industry Classification:	713
Type of Reservation:	Market Access
Description:	Investment Canada reserves the right to adopt or maintain any measure with respect to the issuance of certificates for the pipeline transportation of fuels.
Existing Measures:	<i>National Energy Board Act</i> , R.S.C., 1985, C.N-7

Sector:	Air Transportation
Sub-sector:	Selling and marketing of air transport services (as defined in the Chapters on Cross-Border Trade in Services and Investment
Industry Classification:	Defined in the Chapters on Cross-Border Trade in Services and Investment
Type of Reservation:	National Treatment (Articles___ and ___) Most-Favoured-Nation Treatment (Articles___ and ___) Market Access (Articles___ and ___)
Description:	Cross-Border Trade in Services and Investment Canada reserves the right to adopt or maintain any measure relating to the selling and marketing of air transportation services.
Existing Measures:	For greater certainty this reservation does not affect Canada's rights and obligations under the <i>Agreement on Air Transport Between Canada and the European Community and its Member States</i> .

Sector:	Water Transportation
Sub-sector:	Construction work for waterways, harbours, dams and other water works transportation services by sea-going/non-sea-going vessels, supporting and other services for water transport, and any other marine activity of a commercial nature undertaken by or from a vessel as set out in the Description section below
Industry Classification:	CPC 5133, 5223, 721, 722, 745, any other marine activity of a commercial nature undertaken by or from a vessel
Type of Reservation:	National Treatment (Articles___ and ___) Most-Favoured-Nation Treatment (Articles___ and ___) Market Access (Articles___ and ___) Performance Requirements (Article___) Senior Management and Boards of Directors (Article___) Obligations (Article X.02) (IMTS)
Description:	<p>Cross-Border Trade in Services, Investment, and International Maritime Transport Services</p> <p>Canada reserves the right to adopt or maintain any measure affecting the investment in or provision of marine cabotage services, including:</p> <ul style="list-style-type: none">(a) the transportation of either goods or passengers by vessel between points in the territory of Canada or above the continental shelf of Canada, either directly or by way of a place outside Canada; but with respect to waters above the continental shelf of Canada, the transportation of either goods or passengers only in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources of the continental shelf of Canada; and(b) the engaging by vessel in any other marine activity of a commercial nature in the territory of Canada and, with respect to waters above the continental shelf, in such other marine activities of a commercial nature that are in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources of the continental shelf of Canada. <p>This reservation relates to, among other things, limitations and conditions for services providers entitled to participate in these activities, criteria for the issuance of a temporary cabotage license</p>

to foreign vessels, and limits on the number of cabotage licenses issued to foreign vessels.

For greater certainty this reservation applies, *inter alia*, to marine activities of a commercial nature undertaken by or from a vessel, including feeder services and repositioning of empty containers.

This reservation does not apply to any measure relating to investment in or the provision of the following marine cabotage services undertaken from a vessel operated by an EU enterprise or an enterprise of a non-Party* owned or controlled by nationals of a Party, if that vessel is registered in accordance with the legislation of that Party and is flying the flag of that Party:

1. Repositioning owned or leased empty containers on a non-revenue basis.
2. (i) Continuous pre or onward transport of international cargo between the Port of Halifax and the Port of Montreal, and between the Port of Montreal and the Port of Halifax, using vessels on a EU Member State's national registry (that is, first registries); and
(ii) Pre or onward transport of international containerized cargo between the Port of Halifax and the Port of Montreal, and between the Port of Montreal and the Port of Halifax, as a single voyage concurrent to an international leg, using vessels on an EU Member State's national or international registry (that is, first or second registries).

[Note to legal scrub: the terminology indicating EU Member States' different vessel registries may need to be revised to make it legally correct]

3. Dredging.

* Canada reserves the right to not extend these benefits to enterprises of the United States.

Existing Measures:

Coasting Trade Act, S.C., 1992, c. 31

Canada Shipping Act, 2001, S.C. 2001, c.26

Customs Act, R.S.C., 1985, c.1 (2nd Supp.)

Customs and Excise Offshore Application Act, R.S.C., 1985, c. C-53.

Sector:	Water Transportation
Sub-Sector:	Transport services by sea- going/non-sea-going vessels, supporting and other services for water transport, and any other marine activity of a commercial nature undertaken from a vessel in waters of mutual interest
Industry Classification:	CPC 721, 722, 745, any other marine activity of a commercial nature undertaken from a vessel
Type of Reservation:	Most-Favoured-Nation Treatment (Article____) Obligations (Article X.02) (IMTS)
Description:	Cross-Border Trade in Services and International Maritime Transport Services Canada reserves the right to adopt or maintain any measure relating to the implementation of agreements, arrangements and other formal or informal undertakings with other countries with respect to maritime activities in waters of mutual interest in such areas as pollution control (including double hull requirements for oil tankers), safe navigation, barge inspection standards, water quality, pilotage, salvage, drug abuse control and maritime communications.
Existing Measures:	

Sector: Transportation

Sub-sector:

Industry Classification: CPC Section 7

Type of Reservation: Market Access (Article____)

Description: **Investment**

Canada reserves the right to adopt or maintain any measure relating to the number or type of legal entity which manages or operates transportation infrastructure owned or controlled by Canada.

Existing Measures:

Sector: Transportation

Sub-Sector: All transportation sub-sectors, other than the following sub-sectors:

Maritime Container Station and Depot Services
Maritime Agency Services
Maritime Freight Forwarding Services
Aircraft Repair and Maintenance Services
Computer Reservation Systems
Passenger and Freight Transportation by Railway
Maintenance and Repair of Rail Transport Equipment
Repair Services n.e.c. of Motor Vehicles, Trailers and Semi-Trailers, on a fee or contract basis
Maintenance and Repair Services of Motor Vehicles
Maintenance and Repair Services of Motorcycles and Snowmobiles
Cargo Handling Services for Land Transport
Storage and Warehousing Services for Land Transport
Freight Transport Agency Services for Land Transport
Other Supporting and Auxiliary Transport Services for Land Transport

Industry Classification: All of CPC 7, CPC 51, CPC 61, CPC 886 and any other commercial activity undertaken from, or with respect to a vessel, aircraft, motor vehicle or rail transport equipment, other than:

CPC 6112
CPC 6122
CPC 7111
CPC 7112
CPC 741 (limited to Land Transport Services)
CPC 742 (limited to Land Transport Services)
CPC 7480 (limited to Land Transport Services)
CPC 7490 (limited to Land Transport Services)
CPC 8867
CPC 8868 (limited to rail transport equipment)
Computer reservations systems as defined in the Cross-Border Trade in Services Chapter and Investment
Aircraft repair and maintenance services as defined in the Cross-Border Trade in Services Chapter and Investment
Maritime container station and depot services as defined in the International Maritime Transport Services Annex/Chapter

Maritime agency services as defined in the International Maritime Transport Services Annex/Chapter
Maritime freight forwarding services as defined in the International Maritime Transport Services Annex/Chapter

Type of Reservation: Market Access (Articles____ and ____)
Obligations (Article X.02) (IMTS)

Description: **Cross-Border Trade in Services, Investment, and International Maritime Transport Services**

Canada reserves the right to adopt or maintain any measure related to the designation, establishment, expansion, or operation of monopolies or exclusive services suppliers in the transportation sector.

Existing Measures:

Sector:	Transportation
Sub-Sector:	Supporting and auxiliary transport services, and groundhandling services (as defined in the Chapters on Cross-Border Trade in Services and Investment
Industry Classification:	CPC 74, Ground handling services as defined in the Chapters on Cross-Border Trade in Services and Investment
Type of Reservation:	Market Access (Article____)
Description:	<p>Investment</p> <p>Canada reserves the right to adopt or maintain any measure limiting the number of providers of certain supporting and auxiliary transport services related to: the handling of passengers, freight, cargo (including mail) and transportation conveyances that support transportation carriers, at airports, where physical or operational constraints arise primarily as a result of safety or security considerations.</p> <p>For greater certainty, in the case of ground handling services, this reservation does not affect Canada's rights and obligations under the <i>Agreement on Air Transport Between Canada and the European Community and its Member States</i>.</p>
Existing Measures:	

Sector: Water Transportation

Sub-sector: Technical Testing and Analysis
Services

Industry Classification: CPC 8676

Type of Reservation: Market Access (Article____)

Description: **Cross-Border Trade in Services and Investment**

Canada reserves the right to adopt or maintain any measure affecting the statutory inspection and certification of vessels on behalf of Canada. For greater certainty, only a person, classification society or other organization authorized by Canada may carry out statutory inspections and issue Canadian Maritime Documents to Canadian registered vessels and their equipment on behalf of Canada.

Existing Measures:

Sector: All Sectors

Sub-sector:

Industry Classification:

Type of Reservation: Most-Favoured-Nation Treatment (Article____)

Description: **Investment**

Canada reserves the right to adopt or maintain any measure that accords differential treatment under any bilateral or multilateral international agreement in force or signed prior to January 1, 1994.

Canada reserves the right to adopt or maintain any measure that accords differential treatment pursuant to any existing or future bilateral or multilateral agreement relating to:

- (a) aviation;
- (b) fisheries;
- (c) maritime matters, including salvage.

Existing Measures:

Annex 1

Canada – Cross-Border Trade in Services and Investment

ALBERTA

Sector:	Professional Services
Sub-Sector:	Accounting, auditing and bookkeeping services
Industry Classification:	CPC 862
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Alberta
Measures: R-12	Regulated Accounting Profession Act , RSA 2000, c <i>Certified General Accountants Regulation</i> , Alta. Reg. 176/2001 <i>Certified Management Accountants Regulation</i> , Alta. Reg. 177/2001 <i>Chartered Accountants Regulation</i> , Alta. Reg. 178/2001
Description:	Cross-Border Trade in Services An applicant for registration as a regulated member must provide proof of Canadian citizenship or proof of having been lawfully admitted to and entitled to work in Canada. Each office in Alberta of any registrant engaged in a public accounting practice shall be under the personal charge and management of a member who shall normally be accessible to meet the needs of clients during such times as the office is open to the public.

Sector: Professional Services

Sub-Sector: Veterinary Services

Industry Classification: CPC 932

Type of Reservation: National Treatment

Level of Government: Provincial - Alberta

Measures: *Veterinary Profession Act*, RSA 2000, c V-2
General Regulation, Alta. Reg. 44/86

Description: **Cross-Border Trade in Services**

Only Canadian citizens or persons lawfully admitted into and entitled to work in Canada may be approved for registration by the Registration Committee, upon production of satisfactory evidence to this effect.

Sector:	Real Estate
Sub-Sector:	Real Estate Services involving own or leased property or on a fee or contract basis
Industry Classification:	CPC 821/822, 81331
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Alberta
Measures	Real Estate Act , RSA 2000, c R-5
Description:	Cross-Border Trade in Services Service suppliers are authorized through a brokerage which must maintain a registered business office in the province. The registered business office must be: the location from which the person conducts business; under the control of the service supplier; be the location of the records required to be maintained by the Act.

Sector:	Related Scientific and Technical Consulting Services
Sub-Sector:	Land surveying
Industry Classification:	CPC 8675
Type of Reservation:	Market Access
Level of Government:	Provincial - Alberta
Measures:	Land Surveyors Act , RSA 2000, c L-3
Description:	Investment Where services are provided through a corporation, commercial presence must take the form of a surveyor's corporation.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages, commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores), manufacture of food and beverages, on a fee or contract basis
Industry Classification:	CPC 24 CPC 62112, 62226, 63107, 643, 88411
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Alberta
Measures:	Gaming and Liquor Act , RSA 2000, c G-1 <i>Gaming and Liquor Regulation</i> , Alta. Reg. 143/96 Alberta Gaming and Liquor Commission Board Policies
Description:	Cross-Border Trade in Services and Investment The above measures permit Alberta to control the manufacture, import, sale, purchase, possession, storage, transportation, use and consumption of liquor, including through permits and licenses that may include citizenship, residency and other limitations on the establishment, operation and provision of these activities.

Sector:	Agriculture
Sub-Sector:	Land, Services incidental to agriculture
Industry Classification:	CPC 8811 (except rental of agricultural equipment with operator) CPC 531
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Alberta
Measures:	<i>Provincial Parks Act</i> , RSA 2000, c P-35 <i>Provincial Parks (Dispositions) Regulations</i> , Alta. Reg. 241/77 <i>Provincial Parks (General) Regulation</i> , Alta. Reg. 102/85 <i>Dispositions and Fees Regulation</i> , Alta. Reg. 54/2000 <i>Special Areas Disposition Regulation</i> , Alta. Reg. 137/2001 <i>Declaration Regulation</i> , Alta. Reg. 195/2001 <i>Forest Reserves Regulation</i> , Alta. Reg. 42/2005
Description:	Investment Dispositions of Crown land, including within provincial parks are limited to residents of Alberta who are Canadian citizens or permanent residents within the meaning of the <i>Immigration Act</i> (Canada).

Sector:	Hunting
Sub-Sector:	Services incidental to hunting Own-account hunting guides Other cultural services
Industry Classification:	CPC 0297, 8813, 96419, 9633
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Alberta
Measures:	Wildlife Act , RSA 2000, c W-10 <i>Wildlife Regulation</i> , Alta. Reg. 143/97
Description:	Cross-Border Trade in Services and Investment

Pursuant to the above measures, citizenship or permanent residency requirements may be imposed as a condition for designations, permits or licences relating to guiding and outfitting for wildlife hunting. Citizenship or permanent residency requirements may also be imposed as a condition for permits or licences for zoo-keeping, taxidermy, tanning, fur dealing or fur management.

Sector: Transportation

Sub-Sector: *Road Transport Services, Passenger
transportation*

Industry Classification: CPC 7121, 7122

Type of Reservation: Market Access

Level of Government: Provincial - Alberta

Measures: *Motor Transport Act*, RSA 2000, c. M-21
Motor Vehicle Administration Act, RSA 2000, M-23

Description: **Cross-Border Trade in Services and Investment**

Pursuant to the above Measures a public convenience and needs test may be imposed prior to approving a license to provide interurban bus transport and non-scheduled/scheduled services, including applying some or all of the following criteria: adequacy of current levels of service; market conditions establishing the requirement for expanded service; effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Performance Requirements

Level of Government: Provincial - Alberta

Measures: *Industrial Benefits Policy*

Description: **Cross-Border Trade in Services and Investment**

Performance requirements may be imposed on applicants (such as a first consideration being given to service suppliers from within Alberta or Canada, where competitive in terms of price and quality) in the case of all large scale projects requiring Industrial Development, Forest Management, Oil Sands, Power Plant or Gas Plant and Coal Development Permits.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Alberta

Measures: **Business Corporations Act**, RSA 2000, c B-9,
Business Corporations Regulation, Alta. Reg. 118/2000
Companies Act, RSA 2000, cC-21
Cooperatives Act, SA 2001, c C-28.1
Partnership Amendment Act, RSA 2000 (Supp), c P-25
Societies Act, RSA 2000, c S-14

Description: **Investment**

At least 1/4 of the directors of an Alberta Corporation must be resident Canadians.

For the purposes of these measures, “resident Canadian” means an individual who is:

- (i) a Canadian citizen ordinarily resident in Canada,
- (ii) a Canadian citizen, not ordinarily resident in Canada, who is a member of a prescribed class of persons, or
- (iii) a permanent resident within the meaning of the *Immigration Act* (Canada) and ordinarily resident in Canada;

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial - Alberta

Measures: *Land Titles Act*, RSA 2000, c. L-4
Agricultural and Recreational Land Ownership Act, RSA 2000, c. A-9
**Regulations Respecting the Ownership of
Agricultural and Recreational Land in Alberta**,
Alta. Reg. 160/79
Public Lands Act, RSA 2000, c. P-40

Description: **Investment**

Public lands cannot be sold to:

- a person who is not a Canadian citizen or a permanent resident as defined in the *Immigration Act* (Canada),
- a corporation that is not a Canadian corporation, or
- a person or corporation acting as a trustee for a person who is not a Canadian citizen or a permanent resident as defined in the *Immigration Act* (Canada) or for a corporation that is not a Canadian corporation.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and betting

Industry Classification: CPC 96492

Type of Reservation: National Treatment
Performance Requirements
Senior Management and Boards of Directors

Level of Government: Provincial - Alberta

Measures: *Gaming and Liquor Act*, RSA 2000, c. G-1
Horse Racing Alberta Act, RSA 2000, c. H-11.3
Gaming and Liquor Regulation, Alta. Reg. 143/1996
Alberta Gaming and Liquor Commission Board Policies

Description: **Cross-Border Trade in Services and Investment**

The above measures permit Alberta to regulate and authorize services, suppliers of services, manufacturing, suppliers of materials, operations and repairs relating to lottery schemes, gaming terminals, games of chance, races, bingo and casinos, and similar activities including through permits and licenses that may include citizenship, residency and other limitations on the establishment, operation and provision of these activities.

Sector:	Animal husbandry
Sub-Sector:	Services incidental to animal husbandry
Industry Classification:	CPC 8812
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Alberta
Measures:	<i>Stray Animals Act</i> , RSA 2000, c S-20 Horse Capture Regulation , Alta. Reg. 59/94
Description:	Cross-Border Trade in Services Only a Canadian citizen or a person lawfully admitted into Canada for permanent residence may apply for, obtain or hold a license to capture, bait, chase, pursue, follow after or on the trail of or stalk horses on public land in Alberta designated for the licensed capture of horses.

BRITISH COLUMBIA

Sector:	Forestry
Sub-Sector:	Forestry and logging products
Industry Classification:	CPC 03
Type of Reservation:	Performance Requirements
Level of Government:	Provincial – British Columbia
Measures:	<i>Forest Act</i> [RSBC 1996] c. 157
Description:	Investment

All timber harvested from provincial land must be either used in the province or manufactured within the province into other goods. However, the province may authorize an exemption to this requirement if the timber is surplus to the requirements of processing facilities in the province, if it cannot be processed economically near the harvesting area and cannot be transported economically to another facility in the province, or if an exemption would prevent waste or improve the utilization of the wood.

Sector:	Professional services
Sub-Sector:	Legal Services
Industry Classification:	CPC 8611
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - British Columbia
Measures:	<i>Evidence Act</i> [RSBC 1996] c. 124
Description:	Cross-Border Trade in Services and Investment A person must be a Canadian citizen or permanent resident to be appointed as a commissioner for taking affidavits.

Sector:	Professional Services
Sub-Sector:	Accounting, Auditing and Bookkeeping
Industry Classification:	CPC 862
Type of Reservation:	National Treatment
Level of Government:	Provincial - British Columbia
Measures:	<i>Accountants (Certified General) Act</i> [RSBC 1996] c.2 <i>Accountants (Chartered) Act</i> [RSBC 1996] c.3 <i>Accountants (Management) Act</i> [RSBC 1996] c.4
Description:	Investment Accounting offices must be under the management of a resident.

Sector: All sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Board of Directors

Level of Government: Provincial – British Columbia

Measures: *Cooperative Association Act* [SBC 1999] c. 28
Society Act [RSBC 1996] c. 433

Description: **Investment**

Under the *Cooperative Association Act*, the majority of directors of any association incorporated under the Act must be resident Canadians and at least one director must be resident in the Province.

Under the *Society Act*, at least one director of any society incorporated under the Act must be resident in the Province.

Sector: Professional Services

Sub-Sector: Lawyers and Notaries

Industry Classification: CPC 861

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial – British Columbia

Measures: *Notaries Act* [RSBC 1996] c. 334

Description: **Cross Border Trade in Services and Investment**

Only Canadian citizens or permanent residents of Canada may be certified as a notary public in British Columbia. The *Notaries Act* puts limitations on the ability of notaries to provide services through a notary corporation. Trust funds must be held by regulated provincial or federal financial institutions.

Sector:	Tourism
Sub-Sector:	Services incidental to hunting (Hunting guides; Outfitters; Angling guides), services incidental to fishing Travel agency, tour operator and tourist guides
Industry Classification:	CPC 8813, 882, 96419
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial – British Columbia
Measures:	<i>Wildlife Act</i> [RSBC 1996] c. 488
Description:	Cross-Border Trade in Services and Investment Only Canadian citizens or permanent residents of Canada are eligible to be issued guide outfitter and angling guide licenses.

Sector:	Forestry
Sub-Sector:	Other professional services Forestry and logging products
Industry Classification:	CPC Other, 03
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial – British Columbia
Measures:	<i>Foresters Act</i> [SBC 2003] c. 19
Description:	Cross-Border Trade in Services and Investment In order to obtain registration as a professional forester, at least 24 months of relevant work experience must first be gained in British Columbia. In some cases, professional foresters already registered in other Canadian jurisdictions are exempt from this requirement.

Sector:	Forestry
Sub-Sector:	Services incidental to manufacturing, Christmas tree permits, log salvage permits, woodlot licenses
Industry Classification:	CPC 03, 884
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial – British Columbia
Measures:	<i>Forest Act</i> [RSBC 1996] c. 157
Description:	Investment Only Canadian citizens, permanent residents, or a corporation controlled by persons who are Canadian citizens or permanent residents of Canada, may be granted a Christmas tree permit. Only Canadian citizens or landed immigrants may apply for log salvage permits. Only Canadian citizens, permanent residents, or a corporation other than a society that is controlled by persons who are Canadian citizens or permanent residents may apply for woodlot licences. Proximity of private residence from the proposed woodlot licence, and distance and size of private land to be included in the proposed woodlot are two of the criteria used to award a license.

Sector: Forestry

Sub-Sector: Forestry and Logging

Industry Classification: CPC 03

Type of Reservation: Market Access

Level of Government: Provincial – British Columbia

Measures: *Forest Act* [RSBC 1996] c. 157

Description: **Investment**

Only the following entities may enter into a community forest agreement:

- A society incorporated under the *Society Act*
- An association as defined in the *Cooperative Association Act*
- A corporation, if the corporation is established by or under an enactment, or registered as an extraprovincial company under the *Business Corporations Act*
- A partnership, if the partnership is comprised of *municipalities or regional districts, societies, associations, companies or extraprovincial companies, or a combination of the foregoing; or*
- A municipality or regional district.

Community forest agreements may be directly awarded.

Sector:	Agriculture
Sub-Sector:	Products of agriculture, horticulture and market gardening, services incidental to agriculture (except rental of agricultural equipment with operator), services incidental to animal husbandry
Industry Classification:	CPC 01, 8811 (except rental of agricultural equipment with operator), 8812
Type of Reservation:	National Treatment
Level of Government:	Provincial – British Columbia
Measures:	<i>Range Act</i> [SBC 2004] c. 71
Description:	Investment Applicants who can demonstrate local presence shall be given preference in the granting of grazing licence and permits.

Sector:	Forestry
Sub-Sector:	Forestry and logging
Industry Classification:	CPC 03
Type of Reservation:	Performance Requirements
Level of Government:	Provincial – British Columbia
Measures:	<i>Forest Act</i> [RSBC 1996] c. 157
Description:	Investment Applicants may have to commit to the establishment of a manufacturing facility to qualify for a forest license.

Sector:	Forestry
Sub-Sector:	Forestry and logging
Industry Classification:	CPC 03
Type of Reservation:	Market Access National Treatment Performance Requirements
Level of Government:	Provincial – British Columbia
Measures:	<i>Forest Act</i> [RSBC 1996] c. 157
Description:	Investment The grant of community salvage licenses is limited to specific groups, notably societies, cooperative associations, for purposes such as providing social and economic benefits to British Columbia, contributing to government revenues, providing opportunities for achieving a range of community objectives, including employment and other social, environmental and economic benefits, encouraging cooperation within the community and among stakeholders, providing for the use of qualifying timber, and other factors that the Minister or a person authorized by the Minister specifies in the invitation or advertising.

Sector:	Forestry
Sub-Sector:	Forestry and logging
Industry Classification:	CPC 03
Type of Reservation:	Market Access Performance Requirements
Level of Government:	Provincial – British Columbia
Measures:	<i>Forest Act</i> [RSBC 1996] c. 157
Description:	Investment Only a limited number of restricted forest licences are granted. The granting of such licences may be subject to performance requirements, including the requirement to own or lease processing facilities in the Province.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Market Access
Performance Requirements

Level of Government: Provincial – British Columbia

Measures: *Land Act* [RSBC 1996] c. 245
Ministry of Forest and Range Policy - Grazing Lease Policy dated
November 15, 2004

Description: **Investment**

The *Land Act* restricts Crown grants to Canadian citizens and to permanent residents. As well, Crown land may also be granted in some circumstances to a government corporation, municipality, regional district, hospital board, university, college, board of education, francophone education authority as defined in the School Act or other government related body or to the South Coast British Columbia Transportation Authority continued under the South Coast British Columbia Transportation Authority Act or any of its subsidiaries.

Only Canadian citizens may hold grazing lease tenures. Performance requirements are imposed on companies as a condition for the granting of grazing lease tenures.

Sector:	Fisheries
Sub-Sector:	Fish and other fishing products Services incidental to fishing, Land
Industry Classification:	CPC 04, 882, 531
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial – British Columbia
Measures:	<i>Fisheries Act</i> [RSBC 1996] c. 149 <i>Land Act</i> [RSBC 1996] c. 245
Description:	Investment Only a citizen or permanent resident of Canada is entitled to a Crown grant for aquaculture operations unless the person's application for a disposition of Crown land was allowed prior to May 1, 1970.

Sector:	Fisheries
Sub-Sector:	Services incidental to fishing, wholesale trade services
Industry Classification:	CPC 04, 882, 62112, 62224
Type of Reservation:	National Treatment Performance Requirements
Level of Government:	Provincial – British Columbia
Measures:	<i>Fisheries Act</i> [RSBC 1996] c. 149 <i>Commercial Fisheries and Mariculture: A Policy for the 1980s</i>
Description:	Cross-Border Trade in Services and Investment Residency, citizenship and performance requirements may be imposed as a condition of licensing to undertake the harvesting of fish, marine plants or wild oysters, or to undertake fish processing, buying or brokering. Off shore processing/processing at sea is limited to fishermen who process their own catches and where the fish species cannot be economically processed in existing shore based facilities.

Sector:	Transportation
Sub-Sector:	Road Transport Services, Passenger Transportation
Industry Classification:	CPC 7121, 7122
Type of Reservation:	Market Access
Level of Government:	Provincial – British Columbia
Measures:	<i>Passenger Transportation Act</i> [SBC 2004] c. 39 <i>Motor Vehicle Act</i> [RSBC 1996] c. 318

Description: Investment

The BC *Passenger Transportation Act* requires a person to obtain a passenger transportation licence from the BC Passenger Transportation Board to provide taxi or intercity bus services in BC. The Board may approve an application for a licence if the Board considers that

- there is a public need for the service,
- the applicant is “fit and proper” and capable of providing the service, and
- the application, if granted, would promote sound economic conditions in the passenger transportation business in BC.

The Board has the power to impose terms and conditions on a licence. If the licence is to include an authorization to operate motor vehicles as intercity buses, terms and conditions include routes and minimum route frequencies for that operation. If the licence is to include an authorization to operate motor vehicles as passenger directed vehicles (such as taxis and limousines), terms and conditions include fleet size, rates and geographic operating area.

Sector:	Transportation
Sub-Sector:	Road Transport Services: public transit
Industry Classification:	CPC 7121, 7122
Type of Reservation:	Market Access
Level of Government:	Provincial – British Columbia
Measures:	<i>British Columbia Transit Act</i> [RSBC 1996] c. 38 <i>South Coast British Columbia Transportation Authority Act</i> [SBC 1998] c. 30
Description:	<p>Investment</p> <p>British Columbia Transit is a Crown Corporation with the exclusive authority to plan, acquire, and construct public passenger transportation systems that support regional growth strategies, official community plans and the economic development of the transit service areas in all areas of BC except the transportation service region supported by the South Coast British Columbia Transportation Authority.</p> <p>The South Coast British Columbia Transportation Authority has exclusive authority to provide a regional transportation system for all municipalities and rural areas located in the Greater Vancouver Regional District that moves people and goods, and supports the regional growth strategy, provincial and regional environmental objectives (including air quality and greenhouse gas emission reduction objectives), and the economic development of the transportation service region.</p>

Sector:	Energy
Sub-Sector:	Electricity, services incidental to energy distribution
Industry Classification:	CPC 171, 887
Type of Reservation:	National Treatment Performance Requirements
Level of Government:	Provincial – British Columbia
Measures:	<i>BC Hydro Public Power Legacy and Heritage Contract Act</i> [SBC 2003] c. 86 <i>Clean Energy Act</i> [SBC 2010] c. 22 <i>Utilities Commission Act</i> [RSBC 1996] c. 473 <i>Hydro and Power Authority Act</i> [RSBC 1996] c. 212
Description:	Cross-Border Trade in Services and Investment In British Columbia, electric utilities operate as regulated monopoly distributors of electricity within the area they service. British Columbia Hydro and Power Authority (“BC Hydro”) is a Crown corporation that owns most of the generation, transmission and distribution facilities in British Columbia. BC Hydro receives differential treatment under provincial law and is exempted from BC Utilities Commission review in some instances. BC Hydro is prohibited from disposing of (including by way of sale) any of its heritage assets, unless they are no longer used or useful. Subject to direction from the Lieutenant Governor in Council, rates for the sale of electricity within the province are regulated by the BC Utilities Commission.

Sector:	Related scientific and technical consulting services
Sub-Sector:	Free miner
Industry Classification:	CPC 8675
Type of Reservation:	National Treatment
Level of Government:	Provincial – British Columbia
Measures:	<i>Mineral Tenure Act</i> [RSBC 1996] c. 292
Description:	Cross Border Trade in Services To obtain a free miner certificate a person must be a resident of Canada for at least 183 days in each calendar year or authorized to work in Canada or a Canadian corporation or a partnership consisting of qualified individual or Canadian corporations.

MANITOBA

Sector:	Funeral Services
Sub-Sector:	Funeral, cremation and undertaking services
Industry Classification:	CPC 9703
Type of Reservation:	National Treatment
Level of Government:	Provincial – Manitoba
Measures:	<i>The Prearranged Funeral Services Act, C.C.S.M. c. F200</i>
Description:	Cross-Border Trade in Services Anyone supplying prearranged funeral plans, on a for-profit basis, must have a license. Only a person who regularly carries on the business of supplying funeral services and maintains an establishment in Manitoba for this purpose may apply for such a license.

Sector: Service of membership organizations

Sub-Sector: Legal documentation & certification

Industry Classification: CPC 8613, 95910

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial - Manitoba

Measures: *The Marriage Act*, C.C.S.M. c. M50
Policy respecting residency/citizenship of appointees

Description: **Cross-Border Trade in Services**

Under *The Marriage Act*, the Minister responsible may appoint any person as a marriage commissioner for the province or any part thereof specified by the Minister and that person may solemnize ceremonies of marriage in accordance with the tenor of the appointment. The Minister may afford preferential treatment to Canadian citizens or permanent residents of Manitoba.

Sector: Education

Sub-Sector: Other education services

Industry Classification: CPC 9290

Type of Reservation: National Treatment

Level of Government: Provincial - Manitoba

Measures: *The Manitoba Registered Music Teachers' Association
Incorporation Act, R.S.M. 1990, c. 100*

Description: **Cross-Border Trade in Services**

No person may be admitted as a member of the Association and thus use the title "Registered Music Teacher" unless that person can demonstrate six months' prior residence in Manitoba.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: Senior Management and Boards of Directors
National Treatment

Level of Government: Provincial - Manitoba

Measures: *The Community Development Bonds Act*, C.C.S.M. c. C160

Description: **Investment**

All directors of a community development bond corporation must be residents of Manitoba. Incorporators of the corporation must be residents of the municipality in which the corporation's head office is located or of a municipality nearby.

Where the Government of Manitoba has provided a guarantee of the bond, only eligible bondholders may call on the guarantee. Eligible bondholders are those with a connection to Manitoba or Canada when they purchased the bond: e.g., individuals resident in Manitoba, Manitoba corporation or corporations established under the *Canada Business Corporations Act*, corporations with a head office in Manitoba, trusts where the majority of trustees or beneficiaries are residents in Manitoba, or a Manitoba municipality.

The proceeds raised from the issue of community development bonds must be invested in "eligible businesses". These are corporations or co-operatives (a) incorporated under *The Corporations Act* (Manitoba) or the *Canada Business Corporations Act* or *The Co-operatives Act* (Manitoba), as the case may be; (b) that carry on or are about to carry on business, on a for-profit basis, in Manitoba; and (c) the Manitoba assets of which are (or will be, when the entity commences business) be controlled by persons resident in Manitoba (among other tests not involving a Manitoba presence or control or ownership by Manitoba residents).

Sector: Agriculture

Sub-Sector: Agricultural land, forest and other wooded land

Industry Classification: CPC 531

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial - Manitoba

Measures: *The Farm Lands Ownership Act*, C.C.S.M. c. F35

Description: **Investment**

Only individuals who are citizens of Canada or permanent residents of Canada within the meaning of the *Immigration and Refugee Protection Act* (Canada) (“eligible individuals”), corporations, trusts, partnerships or other business entities entirely owned by active or retired farmers or eligible individuals, or a combination of these, governments (municipal and provincial) or government agencies, or qualified immigrants who are entitled and intend to become eligible individuals within 2 years after acquiring the farm land, may own more than 40 acres of Manitoba farmland.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: Performance Requirements
Senior Management and Boards of Directors

Level of Government: Provincial - Manitoba

Measures: *The Labour-sponsored Venture Capital Corporations Act*,
C.C.S.M. c. L12
The Corporations Act, C.C.S.M. c. C225

Description: **Investment**

Labour-sponsored Venture Capital Corporations are required to invest in active businesses (with assets valued at less than \$50 million) of which at least 50% of the full-time employees are employees employed in Manitoba, or where at least 50% of employees' wages and salaries are attributable to services rendered in Manitoba by the employees.

The corporations must be registered under the Act, and only corporations that have been incorporated under *The Corporations Act* (Manitoba) may apply to be registered. This means that at least 25% of the Corporation's directors must be residents of Canada (or at least 1, where there are 3 or fewer directors), pursuant to *The Corporations Act* (Manitoba).

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Manitoba

Measures: *The Co-operatives Act, C.C.S.M. c. C223*

Description: **Investment**

A majority of directors of a co-operative must be resident in Canada. For directors' meetings of a co-operative to be properly constituted, a majority of the directors at the meeting must be resident in Canada. A director who is a resident of Canada but not present at the meeting can approve the business transacted at a meeting, if the requisite majority would have been present had that director been present. The managing director of a co-operative must be resident in Canada.

Sector:	Agriculture
Sub-Sector:	Agricultural land, forest and other wooded land, crown land leases and permits, services incidental to agriculture, services incidental to animal husbandry
Industry Classification:	CPC 531, 8811 (except rental of agricultural equipment with operator), 8812
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Manitoba
Measures:	<i>The Crown Lands Act</i> , C.C.S.M. c. C340 <i>Agricultural Crown Land Leases Regulation</i> , 168/2001 <i>Agricultural Crown Land Grazing and Hay Permits Regulation</i> , 288/88
Description:	Cross-Border Trade in Services and Investment To be eligible to obtain a forage lease of agricultural Crown lands, the tenant must be a Canadian citizen or have landed Canadian immigrant status and must be a resident of Manitoba. If the tenant is a partnership or forage co-operative, every partner or member, as the case may be, must be a Canadian citizen or have landed Canadian immigrant status and must be a resident of Manitoba. If the tenant is a corporation, every shareholder must be a Canadian citizen or have landed Canadian immigrant status and must be a resident of Manitoba, and the corporation must be registered to carry on business in Manitoba. A grazing permit or hay permit on agricultural Crown lands may only be granted to a person who is ordinarily resident in or near where the land described in the permit is situated.

Sector:	All Sectors
Sub-Sector:	Agricultural land, forest and other wooded land Recreational and other open land
Industry Classification:	CPC 531, 533
Type of Reservation:	National Treatment
Level of Government:	Provincial - Manitoba
Measures:	<i>The Crown Lands Act</i> , C.C.S.M. c. C340 Policy respecting allocation, sale and lease of cottage lots and development of commercial establishments in Provincial Parks and on other Crown Land
Description:	Investment The Minister may afford preferential treatment to Manitoba residents over non-residents in the allocation, sale and lease of cottage lots and development of commercial establishments in Provincial Parks and on other Crown Land.

Sector:	Fisheries
Sub-Sector:	Services incidental to fishing Wholesale trade services
Industry Classification:	CPC 04, 882, 62224
Type of Reservation:	National Treatment Performance Requirements Market Access
Level of Government:	Provincial - Manitoba
Measures:	<i>The Fisheries Act</i> , C.C.S.M. c. F90 <i>Fishing Licensing Regulation</i> , 124/97 Policy respecting the allocation of commercial fishing licences
Description:	Cross-Border Trade in Services and Investment Unless otherwise authorized by regulation or by the Freshwater Fish Marketing Corporation (the “corporation”), or in certain limited circumstances, no person is permitted to sell or purchase fish caught in Manitoba for delivery in Manitoba except through the corporation. The Minister has full discretion to issue commercial fishing licenses and to place conditions on the licenses. The current Policy specifies that commercial fishing licences are to be allocated, re-allocated and renewed according to the value of the benefits generated, in order of priority, to: 1) local, 2) regional, and 3) provincial economies.

Sector:	Related scientific and technical consulting
Sub-Sector:	Land surveyors
Industry Classification:	CPC 8675
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Manitoba
Measures:	<i>The Land Surveyors Act</i> , C.C.S.M. c. L60
Description:	Cross-Border Trade in Services and Investment

A “Manitoba land surveyor” must be a natural person. Manitoba land surveyors are not permitted to provide land surveying services through a corporation. Commercial presence of Manitoba land surveyors must take the form of a sole proprietorship or partnership.

Any surveyor who practiced land surveying in Manitoba and subsequently became the citizen or subject of a foreign country must be re-naturalized in accordance with the provisions of the *Citizenship Act* (Canada) prior to resuming practice in Manitoba.

Sector:	Professional Services
Sub-Sector:	Legal advisory and representation services
Industry Classification:	CPC 8612
Type of Reservation:	National Treatment
Level of Government:	Provincial - Manitoba
Measures:	<i>The Legal Profession Act, C.C.S.M. c. L107</i>
Description:	Cross-Border Trade in Services

The provision of legal services to the public in Manitoba, concerning Manitoba laws, by inter-jurisdictional law firms is permissible only where, among other things, the firm maintains an office in Manitoba and in at least one other Canadian or foreign jurisdiction, and if at least one member of the firm is entitled to, and does, practice law principally in Manitoba.

Sector: Wholesale Trade

Sub-Sector: Pharmaceutical and medical goods

Industry Classification: CPC 62251

Type of Reservation: National Treatment

Level of Government: Provincial - Manitoba

Measures: *The Hearing Aid Act*, C.C.S.M. c. H38

Description: **Cross-Border Trade in Services and Investment**

The Hearing Aid Board has the authority to certify hearing aid dealers and to prescribe preferential access to, and preferential conditions on, applicants for certification resident in Manitoba or Canada.

Sector: Transportation

Sub-Sector: Passenger Transit Systems

Industry Classification: CPC 71213, 71223

Type of Reservation: Market Access

Level of Government: Provincial - Manitoba

Measures: *The Highway Traffic Act, C.C.S.M. c. H60*

Description: **Cross-Border Trade in Services and Investment**

The Manitoba Transport Board may limit the number of certificates granted to public passenger motor carriers on public roads in Manitoba. The Board may limit new public passenger motor carriers from entering the public service vehicle market or require motor carriers to take on less profitable routes where it considers public availability of the service to be essential.

Sector:	Professional Services
Sub-Sector:	Accounting, auditing and bookkeeping services
Industry Classification:	CPC 8621
Type of Reservation:	National Treatment Senior Management and Boards of Directors
Level of Government:	Provincial - Manitoba
Measures:	<i>The Chartered Accountants Act</i> , C.C.S.M. c. C70 <i>The Certified General Accountants Act</i> , C.C.S.M. c. C46 <i>The Certified Management Accountants Act</i> , C.C.S.M. c. C46.1 <i>The Corporations Act</i> , C.C.S.M. c. C225
Description:	Cross-Border Trade in Services and Investment Professional corporations providing accounting, auditing and financial management services under the first three Acts cited above must be incorporated under <i>The Corporations Act</i> (Manitoba). This means that at least 25% of the corporation's directors must be residents of Canada (or at least 1, where there are 3 or fewer directors).

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Manitoba

Measures: *The Corporations Act, C.C.S.M. c. C225*

Description: **Investment**

Corporations generally:

At least 25% of a corporation's directors must be residents of Canada (or at least 1, where there are 3 or fewer directors). Directors must not transact business at a meeting of directors unless at least 25% of the directors present are residents of Canada (or if there are only 3 directors, at least 1 of the directors present is a resident of Canada). If the directors delegate any of their powers to a managing director or to a committee, the managing director or a majority of the members of the committee, as the case may be, must be a resident or residents of Canada.

Sector:	Hunting
Sub-Sector:	Services incidental to hunting, hunting, fishing and trapping industries, tourist guide agencies, own-account hunting
Industry Classification:	CPC 8813, 7472, 96419
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Manitoba
Measures:	<i>The Wildlife Act, C.C.S.M. c. W130</i> <i>Allocation of Hunting Licences Regulation, 77/2006</i> <i>Captive Wild Animal Regulation, 23/98</i> <i>Exotic Wildlife Regulation, 78/99</i> <i>General Hunting Regulation, 351/87</i> <i>Hunting Dogs Regulation, 79/95?</i> <i>Hunting Seasons and Bag Limits Regulation, 165/91</i> <i>Miscellaneous Licences and Permits Regulation, 53/2007</i> <i>Trapping Areas and Zones Regulation 149/2001</i> <i>Hunting Guides Regulation, 110/93</i> <i>Manitoba Trapping Guide 2011/2012</i> <i>The Resource Tourism Operators Act, C.C.S.M. c. R119.5</i>
Description:	Cross-Border Trade in Services and Investment

Pursuant to the above Acts and Regulations the Minister, and the Administrator appointed by the Minister, have the discretion to issue permits or licences required under the Acts to any person, subject to such terms and conditions as the Minister considers advisable, and to make regulations ancillary to the foregoing. The Regulations may prescribe preferential access to permits and licences, and preferential conditions on such permits and licenses, for residents of Manitoba or Canada.

Sector:	Agriculture
Sub-Sector:	Products of Agriculture
Industry Classification:	CPC 01, 8811(except rental of agricultural equipment with operator)
Type of Reservation:	National Treatment
Level of Government:	Provincial - Manitoba
Measures:	<i>The Wild Rice Act</i> , C.C.S.M. c. W140
Description:	Cross-Border Trade in Services and Investment Only persons who have been resident in Manitoba for at least one year are entitled to apply for a license, permit, load slip or export certificate under this Act.

Sector:	Forestry
Sub-Sector:	Forestry and logging products, Services incidental to manufacturing
Industry Classification:	CPC 0311, 0312, 8843
Type of Reservation:	Performance Requirement National Treatment
Level of Government:	Provincial - Manitoba
Measures:	<i>The Forest Act, C.C.S.M. c. F150</i> <i>Forest Use and Management Regulation, 227/88R</i>
Description:	Cross-Border Trade in Services and Investment

Pursuant to the above Act and Regulation, the Minister is responsible for regulating all forestry matters in accordance with the Act and Regulation, and has the discretion to make grants or issue permits or licences required under the Act to any person, subject to such terms and conditions as the Minister considers advisable. Timber cutting rights must be granted in a way that the Minister believes secures the maximum benefit for Manitoba's forestry industry. Manitoba residents or Canadian citizens may be given preference when such grants are made or permits or licences are issued.

Sector:	Transportation
Sub-Sector:	Passenger road transport (taxicabs)
Industry Classification:	CPC 71221
Type of Reservation:	Market Access
Level of Government:	Provincial – Manitoba
Measures:	<i>The Taxicab Act</i> , C.C.S.M. c. T10 <i>The Highway Traffic Act</i> , C.C.S.M. c. H60
Description:	Cross-Border Trade in Services and Investment

The Act requires all persons seeking to operate a taxi or carry on a taxi business to apply for and obtain a taxicab business licence from the Taxicab Board. The Board has the power to impose terms and conditions on any taxicab business licence it issues. In deciding whether or not to grant a licence, the Board must apply tests of “public convenience” and “necessity in respect of the number of taxicabs required in The City of Winnipeg”.

The Highway Traffic Act requires all persons seeking to operate a taxi across municipal boundaries to apply for and obtain a certificate from the Motor Transport Board. The Board has the power to impose terms and conditions on any certificate it issues. In deciding whether or not to grant a certificate, the Board must consider whether “the existing facilities for transportation are insufficient or that the public convenience will be promoted by the establishment or continuance from year to year of the proposed transportation service.”

Sector:	Agriculture
Sub-Sector:	Products of agriculture, live animals and animal products, meats and dairy products, other food products n.e.c.
Industry Classification:	CPC 01, 02, 21, 22, 239
Type of Reservation:	National Treatment
Level of Government:	Provincial - Manitoba
Measures:	<i>The Farm Products Marketing Act, C.C.S.M. c. F47</i> <i>Dairy Farmers of Manitoba Marketing Plan Regulation, 89/2004</i> <i>Manitoba Egg and Pullet Producers Marketing Plan Regulation, 70/2005</i> <i>Manitoba Chicken Broiler Producers Marketing Plan Regulation, 246/2004</i> <i>Manitoba Turkey Producers Marketing Plan Regulation, 38/2004</i> <i>Manitoba Vegetable Producers Marketing Plan Regulation, 117/2009</i> <i>The Milk Prices Review Act, C.C.S.M. c. M130</i>
Description:	Investment The boards and commissions under the above measures may afford preferences to permanent residents of Manitoba or Canadian citizens.

Sector: Energy

Sub-Sector: Electrical Power

Industry Classification: CPC 17, 887

Type of Reservation: National Treatment

Level of Government: Provincial - Manitoba

Measures: *The Manitoba Hydro Act*, C.C.S.M. c. H190
The Public Utilities Board Act, C.C.S.M. c. P280
The Water Power Act, C.C.S.M. c. W60
The Environment Act, C.C.S.M. c. E125
The Crown Corporations Public Review and Accountability Act,
C.C.S.M. c. C336

Description: **Cross-Border Trade in Services and Investment**

The above measures, *inter alia*, permit the Government of Manitoba or Manitoba Hydro to:

- (a) regulate, and issue various licenses, authorizations or approvals relating to, the generation, transmission, distribution, importation, exportation and supply and sale of electricity, whether generated from renewable energy sources or from other goods, forces or sources from which it is possible to generate electricity;
- (b) regulate the development, construction or maintenance of power plants, generating stations, substations, transmission lines, transmission towers and other facilities or structures or equipment required in connection with any of the activities set out in paragraph (a);
- (c) transfer or grant real property or interests in real property in Manitoba, or transfer personal property or interests in personal property, in connection with any of the activities set out in paragraphs (a) or (b); (d)

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Without limiting the generality of the foregoing, such measures may involve discrimination in favour of MB residents or entities formed in accordance with the laws of Canada (and having a place of business in MB).

Sector:	Alcoholic Beverages
Sub-Sector:	Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores), beverages
Industry Classification:	CPC 24, 62112, 62226, 63107
Type of Reservation:	National Treatment Senior Management and Board of Directors
Level of Government:	Provincial - Manitoba
Measures:	<i>The Liquor Control Act</i> , C.C.S.M. c. L160 <i>The Corporations Act</i> , C.C.S.M. c. C225
Description:	Investment The Commission has the discretion to grant licenses to sell alcoholic beverages. Where the applicant is an individual, the license may only be issued to an adult natural person who is a Canadian citizen or has permanent residence status and resides in Canada. Where the applicant is a partnership, all of its members must meet this requirement. If the applicant is a corporation, it must be incorporated or authorized to carry on its business in Manitoba under Manitoba law. If the applicant is incorporated under Manitoba law, 25% of the corporation's directors must be residents of Canada (or at least 1, where there are 3 or fewer directors).

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Gambling and Betting
Industry Classification:	CPC 96492
Type of Reservation:	National Treatment
Level of Government:	Provincial - Manitoba
Measures:	<i>The Gaming Control Act, C.C.S.M. c.G5</i> <i>The Manitoba Lotteries Corporation Act, C.C.S.M. c. L210</i> <i>The Manitoba Horse Racing Commission Act, C.C.S.M. c. H90</i> <i>Rules of Thoroughbred Racing and Commission Directives, 2011</i> <i>Rules of Standardbred Racing and Commission Directives, 2010</i> <i>Commission Quarterhorse Directives, 2011</i> <i>Pari-Mutuel Betting Supervision Regulations, SOR 91-365</i>
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>Gaming Activities by Charitable and Religious Organizations, Fairs and Exhibitions, etc. Charitable and religious organizations, fairs and exhibitions and concession and amusement operators may not carry on gaming activities in Manitoba unless they are licensed to do so by the Gaming Control Commission or by another body authorized by Manitoba. The Gaming Control Commission has discretion to issue such licences subject to such terms and conditions as it considers advisable, and may afford preferential treatment to applicants with a presence in Manitoba.</p> <p>No one may become an employee of The Manitoba Lotteries Corporation or of a Manitoba gaming operator, or regularly be in a premises in Manitoba where gaming activity is taking place for the purpose of providing a gaming service, unless they have been registered for this purpose by the Gaming Control Commission. The Gaming Control Commission has discretion to register any person, subject to such terms and conditions as it considers advisable, and may afford preferential treatment to Canadian citizens or permanent residents of Manitoba.</p>

No proprietor, business entity or association may become a Manitoba gaming operator, a Manitoba video lottery terminal siteholder, a Manitoba lottery ticket retailer or a supplier of gaming supplies or gaming services in Manitoba unless they have been registered for this purpose by the Gaming Control Commission. The Gaming Control Commission has discretion to register any proprietor, business entity or association, subject to such terms and conditions as it considers advisable, and may afford preferential treatment to Canadian citizens or permanent residents of Manitoba or to business entities or associations with a presence in Manitoba.

Gaming Activities – Lottery Schemes

Only the Government of Manitoba is authorized to conduct and manage lottery schemes in Manitoba that fall outside the authority of the Manitoba Gaming Control Commission or other bodies authorized to issue licenses to conduct and manage lottery schemes in Manitoba. Manitoba conducts and manages lottery schemes within Manitoba through The Manitoba Lotteries Corporation, as agent for Manitoba. Manitoba also conducts and manages lottery schemes in Manitoba and one or more other Canadian jurisdictions in co-operation with the governments of those other jurisdictions through Western Canada Lottery Corporation and Interprovincial Lottery Corporation. The Manitoba Lotteries Corporation, Western Canada Lottery Corporation and Interprovincial Lottery Corporation are collectively referred to as the “Corporations”.

Manitoba and the Corporations may afford preferential treatment to Canadian citizens or permanent residents of Manitoba or to business entities with a presence in Manitoba in connection with any of the foregoing activities.

Horse Racing and Betting

No one may operate a race track or a pari-mutuel betting theatre or act as a concessionaire on a race track or in a betting theatre in Manitoba unless they are licensed to do so by the Horse Racing Commission. The Commission has discretion to issue licences to any person or business entity, subject to such terms and conditions as it considers advisable, and may afford preferential treatment to

CETA Services and Investment Reservations

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Canadian citizens or permanent residents of Manitoba or business entities with an office in Manitoba.

NEW BRUNSWICK

Sector:	Forestry
Sub-Sector:	Agricultural, forest and other wooded land, forestry and logging products
Industry Classification:	CPC 03, 531
Type of Reservation:	Performance Requirements
Level of Government:	Provincial - New Brunswick
Measures:	<i>Crown Lands and Forest Act</i> , RSNB 1980, c. C-38.1
Description:	Investment Subject to certain exceptions every licence or permit authorizing the cutting of Crown timber shall be granted on condition that all timber cut thereunder must be processed in New Brunswick into lumber, pulp or other wood products.

Sector: Mining

Sub-Sector: Mining, Quarrying and Oil Well Industries

Industry Classification: CPC 11 to 16

Type of Reservation: Performance Requirements

Level of Government: Provincial – New Brunswick

Measures: *Mining Act*, RSNB 1985, c. M-14.1

Description: **Investment**

When required to do so by the Minister at the time a mining lease is granted or at any time thereafter, a lessee shall process or further process in the Province any minerals mined in the Province under the mining lease.

Sector:	Alcoholic Beverages
Sub-Sector:	Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores), beverages
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	National Treatment Performance Requirements
Level of Government:	Provincial - New Brunswick
Measures:	<i>Liquor Control Act</i> , RSNB 1990, c. L-10
Description:	<p>Cross Border Trade in Services and Investment</p> <p>The New Brunswick Liquor Commission (ANBL) is a Government of New Brunswick crown agency that is the sole importer and wholesaler, retailer, and distributor of alcoholic beverages in New Brunswick. The above measures permit New Brunswick to regulate and authorize the importation, purchase, production, distribution, supply, marketing and sale of alcoholic beverages in New Brunswick. The ANBL sets, at its discretion, performance requirements that must be met or exceeded in order for the importation, distribution and retail relationship to continue with any given supplier be they domestic or international.</p> <p>The ANBL reserves the right to preferentially promote and market locally produced alcoholic beverage products.</p>

Sector:	Funeral Services
Sub-Sector:	Funeral, cremation and undertaking services
Industry Classification:	CPC 9703
Type of Reservation:	Market Access
Level of Government:	Provincial - New Brunswick
Measures:	<i>The Embalmers and Funeral Director's Act</i> , SNB 1978, Regulation 92-705.
Description	Investment Only residents of New Brunswick who are Canadian citizens or Canadian landed immigrants are eligible to be registered under the Act as an embalmer or funeral director, or as an apprentice. Resident is not defined by the Act or Regulations, but in practice, the Board would consider such things as possession of a New Brunswick Medicare number or driver's license, or an indication that income tax is filed with the Province.

NEWFOUNDLAND AND LABRADOR

Sector:	Energy
Sub-Sector:	Crude Petroleum and Natural Gas
Industry Classification:	CPC 120, 7112, 71232, 7131, 7422, 8675, 883 and 887
Type of Reservation:	National Treatment Market Access (CPC, 71232 and 7422 only) Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act, RSN 1990, c.C-2 Canada-Newfoundland Atlantic Accord – February 11, 1985 Energy Corporation Act, SNL 2007, c.E-11.01 Petroleum and Natural Gas Act, RSNL 1990, c.P-10</i>
Description:	Cross-Border Trade in Services and Investment The above measures permit the Government of Newfoundland and Labrador to regulate and issue various authorizations relating to the exploration, production, extraction, development and transportation of hydrocarbons, and the granting of exclusive rights to operate hydrocarbon distribution systems and storage facilities, including, but not limited to, related hydrocarbon pipelines, marine distribution, transshipment facilities and transport services. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements and/or discrimination in favour of residents of Newfoundland and Labrador and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive operations within Newfoundland and Labrador

Sector:	Energy
Sub-Sector:	Electricity and Services Incidental to Energy Distribution
Industry Classification:	CPC 171, 887
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Electric Power Control Act, 1994, SNL 1994, c.E-5.1</i> <i>Energy Corporation Act, SNL 2007, c.E-11.01</i> <i>Energy Corporation of Newfoundland and Labrador</i> <i>Water Rights Act, SNL 2008, c.E-11.02</i> <i>Hydro Corporation Act, 2007, SNL 2007, c.H-17</i> <i>Lower Churchill Development Act, RSNL 1990, c.L-27</i> <i>Lands Act, SNL 1991, c.36</i> <i>Water Resources Act SNL 2002, c.W-401</i>
Description:	Cross-Border Trade in Services and Investment The above measures, <i>inter alia</i> , permit the Government of Newfoundland and Labrador to: <ol style="list-style-type: none">(1) regulate and issue various authorizations relating to the production, generation, development, transmission (including but not limited to system control), distribution, delivery, supply and exportation of electricity, and provide for the construction and maintenance of related facilities;(2) provide for the granting of the lands or waters within the domain of the Province for any good, source or force of energy from which it is possible to produce electricity, including but not limited to the installation of wind turbines and hydroelectric developments; and(3) set and modify rates for electricity.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Newfoundland and Labrador and/or entities established

in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive operations within Newfoundland and Labrador.

Sector:	Forestry
Sub-Sector:	Wood in the rough, products of wood, cork, straw and plaiting materials, forestry and logging products, pulp, paper and paper products, manufacture of wood and of products of wood and cork, except furniture and manufacture of articles of straw, and plaiting materials on a fee or contract basis
Industry Classification:	CPC 031, 31, 321, 88430
Type of Reservation:	National Treatment Market Access (CPC 31 only) Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Forestry Act</i> , RSNL 1990, c.F-23 <i>Forest Protection Act</i> , RSNL 1990, c.F-22 <i>Plant Protection Act</i> , RSNL 1990, c.P-16
Description:	Investment The above measures allow the Government of Newfoundland and Labrador to regulate and issue various authorizations relating to the production, extraction and development of forestry resources and related products within the Province. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements and/or discrimination in favour of residents of Newfoundland and Labrador and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive operations within Newfoundland and Labrador.

Sector: Agriculture

Sub-Sector:

Industry Classification: CPC 01, 021, 029, 04, 21, 22, 6221, 62224, 881 (except rental of agricultural equipment with operator and 8814) and 882

Type of Reservation: National Treatment
Performance Requirements
Senior Management and Boards of Directors

Level of Government: Provincial - Newfoundland and Labrador

Measures: *Farm Products Corporation Act*, RSNL 1990, c.F-5
Natural Products Marketing Act, RSNL 1990, c.N-2
Poultry and Poultry Products Act, RSNL 1990, c.P-18

Description: **Investment**

The above measures allow the Government of Newfoundland and Labrador to regulate and issue various authorizations relating to the production and marketing of agricultural and food products and the marketing of fish products and wild fur within the Province, including measures related to the supply management of dairy, eggs and poultry products. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, the imposition of performance requirements and/or discrimination in favour of residents of Newfoundland and Labrador and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive operations within Newfoundland and Labrador.

Sector:	Fisheries
Sub-Sector:	Fish and other fishing products, prepared and preserved fish, wholesale trade services of fisheries products and services incidental to fishing
Classification:	CPC 04, 212, 62224, 882
Type of Reservation:	Performance Requirements
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Fisheries Act</i> , SNL 1995, c.F-12.1 <i>Aquaculture Act</i> , RSNL 1990, c.A-13 <i>Fish Inspection Act</i> , RSNL 1990, c.F-12 <i>Fishing Industry Collective Bargaining Act</i> , RSNL 1990, c.F-18 <i>Fish Processing Licensing Board Act</i> , SNL 2004, c.F-12.01 <i>Professional Fish Harvesters Act</i> , SNL 1996, c.P-26.1 <i>Lands Act</i> , SNL 1991, c. 36 <i>Water Resources Act</i> , SNL 2002 c. W-4.01
Description:	<p>Investment</p> <p>The above measures allow the Government of Newfoundland and Labrador to regulate and issue various authorizations relating to the production, processing or marketing of fish and aquaculture fish products, including the transfer, delivery or transmission of marine products by fish harvesters, aquaculturalists and subsequent purchasers. Such measures provide for the imposition of performance requirements in certain circumstances.</p>

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Newfoundland and Labrador

Measures: *Corporations Act* RSN 1990 c.C-36

Description: **Investment**

At least 25% of the directors of all corporations incorporated under the *Corporations Act* must be resident Canadian, except: (1) a body corporate that was incorporated under *The Companies Act* and was continued under the *Corporation Act*, and maintains the same proportion of nonresident directors after January 1, 1987 that it had before January 1, 1987; or (2) a corporation that earns no income in Canada.

Directors of a corporation incorporated under the *Corporations Act* must not transact any business at a meeting of directors unless at least 25% of directors present are resident Canadian, except where a resident Canadian director who is unable to be present approves, in writing or by telephone or other communications facilities, of the business transacted, and at least 25% of the directors at the meeting would have been resident Canadian had that director been present.

Sector:	Engineering related scientific and technical consulting services
Sub-Sector:	Surface surveying services
Industry Classification:	CPC 86753
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Land Surveyors Act, 1991, SNL 1991, c.C-37</i>
Description:	Cross-Border Trade in Services and Investment Canadian permanent residency is required for the issuance of a certificate of authorization to a firm, a partnership or corporate body to practice surveying within the Province.

Sector:	Investigation and Security Services
Subsector:	Private Investigation and Security Services
Industry Classification:	CPC 873
Type of Reservation:	Market Access National Treatment Senior Management and Boards of Directors
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Private Investigation and Security Services Act</i> , RSNL 1990, c.P-24
Description:	Cross-Border Trade in Services and Investment The manager of a private investigation and/or security services agency must be a permanent resident of Canada. A majority of board of directors must be a permanent resident of Canada.

Sector:	Tourism
Sub-Sector:	Services incidental to hunting, tourist guide agencies and own-account hunting
Industry Classification:	CPC 8813, 7472, 96419
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Wild Life Act</i> , RSNL 1990 c.W-8
Description:	Cross-Border Trade in Services and Investment Non-residents of the Province must employ licensed guides while undertaking certain licensed hunting activities within the Province. Non-residents of the Province are not permitted to obtain certain types of licenses, and are required to obtain non-resident licenses to undertake certain fishing activities within the Province. Canadian residency is required in order to obtain registration as a guide.

Sector:	Land
Sub-Sector:	Recreational and other open land
Industry Classification:	CPC 5330
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Lands Act</i> , SNL 1991, c.36 Policy Directive FT. 004 (Amendment 1), 2001
Description:	Investment Only permanent residents of the Province are eligible to receive residential cottage licenses for Crown Land.

Sector: Transportation

Sub-Sector: Railroad transportation services

Industry Classification: CPC 711

Type of Reservation: Performance Requirements

Level of Government: Provincial - Newfoundland and Labrador

Measures: *Rail Service Act, 2009*, SNL 2009, c.R-1.2

Description: **Investment**

Any person seeking to purchase, operate or construct a rail service within the Province must first obtain Provincial approval. Such approval may be granted on terms and conditions the Province considers appropriate. Without limiting the generality of the foregoing, any such approval may involve discretionary decisions based on various factors including the imposition of performance requirements.

Sector:	Transportation
Sub-Sector:	Other land transportation services
Industry Classification:	CPC 712
Type of Reservation:	Performance Requirements Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Aquaculture Act</i> , RSNL 1990, c. A-13 <i>Fisheries Act</i> , SNL 1995, c.F-12.1 <i>Fish Inspection Act</i> , RSNL 1990, c. F-12 <i>Liquor Corporation Act</i> , RSNL 1990, c. L-19 <i>Liquor Control Act</i> , RSNL 1990, c. L-18 <i>Motor Carrier Act</i> , RSN 1990, c.M-19 <i>Professional Fish Harvesters Act</i> , SNL 1996, c.P-26.1
Description:	Investment Public convenience and needs tests are applied to passenger transportation and to some subsectors of freight transportation within the Province. The criteria relating to approval include the adequacy of current levels of service, market conditions establishing the requirement for the expanded service, the effect of new entrants on public convenience, and the fitness, willingness and ability of the applicant to provide proper service. Performance requirements may be imposed.

Sector: All Sectors

Sub-Sector:

Classification:

Type of Reservation: National Treatment
Performance Requirements
Senior Management and Boards of Directors

Level of Government: Provincial - Newfoundland and Labrador

Measures: *Labour Relations Act*, RSNL 1990, c. L-1

Description: **Investment**

The above measures allow the Lieutenant Governor in Council of Newfoundland and Labrador to issue Special Project Orders. Without limiting the generality of the foregoing, such Orders may involve discretionary decisions based on various factors and limitations on or linkages to investment or market access, imposition of performance requirements and/or discrimination in favour of residents of Newfoundland and Labrador and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive operations within Newfoundland and Labrador.

Sector:	Recreational, Cultural, Sporting and Associated Services
Sub-Sector:	Gambling and betting services, services incidental to manufacturing of metal products, machinery and equipment
Classification:	CPC 8844, 885, 96492
Type of Reservation:	National Treatment Market Access (8844 and 885 only) Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Lotteries Act</i> , SNL 1991, c.53
Description:	Cross-Border Trade in Services and Investment

The above measures permit the Government of Newfoundland and Labrador to regulate and issue various authorizations relating to services, suppliers of services, manufacturing, suppliers of materials, operations and repairs relating to lotteries, lottery schemes, amusement machines, video lottery machines, games of chance, races, betting theatres, bingo casinos and promotional contests.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements and/or discrimination in favour of residents of Newfoundland and Labrador and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive operations within Newfoundland and Labrador.

Sector:	Alcoholic Beverages
Sub-Sector:	Wholesale trade services of beverages, sale on a fee or contract basis of food products, beverages and tobacco, retail sales of beverages not consumed on the spot, beverage serving services for consumption on the premises, alcoholic beverages and manufacture of food and beverages on a fee or contract basis
Industry Classification:	CPC 62226, 62112, 63107, 643, 241, 242, 243 and 88411
Type of Reservation:	National Treatment Performance requirements Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Liquor Corporation Act</i> , RSNL 1990, c.L-19 <i>Liquor Control Act</i> , RSNL 1990, c.L-18
Description:	Cross-Border Trade in Services and Investment The above measures permit the Government of Newfoundland and Labrador to regulate and issue various authorizations relating to the production, distribution, supply, sale, and marketing of alcoholic beverages. The Newfoundland Liquor Corporation operates as a monopoly responsible for the distribution, supply, transport, sale and marketing of alcoholic beverages. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements and/or discrimination in favour of residents of Newfoundland and Labrador and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive operations within Newfoundland and Labrador.

Sector:	Professional Services
Sub-Sector:	Legal services (Notaries)
Industry Classification:	CPC 861
Type of Reservation	National Treatment Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Notaries Public Act</i> , RSN 1990 c.N-5
Description:	Cross-Border Trade in Services and Investment Only a Canadian citizen that is resident in the Province is eligible to become a notary public for the Province.

NOVA SCOTIA

Sector:	Professional Services
Sub-Sector:	Accounting Services
Industry Classification:	CPC 862
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Certified General Accountants Act</i> , S. N.S. 1998, c. 10; <i>Certified Management and Accountants of Nova Scotia Act</i> , S.N.S. 2005, c. 35; <i>Public Accountants Act</i> , R.S.N.S. 1989, c. 369 <i>Chartered Accountants Act</i> , S.N.S. 1994, c. 14
Description:	Cross-Border Trade in Services Only residents of Canada are eligible to be licensed to practice as a public accountant in Nova Scotia and to use the designation 'Public Accountant'.

Sector:	Tourism and recreational services
Sub-Sector:	Service incidental to hunting, tour guide agencies, own-account hunting
Industry Classification	CPC 8813, 7472, 96419
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Wildlife Act</i> , R.S.N.S. c 504
Description:	Cross-Border Trade in Services Only Nova Scotia residents are eligible to receive a fur harvesters' or moose hunting license. Non-residents may be subject to supervision by a qualified guide while hunting, or fishing in designated rivers.

Sector: Transportation

Sub-Sector: Highway Freight Transport

Industry Classification: CPC 7123

Type of Reservation: Performance Requirements
Market Access

Level of Government: Provincial – Nova Scotia

Measures: *The Public Utilities Act R.S., c. 380, s. 1*

Description: **Investment**

Public convenience and needs tests are applied to some sub-sectors of freight transportation within the Province. The criteria relating to approval include the adequacy of current levels of service, market conditions establishing the requirement for the expanded service, the effect of new entrants on public convenience, and the fitness, willingness and ability of the applicant to provide proper service. Performance requirements may be imposed.

Sector: Transportation

Sub-Sector: Interurban motor bus transport & scheduled services

Industry Classification: CPC 7121

Type of Reservation: Market Access
Performance Requirements

Level of Government: Provincial - Nova Scotia

Measures: *Public Utilities Act*, R.S.N.S. 1989, c. 380

Description: **Cross-Border Trade in Services and Investment**

Licensing of new entrants to this service is subject to public convenience and needs tests which includes: the examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service. Performance requirements may be imposed.

Sector:	Land
Sub-Sector:	Other land
Industry Classification:	CPC 539
Type of Reservation:	National Treatment
Level of Government:	Provincial – Nova Scotia
Measures:	<i>Land Titles Clarification Act</i> , R.S.N.S. 1989, c. 250;
Description:	Investment Applicants who claim land in a land titles clarification area based on historical adverse possession must be residents of Nova Scotia.
Phase Out:	Revision in the future.

Sector:	Credit and Collection services
Sub-Sector:	Credit reporting and collection agency services Consumer reporting agencies
Industry Classification:	CPC 87901, CPC 87902, CPC 87909
Type of Reservation	National Treatment Market Access
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Consumer Creditors' Conduct Act R.S.N.S., c. 91</i> <i>Consumer Protection Act R.S.N.S., c. 92</i> <i>Consumer Reporting Act R.S.N.S., c. 93</i> <i>Consumer Services Act R.S.N.S., c. 94</i> <i>Direct Sellers Licensing and Regulation Act, R.S.N.S. 1989, c. 129</i>
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>Whether as individuals or partnerships, applicants for registration as consumer reporting agencies must be Canadian citizens or lawfully admitted to Canada and ordinarily resident. Corporate applicants must be incorporated in Canada and registered to do business in Nova Scotia. A consumer reporting agency whether an individual, partnership, or corporation shall operate from the fixed place of business in Nova Scotia that shall be open to the public during normal business hours.</p> <p>Credit Reporting and Collection Agency services must be supplied through a commercial presence.</p> <p>Permanent residency is required to provide Consumer Agents Services</p> <p>License applications require an address for service in Nova Scotia with direct sellers maintaining a permanent place of business in Nova Scotia.</p>

Sector:	Alcoholic Beverages
Sub-Sector:	Sale on a contract basis of food products, wholesale trade services of beverages, retail sales of beverages not consumed on the spot, beverage serving services for consumption on the premises, alcoholic beverages and manufacture of food and beverages on a fee or contract basis
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107, 643, 88411
Type of Reservation:	National Treatment Market Access Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Liquor Control Act</i> , R.S.N.S. 1989, c 290;
Description:	Cross-Border Trade in Services and Investment The above measures allow the Province, through the monopoly of the Nova Scotia Liquor License Corporation, to regulate and issue various authorizations relating to the purchase, importation, possession, delivery and sale of liquor and merchandise. Without limiting the generality of the foregoing, such measure may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements and/or discrimination in favour of residents of Nova Scotia and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business activities with Nova Scotia.

Sector:	Membership Organizations Industries
Sub-Sector:	Religious Organizations
Industry Classification:	CPC 95910
Type of Reservation:	National Treatment
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Solemnization of Marriage Act</i> , R.S.N.S. 1989, c. 436;
Description:	Cross-Border Trade in Services Only Nova Scotia residents may be registered as a person authorized to perform marriages

Sector: Mining

Sub-Sector: Mining, quarrying, and oil well industries

Industry Classification: CPC 11 to 16, 883

Type of Reservation: Performance Requirements

Level of Government: Provincial - Nova Scotia

Measures: *Mineral Resources Act*, S.N.S. 1990, c. 18;

Description: **Investment**

Except for testing, no person shall remove from the Province to any place outside of Canada for processing any output from a mine in the Province without first obtaining the consent of the Minister.

A penalty equal to three times the royalty an operator would otherwise be required to pay may be ordered for failure to obtain consent.

Differential royalties also apply for mine output processed outside Nova Scotia.

Sector:	Recreational, Cultural and sporting Services
Sub-Sector:	Gambling and betting, services incidental to manufacturing
Industry Classification:	CPC 8844, 885, 96492
Type of Reservation:	National Treatment Market Access (only to CPC 8844 and 885) Performance requirements Senior Management and Boards of Directors
Level of Government:	Provincial-Nova Scotia
Measures:	<i>Gaming Control Act</i> , SNS 1994-95, C.4,
Description:	Cross-Border Trade in Services and Investment

The above measures allow the Province to regulate and issue various authorizations relating to services, suppliers of services, manufacturing, suppliers of materials, operations and repairs relating to lotteries, lottery schemes, amusement machines, video lottery machines, games of chance, races, betting theatres, bingo casinos and promotional contest.

Without limiting the generality of the foregoing, such measures may involve discretionary decision based on various factors, limitations on market access, imposition of performance requirements and/ or discrimination in favour of residents of Nova Scotia and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business activities with Nova Scotia.

Sector:	Funeral services
Sub-Sector:	Funeral, cremation and undertaking services
Industry Classification:	CPC 9703
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Embalmers and Funeral Directors Act</i> , RSNS, c 144;
Description:	Cross-Border Trade in Services and Investment The Minister has power to refuse to issue or re-issue a license in respect of a funeral home for any reasonable cause. The regulation provides that a person applying for an apprentice embalmer's license must have completed one of two courses of study in Nova Scotia. If a person has completed a course of study in a jurisdiction other than NS, the Board has the discretion not to approve and accept the course of study.

Sector:	Energy
Sub-Sector:	Crude Oil and Natural Gas
Industry Classification:	CPC 120, 7112, 71232, 7131, 7422, 8675, 883, 887
Type of Reservation:	National Treatment Market Access (only for CPC, 71232, 7422) Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial – Nova Scotia
Measures:	<i>Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act</i> , S.N.S. 1987, c.3 <i>Crown Lands Act</i> , R.S.N.S.1989, c.114 <i>Gas Distribution Act</i> , S.N.S. 1997, c.4 <i>Offshore Petroleum Royalty Act</i> , S.N.S. 1987, c.9 <i>Petroleum Resources Act</i> , R.S.N.S. 1989, c.342 <i>Petroleum Resources Removal Permit Act</i> , S.N.S. 1999, c.7 <i>Pipeline Act</i> , R.S.N.S. 1989, c.345 <i>Public Utilities Act</i> , R.S.N.S. 1989, c.380
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>The Government of Nova Scotia regulates and issues various authorizations relating to the exploration, production, extraction, processing, development and transportation of hydrocarbons, and the granting of exclusive rights to operate hydrocarbon distribution systems and storage facilities, including, but not limited to related hydrocarbon pipelines, marine distribution, transshipment facilities and transport services.</p> <p>The granting of authorizations may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements and/or discrimination in favour of residents of Nova Scotia and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business activities with Nova Scotia.</p>

Sector:	Fisheries
Sub-Sector:	Fish and other fishing products, prepared and preserved fish, wholesale trade services of fisheries products and services incidental to fishing
Industry Classification:	CPC 04, 212, 882, 62224
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Fisheries and Coastal Resources Act</i> , RSNS 1996, c. 25 <i>Fisheries Organizations Support Act</i> , S.N.S., 1995-96, c.6

Description: **Cross-Border Trade in Services and Investment**

The above measures allow the Province to regulate and issue various authorizations relating to the production, processing or marketing of fish and aquaculture fish products, including the transfer, delivery or transmission of marine products by fish harvesters, aquaculturalists and subsequent purchasers.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Nova Scotia and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business activities with Nova Scotia.

Sector:	Forestry
Sub-Sector:	Products of wood, cork, straw and plaiting materials, forestry and logging products, pulp, paper and paper products, manufacture of wood and of products of wood and cork, except furniture and manufacture of articles of straw, and plaiting materials on a fee or contract basis
Industry Classification:	CPC 031, 31, 321, 88430
Type of Reservation:	National Treatment Market Access (only for CPC 31) Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial - Nova Scotia
Measures:	<i>Crown Lands Act</i> , R.S.N.S. 1989, c. 114, <i>Forests Act</i> , R.S.N.S. 1989, c. 179 <i>Primary Forests Products Marketing Act</i> , R.S.N.S. 1989, c. 355
Description:	Cross-Border Trade in Services and Investment The above measures allow the Province to regulate and issue various authorizations relating to the production, extraction and development of forestry resources and related products within the Province. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, limitations on market access imposition of performance requirements and/or discrimination in favour of residents of Nova Scotia and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business activities with Nova Scotia.

Sector:	Agriculture
Sub-Sector:	Products of agriculture, forestry and fishing, wholesale trade services of agriculture raw materials and live animals, services incidental to agriculture, hunting and forestry, services incidental to fishing
Industry Classification:	CPC 01,021, 029, 04, 21, 22, 881 (excluding rental of agricultural equipment with operator and CPC 8814), CPC 882
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial – Nova Scotia
Measures:	<i>Natural Products Act</i> , R.S.N.S. 1989, c. 308 <i>Dairy Industry Act</i> , S.N.S. 2000, c. 24 <i>Agriculture and Rural Credit Act</i> , R.S.N.S., 1989, c. 7. <i>Agriculture and Marketing Act</i> , R.S.N.S., c. 6
Description:	Cross-Border Trade in Services and Investment The above measures allow the Province to regulate and issue various authorizations relating to the production and marketing of agricultural and food products and fish products within the Province, including measures related to the supply management of dairy, eggs and poultry products. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favor of residents of Nova Scotia and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business activities with Nova Scotia.

Sector:	Energy
Sub-Sector:	Electricity and services incidental to energy distribution
Industry Classification:	CPC 17, 887
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial – Nova Scotia
Measures:	<i>Crown Lands Act</i> , R.S.N.S., 1989, c.114 <i>Electricity Act</i> , S.N.S. 2004, c.25 <i>Nova Scotia Power Privatization Act</i> , S.N.S., 1992, c.8 <i>Nova Scotia Power Reorganization (1998) Act</i> , S.N.S. 1998, c. 19 <i>Public Utilities Act</i> , R.S.N.S., 1989, c. 380 <i>Renewable Electricity Regulations</i> , OIC 2010-381 (October 12, 2010), N.S. Reg. 155/2010
Description:	Cross-Border Trade in Services and Investment The above measures, <i>inter alia</i> , permit the Government of Nova Scotia to: <ol style="list-style-type: none">(1) Regulate and issue various authorizations relating to the production, development, operation and maintenance of generation, transmission (including but not limited to system control), distribution, delivery, importation, exportation and supply of electricity, including electricity generated by renewable energy sources;(2) Provide for the granting of lands or waters within the Province for any good, source or force of energy from which it is possible to produce electricity, including but not limited to the installation of wind turbines and hydroelectric developments; and(3) Set and modify electricity rates, including but not limited to feed-in tariffs. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Nova Scotia and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business activities with Nova Scotia.

NUNAVUT

Sector:	Tourism, Agriculture
Sub-Sector:	Other – Services Incidental to hunting Hunting, Fishing and Trapping Industries Tourist Guide Agencies (Wilderness Tourism) Own-account hunting Live Animals Hides, skins and furskins
Industry Classification:	CPC 021, 0297, 7472, 96419, 8813
Type of Reservation:	National Treatment Performance Requirements
Level of Government:	Territorial – Nunavut
Measures:	<i>Wildlife Act</i> , S.Nu. 2003, c.26, s. 113
Description:	Cross-Border Trade in Services and Investment

In the allocation of a dealer's licence, guiding licence, fur farm licence, game farm licence, tanning licence or taxidermy licence, preference shall be given to an applicant who had made his or her principal residence in the Nunavut Settlement Area for at least 18 continuous months prior to the submission of his or her application. Preference will also be given to applications that will likely provide direct benefits to the Nunavut economy, in particular through employment of local human and economic resources.

Sector:	Professional Services
Sub-Sector:	Legal services (Notaries Public)
Industry Classification:	CPC 861
Type of Reservation:	National Treatment Market Access
Level of Government	Territorial – Nunavut
Measures:	<i>Evidence Act</i> , RSNWT 1988,c.E-8, s. 79
Description:	Cross-Border Trade in Services and Investment Every person who seeks appointment as a notary public must reside in Nunavut and be either a citizen of Canada or a person who has the status of a permanent resident of Canada.

NORTHWEST TERRITORIES

Sector: Professional Services

Sub-Sector: Legal services (Notaries Public)

Industry Classification: CPC 861

Type of Reservation: National Treatment
Market Access

Level of Government Territorial – Northwest Territories

Measures: *Evidence Act*, RSNWT 1988,c.E-8, s. 79

Description: **Cross-Border Trade in Services and Investment**

Every person who seeks appointment as a notary public must reside in the Northwest Territories and be either a citizen of Canada or a person who has the status of a permanent resident of Canada.

ONTARIO

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Board of Directors

Level of Government: Provincial - Ontario

Measures: *Business Corporations Act*, R.S.O. 1990, Chapter B.16, s. 118(3),
s. 126(2), s. 45(1)(b)
Special Acts of the Legislature incorporating specific companies

Description: **Investment**

At least 25% of directors of corporations (other than non-resident corporation) must be resident Canadians. If fewer than 4 directors, at least one must be a resident Canadian. Majority of directors' meetings must be held in Canada each year.

Constraints may be placed on the transfer and ownership of shares in corporations. Corporations may sell shareholders' shares without their consent and purchase shares to qualify for certain benefits that are based on minimum Canadian ownership requirements.

Sector:	Business Services
Sub-Sector:	Services incidental to manufacturing
Industry Classification:	CPC 884, 885
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Technical Standards and Safety Act 2000, O. Reg 218/01 s.8, s.17</i>
Description:	Cross-Border Trade in Services Except for a second-hand article, no person shall sell or offer for sale an upholstered or stuffed article that has not been manufactured by a manufacturer licensed in Ontario or manufactured in a designated jurisdiction.

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Gambling and Betting
Industry Classification:	CPC 96492
Type of Reservation:	National Treatment Market Access Performance Requirements
Level of Government:	Provincial - Ontario
Measures:	<i>Gaming Control Act</i> , 1992, R.S.O. 1992, Chapter 24; O. Reg. 68/94, OIC 1413/08 s. 3(b), 16(i)
Description:	Cross-Border Trade in Services and Investment Ontario regulates gaming assistants and suppliers of services and equipment relating to lottery schemes, including games of chance, betting, bingos, casinos and promotional contests, including through provincial monopolies. Proceeds must be used to provide direct benefits to Ontario residents.

Sector:	Collection Agency Services
Sub-Sector:	Collection agents
Industry Classification:	CPC 87902
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Ontario
Measures:	<i>Collection Agencies Act</i> , R.S.O. 1990, Chapter C.14, O. Reg. 74/90, s. 12(2)(a), s. 13(2), s. 13(5), s.19.1
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>Only Canadian citizens, permanent residents or persons ordinarily resident in Canada are eligible to be registered as collection agents and to engage in collection agency business in Ontario.</p> <p>A corporation must be incorporated under Canadian legislation (federal or provincial) to carry on business of collection agencies in Ontario. Exemptions under the Act and regulation are provided for non-for-profit credit counselling services.</p>

Sector:	Real Estate Services
Sub-Sector:	Real estate services on a fee or contract basis, Real estate services involving own or leased property
Industry Classification:	CPC 821, 822
Type of Reservation:	Market Access
Level of Government:	Provincial - Ontario
Measures:	<i>Real Estate and Business Brokers Act</i> , R.S.O. 2002, Chapter 30; O. Reg. 567/05 24(1); s. 4(1)2)
Description:	Cross-Border Trade in Services Real estate services must be supplied through a commercial presence in Ontario.

Sector: Alcoholic Beverages

Sub-Sector: Wine, Beverages

Industry Classification: CPC 242

Type of Reservation: Performance Requirements

Level of Government: Provincial - Ontario

Measures: *Wine Content and Labelling Act* R.S.O 2000, Chapter 26
O. Reg. 659/00 - Content of Wine

Description: **Investment**

A winery in Ontario may sell wine manufactured from a blend of imported and domestic grape products. Wineries must blend to an average of 40% Ontario grape content for all of its blended wines with a minimum of 25% Ontario grape content per bottle.

Sector:	Tourism
Sub-Sector:	Travel agency, tour operator and tourist guide services
Industry Classification:	CPC 7471
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Travel Industry Act</i> , R.S.O. 2002, Chapter 30, s. 4(1); O. Reg. 26/05, s. 5, para. 1, s.10(1)
Description:	Cross-Border Trade in Services An individual must be a Canadian resident to register as a travel agent and travel wholesaler in Ontario. Registrants may carry on business only if their permanent place of business is in Ontario.

Sector:	Agriculture
Sub-Sector:	Products of agriculture, Services incidental to agriculture
Industry Classification:	CPC 01, 8811 (except rental of agricultural equipment with operator).
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Wild Rice Harvesting Act</i> , R.S.O., 1990, Chapter W.7., ss.1 & 3(2).
Description:	Cross-Border Trade in Services A person seeking to harvest wild rice on Crown lands must obtain a license. Only those who have resided in Ontario for 12 consecutive months immediately preceding the application are eligible for a license.

Sector:	Engineering related scientific and technical consulting services
Sub-Sector:	Land surveying (Cadastral Surveying)
Industry Classification:	CPC 86753
Type of Reservation:	National Treatment Senior Management and Boards of Directors
Level of Government:	Provincial - Ontario
Measures:	<i>Surveyors Act</i> , R.S.O. 1990, Chapter S.29, s. 5(1), s. 12(1), s. 14(2)(3) R.R.O. 1990, Reg. 1026, s. 23(3) and (4); O. Reg. 1026/90; O. Reg. 509/99, s.4(1), O. Reg. 218/10, s. 12(1)
Description:	Cross-Border Trade in Services and Investment Only a resident of Canada may obtain a license to conduct cadastral surveying. Only Canadian citizens can serve as councillors of the Association of Ontario Land Surveyors (AOLS) A corporation must primarily offer professional survey services and 50% of the board of directors must be members of the AOLS in order to obtain a Certificate of Authorization to offer cadastral surveying services. If the corporation offers cadastral surveying at least one director or full time employee must be licensed by the AOLS.

Sector:	Hunting
Sub-Sector:	Services incidental to hunting
Industry Classification:	CPC 8813
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Fish and Wildlife Conservation Act</i> , R.S.O. 1997, Chapter 41, s.1(1); O.Reg. 665/98., s.37
Description:	Cross-Border Trade in Services Only a resident may be issued a license for taking of bullfrogs for sale or barter. A resident is a permanent resident or has his or her primary residence in Ontario and has resided in Ontario for six months of the preceding 12 months.

Sector:	Hunting
Sub-Sector:	Services incidental to hunting
Industry Classification:	CPC 8813
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Fish and Wildlife Conservation Act</i> , R.S.O. 1997, Chapter 41, s.1(1); O.Reg. 667/98, s.11(1).
Description:	Cross-Border Trade in Services Only a Canadian citizen or an Ontario resident may be issued a license to hunt or trap fur-bearing animals. An Ontario resident is defined as a person having his or her primary residence in Ontario and has resided in Ontario for six of the 12 months preceding application for a license.

Sector:	Recreational, cultural and sporting services
Sub-Sector:	Sporting services and services incidental to hunting
Industry Classification:	CPC 9641, 8813
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Fish and Wildlife Conservation Act</i> , R.S.O. 1997, Chapter 41, O.Reg. 665/98, s. 12 Ontario Hunter Education Program Standards, Wildlife Policy Section, 2006.
Description:	Cross-Border Trade in Services Only Ontario residents are eligible to be appointed to instruct hunting education courses.

Sector:	Hunting
Sub-Sector:	Services incidental to hunting
Industry Classification:	CPC 8813
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Fish and Wildlife Conservation Act</i> , R.S.O. 1997, Chapter 41, s. 1(1), s. 32; O.Reg. 665/98, s. 94, s. 95.
Description:	Cross-Border Trade in Services To be eligible for a license to act as a guide for hunting in the Territorial District of Rainy River and for migratory bird hunting on Lake St. Clair, an applicant must be an Ontario or Canadian resident. A resident is a person having resided in Ontario for 6 consecutive months immediately preceding application for a license.

Sector:	Fisheries
Sub-Sector:	Wholesale trade services of fisheries products
Industry Classification:	CPC 62224
Type of Reservation:	Market Access
Level of Government:	Provincial - Ontario
Measures:	<i>Freshwater Fish Marketing Act</i> R.S.O. 1990, Chapter F.33
Description:	Cross-Border Trade in Services No person is permitted to control the buying or selling of fish in Ontario except as authorized in the relevant Acts.

Sector:	Forestry
Sub-Sector:	Logs of coniferous wood, logs of non-coniferous wood, manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials, on a fee or contract basis
Industry Classification:	CPC 0311, 0312, 8843
Type of Reservation:	Performance Requirements Market Access
Level of Government:	Provincial - Ontario
Measures:	<i>Crown Forest Sustainability Act</i> , R.S.O. 1994, Chapter 25, s.30, s.34, O.Reg 167/95
Description:	Investment Forest resource licenses that authorize the harvesting of Crown trees are subject to the condition that all trees harvested shall be manufactured in Canada into lumber, pulp, or other products. Forest resource licenses are issued in respect of specific areas of land; as such there are limits to the number of licenses issued. The Minister may amend a forest resource license in accordance with regulation 167/95, which requires the submission of a forest management plan relating to social and economic objectives. The needs and benefits of the local communities will be given priorities into the planning effort and objective setting and achievement before broader non-local communities.

Sector: Professional Services

Sub-Sector: Veterinary Services

Industry Classification: CPC 932

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial - Ontario

Measures: *Veterinarians Act*, R.S.O. 1990, Chapter V.3; O. Reg. 1093/90

Description: **Cross-Border Trade in Services and Investment**

Only a Canadian citizen or permanent resident, or another status under the Immigration Act (Canada) consistent with the class of license for which the application is made, is eligible to be licensed to practice veterinary medicine in Ontario.

Sector:	Retail Services
Sub-Sector:	Retail sales of pharmaceutical, medical and orthopaedic goods
Industry Classification:	CPC 63211
Type of Reservation:	National Treatment
Level of Government:	Provincial - Ontario
Measures:	<i>Livestock Medicines Act</i> , R.S.O. 1990, Chapter L.23, O. Reg. 730/90
Description:	<p>Cross-Border Trade in Services</p> <p>Only persons with an established place of business in Ontario are eligible to be licensed to sell livestock medicine in Ontario.</p> <p>Licenses may be issued to sellers who have established a temporary place of business at events such as races and agricultural fairs/shows.</p>

Sector:	Professional services
Sub-Sector:	Legal services (Legal documentation and certification services)
Industry Classification:	CPC 86130
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Ontario
Measures:	<i>Notaries Act</i> , R.S.O. 1990, Chapter N.6, s.2(1)
Description:	Cross-Border Trade in Services and Investment Canadian citizenship is required to be appointed a notary public in Ontario for a person who is not a barrister or solicitor.

Sector:	Ores and minerals; electricity, gas and water
Sub-Sector:	Natural Gas Electrical Energy
Industry Classification:	CPC 120 (Crude petroleum and natural gas) CPC 17 (Electricity, town gas, steam and hot water) CPC 334 (Petroleum gases and other gaseous hydrocarbons, except natural gas) CPC 713 (Transport services via pipeline) CPC 887 (Services incidental to energy distribution)
Type of Reservation:	Market Access, National Treatment, Performance Requirements
Level of Government:	Provincial - Ontario
Measures:	<i>Ontario Energy Board Act, 1998</i> <i>Electricity Act, 1998</i> <i>Green Energy Act, 2009</i> <i>Green Energy and Green Economy Act, 2009</i> <i>Municipal Franchises Act</i>
Description:	Investment and Services The Government of Ontario and its energy authorities, entities, and agencies, including, but not limited to, Ontario Power Authority, Independent Electricity System Operator, Ontario Power Generation Inc., Hydro One Inc. and the Ontario Energy Board, and their successors or assigns, may permit one or more persons or entities to establish or expand pipelines and electricity and gas infrastructure, and/or to produce, transmit, distribute, conserve, manage (demand and load), store, sell, retail or market energy (including electricity, natural gas, and/or renewable energy) in any region in Ontario including on corridor lands. Further, the Government of Ontario and/or one of its energy authorities, the Ontario Energy Board, or its successors or assigns, may regulate the rates, storage, standards and/or services provided by energy producers, distributors, transmitters, sellers, retailers, marketers and storage companies in Ontario. Without limiting the generality of the foregoing, measures and actions taken by Ontario and energy authorities, entities, and agencies mentioned above and their successors or assigns, may involve discretionary decisions, based on factors that may afford preferential treatment in favour of: (a) residents of Ontario and/or

- (b) entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business in Ontario.

For greater certainty, any enterprise formed in accordance with the laws of Ontario and having a place of business in Ontario, shall be treated in the same manner as an enterprise that is a resident of Ontario.

Sector:	Mining
Sub-Sector:	Metal ores, other minerals and manufacture of basic metals on a fee or contract basis
Industry Classification:	CPC 14, 16, 8851
Type of Reservation:	Performance Requirement
Level of Government:	Provincial - Ontario
Measures:	<i>Mining Act</i> , R.S.O. 1990, Chapter M.14, 1990, s. 91
Description:	Investment All ores or minerals raised or removed from lands, claims or mining rights in Ontario must be treated and refined in Canada to yield refined metal or other product suitable for direct use in the arts without further treatment, unless the Lieutenant Governor in Council exempts any lands, claims or mining rights from the operation of this requirement.

Sector: Transportation

Sub-Sector: Interurban transportation

Industry Classification: CPC 71213

Type of Reservation: Market Access

Level of Government: Provincial - Ontario

Measures: *Public Vehicles Act*, R.S.O 1990, Chapter P.54

Description: **Cross-Border Trade in Services**

The issuance of operating licenses for public vehicles is subject to a necessity and convenience test administered by the Ontario Transport Highway Board.

Sector:	Technical training
Sub-Sector:	Driver certification services
Industry Classification:	CPC 9290
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial - Ontario
Measures:	Driver Certification Program Policy; <i>Highway Traffic Act</i> , Section 32 (5) Issuance of driver's licence , endorsements School Bus Driver Improvement Course; <i>Highway Traffic Act</i> , Reg. 340/94 (s) 13.1 for Drivers' Licences. Beginner Driver Education Program <i>Highway Traffic Act</i> , R.S.O 1990, Chapter H.8; O. Reg. 473/07 Licences for Driving Instructors and Driving School.
Description:	Cross-Border Trade in Services To be eligible for a licence to deliver driver education and training programs in Ontario, including the Driver Certification program, the School Bus Driver Improvement Course, and the Beginner Driver Education program, an applicant must own or lease premises in Ontario that serve as the driving school's office and classrooms.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Board of Directors
Market Access

Level of Government: Provincial - Ontario

Measures: *Co-operative Corporations Act*, R.S.O. 1990, Chapter C.35,
1990, s. 14(1); s.85 (3)

Description: **Investment**

A majority of directors of every co-operative shall be resident Canadians.

Co-operative corporations must have a head office in Ontario

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages, commission agents' services, retail sales on a fee or contract basis of food products and beverages, wholesale trade services of beverages and retail sales of beverages not consumed on the spot
Industry Classification:	CPC 24, 62112, 62226, 63107
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Ontario
Measures:	<i>Liquor Control Act</i> , R.S.O. 1990, Chapter L.19 O. Reg. 717/90 – General <i>Alcohol and Gaming Regulation and Public Protection Act</i> , R.S.O. 1996., Chapter 26; O.Reg. 141/01 Registrar of the AGCO policies and practices
Description:	Cross-Border Trade in Services and Investment The above measures permit Ontario to regulate and authorize the importation, purchase, production, distribution, supply, marketing and sale of alcoholic beverages in Ontario and to conduct such activities, including through provincial monopolies. Beer may only be sold in authorized government stores. The Registrar of Alcohol and Gaming authorizes Ontario wine, spirits and beer manufacturers to operate stores for the sale of their own wine, spirits and beer, respectively. AGCO also authorizes only The Beer Store for the sale of domestic and import beer.

Sector: Agriculture

Sub-Sector: Agricultural land, forest and other wooded land

Industry Classification: CPC 5310

Type of Reservation: National Treatment

Measures: *Municipal Act*, R.S.O 2001, Chapter 25, s. 308.1
Assessment Act, R.S.O. 1990, chapter A.31, s. 7; O. Reg. 282/98

Description: **Investment**

Farm land and managed forest land owned by a Canadian citizen or a person lawfully admitted to Canada for permanent residence, or by a corporation whose voting rights are more than 50% controlled by Canadian citizens or persons lawfully admitted to Canada for permanent residence, are subject to reduced property taxes.

Sector: Professional Services

Sub-Sector: Auditing Services

Industry Classification: CPC 862

Type of Reservation: National Treatment
Market Access

Measures: Credit Unions and Caisses Populaires Act, R.S.O 1994, Chapter
11, s.160

Description: **Cross-Border Trade in Services**

An individual or firm of accountants is qualified to be an auditor of a credit union if the individual is ordinarily resident in Canada.

Sector: Service of membership organizations

Sub-sector: Legal documentation & certification

Industry classification: CPC 8613
CPC 95910

Type of reservation: National Treatment

Level of government: Provincial - Ontario

Measures: *The Marriage Act*, R.S.O 1990, Ch. M.3, s.11, s.20

Description: **Cross-Border Trade in Services**

Ontario reserves the right to restrict the category of persons eligible to issue marriage licenses, including on the basis of residence, and to require that a person registered under the Act to solemnize marriage must be an Ontario resident or have a parish or pastoral charge in whole or in part in Ontario.

Sector:	Agriculture
Sub-Sector:	Products of agriculture, forestry and fishing, wholesale trade services of agriculture raw materials and live animals, services incidental to agriculture, hunting and forestry, services incidental to fishing
Industry Classification:	CPC 01,021, 029, 04, 21, 22, 881 (excluding rental of agricultural equipment with operator and CPC 8814), CPC 882
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Provincial – Ontario
Measures:	Farm Products Marketing Act, 1990 Milk Act, 1990
Description:	Cross-Border Trade in Services and Investment

The above measures allow the Province to regulate and issue various authorizations relating to the production and marketing of agricultural and food products within the Province, including measures related to the supply management of dairy, eggs and poultry products.

Without limiting the generality of the foregoing, measures and actions taken by Ontario and entities, and agencies mentioned above, may involve discretionary decisions, based on factors that may afford preferential treatment in favour of:

- (a) residents of Ontario and/or
- (b) entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business in Ontario.

PRINCE EDWARD ISLAND

Sector:	Professional Services
Sub-Sector:	Architectural Services
Industry Classification:	CPC 8671
Type of Reservation:	National Treatment
Level of Government:	Provincial - Prince Edward Island
Measures:	<i>Architects Acts</i> , RSPEI 1988, A-18.1 and Architects Association of PEI Bylaws.
Description:	Investment Any non-resident proprietorship, partnership or corporation applying for a certificate of practice to practice architecture in Prince Edward Island shall have at least 2/3 of the partners, principals or directors of the partnership or corporation be architects; and not less than the majority of issued shares of each class of voting shares of the corporation are beneficially owned by and registered in the name of architects.

Sector:	Real Estate Services
Sub-Sector:	Insurance and Real Estate Agent Industries
Industry Classification:	CPC 821, 822
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial (Prince Edward Island)
Measures:	<i>Real Estate Trading Act</i> , RSPEI 1988, R -2
Description:	Cross Border Trade in Services To sell real estate a natural person must hold a Prince Edward Island real estate license. The Registrar shall not issue a license to an individual unless the individual is a citizen of Canada or has the status of permanent resident of Canada.

Sector: Distribution Services

Sub-Sector: Retail Sales of Motor Fuel

Industry Classification: CPC 613

Type of Reservation: Market Access

Level of Government: Provincial -Prince Edward Island

Measures: *Petroleum Products Act*, RSPEI 1988, P-5.1

Description: **Investment**

When issuing a license with respect to the operation of an outlet operated by a retailer, the Commission shall consider the public interest, convenience and necessity by applying such criteria as the Commission may from time to time consider advisable.

Sector: All sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial - Prince Edward Island

Measures: *Prince Edward Island Lands Protection Act*, RSPEI 1988, L-5 and
Fees Regulations and Lands Identification Regulations

Description: **Investment**

Non-resident persons must make application to acquire more than 5 acres of land or land having a shore frontage of more than 165 feet and receive permission from the Lieutenant Governor in Council. Shore frontage includes, but is not restricted to, land adjacent to oceans, rivers, lakes, ponds, and swamps.

The Government of Prince Edward Island issues permits to non-resident persons under this Act and may impose more onerous conditions including, but not limited to, that the land be identified under the land identification program for agricultural use or non-development use.

Only residents of Prince Edward Island are eligible for a property tax rebate on non-commercial real property.

Sector: Business Services

Sub-Sector: Consumer credit reporting

Industry Classification: CPC 87901

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial (Prince Edward Island)

Measures: *Consumer Reporting Act*, RSPEI 1988, C-20

Description: **Cross Border Trade in Services**

Every consumer reporting agency registered under this Act shall operate from a fixed place of business in Prince Edward Island.

Sector: Professional Services

Sub-Sector: Legal Services

Industry Classification: CPC 861

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial – Prince Edward Island

Measures: *Legal Profession Act*, 1992 c.39, RSPEI 1988, L-6.1

Description: **Cross-Border Trade in Services and Investment**

To be eligible for admission to the Law Society of PEI and practice law, an individual must be a Canadian citizen or a permanent resident of Canada.

Sector:	Agriculture
Sub-Sector:	Products of agriculture, live animals and animal products, meats, dairy products, and food products n.e.c.
Industry Classification:	CPC 01, 02, 21, 22, 239, 6221, 62112
Type of Reservation:	National Treatment Performance Requirements Senior Management and Board of Directors
Level of Government:	Provincial - Prince Edward Island
Measures:	<i>Natural Products Marketing Act, RSPEI, 1988, N-3</i> <i>Dairy Industry Act, RSPEI, 1988, D-1</i> <i>Agricultural Products Standards Act, RSPEI, 1988, A-9</i> <i>Dairy Producers Act, RSPEI, 1988, D-2</i> <i>Agricultural Insurance Act, RSPEI, 1988, A-8.2</i> <i>Animal Health and Protection Act, RSPEI, A-11.1</i> <i>Grain Elevators Corporation Act, RSPEI, 1993, c.8</i> <i>Plant Health Act, RSPEI, 1990, c.45</i>
Description:	Cross-Border Trade in Services and Investment The above measures allow the Province of Prince Edward Island to regulate and issue authorizations on any matter relating to marketing including the buying, selling, packing grading, storing, processing, shipping for sale or storage, promoting, researching and offering for sale, in respect of, but not limited to poultry, eggs, dairy, hogs, cattle, potatoes and turkeys, and including the production and transport to carry out the objects of these acts. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Prince Edward Island and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business operations within Prince Edward Island.

Sector:	Fisheries and Aquaculture
Sub-Sector:	Wholesale Trade of Fishery Products Services Incidental to Fishing
Industry Classification:	CPC 04, 62224, 882
Type of Reservation:	National Treatment Performance Requirements Senior Management and Board of Directors
Level of Government:	Provincial - Prince Edward Island
Measures:	<i>Fisheries Act</i> , RSPEI 1988 F-13.01 <i>Fish Inspection Act</i> , RSPEI 1988 F-13 <i>Certified Fisheries Organizations Support Act</i> , RSPEI 1988 C-2.1 <i>Natural Products Marketing Act</i> , RSPEI, 1988, N-3
Description:	Cross-Border Trade in Services and Investment

The above measures allow the Province of Prince Edward Island to regulate and issue authorizations on any matter relating to resources and products of the fishery including, but not limited to: maintenance and development of the resources of the fishery; fish buying and processing; and any other matter or thing in order to give full effect to the objects of these Acts.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Prince Edward Island and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business operations within Prince Edward Island.

Sector:	Energy
Sub-Sector:	Electricity, oil and natural gas, and services incidental to energy distribution
Industry Classification:	CPC 17, 120, 887
Type of Reservation:	National Treatment Performance Requirements Senior Management and Board of Directors
Level of Government:	Provincial - Prince Edward Island
Measures:	<i>Energy Corporation Act</i> , RSPEI 1988, E-7 <i>Renewable Energy Act</i> , RSPEI 2004, C-16 <i>Oil and Natural Gas Act</i> , RSPEI 1988, O-5 <i>Electric Power Act</i> , RSPEI 1988, E-4
Description:	Cross-Border Trade in Services and Investment

The above measures allow the Province of Prince Edward Island to regulate and issue authorizations on any matter relating to energy and energy systems, oil and natural gas, and renewable energy sources including, but not limited to the generation, accumulation, transmission, distribution, supply, purchase, utilization and disposal of energy; the drilling of wells and the production and conservation of oil and natural gas; and generally for carrying out any of the purposes or provisions of these acts.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Prince Edward Island and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business operations within Prince Edward Island.

Sector:	Forestry
Sub-Sector:	Forestry and logging products
Industry Classification:	CPC 03
Type of Reservation:	National Treatment Performance Requirements Senior Management and Board of Directors
Level of Government:	Provincial - Prince Edward Island
Measures:	<i>Forest Management Act</i> , RSPEI 1988, F-14 <i>Public Forest Council Act</i> , RSPEI 2001, C-48
Description:	Investment

The above measures allow the Province of Prince Edward Island to regulate and issue authorizations on any matter relating to forest products including, but not limited to: the conservation, protection, harvesting, extraction and sale of forest products, issuing of licenses, certification of forest producers, importation of plants or plant materials, fees and other charges; and generally for carrying out the provisions of the acts.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Prince Edward Island and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business operations within Prince Edward Island.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages, Commission Agents' Services, Wholesale Trade Services Retailing Services
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	National Treatment Performance Requirements Senior Management and Board of Directors
Level of Government:	Provincial - Prince Edward Island
Measures:	Liquor Control Act, RSPEI 1988 L-14
Description:	Cross-Border Trade in Services and Investment

Prince Edward Island Liquor Control Commission (PEILCC) is a Government of Prince Edward Island crown agency that is the sole importer and controls the purchase, distribution and sale of alcoholic beverages in Prince Edward Island. The PEILCC operates warehouse, office facilities, and Licensee Distribution Centre. The commission supplies and administers the operations of retail liquor stores and Licensee Distribution Centre.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Prince Edward Island and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business operations within Prince Edward Island.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and Betting

Industry Classification: CPC 96492

Type of Reservation: National Treatment
Performance Requirements
Senior Management and Board of Directors

Level of Government: Provincial - Prince Edward Island

Measures: Lotteries Commission Act, RSPEI 1988, L-17

Description: **Cross-Border Trade in Services and Investment**

The Prince Edward Island Lotteries Commission is authorized under the Lotteries Commission Act to develop, organise, undertake, conduct and manage lottery schemes, pari-mutuel betting systems, and internet based gaming on behalf of the government of the province or on behalf of the government of the province and the governments of other provinces that have any agreement with this province respecting any such lottery schemes or pari-mutuel betting systems.

Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, imposition of performance requirements and/or discrimination in favour of residents of Prince Edward Island and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and substantive business operations within Prince Edward Island.

QUÉBEC

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial – Québec

Measures: *Act respecting the acquisition of farm land by non-residents, CQLR, chapter A-4.1*
Regulation respecting the declaration of non-resident status in the application for registration of the acquisition of farm land; CQLR, chapter A-4.1, r. 1
Regulation respecting an application for authorization and the information and documents required for the application, CQLR, chapter A-4.1, r. 2
Regulation respecting the tariff of duties, fees, costs made under the Act respecting the acquisition of farm land by non-residents, CQLR, chapter A-4.1, r. 3
Act respecting the preservation of agricultural land and agricultural activities, CQLR, chapter P-41.1, and regulations
Act respecting the lands in the domain of the State, CQLR, chapter T-8.1
Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, CQLR, chapter T-8.1, r. 7

Description: **Investment**

Direct or indirect acquisition of farm land by non-residents of Quebec must be authorized by the *Commission de protection du territoire agricole du Québec*. When it receives an application for authorization by non-residents of Québec, the Commission takes into consideration the possible uses of the land for agricultural purposes and the economic consequences thereof.

No person may, in a designated agricultural region, use a lot for any purpose other than agriculture without the authorization of the Commission, which takes into consideration specific socio-economics factors when rendering a decision.

Québec residents are given priority in the purchase or lease of land in the domain of the State.

Sector:	Agriculture, Fisheries, Forestry
Sub-Sector:	Products of agriculture, horticulture and market gardening, live animals and animal products, wood in the rough, fish and other fishing products, meat, fish, fruits, vegetables, oils and fats, dairy products, grain mill products, starches and starch products; other food products, services incidental to agriculture, services incidental to animal husbandry, services incidental to fishing.
Industry Classification:	CPC 01, 02, 031, 04, 21, 22, 23, 8811 (except rental of agricultural equipment with operator), 8812, 882
Type of Reservation:	National Treatment Senior Management and Board of Directors
Level of Government:	Provincial – Québec
Measures:	<i>Professional syndicates act</i> , CQLR, chapter S-40 <i>Act respecting the marketing of agricultural, food and fish products</i> , CQLR, chapter M-35.1 <i>Règlement des producteurs d'œufs d'incubation sur le contingentement</i> , CQLR, chapter M-35.1, r. 223 <i>Règlement sur les quotas des producteurs d'œufs de consommation du Québec</i> , CQLR, chapter M-35.1, r. 239
Description:	Cross-Border Trade in Services and Investment Joint plans for the production and marketing of an agricultural products and producers marketing boards may be administered by professional syndicates. Only Canadian citizens may ask to form a professional syndicate and be members of its administrative council. Only Canadian citizens may have access to the reserve for new hatching egg producers, are eligible to certain programs and can benefit from eggs quotas transfers outside of the centralized system.

Sector: Fishing

Sub-Sector: Fish products and services incidental to fishing

Industry Classification: CPC 04, 882

Type of Reservation: Performance Requirements

Level of Government: Provincial – Québec

Measures: *Marine products processing act*, CQLR, chapter T-11.01

Description: **Investment**

The Minister may, by regulation, prescribe the minimum processing standards with which an operator must comply for the preparation or canning of a marine product. The standards may vary according to the marine product.

Sector:	Cultural services
Sub-Sector:	Cultural goods and property
Industry Classification:	CPC 963
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Québec
Measures:	<i>Cultural Heritage Act</i> , CQLR, chapter P-9.002
Description:	Investment

A heritage cultural property may include a heritage document, immovable, object or site. After obtaining the opinion of the Conseil du patrimoine culturel, the Minister of Culture and Communications may classify all or part of any heritage property the knowledge, protection, enhancement or transmission of which is in the public interest.

Authorization from the Minister is required when a person, natural or legal, wishes to sell or give away a classified heritage document or object to a government or department or agency of a government, other than the Gouvernement du Québec, a natural person who is not a Canadian citizen or permanent resident or to a legal person that does not have a principal place of business in Quebec. Classified heritage property in the domain of the State may not be sold, conveyed by emphyteusis or given away without the Minister's authorization. In other cases of alienation prior written notice is required.

Sector:	Funeral services
Sub-Sector:	Funeral, Cremation and undertaking Services
Industry Classification:	CPC 9703
Type of Reservation:	National Treatment
Level of Government:	Provincial – Québec
Measures:	<i>Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies, CQLR, chapter L-0.2</i> <i>Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies, CQLR, chapter L-0.2, r. 1 Act respecting prearranged funeral services and sepultures, CQLR, chapter A-23.001</i>
Description:	Cross-Border Trade in Services and Investment A natural person seeking a permit to act as a funeral director, on his behalf or for a legal person, partnership or an association having its head office in Québec, must have resided in Québec for at least the 12 months preceding the request. A person seeking a permit to practise embalming, cremation or thanatopraxy is not subject to the requirement to reside in Quebec provided that he or she resides in Canada.

Sector:	Transportation
Sub-Sector:	Taxi Services
Industry Classification:	CPC 71221
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Québec
Measures:	<i>Act respecting transportation services by taxi</i> , CQLR, chapter S-6.01 <i>Taxi transportation regulation</i> , CQLR, chapter S-6.01, r. 3, <i>Highway Safety Code</i> , CQLR, chapter C-24.2 <i>Regulation respecting road vehicle registration</i> , CQLR, chapter C-24.2, r. 29
Description:	Cross-Border Trade in Services and Investment For a taxi owner's permit to be issued, assigned or transferred from the Commission des transports du Québec, a natural person must be a Canadian citizen or permanent resident. To be issued a taxi driver's permit by the Société de l'assurance automobile du Québec, a natural person must be a Canadian citizen or permanent resident. There is a limit of 20 taxi owner's permits per person.

Sector: Transportation

Sub-Sector:

Industry Classification: CPC 71239, 71214

Type of Reservation: National Treatment

Level of Government: Provincial – Québec

Measures: *Highway Safety Code*, CQLR, chapter C-24.2
Regulation respecting road vehicle registration, CQLR, chapter C-24.2, r. 29

Description: **Cross-Border Trade in Services**

Under the International Registration Plan (IRP), carriers only pay registration fees once, to the base jurisdiction, which in turn ensures travel for duly licensed vehicles in other jurisdictions. This system of apportionable fees works on the basis of the distance traveled in each jurisdiction. An IRP registration certificate is recognized by Canadian provinces and US states. An apportioned registration will only be granted to a person having a place of business in Québec and where at least one of its vehicles accrues kilometres.

Sector:	Transportation
Sub-Sector:	Bus transport
Industry Classification:	CPC 71211, 71212, 71213, 71214, 71222
Type of Reservation:	Market Access
Level of Government:	Provincial – Québec
Measures:	<i>Transport Act</i> , CQLR, chapter T-12 <i>Bus Transportation Regulation</i> , CQLR, chapter T-12, r. 16
Description:	Cross-Border Trade in Services and Investment In issuing bus transportation permits, the Commission des Transports du Québec may apply criteria of public need in the territory to be served. It may also consider whether the issuance of the permit requested by the applicant is not likely to entail the disappearance of any other bus transport service or appreciably affect the quality thereof.

Sector:	Transportation
Sub-Sector:	Road transportation
Industry Classification:	CPC 71231, 71232, 71233, 71234
Type of Reservation:	National Treatment Market Access Performance Requirements
Level of Government:	Provincial – Québec
Measures:	<i>Act respecting the ministère des Transports</i> , CQLR, chapter M-28 <i>Transport Act</i> , CQLR, chapter T-12 <i>Regulation respecting the brokerage of bulk trucking services</i> , CQLR, chapter T-12, r. 4 <i>Act respecting owners, operators and drivers of heavy vehicles</i> , CQLR, chapter P-30.3
Description:	Cross-Border Trade in Services and Investment

The Minister of Transport determines the conditions that a heavy-vehicle operator located outside of Québec but in the territory of a Party to the Agreement on Internal Trade must meet to register in the bulk trucking register. The total number of registration allowed is limited. A heavy-vehicle operator located outside of Québec has to maintain its principal establishment outside of Québec and its registration cannot be transferred.

Participation in the performance of a road construction, repair or maintenance work contract awarded by the Minister of Transport, is limited to small bulk trucking enterprises that subscribe to the brokerage service of an association holding a brokerage permit, for a minimum of 50% of the transportation required that has to be offered to the brokerage permit holder. Bulk trucking enterprises that are not registered into the register will only have access to the remaining 50% of the transportation needed if the brokerage permit holder accepts the offer to transport 50% of the transportation required.

To obtain a brokerage permit, a non-profit legal person or a cooperative shall demonstrate that it represents at least 35% of the operators of heavy-vehicle that are registered in the bulk trucking register and that have its principal establishment in the zone for which the permit is applied for. An operator shall subscribe for

brokerage services in the brokerage zone where he has his principal establishment or in the zone determined by regulation.

Sector:	Transportation
Sub-Sector:	Maritime transport
Industry Classification:	CPC 72211
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial – Québec
Measures:	<i>Act respecting the Société des traversiers du Québec</i> , CQLR, chapter S-14 <i>Transport act</i> , CQLR, chapter T-12
Description:	Cross-Border Trade in Services and Investment

The Commission des Transports du Québec shall issue or transfer a permit for the transport of passengers by water to a person who applies therefor on the form used by the Commission, where it considers that the person establishes the real and urgent necessity for an additional service for each of the ships to be used, if applicable, where he offers passengers a ferry service competing with another ferry service.

No person may be a member of the board of directors unless he is domiciled in Québec.

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Sporting and other recreational services
Industry Classification:	CPC 964
Type of Reservation:	National Treatment
Level of Government:	Provincial – Québec
Measures:	<i>Act respecting safety in sports</i> , CQLR, chapter S-3.1. <i>Regulation respecting combat sports</i> , CQLR, chapter S-3.1, r. 11 <i>Regulation respecting combat sports licensing</i> , CQLR, chapter S-3.1, r. 7
Description:	Cross-Border Trade in Services With respect to professional combat sport, a person who is not domiciled in Canada cannot obtain a yearly referee's or judge's permit but may obtain a permit valid for a specific sports event.

Sector:	Tourism
Sub-Sector:	Travel Agencies and Tour Operation Services
Industry Classification:	CPC 7471
Type of Reservation:	Market Access National treatment
Level of Government:	Provincial – Québec
Measures:	<i>Travel Agents Act</i> , CQLR, chapter A-10 <i>Regulation Respecting Travel Agents</i> , CQLR, chapter A-10, r. 1
Description:	Cross-Border Trade in Services A natural person applying for a travel agent licence on his own account must establish and maintain a principal establishment in Quebec. The association, partnership or person on whose behalf the licence is applied for must establish and maintain a principal establishment in Quebec. A principal establishment is an establishment in which the operations of the licensee are principally performed.

Sector: All sectors

Sub-Sector:

Industry Classification:

Type of Reservation: Market Access

Level of Government: Provincial - Québec

Measures: *Act respecting land use planning and development*, CQLR, chapter A-19.1

Description: **Investment**

Act respecting land use planning and development entitles to specify, for each zone or group of contiguous zones, the maximum number of places that may be used for identical or similar uses, including those in the same immovable, the minimum distance required between such places or the maximum floor or land area allowed for such uses.

A rule so provided may only apply, as regards agricultural activities within the meaning of the *Act respecting the preservation of agricultural land and agricultural activities* in an agricultural zone established under that Act, to hog farms.

Sector: All sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National treatment
Market Access
Performance Requirements
Senior Management and Boards of Directors

Level of Government: Provincial – Québec

Measures: *Cooperatives Act*, CQLR, chapter C-67.2
Regulation Under the Cooperatives Act, CQLR, chapter C-67.2, r.
1

Description: **Investment**

The *Cooperatives Act* places constraints on the issue, transfer and ownership of shares. Membership of the cooperative is subject to the member actually using the services offered by the cooperative and to the cooperative's ability to provide him with them. The *Cooperatives Act* also stipulates that every member of the cooperative or representative of a legal person or partnership that is a member may be a director. The head office of a cooperative, a federation or a confederation must at all times be located in Quebec.

A cooperative, a federation or a confederation must carry on with its members a proportion of its total business according to a percentage determined by government regulation. In the case of a solidarity cooperative, this proportion is calculated separately for the members who are users of the cooperative and for those who are workers of the cooperative.

Sector:	Forestry
Sub-Sector:	Forestry and logging products, products of wood, cork, straw and plaiting materials and pulp, paper and paper products
Industry Classification:	CPC 031, 31, 32
Type of Reservation:	National Treatment Performance Requirements
Level of Government:	Provincial – Québec
Measures:	<i>Act respecting the Ministère des Ressources Naturelles et de la Faune</i> , CQLR, chapter M-25.2, <i>Sustainable Forest Development Act</i> , CQLR, chapter A-18.1

Description: Investment

All timber harvested in the domain of the State, including biomass volumes, must be completely processed in Québec. However, the Government may, on the conditions it determines, authorize the shipment outside Québec of incompletely processed timber from the domain of the State if it appears to be contrary to the public interest to do otherwise.

The Minister may take measures for the development of lands or forest resources in the domain of the State that are under his authority in order to encourage regional development or implement any other related governmental policy.

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Horse racing
Industry Classification:	CPC 02113, 96492
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Québec
Measures:	<i>Act Respecting Racing</i> , CQLR, chapter C-72.1 <i>Rules Respecting the Breeding of Québec Standardbred Racehorses</i> , CQLR, chapter C-72.1, r. 6 <i>Rules Respecting Certification</i> , CQLR, chapter C-72.1, r. 1 <i>Rules Respecting Betting Houses</i> , CQLR, chapter C-72.1, r. 7 <i>Rules Respecting Standardbred Horse Racing</i> , CQLR, chapter C-72.1, r. 8
Description:	Cross-Border Trade in Services and Investment Only a Canadian citizen may apply for a license to operate a race track, a license to hold races or a license to operate a betting house. Any person who applies for registration of a Standardbred stallion with the Régie des alcools, des courses et des jeux (RACJ) must be a resident of Québec for at 183 days. Only a Québec race horse, as defined in the <i>Rules respecting the breeding of Québec Standardbred race horses</i> , can be entitled to a privilege or advantage.

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Gambling and betting
Industry Classification:	CPC 96492
Type of Reservation:	National Treatment Performance Requirements Senior Management and Board of Directors
Level of Government:	Provincial - Québec
Measures:	<i>Act respecting the Société des loteries du Québec</i> , CQLR, chapter S-13.1 <i>Act Respecting Lotteries, Publicity Contests and Amusement Machines</i> , CQLR, chapter L-6 <i>Lottery Scheme Rules</i> , CQLR, chapter L-6, r. 12 <i>Rules Respecting Amusement Machines</i> , CQLR, chapter. L-6, r. 2 <i>Rules Respecting Publicity Contests</i> , CQLR, chapter L-6, r. 6 <i>Rules Respecting Video Lottery Machines</i> , CQLR, chapter L-6, r. 3 <i>Bingo Rules</i> , CQLR, chapter L-6, r. 5
Description:	Cross-Border Trade in Services and Investment Any person who applies for a license to operate a lottery scheme must be a Canadian citizen or, in the case of a company or corporation, have an office in Québec. Any person who wishes to obtain an amusement machine operator's license or merchant license must be a Canadian citizen and in the case of a corporation, must be headquartered or have its principal establishment in Canada and have an office in Québec. With regard to video lottery machines operated somewhere other than in a government casino, Régie des alcools, des courses et des jeux (RACJ) may take Canadian citizenship or residence into account when making rules to determine the conditions for obtaining prescribed licenses as well as operating standards, restrictions, or prohibitions. The RACJ may determine the conditions of player participation, or standards, restrictions, or prohibitions related to promotion, advertising, or educational programs pertaining to video lottery machines, which may only apply, in full or in part, to certain categories of individuals. With respect to bingo, projects for which a charitable or religious organization applies for an in-hall, media, or recreational bingo

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license must be carried out entirely in Québec. Individuals or companies that apply for a bingo supplier's license must have an establishment in Québec.

No person may be a member of the board of directors unless he is domiciled in Québec.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages Commission agents' services Wholesale trade services Retailing services
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	Market Access National Treatment Senior Management and Board of Directors
Level of Government:	Provincial – Québec
Measures:	<i>Act respecting the Société des alcools du Québec</i> , CQLR, chapter S-13 <i>Regulation respecting cider and other apple-based alcoholic beverages</i> , CQLR, chapter S-13, r. 4 <i>Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit</i> , CQLR, chapter S-13, r. 7 <i>Regulation respecting alcoholic beverages made and bottled by holders of a distiller's</i> , CQLR, chapter S-13, r. 3 <i>Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit</i> , CQLR, chapter S-13, r. 6 <i>Act respecting offences relating to alcoholic beverages</i> , CQLR, chapter I-8.1 <i>Act respecting liquor permits</i> , CQLR, chapter P-9.1 <i>Regulation respecting liquor permits</i> CQLR, chapter P-9.1, r. 5
Description:	Cross-Border Trade in Services and Investment The Société des alcools du Québec operates as a monopoly responsible for the importation, distribution, supply, transport, sale, trade and marketing of alcoholic beverages. No person may be a member of the board of directors unless he is domiciled in Québec.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages Commission agents' services Wholesale trade services Retailing services
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	National Treatment Market Access Performance Requirements
Level of Government:	Provincial - Québec
Measures:	<i>Act respecting the Société des alcools du Québec</i> , CQLR, chapter S-13 <i>Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit</i> , CQLR, chapter S-13, r. 6 <i>Act respecting offences relating to alcoholic beverages</i> , CQLR, chapter I-8.1
Description:	Cross-Border Trade in Services and Investment Only those who own an establishment in Québec may obtain a beer distributor's, brewer's, distiller's, wine maker's, cider maker's, warehouse, small-scale production, or small-scale beer producer's permit. Holders of a distiller's permit may only sell the products they produce or bottle to Société des alcools du Québec (SAQ), unless they ship such products outside Québec. Holders of a small-scale production permit may sell the alcoholic beverages they produce on their production premises.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages Hotel and other lodging services Food serving services Beverage serving services for consumption on the premises Wholesale trade services Retailing services
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107, 641, 642, 643
Type of Reservation:	National Treatment Market Access Senior Management and Boards of Directors
Level of Government:	Provincial - Québec
Measures:	<i>Act Respecting Liquor Permits</i> , CQLR, chapter. P-9.1 <i>Regulation Respecting Liquor Permits</i> , CQLR, chapter P-9.1, r. 5 <i>Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit</i> , CQLR, chapter S-13, r. 6
Description:	Cross-Border Trade in Services and Investment To obtain a liquor permit under the <i>Act respecting Liquor permits</i> , persons who are not Canadian citizens must have been residing in Québec as a permanent resident of Canada, unless they apply for a reunion permit or “Man and His World” permit as authorized representatives of a government, country, Province, or State. Companies or corporations not listed on a Canadian stock exchange may obtain a permit to sell alcohol only if all their partners or directors and shareholders who hold 10% or more of shares with full voting rights are Canadian citizens or have been residing in Québec as a permanent resident of Canada. For certain product categories, marketing is carried out by holders of a grocery license issued by Régie des alcools, des courses et des jeux (RACJ). Grocers must buy authorized alcoholic beverages from an authorized distributor. Liquor permit applicants who are not Canadian citizens must prove that they have lived in Québec for at least one year. If an applicant is a company or corporation not listed on a Canadian stock exchange, it must prove, for each of its partners or directors and shareholders who own 10% or more of shares with full voting

rights and are not Canadian citizens that they have lived in Québec for at least one year.

The person entrusted to manage the establishment for a holder of a permit authorizing the sale or service of alcoholic beverages for consumption on a premise must have a Canadian social insurance number.

With regard to reunion permits to sell alcohol, when the proceeds of an event are to be used for the purposes of a nonprofit corporation other than the permit applicant, the nonprofit corporation must have an establishment in Québec.

Sector:	Energy
Sub-Sector:	Electricity and services incidental to energy distribution
Industry Classification:	CPC 171, 887
Type of Reservation:	National Treatment Performance Requirements
Level of Government:	Provincial - Québec
Measures:	<i>Act respecting the Régie de l'énergie</i> , CQLR, chapter R-6.01 <i>Hydro-Québec act</i> , CQLR, chapter H-5
Description:	Cross-Border Trade in Services and Investment Québec (including through the Régie de l'énergie and Hydro Quebec) may fix, determine and modify rates, tariffs, prices and other conditions relating to the production, purchase, transportation, transmission, supply, distribution, and sale of electric power. Without limiting the generality of the foregoing, such measures may involve discretionary decisions based on various factors, the imposition of performance requirements and /or discrimination in favor of residents of Quebec and/or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business and/or substantive business operations within Quebec.

Sector:	Energy
Sub-Sector:	Electricity and services incidental to energy distribution
Industry Classification:	CPC 171, 887
Type of Reservation:	National Treatment Performance Requirements
Level of Government:	Provincial - Québec
Measures:	<i>Act respecting the exportation of electric power</i> , CQLR, chapter E-23, <i>Act respecting the Régie de l'énergie</i> , CQLR, chapter R-6.01
Description:	Cross-Border Trade in Services and Investment Hydro-Québec, municipal electric power systems, and private electric power systems are holders of exclusive electric power distribution rights. The exportation of electric power from Québec is prohibited. The Québec Government may nevertheless authorize, by order, on the conditions and in the cases it determines, any contract for the exportation of electric power from Québec. Contracts relating to the exportation of electric power by Hydro-Québec, including wheeling under a transportation service agreement, must be submitted to the Government for authorization in the cases determined by the Government and are subject to such conditions as the Government may then determine.

Sector:	Real Estate Services
Sub-Sector:	Real estate services involving own or leased property and real estate services on a fee or contract basis
Industry Classification:	CPC 821, 822
Type of Reservation:	National Treatment
Level of Government:	Provincial – Québec
Measures:	<i>Real estate brokerage act</i> , CQLR, chapter. C-73.2
Description:	Cross-Border Trade in Services The Real Estate Brokerage Act imposes residency requirements to brokers and agencies. Therefore, a broker must have an establishment in Quebec. In the case of a broker who acts on behalf of an agency, the broker's establishment is the agency's establishment. Any agency must have an establishment in Quebec.

SASKATCHEWAN

Sector:	Motor Vehicles
Sub-Sector:	Sale of motor vehicles including automobiles and other road vehicles
Industry Classification:	CPC 622
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial - Saskatchewan
Measure:	<i>The Motor Dealers Act</i> , R.S.S. 1978, c.M-22; <i>The Motor Dealers Regulations</i> , R.R.S. c.M-22 Reg 1
Description:	Cross-Border Trade in Services

No license as a motor vehicle dealer shall be granted unless the applicant for the license maintains in the province a place of business satisfactory to the registrar and from which he conducts his business, or a portion of his business, as a dealer.

Sector:	Fisheries
Sub-Sector:	Services incidental to fishing
Industry Classification:	CPC 882
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial - Saskatchewan
Measure:	<i>The Fisheries Act (Saskatchewan), 1994, c.F-16.1;</i> <i>The Fisheries Regulations, c.F-16.1 Reg 1;</i> Commercial Fishing Licensee Eligibility Requirements (Policy Number 3420.02); Commercial Fishing Co-operatives (Policy Number F & W 2003.2); Commercial Net Fishing Licence Eligibility Requirements Guidelines
Description:	Cross-Border Trade in Services and Investment Only a Saskatchewan resident is eligible to obtain a commercial fishing license. Licenses may be restricted to residents of the region of a local fishery.

Sector: Professional Services

Sub-Sector: Legal Services

Industry Classification: CPC 861

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial - Saskatchewan

Measure: *The Legal Profession Act, 1990*, S.S. 1990-91, c.L-10.1;
Rules of the Law Society of Saskatchewan

Description: **Cross-Border Trade in Services and Investment**

Only Canadian citizens or permanent residents of Canada are eligible for membership in the Law Society of Saskatchewan as a student of law or lawyer. Only members of the Law Society of Saskatchewan holding a subsisting certificate of practice can practice law in Saskatchewan.

A person who has engaged in the active practice of law in another jurisdiction of Canada may, upon meeting certain conditions, be admitted as a member without having met the normal requirements. Occasional appearance memberships are available only to persons who are Canadian citizens or permanent residents of Canada and who are qualified to practice law in another jurisdiction of Canada.

Sector:	Professional Services
Sub-Sector:	Legal Services
Industry Classification:	CPC 861
Type of Reservation:	National Treatment Market Access
Level of Government:	Provincial - Saskatchewan
Measure:	<i>The Notaries Public Act</i> , R.S.S. 1978, c.N-8; <i>The Commissioners for Oaths Act</i> , R.S.S. 1978, c.C-16
Description:	Cross-Border Trade in Services and Investment Only Canadian citizens residing within Saskatchewan can be appointed a notary public for Saskatchewan. Only Canadian citizens can be appointed as a commissioner for oaths in and for Saskatchewan.

Sector:	Tourism
Sub-Sector:	Other – Services incidental to hunting Services incidental to fishing Tourist Guide Agencies Own-account hunting
Industry Classification:	CPC 7472, 8813, 8820, 96419
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial - Saskatchewan
Measure:	<i>The Wildlife Act, 1998, S.S. c.W-13.12;</i> <i>The Wildlife Regulations, c.W13.1 Reg 1;</i> <i>The Outfitter and Guide Regulations, 2004, c.N-3.1 Reg 3</i>
Description:	Cross-Border Trade in Services and Investment Any person who wishes to hold an outfitter's licence must be a Saskatchewan resident and have a head office in Saskatchewan.

Sector:	Real Estate
Sub-Sector:	Real estate services involving own or leased property Real estate services on a fee or contract basis
Industry Classification:	CPC 8210, 822
Type of Reservation:	National Treatment
Level of Government:	Provincial - Saskatchewan
Measure:	<i>The Real Estate Act</i> , S.S. 1995, c.R-1.3; The Real Estate Commission policies and bylaws
Description:	Cross-Border Trade in Services Every brokerage and person named in a certificate of registration as a brokerage must have an office in Saskatchewan and is required to maintain trust accounts in a financial institution in Saskatchewan for the deposit of all money received in connection with trades in real estate.

Sector:	Tourism
Sub-Sector:	Services incidental to hunting, tourist guide agencies, own-account hunting
Industry Classification:	CPC 7472, 8813, 96419
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial - Saskatchewan
Measure:	<i>The Wildlife Act, 1998, S.S. c.W-13.12;</i> <i>The Wildlife Regulations, c.W13.1 Reg 1</i>
Description:	Cross-Border Trade in Services and Investment A fur licence holder must be a Saskatchewan resident. A Saskatchewan resident is a Canadian resident who has a principal residence in Saskatchewan and has resided in the province for the three months preceding the date of the application for a licence.

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Gambling and betting
Industry Classification:	CPC 96492
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial - Saskatchewan
Measures:	<i>The Alcohol and Gaming Regulation Act</i> , S.S.1997, c.A-18.011; Saskatchewan Liquor and Gaming Authority Policy; <i>The Slot Machine Act</i> , R.S.S. 1978, c.S-50; <i>The Saskatchewan Gaming Corporation Act</i> , S.S. 1994, c. S-18.2; <i>The Interprovincial Lotteries Act, 1984</i> , S.S. 1983-84, c. I-12.01
Description:	Investment Only gaming equipment, including video lottery terminals and slot machines, owned or leased by the Government of Saskatchewan may be operated in Saskatchewan.

Sector:	Transportation
Sub-Sector:	Passenger Transportation, interurban scheduled bus passenger transportation, non-scheduled motor buses, chartered buses and tour and sightseeing buses
Industry Classification:	CPC 71213, 71222, 71223
Type of Reservation:	Market Access
Level of Government:	Provincial - Saskatchewan
Measure:	<i>The Traffic Safety Act</i> , S.S. 2004, c.T-18.1; <i>The Operating Authority Regulations, 1990</i> , c.M-21.2 Reg 1; Policies of the Highway Safety Board
Description:	<p>Cross Border Trade in Services and Investment</p> <p>An Operating Authority Certificate is required by persons operating commercial or business use vehicles for the purpose of transporting passengers for hire within or outside of the province.</p> <p>When considering an application for an operating authority certificate or an amendment to an Operating Authority Certificate, the Highway Safety Board may consider whether public business will be promoted by the proposed undertaking.</p> <p>Public business may be measured through a public convenience and needs test which includes:</p> <ul style="list-style-type: none">• examination of the adequacy of current levels of service;• market conditions establishing the requirement for expanded service;• the effect of new entrants on public convenience, including the continuity and quality of service; and,• fitness, willingness and ability of the applicant to provide proper service.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Saskatchewan

Measure: *The Business Corporations Act*, R.S.S. 1978, c.B-10;
Private Acts of the Legislature of Saskatchewan establishing
corporate bodies

Description: **Investment**

At least 25% of the directors of a corporation must be resident Canadians (i.e. Canadian citizens or permanent resident), but if a corporation has fewer than four directors, at least one director must be a resident Canadian.

If none of the directors of a corporation resides in Saskatchewan, the corporation shall appoint an attorney pursuant to comply with the Act as if the corporation were an extra-provincial corporation.

Directors of a corporation may appoint from their number a managing director who is a resident Canadian or a committee of directors and delegate to such managing director or committee any of the powers of the directors.

If the directors of a corporation appoint a committee of directors, at least 25% of the members of the committee must be resident Canadians.

Constraints may be placed on the transfer and ownership of shares in corporations. The object is to permit corporations to meet Canadian ownership requirements, under certain federal and provincial laws, in sectors where ownership is required as a condition to operate or to receive licences, permits, grants, payments, or other benefits. In order to maintain certain Canadian ownership levels, a corporation is permitted to sell shareholders'

shares without the consent of those shareholders, and to purchase its own shares on the open market.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Saskatchewan

Measure: *The Co-operatives Act, 1996*, S.S. 1998, c.C-37.3;
Private Acts of the Legislature of Saskatchewan establishing
corporate bodies;
Practice and Policy of the Registrar of Co-operatives

Description: **Investment**

A co-operative must have a registered office in Saskatchewan.

Membership may be limited to Canadians resident in Saskatchewan.

There must be at least five Directors and the majority of Directors must be Canadian residents. Directors are appointed from amongst the membership of the cooperative.

The registrar may restrict the businesses in which a co-operative may engage in the province.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Saskatchewan

Measures: *The Non-profit Corporations Act*, S.S. 1995, c.N-4.2;
Private Acts of the Legislature of Saskatchewan establishing
corporate bodies

Description: **Investment**

At least one director of a corporation must reside in Saskatchewan.

At least 25% of the directors of a corporation must be resident Canadians (i.e. Canadian citizen), but if a corporation has fewer than four directors, at least one director must be a resident Canadian.

Directors of a charitable corporation shall not transact business at a meeting of directors unless a majority of directors present are resident Canadians.

Directors of a corporation may appoint from their number a managing director who is a resident Canadian or a committee of directors and delegate to the managing director or committee any of the powers of the directors. If the directors of a corporation appoint a committee of directors, a majority of the members of the committee must be resident Canadians.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Performance Requirement

Level of Government: Provincial - Saskatchewan

Measures: *The Labour-sponsored Venture Capital Corporations Act, S.S.*
1986, c.L-0.2;
The Labour-sponsored Venture Capital Corporations Regulations,
R.R.S. c.L-0.2 Reg 1

Description: **Investment**

A labour-sponsored venture capital corporation is required to invest the proceeds from the issuance of shares primarily in the equity shares of eligible businesses. To be eligible, a business must employ no more than 500 employees in Saskatchewan and pay at least 25% of its salaries and wages to Saskatchewan residents.

Tax credits are limited to persons liable to pay Saskatchewan provincial and federal income tax.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Provincial - Saskatchewan

Measures: *The Community Bonds Act*, S.S. 1990-91, c.C-16.1

Description: **Investment**

All directors of the proposed community bond corporation are to be residents of Saskatchewan.

Sector:	Agriculture
Sub-Sector:	Agricultural land, products of agriculture and live animals and animal products
Industry Classification:	CPC 01, 02, 531
Type of Reservation:	Market Access National Treatment
Level of Government:	Provincial - Saskatchewan
Measures:	<i>The Saskatchewan Farm Security Act</i> , S.S. 1988-89, c.S-17.1; Crown Land Lease Policy (93-10-01); Community Pasture Policy (93-12-01)
Description:	<p>Cross Border Trade in Services and Investment</p> <p>Only Canadian residents and incorporated agricultural corporations are unlimited in the farmland holdings that they can own, control directly or indirectly or otherwise deal with.</p> <p>A “resident person” means an individual who:</p> <ul style="list-style-type: none">• resides in Canada for at least 183 days in any year; or• is a Canadian citizen. <p>Non-Canadian residents and non-agricultural corporations may not have or acquire an aggregate land holding exceeding 10 acres and are restricted in the conditions under which they may own, control directly or indirectly or otherwise deal with farmland holdings in Saskatchewan.</p> <p>Non-residents may not acquire an interest in land by participating in limited partnerships.</p> <p>Livestock producers must be Canadian citizens or landed immigrants and actively operate or manage a farm and control a land base in Saskatchewan in order to lease pasture land.</p>

Sector:	Agriculture
Sub-Sector:	Agriculture, mining and manufacturing, services incidental to agriculture, production and distribution services
Industry Classification:	CPC 0291, 0292, 02122, 22, 8811 (excluding rental of agricultural equipment with operator)
Type of Reservation:	Market Access
Level of Government:	Provincial - Saskatchewan
Measures:	<i>The Agri-Food Act</i> , S.S. 2004, c.A-15.21; <i>The Broiler Hatching Egg Marketing Plan Regulations</i> , 1985, c.N- 3, Reg 1; <i>The Commercial Egg Marketing Plan Regulations</i> , 2006, c.A- 15.21, Reg 2; <i>The Milk Marketing Plan Regulations</i> , 2010, c.A-15.21, Reg 12; <i>The Saskatchewan Chicken Marketing Plan</i> , 1978, SR387/78; <i>The Saskatchewan Turkey Producers' Marketing Plan</i> , 1975, SR275/75;
Description:	Cross Border Trade in Services and Investment Producers are required to hold a licence in order to produce or market: broiler hatching eggs; chickens, commercial eggs, milk; and, turkeys. Only licenced producers can own and produce the commodities associated with each type of quota. Products produced under that quota must be produced in Saskatchewan.

YUKON

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment
Performance Requirement

Level of Government Territorial - Yukon

Measures: *Income Tax Act, R.S.Y. 2002, c.118*

Description: **Investment**

Under the *Yukon Income Tax Act*, a Yukon Small Business Investment Tax Credit of 25% of the purchased share amount is offered to Yukon residents who invest in eligible business corporations. Yukon allocates \$1 million annually, to distribute on a first come, first served basis.

Eligible small business corporations must meet certain criteria including maintaining a permanent establishment in Yukon, having at least 50% of assets in Yukon, and paying at least 50% of salaries in Yukon.

Sector: Professional Services

Sub-Sector: Legal Services

Industry Classification: CPC 861

Type of Reservation: Market Access
National Treatment

Level of Government Territorial - Yukon

Measures: *Legal Profession Act, R.S.Y. 2002, c.134*

Description: **Cross-Border Trade in Services and Investment**

The following persons are qualified to apply for admission to the Law Society of Yukon and enrolment as members for the provision of domestic law:

- a) any person who has been duly called to the bar of a province or has been admitted to practice as an attorney, advocate, barrister or solicitor in a province,
- b) any person who has completed 12 months of service in Yukon under articles as a student-at-law approved by the executive.

Sector: Professional Services

Sub-Sector: Notary Public

Industry Classification: CPC 861

Type of Reservation: National Treatment

Level of Government Territorial – Yukon

Measures: *Notaries Act, R.S.Y. 2002, c.158*

Description: **Cross-Border Trade in Services and Investment**

Every person who seeks enrolment as a notary public must be a citizen of Canada or a person who has the status of a permanent resident of Canada.

Sector:	Real Estate
Sub-Sector:	Real estate services involving own or leased property and real estate services on a fee or contract basis
Industry Classification:	CPC 821, 822
Type of Reservation:	National Treatment
Level of Government	Territorial – Yukon
Measures:	<i>Real Estate Agents Act R.S.Y. 2002, c.188</i> <i>Regulation O.I.C., 1977/158, 1981/14, and 1990/136</i>
Description:	Cross-Border Trade in Services Real estate agent applicants must: <ul style="list-style-type: none">• be a resident of Yukon for a period of not less than three months immediately prior to the application date, and• be licensed as a salesman in Yukon for at least one year prior to submitting an application.

Sector:	Tourism
Sub-Sector:	Wilderness Tourism
Industry Classification:	CPC 7472
Type of Reservation:	Market Access National Treatment
Level of Government	Territorial - Yukon
Measures:	<i>Wilderness Tourism Licensing Act, R.S.Y. 2002, c.228</i> <i>General Regulation, O.I.C. 1999/69</i>
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>There are a limited number of licences allocated for the Glacier Bay National Park and Preserve area. Licences allocated to Yukon are distributed with preference given to Yukon residents.</p> <p>The above measures permit the Government of Yukon to regulate and issue various authorizations relating to wilderness tourism. This may involve, among other things, the making of measures</p> <ul style="list-style-type: none">• to limit ownership on the basis of nationality or residence,• to limit market access, and• to favour Canadian persons and Canadian service providers.

Sector:	Tourism
Sub-Sector:	Services incidental to hunting, trapping, outfitting and tourist guides
Industry Classification:	CPC 8813, 7472, 96419
Type of Reservation:	National Treatment Market Access
Level of Government:	Territorial - Yukon
Measures:	<i>Wildlife Act, R.S.Y. 2002, c.229</i> <i>Wildlife Regulations, O.I.C. 2012/84</i> <i>Trapping Regulation, O.I.C. 1983/283</i> <i>Parks and Land Certainty Act, R.S.Y. 2002, c.165</i> <i>Hershel Island Park Regulation, O.I.C. 1990/038</i>

Description: Cross-Border Trade in Services and Investment

Applicants for outfitting concessions, trapping concessions and wilderness tourism licenses must be a Canadian citizen or a permanent resident who ordinarily resides in Canada. Outfitters must be in Yukon during the period when persons are hunting in his/ her concession.

An outfitting certificate is a yearly authorization which gives permission to the holder to carry on the business of outfitting in a specific outfitting concession. An outfitting certificate is issued to a person who is a holder of the concession, or if requested, to an eligible corporation named by the outfitter. The corporation can then offer to provide guiding services to hunters. Assistant trapper's licences and trapping concessions are issued to Yukon residents only.

The above measures permit the Government of Yukon to regulate and issue various authorizations relating to tourism, including services incidental to hunting, trapping, outfitting and tourist guides. This may involve, among other things, the making of measures

- to limit ownership on the basis of nationality or residence,
- to limit market access, and
- to favour Canadian persons and Canadian service providers.

Sector:	Fur Farming
Sub-Sector:	Hides, skins and fur skins, raw Services incidental to animal husbandry Services incidental to hunting
Industry Classification:	CPC 0297, 8812, and 8813
Type of Reservation:	National Treatment Market Access
Level of Government	Territorial – Yukon
Measures:	<i>Wildlife Act, R.S.Y. 2002, c.229</i> <i>Wildlife Regulations O.I.C. 2012/84</i> <i>Trapping Regulations O.I.C. 1982/283</i> <i>Game Farm Regulations O.I.C. 1995/15</i> <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>A licence is required for a person to operate a fur farm in Yukon. Only Yukon residents are eligible for a licence. Residency is established by residing in Yukon for one year according to the <i>Wildlife Act</i>.</p> <p>The above measures permit the Government of Yukon to regulate and issue various authorizations relating to farming, including raw hides, skins, and fur skins, services incidental to animal husbandry and services incidental to hunting. This may involve, among other things, the making of measures</p> <ul style="list-style-type: none"> • to limit ownership on the basis of nationality or residence, • to limit market access, and • to favour Canadian persons and Canadian service providers.

Sector:	Agriculture
Sub-Sector:	Agricultural land, forest and other wooded land
Industry Classification:	CPC 531 and 8811 (except rental of equipment with operator), 8812
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government	Territorial - Yukon
Measures:	<i>Lands Titles Act, R.S.Y. 2002, c.130</i> <i>Lands Act, R.S.Y. 2002, c.132</i> <i>Lands Regulation, O.I.C. 1983/192</i> <i>Lands Act – Regulation to Amend the Lands Regulation, O.I.C. 2012/159</i> Yukon Agriculture Policy <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	Cross-Border Trade in Services and Investment Corporate applicants for agricultural land use must be incorporated in Canada or Yukon and the principle shareholders must be Canadian citizens or landed immigrants who have resided continuously in Yukon for one year. To be eligible to apply for agricultural land use, a society must be registered in Yukon whose officers are Canadian citizens or landed immigrants and must have resided continuously in Yukon for one year. A majority of members of an agricultural association or cooperative applicants must be Yukon residents. The above measures permit the Government of Yukon to regulate and issue various authorizations relating to agriculture, including agricultural land, forest and other wooded land. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to limit ownership on the basis of nationality or residence,• to impose performance requirements,• to favour Canadian persons and Canadian service providers, and

- regarding the nationality or residence of senior management and board of directors.

Sector:	Agriculture
Sub-Sector:	Services incidental to agriculture Services incidental to animal husbandry Agricultural land, forest and other wooded land Crown land leases and permits
Industry Classification:	CPC 8811 (except rental of agricultural equipment with operator), 8812, 531
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government	Territorial - Yukon
Measures:	<i>Land Titles Act, R.S.Y. 2002, c.130</i> <i>Lands Act, R.S.Y. 2002, c.132</i> <i>Lands Regulation, O.I.C. 1983/192</i> <i>Lands Act – Regulation to Amend the Lands Regulation, O.I.C. 2012/159</i> <i>Grazing Regulations, O.I.C. 1988/171</i> Yukon Grazing Policy <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	Cross-Border Trade in Services and Investment

In order to apply for a grazing agreement:

- Individual applicants must be a Canadian citizen or have permanent resident status; and have resided in Yukon for one year prior to applying.
- Corporate applicants must have a majority of shares held by Yukon residents.
- The majority of members of agricultural association or cooperative applicants must be Yukon residents.

The above measures permit the Government of Yukon to regulate and issue various authorizations relating to agriculture, including services incidental to agriculture, services incidental to animal husbandry, agricultural land, forest and other wooded land and Crown land leases and permits. This may involve, among other things, the making of measures

- to impose performance requirements,
- to limit ownership on the basis of nationality or residence,

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- to favour Canadian persons and Canadian service providers, and
- regarding the nationality or residence of senior management and board of directors.

Sector:	Agriculture
Sub-Sector:	Production, transformation and transport of agricultural products, food and marine products; services incidental to fishing
Industry Classification:	CPC 01, 02, 04, , 881 (except 8811, rental of agricultural equipment with operators, and 8814 services incidental to forestry and logging, including forest management), 882, 531
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government	Territorial - Yukon
Measures:	<i>Agricultural Products Act, R.S.Y. 2002, c.3</i> <i>Meat Inspection and Abattoir Regulations, O.I.C. 1988/104</i> Yukon Agricultural Policy <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	<p>Cross Border Trade in Services and Investment</p> <p>The above measures permit the Government of Yukon to regulate and issue various authorizations relating to agriculture, including production, marketing, transformation and transport of agricultural products food and marine products, and services incidental to fishing. This may involve, among other things, the making of measures</p> <ul style="list-style-type: none">• to impose performance requirements,• to limit ownership on the basis of nationality or residence,• to favour Canadian persons and Canadian service providers, and• regarding the nationality or residence of senior management and board of directors.

Sector:	Forestry
Sub-Sector:	Agricultural, forest and other wooded land Forestry and logging products
Industry Classification:	CPC 531, 03
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Territorial – Yukon
Measures:	<i>Forest Resources Act, S.Y. 2008, c.15</i> <i>Forest Resources Regulation, O.I.C. 2010/171</i> <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	Investment The above measures permit the Government of Yukon to regulate and issue various authorizations relating to forestry, including agricultural, forest and other wooded land, and forestry and logging products. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to impose performance requirements,• to limit ownership on the basis of nationality or residence,• to favour Canadian persons and Canadian service providers, and• regarding the nationality or residence of senior management and board of directors.

Sector:	Energy
Sub-Sector:	Electrical energy and services incidental to energy distribution
Industry Classification:	CPC 171, 713, 887
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Territorial – Yukon
Measures:	<i>Waters Act, S.Y. 2003, c.19</i> <i>Waters Regulation O.I.C. 2003/58</i> <i>Environment Act, R.S.Y. 2002, c.76</i> <i>Quartz Mining Act, S.Y. 2003, c.14</i> <i>Quartz Mining Land Use Regulation O.I.C. 2003/64</i> <i>Security Regulation O.I.C. 2007/77</i> <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	Cross-Border Trade in Services and Investment Yukon reserves the right to set or modify electricity rates. Yukon may make available to Yukon Development Corporation (or any subsidiary or successor corporation) for operational purposes any facility or any water power that is owned by Yukon or under its control. The above measures permit the Government of Yukon to regulate and issue various authorizations relating to energy, including electrical energy and services incidental to energy distribution. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to impose performance requirements,• to limit ownership on the basis of nationality or residence,• to favour Canadian persons and Canadian service providers, and• regarding the nationality or residence of senior management and board of directors.

Sector:	Energy
Sub-Sector:	Production, transmission, and distribution of electricity, gas, steam and hot water; services incidental to energy distribution
Industry Classification:	CPC 17, 713, 887
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government	Territorial – Yukon
Measures:	<i>Corporate Governance Act, R.S.Y. 2002, c.45</i> <i>Public Utilities Act, R.S.Y. 2002, c.186</i> <i>Yukon Power Corporation Regulations O.I.C. 1987/71</i> <i>Yukon Development Corporation Act, R.S.Y. 2002, c.236</i> <i>Energy Conservation Fund, O.I.C. 1997/91</i> <i>Energy Conservation Fund Use Regulation O.I.C. 1998/204</i> <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>The above measures permit the Government of Yukon to regulate and issue various authorizations relating to energy, including production, transmission, distribution of electricity, gas, steam and hot water, and services incidental to energy distribution. This may involve, among other things, the making of measures</p> <ul style="list-style-type: none"> • to impose performance requirements, • to limit ownership on the basis of nationality or residence, • to favour Canadian persons and Canadian service providers, and • regarding the nationality or residence of senior management and board of directors.

Sector:	Transportation
Sub-Sector:	Transportation via pipeline transportation of fuels, transportation of other goods and services incidental to energy distribution
Industry Classification:	CPC 17, 713, 887
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Territorial – Yukon
Measures:	<i>Public Utilities Act, R.S.Y. 2002, c.186</i> <i>Yukon Power Corporation Regulations O.I.C. 1987/71</i> <i>Oil and Gas Act, R.S.Y. 2002, c.162</i> <i>Oil and Gas Pipeline Regulations</i> <i>Oil and Gas Disposition Regulations O.I.C. 1999/147</i> <i>Oil and Gas Licence Administration Regulations O.I.C. 2004/157</i> <i>Oil and Gas Drilling and Production Regulations O.I.C. 2004/158</i> <i>Oil and Gas Geoscience and Exploration Regulations O.I.C. 2004/156</i> <i>Oil and Gas Royalty Regulations O.I.C. 2008/25</i> <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	Cross-Border Trade in Services and Investment The Commissioner in Executive Council may designate any “energy project” (defined to include any oil or gas pipeline) as a “regulated project”, and allows the Minister to impose terms and conditions in respect of the project. The Commissioner in Executive Council may give directions to Yukon Utilities Board in respect of, among other things, utility rates and the operations of public utilities. The above measures permit the Government of Yukon to regulate and issue various authorizations relating to transportation including transportation via pipeline, transportation of fuels, and transportation of other goods and services incidental to energy distribution. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to impose performance requirements,• to limit ownership on the basis of nationality or residence,• to favour Canadian persons and Canadian service providers, and

- regarding the nationality or residence of senior management and board of directors.

Sector:	Energy
Sub-Sector:	Oil and gas, services incidental to energy distribution; crude petroleum and natural gas; transport services via pipeline
Industry Classification:	CPC 120, 713, 887
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government	Federal/Territorial – Yukon
Measures:	<i>Canada-Yukon Oil and Gas Accord</i> <i>Oil and Gas Act, R.S.Y. 2002, c.162</i> <i>Oil and Gas Pipeline Regulation</i> <i>Oil and Gas Disposition Regulations O.I.C. 1999/147</i> <i>Oil and Gas Licence Administration Regulations O.I.C. 2004/157</i> <i>Oil and Gas Drilling and Production Regulations O.I.C. 2004/158</i> <i>Oil and Gas Geoscience and Exploration Regulations O.I.C. 2004/156</i> <i>Oil and Gas Royalty Regulations O.I.C. 2008/25</i> <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>The above measures permit the Government of Yukon to regulate and issue various authorizations relating to energy, including oil and gas, services incidental to energy distribution, crude petroleum and natural gas, and transport services via pipeline. This may involve, among other things, the making of measures</p> <ul style="list-style-type: none"> • to impose performance requirements, • to limit ownership on the basis of nationality or residence, • to favour Canadian persons and Canadian service providers, and • regarding the nationality or residence of senior management and board of directors.

Sector:	Alcoholic Beverages
Sub-Sector:	Wholesale trade services; food retailing services; liquor, wine and beer stores; liquor, wine and beer; commission agent's services; production, manufacture and transportation of alcoholic beverages; retailing services
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107, 8841, 7123 (except 71231, 71232, 71233, 71234)
Type of Reservation:	National Treatment Senior Management and Board of Directors
Level of Government:	Territorial – Yukon
Measures:	<i>Liquor Act, R.S.Y. 2002, c.140</i> <i>Liquor Regulations O.I.C. 1977/37</i> <i>Regulations to Amend the Liquor Regulations O.I.C. 2010/157, O.I.C.2012/96</i> <i>Yukon Act, S.C. 2002, c.7</i>
Description:	Cross-Border Trade in Services and Investment The above measures permit the Government of Yukon to regulate and issue various authorizations relating to alcoholic beverages, including wholesale trade services, food retailing services, liquor, wine and beer stores, liquor, wine and beer, commission agent's services, production, manufacture and transportation of alcoholic beverages and retailing services. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to limit ownership on the basis of nationality or residence,• to favour Canadian persons and Canadian service providers, and• regarding the nationality or residence of senior management and board of directors.

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Gambling and betting
Industry Classification:	CPC 96492
Type of Reservation:	National Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government	Territorial – Yukon
Measures:	<i>Public Lotteries Act, R.S.Y. 2002, c.179</i> <i>Lottery Licensing Act, R.S.Y. 2002, c. 143</i> <i>Lotteries and Games of Chance Regulations</i> and the Diamond Tooth Gerties Regulations O.I.C. 1987/180 <i>Lottery Licensing Act – Regulation to Amend the Lottery and Games of Chance Regulations O.I.C. 2012/102</i> <i>Slot Machine Management Regulations O.I.C. 2205/32</i>
Description:	Cross-Border Trade in Services and Investment The above measures permit the Government of Yukon to regulate and issue various authorizations relating to gambling and betting, including regulating services, suppliers of services, manufacturing, suppliers of materials, operations and repairs relating to lottery schemes, amusement machines, video lottery terminals, games of chance, races, betting theatres, bingo casinos and promotional contests, and to conduct such activities, including through territorial monopolies. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to impose performance requirements,• to limit ownership on the basis of nationality or residence,• to favour Canadian persons and Canadian service providers, and• regarding the nationality or residence of senior management and board of directors.

Sector:	Veterinary Services
Sub-Sector:	Veterinary services for pet animals and other veterinary services
Industry Classification:	CPC 932
Type of Reservation:	National Treatment
Level of Government	Territorial – Yukon
Measures:	<i>Animal Protection Act, R.S.Y. 2002, c.6</i> <i>Animal Health Act, R.S.Y. 2002, c.5</i> <i>Occupational Training Act, R.S.Y. 2002, c.160</i>
Description:	Cross-Border Trade in Services & Investment The above measures permit the Government of Yukon to regulate and issue various authorizations relating to veterinary services for pet animals and other veterinary services. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to limit ownership on the basis of nationality or residence, and• to favour Canadian persons and Canadian service providers.

Sector:	Research and Development Services
Sub-Sector:	Research and experimental development services on natural sciences and engineering; research and experimental development services on social sciences and humanities; interdisciplinary research and experimental development services
Industry Classification:	CPC 851, 852 (linguistics and languages only), 853
Type of Reservation:	National Treatment Performance Requirement Senior Management and Board of Directors
Level of Government	Territorial – Yukon
Measures:	<i>Scientists and Explorers Act, R.S.Y. 2002, c.200</i> <i>Historic Resources Act, R.S.Y. 2002, c.109</i> <i>Archaeological Sites Regulation O.I.C. 2003/73</i> <i>Wildlife Act, R.S.Y. 2002, c.229</i> <i>Wildlife Regulations O.I.C. 2012/84</i> <i>Languages Act, R.S.Y. 2002, c.133</i> <i>Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c.7</i>
Description:	Cross-Border Trade in Services & Investment The above measures permit the Government of Yukon to regulate and issue various authorizations relating to research and development services on natural sciences and engineering, social sciences and humanities, interdisciplinary research and experimental developmental services. This may involve, among other things, the making of measures <ul style="list-style-type: none">• to impose performance requirements,• to limit ownership on the basis of nationality or residence,• to favour Canadian persons and Canadian service providers, and• regarding the nationality or residence of senior management and board of directors.

Annex II

Canada – Cross-Border Trade in Services and Investment

ALBERTA

Sector: Recreational, cultural, and sporting services

Sub-Sector: Gambling and Betting

Industry Classification: CPC 96492

Level of Government: Provincial - Alberta

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Measures:

Description: **Cross-Border Trade in Services and Investment**

Alberta reserves the right to adopt or maintain any measure relating to lottery schemes, gaming terminals, games of chance, races, bingos, casinos, or similar activities, that:

- (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;

- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or
- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Alberta to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages, commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores), manufacture of food and beverages, on a fee or contract basis
Industry Classification:	CPC 24, 62112, 62226, 63107, 643, 88411
Type of Reservation:	Market Access
Level of Government:	Provincial - Alberta
Measures:	
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>Alberta reserves the right to adopt or maintain any measure in the above mentioned sectors that:</p> <ul style="list-style-type: none"> (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test; (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or

- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Alberta to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Forestry

Sub-Sector: Forest resource and processing
Forestry and logging products

Industry Classification: CPC 03

Type of Reservation: Market Access

Level of Government: Provincial - Alberta

Measures:

Description: **Investment**

Alberta reserves the right to adopt or maintain any measure relating to the production, processing, marketing, extraction and development of forest resources and products derived from them, that:

- (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;
- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or

- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Alberta to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Fisheries

Sub-Sector: Fishing and services incidental to fishing

Industry Classification: CPC 04, 62224, 882

Type of Reservation: Market Access

Level of Government: Provincial - Alberta

Measures:

Description: **Cross Border Trade in Services and Investment**

Alberta reserves the right to adopt or maintain any measure relating to the production, processing, and collective marketing of aquaculture, marine and fish products, that:

- (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;
- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or

- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Alberta to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Alberta reserves the right to adopt or maintain any measure relating to (i) the exploration, production, extraction and development of crude petroleum or natural gas, (ii) the granting of exclusive rights to operate a distribution or transportation system, including, but not limited to related pipeline and marine distribution and transport services, and (iii) the production, transport, distribution, furnishing, and importation and exportation of electricity, that:

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investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or

- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Alberta to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

BRITISH COLUMBIA

Sector:	Energy
Sub-Sector:	Production, transmission, and distribution of electricity, gas, steam and hot water Crude petroleum and natural gas Petroleum gases and other gaseous hydrocarbons Transport services via pipeline Services incidental to energy distribution
Industry Classification	CPC 17, 120, 334, 713, 887
Type of Reservation:	Market Access
Level of Government:	Provincial - British Columbia
Description:	<p>Cross Border Trade in Services and Investment</p> <p>British Columbia reserves the right to adopt or maintain any measure relating to: (i) the exploration, production, extraction and development of crude petroleum or natural gas; (ii) rights to operate related crude petroleum or natural gas distribution or transportation systems (including, but not limited to, related pipeline and marine distribution and transport services); or (iii) the production, transport, distribution, furnishing and importation and exportation of electricity, that:</p> <ul style="list-style-type: none"> (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test; (c) limits the total number of operations or the total quantity of output expressed in terms of designated

numerical units in the form of quotas or the requirement of an economic needs test;

- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or
- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of British Columbia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Forestry

Sub-Sector: Forestry and logging products

Type of Reservation: Market Access

Industry Classification: CPC 03

Level of Government: Provincial - British Columbia

Description: Investment

British Columbia reserves the right to adopt or maintain any measure relating to the production, processing, marketing, extraction and development of forest resources and products derived from them, including the granting of licenses, that:

- (a) limits the number of covered investments that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive providers or the requirement of an economic needs test;
- (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;
- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or
- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of British Columbia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Fisheries
Sub-Sector:	Fishing and services incidental to fishing
Industry Classification:	CPC 04, 882, 62224
Type of Reservation:	Market Access
Level of Government:	Provincial - British Columbia
Description:	Cross-Border Trade in Services and Investment

British Columbia reserves the right to adopt or maintain any measure relating to the production, processing, and collective marketing of aquaculture, marine or other fish products that:

- (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;
- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or
- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of British Columbia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, Cultural and Sporting Services
Sub-Sector: Gambling and Betting

Industry Classification: CPC 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government: Provincial – British Columbia

Description: **Cross-Border Trade in Services and Investment**

British Columbia reserves the right to adopt or maintain any measure relating to the conduct and administration of any gambling in the province including lottery schemes, games of chance or games combining chance and skill, as well as directly related businesses, that:

- (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;
- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or
- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of British Columbia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages, Wholesale Liquor, Wine and Beer Stores Commission agents' services Wholesale trade services Retailing services
Industry Classification:	CPC 24, 62112, 62226, 63107
Type of Reservation:	Market Access
Level of Government:	Provincial – British Columbia
Description:	Cross-Border Trade in Services and Investment

British Columbia reserves the right to adopt or maintain any measure relating to the importation, marketing, licensing, sale and distribution of alcoholic beverages in the province that:

- (a) limits the number of covered investments or service providers that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limits the total number of operations or the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;
- (d) limits the total number of natural persons that may be employed in a subsector or that a covered investment may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test; or

- (e) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of British Columbia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

MANITOBA

Sector:	Fisheries
Subsector:	Fish and other fishing products, wholesale trade services of fisheries products, services incidental to fishing
Industry Classification:	CPC 04, 62224, 882
Type of Reservations:	Market Access
Level of Government:	Provincial – Manitoba
Measures:	
Description:	Cross Border Trade in Services and Investment

Manitoba reserves the right to adopt or maintain any measure limiting market access in the subsectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Manitoba to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Energy (oil and gas)

Subsector: Transport services via pipeline

Industry Classification: CPC 713

Type of Reservations: Market Access

Level of Government: Provincial – Manitoba

Measures:

Description: **Cross Border Trade in Services and Investment**

Manitoba reserves the right to adopt or maintain any measure limiting market access in the subsectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Manitoba to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Alcoholic beverages

Subsector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores)
Beverages

Industry Classification: CPC 24, 62112, 62226, 63107.

Type of Reservations: Market Access

Level of Government: Provincial – Manitoba

Measures:

Description: Cross Border Trade in Services and Investment

Manitoba reserves the right to adopt or maintain any measure limiting market access in the subsectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Manitoba to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Subsector:	Crude petroleum and natural gas, electrical energy and services incidental to energy distribution
Industry Classification:	CPC 120, 171, 887
Type of Reservations:	Market Access
Level of Government:	Provincial – Manitoba
Measures:	
Description:	Cross Border Trade in Services and Investment

Manitoba reserves the right to adopt or maintain any measure limiting market access in the subsectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Manitoba to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Forestry
Sub-sector:	Forestry and logging products, forest resource processing; services incidental to agriculture, hunting and forestry. Manufacture of paper and paper products, on a fee or contract basis
Industry Classification:	CPC 031, 321, 88430, 88441, 881(excluding rental of agricultural equipment with operator and 8814)
Type of Reservations:	Market Access
Level of Government:	Provincial – Manitoba
Measures:	
Description:	Cross Border Trade in Services and Investment

Manitoba reserves the right to adopt or maintain any measure limiting market access in the subsectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Manitoba to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, cultural and sporting services

Subsector: Gambling and betting

Industry Classification: CPC 96492

Type of Reservations: Market Access
Most-Favoured Nation Treatment

Level of Government: Provincial – Manitoba

Measures:

Description: **Cross Border Trade in Services and Investment**

Manitoba reserves the right to adopt or maintain any measure limiting market access in the subsectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Manitoba to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

NEW BRUNSWICK

Sector: Energy

Sub-Sector: Electrical energy
Services incidental to energy distribution

Industry Classification: CPC 17, 887

Type of Reservation: Market Access

Level of Government: Provincial – New Brunswick

Measures:

Description: **Cross Border Trade in Services and Investment**

New Brunswick reserves the right to adopt or maintain any measure limiting market access in the transfer of hydraulic power vested in the domain of the Province, the production, transport, distribution and exportation of electricity, and the maintenance of electrical facilities, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of New Brunswick to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on I - C- 4.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and Betting

Industry Classification: CPC 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government: Provincial – New Brunswick

Measures: *Gaming Control Act (S.N.B. 2008, c. G-1.5)*

Description: **Cross Border Trade in Services and Investment**

New Brunswick reserves the right to adopt or maintain monopolies in the sub sectors noted above.

For greater certainty, this reservation is without prejudice to the right of New Brunswick to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic Beverages
Sub-Sector:	Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor, wine and beer stores), alcoholic beverages
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	Market Access
Level of Government:	Provincial – New Brunswick
Measures:	<i>New Brunswick Liquor Corporation Act (S.N.B. 1974, c. N-6.1)</i>

Description: Cross Border Trade in Services and Investment

New Brunswick reserves the right to adopt or maintain any measure limiting market access in the sub-sectors listed above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of New Brunswick to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

NEWFOUNDLAND AND LABRADOR

Sector:	Forestry
Sub-Sector:	Forestry and logging products, forest resource processing; services incidental to agriculture, hunting and forestry, manufacture of paper and paper products, on a fee or contract basis
Industry Classification:	CPC 031, 321, 88430, 88441, 881 (excluding rental of agricultural equipment with operator and 8814)
Type of Reservation:	Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Description:	Cross-Border Trade in Services and Investment

Newfoundland and Labrador reserves the right to adopt or maintain any measure relating to the above subsectors that:

- (a) limits the number of covered investments or service providers, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Newfoundland and Labrador to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Fishing and Hunting
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Sub-Sector: Edible products of animal origin, raw skins of other animals, fish and other fishing products, other meat and edible offal, fresh, chilled or frozen, animal oils and fats, crude and refined, tanned or dressed fur skins, prepared and preserved fish, sales on a fee or contract basis of food products, beverages and tobacco, wholesale trade services of fishery products.

Industry Classification: CPC 0295, 02974, 04, 21129, 2162, 2831, 212, 62112, 62224, 8813 and 882

Type of Reservation: Market Access

Level of Government: Provincial - Newfoundland and Labrador

Description: **Cross-Border Trade in Services and Investment**

Newfoundland and Labrador reserves the right to adopt or maintain any measure relating to the above subsectors that:

- (a) limits the number of covered investments or service providers, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Newfoundland and Labrador to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Electrical energy and services incidental to energy distribution
Industry Classification:	CPC 171, 887
Type of Reservation:	Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Description:	Cross-Border Trade in Services and Investment

Newfoundland and Labrador reserves the right to adopt or maintain any measure relating to the above subsectors that:

- (a) limits the number of covered investments or service providers, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Newfoundland and Labrador to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and betting

Industry Classification: CPC 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government: Provincial - Newfoundland and Labrador

Description: **Cross-Border Trade in Services and Investment**

Newfoundland and Labrador reserves the right to adopt or maintain any measure relating to the above subsectors that:

- (a) limits the number of covered investments or service providers, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Newfoundland and Labrador to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Transportation

Sub-Sector: Transportation services via pipeline

Industry Classification: CPC 7131

Type of Reservation: Market Access

Level of Government: Provincial - Newfoundland and Labrador

Description: **Cross-Border Trade in Services and Investment**

Newfoundland and Labrador reserves the right to adopt or maintain any measure relating to the above subsector that:

- (a) limits the number of covered investments or service providers, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Newfoundland and Labrador to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Crude petroleum and natural gas, services incidental to energy distribution
Industry Classification:	CPC 120, 887
Type of Reservation:	Market Access
Level of Government:	Provincial - Newfoundland and Labrador
Description:	Cross-Border Trade in Services and Investment

Newfoundland and Labrador reserves the right to adopt or maintain any measure relating to the above subsectors that:

- (a) limits the number of covered investments or service providers, whether in the form of numerical quotas, monopolies, exclusive service providers or the requirement of an economic needs test;
- (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity.

For greater certainty, this reservation is without prejudice to the right of Newfoundland and Labrador to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

THE NORTHWEST TERRITORIES

Sector:	Business Services
Sub-Sector:	Services incidental to animal husbandry, services incidental to hunting
Industry Classification:	CPC 8812, 8813
Type of Reservation:	Market Access
Level of Government:	Territorial – Northwest Territories
Measures:	
Description:	Cross-Border Trade in Services and Investment

Northwest Territories reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of the Northwest Territories to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic beverages
Sub-Sector:	Alcoholic beverages, wholesale trade of beverages, retail sale of beverages not consumed on the spot, sales on a fee or contract basis of food products, beverages and tobacco
Industry Classification:	CPC 241, 242, 243, 62226, 63107, 62112
Type of Reservation:	Market Access
Level of Government	Territorial – Northwest Territories
Measures:	
Description:	Cross-Border Trade in Services and Investment

Northwest Territories reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of the Northwest Territories to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Forestry
Sub-Sector:	Forestry and logging products, forest resource processing; services incidental to agriculture, hunting and forestry, Manufacture of paper and paper products, on a fee or contract basis
Industry Classification:	CPC 03, 321, 88430, 88441, 881(excluding rental of agricultural equipment with operator and 8814)
Type of Reservation:	Market Access
Level of Government:	Territorial – Northwest Territories
Measures:	
Description:	Cross-Border Trade in Services and Investment

Northwest Territories reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of the Northwest Territories to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and betting

Industry Classification: CPC 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government: Territorial – Northwest Territories

Measures:

Description: **Cross-Border Trade in Services and Investment**

Northwest Territories reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of the Northwest Territories a to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Electrical energy, transportation services via pipeline, services incidental to energy distribution
Industry Classification:	CPC 171, 713, 887
Type of Reservation:	Market Access
Level of Government:	Territorial – Northwest Territories
Measures:	
Description:	Cross-Border Trade in Services and Investment

Northwest Territories reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of the Northwest Territories to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Energy
Sub-Sector: Crude petroleum and natural gas, pipeline transport, services incidental to energy distribution

Industry Classification: CPC 120

Type of Reservation: Market Access

Level of Government: Territorial – Northwest Territories

Measures:

Description: **Cross-Border Trade in Services and Investment**

Northwest Territories reserves the right to adopt or maintain any measure limiting market access in the exploration, production, extraction and development of crude petroleum or natural gas, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.,

Northwest Territories reserves the right to adopt or maintain any measure granting exclusive rights to operate a distribution or transportation system, including, but not limited to related pipeline and marine distribution and transport services.

For greater certainty, this reservation is without prejudice to the right of the Northwest Territories to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Fisheries
Sub-Sector:	Fish and other fishing products, wholesale trade of fishing products, services incidental to fishing
Industry Classification:	CPC 04, 62224, 882
Type of Reservation:	Market Access
Level of Government:	Territorial – Northwest Territories
Measures:	
Description:	Cross-Border Trade in Services and Investment

Northwest Territories reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of the Northwest Territories a to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Land Transport Services
Sub-sector:	Other Land Transport Services
Industry Classification:	7121, 71222
Type of Reservation:	Market Access
Level of Government:	Territorial – Northwest Territories
Description:	Cross-Border Trade in Services and Investment

Nunavut reserves the right to adopt or maintain economic needs tests for the provision of urban and interurban bus transportation services. Main criteria include the examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service

NOVA SCOTIA

Sector:	Forestry
Sub-Sector:	Forestry and logging products, forest resource processing; services incidental to agriculture, hunting and forestry, Manufacture of paper and paper products, on a fee or contract basis
Industry Classification:	CPC 031, 321, 88430, 88441, 881 (excluding rental of agricultural equipment with operator and 8814)
Type of Reservation:	Market Access
Level of Government:	Provincial - Nova Scotia
Description:	Cross-Border Trade in Services and Investment

Nova Scotia reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nova Scotia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Fisheries and Hunting
Sub-Sector:	Edible products of animal origin, raw skins of other animals, fish and other fishing products, other meat and edible offal, fresh, chilled or frozen animal oils and fats, crude and refined, tanned or dressed fur skins, prepared and preserved fish, sales on a fee or contract basis of food products, beverages and tobacco, wholesale trade services of fishery products, transportation of frozen or refrigerated goods
Industry Classification:	CPC 0295, 02974, 04, 21129, 2162, 2831, 212, 62112, 62224, part of 71231, 8813, 882
Type of Reservation:	Market Access
Level of Government:	Provincial - Nova Scotia
Description:	<p>Cross-border Trade in Services and Investment</p> <p>Nova Scotia reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.</p> <p>For greater certainty, this reservation is without prejudice to the right of the Nova Scotia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.</p>

Sector:	Energy
Sub-Sector:	Electrical energy and services, incidental to energy distribution
Industry Classification:	CPC 17, 887
Type of Reservation:	Market Access
Level of Government:	Provincial - Nova Scotia
Description:	Cross-Border Trade in Services and Investment

Nova Scotia reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nova Scotia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Crude petroleum and natural gas, services incidental to energy distribution
Industry Classification:	CPC 120, 887
Type of Reservation:	Market Access
Level of Government:	Provincial - Nova Scotia
Description:	Cross-Border Trade in Services and Investment

Nova Scotia reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nova Scotia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and betting

Industry Classification: CPC 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government: Provincial - Nova Scotia

Description: **Cross-Border Trade in Services and Investment**

Nova Scotia reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nova Scotia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic Beverages
Sub-sector:	Beverages, Wholesale Liquor, Wine and Beer Stores, Commission Agents' Services, Wholesale Trade Services, Retailing Services
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	Market Access
Level of Government:	Provincial – Nova Scotia
Measures:	
Description:	Cross Border Trade in Services and Investment

The Province of Nova Scotia reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nova Scotia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Transportation

Sub-Sector: Transportation services via pipeline

Industry Classification: CPC 7131

Type of Reservation: Market Access

Level of Government: Provincial - Nova Scotia

Description: **Cross-Border Trade in Services and Investment**

Nova Scotia reserves the right to adopt or maintain any measure limiting market access in the sub-sector noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nova Scotia to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

NUNAVUT

Sector: Animal husbandry and hunting

Sub-Sector: Services incidental to animal husbandry and hunting

Industry Classification: CPC 8812, 8813

Type of Reservation: Market Access

Level of Government: Territorial – Nunavut

Measures:

Description: Cross-Border Trade in Services and Investment

Nunavut reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nunavut to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic beverages
Sub-Sector:	Beverages, wholesale trade of beverages; retail sale of beverages not consumed on the spot, sales on a fee or contract basis of food products, beverages and tobacco
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	Market Access
Level of Government:	Territorial – Nunavut
Measures:	<i>Liquor Act</i> , RSNWT, 1988, c. L-9
Description:	Cross-Border Trade in Services and Investment

Nunavut reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Nunavut has the authority under the *Liquor Act*, RSNWT, 1988, c. L-9 to import, purchase, produce, distribute, supply, market, and sell alcoholic beverages in Nunavut and to conduct such activities through a territorial monopoly.

For greater certainty, this reservation is without prejudice to the right of Nunavut to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and betting

Industry Classification: CPC 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government: Territorial – Nunavut

Measures:

Description: **Cross-Border Trade in Services and Investment**

Nunavut reserves the right to adopt or maintain any measure limiting market access in the sub-sectors listed above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nunavut to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Fisheries
Sub-Sector:	Fish and other fishing products, wholesale trade of fishing products, services incidental to fishing
Industry Classification:	CPC 04 62224, 882
Type of Reservation:	Market Access
Level of Government:	Territorial – Nunavut
Measures:	
Description:	Cross-Border Trade in Services and Investment

Nunavut reserves the right to adopt or maintain any measure limiting market access in the sub-sectors listed above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nunavut to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Electrical energy, electricity distribution or control apparatus, services incidental to energy distribution
Industry Classification:	CPC 171, 887, 4621
Type of Reservation:	Market Access
Level of Government:	Territorial – Nunavut
Measures:	
Description:	Cross-Border Trade in Services and Investment

Nunavut reserves the right to adopt or maintain any measures limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Nunavut maintains a monopoly on the production, generation, development, transmission, distribution, delivery, supply and exportation of electricity and related services under the *Qulliq Energy Corporation Act*, RSNWT 1988, c. N-2, s. 5.1.

For greater certainty, this reservation is without prejudice to the right of Nunavut to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Energy
Sub-Sector: Crude petroleum and natural gas, pipeline transport, services incidental to energy distribution

Industry Classification: CPC 120, 713, 887

Type of Reservation: Market Access

Level of Government: Territorial – Nunavut

Measures:

Description: **Cross-Border Trade in Services and Investment**

Nunavut reserves the right to adopt or maintain any measure limiting market access in the sub-sectors listed above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Nunavut also reserves the right to adopt or maintain any measure limiting market access related to oil and gas development.

For greater certainty, this reservation is without prejudice to the right of Nunavut to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Transportation

Sub-Sector: Freight transport by sea

Industry Classification: CPC 7212

Type of Reservation: Market Access

Level of Government: Territorial – Nunavut

Measures:

Description: Cross-Border Trade in Services and Investment

Nunavut reserves the right to adopt or maintain any measure limiting market access in the sub-sectors listed above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Nunavut to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Land Transport Services

Sub-sector: Other Land Transport Services

Industry Classification: 7121, 71222

Type of Reservation: Market Access

Level of Government: Territorial – Nunavut

Measures:

Description: **Cross-Border Trade in Services and Investment**

Nunavut reserves the right to adopt or maintain economic needs tests for the provision of urban and interurban bus transportation services. Main criteria include the examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service.

ONTARIO

Sector:	Energy
Sub-Sector:	Production, transmission, and distribution of electricity, gas, steam and hot water Crude petroleum and natural gas Petroleum gases and other gaseous hydrocarbons Transport services via pipeline Services incidental to energy distribution
Industry Classification:	CPC 17 Electrical energy CPC 120 Crude petroleum and natural gas CPC 334 Petroleum gases and other gaseous hydrocarbons, except natural gas CPC 713 Transport services via pipeline CPC 887 Services incidental to energy distribution
Type of Reservation:	Market Access
Level of Government:	Provincial – Ontario
Measures:	
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>Ontario reserves the right to adopt or maintain any measure limiting market access in the exploration, production, generation, extraction, importation, exportation, transportation, transmission, distribution, storage, sale, retailing, marketing, conservation, demand/load management, and development of energy (including, but not limited to, electricity, natural gas, and renewable energy), with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.</p> <p>Ontario reserves the right to adopt or maintain any measure limiting market access in the granting of exclusive rights to own and/or operate a transmission or distribution system or</p>

to produce, generate, store, sell, retail or market energy (including, but not limited to, electricity, natural gas or renewable energy).

For greater certainty, this reservation is without prejudice to the right of Ontario to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

PRINCE EDWARD ISLAND

Sector:	Fisheries and Aquaculture
Sub-sector:	Fish and other fishing products, wholesale trade services of fisheries products, services incidental to fishing
Industry Classification:	CPC 04, 62224, 882
Type of Reservation	Market access
Level of Government:	Provincial - Prince Edward Island
Measures:	
Description:	Cross Border Trade in Services and Investment

The Province of Prince Edward Island reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Prince Edward Island to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-sector:	Renewable energy systems; electrical energy, oil and natural gas, services incidental to energy distribution
Industry Classification:	CPC 17, 120, 887
Type of Reservation:	Market Access
Level of Government:	Provincial - Prince Edward Island
Measures:	
Description:	Cross Border Trade in Services and Investment

The Province of Prince Edward Island reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Prince Edward Island to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Forestry
Sub-sector:	Forestry and logging products, forest resource processing; services incidental to agriculture, hunting and forestry, Manufacture of paper and paper products, on a fee or contract basis
Industry Classification:	CPC 03, 321, 88430, 88441, 881 (excluding rental of agricultural equipment with operator and 8814)
Type of Reservation:	Market Access
Level of Government:	Provincial - Prince Edward Island
Measures:	
Description:	Cross Border Trade in Services and Investment

The Province of Prince Edward Island reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Prince Edward Island to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, Cultural and Sporting Services

Sub-sector: Gambling and Betting

Industry Classification: 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government: Provincial - Prince Edward Island

Measures:

Description: **Cross Border Trade in Services and Investment**

The Province of Prince Edward Island reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Prince Edward Island to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic Beverages
Sub-sector:	Beverages, Wholesale Liquor, Wine and Beer Stores, Commission Agents' Services, Wholesale Trade Services, Retailing Services
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107
Type of Reservation:	Market Access
Level of Government:	Provincial - Prince Edward Island
Measures:	
Description:	Cross Border Trade in Services and Investment

The Province of Prince Edward Island reserves the right to adopt or maintain any measure limiting market access in the sub-sectors noted above, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Prince Edward Island to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

QUÉBEC

Sector:	Agriculture, Fisheries
Sub-sector:	Products of agriculture, horticulture and market gardening, Live animals and animal products, Fish and other fishing products, Meat, fish, fruit, vegetables, oils and fats, Dairy products, Grain mill products, starches and starch products; other food products, Services incidental to agriculture, Services incidental to animal husbandry, Services incidental to fishing.
Industry Classification:	CPC 01, 02, 04, 21, 22, 23, 8811 (excluding rental of agricultural equipment with operator), 8812, 882
Type of Reservation:	Market Access (Articles ____ and ____)
Level of government:	Provincial – Québec

Description: Cross-Border Trade in Services and Investment

Québec reserves the right to adopt or maintain any measure limiting market access in the production, transfer of possession or ownership, processing and collective marketing of aquaculture, marine and fish products, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Québec also reserves the right to adopt or maintain any measure limiting market access in connection with the issuance of permits under the *Food Products Act*.

Such measures include, but are not limited to, imposing public interest tests and taking into account socio-economic factors.

For greater certainty, this reservation is without prejudice to the right of Québec to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing

government enterprise or an existing government entity
pursuant to Canada's Annex I reservation on page I - C- 4.

Existing Measures:

Food products act, R.S.Q., c. P-29;
Act to regularize and provide for the development of local
slaughterhouses, R.S.Q., c. R-19.1
Act respecting the marketing of agricultural, food and fish
products, R.S.Q., c. M-35.1
Act respecting the marketing of marine products, R.S.Q., c.
C-32.1;
Marine products processing act R.S.Q., c. T-11.01

Sector: Energy

Sub-sector: Electricity energy, services incidental to energy distribution

Industry Classification: CPC 171, 887

Type of Reservation: Market Access (Articles ____ and ____)

Level of government: Provincial – Québec

Description: **Cross-Border Trade in Services and Investment**

Québec reserves the right to adopt or maintain any measure limiting market access in the production, fixing and modification of rates and conditions, transmission, supply, distribution and exportation of electricity, and in the maintenance of electrical facilities, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Québec reserves the right for the purposes of the activities mentioned in the preceding paragraph, to adopt or maintain any measure related to the transfer and the granting of lands in the domain of the State and of movable and immovable property, and any measure related to all powers and sources of energy from which it is possible to produce electricity.

The Company Hydro-Québec is the holder of exclusive rights regarding the production, transmission, distribution and exportation of electricity. Québec reserves the right to adopt or maintain powers and rights of the Company for the purposes of the activities mentioned previously.

Such measures include, but are not limited to, taking into account socio-economic factors.

For greater certainty, this reservation is without prejudice to the right of Québec to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing

government enterprise or an existing government entity
pursuant to Canada's Annex I reservation on page I - C- 4.

Existing Measures:

Hydro-Québec act, R.S.Q., c. H-5

Act respecting the exportation of electric power, R.S.Q.), c. E-23

Act respecting the Régie de l'énergie, R.S.Q., c. R-6.01

Act respecting municipal and private electric power systems, R.S.Q., c. S-41

Act respecting the ministère des Ressources naturelles et de la Faune, R.S.Q., c. M-25.2

Act respecting threatened or vulnerable species, R.S.Q., c. E-12.01

Loi sur la Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville et abrogeant la Loi pour favoriser l'électrification rurale par l'entremise de coopératives d'électricité, L.Q. 1986, c. 21

Watercourses act, R.S.Q., c.R-13

Sector:	Energy
Sub-sector:	Crude petroleum and natural gas, Transport services via pipeline, Services incidental to energy distribution
Industry Classification:	CPC 120, 713, 887
Type of Reservation:	Market Access (Article ____ and ____)
Level of government:	Provincial – Québec
Description:	<p>Cross-Border Trade in Services and Investment</p> <p>Québec reserves the right to adopt or maintain any measure limiting market access in the operation of oil and gas distribution systems and in transport services via pipeline, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.</p> <p>Québec also reserves the right to adopt or maintain any measure limiting market access in oil and gas development.</p> <p>For greater certainty, this reservation is without prejudice to the right of Québec to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada’s Annex I reservation on page I - C- 4.</p>
Existing Measures:	<p><i>Act respecting the Régie de l’énergie</i>, R.S.Q., c. R-6.01</p> <p><i>Mining act</i>, R.S.Q., c. M-13.1</p>

Sector:	Recreational, cultural and sporting services
Sub-sector:	Gambling and betting
Industry Classification:	CPC 96492
Type of Reservation:	Market Access (Articles ____ and ____) Most-Favoured Nation Treatment
Level of government:	Provincial – Québec
Description:	Cross-Border Trade in Services and Investment

Québec reserves the right to adopt or maintain any measure limiting market access in the lotteries, lottery schemes, amusement machines, video lottery machines, games of chance, races, betting rooms, bingo, casinos, publicity contests, consulting and implementation services, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

The Société des loteries du Québec is or may be granted a monopoly in the activities mentioned above.

For greater certainty, this reservation is without prejudice to the right of Québec to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Existing Measures:	<i>Act respecting the Société des loteries du Québec</i> , R.S.Q., c. S-13.1, <i>Act respecting lotteries, publicity contests and amusement machines</i> , <i>1990, c. 46, s. 18</i> . R.S.Q., c. L-6 <i>Act respecting racing</i> , R.S.Q., c. C-72.1
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Sector:	Forestry
Sub-sector:	Wood in the rough, products of wood, cork, straw and plaiting materials, pulp, paper and paper products; printed matter and related articles
Industry Classification:	CPC 031, 31, 32
Type of Reservation:	Market Access (Articles ____ and ____)
Level of government:	Provincial – Québec
Description:	Investment

Québec reserves the right to adopt or maintain any measure limiting market access in the forest sector, notably measures related to the forest development, the harvesting of forest resources and the products derived from it (including biomass and non-timber) , with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Québec reserves the right to adopt or maintain any measure limiting market access in the marketing or processing of forest resources and the products derived from it as well as any measure limiting market access in the supply of wood processing plants, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Such measures include, but are not limited to, imposing public interest tests and taking into account socio-economic factors.

For greater certainty, this reservation is without prejudice to the right of Québec to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Existing Measures:

Act respecting the marketing of agricultural, food and fish products, R.S.Q., c. M-35.1
Forest act, R.S.Q. c. F-4.1
Sustainable Forest Development act, R.S.Q., c. A-18.1
Act respecting the Ministère des Ressources naturelles et de la Faune, R.S.Q., c. M-25.2

SASKATCHEWAN

Sector: Recreational, Cultural, and Sporting Services

Sub-Sector: Gambling and Betting

Industry Classification: CPC 96492

Level of Government: Provincial – Saskatchewan

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Measures:

Description: **Cross-Border Trade in Services and Investment**

Saskatchewan reserves the right to adopt or maintain any measure to limit the number of covered investments or service suppliers whether in the form of numerical quotas, monopolies, exclusive suppliers or the requirements of an economic needs test.

Saskatchewan reserves the right to adopt or maintain any measure to restrict or require specific types of legal entity or joint venture through which an investor may perform an economic activity in the sub-sectors noted above.

For greater certainty, this reservation is without prejudice to the right of Saskatchewan to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Alcoholic Beverages
Sub-Sector:	Beverages, Wholesale Liquor, Wine and Beer Stores Commission agents' services Wholesale trade services Retailing services
Industry Classification:	CPC 24, 62112, 62226, 63107, 643
Type of Reservation:	Market Access
Level of Government:	Provincial – Saskatchewan
Measures:	
Description:	Cross-Border Trade in Services and Investment

Saskatchewan reserves the right to adopt or maintain any measure to limit the number of covered investments or service suppliers whether in the form of numerical quotas, monopolies, exclusive suppliers or the requirements of an economic needs test.

Saskatchewan reserves the right to adopt or maintain any measure to restrict or require specific types of legal entity or joint venture through which an investor may perform an economic activity in the sub-sectors noted above.

For greater certainty, this reservation is without prejudice to the right of Saskatchewan to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Electricity, town gas, steam and hot water Coal gas, water gas, producer gas and similar gases, other than petroleum gases and other gaseous hydrocarbons Services incidental to energy distribution Electrical energy Producer gas Transport Services via Pipeline
Industry Classification:	CPC 17, 713, 887
Type of Reservation:	Market Access
Level of Government:	Provincial - Saskatchewan
Measures:	
Description:	Cross-Border Trade in Services and Investment

Saskatchewan reserves the right to adopt or maintain any measure to limit the number of covered investments or service suppliers whether in the form of numerical quotas, monopolies, exclusive suppliers or the requirements of an economic needs test.

Saskatchewan reserves the right to adopt or maintain any measure to restrict or require specific types of legal entity or joint venture through which an investor may perform an economic activity in the sub-sectors noted above.

For greater certainty, this reservation is without prejudice to the right of Saskatchewan to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

YUKON

Sector:	Alcoholic Beverages
Sub-Sector:	Wholesale trade of beverages; retail sale of beverages not consumed on the spot, sales on a fee or contract basis of food products, beverages and tobacco
Industry Classification:	CPC 241, 242, 243, 62112, 62226, 63107, 8841, 7123 (except 71231, 71232, 71233, 71234)
Type of Reservation:	Market Access
Level of Government	Territorial – Yukon
Measures:	
Description:	Cross-Border Trade in Services and Investment

Yukon reserves the right to adopt or maintain any measure limiting market access in advertising, storage, manufacture, distribution, transport, sale and trade of alcoholic beverages, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

The Yukon Liquor Corporation is the sole commercial importer of alcoholic beverages into Yukon. In-territory manufacturers of alcoholic beverages are allowed to operate a retail outlet at the manufacturing facility as a manufacture's agent of the Yukon Liquor Corporation.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Gambling and betting

Industry Classification: CPC 96492

Type of Reservation: Market Access
Most-Favoured Nation Treatment

Level of Government Territorial – Yukon

Measures:

Description: **Cross-Border Trade in Services and Investment**

Yukon reserves the right to adopt or maintain any measure limiting market access in the ownership and operation of gambling and gaming facilities, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

The above measures permit Yukon to limit market access in lottery schemes, amusement machines, video lottery machines, games of chance, races, betting theatres, bingo casinos and promotional contests, and to conduct such activities, including through a monopoly.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Crude petroleum and natural gas, Transport services via pipeline Services incidental to energy distribution
Industry Classification:	CPC 120, 713, 887
Type of Reservation:	Market Access
Level of Government	Territorial – Yukon
Measures:	
Description:	Cross-Border Trade in Services and Investment

Yukon reserves the right to adopt or maintain any measure limiting market access in the exploration, production, extraction and development of oil and gas, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Yukon reserves the right to adopt or maintain any measure granting exclusive rights to operate a natural gas or oil distribution or transportation system, including, but not limited to activities related to oil and natural gas pipeline and marine distribution and transport services.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Energy
Sub-Sector:	Production, transmission, and distribution of electricity, gas, steam and hot water, electricity, and related services
Industry Classification:	CPC: 17, 887
Type of Reservation:	Market Access
Level of Government	Territorial – Yukon
Measures:	
Description:	Cross-Border Trade in Services and Investment

Yukon reserves the right to adopt or maintain any measure limiting market access in:

3. water power;
4. the production, transport, distribution, furnishing, and exportation of electricity;
5. the commercial and industrial uses of water; and
6. services incidental to energy distribution.

with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Yukon may make available to Yukon Development Corporation (or any subsidiary or successor corporation) for operational purposes any facility or any water power that is owned by Yukon or under its control.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Forestry

Sub-Sector: Forestry and logging products

Industry Classification: CPC 03, 531

Type of Reservation: Market Access

Level of Government Territorial – Yukon

Measures:

Description: **Investment**

Yukon reserves the right to adopt or maintain any measure limiting market access in activities related to forestry and logging products, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Forestry and Agriculture
Sub-Sector:	Services incidental to agriculture Services incidental to animal husbandry Agricultural land, forest and other wooded land Crown land leases and permits Forestry and logging products
Industry Classification:	CPC: 8811 (excluding rental of agricultural equipment with operator), 8812, 531, 03
Type of Reservation:	Market Access
Level of Government	Territorial – Yukon
Measures:	
Description:	Cross-Border Trade in Services and Investment

Yukon reserves the right to adopt or maintain any measure limiting market access in agricultural land, forest resources, and grazing agreements, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector: Fisheries

Sub-Sector: Fish and other fishing products; services incidental to fishing

Industry Classification: CPC 04, 882

Type of Reservation: Market Access

Level of Government Territorial - Yukon

Measures:

Description: Cross Border Trade in Services and Investment

Yukon reserves the right to adopt or maintain any measure limiting market access in fisheries, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Research and Development Services
Sub-Sector:	Research and experimental development services on natural sciences and engineering; research and experimental development services on social sciences and humanities; interdisciplinary research and experimental development services
Industry Classification:	CPC 851, 852 (linguistics and languages only), 853
Type of Reservation:	Market Access
Level of Government	Territorial – Yukon
Measures:	
Description:	Cross-Border Trade in Services & Investment

Yukon reserves the right to adopt or maintain any measure limiting market access in research and development services, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

Sector:	Recycling
Sub-Sector:	Recycling on a fee or contract basis
Industry Classification:	CPC 88493
Type of Reservation:	Market Access
Level of Government	Territorial – Yukon
Measures:	
Description:	Cross-Border Trade in Services & Investment

Yukon reserves the right to adopt or maintain any measure limiting market access related to recycling, with the exception of measures imposing limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

For greater certainty, this reservation is without prejudice to the right of Yukon to impose limitations on the participation of foreign capital when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing government entity pursuant to Canada's Annex I reservation on page I - C- 4.

4 August 2014

Canada-European Union Comprehensive Economic and Trade Agreement (CETA) Negotiations

Financial Services Offer
CANADA

Annex XX: Financial Services Non-Conforming Measures⁸⁴

1. The Schedule of a Party to this Annex sets out:

(a) headnotes that limit or clarify the commitments of a Party with respect to the obligations described in subparagraphs (b) and (c);

(b) in Section I, the reservations taken by that Party, pursuant to Article 9(1) and (2) (Financial Services, Non-Conforming Measures), with respect to existing measures that do not conform with obligations imposed by articles relating to:

(i) National Treatment (Article 3);

(ii) Most-Favoured-Nation Treatment (Article 4);

(iii) Market Access (Article 6);

(iv) Cross-Border Trade in Financial Services (Article 7);

(v) Senior Management and Boards of Directors (Article 8); or

(vi) Performance Requirements (Article X)

(c) in Section II, the reservations taken by the Party, pursuant to Article 9(3), for measures the Party may adopt or maintain that do not conform with obligations imposed by Article 3, 4, 6, 7, or 8.

2. Each reservation in Section I sets out the following elements:

(a) **Sector** refers to the general sector in which the reservation is taken;

(b) **Sub-Sector** refers to the specific sector in which the reservation is taken;

(c) **Type of Reservation** specifies the obligation referred to in paragraph 1(b) for which the reservation is taken;

⁸⁴ Subject to legal review for consistency with Annexes I and II (Services and Investment).

- (d) **Level of Government** indicates the level of government maintaining the measure for which the reservation is taken.
 - (e) **Measures** identifies the laws, regulations or other measures, as qualified by the **Description** element, for which the reservation is taken. A measure cited in the **Measures** element
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure.
 - (f) **Description** sets out references, if any, for liberalization on the date of entry into force of this Agreement pursuant to other sections of a Party's Schedule to this Annex, and the remaining non-conforming aspects of the existing measures for which the reservation is taken.
3. Each reservation in Section II sets out the following elements:
- (a) **Sector** refers to the general sector in which the reservation is taken;
 - (b) **Sub-Sector** refers to the specific sector in which the reservation is taken;
 - (c) **Type of Reservation** specifies the obligation referred to in paragraph 1(c) for which the reservation is taken;
 - (d) **Level of Government** indicates the level of government maintaining the measure for which the reservation is taken; and
 - (e) **Description** sets out the scope of the sectors, subsectors, or activities covered by the reservation.
4. In the interpretation of a reservation in Section I, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of the Chapter against which the reservation is taken. To the extent that:

- (a) the **Measures** element is qualified by a specific reference in the **Description** element, the **Measures** element as so qualified shall prevail over all other elements; and
- (b) the **Measures** element is not so qualified, the **Measures** element shall prevail over all other elements, unless any discrepancy between the **Measures** element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the **Measures** element should prevail, in which case the other elements shall prevail to the extent of that discrepancy.

5. In the interpretation of a reservation in Section II, all elements of the reservation shall be considered. The **Description** element shall prevail over all other elements.

6. Where a Party maintains a measure that requires that a service supplier be a citizen, permanent resident, or resident of its territory as a condition to the supply of a service in its territory, a Schedule entry for that measure taken with respect to Article 3, 4, 6 or 7 shall operate as a Schedule entry with respect to Article xx (Investment Chapter, NT), xx (Investment Chapter, MFN), or xx (Investment Chapter, Performance Requirements) to the extent of that measure.

Headnotes

1. Commitments under the Agreement, in the subsectors listed in this Schedule, are undertaken subject to the limitations and conditions set forth in these headnotes and in the Schedule below.
2. The listing of a measure as a reservation in Section I or II does not mean that it cannot otherwise be justified as a measure adopted or maintained for prudential reasons pursuant to *Article 15*– (Prudential Carve-Out).
3. To clarify Canada’s commitment with respect to *Article 6* (Market Access), juridical persons supplying financial services and constituted under the laws of Canada are subject to non-discriminatory limitations on juridical form⁸⁵.
4. Article 9(1)(c) (Non-Conforming Measures) shall not apply to non-conforming measures relating to Article 6(1)(b) (Market Access).

⁸⁵ For example, partnerships and sole proprietorships are generally not acceptable juridical forms for financial institutions in Canada. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

Annex III

Canada – Financial Services

Section I

Sector: Financial services

Subsector: All

Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government: Federal

Measures: Sections 159, 159.1 of the *Bank Act*, section 167 of the *Insurance Companies Act*
Section 163 of the *Trust and Loan Companies Act*
Foreign Institutions Subject to the Canadian Residency Requirements Regulations (Insurance Companies)
Foreign Institutions Subject to the Canadian Residency Requirements Regulations (Trust and Loan Companies)
Section 169 of the *Cooperative Credit Associations Act*

Description:

A minimum of one half of the directors of a federally-regulated financial institution, that is a subsidiary of a foreign institution, and a majority of the directors of any other federally-regulated financial institution must be either Canadian citizens ordinarily resident in Canada or permanent residents ordinarily resident in Canada.

*

Sector: Financial services

Subsector: Insurance and insurance-related services

Type of Reservation: Market Access

Level of Government: Federal

Measures: Sections 13, 22-28, 571, 572, 573, 574 of the *Insurance Companies Act*

Description:

Insurance services in Canada can be effected only through:

- (i) a corporation incorporated under federal or provincial laws;
- (ii) a corporation incorporated by or under the laws of a jurisdiction outside Canada that establishes a branch in Canada;
- (iii) an association formed on the plan known as Lloyds; or
- (iv) reciprocal insurance exchanges.

*

Sector: Financial services

Subsector: Banking and other financial services (excl. insurance)

Type of Reservation: Market Access

Level of Government: Federal

Measures: Sections 22 to 28, section 524 of the *Bank Act*

Description:

A bank in Canada shall be incorporated under the *Bank Act*.

In order to establish a bank branch, a foreign bank must be incorporated by or under the law of another jurisdiction outside Canada (i.e., an authorised foreign bank).

*

Sector: Financial services

Subsector: Banking and other financial services (excl. insurance)

Type of Reservation: Market Access

Level of Government: Federal

Measures: **Section 540 of the *Bank Act***
Sales or Trades (Authorized Foreign Banks) Regulations

Description:

A lending bank branch in respect of its business in Canada can only

- (a) accept deposits or otherwise borrow money by means of financial instruments from, or
- (b) guarantee any securities or accept any bills of exchanges issued by any person that are sold to or traded with
 - (i) a financial institution (other than a foreign bank), or
 - (ii) a foreign bank that:
 - (A) is a bank according to the laws of the jurisdiction under whose laws it was incorporated or in any jurisdiction in which it carries on business;
 - (B) provides financial services and has a name that includes the word "bank"; "banque" "banking" or "bancaire"; and
 - (C) is regulated as a bank or as a deposit-taking institution according to the jurisdiction under whose laws it was incorporated or in any jurisdiction in which it carries on business

if the financial instruments, securities or bills of exchange cannot be subsequently sold or traded.

*

Sector: Financial services

Sub-Sector: All

Type of Reservation: Market Access

Level of Government: Federal

Measures: *Trust and Loan Companies Act, S.C. 1991, c.45, s.21*
Bank Act, S.C. 1991, c.48, s. 22, 27, 28, 47
Cooperative Credit Associations Act, S.C. 1991, c.48, s.23 – 31.7
Insurance Companies Act, S.C. 1991

Description:

Federal laws do not permit a trust and loan company, credit union or fraternal benefit society in Canada to be established through branches of corporations organized under a foreign country's law.

Sector: Financial services

Subsector: All

Type of Reservation: Market Access

Level of Government: Federal

Measures: *Bank Act, S.C. 1991, s. 522*
Insurance Companies Act, S.C. 1991, s. 574

Description:

A bank branch must be established directly under the authorised foreign bank incorporated in the jurisdiction where the authorised foreign bank principally carries on business.

A branch of a foreign insurance company must be established directly under the foreign insurance

company incorporated in the jurisdiction where the foreign insurance company, either directly or through a subsidiary, principally carries on business.

ALBERTA

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Alberta

Measures: *Insurance Act, I-3 RSA 2000*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Alberta statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges;
- vi) Fraternal societies; or
- vii) Special brokers.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – Alberta

Measures: *Insurance Act, I-3 RSA 2000*

Description:

Subsidiaries of foreign insurance corporations must be federally-authorized.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
 Direct Insurance
Intermediation of insurance contracts related to maritime transport and commercial aviation and space launching and freight (including satellites), and to reinsurance and retrocession

Type of Reservation: National Treatment
 Market Access
 Cross-border Trade in Financial Services

Level of Government: Provincial – Alberta

Measures: ***Insurance Act, I-3 RSA 2000***

Description:

A fee payable to the province of 50 percent of the premium paid and regulatory notification are required on insurance of risks in the province by an unlicensed insurer, unless such insurance is placed by a special broker licensed in Alberta.

For greater certainty, a licensed special broker is not required to be resident in Alberta and a licensed insurer is not required to have a commercial presence in Alberta. .

*

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Provincial – Alberta

Measures: *Loan and Trust Corporations Act, L-20 RSA 2000; Loan and Trust Corporations Regulation, 171/1992*

Description:

To operate as a trust and loan company under the Alberta regime an entity must be a body corporate to which the *Loan and Trust Corporations Act* applies.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: National Treatment
Senior Management and Board of Directors

Level of Government: Provincial – Alberta

Measures: *Loan and Trust Corporations Act, L-20 RSA 2000
Loan and Trust Corporations Regulation, 171/1992*

Description:

At least three quarters of the directors must be ordinarily resident in Canada.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups
thereof

Type of Reservation: Market Access

Level of Government: Provincial – Alberta

Measures: *Credit Union Act, C-32 RSA 2000;*
Credit Union Regulation, 249/1989

Description:

A credit union must be incorporated in Alberta.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups
thereof

Type of Reservation: National Treatment
Senior Management and Board of Directors

Level of Government: Provincial – Alberta

Measures: *Credit Union Act, C-32 RSA 2000*
Credit Union Regulation, 249/1989

Description:

Directors of credit unions must be Canadian citizens or permanent residents of Canada and
three-
quarters must at all times be ordinarily resident in Alberta.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Advisory and auxiliary financial services

Type of Reservation: Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Alberta

Measures: *Securities Act, S-4 RSA 2000*

Description:

Where an advisor provides advice in Alberta such services must be supplied through a commercial presence.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross-border Trade in Financial Services

Level of Government: Provincial – Alberta

Measures: *Securities Act, S-4 RSA 2000, s.75*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers that are neither resident nor registered in Alberta.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial – Alberta

Measures: Securities Act, RSA 2000

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

BRITISH COLUMBIA

Sector:	Financial Services
Subsector:	Banking and other financial services Trust and loan companies Credit unions, caisses populaires and associations or groups thereof Insurance and insurance-related services Direct insurance and reinsurance and retrocession
Type of Reservation:	National Treatment
Level of Government:	Provincial – British Columbia
Measures:	<i>Financial Institutions Act</i> [RSBC 1996] c.141

Description:

For provincially incorporated trust companies, insurance companies and credit unions, the majority of directors must be ordinarily resident in Canada and at least one director must be ordinarily resident in British Columbia.

Sector:	Financial Services
Sub-Sector:	Insurance and insurance related services Direct insurance and reinsurance and retrocession
Type of Reservation:	Market Access
Level of Government:	Provincial –British Columbia
Measures:	<i>Financial institutions Act (RSBC 1996) Chapter 141 s.75-76</i>
Description:	
Insurance services can be provided only through:	
i) a corporation incorporated under British Columbia statutes;	

- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds; or
- v) Reciprocal insurance exchanges.

*

Sector: Financial Services

Subsector: Insurance and Insurance-Related Services
Direct Insurance, Reinsurance and Retrocession

Type of Reservation: Market Access

Level of Government: Provincial – British Columbia

Measures: *Financial Institutions Act* (s.48, s.49, s.50 and s.51) [applies to trust, insurance, and holding companies]

Description:

Incorporation, share acquisition or application for business authorization, where any person controls or will control 10 per cent or more of the votes of the company, is subject to approval by the financial institutions commission.

*

Sector: Financial Services

Subsector: Insurance and Insurance-Related Services
Reinsurance and retrocession

Type of Reservation: Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – British Columbia

Measures:

Description:

Services must be supplied through a commercial presence.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
[*All payment and money transmission services (CPC 81339) - trust and loan companies*]

Type of Reservation: Market Access

Level of Government: Provincial – British Columbia

Measures: *Financial Institutions Act (s 48, s.49, s.50 and s.51)*

Description:

Incorporation, share acquisition or application for business authorization, where any person controls or will control 10 per cent or more of the votes of the company, is subject to approval by the financial institutions commission.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Provincial – British Columbia

Measures: *Securities Act [RSBC 1996] c. 418*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in British Columbia.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial Services

Type of Reservation: National Treatment
Cross-border Trade in Financial Services

Level of Government: Provincial – British Columbia

Measures: BC Reg. 20/2000, NI 81-102: Mutual Funds, Part 6 (under *the Securities Act* [RSBC 1996] c. 418

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if the sub-custodian has shareholders' equity of at least \$100 million.

MANITOBA

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Manitoba

Measures: *The Insurance Act, CCSM C. 140*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Manitoba statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges;
- vi) Fraternal societies; or
- vii) Special brokers.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Intermediation of insurance contracts

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial – Manitoba

Measures: *The Insurance Act, CCSM c. 140 S. 381(2)(a)*⁸⁶

Description:

A license to act as a special broker authorized to place insurance coverage with unlicensed insurers is restricted to residents of Manitoba.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Provincial – Manitoba

Measures: *The Corporations Act, CCSM c. 225*

Description:

To operate as a trust and loan company under the Manitoba regime an entity must be a body corporate to which PART XXIV of *The Corporations Act* applies.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Loan and trust companies

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – Manitoba

⁸⁶ As of 21 July 2014, measure has been repealed by Manitoba legislature but not proclaimed into force.

Measures: *The Corporations Act, CCSM c.C225*

Description:

The direct or indirect acquisition of Canadian-controlled companies by non-residents is restricted to 10 per cent individually and 25 per cent collectively.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Loan and trust companies

Type of Reservation: National Treatment

Level of Government: Provincial– Manitoba

Measures: *The Corporations Act, CCSM c.C225*

Description:

A non-resident shareholder may not vote, nor cause to be voted, his/her/its shares unless the non-resident is the registered shareholder of the shares (s. 346(1) and (2)).

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Loan and trust companies

Type of Reservation: National Treatment

Level of Government: Provincial – Manitoba

Measures: *The Corporations Act, CCSM c.C225*

Description:

. For provincially incorporated trust and loan companies, a majority of directors must be residents of Canada (s. 321(6)).

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups thereof

Type of Reservation: Market Access

Level of Government: Provincial – Manitoba

Measures: *The Credit Unions and Caisses Populaires Act, CCSM c.C301*

Description:

A credit union or caisse populaire must be incorporated in Manitoba.

The purpose of a credit union is to provide financial services on a co-operative basis to its members, and for such services to be directed or controlled primarily by residents of Manitoba. The purpose of a caisse populaire is to provide financial services in the French language on a co-operative basis to its members, and for such services to be directed or controlled by French-speaking individuals who are resident in Manitoba.

“Resident in Manitoba” is defined as an individual legally entitled to be in Canada, has made his or her home in Manitoba, and is physically present in Manitoba for at least 6 months in a year. A reference in the English version of the *Act* to a credit union includes a caisse populaire, and a reference in the French version of the *Act* to a caisse populaire includes a credit union.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)

Type of Reservation: National Treatment

Level of Government: Provincial – Manitoba

Measures: *The Credit Unions and Caisses Populaires Act, CCSM c. C301*

Description:

A director of a credit union or caisse populaire must be a resident of Canada.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Community bond corporations

Type of Reservation: National Treatment

Level of Government: Provincial – Manitoba

Measures: *The Agricultural Societies Act, CCSM c.A30*

Description:

Directors of Community Bonds corporations must be resident of Manitoba.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Provincial – Manitoba

Measures: *The Securities Act, CCSM C. S50*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Manitoba.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Trading in securities and commodity futures and advisory and auxiliary financial services - dealers, brokers, advisers

Type of Reservation: National Treatment

Level of Government: Provincial – Manitoba

Measures: *The Securities Act, C.C.S.M. c. S50*

Description:

Where the applicant is a corporation, at least one officer or director must have the “usual residence qualification”, and where the applicant is a partnership, at least one partner or member who is an individual must have the “usual residence qualification”.

The “usual residence qualification” requires the applicant to be resident in Manitoba at the date of the application and to have been resident in Canada for at least one year immediately before the date of the application, or to have been registered under the securities laws of another Canadian jurisdiction in which the applicant last resided and to have been so registered for at least one year immediately before the date of the application.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading for own account and for account of customers: custodial services; trading in securities and commodity futures – persons; securities dealers and brokers; trading in securities and commodity

futures; advisory and auxiliary financial services; dealers, brokers, advisors

Type of Reservation:

National Treatment

Level of Government:

Provincial – Manitoba

Measures:

The Securities Act, C.C.S.M. c. S50

Description:

An individual applicant for registration is required to have been a resident of Canada for a period of at least one year prior to the application and a resident of the province in which he/she wishes to operate at the date of application.

*

Sector:

Financial Services

Sub-Sector:

Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation:

National Treatment

Level of Government:

Provincial – Manitoba

Measures:

The Securities Act, CCSM c.S50

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NEW BRUNSWICK

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – New Brunswick

Measures: *Insurance Act (R.S.N.B., 1973, c.1-12)*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under New Brunswick statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds; or
- v) Reciprocal insurance exchanges.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Provincial – New Brunswick

Measures: *Loan and Trust Companies Act (S.N.B. 1987, c.-L-11.2)*

Description:

To operate as a trust and loan company under the New Brunswick regime an entity must be a body corporate to which the *Loan and Trust Companies Act* applies.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Trust and loans companies

Type of Reservation: National Treatment

Level of Government: Provincial – New Brunswick

Measures: *Loan and Trust Companies Act* (S.N.B. 1987, c.-L-11.2)

Description:

At least two of the directors of a trust or loan company must be resident in New Brunswick.

*

Sector: Financial Services

Subsector: Banking and other financial services – (excluding insurance)
Trust and loans companies

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – New Brunswick

Measures: *Loan and Trust Companies Act* (S.N.B. 1987, c.-L-11.2)

Description:

Incorporation or registration will be refused unless authorities are satisfied that there exists a public benefit and advantage for an additional corporation

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Provincial – New Brunswick

Measures: *Securities Act (S.N.B., 2004, c.S-5.5)*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in New Brunswick.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups
thereof

Type of Reservation: Market Access

Level of Government: Provincial – New Brunswick

Measures: *Credit Unions Act (R.S.N.B., 2004, c.S-5.5)*

Description:

Must incorporate in New Brunswick.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Community bond corporations

Type of Reservation: National Treatment

Level of Government: Provincial – New Brunswick

Measures: *Securities Act (S.N.B., 2004, c.S-5.5)*

Description:

Directors of Community Bonds corporations must be resident of New Brunswick.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial – New Brunswick

Measures: *Securities Act, SNB 2004*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NEWFOUNDLAND AND LABRADOR

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Newfoundland and Labrador

Measures: *Insurance Adjusters, Agents and Brokers Act, RSNL 1990, 1-9*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Newfoundland and Labrador statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges;
- vi) Fraternal societies;
- vii) Special brokers;
- viii) Sororal societies; or
- ix) Mutual benefits societies.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Reinsurance and Retrocession

Type of Reservation: Market Access
National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial – Newfoundland and Labrador

Measures: *Insurance Companies Act, RSNL 1990, 1-10*

Description:

The purchase of reinsurance services by an insurer, other than a life insurer or a reinsurer, from a non-resident reinsurer is limited to no more than 25 percent of the risks undertaken by the insurer purchasing the reinsurance.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Provincial - Newfoundland and Labrador

Measures: *Corporations Act, RSNL 1990, C-36: Trust and Loan Corporations Act SNL 2007 T-9.1*

Description:

To operate as a trust and loan company under the Newfoundland and Labrador regime an entity must be a body corporate to which the *Trust and Loan Corporations Act* applies.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups thereof

Type of Reservation: Market Access

Level of Government: Provincial – Newfoundland and Labrador

Measures: *Credit Union Act 2009, SNL 2009, C-37.2*

Description:

Must incorporate in Newfoundland and Labrador.

*

Sector:	Financial Services
Sub-Sector:	Banking and other financial services (excluding insurance) Trading in securities
Type of Reservation:	National Treatment
Level of Government:	Provincial - Newfoundland and Labrador
Measures:	<i>Securities Act, RSNL 1990 S-13</i>

Description:

In certain restricted circumstances, the Superintendent of Securities may refuse registration:

- (a) to an individual, or
- (b) to a person or company,

if the individual, or any director or officer of the person or company, has not been a resident of Canada for at least one year immediately prior to the date of application for registration.

*

Sector:	Financial Services
Sub-Sector:	Banking and other financial services (excluding insurance) Trading in securities and commodities futures – persons
Type of Reservation:	Market Access

National Treatment
Cross Border Trade in Financial Services

Level of Government: Provincial – Newfoundland and Labrador

Measures: *Securities Act, RSNL 1990 S-13*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Newfoundland and Labrador.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial- Newfoundland and Labrador

Measures: *Securities Act, RSNL 1990 1-13*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NORTHWEST TERRITORIES

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Territorial- Northwest Territories

Measures: *Insurance Act, I-3 RSNWT 1988, c.1-5,211*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Northwest Territory statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges; or
- vi) Fraternal societies.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Territorial – Northwest Territories

Measures: *Business Corporations Act, RSNWT 1988, c.C-23*

Description:

Federal or provincial incorporation is required.

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups thereof

Type of Reservation: Market Access

Level of Government: Territorial – Northwest Territories

Measures: *Credit Union Act, RSNWT, 1988, c.C23*

Description:

Must incorporate in Northwest Territories.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Territorial – Northwest Territories

Measures: *Securities Act, RSNWT. 1998, c.10*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Northwest Territories

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)

Custodial services

Type of Reservation: National Treatment
Cross-border Trade in Financial Services

Level of Government: Territorial – Northwest Territories

Measures: *Securities Act, RSNWT 2008, c.10*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NOVA SCOTIA

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Nova Scotia

Measures: ***Insurance Act, RSNS 1989, c 231; Licensing of Insurers Regulations, or any other subsidiary measures made thereto***

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Nova Scotia statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges;
- vi) Fraternal societies; vii) Special brokers;
- viii) Sororal societies; or
- ix) Mutual benefits societies.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Intermediation of insurance contracts related to maritime transport and commercial aviation and space launching and freight (including satellites), and to reinsurance and retrocession

Type of Reservation: Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Nova Scotia

Measures: *Insurance Act, RSNS 1989*

Description:

Services must be supplied through a commercial presence in Nova Scotia.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Trust and loans companies

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial –Nova Scotia

Measures: *Trust and Loan Companies Act, SNS 1991, c.7 and any subsidiary measures made thereto*

Description:

Incorporation or registration will be refused unless authorities are satisfied that there exists a public benefit and advantage for an additional corporation.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Trust and loans companies

Type of Reservation: National Treatment

Level of Government: Provincial – Nova Scotia

Measures: *Trust and Loan Companies Act, SNS 1991, c.7 and any subsidiary measures made thereto*

Description:

At least two of the directors of a provincial company must be ordinarily resident in the Province and a majority of the directors shall be ordinarily resident in Canada.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Provincial – Nova Scotia

Measures: *Trust and Loan Companies Act, SNS 1991, C.7*

Description:

To operate as a trust and loan company under the Nova Scotia regime an entity must be a body corporate to which the *Trust and Loan Companies Act* applies.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Credit Unions

Type of Reservation: Senior Management and Board of Directors
National Treatment

Level of Government: Provincial – Nova Scotia

Measures: *Credit Union Act, RSNS 1994, c.4*
Credit Union Act, 1985, c-45.1, 1984-85-86

Description:

Directors of a credit union must be a Canadian citizen.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups
thereof

Type of Reservation: Market Access

Level of Government: Provincial – Nova Scotia

Measures: *Credit Union Act, RSNS 1994, C-4*

Description:

Must incorporate in Nova Scotia.

*

Sector: Business Services Industries

Subsector: Residential Mortgages Services

Type of Reservation: Market Access

Level of Government: Provincial – Nova Scotia

Measures: *Mortgage Brokers' and Lenders' Registration Act, RSNS 1989, c. 291 and any subsidiary measure made thereto*

Description:

Must incorporate under the laws of Canada or Nova Scotia.

*

Sector: Business Services Industries

Subsector: Residential Mortgages Services

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – Nova Scotia

Measures: *Mortgage Brokers' and Lenders' Registration Act, RSNS 1989, c. 291 and any subsidiary measure made thereto*

Description

Must be resident in the province.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities

Type of Reservation: National Treatment

Level of Government: Provincial -Nova Scotia

Measures: *Securities Act, RSNS 1989, c.418*

Description:

In certain restricted circumstances, the Superintendent of Securities may refuse registration:
(a) to an individual, or
(b) to a person or company,

if the individual, or any director or officer of the person or company, has not been a resident of Canada for at least one year immediately prior to the date of application for registration.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Advisory and auxiliary financial services and Asset management

Type of Reservation: National Treatment
Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Nova Scotia

Measures: *Securities Act, RSNS 1989, c.418*

Description:
The establishment must be managed by a resident of the province.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Advisory and auxiliary financial services

Type of Reservation: Market Access
National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial –Nova Scotia

Measures: *Securities Act, RSNS 1989, c. 418*

Description:

Where an advisor provides advice in Nova Scotia such services must be supplied through a commercial presence.

*

Sector:	Financial Services
Sub-Sector:	Banking and Other Financial Services (excluding insurance) Custodial services
Type of Reservation:	National Treatment Cross-Border Trade in Financial Services
Level of Government:	Provincial – Nova Scotia
Measures:	<i>Securities Act, RSNS 1989, c.418</i>

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NUNAVUT

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Territorial- Nunavut

Measures: *Insurance Act, I-3 RSA 2000*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Nunavut statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges; or
- vi) Fraternal societies.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Territorial – Nunavut

Measures: *Business Corporations Act, SNWT, 1996, c.19*

Description:

To operate as a trust and loan company under the Nunavut regime an entity must be a corporation to which the *Business Corporations Act* applies.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups
thereof

Type of Reservation: Market Access

Level of Government: Territorial – Nunavut

Measures: **Credit Union Act, RSNWT (NU) 1988**

Description:

Must incorporate in Nunavut.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Territorial – Nunavut

Measures: ***Securities Act, RSNWT. (Nu) 1998, c.10***

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Nunavut.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government:
Territorial – Nunavut

Measures:

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

ONTARIO

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Ontario

Measures: *Insurance Act, 1990, s.42*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Ontario statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ; or
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges;
- vi) Fraternal societies.

*

Sector: Financial Services

Subsector: Insurance and Insurance-Related Services - Services auxiliary to insurance and pension funding

Type of Reservation: National Treatment
Most Favoured Nation
Market Access

Level of Government: Provincial – Ontario

Measures: *Insurance Act, 1990, s. 48(3) and (7); s. 169(2)*

Description:

Mutual insurance companies are subject to less onerous capital requirements if they are a member of the Fire Mutuals Guarantee Fund. Any mutual insurance company can be a member of the Fire Mutuals Guarantee Fund but membership is subject to the approval of the Superintendent of Financial Services.

*

Sector: Financial Services

Subsector: Insurance and Insurance-Related Services
Reinsurance and retrocession

Type of Reservation: Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Ontario

Measures: *Insurance Act, 1990 s. 54*

Description:

Services must be supplied through a commercial presence.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – Ontario

Measures: *Loan and Trust Corporations Act, 1990, S.31*

Description:

Only a corporation incorporated under the federal *Trust and Loan Companies Act* (Canada) may apply for initial registration to carry on business as a loan corporation or as a trust corporation in Ontario.

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups thereof

Type of Reservation: Market Access

Level of Government: Provincial – Ontario

Measures: *Credit Unions and Caisses Populaires Act, 1994, s.332*

Description:

Must incorporate in Ontario.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Financial intermediation services, except insurance and pension fund services
Credit unions and caisses populaires

Type of Reservation: Senior Management and Board of Directors
National Treatment

Level of Government: Provincial – Ontario

Measures: *Credit Unions and Caisses Populaires Act, 1994, s.332, s.91, s.160, s.23*

Description:

Only a natural person who is a member of the credit union, at least 18 years of age, and a Canadian citizen or permanent resident or a person admitted to Canada for permanent residency who is ordinarily resident in Canada is eligible to be a director of a credit union.

*

Sector: Financial services

Subsector: Banking and other financial services (excluding insurance)
Services auxiliary to financial intermediation other than insurance and pension funding
Mortgage brokers

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial – Ontario

Measures: *Mortgage Brokerages, Lenders and Administration Act, 2006;*
O. Reg. 409/07 - Mortgage Brokers and Agents: Licensing

Description:

A mortgage broker or mortgage agent (both are occupations practiced by a natural person) must be a resident of Canada.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Services auxiliary to financial intermediation other than insurance and pension funding
Mortgage Brokers

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – Ontario

Measures: *Mortgage Brokerages, Lenders and Administration Act, 2006;*
O. Reg. 408/07 - Mortgage Brokerages: Licensing
O. Reg. 411/07 - Mortgage

Administrators: Licensing

Description:

A mortgage brokerage or a mortgage administrator (business entities) must be a corporation incorporated in any Canadian jurisdiction, a partnership formed under the laws of any Canadian jurisdiction, or a sole proprietor who is resident of Canada.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Provincial – Ontario

Measures: *Commodity Futures Act, 1990, (Ontario) ss.22(1) and 65*
National Instrument 31-103 Registration, Exemptions and
Ongoing Registrant
National Instrument 33-109 Registration Requirements and
Related Matters

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Ontario.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Services

Level of Government: Provincial –Ontario

Measures: *Securities Act, 1990, s.143*
National Instrument 31-103 Registration, Exemptions and Ongoing Registrant
National Instrument 81-102 Mutual Funds

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

PRINCE EDWARD ISLAND

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Prince Edward Island

Measures: *Insurance Act, RSPEI 1988, Cap. I-4, ss. 24, 26(5), 324*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Prince Edward Island statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges; or
- vi) Fraternal societies.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – Prince Edward Island

Measures: *Insurance Act, RSPEI 1988*

Description:

Subsidiaries of foreign insurance corporations must be federally-authorized.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Provincial – Prince Edward Island

Measures: *Trust and Fiduciary Companies Act, RSPEI 1988, Cap.T-7.1, ss.26 and 27 Extra-provincial Corporations Registration Act, RSPEI 1988, Cap.E-14, s.4*

Description:

To operate as a trust and loan company under the Prince Edward Island regime an entity must be a body corporate to which the *Trust and Fiduciary Companies Act* applies.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups
thereof

Type of Reservation: Market Access

Level of Government: Provincial – Prince Edward Island

Measures: *Credit Unions Act, RSPEI 1988, Cap. C-29.1, ss. 2 and 159*

Description:

Must incorporate in Prince Edward Island.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Provincial – Prince Edward island

Measures: *Securities Act, RSPEI 1988, c.S-3.1*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Prince Edward Island.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial – Prince Edward Island

Measures: *Securities Act, RSPEI 1988, c.S-3.1*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

.....

QUÉBEC

Sector: Financial Services

Subsector:

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial – Québec

Measures: *Loi modifiant la Loi concernant les Services des santé du Québec et concernant SSQ, Mutuelle de gestion et SSQ, Société d'assurance-vie inc (QL1993, chapter 107)*

Description:

Upon any allotment or transfer of voting shares of the capital stock insurance company “SSQ, Société d'assurance vie inc” or of the holding company “Groupe SSQ inc,” the minister may, if the transfer confers control of the company to non-residents, ask such companies to prove that the shares were offered in priority to Quebec residents and subsidiarily to other Canadian residents, but that no offer was made or was acceptable.

Sector: Financial Services

Subsector:

Type of Reservation: National Treatment

Level of Government: Provincial – Québec

Measures: *Act respecting the Caisse de dépôt et placement du Québec, CQLR., chapter C-2*

Description:

At least three quarters of the members of the board of directors must reside in Québec.

*

Sector: Financial Services

Subsector: Banking and other financial services
Trust and Loan Companies
Insurance and insurance related services

Type of Reservation: National Treatment
Market Access Senior Management and Boards of Directors

Level of Government: Provincial – Quebec

Measures: *Act respecting insurance , CQLR, chapter , A-32)*
Act respecting trust companies and savings companies (CQLR , chapter -29.01)

Description:

Three-quarters of the directors of trust companies and savings companies must be Canadian citizens.

A majority of the directors of insurance companies, mutual insurance companies, saving companies and trust companies, shall reside in Quebec.

The direct or indirect acquisition of Canadian-controlled savings companies or trust companies by non-residents is restricted to 10 per cent individually and 25 per cent collectively.

*

*

Sector: Financial Services

Subsector: Insurance

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial – Québec

Measures: *Act respecting insurance (CQLR, Chapter A-32)*

Description:

Every legal person not constituted under an Act of Quebec which does not have its head office in Quebec shall, when applying for a licence, appoint a chief representative in Quebec. The representative must be a person in authority who is resident in Quebec.

Every legal person not constituted under an Act of Quebec has, in respect of the activities it carries on in Quebec, the rights and obligations of an insurance company or mutual association constituted under Acts of Quebec as the case may be. It is also bound to comply with its constituting *Act* if it is more restrictive.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Québec

Measures: *Act respecting insurance (CQLR, chapter A-32)*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Québec statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction
- iii) a federally-authorized branch of a foreign corporation); or
- iv) an association formed on the plan known as Lloyds.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Intermediation of insurance contracts related to maritime transport and commercial aviation and space launching and freight (including satellites), and to reinsurance and retrocession

Type of Reservation: Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Québec

Measures: *Loi sur la distribution de produits et services financier, (CQLR, chapter D-9.2)*

Description:

Services must be supplied through a commercial presence in Quebec.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups thereof

Type of Reservation: Market Access

Level of Government: Provincial – Québec

Measures: *An Act respecting financial services cooperatives (CQLR, Chapter C-67.3)*

Description:

Must incorporate in Québec.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct Insurance contracts relating to maritime shipping, commercial aviation, space launching, freight (including satellites) and goods in international transit

Type of Reservation: Market Access
Cross border trade in Financial Services

Level of Government: Provincial – Québec

Measures: *An Act respecting Insurance (CQLR, Chapter. A-32)*

Description:

Services must be supplied through a commercial presence in Québec.

*

Sector: Financial Services

Subsector: Insurance and insurance related services
Reinsurance and retrocession

Type of Reservation: Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Québec

Measures: *An Act Respecting Insurance (CQLR, chapterA.32)*

Description:

Services must be supplied through a commercial presence in Québec.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)

Type of Reservation: Market Access
 National Treatment
 Cross Border Trade in Financial Services

Level of Government: Provincial – Québec

Measures: *Regulation 31-103 respecting Registration Requirements,
 Exceptions and Ongoing Registrant Obligations, (CQLR, chapter r. 10)
 Securities act, (R.S.Q., c. V-1.1)*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Québec.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
 Custodial services

Type of Reservation: National Treatment
 Cross-Border Trade in Financial Services

Level of Government: Provincial – Québec

Measures: *Securities Act, CQLR, chapter V-1.1)
 Regulation 31-103 respecting Registration Requirements,
 Exemptions and Ongoing Registrant Obligations (CQLR,
 chapter V-1.1, r. 10)
 Regulation 81-102 respecting Mutual Funds (CQLR, chapter
 V-1.1, r. 39)*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

SASKATCHEWAN

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Provincial – Saskatchewan

Measures: *The Saskatchewan Insurance Act, c. S-26, 1978*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Saskatchewan statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges; or
- vi) Fraternal societies

*

Sector: Financial Services

Subsector: Insurance and insurance related services
Direct insurance

Type of Reservation: National Treatment
Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Saskatchewan

Measures: *The Saskatchewan Insurance Act, c. S-26, 1978*

Description:

A fee payable to the province of 10 per cent of the premium is required on insurance of risks in the province by unlicensed insurers.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Provincial – Saskatchewan

Measures: *Trust and Loan Corporations Act, 1997, c. T-22.2, 1997*

Description:

Federal or provincial incorporation is required.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access
National Treatment

Level of Government: Provincial – Saskatchewan

Measures: *Trust and Loan Corporations Act, 1997, c. T-22.2, 1997*

Description:

Individual and collective financial ownership of Canadian-controlled and provincially incorporated companies can be no more than 10 per cent of shares.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Credit Unions, caisses populaires and associations or groups thereof

Type of Reservation: Senior Management and Board of Directors
National Treatment

Level of Government: Provincial – Saskatchewan

Measures: *The Credit Union Act, 1985, c-45.1, 1984-85-86*

Description:

Directors of a credit union must be Canadian citizens.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups thereof

Type of Reservation: Market Access

Level of Government: Provincial – Saskatchewan

Measures: *The Credit Union Act, 1985, c-45.1, 1984-85-86*

Description:

Must incorporate in Saskatchewan.

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Community bond corporations

Type of Reservation: National Treatment
Senior Management and Board of Directors

Level of Government: Provincial –Saskatchewan

Measures: *The Community Bonds Act, c-16.1, 1990-91*

Description:

Directors of Community Bonds corporations must be resident of Saskatchewan.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Provincial – Saskatchewan

Measures: *The Securities Act, 1988, c. S-42.2, 1988-89*
The Securities Commission (Adoption of National Instruments)
Regulations, c. S-42.2 Reg. 3, 2000

Description:

There is a requirement to register in order to trade through dealers and brokers that are neither resident nor registered in the province in which the trade is affected.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Advisory and auxiliary financial services

Type of Reservation: Market Access
National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial – Saskatchewan

Measures: *The Securities Act, 1988, c. S-42.2, 1988-89*

Description:

Where an advisor provides advice in Saskatchewan, such services must be supplied through a commercial presence. Must be registered in Saskatchewan as an adviser.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Securities dealers and brokers

Type of Reservation: National Treatment
Market Access

Level of Government: Provincial – Saskatchewan

Measures: *The Securities Act, 1988, c. S-42.2, 1988-89*

Description:

Must be formed or continued under federal, provincial or territorial laws.

.....

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government: Provincial – Saskatchewan

Measures: *The Securities Act, 1988, c. S-42.2, 1988-89*
The Securities Commission (Adoption of National Instruments)
Regulations, c. S-42.2 Reg. 3, 2000

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if the sub-custodian has shareholders' equity of at least \$100 million.

.....

YUKON

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct insurance and reinsurance and retrocession

Type of Reservation: Market Access

Level of Government: Territorial – Yukon

Measures: *Insurance Act, RSY 2002, c. 119*

Description:

Insurance services can be provided only through:

- i) a corporation incorporated under Yukon statutes;
- ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another Canadian jurisdiction ;
- iii) a federally-authorized branch of a foreign corporation;
- iv) an association formed on the plan known as Lloyds;
- v) Reciprocal insurance exchanges; or
- vi) Fraternal societies.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Direct Insurance contracts relating to maritime shipping, commercial aviation, space launching, freight (including satellites) and goods in international transit:

Type of Reservation: Market Access
Cross-Border Trade in Financial Services

Level of Government: Territorial – Yukon

Measures: *Insurance Act, RSY 2002, c. 119*

Description:

Services must be supplied through a commercial presence.

*

Sector: Financial Services

Subsector: Insurance and insurance-related services
Reinsurance and retrocession

Type of Reservation: Market Access

Cross-Border Trade in Financial Services

Level of Government: Territorial – Yukon

Measures: *Insurance Act, RSY 2002, c. 119*

Description:

Services must be supplied through a commercial presence.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services
Intermediation of insurance contracts related to maritime transport and commercial aviation and space launching and freight (including satellites), and to reinsurance and retrocession

Type of Reservation: Market Access

Cross-Border Trade in Financial Services

Level of Government: Territorial – Yukon

Measures: *Insurance Act, RSY 2002 C.119*

Description:

Services must be supplied through a commercial presence in Yukon.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trust and loan companies

Type of Reservation: Market Access

Level of Government: Territorial – Yukon

Measures: *Business Corporations Act, RSY 2002, c.20*

Description:

To operate as a trust and loan company under the Yukon regime an entity must be a body corporate to which the *Business Corporations Act* applies.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Credit unions, caisses populaires and associations or groups thereof

Type of Reservation: Market Access

Level of Government: Territorial – Yukon

Measures: *Business Corporations Act, RSY 2002, c.20*

Description:

Must incorporate in Yukon.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Trading in securities and commodities futures – persons

Type of Reservation: Market Access
National Treatment
Cross Border Trade in Financial Services

Level of Government: Territorial – Yukon

Measures: *Business Corporations Act, RSY 2002, c.20*

Description:

There is a requirement for an individual or firm to register in order to trade through dealers and brokers that are neither resident nor registered in Yukon.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)
Securities dealers and brokers

Type of Reservation: National Treatment
Market Access

Level of Government: Territorial – Yukon

Measures: *The Securities Act, 1988, c. S-42.2, 1988-89*
Business Corporations Act, RSY 2002, c.20

Description:

Must be formed or continued under federal, provincial or territorial laws.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)

Trading for own account and for account of customers: custodial services; trading in securities and commodity futures – persons; securities dealers and brokers; trading in securities and commodity futures; advisory and auxiliary financial services; dealers, brokers, advisors

Type of Reservation: Market Access
National Treatment

Level of Government: Territorial – Yukon

Measures: *Business Corporations Act, RSY 2002, c.20*

Description:

An individual applicant for registration is required to have been a resident of Canada for a period of at least one year prior to the application and a resident of the province in which he/she wishes to operate at the date of application.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: National Treatment
Cross-Border Trade in Financial Services

Level of Government: Territorial – Yukon

Measures: *Business Corporations Act, RSY 2002, c.20*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has share-holders' equity of at least \$100 million.

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SECTION II

Sector: Financial services

Subsector: All

Type of Reservation: Market Access

Level of Government: Federal

Description:

Canada reserves the right to adopt or maintain any measure stipulating that federally-regulated financial institutions having equity in excess of \$1 billion are required within three years of having reached the threshold, to have 35 per cent of their voting shares widely-held and listed and posted for trading on a stock exchange in Canada.

*

Sector: Financial services

Subsector: All

Type of Reservation: Market Access

Level of Government: Federal

Description:

1. Canada reserves the right to adopt or maintain any measure requiring Ministerial approval of an acquisition by a person (Canadian or foreign) of shares of a federally-regulated financial institution constituted under the Bank Act, the Insurance Companies Act or the Trust and Loan Companies Act if, following the acquisition, the person would have ownership of more than 10 percent of any class of its shares.
2. Widely held requirement: Canada reserves the right to adopt or maintain any measure such that no person (Canadian or foreign) may own more than 20 percent of any class of voting shares, or 30 percent of any class of non-voting shares, of a :
 - (a) bank or bank holding company with \$12 billion or more in equity; or
 - (b) federally-regulated financial institution constituted under the *Bank Act*, the *Insurance Companies Act* or the *Trust and Loan Companies Act* that, at the time of entry into force of the Agreement, is widely held⁸⁷ because it is so required, including by reason of its designation as a domestic systemically important financial institution.
3. Notwithstanding paragraph 2(a), an EU financial institution that is regulated as a bank in the EU or any other EU financial institution that is regulated in the EU and is widely held, may continue to control a bank or a bank holding company if it controlled the bank or bank holding company on the day the bank's or bank holding company's equity reached the applicable threshold for the widely held requirement and it has controlled the bank since that day.

*

Sector: Financial services

Subsector: Banking and other financial services (excl. insurance)

Type of Reservation: Market Access
National Treatment

⁸⁷For the purposes of 2(b), a financial institution is deemed to be widely-held at the date of entry into force of the Agreement if (1) it was required to be widely-held on 17 July 2014, or (2) if, after 17 July 2014 but before the date of entry into force of the Agreement, a determination is made that the financial institution is required to become widely-held and it did not make reasonable efforts to do so by the date of entry into force of the Agreement.

Level of Government: Federal

Description:

Canada reserves the right to adopt or maintain any measure requiring that a foreign bank establish a subsidiary in order to accept or maintain retail deposits of less than CAD/CDN\$150,000 unless the sum of all deposits below \$150,000 amounts to less than one percent of total deposits or the deposits are taken from a sophisticated investor (e.g., Canadian federal or provincial governments, foreign governments, international development banks, financial institutions, certain pension and mutual funds and large businesses.

Canada reserves the right to adopt or maintain any measure prohibiting full service bank branches and lending bank branches from becoming member institutions of the Canada Deposit Insurance Corporation.

*

Sector: Financial services

Subsector: Banking and other financial services (excl. insurance)

Type of Reservation: National Treatment
Market Access

Level of Government: Federal

Description:

Canada reserves the right to adopt or maintain a measure requiring that foreign banks that have been authorized to establish a branch in Canada be members of the Canadian Payments Association. Canada also reserves the right to adopt or maintain any measure prohibiting lending branches of foreign banks

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from being members of the Canadian Payments Association.

ALBERTA

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Provincial – Alberta

Measures: Securities Act, RSA 2000

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

BRITISH COLUMBIA

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
[*Participation in issues of all kinds of securities*]

Type of Reservation: Market Access

Level of Government: Provincial – British Columbia

Measures: *Securities Act, S-4 RSA 2000*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if the sub-custodian has shareholders' equity of at least \$100 million.

*

Sector: Financial Services

Sub-Sector: Insurance and Insurance-Related Services

Industry Classification: *CPC 81292 – Motor vehicle insurance service*

Type of Reservation: Market Access (Services)

Level of Government: Provincial – British Columbia

Measures: *Insurance Corporation Act (BC)*
Exclusion Regulation

Description:

Motor vehicle insurance is provided by public monopoly.

MANITOBA

Sector: Financial Services

Subsector: Insurance and insurance related services
Motor vehicle insurance

Type of Reservation: Market Access

Level of Government: Provincial – Manitoba

Measures: *The Manitoba Public Insurance Corporation Act, CCSM c.P215*

Description:

Motor vehicle insurance is provided by public monopoly.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Provincial – Manitoba

Measures: **The Securities Act, CCSM c.S50**

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NEW BRUNSWICK

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access
Level of Government:
Provincial – New Brunswick

Measures: Securities Act, SNB 2004

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NEWFOUNDLAND AND LABRADOR

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Provincial- Newfoundland and Labrador

Measures: Securities Act, RSNL 1990 1-13

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NORTHWEST TERRITORIES

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Territorial – Northwest Territories

Measures: *Securities Act, RSNWT 2008, c.10*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NOVA SCOTIA

Sector: Financial Services

Sub-Sector: Banking and Other Financial Services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Provincial – Nova Scotia

Measures: *Securities Act, RSNS 1989, c.418*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

NUNAVUT

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Territorial – Nunavut

Measures:

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

ONTARIO

Sector: Financial Services

Subsector: Insurance and Insurance-Related Services - Services auxiliary to insurance and pension funding

Type of Reservation: National Treatment
Most Favoured Nation
Market Access
Cross-Border Trade in Financial Services

Level of Government: Provincial – Ontario

Measures: *Insurance Act, 1990, s.386 (1), (2); s.403, 54(1)*
O. Reg. 347/04 Agent Licensing;

Description:

Preferential access to the Ontario insurance services market is provided to non-resident individual US insurance agents (to all US states based on reciprocity).

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access
Level of Government: Provincial –Ontario

Measures: *Securities Act, 1990, s.143*
National Instrument 31-103 Registration, Exemptions and Ongoing Registrant
National Instrument 81-102 Mutual Funds

Description:

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Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

PRINCE EDWARD ISLAND

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Provincial – Prince Edward Island

Measures: *Securities Act, RSPEI 1988, c.S-3.1*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

QUÉBEC

Sector: Financial Services

Subsector: Insurance and insurance related services

Type of Reservation: Market Access

Level of Government: Provincial – Quebec

Measures: **Act respecting the Société de l'assurance automobile du Québec (CQLR, chapter S-11.011)**

Description:

Automobile insurance, with respect to personal injury and death, is provided by public monopoly.

*

Sector: Financial Services

Subsector: Banking and other financial services (excluding insurance)

Type of Reservation: Market Access

Level of Government: Provincial – Quebec

Measures:

Description:

The acceptance of deposits of public and para-public institutions and the management of pension funds of public and para-public institutions are provided by a public monopoly.

*

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Provincial – Québec

Measures: *Securities Act*, (CQLR, chapter V-1.1)
Regulation 81-102 respecting Mutual Funds (CQLR, chapter. V-1.1, r. 39)

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders' equity of at least \$100 million.

SASKATCHEWAN

Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government: Provincial – Saskatchewan

Measures: *The Securities Act, 1988, c. S-42.2, 1988-89*
The Securities Commission (Adoption of National Instruments) Regulations, c. S-42.2 Reg. 3, 2000

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if the sub-custodian has shareholders' equity of at least \$100 million.

*

Sector: Financial Services

Sub-Sector: Insurance and insurance related services

Type of Reservation: Market Access

National Treatment

Level of Government: Provincial –Saskatchewan

Measures: *The Traffic Safety Act, c. T-18.1, 2004*
The Automobile Accident Insurance Act, c. A-35, 1978

Description:

Motor vehicle insurance is provided by public monopoly.

*

YUKON

Sector: Financial Services
Sub-Sector: Banking and other financial services (excluding insurance)
Custodial services

Type of Reservation: Market Access

Level of Government:
Territorial – Yukon

Measures: *Business Corporations Act, RSY 2002, c.20*

Description:

Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has share-holders' equity of at least \$100 million.

Annex I

Reservations for Existing Measures and Liberalisation Commitments

1. The Schedule of a Party sets out, under Articles X.14 (Investment - Reservations and Exceptions), X-06 (Cross-Border Trade in Services – Reservations), X-03 (International Maritime Transport Services – Non-Conforming Measures), and, for the EU, X.9 (Financial Services – Non-Conforming Measures), the reservations taken by that Party with respect to existing measures of a Party that do not conform with obligations imposed by:

Articles X.6 (Investment - National Treatment), X-03 (Cross-Border Trade in Services - National Treatment) or, for the EU, X.03 (Financial Services – National Treatment);

Articles X.7 (Investment - Most-Favoured-Nation Treatment), X-04 (Cross-Border Trade in Services - Most-Favoured-Nation Treatment) or, for the EU, X.04 (Financial Services – Most-Favoured-Nation Treatment);

Article X.4 (Investment - Market Access), X-05 (Cross-Border Trade in Services - Market Access) or, for the EU, X.06 (Financial Services – Market Access);.

Article X.5 (Investment - Performance Requirements);

Article X.8 (Investment - Senior Management and Boards of Directors) or, for the EU, X.08 (Financial Services – Senior Management and Board of Directors);

For the EU, Article X.07 (Financial Services – Cross-Border Supply of Financial Services); or

Article X.02 (International Maritime Transport Services – Obligations)

and, in certain cases, sets out commitments for immediate or future liberalisation.

The reservations of a Party are without prejudice to the rights and obligations of the Parties under the GATS.

2. Each reservation sets out the following elements:

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- (a) Sector refers to the general sector in which the reservation is taken;
- (b) Sub-Sector refers to the specific sector in which the reservation is taken;
- (c) Industry Classification refers, where applicable, to the activity covered by the reservation according to CPC codes, ISIC codes, SIC codes, or as expressly otherwise described in a Party's reservation;
- (d) Type of Reservation specifies the obligation referred to in paragraph 1 for which a reservation is taken;
- (e) Level of Government indicates the level of government maintaining the measure for which a reservation is taken;
- (f) Measures identifies the laws, regulations or other measures, as qualified, where indicated, by the Description element, for which the reservation is taken. A measure cited in the Measures element:
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (iii) includes:
 - c) for EU Directives, any laws, regulations or other measures which implement the Directive at Member State level;
 - d) for Canada, any laws, regulations or other measures at the national or sub-national level that implement agreements between the federal government and provinces and territories.
- (g) Description sets out the non-conforming aspects of the existing measure for which the reservation is taken. It may also set out commitments for liberalization.
- (h) Phase-Out sets out commitments, if any, for liberalisation after the date of entry into force of this Agreement.

3. In the interpretation of a reservation, all elements of the reservation [are][shall be] considered. A reservation [is][shall be] interpreted in the light of the relevant provisions of the Chapters against which the reservation is taken. To the extent that:

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(a) the Phase-Out element provides for the phasing out of non-conforming aspects of measures, the Phase-Out element shall prevail over all other elements;

(b) the Measures element is qualified by a liberalisation commitment from the Description element, the Measures element as so qualified shall prevail over all other elements; and

(c) the Measures element is not so qualified, the Measure element prevails over other elements, unless a discrepancy between the Measure element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the Measure element prevails, in which case the other elements prevail to the extent of that discrepancy. A reservation is interpreted in the light of the relevant provisions of the Articles against which the reservation is taken.

4. Where a Party maintains a measure that requires that a service provider be a natural person, citizen, permanent resident or resident of its territory as a condition to the provision of a service in its territory, a reservation for that measure taken with respect to cross-border services shall operate as a reservation with respect to investment, to the extent of that measure.

5. For purposes of this Annex:

CPC means Central Product Classification (CPC) numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991;

ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002;

SIC means Standard Industrial Classification (SIC) numbers as set out in Statistics Canada, Standard Industrial Classification, fourth edition, 1980.

6. The following abbreviations are used in the Schedule:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic

DE	Germany
DK	Denmark
EU	European Union
ES	Spain
EE	Estonia
FI	Finland
FR	France
EL	Greece
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SK	Slovakia
SI	Slovenia
SE	Sweden
UK	United Kingdom

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Reservations Applicable throughout the European Union (applicable to all EU Member States unless otherwise indicated)

Sector: All Sectors

Sub-sector:

Industry classification:

Type of Reservation: National Treatment

Level of Government: EU level and central

Measures: Treaty on the Functioning of the European Union

Description: **Investment**

All companies or firms formed in accordance with the law of a Member State of the EU and having their registered office, central administration or principal place of business within the EU, including those established in the Member States of the EU by Canadian investors, are entitled to receive the treatment accorded by Article 54 of the Treaty on the Functioning of the European Union. Such treatment is not accorded to branches or agencies of companies or firms established outside the EU.

Treatment granted to companies or firms formed by Canadian investors in accordance with the law of a Member State of the EU, and having their registered office, central administration or principal place of business within the EU, is without prejudice to any conditions or obligations, consistent with Chapter X (Investment), which may have been imposed on such companies or firms when they established in the EU and which shall continue to apply.

Phase-out: None

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Sector:	Research and Development Services
Sub-sector:	Research and experimental development services on natural sciences and engineering, Interdisciplinary research and experimental development services
Industry classification:	CPC 851, CPC 853
Type of Reservation:	National Treatment
	Market Access
Measures:	<p>All currently existing and all future EU research and/or innovation framework programmes,</p> <p>including all the FP7 Rules for Participation and regulations pertaining to Joint Technology Initiatives (JTIs),</p> <p>Article 185 Decisions, the Competitiveness and Innovation Programme (CIP) and the European</p> <p>Institute for Innovation and Technology (EIT), as well as existing and future national and sub-national research programmes</p>
Description:	<p>Cross-Border Services and Investment.</p> <p>For publicly funded R&D services benefitting from funding provided by the European Union at EU level, exclusive rights and/or authorisations may only be granted to nationals of the Member States of the European Union and to juridical persons of the European Union having their registered office, central administration or principal place of business in the European Union.</p> <p>For publicly funded R&D services benefitting from funding provided by a Member State at national level, exclusive rights and/or authorisations may only be granted to nationals of the</p>

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Member State concerned and to juridical persons of the Member State concerned having their headquarters in that Member State.

This reservation is without prejudice to the exclusion of procurement by a Party, subsidies, or governmental support for trade in services in Chapter X (Investment) Article X.14(5)(a) and (b), and Chapter X (CBTS) Article. X.01(2)(f) and (g) respectively.

Phase-out: None

*

Sector: Health, Social and Education Services

Sub-sector:

Industry classification: CPC 92, CPC 93

Type of Reservation: National Treatment

Senior Management and Boards of Directors

Market Access

Level of Government: All levels

Measures: As set out in the **Description** element

Description: **Investment**

Any EU Member State, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services, may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise, by investors

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of Canada or of a non-Party or their investments. With respect to such a sale or other disposition, any EU Member State may adopt or maintain any measure relating to the nationality of senior management or members of the boards of directors, as well as any measure limiting the number of suppliers.

For purposes of this reservation:

(a) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality requirements or imposes limitations on the numbers of suppliers described in this reservation shall be deemed to be an existing measure; and

(b) "state enterprise" means an enterprise owned or controlled through ownership interests by any Member State and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or governmental entity.

Phase-out: None

*

Sector: Agriculture

Sub-sector:

Industry classification:

Type of Reservation: Performance Requirements

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Level of Government: EU level**Measures:** Regulation 2007/1234/EC of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)**Description:** **Investment**

The intervention agencies designated by the Member States shall buy cereals which have been harvested in the EU.

No export refund shall be granted on rice imported from and re-exported to third countries. Only EU rice producers may claim compensatory payments.

Phase-out: None

*

Sector: Business services**Sub-sector:** Accounting and Auditing Services**Industry classification:** CPC 8621**Type of Reservation:** National Treatment**Measures:** Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on statutory audits of annual accounts and consolidated accounts**Description:** **Cross-Border Services**

The competent authorities of an EU Member State may recognise the equivalence of the qualifications of a third country auditor in

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order to approve them to act as a statutory auditor in the EU subject to reciprocity.

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Sector: Communications Services

Sub-sector: Postal services

Industry classification: part of CPC 751, part of CPC 71235, part of CPC 73210

Type of Reservation: Market Access

Measures: Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2002/39/EC and Directive 2008/06/EC

Description: **Cross-Border Services and Investment**

In the EU, the organisation of the siting of letter boxes on the public highway, the issuing of postage stamps, and the provision of the registered mail service used in the course of judicial or administrative procedures may be restricted in accordance with national legislation.

Licensing systems may be established for those services for which a general Universal Service Obligation exists. These licences may be subject to particular universal service obligations and/or a financial contribution to a compensation fund.

Phase-out: None

*

Sector:	Transport
Sub-sector:	Supporting services for air transport, Rental of aircraft
Industry classification:	CPC 7461, CPC 7469, CPC 83104
Type of Reservation:	National Treatment
	Market Access
	Most-Favoured Nation Treatment
Level of Government:	All levels
Measures:	Regulation 2008/1008/EC of 24 September 2008 on common rules for the operation of air services in the Community
	Directive 1996/67/EC of 15 October 1996 on access to the groundhandling market at Community airports
	Regulation 2009/80/EC of 14 January 2009 on a Code of Conduct for computerised reservation systems
Description:	Cross-Border Services and Investment
	Aircraft used by EU air carriers must be registered in the EU Member State licensing the carrier or, if the licensing Member State so allows, elsewhere in the EU. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control.

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By exception, aircraft registered in Canada may be leased by a Canadian air carrier to an air carrier of the EU under certain circumstances - for the air carrier of the EU's exceptional needs, seasonal capacity needs, or needs to overcome operational difficulties, which cannot reasonably be satisfied through leasing aircraft registered within the EU, and subject to obtaining the approval for a limited duration from the Member State of the EU licensing the air carrier of the EU.

An operating licence may be granted to an air carrier provided that Member States and/or nationals of Member States, or countries that have an agreement with the EU allowing for majority ownership and control on a reciprocal basis, own more than 50% of the undertaking and effectively control it, except as provided otherwise in an agreement.

For groundhandling services, establishment within the EU area may be required. The level of openness of groundhandling services depends on the size of airport. The number of providers in each airport may be limited. For "big airports", this limit may not be less than two suppliers. For greater certainty, this does not affect the EU's rights and obligations under the Agreement on Air Transport between Canada and the European Community and its Member States.

For airport operations, establishment within the EU is required. Airport operation services may be subject to individual concession or licence from public authorities. Special approval from the competent authority may be needed for the holder of the licence or the concession to transfer the operation licence or concession in total or in part to a third party.

With respect to computer reservation system (CRS) services, where EU air carriers are not accorded, by CRS services suppliers operating outside the EU, equivalent (meaning non-discriminatory) treatment to that provided in the EU, or where EU CRS services

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suppliers are not accorded, by non-EU air carriers, equivalent treatment to that provided in the EU, measures may be taken to accord equivalent treatment, respectively, to the non-EU air carriers by the CRS services suppliers operating in the EU, or to the non-EU CRS services suppliers by EU air carriers.

Phase-out: None

*

Sector: Transport

Sub-sector: Internal Waterways Transport, Supporting Services for Internal Waterways Transport

Industry classification: CPC 722, part of CPC 745

Type of Reservation: National Treatment

Market Access

Level of Government: EU level

Measures: Regulation 1991/3921/EEC of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State

Regulation 1996/1356/EC of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services

Regulation 1995/2919/EEC of 17 October 1995 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation

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Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

Goods or passenger transport operations by inland waterway may only be provided by an operator that fulfils the following conditions:

- is established in a Member State,
- is entitled there to carry out the (international) transport of goods or passengers by inland waterway, and
- uses vessels registered in a Member State or in possession of a certificate of membership of a fleet of a Member State.

In addition, the vessels must be owned by natural persons domiciled in a Member State and who are Member States nationals, or owned by legal persons registered in a Member State and the majority of whom are Member State nationals. Derogations from the majority ownership requirement may exceptionally be provided.

In Spain, Sweden and Finland there is no legal distinction between maritime and internal waterways. The regulation of maritime transport applies equally to internal waterways.

Phase-out: None

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Sector: Transport

Sub-sector: Rail transport

Industry classification: CPC 711

Type of Reservation: Market Access

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Level of Government: All levels

Measures: Directive 1995/18/EC of 19 June 1995 on the licensing of railway undertakings as amended by Directives 2001/13/EC

Directive 2004/49/EC of 29 April 2004 on safety on the Community's railways

Directive 2006/103/EC of 20 November 2006

adapting certain Directives in the field of transport policy, by reason of the accession of Bulgaria and Romania

Directive 2007/58/EC of 23 October 2007 amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure

Description: **Cross-Border Services**

The provision of rail transport services requires a licence, which can only be granted to railway undertakings established in a Member State.

Phase-out: None

*

Sector: Transport

Sub-sector: Other transport services (provision of combined transport services)

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Industry classification: CPC 711-712, 7212, 7222, 741-745, 748-749

Type of Reservation: Market Access

Level of Government: All levels

Measures: Directive 1992/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States

Description: **Cross-Border Services and Investment**

With the exception of Finland, only hauliers established in a Member State who meet the conditions of access to the occupation and access to the market for transport of goods between Member States may, in the context of a combined transport operation between Member States, carry out initial and/or final road haulage legs which form an integral part of the combined transport operation and which may or may not include the crossing of a frontier.

Limitations affecting any given modes of transport apply.

Necessary measures can be taken to ensure that the motor vehicle taxes applicable to road vehicles routed in combined transport are reduced or reimbursed.

Phase-out: None

*

Sector: Supporting services for all modes of transport

Sub-sector: Customs Clearance Services

Industry classification: part of CPC 748

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Type of Reservation: National Treatment

Market Access

Level of Government: All levels

Measures: Regulation 1992/2913/EEC of 12 October 1992
establishing the Community Customs Code, and subsequent
amendments

Description: **Cross-Border Services**
Customs clearance services may only be provided by EU residents.

Phase-out: None

Reservations Applicable in Austria**Sector:** All Sectors**Sub-sector:** Acquisition, purchase, rental or leasing of real estate**Industry classification:****Type of Reservation:** National Treatment**Level of Government:** Sub-national**Measures:** Burgenländisches Grundverkehrsgesetz, LGBL. Nr. 25/2007 as amended

Kärntner Grundverkehrsgesetz, LGBL. Nr. 9/2004 as amended

NÖ- Grundverkehrsgesetz, LGBL. 6800 as amended

OÖ- Grundverkehrsgesetz, LGBL. Nr. 88/1994 as amended

Salzburger Grundverkehrsgesetz, LGBL. Nr. 9/2002 as amended

Steiermärkisches Grundverkehrsgesetz, LGBL. Nr. 134/1993 as amended

Tiroler Grundverkehrsgesetz, LGBL. Nr. 61/1996 as amended

Voralberger Grundverkehrsgesetz, LGBL. Nr. 42/2004 as amended

Wiener Ausländergrundverkehrsgesetz, LGBL. Nr. 11/1998 as amended

Description: **Investment**

The acquisition, purchase and rental or leasing of real estate by non-EU natural persons and enterprises requires authorisation by the competent regional authorities (Länder). Authorisation will only be granted if the acquisition is considered to be in the public (in particular economic, social and cultural) interest.

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Phase-out: None

*

Sector: All Sectors

Sub-sector:

Industry classification:

Type of Reservation: National Treatment

Level of Government: National

Measures: Aktiengesetz, BGBl. Nr. 98/1965 as amended, § 254 (2)
GmbH-Gesetz, RGBL. Nr. 58/1906 as amended, § 107 (2)
Gewerbeordnung, BGBl. Nr. 194/1994 as amended, § 39 (2a)

Description: **Investment**

For the operation of a branch, non EEA-corporations must appoint at least one person responsible for its representation who is resident in Austria. Executives (managing directors, natural persons) responsible for the observance of the Austrian Trade Act (Gewerbeordnung) must be domiciled in Austria.

Phase-out: None

*

Sector: Business services

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Sub-sector: Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Rechtsanwaltsordnung (Lawyers Act) - RAO, RGBI. Nr. 96/1868 as amended, art. 1 and 21c**Description: Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

According to the Lawyers Act, only EEA lawyers or lawyers of the Swiss confederation are allowed to provide legal services through commercial presence. Cross border supply of legal services by Canadian lawyers (who must be fully qualified in Canada) is only authorised in respect of public international law and national Canadian law.

For admission to the Bar, required for the practice of domestic (EU and Member State) law including representation before courts, nationality in the EEA (or the Swiss confederation) is required.

Equity participation and shares in the operating result of any law firm of Canadian lawyers (who must be fully qualified in Canada) is allowed up to 25%; the rest must be held by fully fledged EEA

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lawyers (or lawyers of the Swiss confederation) and only the latter may exercise decisive influence in the decision making of the law firm which is – according to Art 1a of the Lawyers Act – in Austria generally limited to certain forms of association.

Phase-out: None

*

Sector: Business services

Sub-sector: Accounting and bookkeeping services, Auditing services, Taxation advisory services

Industry classification: CPC 862,CPC 863

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999 as amended), § 12, § 65, § 67, § 68 (1) 4

Bilanzbuchhaltungsgesetz (BibuG, BGBl. I Nr. 11/2008 as amended, § 7, § 11, § 56 and § 59 (1) 4.

Description: **Cross-Border Services and Investment**

The capital interests and voting rights of foreign accountants, bookkeepers, auditors and tax advisers, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25%.

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The service provider must have an office or professional seat in the EEA in order to provide bookkeeping services, and to be entitled to practice as an auditor or tax advisor according to Austrian law.

Where the employer of a foreign auditor is not an EU national, they must be a member of the relevant professional body in their home country, where such a body exists.

Phase-out: None

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Sector: Health Services

Sub-sector: Veterinary Services

Industry classification: CPC 932

Type of Reservation: National Treatment

Level of Government: National

Measures: Tierärztegesetz (Veterinary Act), BGBl. Nr. 16/1975 as amended, §3 (3) 1

Description: **Cross-Border Services and Investment**

Only EEA nationals may provide veterinary services. The nationality requirement is waived for third country nationals where there is an agreement with that country providing for national treatment with respect to investment and cross-border trade of veterinary services.

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Phase-out: None

*

Sector: Health Services**Sub-sector:** Medical services**Industry classification:** part of CPC 9312**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Medical Act, BGBl. I Nr. 169/1998 as amended, §4 (2) and §5 (b), §§ 8(5), 32, 33 and 35

Federal Act Regulating High Level Allied Health Professions, BGBl. Nr. 460/1992

Federal Act regulating Medical Masseurs lower and upper level, BGBl. Nr. 169/2002 as amended

Description: **Investment**

EEA or Swiss nationality is required in order to provide medical services.

Regarding medical services, non-EEA-citizens may apply for the following authorisations: Postgraduate training, medical practice as a general medical practitioner/specialist in hospitals and penal institutions, medical practice as a general practitioner in a self-employed capacity, and medical activities for educational purposes.

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This reservation does not apply to dental services or services provided by psychologists and psychotherapists.

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sales of tobacco

Industry classification: CPC 63108

Type of Reservation: National Treatment

Level of Government: National

Measures: Tobacco Monopoly Act 1996, § 5 and § 27

Description: **Cross-Border Services and Investment**

Only natural persons may apply for an authorisation to operate as a tobacconist. Priority is given to EEA nationals.

Phase-out: None

*

Sector: Distribution and Health Services

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists

Industry classification: CPC 63211

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Type of Reservation: National Treatment

Senior Management and Boards of Directors

Market Access

Level of Government: National

Measures: Apothekengesetz (Pharmacy Law), RGBL. No. 5/1907 as amended, §3 Arzneimittelgesetz (Medication Act) BGBl. Nr. 185/1983 as amended, §57-63

Description: **Investment**

The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy.

EEA or Swiss nationality is required in order to operate a pharmacy.

EEA or Swiss nationality is required for leaseholders and persons in charge of managing a pharmacy.

Phase-out: None

*

Sector: Education services**Sub-sector:** Higher education services**Industry classification:** CPC 923**Type of Reservation:** Market Access**Level of Government:** National

Measures: University of Applied Sciences Studies Act, BGBl I Nr. 340/1993 as amended, § 2,

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University Accreditation Act, BGBl. I Nr. 168/1999 as amended, § 2,

Description:**Cross-Border Services and Investment**

The provision of privately funded university level education services in the area of applied sciences requires an authorisation from the competent authority, the Council for Higher education (Fachhochschulrat). An investor seeking to provide an applied science study programme must have his primary business being the supply of such programmes, and must submit a needs assessment and a market survey for the acceptance of the proposed study programme. The competent Ministry may deny an authorisation where the programme is determined to be incompatible with national educational interests.

The applicant for a private university requires an authorisation from the competent authority (the Austrian Accreditation Council). The competent Ministry may deny the approval if the decision of the accreditation authority does not comply with national educational interests.

Phase-out:

None

*

Sector:

Financial Services

Sub-sector:

Insurance and insurance-related services

Industry classification:**Type of Reservation:** National Treatment**Level of Government:**

National

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Measures: Austrian Insurance Supervision Act, §5 (1) 3 (VAG)

Description: **Financial Services**

In order to obtain a licence to open a branch office, foreign insurers must have a legal form corresponding or comparable to a joint stock company or a mutual insurance association in their home country.

The management of a branch office must consist of at least two natural persons resident in Austria.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Insurance

Type of Reservation: National Treatment

Market Access

Cross-Border Supply of Financial Services

Level of Government: National

Measures: Insurance Supervision Act (VAG), BGBl. Nr. 569/1978 as amended, §1 (2)

Description: **Financial Services**

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Promotional activity and intermediation on behalf of a subsidiary not established in the European Union or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited.

Phase-out: None

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Sector: Recreational, cultural and sporting services

Sub-sector: Ski school services, Mountain Guide Services

Industry classification: part of CPC 96419

Type of Reservation: National Treatment

Senior Management and Boards of Directors

Level of Government: Sub-national

Measures: Kärntner Schischulgesetz, LGBL. Nr. 53/97 as amended

Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98 as amended

NÖ- Sportgesetz, LGBL. Nr. 5710 as amended

OÖ- Sportgesetz, LGBL. Nr. 93/1997 as amended

Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89 as amended

Salzburger Bergführergesetz, LGBL. Nr. 76/81 as amended

Steiermärkisches Schischulgesetz, LGBL. Nr. 58/97 as amended

Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76 as amended

Tiroler Schischulgesetz, LGBL. Nr. 15/95 as amended

Tiroler Bergsportführergesetz, LGBL. Nr. 7/98 as amended

Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 as amended §4 (2)a

Vorarlberger Bergführergesetz, LGBL. Nr. 54/02 as amended

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Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL.
Nr. 37/02 as amended

Description: **Cross-Border Services and Investment**

The operation of ski schools and mountain guide services is governed by the laws of the 'Bundesländer'. The provision of these services may require EEA nationality. Enterprises may be required to appoint a Managing Director who is an EEA national.

Phase-out: None

*

Sector: Transport

Sub-sector: Water Transport, Supporting Services for Water Transport

Industry classification: CPC 7221-7224, part of CPC 745

Type of Reservation: National Treatment

Senior Management and Boards of Directors

Market Access

Level of Government: National

Measures: Schifffahrtsgesetz, BGBl. I Nr. 62/1997 as amended, §75f

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

For internal waterways transport, EEA nationality is required for natural persons in order to set up a shipping company. A majority of the governing board of each enterprise must have EEA nationality. A registered company or permanent establishment in

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Austria is required. More than 50% of the business shares and the working capital must be held by EEA nationals.

Phase-out: None

*

Sector: Transport

Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services

Industry classification: CPC 712

Type of Reservation: National Treatment

Market Access

Measures: Güterbeförderungsgesetz (Goods Transportation Act), BGBl. Nr. 593/1995 as amended; § 5 Gelegenheitsverkehrsgesetz (Occasional Traffic Act), BGBl. Nr. 112/1996 as amended; § 6

Description: **Cross-Border Services and Investment**

For passenger and freight transportation, exclusive rights and/or authorisations may only be granted to nationals of the Member States of the European Union and to juridical persons of the European Union having their headquarters in the European Union.

Phase-Out: None

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Sector: Transport**Sub-sector:** Pipeline Transport**Industry classification:** CPC 713**Type of Reservation:** National Treatment

Senior Management and Boards of Directors

Market Access

Level of Government: National**Measures:** Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975 as amended, § 5(1) and (2), §§ 5 (1) and (3), 15, 16

Gaswirtschaftsgesetz (Gas Act), BGBl. I Nr. 121/2000 as amended, § 14, 15 and 16

Description: **Cross-Border Services and Investment**

With regard to natural persons, authorisation is only granted to EEA nationals domiciled in the EEA. Enterprises and partnerships must have their seat in the EEA. The operator of the network must appoint a Managing Director and a Technical Director who is responsible for the technical control of the operation of the network, both of whom must be EEA nationals.

The competent authority may waive the nationality and domiciliation requirements where the operation of the network is considered to be in the public interest.

For the transportation of goods other than gas and water the following applies:

With regard to natural persons, authorisation is only granted to EEA-nationals who must have a seat in Austria. Enterprises and partnerships must have their seat in Austria. An ENT/interest test is applied. Cross border pipelines must not jeopardise Austria's

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security interests and its status as a neutral country. Enterprises and partnerships have to appoint a managing director who must be an EEA citizen. The competent authority may waive the nationality and seat requirements if the operation of the pipeline is considered to be in the national economic interest.

Phase-out: None

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Sub-sector: Transmission and distribution of electricity

Industry classification: CPC 887 or ISIC

Type of Reservation: National Treatment

Market Access

Senior Management and Boards of Directors

Level of Government: Regional

Measures: Steiermärkisches Elektrizitätswirtschafts- und Organisationsgesetz (ELWOG), LGBl. Nr. 70/2005 as amended; Kärntner Elektrizitätswirtschafts- und Organisationsgesetz (ELWOG), LGBl. Nr. 24/2006 as amended

Description: **Cross-Border Services and Investment**

With regard to natural persons, authorisation is only granted to EEA-nationals domiciled in the EEA. If the operator appoints a managing director or a leaseholder, the domicile requirement is waived.

Juridical persons (enterprises) and partnerships must have their seat in the EEA. They must appoint a managing director or a leaseholder, both of whom must be EEA-nationals domiciled in the EEA.

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The competent authority may waive the domicile and nationality requirements where the operation of the network is considered to be in the public interest.

Phase-out:

None

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Reservations Applicable in Belgium

For the purposes of the reservations of Belgium, the national level of government covers the federal government and the governments of the Regions and the Communities as each of them holds equipollent legislative powers.

Sector: Mining and quarrying

Sub-sector: Other mining and quarrying

Industry classification: ISIC rev 3.1: 14

Type of Reservation: National Treatment

Market Access

Level of Government: National (Federal State)

Measures: Arrêt Royal du 1^{er} septembre 2004 relatif aux conditions, à la délimitation géographique et à la procédure d'octroi des concessions d'exploration et d'exploitation des ressources minérales et autres ressources non vivantes de la mer territoriale et du plateau continental

Description: **Investment**

The exploration for and exploitation of mineral resources and other non-living resources in territorial waters and the the continental shelf are subject to concession. The concessionaire must be domiciled in Belgium.

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Sector: Business services

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Sub-sector: Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National (Federal State)**Measures:** Belgian Judicial Code (Articles 428-508) ; Royal Decree of 24 August 1970**Description:** **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic Belgian law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar.

The residency requirement for a foreign lawyer to obtain full admission to the Bar is at least 6 years from the date of application for registration, 3 years under certain conditions. Required to have a certificate issued by the Belgian Minister of Foreign Affairs under which the national law or international convention allows reciprocity (reciprocity condition). Representation before the “*Cour de Cassation*” is subject to quota.

Phase-out: None

*

Sector: Business Services**Sub-sector:** Auditing services**Industry classification:** CPC 86211 and 86212 other than accounting services

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Type of Reservation: National Treatment
Market Access

Level of Government: National (Federal State)

Measures: Law of July 22nd, 1953 creating an Institute of the Auditors of Firms and organising the public supervision of the occupation of auditor of firms, coordinated on April 30th, 2007

Description: **Cross-Border Services**

To be qualified to act in an official capacity as a "firm's auditor", it is required to maintain an establishment in Belgium where the professional activity will take place and where acts, documents and correspondence relating to it will be maintained, and to have at least one administrator or manager of the company being firm's auditor and responsible for the management of an establishment in Belgium.

Phase-out: None

*

Sector: Business Services

Sub-sector: Architectural services and urban planning and landscape architectural services

Classification: CPC 8671 and CPC 8674

Type of reservation: National Treatment

Level of Government: National (Federal State)

Measures: Law of February 20, 1939 on the protection of the title of the architect's profession

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Law of 26th June 1963, which creates the Order of Architects
Regulations of December 16th, 1983 of ethics established by
national Council in the Order of Architects (Approved by art. 1st
of A.R. of April 18th, 1985, M.B ., May 8th, 1985).

Description: **Cross-border services**

The provision of architectural services in Belgium requires control over the execution of jobs.

Foreign architects authorised in their host countries and wishing to exercise their profession on an occasional basis in Belgium are required to obtain prior authorisation from the Council of Order in the geographical area where they intend to exercise their activity.

Phase-out: None

*

Sector: Business Services

Sub-sector: Placement Services of Personnel

Industry classification: CPC 87202

Type of Reservation: National Treatment

Market Access

Level of Government: National (Regions)

Measures: Flemish Region: Besluit van de Vlaamse Regering van 10 december 2010 tot uitvoering van het decreet betreffende de private arbeidsbemiddeling

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Walloon Region: Décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decree of 3 April 2009 on registration of placement agencies), art. 7 ; Arrêté du Gouvernement wallon du 10 décembre 2009 portant exécution du décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decision of the Walloon Government of 10 December 2009 implementing the Decree of 3 April 2009 on registration of placement agencies), art. 4

Description:

Cross-Border Services and Investment

Flemish Region: A company having its head office outside the EEA has to prove that it supplies placement services in its country of origin.

Walloon Region: A specific type of legal entity (régulièrement constituée sous la forme d'une personne morale ayant une forme commerciale, soit au sens du droit belge, soit en vertu du droit d'un Etat membre ou régie par celui-ci, quelle que soit sa forme juridique) is required to supply placement services. A company having its head office outside the EEA has to demonstrate that it fulfils the conditions as set out in the Decree (for instance on the type of legal entity) and has to prove that it supplies placement services in its country of origin.

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Sector:

Fishing, Transport

Sub-Sector:

All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

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Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: La Loi du 21 décembre 1990 relative à l'enregistrement des navires, telle que modifiée par la loi du 3 mai 1999 ;

L'Arrêté royal du 4 avril 1996 relatif à l'enregistrement des navires et l'entrée en vigueur de la loi du 21 décembre 1990 relative à l'enregistrement des navires, tel que modifié

Description: **Investment and International Maritime Transport Services**

According to the Belgian ship registration law and decree provisions, the owner or operator of a ship must be either:

- an individual who is national of a Member State of the European Union;
- an individual who is domiciled or resident in Belgium;
- a legal person / body corporate / having its real place of business in one of the Member States of the European Union, in order to be eligible to register a ship on the national register.

Foreign investors must have their principal office in Belgium in order to register a vessel on the national shipping register.

The ships have to be operated from Belgium, meaning that the operating owner or the operator (if different from the owner) must have a Belgian company number. A foreign owned vessel may be registered at the request of a Belgian operator, subject to the consent of the owner and of the Belgian authorities (Directorate General Maritime Transport in Brussels - www.mobilt.fgov.belgium).

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A foreign owned vessel may also be registered on the bareboat charter register (second Belgian register), subject to the consent of the authorities of the primary register, of the owner and of the relevant Belgian authorities.

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Sector: Transport

Sub-sector: Supporting services for air transport, rental of aircraft

Industry classification: CPC 83104

Type of Reservation: National treatment

Level of Government: National (Federal State)

Measures: Arrêté Royal du 15 mars 1954 réglementant la navigation aérienne

Description: **Cross-Border Services and Investment**

Private (civil) aircraft belonging to natural persons who are not nationals of a Member State of the EU or of the EEA may only be registered if they are domiciled or resident in Belgium without interruption for at least one year.

Private (civil) aircraft belonging to foreign legal entities not formed in accordance with the law of a Member State of the EU or of the EEA may only be registered if they have a seat of operations, agency or office in Belgium without interruption for at least one year.

Phase-out: None

*

Sector: Transport

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Sub-sector: Air transport services**Industry classification:** CPC 73**Type of Reservation:** National treatment**Level of Government:** National (Federal State)**Measures:** Arrêté ministériel du 3 août 1994 fixant les conditions de délivrance des licences d'exploitation aux transporteurs aériens**Description:** **Investment**

A licence is required to provide air transport services. To obtain the licence, the air carrier must have at its disposal, owned or under any type of lease, at least one aircraft registered in his name on the Belgian register.

Phase-out: None

*

Sector: Transport**Sub-sector:** Supporting services for air transport**Industry classification:** CPC 7461, CPC 7469, CPC 83104**Type of Reservation:** National Treatment

Market Access

Most-Favoured Nation Treatment

Level of Government: National (Federal + Regions)**Measures:** Arrêté Royal du 6 novembre 2010 réglementant l'accès au marché de l'assistance en escale à l'aéroport de Bruxelles-National (article 18)

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Besluit van de Vlaamse Regering betreffende de toegang tot de grondafhandelingsmarkt op de Vlaamse regionale luchthavens (artikel 14)

Arrêté du Gouvernement wallon réglementant l'accès au marché de l'assistance en escale aux aéroports relevant de la Région wallonne (article 14)

Description:

Cross-Border Services and Investment

For groundhandling services, reciprocity is required.

Phase-out:

None

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Reservations Applicable in Bulgaria**Sector:** All Sectors**Sub-sector:****Industry classification:****Type of Reservation:** National Treatment**Level of Government:** National**Measures:** Commercial Law, art. 17a

Law for Encouragement of Investments, art. 24

Description: **Investment**

Foreign legal persons, unless established under the legislation of an EU Member State or the EEA, may exercise a business and pursue activities if established in the Republic of Bulgaria in the form of a company registered in the Commercial Register. Establishment of branches is subject to authorisation.

Representative offices of foreign enterprises are to be registered with Bulgarian Chamber of Commerce and Industry and may not engage in economic activity but are only entitled to advertise their owner and act as representatives/agents.

Phase-out: None

*

Sector: Mining and Quarrying

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Sub-sector: All sectors excluding mining of uranium and thorium ore

Industry classification: ISIC REV 3.1 10, 11, 12, 13, 14

Type of Reservation: Market Access

National Treatment

Measures: Underground Natural Resources Act

Concessions Act

Law on Privatisation and Post-Privatisation Control

Description: **Investment**

Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act and/or other special concessions laws.

The activities of prospecting and/or exploration of underground natural resources on the territory of the Republic of Bulgaria, in the continental shelf and in the exclusive economical zone in the Black Sea are subject to permission, while the activities of extraction and exploitation are subject to concession granted under the Underground Natural Resources Act.

It is forbidden for companies registered in preferential tax treatment jurisdictions (i.e. off-shore zones) and/or related, directly or indirectly, to such companies to participate in open procedures for granting permits or concessions for prospecting, exploration or extraction of natural resources, including uranium and thorium ores, as well as to operate an existing permit or concession which has been granted, as such operations are precluded, including the possibility to register the geological or commercial discovery of a deposit as a result of exploration.

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Commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 per cent, cannot effect any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, unless permitted by the Privatisation Agency or the municipal council, whichever is the competent authority.

Without prejudice to Article x.4 (Investment – Market Access) paragraphs 1 and 2, according to Decision of the National Assembly of the Republic of Bulgaria of 18 Jan 2012, any usage of hydraulic fracturing technology i.e. fracking, for activities of prospecting, exploration or extraction of oil and gas, is forbidden by Decision of the Parliament. Exploration and extraction of shale gas is forbidden.

*

Sector:	Mining and quarrying
Sub-sector:	Mining of uranium and thorium ores
Industry classification:	ISIC REV 3.1 12
Type of Reservation:	Market Access
	National Treatment
Level of Government:	National
Measures:	Safe Use of Nuclear Energy Act, Act on Economic and Financial Relations with Companies Registered in Preferential Tax Treatment Jurisdictions, Such Companies' Related Parties and Their Beneficial Owners, Subsurface Resources Act

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Description:**Investment**

The mining of uranium ore is forbidden by Decree of the Council of Ministers No. 163 of 20.08.1992.

With regard to mining of thorium ore, the general regime of concessions for mining applies. In order to participate in concessions for mining of thorium ore, a Canadian company must be established according to the Bulgarian Commercial Act and to be registered in the Commercial Registry. Decisions to allow the mining of thorium ore are taken on a non-discriminatory individual case-by-case basis.

The prohibition against companies registered in preferential tax treatment jurisdictions (i.e. off-shore zones) and/or related, directly or indirectly, to such companies, from participating in open procedures for concessions for mining of natural resources includes uranium and thorium ores.

Phase-out:

None

*

Sector:

Business services

Sub-sector:

Legal services

Industry classification:

part of CPC 861

Type of Reservation: National Treatment

Market Access

Most-Favoured-Nation Treatment

Level of Government:

National

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Measures: Attorney Law; Law for Mediation; Law for the Notaries and Notarial Activity

Description: Cross-Border Services and Investment

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Insofar as Canada and its territories and provinces allow Bulgarian lawyers to represent their nationals under domestic law, Bulgaria will allow Canadian lawyers to represent a Canadian national under domestic law under the same conditions and in cooperation with a Bulgarian lawyer. For this purpose, foreign lawyers must be admitted to act as an attorney by a decision of the Supreme Bar Council and registered in the Unified register of foreign lawyers. Enterprises must be registered in Bulgaria as a lawyer partnership ("advokatsko sadrujie") or a law firm ("advokatsko drujestvo"). The name of the law firm may only include the names of the partners, so a foreign firm would not be able to use its name unless the named partners were registered in Bulgaria as well.

Full admission to the Bar is allowed only for EU nationals or for foreign nationals, who are qualified lawyers and have obtained their diploma providing the capacity to practice in an EU Member State. For procedural representation they should be accompanied by a Bulgarian lawyer.

For legal mediation services, permanent residence is required.

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Phase-out: None

*

Sector: Business services

Sub-sector: Auditing services

Industry classification: CPC 86211 and CPC 86212 other than accounting services

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Independent Financial Audit Act

Description: **Investment**

"Specialised audit entity" is a company registered under the Bulgarian Commerce Act, or under the legislation of another Member State of the European Union, or the European Economic Area Agreement, with its principal subject of activity being the independent financial audit of financial statements of enterprises, and three-quarters of its members being registered auditors, auditors and/or audit entities from a Member State of the European Union, of good repute, and which is:

a) a general partnership in which more than half of the partners are registered auditors, auditors and/or audit entities from other Member State of the European Union;

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b) a limited partnership in which more than half of the partners with unlimited liability are registered auditors, auditors and/or audit entities from other Member States;

c) a limited liability company in which more than half of the votes in the General Meeting of the partners and of the capital belong to registered auditors, auditors and/or audit entities from other Member States.

Phase-out: None

*

Sector: Business services

Sub-sector: Taxation advisory services

Industry classification: CPC 863

Type of Reservation: National treatment

Market Access

Level of Government: National

Measures: Accountancy Act, Independent Financial Audit Act, Income Taxes on Natural Persons Act, Corporate Income Tax Act

Description: **Cross-Border Services**

EU nationality condition for tax advisors.

Phase-out: None

*

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Sector:	Business Services
Sub-sector:	Architectural Services, Urban Planning and Landscape Architectural Services, Engineering Services, Integrated Engineering Services
Industry classification:	CPC 8671, CPC 8672, CPC 8673, CPC 8674
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	Spatial Development Act, art. 230
Description:	<p>Cross-Border Services and Investment</p> <p>For projects of national or regional significance, Canadian investors must act in partnership with or, as subcontractors to, local investors.</p> <p>Foreign specialists must have experience of at least two years in the field of construction, which is not a requirement for national specialists.</p> <p>A Bulgarian nationality condition applies to urban planning and landscape architectural services..</p>
Phase-out:	None

*

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Sector: Business Services

Sub-sector: Related scientific and technical consulting services

Industry classification: CPC 8675

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Cadastre and Property Register Act, Geodesy and Cartography Act

Description: **Cross-Border Services and Investment**

A professionally competent body is the person (physical or juridical) that may execute functions pertinent to cadastral surveying, geodesy and cartography. Establishment is required, as well as Bulgarian nationality for the natural person carrying out activities for geodesy, cadastral surveying, and in cartography when studying movements of the earth crust.

Phase-out: None

*

Sector: Business Services

Sub-sector: Translation and Interpretation Services

Industry classification: CPC 87905

Type of Reservation: Market access

Level of Government: National

Measures: Regulation for the legalisation, certification and translation of documents

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Description: Cross-Border Services and Investment

A contract with the Ministry of Foreign Affairs is required for official translations provided by translation agencies.

Phase-out: None

*

Sector: Business services

Sub-sector: Technical testing and analyses

Industry classification: CPC 8676

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Technical Requirements towards Products Act

Measurement Act, National Accreditation of Compliance Conformity Authorities Act, Clean Ambient Air Act, Water Act, Ordinance N-32 for the periodical inspection for proof of technical condition of road transport vehicles

Description: Cross-Border Services

In order to provide testing and analyses services, a Canadian person must be established in Bulgaria according to the Bulgarian Commercial Act and be registered on the Commercial register.

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For the periodical inspection for proof of technical condition of road transport vehicles, the person should be registered in accordance with the Bulgarian Commercial Act or the Non-profit Legal Persons Act, or else be registered in another EU Member State or country from the European Economic Area.

The testing and analysis of the composition and purity of air and water may be conducted only by the Ministry of Environment and Water of Bulgaria, and/or its agencies in co-operation with the Bulgarian Academy of Sciences.

Phase-out: None

*

Sector: Distribution

Sub-sector: Commission Agents' Services, Wholesale and retail trade services

Industry classification: Part of CPC 621, CPC 62228, CPC 62251, CPC 62271, part of CPC 62272, CPC 62276, CPC 63108, part of CPC 6329

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law of Veterinary Activity, art. 343, 363, 373

Law for Prohibition of the Chemical Weapons and for Control over the Toxic Chemical Substances and Their Precursors, art. 6

Law on Control of Exports of Weapons and Dual-Use Items and Technology, art. 46

Law for the Tobacco and Tobacco Products, art. 21, 27, 30

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Description: Cross-Border Services and Investment

Distribution (wholesale and retail) of petroleum and petroleum products, gas, precious metals, tobacco, and tobacco products, is subject to authorisation and may be performed only after registration under the Commercial Register. Authorisation may only be given to EEA nationals or foreign citizens with permanent residence in BG.

Department stores may be subject to an ENT, depending on the rules of the local municipality.

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law on Medicinal Products in Human Medicine, art. 146, 161, 195, 222, 228

Description: Cross-Border Services and Investment

The mail order of pharmaceuticals is prohibited.

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The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy.

Managers of pharmacies must be qualified pharmacists and may only manage one pharmacy in which they themselves work. Requirement for permanent residence for pharmacists. A quota exists for the number of pharmacies which may be owned per person.

Phase-out: None

*

Sector: Education Services

Sub-sector: Primary and Secondary Education Services

Industry classification: CPC 921, 922

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Public Education Act, art. 12

Law for the Higher Education, paragraph 4 of the additional provisions

Description: **Investment**

This reservation applies to the provision of privately funded primary and secondary education services, which may only be supplied by authorised Bulgarian enterprises (commercial presence is required).

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Bulgarian kindergartens and schools having foreign participation may be established or transformed at the request of associations, or corporations, or enterprises of Bulgarian and foreign natural and/or legal entities, duly registered in the Republic of Bulgaria, by decision of the Council of Ministers on a motion by the Minister of Education, Youth and Science.

Foreign owned kindergartens and schools may be established or transformed at the request of foreign legal entities in accordance with international agreements and conventions and under the provisions above.

Foreign high schools cannot establish subsidiaries in the territory of the Republic of Bulgaria. Foreign high schools may open faculties, departments, institutes and colleges in Bulgaria only within the structure of Bulgarian high schools and in cooperation with them.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Insurance and insurance-related services

Industry classification:

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Insurance Code, art. 8, 41, 47b

Description: **Financial Services**

Before establishing a branch or agency in Bulgaria to provide insurance, a foreign insurer/re-insurer must have been authorised

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to operate in the same classes of insurance as those it wishes to provide in Bulgaria in its country of origin.

Local incorporation (no branches) is required for insurance intermediaries.

Residency requirement for the members of managing and supervisory body of (re)insurance undertakings and every person authorised to manage or represent the (re)insurance undertaking.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Banking and other financial services (excluding insurance)

Industry classification:

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law of Credit Institutions, art. 2, 17

Code Of Social Insurance, art. 121e

Currency Law, art. 3

Description: **Financial Services**

A bank shall be established as a joint-stock company.

The bank shall be managed and represented jointly by at least two persons, at least one of whom shall be proficient in the Bulgarian language.

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The persons who manage and represent the bank shall manage the bank by being personally present at its management address.

In order to perform public attraction of deposits or other renewable resources as well as other services, a bank headquartered in a non-EU member state is required to obtain a license from BNB for taking up and pursuing of business activities in the Republic of Bulgaria through a branch.

The financial institution shall be established as a shareholding company, a limited liability company or a commandite company with shares and the place of its main business shall be in the territory of the Republic of Bulgaria.

Only financial institutions registered in Bulgaria and foreign financial institutions with a seat in a member state may carry out activity on the territory of Republic of Bulgaria.

Pension insurance shall be carried out as a joint-stock company licensed in accordance with the Code of Social Insurance and registered under the Commerce Act or under the legislation of another Member State (no branches).

The promoters and shareholders of pension insurance companies may be non-resident legal persons, registered as a social insurance, commercial insurance or other financial institution under the national law thereof, if they present bank references from a first-class foreign bank confirmed by the Bulgarian National Bank. Non-resident individuals can not be promoters and shareholders of pension insurance companies.

The income of the supplementary voluntary pension funds; as well as similar income directly connected with voluntary pension insurance carried out by persons who are registered under the

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legislation of another EU Member State and who may, in compliance with the legislation concerned, perform voluntary pension insurance operations, shall not be taxable according to the procedure established by the [Corporate Income Tax Act](#).

The Chairperson of the Management Board, the Chairperson of the Board of Directors, the Executive Director and the Managerial Agent must have a permanent address or hold a durable residence permit in Bulgaria.

Phase-out: None

*

Sector: Tourism and Travel Related Services

Sub-sector: Hotel, Restaurants and Catering, Travel Agencies and Tour Operators Services, Tourist Guides Services

Industry classification: CPC 641, CPC 642, CPC 643, CPC 7471, CPC 7472

Type of Reservation: National Treatment

Senior Management and Boards of Directors

Market Access

Level of Government: National

Measures: Law For Tourism, art. 17, 45

Description: **Cross-Border Services and Investment**

Incorporation (no branches) is required.

Tour operation or travel agency services may be provided by a person established in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the

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European Economic Area if, upon establishment in the territory of the Republic of Bulgaria, the said person presents a copy of a document certifying the right thereof to practise such activity and a certificate or another document issued by a credit institution or an insurer containing data of the existence of insurance covering the liability of the said person for damage which may ensue as a result of a culpable non-fulfilment of professional duties.

The number of foreign managers may not exceed the number of managers who are Bulgarian nationals, in cases where the public (state and/or municipal) share in the equity capital of a Bulgarian company exceeds 50 percent.

Nationality condition for tourist guides.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Measures: Merchant Shipping Code, Articles 6, 27, 28.

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Law For the Sea Water, Inland Waterways and Ports of the Republic of Bulgaria: Art. 116, 116a, 117, 117a Ordinance No.17/22.01.2013 for carrying goods by inland waterways

Description:

Cross-Border Services and Investment

A seagoing ship is entitled to fly the Bulgarian flag if:

- it is owned by the State, or
- it is owned by a Bulgarian natural persons or legal entities, or
- more than the half of the ownership is by Bulgarian natural persons or legal entities, or
- it is owned by natural persons or legal entities from a Member State of the European Union, provided that, for the performance of the technical, administrative and other requirements of the Bulgarian legislation in relation to seagoing ships, Bulgarian natural persons or legal entities or natural persons or legal entities from a Member State of the European Union resident in the Republic of Bulgaria have been authorised by the ship owner and are responsible to perform these tasks on their behalf.

Regarding supporting services for public transport carried out in Bulgarian ports, in ports having national significance, the right to perform supporting activities is granted through a concession contract. In ports having regional significance, this right is granted by a contract with the owner of the port.

*

Sector:

Fishing, Transport

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Sub-Sector: All commercial marine activity undertaken from a ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, transport services (passengers and freight) by non-seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 722, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Senior Management and Board of Directors

Level of Government: National

Measures: Merchant Shipping Code

Law For The Sea Waters, The Internal Water Ways And The Ports Of The Republic Of Bulgaria

Ordinance for the condition and order for selection of Bulgarian carriers for carriage of passengers and cargoes under international treaties

Ordinance 3 for servicing of unmanned vessels

Description: **Cross-Border Services and Investment**

The carriage and any activities related to hydraulic-engineering and underwater technical works, prospecting and extraction of mineral and other inorganic resources, pilotage, bunkering, receipt of waste, water-and-oil mixtures and other such, performed by vessels in the internal waters, the territorial sea and on the inland waterways of the Republic of Bulgaria, may only be performed by vessels flying the Bulgarian flag or EU flagged vessels.

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Services provided to unmanned vessels in Bulgarian ports and warehouses on the Danube river are provided only through Bulgarian enterprises (incorporation is required).

The number of the service providers at the ports may be limited depending on the objective capacity of the port, which is decided by an expert commission, set up by the Minister of Transport, Information Technology and Communications.

Nationality condition for supporting services. The master and the chief engineer of the vessel shall mandatorily be Bulgarian citizens or citizens of a Member State of the European Union, or of a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation. Not less than 25 per cent of the positions at management and operational level and not less than 25 per cent of the positions at order-taking level shall be occupied by Bulgarian citizens.

*

Sector: Transport

Sub-sector: Rail transport, Supporting services for rail transport

Industry classification: CPC 711

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law For The Railway Transport, art. 37, 48

Description: **Cross-Border Services and Investment**

Only EU nationals may provide rail transport or supporting services for rail transport in Bulgaria. A licence to carry out

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passenger and/or freight transportation by rail is issued by the
Minister of Transport to railway operators registered as traders.

Phase-out: None

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Reservations Applicable in Croatia

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of reservation:	National Treatment Market Access
Level of government:	Central
Measure:	Law on Possession and other Material Rights (OG 91/96, 68/98, 137/99, 22/00, 73/00, 114/01, 79/06, 141/06, 146/08, 38/09 i 153/09) Agricultural Land Act (OG 152/08, 25/09, 153/09, 21/10, 31/11 and 63/11), Article 2
Description:	Investment Foreign companies are only allowed to acquire real estate for the supply of services if they are established and incorporated in Croatia as legal persons. Acquisition of real estate necessary for the supply of services by branches requires the approval of the Ministry of Justice. Agricultural land cannot be acquired by foreigners.
Phase-out:	None

*

Sector:	Business services
Sub-sector:	Legal services
Industry classification:	CPC 861
Type of reservation:	National Treatment
Level of government:	Central

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Measure: Legal Profession Act, (OG 9/94, 51/01, 117/08, 75/09, 18/11)

Description: **Cross Border and Investment**
Representation of parties before courts can be practised only by the members of the Bar Council of Croatia (Croatian title “odvjetnici”). Citizenship requirement for membership in the Bar Council.

In proceedings involving international elements, parties may be represented before arbitration courts – ad hoc courts only by lawyers who are members of the bar associations of other countries.

Full admission to the Bar, required for legal representation services, is subject to a nationality condition (Croatian citizenship or citizenship of an EU Member State).

Phase-out: None

*

Sector: Business services

Sub-sector: Accounting, auditing and bookkeeping services

Industry classification: CPC 862

Type of Reservation: National Treatment

Market Access

Level of Government: Central

Measures: Audit Act (OG 146/05, 139/08, 144/12), Article 3

Description: **Cross-Border Services and Investment**

Foreign audit firms may provide audit services on the Croatian territory where they have established a branch. Auditing may be performed only by legal persons established in Croatia, or by natural persons resident in Croatia.

Phase-out: None

*

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Sector:	Business services
Sub-sector:	Architectural services and engineering services
Industry classification:	CPC 8671, CPC 8672, 8673, 8674
Type of Reservation:	National Treatment Market Access
Level of Government:	Central
Measures:	Act on Architectural and Engineering Activities in Physical Planning and Building (OG 152/08, 49/11, 25/13)

Description: Cross-Border Services

A design or project created by a foreign architect or engineer must be validated by an authorised natural or legal person in Croatia with regard to its compliance with Croatian Law.

Phase-out: None

*

Sector:	Business services
Sub-sector:	Veterinary services
Industry classification:	CPC 932
Type of Reservation:	National Treatment Market Access
Level of Government:	Central
Measures:	Veterinary Act (OG 41/07, 55/11), Article 89, Article 106

Description: Cross-Border Services and Investment

Only legal and natural persons established for the purpose of conducting veterinary activities in an EU Member State can

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provide cross border veterinary services in the Republic of Croatia (Veterinary Act; OG 41/07, 55/11, Article 89)

Only Croatian citizens and EU Member State citizens can establish a veterinary practice in the Republic of Croatia (Veterinary Act, OG 41/07; 55/11, article 106).

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sale of pharmaceuticals and retail sales of medical and orthopaedical goods

Industry classification: CPC 63211

Type of Reservation: Market Access

Level of Government: Central

Measures: Health Care Act (OG 150/08, 71/10, 139/10, 22/11, 84/11, 12/12, 70/12, 144/12)

Description: **Investment**

Authorisation is subject to an economic needs test. Main criteria: population and geographical density of existing pharmacies.

Phase-out: None

*

Sector: Business services

Sub-sector: Real estate services

Industry classification: CPC 821, CPC 822

Type of Reservation: Market access

Level of Government: Central

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Measures: Real Estate Brokerage Act (OG 107/07 and 144/12), Article 2

Description: **Cross-Border Services**

Commercial presence is required to provide real estate services.

Phase-out: None

*

Sector: Business services

Sub-sector: Related scientific and technical consulting services

Industry classification: CPC 8675

Type of Reservation: Market access

Level of Government: Central

Measures: Ordinance on requirements for issuing approvals to legal persons for performing professional environmental protection activities (OG No.57/10), Art. 32-35

Description: **Cross-Border Services**

Services of basic geological, geodetic and mining consulting as well as related environmental protection consulting services in the territory of Croatia can be carried out only jointly with/or through domestic legal persons.

Phase-out: None

*

Sector: Health Services and Social services

Sub-sector: Hospital services, Ambulance services, Residential health facilities other than hospital services

Industry classification: CPC 9311, CPC 93192, CPC 93193, CPC 933

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Type of Reservation: Market access**Level of Government:** Central**Measures:** Health Care Act (OG 150/08, 71/10, 139/10, 22/11, 84/11, 12/12, 70/12, 144/12)**Description:** **Investment**
Establishment of some privately funded social care facilities may be subject to needs based limits in particular geographical areas.**Phase-out:** None

*

Sector: Tourism and travel related services**Sub-sector:** Hotels and Restaurants, Travel Agencies and Tour Operators Services (including tour managers), Tourist guides services**Industry classification:** CPC 641-643, CPC 7471, CPC 7472**Type of Reservation:** National Treatment

Market Access

Level of Government: Central**Measures:** Hospitality and Catering Industry Act (OG 138/06, 152/08, 43/09, 88/10 i 50/12)
Act on Provision of Tourism Services (OG No. 68/07 and 88/10)**Description:** **Cross-Border Services and Investment**
Nationality requirement for hospitality and catering services in households and rural homesteads.

Nationality condition for tourist guides.

Phase-out: None

*

Sector: Financial Services

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Sub-sector: Insurance**Industry classification:****Type of Reservation:** National Treatment

Market Access

Cross-Border Supply of Financial Services

Level of Government: National**Measures:** Insurance Supervision Act (VAG), BGBl. Nr. 569/1978 as amended, §1 (2)**Description:** **Financial Services**

Promotional activity and intermediation on behalf of a subsidiary not established in the European Union or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited.

Phase-out: None

*

Sector: Recreational, cultural and sporting services**Sub-sector:** Ski school services, Mountain Guide Services**Industry classification:** part of CPC 96419**Type of Reservation:** National Treatment

Senior Management and Boards of Directors

Level of Government: Sub-national**Measures:** Kärntner Schischulgesetz, LGBL. Nr. 53/97 as amended

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Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98 as amended

NÖ- Sportgesetz, LGBL. Nr. 5710 as amended

OÖ- Sportgesetz, LGBL. Nr. 93/1997 as amended

Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89 as amended

Salzburger Bergführergesetz, LGBL. Nr. 76/81 as amended

Steiermärkisches Schischulgesetz, LGBL. Nr. 58/97 as amended

Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76 as amended

Tiroler Schischulgesetz. LGBL. Nr. 15/95 as amended

Tiroler Bergsportführergesetz, LGBL. Nr. 7/98 as amended

Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 as amended §4 (2)a

Vorarlberger Bergführergesetz, LGBL. Nr. 54/02 as amended

Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. Nr. 37/02 as amended

Description:

Cross-Border Services and Investment

The operation of ski schools and mountain guide services is governed by the laws of the 'Bundesländer'. The provision of these services may require EEA nationality. Enterprises may be required to appoint a Managing Director who is an EEA national.

Phase-out:

None

*

Sector:

Fishing, Transport

Sub-Sector:

All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating

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services, Other supporting services for water transport,
Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Maritime Act (*Pomorski zakonik*), Article 187

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

A seagoing vessel owned by a natural or legal person having residency or a seat outside the EU may be registered in the Croatian national register and fly the Croatian flag if the shipper/company seeking to register the vessel has commercial presence in the Republic of Croatia.

*

Sector: Transport

Sub-sector: Maritime transport services: towing and pushing services, supporting services for maritime transport

Services auxiliary to all modes of supply: Cargo handling services, Storage and warehousing services, Freight transport agency services, Other supporting and auxiliary transport services

Industry classification: CPC 7214, CPC 745, CPC 741, CPC 742, CPC 748, CPC 749

Type of Reservation: National Treatment

Market Access

Level of Government: Central

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Measures: Act on Maritime Demesne and Sea Ports (OG 158/03, 100/04, 141/06 i 38/09 (Zakon o pomorskom dobru i morskim lukama. (NN 158/03, 100/04, 141/06 i 38/09)

Description: **Investment**

Foreign legal persons must establish a company in Croatia and must be granted a concession by the port authority following a public tendering procedure.

Phase-out: None

Reservations Applicable in Cyprus**Sector:** All sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** The Immovable Property Acquisition (Aliens) Law (Chapter 109), as amended by laws number 52 of 1969, 55 of 1972, 50 of 1990 and 54(I) of 2003**Description:** **Investment**

Cypriots or persons of Cypriot origin, as well as EU citizens, are allowed to acquire any property in Cyprus without restrictions.

No foreigner may acquire, otherwise than mortis causa, any immovable property without obtaining a permit from the Council of Ministers.

For foreigners, where the acquisition of immovable property exceeds the extent necessary for the erection of a premises for a house or professional roof, or otherwise exceeds the extent of two donums (2676 sq.), any permit granted by the Council of Ministers shall be subject to such terms, limitations, conditions and criteria which are set by Regulations made by the Council of Ministers and approved by the House of Representatives.

A foreigner is any person who is not a citizen of the Republic, including a foreign controlled company. The term does not include foreigners of Cypriot origin or non-Cypriot spouses of citizens of the Republic.

Phase-out: None

*

Sector: Mining and Quarrying

Sub-sector: Extraction of crude petroleum and natural gas

Industry classification: ISIC rev 3.1: 1110

Level of Government:

Measures: The Hydrocarbons (Prospecting, Exploration and Exploitation Law) of 2007, (Law 4(I)/2007) as amended by laws number 126(I) of 2013 and 29(I) of 2014

Type of Reservation: Market Access

National Treatment

Description: **Investment**

The Council of Ministers may, for reasons of energy security, refuse to allow access to and exercise of the activities of prospecting, exploration and exploitation of hydrocarbons to any entity which is effectively controlled by a third country or by nationals of a third country.

No entity may, after the granting of an authorisation for the prospecting, exploration and production of hydrocarbons, come under the direct or indirect control of a third country, or a national of a third country, without the prior approval of the Council of Ministers.

The Council of Ministers may refuse to grant an authorisation for the prospecting, exploration and production of hydrocarbons to an entity which is effectively controlled by a third country or by a national of the said third country, where the third country does not grant entities of the Republic of Cyprus or entities of EU Member States, in relation to the access to and exercise of the activities of prospecting, exploring for and exploiting hydrocarbons, treatment

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comparable to that which the Republic of Cyprus or the Member State grants entities of that third country.

Phase-Out: None

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: Market Access

National Treatment

Level of Government: National

Measures: Advocates Law (Chapter 2), as amended by laws number 42 of 1961, 20 of 1963, 46 of 1970, 40 of 1975, 55 of 1978, 71 of 1981, 92 of 1983, 98 of 1984, 17 of 1985, 52 of 1985, 9 of 1989, 175 of 1991, 212 of 1991, 9(I) of 1993, 56(I) of 1993, 83(I) of 1994, 76(I) of 1995, 103(I) of 1996, 79(I) of 2000, 31(I) of 2001, 41(I) of 2002, 180(I) of 2002, 117(I) of 2003, 130(I) of 2003, 199(I) of 2004, 264(I) of 2004, 21(I) of 2005, 65(I) of 2005, 124(I) of 2005, 158(I) of 2005, 175(I) of 2006, 117(I) of 2007, 103(I) of 2008, 109(I) of 2008, 11(I) of 2009, 130(I) of 2009, 4(I) of 2010, 65(I) of 2010, 14(I) of 2011, 144(I) of 2011, 116(I) of 2012 and 18(I) of 2013

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

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Residency (commercial presence) and EU nationality is required in order to obtain full admission to the Bar. Only advocates enrolled in the Bar may be partners or shareholders or members of the Board of Directors in a law company in Cyprus.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Phase-out: None

*

Sector: Business services

Sub-sector: Accounting and bookkeeping services, Auditing services, Taxation advisory services

Industry classification: CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 86220, CPC 863

Type of Reservation: Market Access

Level of Government: National

Measures: The Auditors and Mandatory Audit of the Annual and of the Consolidated Accounts Law of 2009 (Law 42(I)/2009), as amended by law number 163(I) of 2013

Description: Cross-Border Services and Investment

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Access is restricted to natural persons. Third country auditors need to obtain special license from the Minister of Finance, which is subject to reciprocity.

The authorisation is also subject to an economic needs test. Main criteria: the employment situation in the sub-sector. Professional associations (partnerships) between natural persons are permitted. No body corporate is allowed.

Phase-out: None

*

Sector: Business services

Sub-sector: Technical testing and analyses

Industry classification: CPC 8676

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Registration of Chemists Law of 1988 (Law 157/1988), as amended by laws number 24(I) of 1992 and 20(I) of 2004

Description: **Cross-Border Services**

The provision of services by chemists and biologists requires EU nationality.

Phase-out: None

*

Sector:	Tourism and Travel Related Services
Sub-sector:	Travel Agencies and Tour Operators Services (including tour managers ,Tourist Guide Services
Industry classification:	CPC 7471, 7472
Type of Reservation:	Market Access
	National Treatment
Level of Government:	National
Measures:	The Tourism and Travel Offices and Tourist Guides Law 1995 to 2004 (N.41(I)/1995-2004)
Description:	<p>Cross-Border Services and Investment</p> <p>A licence to establish and operate a tourism and travel company, as well as the renewal of an operating licence of an existing company, shall be granted only to EU natural or legal persons.</p> <p>No non-resident company except those established in another Member State of the EU, can provide in Cyprus, on an organised or permanent basis, the activities referred to under Article 3 of the above mentioned Law, unless represented by a resident company.</p> <p>The provision of tourist guide services requires EU nationality.</p>
Phase-out:	None

*

Sector:	Fishing, Transport
Sub-Sector:	All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels,

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Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: The Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005 (Law 45/1963), as amended by laws number 138(I) of 2003, 169(I) of 2004 and 108(I) of 2005

Description: **Investment and International Maritime Transport Services**

A vessel may only be registered in the Register of Cyprus Ships if:

- a) More than fifty percent (50%) of the shares of the ship are owned by Cypriot citizens or by citizens of other EU Member States, who, if they are not permanent residents of the Republic, have appointed an authorised representative in the Republic of Cyprus, or
- b) The total (100%) of the shares of the ship are owned by one or more corporations, which have been established and operate:
 - in accordance with the laws of the Republic of Cyprus and have their registered office in the Republic, or
 - in accordance with the laws of any other Member State and have their registered office, central administration or principal place of business within the European Economic Area and have either appointed an authorised representative in Cyprus or the management of the ship is entrusted in full to a Cypriot or a Community shipmanagement company having its place of business in Cyprus, or
 - outside Cyprus or outside any other EU Member State but controlled by Cypriot citizens or citizens of EU Member States and have either appointed an authorised representative in Cyprus or the management of the ship is entrusted in full to a Cypriot or a Community shipmanagement company having its place of business in

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Cyprus. The corporation is deemed to be controlled by Cypriots or citizens of another EU Member State when more than fifty percent of its shares are owned by Cypriots or citizens of another EU Member State or when the majority of the Directors of the corporation are Cypriot citizens or citizens of another EU Member State.

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Reservations Applicable in the Czech Republic**Sector:** All Sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment**Level of Government:** National

Measures: Act No. 95/1999 Coll. (on Conditions relating to the transfer of agricultural land and forests from the state ownership to ownership of other entities)

Description: **Investment**

Agricultural and forest land can be acquired by foreign natural persons having permanent residence in the Czech Republic and enterprises established in the Czech Republic.

Specific rules apply to agricultural and forest land under state ownership. State agricultural land can be acquired only by Czech nationals, by municipalities and by public universities (for training and research). Legal persons (regardless of the form or place of residence) can acquire state agriculture land from the state only if a building, which they already own, is built on it or if this land is indispensable for the use of such building. Only municipalities and public universities can acquire state forests.

Phase-out: Currently Act No. 95/1999 Coll is being amended which may result in the need to update this reservation

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: Market Access

Level of Government: National

Measures: Act No. 85/1996 Coll., the Legal Profession Act, as amended ([link to English version of the Act](#))

Description: **Cross-Border Services and Investment**

Foreign lawyers admitted to the Czech Bar Association under section 5a subsection (1) of the Legal Profession Act shall be entitled to provide legal services in the law of the country in which they obtained their entitlement to provide legal services, and international law.

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Phase-out: None

*

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Sector:	Health and Social Services, Business and production services
Sub-sector:	Veterinary Services, Paramedical Personnel, Restorer, Physiotherapists
Industry classification:	CPC 932, CPC 93191, CPC 96322
Type of Reservation:	Market Access
Level of Government:	National
Measures:	<p>Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39</p> <p>Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), par. 4</p> <p>Act. 20/1987 Coll., on State monument care</p> <p>Act. 96/2004 Coll., On conditions of obtaining and recognition of qualification for the performance of non-medical occupations in health service and for the due performance of activities related to the provision of health care</p>
Description:	<p>Cross-Border Services</p> <p>Access is restricted to natural persons only.</p>
Phase-out:	None

*

Sector:	Education Services
Sub-sector:	Higher education services
Industry classification:	CPC 92390
Type of Reservation:	Market Access
Level of Government:	National

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Measures: Act No. 111/1998, Coll. (Higher Education Act), § 39

[Link for English version of the Act](#)

ACT NO. 561/2004 COLL. ON PRE-SCHOOL, BASIC, SECONDARY, TERTIARY PROFESSIONAL AND OTHER EDUCATION (THE EDUCATION ACT) [LINK FOR ENGLISH VERSION OF THE ACT](#)

Description: **Cross-Border Services**

Establishment in the EU is required to apply for state approval to operate as a privately funded higher education institution. This reservation does not apply to secondary technical and vocational education services.

Phase-out: None

*

Sector: Community, social and personal services

Sub-sector: Environmental protection services/Recycling services/Packaging

Industry classification:

Type of Reservation: Market Access

Level of Government: Central

Measures: Act. 477/2001 Coll. (Packaging Act) par. 16

Description: **Investment**

An authorised package company is only allowed to provide services relating to packaging take-back and recovery and must be a legal person established as a joint-stock company.

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Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Act. 61/2000 on Maritime Navigation (§5, §6 and §28)

Description: **Investment and International Maritime Transport Services**

Operating a ship under the national flag is reserved to the citizens of the Czech Republic or a Member State of the EU or juridical persons established in the Czech Republic or a Member State of the EU or the EEA.

Phase-out: None

*

Sector: Transport

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Sub-sector: Rail transport

Industry classification: CPC 711

Type of Reservation: National Treatment

Level of Government: National

Measures: Act No. 266/1994 Coll. (on Rail Transport)

Description: **Cross-Border Services and Investment**

For passenger and freight transportation and pushing and towing services by rail, incorporation is required (no branches).

Phase-out: None

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Reservations Applicable in Denmark**Sector:** All Sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment**Level of Government:** National**Measures:** Danish Act on acquisition of real property

Lovbekendtgørelse nr. 566 af 28. august 1986 om erhvervelse af fast ejendom (Ministry of Justice Act No. 566 of 28 August 1985), as amended by act No. 1102 of 21 December 1994 and Order No. 764 of 18 September 1995

Danish Act on Agricultural Real Estate (lov om landbrugsejendomme)

Description: **Investment**

The Danish Act on Acquisition of Real Property applies to agricultural land as the term “real property” refers to all real estate and thus includes agricultural and rural land.

Only persons who have permanent residence in Denmark or who have earlier resided permanently in Denmark for at least 5 years are able to purchase real estate property in Denmark. This requirement also applies to enterprises, associations and other bodies, public or private institutions, foundations and charitable trusts that have no registered office in Denmark, and to foreign public authorities.

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Other persons must apply to the Ministry of Justice for permission to purchase real estate property, which will be permitted if the applicant is going to use the real estate property as primary residence during the stay in Denmark or for self-employment in Denmark.

Purchase of real estate property which will be used as secondary residence/summer house for the applicant will be permitted only if the person concerned has particularly close relations or ties to Denmark.

The purchase of real estate property for enterprises, associations and other bodies, public or private institutions, foundations and charitable trusts that have no registered office in Denmark will be permitted where the acquisition is a prerequisite for the business activities of the purchaser.

The acquisition of agricultural land by private or legal persons is also governed by the Danish Act on Agricultural Real Estate (lov om landbrugsejendomme), which imposes restrictions on all persons, Danish or foreign, when acquiring agricultural property. Accordingly, any private or legal person, who wishes to acquire agricultural real estate, must fulfill the requirements in both laws.

An agricultural holding may be acquired by an individual, provided that the acquirer - or another person - takes permanent residence at the holding no later than 6 month following the acquisition. There is no limitation on citizenship.

If the acquirer is not a citizen of one of the countries of the European Union (EU) or of the European Economic Area (EEA), the acquirer must also have a permit from the Ministry of Justice, unless the acquirer actually lives in Denmark or formerly has lived in Denmark for at least 5 years.

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Phase-out: None

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Lovbekendtgørelse nr. 1053 af 29. Oktober 2009 (Act No 1069 of 29 October 2009 on the administration of justice)

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

90% of shares of a Danish law firm must be owned by lawyers with a Danish licence to practice or law firms registered in Denmark. Only lawyers with a Danish licence to practice may sit

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on the board or be a member of the management of a Danish law firm. The remaining 10% can be owned by other employees in law firms, who can also sit on the board and be part of the management of the firm.

Marketing of legal advisory services is restricted to lawyers with a Danish licence to practice.

Phase-out: None

*

Sector: Business services

Sub-sector: Accounting and bookkeeping services, Auditing services

Industry classification: CPC 86211, 86212, 86213, 86219, 86220

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Revisorloven (The Danish Act on Approved Auditors and Audit Firms), Act No. 468 of 17 June 2008

Description: **Cross-Border Services and Investment**

Residency is required in order to provide auditing services.

In order to enter into partnership with Danish authorised accountants, foreign accountants must obtain permission from the Danish Commerce and Enterprises Agency.

Phase-out: None

*

Sector: Health Services
Sub-sector: Veterinary Services
Industry classification: CPC 932
Type of Reservation: Market Access
Level of Government: National
Measures: Act no. 433 of 9 June 2004 on veterinary surgeons

Description: **Cross-Border Services**
Access is restricted to natural persons.

Phase-out: None

*

Sector: Business Services
Sub-sector: Real estate services (on a fee or a contract basis)
Industry classification: CPC 822
Type of Reservation: National Treatment
Level of Government: National
Measures: The Act on the sale of real estate” (Danish: Lov om omsætning af fast ejendom)

Description: **Cross-Border Services**

4 August 2014

For the provision of real estate services by a physical person present in the territory of Denmark, only authorised real estate agents who are natural persons that have been admitted to the real estate agent register may use the title of “real estate agent”, in accordance with. Section 25(2) of the Act on the sale of real estate which lays down the requirements for admission to the register. The Act requires that the applicant be a Danish resident or a resident of the EU, EEA or Switzerland. The residence requirement may be waived by the Danish Commerce and Companies Agency.

The Act on the sale of real estate is only applicable when providing real estate services to Danish consumers.

Phase-out: None

*

Sector: Business Services

Sub-sector: Translation and Interpretation Services

Industry classification: CPC 87905

Type of Reservation: Market Access

Most-Favoured-Nation Treatment

Level of Government: National

Measures: Lov om translatører og tolke (Act on Authorised Translators and Interpreters), Act no. 181 of 25 March 1988, sections 1 and 1a

Description: Cross-Border Services

4 August 2014

For the provision of authorised translation and interpretation services by a physical person present in the territory of Denmark, an authorisation from the Danish Commerce and Enterprises Agency is required.

Exemptions from the authorisation requirement for occasional and temporary supply of these services may be granted to persons who are established in an equivalent profession to that of state authorised translator and interpreter in another EU country, in an EEA country or in Switzerland.

Phase-out: None

*

Sector: Business Services

Sub-sector: Security services

Industry classification: CPC 87302, 87303, 87304, 87305, 87309

Type of Reservation: National Treatment

Senior Management and Board of Directors

Level of Government: National

Measures: Lov om vagtvirkomhed” (LBK nr 227 af 03/03/2010)

Description: **Investment**

Requirement of residence for members of the board.

*

4 August 2014

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: Market Access

Level of Government: Central

Measures: Apotekerloven (Danish Pharmacy Act) LBK nr. 855 of 04/08/2008

Description: **Cross-Border Services**

Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

Phase-out: None

*

Sector: Education Services

Sub-sector: Higher Education Services

Industry classification: CPC 923

Type of Reservation: National Treatment

Level of Government: Central

Measures: *To be completed*

Description: **Cross-Border Services**

Nationality condition for university professors.

4 August 2014

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Lov om Dansk Internationalt Skibsregister (Danish International Ship Register Act), para 1 (2)

Søloven (Danish Merchant Shipping Act), para 1 (2).

Lov om Havne (Harbour Act), sections 9 (6-7) and 10 (4-5)

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

Non-EU residents cannot own Danish flagged vessels except:-

1) Through an enterprise incorporated in Denmark i.e. an agency, a branch or a subsidiary.. Furthermore, the vessels must be effectively managed, controlled and operated from the enterprise

4 August 2014

either through a Danish citizen, an EU/EEA national or a person having Danish residence; or

2) Through the establishment of a subsidiary company in another EU/EEA country and the transfer of the ownership of the ship to this EU/EEA company. This EU/EEA company is not required to establish an agency, branch or subsidiary undertaking, but a representative in Denmark must be appointed and the ship must be effectively managed, controlled and directed from Denmark

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: Supporting services for water transport

Industry Classification: CPC 745, 741, 742

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Lov om Dansk Internationalt Skibsregister (Danish International Ship Register Act), para 1 (2)

Søloven (Danish Merchant Shipping Act), para 1 (2).

Lov om Havne (Harbour Act), sections 9 (6-7) and 10 (4-5)

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

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When a foreign private port operator performs ship stevedoring services and other ship-related services at a Danish port in collaboration with a Danish municipal port, permission from the Minister of Transport is required according to the Harbours Act.

Municipal ports need permission from the Minister of Transport in order to perform ship stevedoring services and other ship-related services such as pilotage, towage etc. State ports are prohibited from performing these services.

The Harbours Act does not place restrictions on private port operators, thus foreign *private* port operators are not prohibited from performing ship stevedoring services and other ship-related services at Danish ports. However, foreign *state* and *municipal* port operators are subject to the restrictions of the Harbours Act.

Phase-out: None

*

Sector: Energy

Sub-sector: Pipeline transportation of fuels

Industry classification: CPC 7131

Type of Reservation: Market Access

Level of Government: National

Measures: Bekendtgørelse nr. 724 af 1. juli 2008 om indretning, etablering og drift af olietanke, rørsystemer og pipelines (Order on the arrangement, establishment and operation of oil tanks, piping systems and pipelines), no. 724 of 1 July 2008

Description:**Investment**

The owner or user intending to establish a pipeline for the transport of crude or refined petroleum and petroleum products and of natural gas must obtain a permit from the local authority before commencing work. The number of such permits which are issued may be limited.

Phase-out:

None

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Reservations Applicable in Estonia**Sector:** All Sectors**Sub-sector:****Industry classification:****Type of Reservation:** National Treatment**Level of Government:** National**Measures:** Äriseadustik (Commercial Code) § 63¹ (2), § 385 (1)**Description:** **Investment**

A foreign company shall appoint a director or directors for a branch. A director of a branch must be a natural person with active legal capacity. The residence of at least one director of a branch must be in Estonia, in a member state of European Economic Area or in Switzerland.

Phase-out: None

*

Sector: Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National

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Measures: Advokatuuriseadus (Bar Association Act), RT I 2001, 36, 201; Notariaadiseadus (Notaries Act), RT I 2000, 104, 684; Kohtutäituri seadus (Bailiffs Act), RT I 2009, 68, 463;

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic Estonian law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

For legal services other than advisory services to clients related to their legal rights and obligations and providing information on legal matters, commercial presence is restricted to sole proprietorships or to law firms with limited liability, in which cases permission is needed from the Bar Association (Advokatuur).

Phase-out: None

*

Sector: Legal services

Sub-sector Patent agents, Sworn Translators

Industry classification: part of CPC 861

Type of Reservation: National Treatment

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Market Access

Level of Government:

Central

Measures:

Patendivoliniku seadus (Patent Agents Act) § 14 (1)

Vandetõlgi seadus (Sworn Translators Act) § 3 (2)

Description:**Cross-Border Services**

A patent agent must be a citizen of Estonia or of a Member State of the European Union with permanent residence in Estonia.

A sworn translator must be a citizen of a Member State of the European Union.

Phase-out:

None

*

Sector:

Distribution

Sub-sector:

Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification:

CPC 63211

Type of Reservation: National Treatment

Market Access

Level of Government:

National

Measures:

Ravimiseadus (Medicinal Products Act), RT I 2005, 2, 4; § 25 (3), §30, § 42¹

Description:**Cross-Border Services and Investment**

4 August 2014

The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy.

Mail order sale of medicinal products as well as delivery by post or express service of medicinal products ordered through the Internet is prohibited.

Establishment authorisation is subject to an economic needs test. Main criteria: density conditions in the area.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Insurance and insurance-related services

Industry classification:

Type of Reservation: National Treatment

Senior Management and Board of Directors

Level of Government: National

Measures: *To be completed*

Description: **Financial Services**

For direct insurance, the management body of an insurance joint stock company with Canadian capital participation may include Canadian nationals only in proportion to the Canadian participation and in any event not more than half of the members of the board of

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directors. The head of the management of a subsidiary or an independent company must permanently reside in Estonia.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Senior Management and Boards of Directors

Level of Government: National

Measures: Law of Ship Flag and Ship Registers Act

Description: **Investment and International Maritime Transport Services**

The right to fly the national flag of the Republic of Estonia is granted to seagoing vessels owned by Estonian citizens; seagoing vessels in common ownership if the greater share of the vessel is owned by Estonian co-owners. Majority ownership of a vessel flying the Estonian flag is reserved to nationals and legal persons from EC member countries provided that the person from another EC member country has:

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1) a residence or a permanent business establishment in Estonia, and the ship itself is not deemed to be a business establishment, or

2) a permanent representative whose residence or seat is in Estonia and who is responsible for compliance with the technical, social and administrative requirements established with regard to seagoing vessels in Estonia and who directly controls and monitors the use of the ship.

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Reservations Applicable in Finland

For the purposes of the reservations of the European Union and its Member States, a regional level of government in Finland means the Åland Islands

Sector: All sectors

Sub-sector:

Industry classification:

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), Section 1

Osuuskuntalaki (Co-Operatives Act) 1488/2001

Osakeyhtiölaki (Limited Liabilities Company Act) (624/2006),
Laki luottolaitostoiminnasta (Act on Credit Institutions)
(121/2007)

Description: **Investment**

At least one of the partners in a general partnership or of general partners in a limited partnership needs to have residency in the EEA or, if the partner is a juridical person, be domiciled (no branches allowed) in the EEA. Exemptions may be granted by the registration authority.

To carry on trade as a private entrepreneur, residency in the EEA is required.

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If a foreign organisation from a country outside the EEA intends to carry on a business or trade by establishing a branch in Finland, a trade permit is required.

Residency in the EEA is required for at least one of the ordinary and one of the deputy members of the Board of Directors and for the Managing Director. Company exemptions may be granted by the registration authority.

Phase-out: None

*

Sector: Mining and Quarrying

Sub-sector: Mining, Services incidental to mining, Engineering related scientific and technical consulting services, Ore mining

Industry classification: CPC 883, CPC 8675, CPC 5115, ISIC REV 3.1 120, C

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Kaivoslaki (Mining Act) (621/2011)

Ydinenergialaki (Nuclear Energy Act) (990/1987)

Description: **Cross-Border Services and Investment**
The exploration for and exploitation of mineral resources are subject to a licensing requirement, which is granted by the Government in relation to the mining of nuclear material. A permit of redemption for a mining area is required from the Government. Permission may be granted to a natural person resident in the EEA

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or a juridical person established in the EEA. An economic needs test may apply.

Phase-out: None

*

Sector: Animal Husbandry

Sub-sector: Reindeer husbandry

Industry classification: ISIC Rev. 3.1 014

Type of Reservation: National Treatment
Market Access

Level of Government: National

Measures: Poronhoitolaki (Reindeer Husbandry Act) (848/1990), Chapter 1, Section 4

Protocol 3 to the Accession Treaty of Finland

Description: **Investment**

Only EEA nationals resident in the reindeer herding area may own reindeer and exercise reindeer husbandry. Exclusive rights may be granted.

Phase-out: None

*

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Sector:	Legal Services
Sub-sector:	
Industry classification:	part of CPC 861
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	Tavaramerkkilaki (Trademarks Act) (7/1964) Laki patenttiasiamiehistä (Patent Agent Act) (552/1967) Laki kasvinjalostajanoikeudesta (Plant Breeder's Right Act) 1279/2009 Mallioikeuslaki (Registered Designs Act) 221/1971

Description:	Cross-Border Services A patent agent must be resident in the EEA in order to be recorded in the Patent Agents Register, which is necessary for the exercise of the profession.
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Phase-out:	None
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*

Sector:	Business services
Sub-sector:	Legal services
Industry classification:	part of CPC 861
Type of Reservation:	National Treatment Market Access

4 August 2014

Level of Government: National**Measures:** Laki asianajajista (Advocates Act) (496/1958), Section 1 and 3, Oikeudenkäymiskaari (4/1734) (Code of Judicial Procedure)**Description:** **Cross-Border Services**

For admission to the Bar, which is required for the use of the Finnish title “asianajaja”, EEA residency is required. Legal services, including domestic law, may also be provided by non-Bar members.

Phase-out: None

*

Sector: Business Services**Sub-sector:** Auditing Services**Industry classification:** CPC 86211 and 86212 other than accounting services**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Tilintarkastuslaki (Auditing Act) (459/2007), Sectoral laws requiring the use of locally-licensed auditors**Description:** **Cross-Border Services and Investment**

EEA residency required for at least one of the auditors of a Finnish Limited Liability company and of companies which are under the obligation to carry out an audit.

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An auditor must be a locally-licensed auditor or a locally-licensed audit firm.

Phase-out: None

*

Sector: Business Services

Sub-sector: Translation Services

Industry classification: part of CPC 87905

Type of Reservation: National Treatment

Level of Government: National

Measures: Laki auktorisoiduista kääntäjistä (Act on Authorised Translators) (1231/2007), section 2(1))

Description: **Cross-Border Services**

For the provision of translation services by a certified translator present as a physical person in the territory of Finland, residency in EEA is required.

Phase-out: None

*

4 August 2014

Sector: Other services
Sub-Sector: Funeral, cremation and undertaking services
Industry classification: part of CPC 9703
Type of Reservation: Market Access
Level of Government: Central
Measures: Hautaustoimilaki (Act on Burial Service) (457/2003)

Description: **Investment**
 Cremation services and operation/maintenance of cemeteries and graveyards can only be performed by the state, municipalities, parishes, religious communities or non-profit foundations or societies.

Phase-out: None

*

Sector: Fishing, Transport
Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works
Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223
Type of Reservation: National Treatment
 Market Access
Level of Government: National
Measures: Merilaki (Maritime Act) 674/1994

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

Foreign investors must have their principal office in Finland in order to register a vessel on the national shipping register.

4 August 2014

A ship can be considered Finnish and has the right to fly the Finnish flag only where a Finnish national or company owns more than 6/10 of the vessel.

Phase-out: None

*

Sector: Transport

Sub-sector: Supporting Services for Water Transport

Industry classification: CPC 745

Type of Reservation: Market Access

National Treatment

Most-Favoured-Nation

Level of Government: National

Measures: Merilaki (Maritime Act) (674/1994)

Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), Section 4

Description: **Cross-Border Services and Investment**

Supporting services for maritime transport when provided in Finnish maritime waters or internal waterways are reserved to fleets operating under the national, EU or Norwegian flag.

Phase-out: None

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Reservations Applicable in France**Sector:** Agriculture and hunting**Sub-sector:****Industry classification:** ISIC rev 3.1: 011, 012, 013, 014, 015**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Code rural et de la pêche maritime: Article R331-1 on installation and article L. 529-2 on agricultural co-operatives**Description:** **Investment**

The establishment of farms and agricultural co-operatives by non-EU investors is subject to authorisation. Prior authorisation is required in order to become a member or act as a director of an agricultural co-operative.

Phase-out: None

*

Sector: Fishing**Sub sector:** Fishing and Aquaculture, services incidental to fishing**Industry classification:** ISIC rev 3.1: 050, CPC 882**Type of Reservation:** National Treatment

4 August 2014

Market Access

Level of Government: National**Measures :** Code rural et de la pêche maritime : article L921-3**Description:** **Investment**

A French vessel flying the French flag may be issued a fishing authorisation or may be allowed to fish on the basis of national quotas only when a real economic link on the territory of the French Republic is established and the vessel is directed and controlled from a permanent establishment located on French territory.

Phase out: None

*

Sector: Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Loi du 31 décembre 1971, article 56

Loi 90-1258 relative à l'exercice sous forme de société des professions libérales

Loi 90- 1259 du 31 décembre 1990, article 7

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Description: Cross-Border Services and Investment

Full admission to the Bar is required for the practice of legal services in respect of French domestic law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar. Only EEA or Swiss nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of French law.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Representation before the "*Cour de Cassation*" and "*Conseil d'Etat*" is subject to quotas. In a law firm providing services in respect of French or EU law, at least 75% of the partners holding 75% of the shares shall be lawyers fully admitted to the Bar in France.

Phase-out: None

*

Sector: Business services

Sub-sector: Accounting and bookkeeping services, Auditing services, Taxation advisory services

Industry classification: CPC 86211, CPC 86212CPC 86213, CPC 86219, CPC 86220, CPC 863

Type of Reservation: National Treatment

Market Access

4 August 2014

Level of Government: National**Measures:** Ordonnance 45-2138 du 19 septembre 1945, article 3, 7, 26 et 27**Description: Cross-Border Services and Investment**

Provision of accounting and bookkeeping services by a foreign service supplier is conditional on a decision of the Minister of Economics, Finance and Industry, in agreement with the Minister of Foreign Affairs.

For accounting and bookkeeping services: provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions), AGC (Association de gestion et comptabilité) or SCP only. For taxation advisory services, provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions) or SCP only.

For statutory audits: provision through any company form except SNC, SCS.

Phase-out: None

*

Sector: Business services**Sub-sector:** Architectural services**Industry classification:** CPC 8671**Type of Reservation:** Market Access**Level of Government:** National

4 August 2014

Measures: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales.

Décret 95-129 du 2 février 1995 relatif à l'exercice en commun de la profession d'architecte sous forme de société en participation.

Décret 92-619 du 6 juillet 1992 relatif à l'exercice en commun de la profession d'architecte sous forme de société d'exercice libéral à responsabilité limitée SELARL, société d'exercice libéral à forme anonyme SELAFA, société d'exercice libéral en commandite par actions SELCA.

Loi 77-2 du 3 janvier 1977, articles 12, 13 et 14

Description:

Investment

An architect may only establish in France in order to provide architectural services using one of the following legal forms (on a non-discriminatory basis):-

SA et SARL (sociétés anonymes, à responsabilité limitée), EURL, SCP (en commandite par actions), SCOP, SELARL (société d'exercice libéral à responsabilité limitée), SELAFA (société d'exercice libéral à forme anonyme), SELAS or SAS, or as individual or as a partner in an architectural firm.

Phase-out:

None

*

Sector:

Health services

Sub-sector:

Veterinary Services

Industry classification:

CPC 932

Type of Reservation:

National Treatment

4 August 2014

Market Access

Most-Favoured-Nation Treatment

Level of Government: National**Measures:** Code rural et de la pêche maritime articles L241-1 ; L241-2 ; L241-2-1**Description:** **Cross-Border Services and Investment**

Nationality condition limited to EU and EEA citizens. Insofar as Canada allows French citizens to provide veterinary services then France will allow Canadian service suppliers to provide veterinary services under the same conditions.

The legal forms available to a company providing veterinary services are limited to three types of companies (SEP; SCP; SEL).

Phase-out: None

*

Sector: Business Services**Sub-sector:** Related Scientific and Technical Consulting Services**Industry classification:** CPC 8675**Type of Reservation:** National Treatment

Market Access

Level of Government: National

4 August 2014

Measures: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008

Description: **Cross-Border Services and Investment**

For surveying, access through a SEL (anonyme, à responsabilité limitée ou en commandite par actions), SCP, SA and SARL only.

Foreign investors are required to have a specific authorisation for exploration and prospecting services.

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail

Industry classification: CPC 631, 632

Type of Reservation: Market Access

Level of Government: National

Measures: Art. L752-1 à L752-6 du code de commerce

Description: **Investment**

The authorisation for large department stores is subject to an economic needs test.

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Main criteria: number of and impact on existing stores, population density, geographic spread, impact on traffic conditions and creation of new employment.

Phase-out: None

*

Sector: Distribution

Sub-sector: Distribution of tobacco

Industry classification: part of CPC 6222, part of CPC 6310

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Code général des impôt, art. 568 et articles 276-279 de l'annexe 2 de ce code

Description: **Investment**

State monopoly on wholesale and retail sales of tobacco.

Nationality condition for tobacconists (buraliste).

Phase-out: None

*

4 August 2014

Sector:	Distribution
Sub-sector:	Retail sales of pharmaceutical, medical and orthopaedic goods
Industry classification:	CPC 63211
Type of Reservation:	National Treatment
	Market Access
Level of Government:	National
Measures:	Code de la santé publique, art. L4221-1, L4221-13 and L5125-10 Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 (Law 90-1258 on the exercise as a society of professionals)
Description:	Investment EEA or Swiss nationality is required in order to operate a pharmacy. Foreign pharmacists may be permitted to establish within annually established quotas. Commercial presence must take one of the legal forms which are allowed under national law on a non-discriminatory basis: SEL (anonyme, à responsabilité limitée ou en commandite par actions), SNC (société en noms collectifs), société de participations financières de profession libérale de pharmaciens d'officine and SARL only.
Phase-out:	None

*

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Sector:	Education Services
Sub-sector:	Privately funded Primary, Secondary, Higher Education Services
Industry classification:	CPC 921, CPC 922, CPC 923
Type of Reservation:	National Treatment
	Market Access
Level of Government:	National
Measures:	Articles L 444-5, L 914-4, L 441-8, L 731-8, L 731-1 à 8 du code de l'éducation
Description:	<p>Cross-Border Services</p> <p>French or EU nationality is required in order to teach in a privately funded educational institution.</p> <p>However, Canadian nationals may obtain an authorisation from the relevant competent authorities in order to teach in primary, secondary and higher level educational institutions.</p> <p>Canadian nationals may also obtain an authorisation from the relevant competent authorities in order to establish and operate and / or manage primary, secondary or higher level educational institutions. Such authorisation is granted on a discretionary basis.</p>
Phase-out:	None

*

Sector:	Health and Social Services
Sub-sector:	
Industry classification:	CPC 931, CPC 933
Type of Reservation:	National Treatment

4 August 2014

Market Access

Level of Government:

National

Measures:

Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 et la loi 66-879 du 29 novembre 1966 (SCP)

Code de la santé publique, Article L6122-1, L6122-2 (Ordonnance 2010-177 du 23 février 2010)

Description:**Cross-Border Services and Investment**

While other types of legal form are available for EU investors, foreign investors only have access to the legal forms of "société d'exercice libéral" and "société civile professionnelle".

For medical, dental and midwives services, nationality is required. However, access by foreigners is possible within annually established quotas.

For medical, dental and midwives services and services by nurses, provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions) or SCP only.

For hospital and ambulance services, residential health facilities (other than hospital services) and social services, an authorisation is necessary in order to exercise management functions. The authorisation process takes into account the availability of local managers.

Phase-out:

None

*

Sector:	Fishing, Transport
Sub-Sector:	All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works
Industry Classification:	ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	Code des douanes : Article 219
Description:	<p>Cross-Border Services, Investment, and International Maritime Transport Services</p> <p>Foreign investors that are not EU nationals or not incorporated or having their principal office in the European Union or the European Economic Area, cannot own 50 per cent or more of a French flag seagoing vessel.</p> <p>The above reservation does not apply to ships that would satisfy the French flag ownership requirements after the exercise of a lease-option. It also does not apply to a ship that is bareboat chartered to a charterer that would satisfy the ownership requirements and is actually making use of the ship.</p>
Phase-out:	None

Reservations Applicable in Germany

Sector: **Manufacturing**

Sub-sector: Newspapers, journals and periodicals, appearing at least four times a week and Newspapers, journals and periodicals, appearing less than four times a week

Industry classification: ISIC Rev 3.1: 323, 324

Type of Reservation: National Treatment

Level of Government: National and sub-federal

Measures:

Subnational level: § 10 Abs. 1 Nr. 4 Landesmediengesetz (LMG) **Rheinland-Pfalz** v. 4. Februar 2005, GVBl. S. 23 in der Fassung vom 20. Dezember 2011, GVBl. S. 427;

§ 9 Abs. 1 Nr. 1 Gesetz über die Presse **Baden-Württemberg** (LPG BW) v. 14 Jan. 1964, GBl. S. 11, geändert durch Gesetz v. 17. Dez. 2009, GBl. S. 809;

§ 9 Abs. 1 Nr. 1 Pressegesetz für das Land **Nordrhein-Westfalen** (Landespressegesetz NRW) v. 24. Mai 1966 (GV. NRW. S. 340), zuletzt geändert durch Artikel 7 des Gesetzes vom 18. November 2008 (GV. NRW. S. 706);

§ 8 Abs. 1 Gesetz über die Presse **Schleswig-Holstein** (PressG SH) vom 25.1.2012, GVOBl. SH S. 266;

§ 7 Abs. 2 Landespressegesetz für das Land **Mecklenburg-Vorpommern** (LPrG M-V) v. 6 Juni 1993, GVOBl. M-V 1993, S. 541;

§ 8 Abs. 1 Nr. 1 Pressegesetz für das Land **Sachsen-Anhalt** in der Neufassung vom 2.5.2013 (GVBl. LSA S. 198);

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§ 7 Abs. 2 **Berliner** Pressegesetz (BlnPrG) v. 15 Juni 1965, GVBl. S. 744 zuletzt geändert durch Gesetz v. 18. Nov. 2009, GVBl. S. 674;

§ 10 Abs. 1 Nr. 1 **Brandenburgisches** Landspressegesetz (BbgPG) v. 13. Mai 1993, GVBl. I/93, S. 162, zuletzt geändert durch Gesetz v. 21. Juni 2012, GVBl. I/12, S. 1;

§ 9 Abs. 1 Nr.1 Gesetz über die Presse **Bremen** (BrPrG), Brem. GBl. 1965, S. 63; zuletzt geändert durch Nr. 2.1 i.V.m. Anl.1 ÄndBek vom 24.1.2012 (Brem.GBl. S.24);

§ 7 Abs. 3 Nr. 1 **Hessisches** Pressegesetz (HPresseG) v. 12. Dezember 2004, GVBl. 2004 I S.2, zuletzt geändert durch Gesetz vom 13. Dezember 2012, GVBl. S. 622;

§ 7 Abs. 2 i.V.m § 9 Abs.1 Ziffer 1 **Thüringer** Pressegesetz (TPG) v. 31. Juli 1991, GVBl. 1991 S. 271 in der Fassung v. 16. Juli 2008, GvBl. S. 243;

§ 9 Abs. 1 Nr. 1 **Hamburgisches** Pressegesetz v. 29. Januar 1965, HmbGVBl., S. 15, in der Fassung v. 15. Dez. 2009, HmbGVBl. S. 444, 447;

§ 6 Abs. 2 **Sächsisches** Gesetz über die Presse (SächsPresseG) v. 3. April 1992, SächsGVBl. S. 125 zuletzt geändert durch Gesetz v. 13. August 2009, SächsGVBl. S. 438;

§ 8 Abs. 2 **Niedersächsisches** Pressegesetz v. 22. März 1965, GVbl. S.9 zuletzt geändert durch Artikel 2 des Gesetzes vom 11.10.2010 (Nds. GVBl. S. 480);

§ 9 Abs. 1 Nr. 1 **Saarländisches** Mediengesetz (SMG) vom 27. Februar 2002 (Amtsbl. S. 498), zuletzt geändert durch Art. 1 ÄndG vom 22. 4. 2013 (Amtsbl. I S. 111);

Art. 5 Abs. 2 **Bayerisches** Pressegesetz in der Fassung der Bekanntmachung v. 19. April 2000 (GVBl, S. 340), zuletzt geändert durch Gesetz v. 22.12.2009 (GVBl. S. 630);

Description:

Investment

Each publicly distributed and/or printed newspaper, journal, or periodical must clearly indicate a "responsible editor" (the full name and address of a natural person).

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The responsible editor may be required to be a permanent resident of Germany, the EU or an EEA country. Exceptions may be allowed by the Federal Minister of the Interior.

Phase-out: None

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: Market Access

Level of Government: National

Measures: § 59e, § 59f, § 206 Bundesrechtsanwaltsordnung (BRAO; Federal Lawyers Act)

Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland (EuRAG)

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of German domestic law, including representation before courts. Only EEA or Swiss lawyers may be admitted to the Bar, and are thus entitled to provide legal services in respect of German domestic law (EuRAG).

Residency (commercial presence) is required in order to obtain full admission to the Bar.

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According to the Lawyers Act (§§ 59e, 59f BRAO), only German lawyers, EEA lawyers, EU lawyers or lawyers of the Swiss confederation are allowed to provide legal services through commercial presence, in the form of a Anwalts-GmbH or Anwalt-AG. Lawyers from other countries (§ 206 BRAO) may have their commercial presence in the form of Anwalts-GmbH or Anwalt-AG by acquiring minority shares only.

Phase-out: None

*

Sector: Business services

Sub-sector: Legal services: Patent lawyers

Industry classification: Part of CPC 861

Type of reservation: National treatment

Market Access

Level of Government: National

Measures: § 52e, § 52 f, § 154a und § 154 b Patentanwaltsordnung (PAO);

Description: **Cross-Border Services and Investment**

Third-country patent lawyers (non-EU, EEA Member States or Swiss confederation) are not allowed to act as patent lawyers (§ 154a PAO) in Germany.

According to the Patentanwaltsordnung (§§ 52e, 52f PAO), only German patent lawyers, EEA patent lawyers, EU patent lawyers or patent lawyers of the Swiss confederation are allowed to provide legal services through commercial presence, in the form of a Patentanwalts-GmbH or Patentanwalt-AG. Patent Lawyers from

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other countries (§ 154a PAO) may have their commercial presence in the form of Patentanwalts-GmbH or Patentanwalt-AG by acquiring minority shares only.

Phase-out: None

*

Sector: Business services

Sub-sector: Accounting services, Auditing services

Industry classification: CPC 86211 and 86212 other than “accounting services”, (auch CPC 86213, CPC 86219, CPC 86220)

Type of Reservation: National Treatment
Market Access

Level of Government: National

Measures: Handelsgesetzbuch, HGB, (Code of Commercial Law),
Wirtschaftsprüferordnung, WPO, (Public Accountant Act)

Description: **Cross-Border Services and Investment**

Auditing companies (“Wirtschaftsprüfungsgesellschaften”) may only adopt certain German legal forms. Incorporated companies, associations limited by shares, limited liability companies, general partnerships, limited commercial partnerships, other partnerships and European companies (SE) may be recognised as “Wirtschaftsprüfungsgesellschaften”. General partnerships and limited commercial partnerships may be recognised as “Wirtschaftsprüfungsgesellschaften” if they are listed as trading partnerships in the commercial register on the basis of their fiduciary activities, Art. 27 WPO. The entity “GmbH & Co. Kommanditgesellschaft” may carry out accounting and auditing services.

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Establishment in the EU is required in order to provide auditing services. However, auditors from third countries registered in accordance with Art. 134 WPO may carry out the statutory audit of annual financial statements or provide the consolidated financial statements of a company with its headquarters outside the European Union, whose transferable securities are offered for trading in a regulated market.

An unofficial English version of the Public Accountancy Act may be found under http://www.apak-aoc.de/english/statutory_provisions/statutory_provisions.asp

Phase-out: None

*

Sector: Business services

Sub-sector: Medical and Dental Services, Midwives services, Services provided by nurses

Industry classification: CPC 9312, CPC 93191

Type of Reservation: National Treatment

Market Access

Level of Government: National and sub-federal

Measures: Bundesärzteordnung (Federal Medical Regulation), Gesetz über die Ausübung der Zahnheilkunde, Gesetz über die Berufe des Psychologischen Psychotherapeuten und des Kinder- und Jugendlichenpsychotherapeuten (Act on the Provision of Psychotherapy Services of 16.07.1998), Gesetz über die berufsmäßige Ausübung der Heilkunde ohne

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Bestallung,

Gesetz über den Beruf der Hebamme und des Entbindungspflegers,
Gesetz über die Berufe in der Krankenpflege,;
§ 7 Absatz 3 Musterberufordnung fuer Aerzte (German Model
professional Code for doctors),
§95,§ 99 and seq. SGB V (Book on Social Security No. V),
Statutory Health Insurance,
§ 1 Absatz 2 and Absatz 5 Hebammengesetz (Midwife Code),
§ 291b SGB V (Book on Social Security No. V) on E-health
providers,

Heilberufekammergesetz des Landes Baden-Württemberg in der
Fassung vom 16. 03. 1995 (GBl. BW of 17.05.1995 S. 314),
zuletzt geändert durch Artikel 2 des Gesetzes zur Änderung des
Landespfleugesetzes und anderer berufsrechtlicher Vorschriften
vom 15.06.2010 (GBl. BW of 22.06.2010, page 427, page 431),
Gesetz über die Berufsausübung, die Berufsvertretungen und die
Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker
sowie der Psychologischen Psychotherapeuten und der Kinder-
und Jugendlichenpsychotherapeuten (Heilberufe-Kammergesetz -
HKaG) in Bayern vom 06.02.2002 (BAY GVBl 2002, page. 42),
Gesetz über die Kammern und die Berufsgerichtsbarkeit der Ärzte,
Zahnärzte, Apotheker, Psychologischen Psychotherapeuten und
Kinder- und Jugendpsychotherapeuten (Berliner Kammergesetz)
vom 04.09.1978 (Berliner GVBl. page 1937, rev. page 1980),
zuletzt geändert durch Artikel I Elfes Änderungsgesetz vom
17.03.2010 (Berliner GVBl. page 135),

§ 31 Heilberufsgesetz Brandenburg (HeilBerG) vom 28.04.2003,
zuletzt geändert durch Artikel 2 des Gesetzes vom 11.06.2008
(GVBl. I page 134, 139),
Bremisches Gesetz über die Berufsvertretung, die Berufsausübung,
die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte,
Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker
(Heilberufsgesetz - HeilBerG) vom 12.05.2005, zuletzt geändert
durch Artikel 2 Gesetz zur Umsetzung der EU-
Dienstleistungsrichtlinie im Land Bremen und Novellierung
weiterer Rechtsnormen vom 24.11.2009 (Brem.GBl. page 535),
§ 29 Heilberufsgesetz (HeilBG NRW) of 09.05.2000 in der
Fassung vom 17.12.2009 (GV. NRW 2009, page 865),
§ 20 Heilberufsgesetz (HeilBG Rheinland-Pfalz) of 07.02.2003 in

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der Fassung vom 15.09.2011 (GV. R-Pf 2011, page 425), Gesetz über Berufsausübung, Berufsvertretungen und Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder und Jugendlichenpsychotherapeuten im Freistaat (Sächsisches Heilberufekammergesetz – SächsHKaG) vom 24.05.1994 (SächsGVBl. page 935), zuletzt geändert durch Artikel 2 Absatz 5 des Gesetzes vom 19.05.2010 (SächsGVBl. pages 142 and 143), Gesetz über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte/ Ärztinnen, Zahnärzte/ Zahnärztinnen, psychologischen Psychotherapeuten/ Psychotherapeutinnen und Kinder- und Jugendlichenpsychotherapeuten/-psychotherapeutinnen, Tierärzte/Tierärztinnen und Apotheker/Apothekerinnen im Saarland (Saarländisches Heilberufekammergesetz - SHKG)

vom 19.11.2007, zuletzt geändert durch Gesetz vom 19.11.2008 (ABl. page 1930).

Thüringer Heilberufegesetz vom 29. Januar 2002 (GVBl 2002, 125) zuletzt geändert durch Artikel 14 des Gesetzes vom 8. Juli 2009 (GVBl 2009, 592)

Description:

Cross-Border Services and Investment

Geographical restrictions may be imposed on professional registration, which apply to nationals and non-nationals alike. Doctors (including psychologists, psychotherapists, and dentists) need to register with the regional associations of statutory health insurance physicians/ dentists (kassenärztliche / zahnärztliche Vereinigungen), if they wish to treat patients insured by the statutory sickness funds. This registration can be subject to quantitative restrictions based on the regional distribution of doctors. For dentists this restriction does not apply. Registration is necessary only for doctors participating in the public health scheme. Non-discriminatory restrictions on the legal form of establishment required to provide these services may exist (§ 95 SGB V).

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For medical, dental and midwives services, access is restricted to natural persons only.

Establishment requirements may apply.

Telemedicine may only be provided in the context of a primary treatment involving the prior physical presence of a doctor.

The number of ICT-service providers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way.

Phase-out: None

*

Sector: Health and Social Services

Sub-sector: Human health and Social Care services, hospitals, ambulance services, rescue services

Industry classification: CPC 931, 933

Type of Reservation: Market Access
National treatment

Level of Government: National and sub-federal

Measures: Bundesärzteordnung (Federal Medical Regulation), Gesetz über die Ausübung der Zahnheilkunde, Gesetz über die Berufe des Psychologischen Psychotherapeuten und des Kinder- und Jugendlichenpsychotherapeuten (Act on the Provision of Psychotherapy Services of 16.07.1998), Gesetz über die berufsmäßige Ausübung der Heilkunde ohne Bestallung, Gesetz über den Beruf der Hebamme und des Entbindungspflegers,

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Gesetz über den Beruf der Rettungsassistentin und des Rettungsassistenten,

Gesetz über die Berufe in der Krankenpflege,

Gesetz über die Berufe in der Physiotherapie,

Gesetz über den Beruf des Logopäden,

Gesetz über den Beruf des Orthoptisten und der Orthoptistin,

Gesetz über den Beruf der Podologin und des Podologen,

Gesetz über den Beruf der Diätassistentin und des Diätassistenten,

Gesetz über den Beruf der Ergotherapeutin und des Ergotherapeuten,

Bundesapothekerordnung

gesetz über den Beruf des pharmazeutisch-technischen Assistenten

Gesetz über technische Assistenten in der

Medizin, Personenbeförderungsgesetz (Act on Public Transport),

Gesetz über den Rettungsdienst (Rettungsdienstgesetz - RDG) in Baden-Württemberg vom 08.02.2010 (GBl. 2010, page 285),

Bayerisches Rettungsdienstgesetz (BayRDG) vom 22.07.2008 (GVBl. 2008, page 429),

Gesetz über den Rettungsdienst für das Land Berlin (Rettungsdienstgesetz) vom 08.07.1993 (GVBl. page 313)

geändert durch Anlage Nr. 33 des 7. Aufhebungsgesetzes vom 04.03.2005 (GVBl. page 125),

Gesetz über den Rettungsdienst im Land Brandenburg (BbgRettG) in der Fassung vom 18.05.2005,

Gesetz über den Rettungsdienst im Lande Bremen (BremRettDG) vom 22.09.1992, zuletzt geändert durch das Gesetz vom 26.05.1998,

Hamburgisches Rettungsdienstgesetz (HmbRDG) vom 09.06.1992, zuletzt geändert am 27.09.1995,

Gesetz zur Neuordnung des Rettungsdienstes in Hessen (HRDG) vom 24.11.1998,

Gesetz über den Rettungsdienst für das Land Mecklenburg-Vorpommern (RDGM-V) vom 01.07.1993, geändert durch Erstes

Gesetz zur Änderung des RDGM-V vom 29.05.1998,

[Niedersächsisches Rettungsdienstgesetz \(NRettDG\) vom 02.10.2007 \(GVBl. page 473, zuletzt geändert am 22.02.2012 \(GVBl. Page 18\),](#)

Gesetz über den Rettungsdienst sowie die Notfallrettung und den Krankentransport durch Unternehmer (RettG NRW) vom

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09.11.1992, zuletzt geändert am 06.07.2004.
[Landesgesetz über den Rettungsdienst sowie den Notfall- und Krankentransport \(RettDG\) vom 22.04.1991.](#)
 Saarländisches Rettungsdienstgesetz (SRettG) vom 09.02.1994, zuletzt geändert am 27.11.1996.
[Gesetz zur Neuordnung des Brandschutzes, Rettungsdienstes und Katastrophenschutzes im Freistaat Sachsen vom 24.06.2004.](#)
 Rettungsdienstgesetz des Landes Sachsen-Anhalt (RettDG LSA) vom 07.11.1993.
[Gesetz über die Notfallrettung und den Krankentransport im Land Schleswig-Holstein \(RDG\) vom 29.11.1991.](#)
[Thüringer Rettungsdienstgesetz \(ThüRettG\) vom 22.12.1992.](#)

§ 8 Krankenhausfinanzierungsgesetz (Hospital Financing Act),
 §§ 14, 30 Gewerbeordnung (German Trade, Commerce and Industry Regulation Act),
 § 108 Sozialgesetzbuch V (Book on Social Security No. V), Statutory Health Insurance,

§ 291b SGB V (Book on Social Security No. V) E-health provider,
 § 15 Sozialgesetzbuch VI (SGB VI, Book on Social Security No. VI),
 § 34 Sozialgesetzbuch VII (SGB VII, Book on Social Security No. VII), Unfallversicherung
 § 21 Sozialgesetzbuch IX (SGB IX, Book on Social Security No. IX) Rehabilitation und Teilhabe behinderter Menschen),,
 § 72 Sozialgesetzbuch XI (SGB XI, Book on Social Security No. XI), Long-term Care Insurance,

Landespflegegesetze

Gesetz zur Umsetzung der Pflegeversicherung in Baden-Württemberg (Landespflegegesetz - LPfIG) vom 11. September 1995, zuletzt geändert sowie Abschnitt 7 neu gefasst durch Artikel 1 des Gesetzes vom 15. Juni 2010 (GBl. S. 427)
 Gesetz zur Ausführung der Sozialgesetze (AGSG) vom 8. Dezember 2006, zuletzt geändert durch § 3 des Gesetzes vom 20. Dezember 2011 (GVBl. S. 689)
 Gesetz zur Planung und Finanzierung von Pflegeeinrichtungen (Landespflegeeinrichtungsgesetz - LPflegEG) vom 19. Juli 2002, zuletzt geändert durch Gesetz vom 19. Dezember 2005 (GVBl. S.

792)

Gesetz zur Umsetzung des Elften Buches Sozialgesetzbuch (Landespflegegesetz - LPflegeG) Vom 29. Juni 2004, zuletzt geändert durch Artikel 1 des Gesetzes vom 12. Juli 2011 (GVBl. I S. 15)

Gesetz zur Ausführung des Pflege-Versicherungsgesetzes im Lande Bremen und zur Änderung des Bremischen Ausführungsgesetzes zum Bundessozialhilfegesetz (BremAGPflegeVG) vom 26. März 1996, zuletzt geändert durch Gesetz vom 28. Februar 2012 (GBL. S. 149)

Hamburgisches Landespflegegesetz (HmbLPG) vom 18. September 2007, zuletzt geändert durch Gesetz vom 22. Juni 2010 (GVBl. S. 440)

Hessisches Ausführungsgesetz zum Pflege-Versicherungsgesetz vom 19. Dezember 1994, zuletzt geändert durch Gesetz vom 30. April 1997 (GVBl. I S. 74)

Landespflegegesetz (LPflegeG M-V) vom 16. Dezember 2003, zuletzt geändert durch Artikel 3 des Gesetzes vom 29. September 2010 (GVBl. S. 534)

Gesetz zur Planung und Förderung von Pflegeeinrichtungen nach dem Elften Buch Sozialgesetzbuch (Niedersächsisches Pflegegesetz - NPflegeG) vom 26. Mai 2004, zuletzt geändert durch Art.1 des Haushaltsbegleitgesetzes vom 17. Dezember 2010 (Nds.GVBl. S.631)

Gesetz zur Umsetzung des Pflege-Versicherungsgesetzes (Landespflegegesetz Nordrhein-Westfalen - PfG NW) vom 19. März 1996, zuletzt geändert durch Teil I Artikel 17 des Gesetzes vom 3. Mai 2005 (GVBl. S. 498)

Landesgesetz zur Sicherstellung und Weiterentwicklung der pflegerischen Angebotsstruktur (LPflegeASG) vom 25. Juli 2005 (GVBl 2005, S. 299) – (Rheinland-Pfalz)

Saarländisches Gesetz Nr. 1355 zur Planung und Förderung von Pflegeeinrichtungen vom 21. Juni 1995, zuletzt geändert durch Gesetzes vom 1. Juli 2009 (ABl. S. 1217)

Sächsisches Pflegegesetz (SächsPflegeG) vom 25. März 1996 ist zum 31.12.2002 außer Kraft getreten)

Ausführungsgesetz zum Pflege-Versicherungsgesetz (PflegeV-AG) vom 7. August 1996, zuletzt geändert durch Art. 1 des Gesetzes vom 10. August 2007 (GVBl. S. 306)

Ausführungsgesetz zum Pflege-Versicherungsgesetz (Landes-

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pflegegesetz - LPflegeG) vom 10. Februar 1996, zuletzt geändert durch Art. 63 LVO vom 15. September 2010 (GVBl. S. 575), Thüringer Gesetz zur Ausführung des Pflege-Versicherungsgesetzes (ThürAGPflegeVG) vom 20. Juli 2005, zuletzt geändert durch Gesetz vom 8. Juni 2010 (GVBl. S. 206).

Personenbeförderungsgesetz (Act on Public Transport), Landeskrankenhausgesetz Baden-Württemberg vom 29.11.2007, geändert durch Universitätsmedizingesetz vom 07.02.2011, sections 2 and 3 of the Bavarian Act on Hospitals (Bayerisches Krankenhausgesetzes - BayKrG) vom 28.03.2007, geändert durch das Nachtragshaushaltsgesetz 2008 vom 23.04.2008,

§§ 12, 13, 14 Krankenhausentwicklungsgesetz Brandenburg (BbgKHEG) vom 08.07.2009 (GVBl. I/09, page 310), Berliner Gesetz zur Neuordnung des Krankenhausrechts vom 18.09.2011 (GVBl. page 483), Bremisches Krankenhausgesetz (BrmKrHG) vom 12.04.2011 (Gesetzblatt Bremen vom 29.04.2011), Hamburgisches Krankenhausgesetz (HmbKHG) vom 17.04.1991 (HmbGVBl. Page 127), geändert durch zweites ÄndG vom 06.10.2006 (HmbGVBl. page 510)

§§ 17-19 Hessisches Krankenhausgesetz 2011 (HKHG 2011) vom 21.12.2010 (GVBl. I 2010, Seite 587), Krankenhausgesetz für das Land Mecklenburg-Vorpommern (LKHG M-V) vom 20.05.2011 (GVBl. M-V 2011, page 327), Niedersächsisches Krankenhausgesetz (NKHG) vom 19.01.2012 (Nds. GVBl. Nr. 1 vom 26.01.2012, page 2), Krankenhausgestaltungsgesetz des Landes Nordrhein-Westfalen (KHGG NRW) vom 11.12.2007 (GV. NRW page 702), geändert am 16.03.2010 (GV. NRW page 184),

§ 6 Landeskrankenhausgesetz Rheinland-Pfalz (LKG Rh-Pf) in der Fassung vom 01.12.2010 (GVBl. page 433), Saarländisches Krankenhausgesetz (SKHG) vom 13.07.2005, zuletzt geändert durch Gesetz vom 18.11.2010 (Saarl. Amtsbl. I page 1420), Gesetz zur Ausführung des Krankenhausfinanzierungsgesetzes (AG-KHG) in Schleswig-Holstein vom 12.12.1986 (GVBl. Schl.-H. page 302), zuletzt geändert am 12.10.2005, § 3 Krankenhausgesetz Sachsen-Anhalt (KHG LSA) vom

14.04.2005 (GVBl. LSA 2005, page 202),
Gesetz zur Neuordnung des Krankenhauswesens (Sächsisches Krankenhausgesetz - SächsKHG) vom 19.08.1993 (Sächs GVBl. page 675), zuletzt geändert durch Sächsisches Standortgesetz vom 27.01.2012 (SächsGVBl. Seite 130),

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§ 4 Thüringischer Krankenhausgesetz (Thür KHG) in der Fassung der Neubekanntmachung 30.04.2003 (GVBl. page 262),

Gesetz zur Neuordnung des Krankenhauswesens (Sächsisches Krankenhausgesetz – SächsKHG) vom 19. August 1993 (SächsGVBl. page 675), zuletzt geändert durch Artikel 50 des Gesetzes vom 27. Januar 2012 (SächsGVBl. page 130, 147)

Description:

Cross-Border Services and Investment

Rescue services and "qualified ambulance services" are organised and regulated by the Länder. Most Länder delegate competences in the field of rescue services to municipalities. Municipalities are allowed to give priority to not-for-profit operators. This applies equally to foreign as well as domestic service providers. Ambulance services are subject to planning, permission and accreditation.

Telemedicine may only be provided in the context of a primary treatment involving the prior physical presence of a doctor.

The number of ICT-service providers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way.

Phase-out:

None

*

Sector:

Health services

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Sub-sector:	Veterinary services
Industry classification:	CPC 932
Type of Reservation:	Market Access
Level of Government:	National and sub-federal
Measures:	<p>Federal Code for the Veterinary Profession (Bundes-Tierärzteordnung in der Fassung der Bekanntmachung vom 20. November 1981 (BGBl. I S. 1193), die zuletzt durch Artikel 22 des Gesetzes vom 06.12.2011 (BGBl. I S. 2515) geändert worden ist, § 4Abs. 2)</p> <p>sub-central level:</p> <p>Acts on the Councils for the Medical Profession of the Länder (Heilberufs- und Kammergesetze der Länder) and (based on these) Baden-Württemberg, Gesetz über das Berufsrecht und die Kammern der Ärzte, Zahnärzte, Tierärzte, Apotheker, Psychologischen Psychotherapeuten sowie der Kinder- und Jugendlichenpsychotherapeuten (Heilberufe-Kammergesetz - HBKG) in der Fassung vom 16.03.1995</p> <p>Bayern, Gesetz über die Berufsausübung, die Berufsvertretungen und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten (Heilberufe-Kammergesetz - HKaG) in der Fassung der Bekanntmachung vom 06.02.2002</p> <p>Berlin, Gesetz über die Kammern und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker, Psychologischen Psychotherapeuten und Kinder- und Jugendlichenpsychotherapeuten (Berliner Kammergesetz) in der Fassung vom 04.09.1978 (GVBl. S. 1937), zuletzt geändert durch Gesetz vom 17.03.2010 (GVBl. S. 135)</p> <p>Brandenburg, Heilberufsgesetz (HeilBerG) Vom 28.04.2003 (GVBl.I/03, [Nr. 07], S.126), zuletzt geändert durch Artikel 18 des Gesetzes vom 13.03.2012 (GVBl.I/12, [Nr. 16])</p> <p>Bremen, Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte,</p>

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Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker (Heilberufsgesetz - HeilBerG) vom 12.05.2005, (Brem.GBl. S. 149) Zuletzt geändert durch Nr. 2.1 i.V.m. Anl. 1 ÄndBek vom 24.01.2012 (Brem.GBl. S. 24)

Hamburg, Hamburgisches Kammergesetz für die Heilberufe (HmbKGH) Vom 14.12.2005 Zum Ausgangs- oder Titeldokument (HmbGVBl. 2005, S. 495) zuletzt geändert durch Gesetz vom 02.03.2010 (HmbGVBl. S. 247)

Hessen, Gesetz über die Berufsvertretungen, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker, Psychologischen Psychotherapeuten und Kinder- und Jugendlichenpsychotherapeuten (Heilberufsgesetz) in der Fassung vom 07.02.2003, zuletzt geändert durch Artikel 3 des Gesetzes vom 14.05.2012 (GVBl. S. 126)

Mecklenburg-Vorpommern, Heilberufsgesetz (HeilBerG) Vom 22.01.1993 (GVOBl. M-V 1993, S. 62) zuletzt geändert durch Artikel 3 des Gesetz zur Ergänzung und Änderung von Gesundheitsrecht und zur Änderung des Aufgabenzuordnungsgesetzes vom 06.07.2011

Niedersachsen, Kammergesetz für die Heilberufe

(HKG) in der Fassung vom 08.12.2000 zuletzt geändert durch Gesetz vom 09.05.2012 (Nds. GVBl. S. 100)

Nordrhein-Westfalen, Heilberufsgesetz NRW (HeilBerg) vom 9. Mai 2000 (GV. NRW. 2000 S. 403ff.) zuletzt geändert durch Gesetz vom 17. Dezember 2009 (GV.NRW 2009 S. 865f)

Rheinland-Pfalz, Heilberufsgesetz (HeilBG) vom 20.10.1978, zuletzt geändert durch Artikel 4 des Gesetzes vom 27.10.2009 (GVBl. S. 358)

Saarland, Gesetz Nr. 1405 über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte/Ärztinnen, Zahnärzte/Zahnärztinnen, Tierärzte/Tierärztinnen und Apotheker/Apothekerinnen im Saarland (Saarländisches Heilberufekammergesetz - SHKG) vom 11.03.1998 in der Fassung

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der Bekanntmachung vom 19.11.2007 (Amtsbl. S. 2190) geändert
durch das Gesetz vom 19.11.2008 (Amtsbl. S. 1930)

Sachsen, Gesetz über Berufsausübung, Berufsvertretungen und
Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker
sowie der Psychologischen Psychotherapeuten und der Kinder-
und Jugendlichenpsychotherapeuten im Freistaat Sachsen
(Sächsisches Heilberufekammergesetz – SächsHKaG) vom
24.05.1994, Rechtsbereinigt mit Stand vom 5. Juni 2010

Sachsen-Anhalt, Gesetz über die Kammern für Heilberufe
Sachsen-Anhalt (KGHB-LSA) vom 13.07.1994 (GVBl. LSA 1994,
S. 832) zuletzt geändert durch Artikel 4 des Gesetzes vom
02.02.2011 (GVBl. LSA S. 58)

Schleswig-Holstein, Gesetz über die Kammern und die
Berufsgerichtsbarkeit für die Heilberufe (Heilberufekammergesetz
- HBKG) vom 29. Februar 1996, zuletzt geändert durch Gesetz
vom 13.07.2011 (GVObI. S. 221)

Thüringen, Thüringer Heilberufegesetz (ThürHeilBG) in der
Fassung der Bekanntmachung vom 29.01.2002 (GVBl 2002, S.
125) zuletzt geändert durch Artikel 14 des Gesetzes vom
08.07.2009 (GVBl. S. 592)

Codes of Professional Conduct of the Veterinary Practitioners'
Councils (*Berufsordnungen der Kammern*)

Description:

Cross-Border Services

Access is restricted to natural persons.

Telemedicine may only be provided in the context of a primary
treatment involving the prior physical presence of a doctor.

Phase-out:

None

*

Sector: Business Services

Sub-sector: Supply services of support personnel

Industry classification: CPC 87201, 87202, CPC 87203

Type of Reservation: National Treatment

Level of Government: National

Measures: § 1 and 3 Abs 5 Arbeitnehmerüberlassungsgesetz –AÜG § 292 SGB III § 42 Beschäftigungsverordnung

Description: **Cross-Border Services and Investment**

EU nationality or a commercial presence in the EU is required in order to obtain a licence to operate as a temporary employment agency (Pursuant to Sec. 3 paras. 2 & 3 of this Act)

The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of extra-EU and extra-EEA personnel for specified professions.

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: National Treatment

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Market Access

Level of Government:

National

Measures:

§ 2 para 2, § 11a Apothekengesetz (German Pharmacy Act), §§ 43 para. 1, 73 para. 1 Nr. 1a Arzneimittelgesetz (German Drugs Act),
§ 11 Abs. 3a Medizinproduktegesetz
Verordnung über Vertriebswege für Medizinprodukte

Description:

Investment

Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

Residency is required in order to obtain a licence as a pharmacist and/or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

Nationals of other countries or persons who have not passed the German pharmacy exam may only obtain a licence to take over a pharmacy which has already existed during the preceding three years.

The total number of pharmacies per person is restricted to one pharmacy and up to three branch pharmacies.

Phase-out:

None

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Sector:	Fishing, Transport
Sub-Sector:	All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works
Industry Classification:	ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	<i>To be completed</i>
Description:	<p>Cross-Border Services, Investment, and International Maritime Transport Services</p> <p>In order to register a seagoing vessel on the national shipping register, the majority of shares in a vessel must be owned by EU citizens or companies established in accordance with EU rules and that have their principal place of business in an EU Member State. The use of the vessel must be headed and supervised by persons residing in Germany.</p>
Phase out:	None

*

Sector:	Transport
Sub-sector:	Water Transport, Supporting Services for Water Transport, Rental of ships, leasing services of ships without operators

Industry classification: CPC 72, CPC 745, CPC 83103, CPC 86751, CPC 86754, CPC 8730

Type of Reservation: National Treatment

Market Access

Most-Favoured-Nation Treatment

Level of Government: All levels

Measures: §§ 1, 2 Flaggenrechtsgesetz (Flag Protection Act),
§ 2 Verordnung über die Küstenschifffahrt vom 05.07. 2002,

§§ 1, 2 Binnenschifffahrtsgesetz (BinSchAufgG),
Vorschriften aus der (Schifffahrts-) Patentverordnung in der
Fassung vom 08.04.2008,

§ 9 Abs.2 Nr. 1 Seelotsgesetz vom 08.12. 2010 (BGBl. I S. 1864),

§ 1 Nr. 9, 10, 11 und 13 Seeaufgabengesetz (SeeAufgG),

See-Eigensicherungsverordnung vom 19.09.2005 (BGBl. I S. 2787),
geändert durch Artikel 516 Verordnung vom 31.10.2006
(BGBl. I S. 2407)

Description: **Cross-Border Services and Investment**

A vessel that does not belong to a German or EU national may be used in the German federal waterways only after specific authorisation.

Cabotage operations may only be performed by vessels flying German or another EU Member State flag. Waivers for non-EU vessels may only be granted if no EU vessels are available or if they are available under very unfavourable conditions, or on the basis of reciprocity. Waivers for vessels flying under the Canadian flag may be granted on the basis of reciprocity (§ 2 para. 3 KüSchVO)

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All activities falling within the scope of the pilot law are regulated and accreditation is restricted to German, EU/EEA MS or Swiss nationals.

For rental/leasing of ships with or without operators, the conclusion of contracts for freight transport by ships flying a foreign flag or the chartering of such vessels may be restricted, depending on the availability of ships flying under the German flag or the flag of another EU Member State.

Transactions between residents and non-residents concerning

- the rental of internal waterways vessels, which are not registered in the economic area,
- the transport of freight with such internal waterways vessels or
- the towing services by such internal waterways vessels

within the economic area may be restricted.

Phase-out:

None

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Reservations Applicable in Greece

Sector: All sectors

Sub-sector: Acquisition of real estate

Industry classification:

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law No 1892/90

Description: Investment

For foreign natural or legal persons, discretionary permission from the Ministry of Defence is needed for acquisition of real estate in the border regions either directly or through equity participation in a company which is not listed in the Greek Stock Exchange and which owns real estate in those regions, or any change in the persons of the stockholders of such company.

Phase-out: None

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: National Treatment

Market Access

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Level of Government: National**Measures:** Lawyers Code (Law 3026/1954), as amended by Presidential Decree 172/1989**Description:** **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts. Only EEA or Swiss nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of domestic law.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Phase-out: None

*

Sector: Business Services**Sub-sector:** Auditing Services**Industry classification:** CPC 86211 and 86212 other than accounting services**Type of Reservation:** National Treatment**Level of Government:** National**Measures:** Presidential Decree 226/1992,

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Law 3693/2008 on Auditing Standards (Implementation of Directive 2006/43/EC)

Law 3386/2005 on the entry, residency and integration of foreign nationals in Greece

Law 3844/2010 on Services (Implementation of Directive 2006/123/EC)

Description:**Cross-Border Services**

EU nationality is required in order to obtain a licence to be a statutory auditor. By Regulatory Act, the ELTE (Oversight Body in Greece) may issue a licence to a third country auditor if, in its discretion, the conditions laid down in Articles 4 and 6 to 11 of Law 3693/2008 is met.

Phase-out:

None

*

Sector:

Health Services

Sub-sector:

Veterinary Services

Industry classification:

CPC 932

Type of Reservation:

National Treatment

Market Access

Level of Government:

National

Measures:

Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B)

Description:**Cross-Border Services**

EU nationality condition for veterinary services.

Phase-out: None

*

Sector: Business services and Health and Social Services

Sub-sector: Services provided by Nurses, Physiotherapists and Paramedical Personnel

Industry classification: part of CPC 93191, 93123

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law 1666/1986

Description: **Cross-Border Services**

Greek nationality is required for dental technicians.

*

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: National Treatment

Market Access

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Level of Government: National**Measures:** Law 5607/1932 as amended by Laws 1963/1991 and 3918/2011**Description:** **Investment**

Only natural persons, who are licenced pharmacists, and companies founded by licenced pharmacists, are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

EU nationality is required in order to operate a pharmacy.

Phase-out: None

*

Sector: Education Services**Sub-sector:** Primary Education Services, Secondary Education Services**Industry classification:** CPC 921, CPC 922**Type of Reservation:** National Treatment

Senior Management and Boards of Directorst

Level of Government: National**Measures:** Laws 682/1977, 284/1968, 2545/1940 and Presidential Degree 211/1994 as amended by Presidential Degree 394/1997**Description:** **Investment**

EU nationality condition for owners and a majority of the members of the Board of Directors in privately funded primary and secondary

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schools, and for teachers in privately funded primary and secondary education.

Phase-out: None

*

Sector: Education Services

Sub-sector: Higher Education Services

Industry classification: CPC 923

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Constitution of Hellas, art. 16, par. 5 and Law 3549/2007

Description: **Investment**

Education at university level shall be provided exclusively by institutions which are fully self-governed public law legal persons.

However, Law 3696/2008 permits the establishment by EU residents (natural or legal persons) of private tertiary education institutions granting certificates which are not recognised as being equivalent to university degrees.

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Sector: Financial Services

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Sub-sector: Insurance and insurance-related services**Industry classification:****Type of Reservation:** Market Access**Level of Government:** National**Measures:** Legislative Degree 400/1970**Description:** **Financial Services**

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The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices.

Phase-out: None

*

Sector: Tourism and Travel Related Services**Sub-sector:** Tourist Guides Services**Industry classification:** CPC 7472**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B)

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Description: **Cross-Border Services**

EU nationality condition required in order to provide tourist guide services.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Article 5 of the Code of Public Maritime Law (Degree no 187/1973, as amended by Presidential Degree no 11/2000)

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

Over 50% of shares of a seagoing vessel must be owned by EU or EEA nationals or companies in order to be registered on the registry of Greece. The vessel must be managed from Greece.

Phase-out: None

*

Sector: Transport

Sub-sector: Supporting Services for Water Transport

Industry classification: CPC 745

Type of Reservation: Market Access

Level of Government: National

Measures: Code of Public Maritime Law (Legislative Degree 187/1973)

Description: **Investment**

Public monopoly in port areas for cargo-handling services.

Phase-out: None

*

Sector: Road Transport

Sub-sector: Operators of road freight transport services

Industry classification: CPC 7123

Type of Reservation: National Treatment

Most-Favoured Nation Treatment

Level of Government: National

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Measures: Licensing of road freight transport operators: Greek law 3887/2010 (Government Gazette A' 174), as amended by art. 5 of law 4038/2012 (Government Gazette A' 14)- EC Regulations 1071/09 & 1072/09

Description: Cross-Border Services and Investment

In order to engage in the occupation of road freight transport operator a Hellenic licence is needed. Licences are granted on non-discriminatory terms, under condition of reciprocity (*quid pro quo*). Road freight transport operations established in Greece may only use vehicles that are registered in Greece.

Phase-out: None

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Reservations Applicable in Hungary**Sector:** All sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Government Decree No. 7/1996 on the Acquisition of Real Estate by Foreigners**Description:** **Investment**

The purchase of real estate by non-residents is subject to obtaining authorisation from the appropriate administrative authority responsible for the geographical location of the property.

Phase-out: None

*

Sector: Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

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Level of Government: National**Measures:** ACT XI of 1998 on Attorneys at Law**Description: Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of Hungarian domestic law, including representation before courts. Full admission to the Bar is subject to a nationality condition, coupled with a residency requirement.

Only EEA nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of domestic law.

Commercial presence should take the form of partnership with a Hungarian barrister (*ügyvéd*) or a barrister's office (*ügyvédi iroda*).

For foreign lawyers, the scope of legal activities is limited to the provision of legal advice on home country and international law, which shall take place on the basis of a collaboration contract concluded with a Hungarian attorney or a law firm.

Phase-out: None

*

Sector: Legal services**Sub-sector:** Patent agents**Industry classification:** CPC 8613**Type of Reservation:** National Treatment

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Market Access**Level of Government:**

National

Measures:

Act XXXII of 1995 on Patent Attorneys

Description:**Cross-Border Services**

For supplying patent agent services, residency is required for non-EEA nationals.

Phase-out:

None

*

Sector:

Professional services

Sub-sector:

Taxation Advisory Services, Architectural services, Engineering services, Integrated Engineering Services

Industry classification:

CPC 863, 8671, 8672, 8673

Type of Reservation:

National Treatment

Level of Government:

National

Measures:

Act LVIII of 1996 on the Professional Chambers of Architects and Engineers

Act XCII of 2003 on the Rules of Taxation, Decree of the Ministry of Finance no. 26/2008 on the licensing and registration of taxation advisory activities

Description:**Cross-Border Services**

The provision of the following services, insofar as they are being supplied by a physical person present in the territory of Hungary, requires residency:-

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Taxation advisory services

Architectural services

Engineering services (only applicable to graduate trainees)

Integrated Engineering services.

Phase-out: None

*

Sector: Professional services**Sub-sector:** Landscape architectural services**Industry classification:** CPC 8674**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Act LVIII of 1996 on the Professional Chambers of Architects and Engineers**Description:** **Cross-Border Services**

The supply of landscape architectural services by non-EEA nationals requires residency. The supply of landscape architecture services is therefore only available to service suppliers established or resident in the EEA.

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Phase-out: None

*

Sector: Health services

Sub-sector: Veterinary Services

Industry classification: CPC 932

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Act CXXVII of 2012 on the Hungarian Veterinary Chamber and on the conditions how to supply Veterinary services

Description: **Cross-Border Services and Investment**

For supplying veterinary services, membership of the Hungarian Veterinary Chamber is required. Only EEA nationals may be admitted to the Chamber.

Authorisation for establishment is subject to an economic needs test. Main criteria: labour market conditions in the sector.

Phase-out: None

*

Sector: Business Services

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Sub-sector: Services Related to Management Consulting – Arbitration and Conciliation Services

Industry classification: CPC 86602

Type of Reservation: National treatment

Market Access

Level of Government: National

Measures: Act LV of 2002 on Mediation

Description: **Cross-Border Services**

An authorisation, by means of admission into the register, by the minister in charge of the juridical system is required for the pursuit of mediation (e.g. arbitration and conciliation) activities which may only be granted to juridical or natural persons that are established in or resident in Hungary.

Phase-out: None

*

Sector: Business Services

Sub-sector: Translation services

Industry classification: CPC 87905

Type of Reservation: Market Access

Level of Government: National

Measures: Decree of the Council of Ministers No. 24/1986 on Official translation and interpretation

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Description: Cross-Border Services and Investment

Official translations, official certifications of translations, and certified copies of official documents in foreign languages may only be provided by the National Translation and Authentication Office (OFFI).

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Act XCVIII of 2006 on the General Provisions Relating to the Reliable and Economically Feasible Supply of Medicinal Products and Medical Aids and on the Distribution of Medicinal Products

Description: Investment

EEA nationality is required in order to operate a pharmacy.

Establishment authorisation is subject to an economic needs test. Main criteria: density conditions in the area.

Phase-out: None

*

Sector:	Financial Services
Sub-sector:	Banking and Other Financial Services
Industry classification:	CPC 811, 813
Type of Reservation:	Cross-Border Supply of Financial Services
Level of Government:	National
Measures:	Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises

Description:	Financial Services Non-EEA companies may provide financial services or engage in activities auxiliary to financial services solely through their Hungarian branch.
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Phase-out:	None
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Sector:	Financial Services
Sub-sector:	Banking and Other Financial Services
Industry classification:	CPC 811, 813
Type of Reservation:	National Treatment Market Access
Level of Government:	National

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Measures: Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; Act CXX of 2001 on the Capital Market

Description: **Financial Services**

The board of directors of a credit institution shall have at least two members recognised as resident according to foreign exchange regulations and having had prior permanent residence in Hungary for at least one year.

Branches of non-EEA investment fund management companies may not engage in the management of European investment funds and may not provide asset management services to private pension funds.

Phase-out: None

*

Sector: Tourism and Travel Related Services

Sub-sector: Travel Agencies and Tour Operators Services, Tourist Guide Services

Industry classification: CPC 7471, CPC 7472

Type of Reservation: National Treatment
Market Access

Level of Government: National

Measures: Act CLXIV of 2005 on Trade, Government Decree No. 213/1996 (XII.23.) on Travel Organization and Agency Activities

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Description: Cross-Border Services

The supply of Travel Agent and Tour Operators services, and Tourist Guide Services on a cross-border basis is subject to a licence issued by the Hungarian Trade Licensing Office. Licences are reserved to EEA nationals and juridical persons having their seats in the EEA member states.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment
Market Access

Level of Government: National

Measures: Act XLII of 2000 on Shipping

Description: Investment, and International Maritime Transport Services

To register a vessel in Hungary in order to fly a national flag, a majority EEA-ownership of the vessel is required. EEA nationality is required for the captain and first officer of vessels.

Phase-out:

None

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Reservations Applicable in Ireland**Sector:** All Sectors**Sub-sector:** Acquisition, purchase, rental or leasing of real estate**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** *To be completed***Description:** **Investment**

Prior written consent of the Land Commission is necessary for the acquisition of any interest in Irish land by domestic or foreign enterprises or foreign nationals. Where such land is for industrial use (other than agricultural industry), this requirement is waived subject to certification to this effect from the Minister for Enterprise, Trade and Employment.

This law does not apply to land within the boundaries of cities and towns.

Phase-out: None

*

Sector: Agriculture and hunting

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Sub-sector:**Industry classification:** ISIC rev 3.1: 1531**Type of Reservation:** National Treatment**Level of Government:** National**Measures:** *To be completed***Description:** **Investment**

Establishment by Canadian residents in flour milling activities is subject to authorisation.

Phase-out: None

*

Sector: Mining and Quarrying**Sub-sector:** Mining of coal and lignite, extraction of peat, mining of metal ores, other mining and quarrying, Services Incidental to Mining**Industry classification:** ISIC Rev. 3.1: 10, 13, 14, CPC 883**Type of Reservation:** National Treatment

Market Access

Level of Government: National and regional**Measures:** Minerals Development Acts 1940 – 1999, Planning Acts and Environmental Regulations**Description:** **Cross-Border Services and Investment**

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A Prospecting License gives the holder the right to explore for certain specific minerals. Only holders of current Prospecting Licenses are considered for State Mining Leases/Licenses to develop such minerals within the lease/licence area, whether the minerals are State-owned or privately-owned.

Exploration and mining companies operating in Ireland are required to have a presence here. In the case of minerals exploration, there is a requirement that companies (Irish and foreign) employ either the services of an agent or a resident exploration manager in Ireland while work is being undertaken. In the case of mining, it is a requirement that a State Mining Lease/License be held by a company incorporated in Ireland, which has power in its memorandum of association to comply with the various covenants in the Lease/License.

Phase-out: None

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: *To be completed*

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Description: Cross-Border Services and Investment

Full admission to the Bar is required for the practice of legal services in respect of Irish domestic law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Phase-out: None

*

Sector: Business Services

Sub-sector: Auditing Services

Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: Market Access

Level of Government: National

Measures: *To be completed*

Description: Investment

Provision of auditing services through partnership only.

Phase-out: None

*

Sector: Health Services**Sub-sector:** Veterinary Services**Industry classification:** CPC 932**Type of Reservation:** Market Access**Level of Government:** National**Measures:** *To be completed***Description:** **Cross-Border Services and Investment**

Access through partnership or natural persons only.

Phase-out: None

*

Sector: Financial Services**Sub-sector:** Banking and other financial services (excluding insurance)**Industry classification:****Type of Reservation:** Market Access**Level of Government:** National**Measures:** *To be completed***Description:** **Financial Services**

In the case of collective investment schemes constituted as unit trusts and variable capital enterprises (other than undertakings for collective investment in transferable securities, UCITS), the

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trustee/depository and management company is required to be incorporated in Ireland or in another Member State of the EU (no branches).

In the case of an investment limited partnership, at least one general partner must be incorporated in Ireland. To become a member of a stock exchange in Ireland, an entity must either (I) be authorised in Ireland, which requires that it be incorporated or be a partnership, with a head/registered office in Ireland, or (II) be authorised in another Member State.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Mercantile Marine Act 1955 as amended by the Merchant Shipping (Miscellaneous Provisions) Act 1998 and the Sea-Fisheries and Maritime Jurisdiction Act 2006.

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Description: Cross-Border Services, Investment, and International Maritime Transport Services

Foreign investors investing in a body corporate established under and subject to the law of a Member State of the European Union, and which has its principal office in Ireland or another Member State of the European Union, may register a vessel on the Irish Ship Register.

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Reservations Applicable in Italy**Sector:** Publishing and printing**Sub-sector:****Industry classification:** ISIC rev 3.1: 221 and 222**Type of Reservation:** National Treatment

Market Access

Most-Favoured-Nation Treatment

Level of Government: National**Measures:** Law 416/1981, art. 1 (and subsequent amendments)**Description:** **Investment**

In so far as Canada and its provinces and territories allow Italian nationals and enterprises to exercise these activities, Italy will allow Canadian nationals and enterprises to exercise these activities under the same conditions.

Insofar as Canada and its provinces and territories allow Italian investors to own more than 49% of the capital and voting rights in a Canadian publishing company, then Italy will allow Canadian investors to own more than 49% of the capital and voting rights in an Italian publishing company under the same conditions.

Phase-out: None

*

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Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Royal Decree 1578/1933 art. 17 Law on the legal profession

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of Italian domestic law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar.

To provide legal services in respect of EU and Italian law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Phase-out: None

*

Sector: Business Services

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Sub-sector: Accounting and Bookkeeping Services, Auditing Services, Taxation Advisory Services

Industry classification: CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 86220, CPC 863

Type of Reservation: Market Access

National Treatment

Level of Government: National

Measures: Auditing: Legislative Decree 58/1998, art. 155, 158 and 161
Decree of the President of the Republic 99/1998
Legislative Decree 39/2010, art. 2
Accounting, Bookkeeping and Taxation: Legislative Decree 139/2005, Law 248/2006

Description: **Cross-Border Services**

For auditing services or taxation advisory services, residency in Italy is required for individual auditors or tax advisors.

Residence or business domicile is required for enrolment in the professional register, which is necessary for the provision of accounting and bookkeeping services.

Phase-out: None

*

Sector: Business Services

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Sub-sector: Architectural Services, Engineering Services, Urban Planning and Landscape Architectural

Industry classification: CPC 8671, CPC 8672, CPC 8673, CPC 8674

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Royal Decree 2537/1925 regulation on the profession of architect and engineer, Law 1395/1923, DPR 328/2001

Description: **Cross-Border Services**

Residency in Italy is required for enrolment in the professional register, which is necessary for the exercise of the profession.

Phase-out: None

*

Sector: Health services

Sub-sector: Veterinary Services

Industry classification: CPC 932

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Legislative Decree C.P.S. 233/1946, art. 7-9

Decree of the President of the Republic (DPR) 221/1950, par. 7

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Description: Cross-Border Services

Residency in Italy is required for enrolment in the professional register, which is necessary for the exercise of the profession.

Phase-out: None

*

Sector: Business Services

Sub-sector: R & D Services relating to Social Sciences And Humanities - Psychologists

Industry classification: CPC 852

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law 56/1989 on the psychologist profession

Description: Cross-Border Services

Residency in Italy is required for enrolment in the professional register, which is necessary for the exercise of the profession. EU nationality is required, foreign professionals may be allowed to practice based on reciprocity.

Phase-out: None

*

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Sector:	Business Services
Sub-sector:	Engineering related Scientific and Technical Consulting Services, Technical Testing and Analysis Services, Services Incidental to Agriculture
Industry classification:	CPC 8675, CPC 8676, part of CPC 881
Type of Reservation:	National Treatment
	Market Access
	Most-Favoured Nation Treatment
Level of Government:	National
Measures:	Geologists: Law 112/1963 (art. 2 and 5); DPR 1403/1965 (art. 1) Biologists, chemical analysts: Law 396/1967 on the profession of biologists; Royal Decree 842/1928 on the profession of chemical analysts; Agronomists: Law 3/1976 on the profession of agronomists; "Periti agrari": Law 434/1968 as amended by Law 54/1991.
Description:	Cross-Border Services Residency or professional domicile in Italy is required for enrolment in the geologists' register, which is necessary for the exercise of the professions of surveyor or geologist in order to provide services relating to exploration and the operation of mines, etc. There is an EU nationality requirement, however, foreigners may enrol under condition of reciprocity. For biologists, chemical analysts, agronomists and " <i>periti agrari</i> ", residency and enrolment in the professional register is required. Third country nationals can enrol under condition of reciprocity.
Phase-out:	None

*

Sector:	Mining and Quarrying
Sub-sector:	Mining of coal and lignite, extraction of peat, extraction of crude petroleum and natural gas, mining of metal ores, other mining and quarrying, Engineering related scientific and technical consulting services, Services Incidental to Mining
Industry classification:	ISIC Rev. 3.1: 10, 11, 12, 13, 14, CPC 8675, CPC 883
Type of Reservation:	Market Access
Level of Government:	National and regional (for exploration)
Measures:	Exploration services: Royal Decree 1447/1927; Legislative Decree 112/1998, art. 34

Description: **Cross-Border Services and Investment**

Mines belonging to the State have specific exploration and mining rules. Prior to any exploitation activity, a permit for exploration is needed (“permesso di ricerca”, art. 4 Royal Decree 1447/1927). This permit has a duration, defines exactly the borders of the ground under exploration and more than one exploration permit may be granted for the same area to different persons or companies (this type of licence is not necessarily exclusive).

In order to cultivate and exploit minerals, an authorisation (“concessione”, art. 14) from the regional authority is required.

Phase-out: None

*

Sector: Business Services

Sub-sector: Security services

Industry classification: CPC 87302, 87303, 87304, 87305, 87309

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law on public security (TULPS) 773/1931 art. 133-141 Art. 138 – 134 – 136. –Royal Decree 635/1940 Art. 257

Description: **Cross-Border Services and Investment**

EU nationality and residency is required in order to obtain the necessary authorisation to supply security guard services and the transport of valuables.

*

Sector: Distribution services

Sub-sector: Distribution of tobacco

Industry classification: part of CPC 6222, part of CPC 6310

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Legislative Decree 184/2003

Law 165/1962

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Law 3/2003

Law 1293/1957

Law 907/1942

Decree of the President of the Republic (D.P.R.) 1074/1958

Description:**Cross-Border Services and Investment**

In order to distribute and sell tobacco, a licence is needed. The licence is granted through public procedures. The granting of licences is subject to an economic needs test. Main criteria: population and geographical density of existing selling points. For an intermediary between wholesale and retail, owners of magazines (magazzini), EU nationality is required.

Phase-out:

None

*

Sector:

Distribution

Sub-sector:

Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification:

CPC 63211

Type of Reservation: National Treatment

Market Access

Level of Government:

National

Measures:

Law 362/1991, art. 1, 4, 7 and 9

Legislative Decree CPS 233/1946, art. 7-9

Decree of the President of the Republic (DPR) 221/1950, par. 3 and 7

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Description:**Investment**

An authorisation is needed to open a pharmacy which is subject to an economic needs test. Main criteria: population and geographical density of existing pharmacies. New or vacant pharmacies are authorised following a public competition. Only EU citizens enrolled in the Register of pharmacists (“albo”) are able to participate in a public competition.

The exercise of the profession is possible only for natural persons enrolled in the register, as well as for juridical persons in the form of partnerships, where every partner of the company must be an enrolled pharmacist. Enrolment in the pharmacist professional register requires EU nationality or residency and the exercise of the profession in Italy.

Foreign nationals having the necessary qualifications may enrol if they are citizens of a country with whom Italy has a special agreement, authorising the exercise of the profession, under condition of reciprocity (D. Lgs. 233/1946 art. 7-8-9 and DPR 221/1950 par. 3, 7).

Phase-out:

None

*

Sector:

Education Services

Sub-sector:

Higher Education Services

Industry classification:

CPC 92

Type of Reservation:

Market Access

Level of Government:

National

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Measures: Royal Decree 1592/1933 (Law on secondary education)

Law 243/1991 (Occasional public contribution for private universities)

Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario)

Decree of the President of the Republic (DPR) 25/1998

Description: **Investment**

An economic needs test is applied for the opening of privately funded universities authorised to issue recognised diplomas or degrees based on a 3 year programme. Main criteria: population and density of existing establishments.

Only Italian juridical persons may be authorised to issue state-recognised diplomas.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Insurance and insurance-related services

Industry classification:

Type of Reservation: Cross-Border Supply of Financial Services

Level of Government: National

Measures: Law 194/1942, art. 4, law 4/1999 on the register

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Description: Financial Services

Residency in Italy is required for enrolment in the actuarial register, which is necessary for the exercise of the actuarial profession.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Banking and other financial services (excluding insurance)

Industry classification:

Type of Reservation: National Treatment

Market Access

Cross-Border Supply of Financial Services

Level of Government: National

Measures: Legislative Decree 58/1998, art. 1, 19, 28, 30-33, 38, 69 and 80

Joint Regulation of Bank of Italy and Consob 22.2.1998, art, 3 and 41

Regulation of Bank of Italy 25.1.2005, Title V, Chapter VII, Section II

Consob Regulation 16190 of 29.10.2007, art. 17-21, 78-81 and 91-111

Description: Financial Services

In order to be authorised to manage the securities settlement system or central securities depository services with an

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establishment in Italy, a company is required to be incorporated in Italy (no branches).

In the case of collective investment schemes other than UCITS harmonised under EU legislation, the trustee/ depository is required to be incorporated in Italy or in another Member State of the EU and established through a branch in Italy. Management enterprises of UCITS not harmonised under EU legislation are also required to be incorporated in Italy (no branches).

Only banks, insurance enterprises, investment firms and enterprises managing UCITS harmonised under EU legislation having their legal head office in the EU, as well as UCITS incorporated in Italy may carry out the activity of pension fund resources management.

In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State of the EU.

Representative offices of non-EU intermediaries cannot carry out activities aimed at providing investment services, including trading for own account and for account of customers, placement and underwriting of financial instruments (branch required).

Phase-out: None

*

Sector: Tourism and Travel Related Services

Sub-sector: Tourist Guides Services

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Industry classification: CPC 7472**Type of Reservation:** National Treatment

Market Access

Level of Government: Regional**Measures:** Law 135/2001 art. 7.5 and 6

Law 40/2007 (DL 7/2007)

Description: **Cross-Border Services**

Tourist guides from non-EU countries need to obtain a specific licence from the Region in order to act as a professional tourist guide. Tourist guides from EU countries can work freely without the requirement for such a licence. The licence is granted to tourist guides demonstrating adequate competence and knowledge.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

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Level of Government: National**Measures:** Legal basis Royal Decree 327/1942 (modified with [Law 222/2007](#)), [art. 143 and 221](#) (Navigation Code)**Description:** **Investment, and International Maritime Transport Services**

Foreigners other than EU residents cannot own a majority interest in Italian flagged vessels or a controlling interest in ship owning companies having their headquarters in Italy.

Phase-out: None

*

Sector: Transport**Sub-sector:** Supporting Services for Water Transport**Industry classification:** part of CPC 745**Type of Reservation:** Market Access**Level of Government:** National**Measures:** Shipping Code

Law 84/1994

Ministerial decree 585/1995

Description: **Investment**

An economic needs test is applied for maritime cargo-handling services. Main criteria: number of and impact on existing establishments, population density, geographic spread and creation of new employment.

Phase-out: None

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Reservations Applicable in Latvia**Sector:** All sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment

Market Access

Most-Favoured Nation Treatment

Level of Government: National**Measures:** Law on land reform in the cities of the Republic of Latvia, Section 20, 21,

Law on land privatisation in rural areas, Section 28

Description: **Investment**

Acquisition of urban land by third country nationals is permitted through incorporated companies registered in Latvia or other EU Member States:-

a) if more than 50% of their equity capital is owned by Latvian or EU Member States nationals, the Latvian Government or a municipality, separately or in total;

b) if more than 50% of their equity capital is owned by natural persons and companies of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which have been approved by the Latvian Parliament before 31th December 1996;

c) if more than 50% of their equity capital is possessed by natural persons and companies of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments after the 31th December 1996, if in those agreements the rights of Latvian natural persons and companies on

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acquisition of land in the respective third country have been determined;

d) if more than 50 % of their equity capital is possessed by persons from a) to c) together;

e) which are public joint stock companies, if their shares thereof are quoted in the stock exchange.

Where Canada and its provinces and territories allow Latvian nationals and enterprises to purchase urban real estate in their territories, Latvia will allow Canadian nationals and enterprises to purchase urban real estate in Latvia under the same conditions as Latvian nationals.

Phase-out: None

*

Sector: Distribution and Health Services

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists

Industry classification: CPC 63211

Type of Reservation: National Treatment

Level of Government: National

Measures: Pharmaceutical Law, Section 38

Description: **Investment**

In order to commence independent practice in a pharmacy, a foreign pharmacist or pharmacist's assistant, educated in a state which is not a Member State of the EU or a state of the EEA, must work for at least one year in a pharmacy under the supervision of a pharmacist.

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Phase-out: None

*

Sector: Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Criminal Procedure Law, Section 79

Advocacy Law of the Republic of Latvia, Section 4

Description: **Cross-Border Services and Investment**

In order to obtain full admission to the Bar, which is required to practice as a sworn solicitor or as an assistant of a sworn solicitor, Latvian nationality is required. Sworn solicitors who are EU nationals, and who have registered in the Latvian Council of Sworn Advocates, have the right to participate and vote in the General Meeting of Sworn Advocates.

Providing domestic legal services (the services of an advocate and legal representation in criminal proceedings) in Latvia in accordance with its domestic law is only permitted by:

1) a sworn solicitor or an assistant of a sworn solicitor holding Latvian nationality or

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2) an EU national who has been designated as an advocate in one of the EU Member States or

3) a foreign advocate, in the framework of an agreement on legal assistance concluded between Latvia and the relevant foreign country.

For advocates of a European Union Member State or foreign advocates, special requirements exist. For example, participation in court proceedings in criminal cases is only permitted in association with an advocate of the Latvian Collegium of Sworn Advocates.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Phase-out: None

*

Sector: Business Services

Sub-sector: Auditing Services

Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: National Treatment

Market Access

Level of Government: National

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Measures: Law on Sworn Auditors

Description: **Investment**

In a commercial company of sworn auditors, a foreign investor may only own more than 50% of the voting capital shares, if they are qualified as sworn auditors or commercial companies of sworn auditors, or auditors or commercial companies of auditors of Member States of the EU or states of the EEA, who, in accordance with laws of the Member State of the EU or the state of the EEA, are entitled to pursue the professional activity of a sworn auditor or a company of sworn auditors, as this professional activity is defined in the laws of Latvia.

Phase-out: None

*

Sector: Business services

Sub-sector: Printing and Publishing

Industry classification: CPC 88442

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law on the Press and Other Mass Media, Section 8

Description: **Investment**

Only legal persons incorporated in the Republic of Latvia, and natural persons of the Republic of Latvia have the right to found and publish mass media. Branches are not allowed.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 722, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law "Maritime Code"

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

The Latvian flag is granted only to vessels registered in the Ship Register of Latvia, and these vessels must be managed by EU registered entity. Foreign owners not incorporated in the EU can register vessels in the Ship Register provided that their technical management is performed by a legal person registered in Latvia on the basis of a ship management contract.

Phase-out: None

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Reservations Applicable in Lithuania**Sector:** Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Most-Favoured-Nation Treatment

Level of Government: National

Measures: Law on the Bar of the Republic of Lithuania of 18 March 2004 No. IX-2066 as last amended on 17 November 2011 No.XI-1688; Republic of Lithuania Law on the Notarial profession 15 September 1992 – No I-2882 (As last amended on 19 April 2012 – No X-1979);

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

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Only EEA or Swiss nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of domestic law.

Attorneys from foreign countries can act as advocates in court only in accordance with bilateral agreements on legal assistance.

Phase-out: None

*

Sector: Business Services

Sub-sector: Auditing Services

Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law on Audit of 15 June 1999 No.VIII -1227 (a new version of 3 July 2008 No X-1676)

Description: **Cross-Border Services and Investment**

Not less than 75% of shares should belong to auditors or auditing companies of the EU or EEA.

An auditor's report must be prepared in conjunction with an auditor accredited to practice in Lithuania.

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Establishment is not permitted in the form of a Public Stock Corporation (AB).

Phase-out: None

*

Sector: Business services

Sub-sector: Patent agents

Industry classification: Part of CPC 879

Type of reservation: National treatment

Market Access

Level of Government: National

Measures: Law on Trade Marks of 10 October 2000 No. VIII-1981;

Law on Designs of 7 November 2002 No.IX-1181;

Patent Law of 18 January 1994 No.I-372;

Law on the Legal Protection of Topographies of Semiconductor Products of 16 June 1998;

Patent Attorneys Regulation, approved by the Order of Government of the Republic of Lithuania on 20 May 1992 No.362 (as last amended on 8 November 2004 No. 1410);

Description: **Cross-Border Services and Investment**

Third-country (non-EU Member States) nationals are not allowed to be registered as patent attorneys. Only patent attorneys are allowed to provide patent agent services in the Republic of Lithuania.

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Phase-out: None

*

Sector: Distribution

Sub-sector: Distribution of pyrotechnics

Industry classification:

Type of Reservation: Market access

Level of Government: National

Measures: Law on Supervision of Civil Pyrotechnics Circulation (23 March 2004. No. IX-2074)

Description: **Cross-Border Services**

The distribution of pyrotechnics is subject to licensing. Only the juridical persons established in the EU may obtain a licence.

Phase-out: None

*

Sector: Energy

Sub-sector: Pipeline transport of fuels; Services incidental to energy distribution

Industry classification: CPC 713, CPC 887

Type of reservation: Market access

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Level of Government: National**Measures:** Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973**Description:** **Cross-Border Services**

Establishment is required. Licences for transmission and distribution of fuels may only be issued to legal persons of the Republic of Lithuania or branches of foreign legal persons or other organisations (subsidiaries) established in the Republic of Lithuania.

This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of fuels.

Phase-out: None

*

Sector: Energy**Sub-sector:** Transmission and Distribution of Electricity**Industry classification:** ISIC Rev.3.1: 401, CPC 887**Type of reservation:** Market access**Level of Government:** National**Measures:** Law on electricity of the Republic of Lithuania of 20 July 2000 No VIII-1881**Description:** **Cross-Border Services**

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The licences for transmission, distribution, public supply and organizing of trade of electricity may only be issued to legal persons of the Republic of Lithuania or branches of foreign legal person or other organisations established in the Republic of Lithuania.

This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of electricity.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, , CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: The Law of the Republic of Lithuania on Merchant Shipping of 12 September 1996, No.I-1513

Description: Investment and International Maritime Transport Services

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The Lithuanian flag is granted only to vessels registered in the Lithuanian register of maritime vessels and owned or chartered (bareboat charter) by a Lithuanian Citizen or company established (incorporated) in Lithuania.

Phase_out: None

*

Sector: Transport

Sub-sector: Rail transport services

Industry classification: CPC 711

Type of reservation: Market access

Level of Government: Central

Measures: Railway transport Code of the Republic of Lithuania of 22 April 2004 No.IX-2152 as amended by 8 June 2006 No.X-653.

Description: **Investment**

The exclusive rights for the provision of transit services are granted to railway undertakings which are owned, or whose stock is 100% owned, by the State.

Phase out: None

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Reservations Applicable in Luxembourg**Sector:** Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Loi du 16 décembre 2011 modifiant la loi du 10 août 1991 sur la profession d'avocat**Description: Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of Luxembourg law, including representation before courts.

EU nationality and residency (commercial presence) is required in order to obtain full admission to the Bar. The Council of the Order may, on the basis of reciprocity, agree to waive the nationality requirement for a foreign national.

To provide legal services in respect of Luxembourg law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

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Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: Market Access

Level of Government: National

Measures: Loi du 4 juillet 1973 concernant le régime de la pharmacie (annex a043),
Règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a041),

Règlement grand-ducal du 11 février 2002 modifiant le règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a017)

Description: **Investment**

Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

Phase-out: None

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing,

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transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Law 9 November 1990 (modified)

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

Foreign investors that are not EU nationals or not incorporated in the EU or having their principal office in the European Union, cannot own 50 per cent or more of a seagoing vessel flying the flag of Luxembourg.

This reservation does not apply to a ship that is bareboat chartered to a charterer that would satisfy the above ownership requirements and is actually making use of the ship.

Phase out: None

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Reservations Applicable in Malta**Sector:** All sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Immoveable Property (Acquisition By Non-Residents) Act (Cap. 246)

Protocol No 6 of the EU Accession Treaty on the acquisition of secondary residences in Malta

Description: **Investment**

Non-EU nationals may not acquire immovable property for commercial purposes.

Companies with 25% (or more) of non-EU shareholding must obtain an authorisation from the Competent Authority (Minister responsible for Finance) to buy immovable property for commercial or business purposes. The Competent Authority will determine whether the proposed acquisition represents a net benefit to the Maltese economy.

Phase-out: None

*

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Sector: Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Code of Organisation and Civil Procedure (Cap. 12)**Description: Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of Maltese domestic law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar.

To provide legal services in respect of Maltese law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Only EEA or Swiss nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of Maltese law.

Phase-out: None

*

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Sector:	Distribution
Sub-sector:	Retail sales of pharmaceutical, medical and orthopaedic goods
Industry classification:	CPC 63211
Type of Reservation:	Market Access
Level of Government:	National
Measures:	Pharmacy Licence Regulations (LN279/07) issued under the Medicines Act (Cap. 458).
Description:	<p>Investment</p> <p>Issuance of Pharmacy licences under specific restrictions. No person shall have more than one licence in his name in any town or village (Regulation 5(1) of the Pharmacy Licence Regulations (LN279/07)), except in the case where there are no further applications for that town or village (Regulation 5(2) of the Pharmacy Licence Regulations (LN279/07)).</p>
Phase-out:	None

*

Sector:	Education Services
Sub-sector:	Higher education services, Adult education services
Industry classification:	CPC 923, CPC 924
Type of Reservation:	National Treatment
	Market Access
Level of Government:	National
Measures:	Legal Notice 296 of 2012

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Description: Cross-Border Services

Service providers seeking to provide privately funded higher or adult education services must obtain a licence from the Ministry of Education and Employment. The decision on whether to issue a licence may be discretionary.

Phase-out: None

*

Sector: Transport

Sub-sector: Water Transport, Supporting Services for Water Transport

Industry classification: CPC 721, CPC 745, part of CPC 742, part of CPC 749

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Gozo Passenger and Goods Service (SL499.31)

Exclusive rights are allocated through public procurement procedures on the basis of contracts

Description: Cross-Border Services and Investment

A licence is required from Transport Malta for the Rental of Vessels with Crew for vessels trading exclusively within local waters. Specific Public Service Obligations govern commercial shipping exclusively within Malta's internal waters.

Regarding the cabotage restriction between Malta and Gozo, exclusive rights are given according on the basis of a concession awarded by the Government. This exclusivity only relates to the route Malta-Gozo between the Port of Ċirkewwa and the Port of Marsamxetto (Malta) and the Port of Mgarr (Gozo) for the carriage

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of passengers, vehicles and goods. The tariffs for such services are regulated by law through the Gozo Passenger and Goods Service (SL499.31).

Nationality condition for supporting services.

Phase-out: None

*

Sector: Transport services

Sub-sector: Other transport services

Industry classification: CPC 712

Type of Reservation: Market Access

Level of Government: National

Measures: Taxi Services Regulations (SL499.59)
Regulations on karozzini are due to be published soon

Description: **Cross-Border Services and Investment**

Taxis: Numerical Restrictions on the number of licences apply

Karozzini (horse drawn carriages): Numerical Restrictions on the number of licences apply.

Phase-out: The taxi restrictions (by 2014, 250 in Malta, 50 in Gozo) will no longer apply as from the 1 January 2015, provided that the Transport Malta shall, by 30 June, 2014 hold consultations with representatives of operators of taxis in order to be in a position to analyse the impact if new taxi licenses were to be granted.

Karozzini (horse drawn carriages): The current numerical restriction of (111 permits), will be abolished in a couple of

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months time, when the new regulations (which are now out for public consultation) come into force

*

Sector: Energy

Sub-sector: Electricity

Industry classification:

Type of Reservation: Market Access

Level of Government: National

Measures: Enemalta Act (Cap. 272)

Description: **Investment**

EneMalta plc has a monopoly for the provision of electricity.

Phase-out: None

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Reservations Applicable in the Netherlands**Sector:** Supporting services for all modes of transport**Sub-sector:** Customs Clearance Services**Industry classification:** part of CPC 748**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** [General Customs Act \(Algemene Douanewet\)](#)**Description:** **Cross-Border Services**

The admittance of natural or juridical persons to act as customs representatives is subject to discretion by the inspector, as provided by articles 1(3) and 1(9) of the [General Customs Act \(Algemene Douanewet\)](#) . Customs representatives who are not a resident of or established in the Netherlands are required to take up residence or establish a fixed location in the Netherlands, before they may perform activities as an admitted customs representative.

Phase-out: None

*

Sector: Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861

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Type of Reservation:	National treatment
	Market Access
Level of Government:	National
Measures:	Advocatenwet (Act on Advocates)

Description: Cross-Border Services and Investment

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis.

Only locally-licensed lawyers may use the name or title "Lawyer" according to art. 2c, art. 16 b, c, d Advocatenwet (Act on Advocates). Only lawyers registered in the Dutch registry can use the title 'advocate'. Instead of using the full term 'advocate', (non-registered) foreign lawyers are obliged to mention their home country professional organisation for the purposes of their activities in the Netherlands.

Phase-out: None

*

Sector: Business Services

Sub-sector: Services by patent agents

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Industry classification: Part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Rijksoctrooiwet 1995 (Patent law 1995)**Description:** **Cross-Border Services**

To represent applicants for patents or to pursue any other business before the Patent Office (Bureau I.E.), a patent agent must be resident in the Kingdom of the Netherlands and registered by the Patent Office.

Phase-out: None

*

Sector: Business Services**Sub-sector:** Hallmarking services**Industry classification:** Part of CPC 893**Type of Reservation:** Market Access**Level of Government:** National**Measures:** [Waarborgwet 1986](#)**Description:** **Investment**

The hallmarking of precious metal articles is exclusively granted to two Dutch public monopolies.

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Phase-out: None

*

Sector: Health services

Sub-sector: Veterinary Services

Industry classification: CPC 932

Type of Reservation: Market Access

Level of Government: National

Measures: Wet op de uitoefening van de diergeneeskunde 1990 (WUD)

Description: **Cross-Border Services**

Access is restricted to natural persons.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

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Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Article 311, paragraph 1.b of the Commercial Code ([Wetboek van Koophandel](#))

Description: **Investment and International Maritime Transport Services**

The ownership of a Dutch registered seagoing vessel is only possible for:

- natural persons with an EU, EER or Swiss nationality;
- companies/legal entities under the law of a Member State of the EU, one of the countries, islands or areas as meant in article 299 paragraph 2 – 5 and paragraph 6c of the EC-Treaty, or of a state of the EER or Switzerland;
- natural persons/companies/legal entities other than above which can claim the European right of free establishment/settlement due to an agreement between the EU and a third country.

The owner must have a principal office or a subsidiary in the Netherlands. One or more natural persons domiciled in the Netherlands must have the responsibility for the ship, captain, crew and related matters, and have the authority to decide and represent on behalf of the owner.

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It is not possible to register a seagoing ship that is already registered in a public register, either as a seagoing ship or as an inland navigation vessel, or in any similar foreign register.

When making a request for a registration, the applicant shall elect a domicile within the Netherlands.

Phase out: None

*

Sector: Energy

Sub-sector: Electricity Distribution, Transportation of Natural Gas

Industry classification: ISIC Rev. 3.1: 040, CPC 71310

Type of Reservation: Market Access

Level of Government: National

Measures: [Elektriciteitswet 1998](#)

Gaswet

Description: Investment

The ownership of the electricity network and the gas pipeline network are exclusively granted to the Dutch government (transmission systems) and other public authorities (distribution systems).

Phase-out: None

*

Sector: Mining and Quarrying

Sub-sector: Extraction of crude petroleum and natural gas

Industry classification: ISIC Rev. 3.1: 10, 11, 12, 13, 14

Type of Reservation: Market Access

Level of Government: National

Measures: Mijnbouwwet (Mining Act)

Description: **Investment**

The exploration for and exploitation of hydrocarbons in the Netherlands is always performed jointly by a private company and the public (limited) company designated by the Minister of Economic Affairs. Articles 81 and 82 of the Mining Act stipulate that all shares in this designated company must be directly or indirectly held by the Dutch State.

Phase-out: None

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Reservations Applicable in Poland**Sector:** All sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Law of 24th March 1920 on the Acquisition of Real Estate by Foreigners (Journal of Laws of 2004 No. 167, item 1758 with later amendments)**Description:** **Investment**

The acquisition of real estate, direct and indirect, by foreigners requires a permit. A permit is issued through an administrative decision by a minister competent in internal affairs, with the consent of the Minister of National Defence, and in the case of agricultural real estate, also with the consent of the Minister of Agriculture and Rural Development.

Phase-out: None

*

Sector: Publishing and printing**Sub-sector:****Industry classification:** ISIC rev 3.1: 221, 222**Type of Reservation:** Senior Management and Boards of Directors

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Level of Government: National**Measures:** Act of 26 January 1984 on Press law, Journal of Laws, No. 5, item 24, with subsequent amendments**Description:** **Investment**

Nationality condition for the editor-in-chief of newspapers and journals.

Phase-out: None

*

Sector: All sectors**Sub-sector:** Types of establishment**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Act of 2 July 2004 on freedom of economic activity, art. 13.3 and 95. 1**Description:** **Investment**

The scope of operations of a representative office may only encompass advertising and promotion of the foreign parent company represented by the office.

For all sectors except legal services and services provided by healthcare units, non-EU investors may undertake and conduct economic activity only in the form of a limited partnership, limited

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joint-stock partnership, limited liability company, and joint-stock company, while domestic companies have access also to the forms of non-commercial partnership companies (general partnership and unlimited liability partnership).

Phase-out: None

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Act of 5 July 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland, art. 19

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

Foreign lawyers may establish only in the form of a registered partnership a limited partnership, or a limited joint-stock partnership while domestic companies have access also to the forms of civil law partnership and professional partnership.

Phase-out: None

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*

Sector: Business services

Sub-sector: Auditing services

Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: Market Access

Level of Government: National

Measures: Act of 7 May 2009 on statutory auditors, audit firms and on public oversight - Journal of Laws, No. 77, item 649, with subsequent amendments

Description: **Cross-Border Services and Investment**

Audit firms may be established only in certain Polish legal forms.

Phase-out: None

*

Sector: Health services

Sub-sector: Veterinary Services

Industry classification: CPC 932

Type of Reservation: National Treatment

Level of Government: National

Measures: Law of 21st December 1990 on the Profession of Veterinary Surgeon and Chambers of Veterinary Surgeons

Description: **Investment**

For the provision of veterinary services by a physical person present in the territory of Poland, only EU nationals may provide veterinary services. Foreign persons may apply for permission to practice.

Phase-out: None

*

Sector: Business Services

Sub-sector: Translation and Interpretation Services

Industry classification: CPC 87905

Type of Reservation: Market Access

Level of Government: National

Measures: Act of 25 November 2004 on the profession of sworn translator/interpreter (Journal of Laws no 273 item 2702, as amended), art. 2.1

Description: **Cross-Border Services and Investment**

A sworn translator may only be a natural person.

Phase-out: None

*

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Sector:	Financial Services
Sub-sector:	Insurance and insurance-related services
Industry classification:	
Type of Reservation:	National Treatment
	Market Access
Level of Government:	National
Measures:	Act on insurance activity of May 22, 2003 (Journal of Laws 2003, No 124, item 1151)
	Act on insurance mediation of May 22, 2003 (Journal of Laws 2003, No 124, item 1154) – Articles 16 and 31
Description:	Cross-Border Services and Investment
	Local incorporation (no branches) required for insurance intermediaries.
Phase-out:	None

*

Sector:	Transport
Sub-sector:	Supporting Services for Air Transport
Industry classification:	part of CPC 742
Type of Reservation:	National Treatment
	Market Access
Level of Government:	National
Measures:	Polish Aviation Law of 3 July 2002, Articles 174.2 and 174.3 3

Description:**Investment**

For storage services of frozen or refrigerated goods and bulk storage services of liquids or gases at airports, the possibility to supply certain categories of services will depend on the size of the airport. The number of providers in each airport may be limited due to available space constraints, and to not less than two suppliers for other reasons.

For airport operation services, foreign participation is limited to 49%.

Phase-out:

None

*

Sector:

Energy

Sub-sector:

Production, transmission and distribution of electricity, Bulk storage services of liquids or gases, Services Incidental to Energy Distribution, Wholesale or retail of electricity

Industry classification:

ISIC Rev. 3.1: 040, CPC 74220, 887, 63297

Type of Reservation: National Treatment

Market Access

Level of Government:

National

Measures:

Energy Law Act of 10 April 1997, art. 32 and 33

Description:**Cross-Border Services and Investment**

The following activities are subject to licensing under the Energy Law Act:-

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- 1) the generation of fuels or energy, except for: generation of solid or gaseous fuels; generation of electricity using electricity sources of the total capacity of not more than 50 MW other than renewable energy sources; cogeneration of electricity and heat using sources of the total capacity of not more than 5 MW other than renewable energy sources; generation of heat using the sources of the total capacity of not more than 5 MW;
- 2) storage of gaseous fuels in storage installations, liquefaction of natural gas and regasification of liquefied natural gas at LNG installations, as well as the storage of liquid fuels, except for: the local storage of liquid gas at installations of the capacity of less than 1 MJ/s capacity and the storage of liquid fuels in retail trade;
- 3) the transmission or distribution of fuels or energy, except for: the distribution of gaseous fuels in grids of less than 1 MJ/s capacity and the transmission or distribution of heat if the total capacity ordered by customers does not exceed 5 MW;
- 4) the trade in fuels or energy, except for: the trade in solid fuels; the trade in electricity using installations of voltage lower than 1 kV owned by the customer; the trade in gaseous fuels if their annual turnover value does not exceed the equivalent of EUR 100,000; the trade in liquid gas, if the annual turnover value does not exceed EUR 10,000; and the trade in gaseous fuels and electricity performed on commodity exchanges by brokerage houses which conduct the brokerage activity on the exchange commodities on the basis of the Act of 26 October 2000 on commodity exchanges, as well as the trade in heat if the capacity ordered by the customers does not exceed 5 MW. The limits on turnover do not apply to wholesale trade services in gaseous fuels or liquid gas or to retail services of bottled gas.

A licence may only be granted by the Competent Authority to an applicant that has registered their principal place of business or residence in the territory of the EU, Swiss Confederation or the EEA.

Phase-out:

None

Reservations Applicable in Portugal**Sector:** Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Most-Favoured-Nation Treatment

Level of Government: National

Measures: [Law 15/2005](#), article 203 and article 194 Portuguese Bar Statute (Estatuto da Ordem dos Advogados) and [Decree-Law 229/2004](#), article 5 and 7 to 9. [Decree-law 88/2003](#), article 77 and 102, Solicitadores Public Professional Association Statute (Estatuto da Câmara dos Solicitadores), as amended by Law 49/2004, by Law 14/2006 and by [Decree-Law n.º 226/2008](#); Law [78/2001](#) article 31.º; articles 4.º Regulation of family and labour mediation (Ordinance 282/2010), Law 21/2007 on criminal mediation (article 12); Law 32/2004, as modified by Decree-Law 282/2007 and Law 34/2009), on Insolvency administrator (Article 3.º and 5, among others); Decree-Law 54/2004, article 1 (Regime jurídico das sociedades de administradores de insolvência).

Description: **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services, including representation before courts. Residency (commercial presence) is required in order to practice Portuguese domestic law. The recognition of qualifications to practice Portuguese law is subject to a condition of reciprocity.

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To provide legal services, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Only law firms where the shares belong exclusively to lawyers admitted to the Portuguese Bar can practice in Portugal; access to the profession of «solicitadores» is subject to an EU nationality condition.

Phase-out: None

*

Sector: Business services

Sub-sector: Accounting services, Auditing services

Industry classification: CPC 86211, CPC 86212, CPC 86213, CPC 86219

Type of Reservation: Market Access

Level of Government: National

Measures: Decree-Law 452/99, amended and republished by Decree-Law 310/2009 – Portuguese Public Professional Association Statute for Accountants (Estatuto da Ordem dos Técnicos Oficiais de Contas) – Articles 85 and 87. Decree-Law 487/99 amended and republished by Decree-Law 224/2008 – Portuguese Public Professional Association for Statutory Auditors (Estatuto da Ordem dos Revisores Oficiais de Contas) - Articles 95, 96 and 97.

Description: Investment

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Accounting services: Only locally licensed accountants can own accountancy firms. However, accounting services may also be provided by a legal person incorporated under the Portuguese company code without such ownership restrictions, insofar as the actual accounting services are provided by a locally licensed accountant

Phase-out: None

*

Sector: Business services

Sub-sector: Collection Agency services, Credit reporting services

Industry classification: CPC 87902, CPC 87901

Type of Reservation: National Treatment

Market Access

Measures: Law 49/2004

Description: **Investment**

EU nationality is required for the provision of collection agency services and credit reporting services.

*

Sector: Business Services

Sub-sector: Industrial property agent

Industry classification: part of CPC 861

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Type of Reservation: National Treatment

Market Access

Level of Government: National**Measures:** Decree-Law 15/95, as modified by Law 17/2010, on industrial property agents, article 2; Portaria 1200/2010, article 5.**Description:** **Cross-Border Services**

Industrial property agents are subject to an EEA nationality condition.

Phase-out: None

*

Sector: Health Services**Sub-sector:** Veterinary Services**Industry classification:** CPC 932**Type of Reservation:** National Treatment

Market Access

Level of Government:**Measures:** Decree-Law 368/91 (Statute of the Veterinary Professional Association)**Description:** **Cross-Border Services**

Residency is required in order to provide veterinary services.

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Phase-out: None

*

Sector: Business Services

Sub-sector: Real estate services

Industry classification: CPC 821, CPC 822

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Decree-Law 211/2004 (Articles 3 and 25), as amended and republished by Decree-Law 69/2011

Description: **Cross-Border Services and Investment**

Residency in the EEA is required for natural persons.
Incorporation in the EEA is required for legal persons.

Phase-out: None

*

Sector: Business Services

Sub-sector: Services related to agriculture

Industry classification: part of CPC 88

Type of Reservation: Market Access

Level of Government: National

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Measures: Decree Law 119/92, Law 47/2011, Decree Law 183/98

Description: **Cross-Border Services**

The professions of biologist, chemical analyst and agronomist are reserved for natural persons.

Phase-out: None

*

Sector: Business Services

Sub-sector: Security services

Industry classification: CPC 87302, 87303, 87304, 87305, 87309

Type of Reservation: National Treatment

Level of Government: National

Measures: Law 34/2013 and Ordinance 273/2013

Description: **Cross-Border Services**

The provision of security services by a foreign provider on a cross-border basis is not allowed.

A nationality condition exists for specialised personnel.

*

Sector: Distribution

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Sub-sector: Retailing Services

Industry classification: CPC 631 and 632, except CPC 63211 and 63297

Type of Reservation: Market Access

Level of Government: National

Measures: Decree-Law No. 21/2009, 19 January, Ordinances n.º 417/2009 and 418/2009, 16 April

Description: Investment

A specific authorisation scheme exists for the installation of certain retail establishments. This relates to establishments having a sales area exceeding 2,000 m², establishments belonging to a company or pertaining to a commercial group that have an accumulated sales area equal to or greater than 30 000 m², or commercial outlets that have a gross floor area greater than or equal to 8000 m². Micro-enterprises are excluded.

Main criteria: Contribution to a multiplicity of commercial offers; assessment of services to consumer; quality of employment and corporate social responsibility; integration in urban environment; contribution to eco-efficiency.

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: Market Access

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Level of Government: National**Measures:** Decree-Law 307/2007 (Articles 9, 14, 15) Ordinance 1430/2007**Description:** **Investment**

Establishment authorisation is subject to an economic needs test.
Main criteria: density conditions in the area.

In commercial companies where the capital is represented by shares, these shall be nominative. No person may hold or exercise, at the same time, directly or indirectly, ownership, operation or management of more than four pharmacies.

Phase-out: None

*

Sector: Financial Services**Sub-sector:** Insurance and insurance-related services**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Chapter I, Section VI of Decree-Law 94-B/98, Article 34, nr. 6, and Article 7**Description:** **Investment**

In order to establish a branch in Portugal, foreign insurance companies need to demonstrate prior operational experience of at

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least five years. Direct branching is not permitted for insurance intermediation, which is reserved to companies formed in accordance with the law of an EU Member State.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Banking and other financial services (excluding insurance)

Industry classification:

Type of Reservation: Market Access

Level of Government: National

Measures: Decree-Law 12/2006, as amended by Decree-Law 180/2007 and Decree-Law 357-A/2007, Regulation 7/2007-R, as amended by Regulation 2/2008-R and Regulation 19/2008-R and Regulation 8/2009.

Description: **Investment**

Pension fund management may be provided only by specialised companies incorporated in Portugal for that purpose and by insurance companies established in Portugal and authorised to take up the life insurance business, or by entities authorised to pension fund management in other EU Member States. Direct branching from non-EU countries is not permitted.

Phase-out: None

*

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Sector:	Fishing, Transport
Sub-Sector:	All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works
Industry Classification:	ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	Decree Law 194/98, Decree Law 197/98 and Decree law 331/99
Description:	Investment To register a vessel on the national shipping register, foreign investors must have their principal office in Portugal.
Phase-out:	None

*

Sector:	Transport
Sub-sector:	Road Transport
Industry classification:	CPC 71222 (Rental services of passenger cars with operator – “Limousine Services”)
Type of Reservation:	Market Access
Level of Government:	National

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Measures: Decree-Law 41/80, August 21

Description: **Cross-Border Services and Investment**

Economic needs test for limousine services. Main criteria: number of and impact on existing establishments, population density, geographic spread, impact on traffic conditions and creation of new employment

Phase-out: None

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Reservations Applicable in Romania**Sector:** All sectors**Sub-sector:** Acquisition of real estate**Industry classification:****Type of Reservation:** National Treatment

Market Access

Most Favoured National Treatment

Level of Government: National**Measures:** Law 312/2005, regarding acquisition of property over land by foreign citizens and stateless persons, as well as foreign legal persons**Description:** **Investment**

(1) Foreign nationals, stateless persons and juridical persons (other than EU, EEA) may acquire property rights over lands, under the conditions regulated by international treaties, based on reciprocity.

(2) Foreign nationals, stateless persons and juridical persons may not acquire the property right over lands under more favorable conditions than those applicable to the national of a Member State and to juridical persons established according to the legislation of a Member State.

Phase-out: None

*

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Sector: Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market ccess

Level of Government: National**Measures:** Attorney Law; Law for Mediation; Law for the Notaries and the Notarial Activity**Description: Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

A foreign lawyer may practice the legal profession in one of the forms allowed under national law of their choice, on a non-discriminatory basis. These legal forms are described in art. 5 para 1 of the Law 51/1995 (*individual law offices, associated law offices, professional civil companies, or limited-liability professional civil companies*)

A foreign lawyer may not make oral or written conclusions before the courts and other judicial bodies, except for international arbitration.

Phase-out: None

*

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Sector: Business Services

Sub-sector: Auditing Services

Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: National Treatment

Level of Government: National

Measures: Emergency Governmental Ordinance no. 90/2008, with subsequent amendments, which transposed the provisions of the Directive 2006/43/EEC on statutory audits of annual accounts and consolidated.

Description**Cross-Border Services and Investment**

A statutory audit activity shall be carried out only by the statutory auditors or audit firms who are approved under the conditions provided for by Emergency Ordinance no. 90/2008.

Phase-out: None

*

Sector: Business services

Sub-sector: Building-cleaning services

Industry classification: CPC 874

Type of Reservation: National Treatment

Level of Government: National

Measures: *To be completed*

Description: **Cross-border Services**

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Nationality condition for specialists.

Phase-out: None

*

Sector: Financial Services**Sub-sector:** Banking and other financial services (excluding insurance)**Industry classification:** Market access**Type of Reservation:** National Treatment**Level of Government:** National**Measures:** Law no. 297/2004 on capital markets

CNVM Regulation no. 2/2006 on regulated markets and alternative trading systems

Description: **Investment**

Market operators are Romanian legal persons set up as joint stock companies according to the provisions of the Company Law. The alternative trading systems could be managed by a system operator set up under the conditions described above or by an investment firm authorised by CNVM.

Phase-out: None

*

Sector: Fishing, Transport

4 August 2014

Sub-Sector:	All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works
Industry Classification:	ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	GOVERNMENT ORDINANCE No. 42 of 28 August 1997; MINISTERIAL ORDER NO. 1627/2006
Description:	<p>Cross-Border Services, Investment, and International Maritime Transport Services</p> <p>(2) The right to fly the Romanian flag is granted:</p> <ul style="list-style-type: none"> a) to ships owned by Romanian natural or legal persons; b) to seagoing ships owned by natural persons having the citizenship of an European Union Member State or of a state part of the European Economic Area or by legal persons established (having their headquarters) in an European Union Member State or a state part of the European Economic Area; c) to ships owned by foreign natural persons having their domicile or residents of Romania or by the Romanian branches of the foreign legal persons, other than those mentioned at letter b); d) to ships owned by foreign natural or legal persons and hired by means of bare-boat or leasing charters, for periods longer than one year, by Romanian or foreign natural or legal persons.

4 August 2014

Granting the right to fly the Romanian flag is forbidden for ships of 20 years or over.

Phase out: None

*

Sector: Transport

Sub-sector: Other scheduled passenger transportation, Operators of road freight transport services, Other non-scheduled passenger transportation

Industry classification: CPC [7121](#) CPC [7122](#) CPC 7123

Type of Reservation: National Treatment

Level of Government: National

Measures: Romanian law on road transportation (Government Ordinance no 27/2011)

Description: **Cross-Border Services**

Road haulage and road passenger transport operators may only use vehicles that are registered in Romania, owned and used according to the Government Ordinance provisions.

Phase-out: None

4 August 2014

Reservations Applicable in the Slovak Republic**Sector:** Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Act 586/2003 on Advocacy, art. 2 and 12**Description:** **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of Slovakian domestic law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar.

To provide legal services in respect of Slovakian law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Only EEA or Swiss nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of Slovakian law.

Phase-out: None

*

Sector: Mining and Quarrying

Sub-sector:

Industry classification: ISIC 3.1: 10, 110, 12, 13, 14, CPC 7131

Type of Reservation: Market Access

Level of Government: National

Measures: Act 51/1988 on Mining, art. 4a
Act 313/1999 on Geological Activity, art. 5

Description: **Cross-Border Services and Investment**

For mining, activities related to mining and geological activity, EU/EEA incorporation is required (no branching).

Phase-Out: None

*

Sector: Business services

Sub-sector: Auditing services

Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: Market Access

National Treatment

Senior Management and Boards of Directors

Level of Government: National

Measures: Act No 540/2007 on Auditors, art. 3, 4, 5

4 August 2014

Description: **Investment**

Only an enterprise in which at least 60 per cent of capital interests or voting rights are reserved to Slovak/EU nationals may be authorised to carry out audits in the Slovak Republic.

Phase-Out: None

*

Sector: Business Services

Sub-sector: Architectural services , Urban planning and landscape architectural services, Engineering services, Integrated engineering services

Industry classification: CPC 8671, CPC 8674, CPC 8672, CPC 8673

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Act 138/1992 on Architects and Engineers, art. 3, 15, 15a, 17a, 18a

Description: **Cross-Border Services**

For the provision of these services by a physical person present in the territory of the Slovak Republic, membership in the Slovak Chamber of Architects or Slovak Chamber of Engineers is obligatory. Slovak residency is required for membership.

Phase-out: None

*

4 August 2014

Sector: Health Services**Sub-sector:** Veterinary services**Industry classification:** CPC 932**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Act 442/2004 on Private Veterinary Doctors, art. 2**Description:** **Cross-Border Services**

Obligatory membership in the Slovak Chamber of Veterinary Doctors. Residency in the Slovak Republic is required for membership.

Access is restricted to natural persons only.

Phase-out: None

*

Sector: Distribution**Sub-sector:** Retail sales of pharmaceutical, medical and orthopaedic goods**Industry classification:** CPC 63211**Type of Reservation:** Market Access**Level of Government:** National**Measures:** Act 140/1998 on drugs and medical devices, art. 35a

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Act 578/2004 on healthcare providers, medical employees,
professional organisation

Description: **Cross-Border Services and Investment**

Residency is required in order to obtain a licence as a pharmacist and/or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

Phase-out: None

*

Sector: Environmental Services

Sub-sector: Processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment

Industry classification: part of CPC 9402

Type of Reservation: Market Access

Level of Government: National

Measures: Act 223/2001 on Waste

Description: **Cross-Border Services**

For processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment, incorporation in EU/EEA is required (residency requirement).

Phase-out: None

*

Sector:	Health Services
Sub-sector:	Medical and Dental Services, Midwives services, Nursing, Physiotherapeutic and Para-medical Services
Industry classification:	CPC 9312, 9319
Type of Reservation:	Market Access
Level of Government:	National
Measures:	Act 576/2004 on Health Treatment and Act 578/2004 on health care providers, medical employees, professional organisation
Description:	Cross-Border Services Services may only be provided by natural persons.
Phase-out:	None

*

Sector:	Fishing, Transport
Sub-Sector:	All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works
Industry Classification:	ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223
Type of Reservation:	National Treatment

4 August 2014

Market Access

Level of Government: National

Measures: Act 435/2000 on Maritime Navigation, art. 10

Description: **Investment and International Maritime Transport Services**

In the Slovak Republic, in order to register a vessel on the national shipping register, legal persons have to be established in the Slovak Republic and natural persons have to be national of the Slovak Republic and with permanent residence in the Slovak Republic.

Phase-Out: None

4 August 2014

Reservations Applicable in Slovenia**Sector:** Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** Market Access**Level of Government:** National

Measures: Zakon o odvetništvu (Neuradno prečiščeno besedilo-ZOdv-NPB2 Državnega Zbora RS z dne 21.5.2009 (Attorneys Act) unofficial consolidated text prepared by the Slovenian parliament from 21 5.2010)

Description: **Investment**

Commercial presence for appointed attorneys by the the Slovene Bar Association is restricted to sole proprietorship, law firm with limited liability (partnership) or to a law firm with unlimited liability (partnership) only. The activities of a law firm shall be restricted to the practice of law. Only attorneys may be partners in a law firm.

Phase-out: None

*

Sector: Business services**Sub-sector:** Accounting and bookkeeping services, Auditing services**Industry classification:** CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 86220

4 August 2014

Type of Reservation: National Treatment

Market Access

Level of Government: National**Measures:** Zakon o revidiranju (Zrev-2 Uradni list RS, št. 65/2008), (Auditing Act - Official Gazette RS No 65/2008):**Description:** **Cross-Border Services**

Commercial presence is required.

Phase-out: None

*

Sector: Business Services**Sub-sector:** Real estate services**Industry classification:** CPC 821, CPC 822**Type of Reservation:** National Treatment

Market Access

Most-Favoured-National Treatment

Level of Government: National**Measures:** Real Estate Agencies Act**Description:** **Cross-Border Services**

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In so far as Canada and its provinces and territories allow Slovenian nationals and enterprises to supply real estate agent services, Slovenia will allow Canadian nationals and enterprises to supply real estate agent services under the same conditions, in addition to the fulfilment of the following requirements: entitlement to act as a real estate agent in the country of origin, submission of the relevant document on impunity in criminal procedures, and inscription into the registry of real estate agents at the competent (Slovenian) ministry.

Phase-out: None

*

Sector: Distribution

Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

Industry classification: CPC 63211

Type of Reservation: Market Access

Level of Government: National

Measures: Law on Pharmacy Activities (Official Gazette No. 36/2004), art. 2, 6-8, 13-14
Medicinal Products Act (Official Gazette of the RS, no. 31/06, 45/08), art. 17, 21, 74, 79, 81

Description: **Investment**

Pharmacy activity can be performed on the basis of concessions by private persons granted by the competent administrative body of the commune or municipality with the agreement of the Ministry of Health, after the prior opinion of the Chamber of Pharmacy and the Institute for Health Insurance of Slovenia.

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Phase-out: None

*

Sector: Education Services

Sub-sector: Primary education services

Industry classification: CPC 921

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Organisation and Financing of Education Act (Official Gazette of Republic of Slovenia, no. 12/1996) and its revisions, art. 40

Description: **Investment**

Privately funded elementary schools may be founded by Slovenian natural or legal persons only.

The service provider must establish a registered office or branch office.

Phase-out: None

*

Sector: Health and Social Services

Sub-sector: Human Health Services

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Industry classification: CPC 931**Type of Reservation:** Market Access**Level of Government:** National**Measures:** Law of Health Services, Official Gazette of the RS, No. 23/2005, art. 1 and 3, art. 62-64

Infertility Treatment and Procedures of the Biomedically-Assisted Procreation Act, Official Gazette of the RS, No.: 70/00, art. 15 and 16

Description: **Investment**

A state monopoly is reserved for the following services:

supply of blood, blood preparations, removal and preservation of human organs for transplant, sociomedical, hygiene, epidemiological and health-ecological services, patho-anatomical services, and biomedically-assisted procreation.

Phase-out: None

*

Sector: Financial Services**Sub-sector:** Banking and other financial services (excluding insurance)**Industry classification:****Type of Reservation:** Market Access**Level of Government:** National**Measures:** Pension and Disability Insurance Act (Official Gazette no. 109/2006), art. 306

Description:**Investment**

A pension scheme may be provided by a mutual pension fund (which is not a legal entity and is therefore managed by an insurance company, a bank or a pension company), a pension company or an insurance company. Additionally a pension scheme can also be offered by pension scheme providers established in accordance with the regulations applicable in an EU Member State.

Phase-out:

None

*

Sector:

Energy services

Sub-sector:

Pipeline transportation of fuels, Storage and warehouse of fuels transported through pipelines

Industry classification:

CPC 7131, part of CPC 742

Type of Reservation: Market Access**Level of Government:**

National

Measures:

Energetski zakon (Energetic Act), Official Gazette RS., No 27/07-consolidated text, 70/80, 22/2010

Description:**Cross-Border Services**

A licence is required to perform the production, trading and distribution of liquid fuels, processing of oil and petroleum products, transmission and distribution of energy and fuels through networks, storing of gaseous, liquid and solid fuels, supply of electricity, gas or heat, operation of electricity and/or natural gas market, and representation and intermediation in electricity and natural gas markets.

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These activities are subject to registration, which is conditioned on establishment in Slovenia.

Phase-out: None

*

Sector: Fishing, Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Article 210 of the Maritime Code

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

Seagoing non-merchant ships may be registered to fly the Slovenian flag if:

1. more than half of the ship is owned by citizens of the

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Republic of Slovenia, EU citizens or by juridical persons having their headquarters in the Republic of Slovenia or an EC Member State; or

2. more than half of the ship is owned by a non-EU citizen and the ship operator qualifies as one of the persons described in the previous paragraph, with the consent of the owner of the ship.

If the owner or co-owner is not a citizen of the Republic of Slovenia or a juridical person having their headquarters in the Republic of Slovenia, an authorised representative needs to be appointed to accept the service of judicial and administrative writs, prior to registering the ship. The authorisation must be communicated to the competent authority, responsible for keeping the register.

Nuclear ships cannot be registered

Phase-out:

None

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Reservations Applicable in Spain

Sector:	All sectors
Sub-sector:	
Industry classification:	
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	Royal Decree 664/1999 of 23 April 1999 relating to foreign investments
Description:	Investment Foreign investment in activities directly relating to real estate investments for diplomatic missions by States that are not members of the European Union require an administrative authorisation from the Spanish Council of Ministers, unless there is a reciprocal liberalisation agreement in place.
Phase-out:	None

*

Sector:	Business services
Sub-sector:	Legal services

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Industry classification: part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Estatuto General de la Abogacía Española, aprobado por Real Decreto 658/2001, art. 13.1^a**Description:** **Cross-Border Services and Investment**

Full admission to the Bar is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

Only EEA or Swiss nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of domestic law.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

Phase-out: None

*

Sector: Business Services**Sub-sector:** Auditing Services

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Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: National Treatment

Level of Government: National

Measures: Real Decreto Legislativo 1/2011 de 1 de julio por el que se aprueba el texto refundido de la Ley de Auditoria de Cuentas, arts. 8.1, 8.2.c, 9.2 y 9.3 y art.10.1

Description: **Cross-Border Services**

Statutory auditors are subject to an EU nationality condition. This reservation does not apply to the auditing of non-EU companies listed in a Spanish regulated market.

Phase-out: None

*

Sector: Business Services

Sub-sector: Intellectual property attorney

Industry classification: part of CPC 861

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Ley 11/1986, de 20 de marzo, de Patentes de Invención y Modelos de utilidad, art. 155-157.

Description: **Cross-Border Services**

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Industrial property attorneys are subject to an EU nationality condition.

Phase-out: None

*

Sector: Health services

Sub-sector: Veterinary Services

Industry classification: CPC 932

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Real Decreto 1840/2000. Estatutos Generales de la Organización Colegial Veterinaria Española (Statute of Veterinary Association of Spain). Art. 62 y 64.

Description: **Cross-Border Services**

Membership in professional association is obligatory and subject to an EU nationality condition, which may be waived through a bilateral professional agreement.

Phase-out: None

*

Sector: Distribution

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Sub-sector: Retail sales of tobacco**Industry classification:** CPC 63108**Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Ley 13/1998 de 4 de Mayo de Ordenación del Mercado de Tabacos y Normativa Tributaria, art. 4**Description:** **Cross-Border Services and Investment**

State monopoly on retail sales of tobacco. Establishment is subject to an EU nationality condition.

Phase-out: None

*

Sector: Distribution**Sub-sector:** Retail sales of pharmaceutical, medical and orthopaedic goods**Industry classification:** CPC 63211**Type of Reservation:** Market Access**Level of Government:** National**Measures:** Ley 16/1997, de 25 de abril, de regulación de servicios de las oficinas de farmacia (Law 16/1997, of 25 April, regulating services in pharmacies), art. 2 and 3.1**Description:** **Investment**

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Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

Establishment authorisation is subject to an economic needs test. Main criteria: density conditions in the area.

Phase-out: None

*

Sector: Education Services

Sub-sector: Higher Education Services

Industry classification: CPC 923

Type of Reservation: Market Access

Level of Government: National

Measures: Ley Orgánica 6/2001, de 21 de Diciembre, de Universidades. (Law 6 / 2001 of 21 December, on Universities), art. 4

Description: **Investment**

An authorisation is required in order to open a privately funded university which issues recognised diplomas or degrees; the procedure involves obtaining the advice of the Parliament. An economic needs test is applied, main criteria are population size and density of existing establishments.

Phase-out: None

*

Sector:	Financial Services
Sub-sector:	Insurance and insurance-related services
Industry classification:	
Type of Reservation:	National Treatment
	Market Access
Level of Government:	National
Measures:	Real Decreto Legislativo 6/2004, de 29 de octubre, por el que se aprueba el texto refundido de la Ley de ordenación y supervisión de los seguros privados (Law on regulation and supervision of private insurance)
Description:	<p>Financial Services</p> <p>Before establishing a branch or agency in Spain in order to provide certain classes of insurance, a foreign insurer must have been authorised to operate in the same classes of insurance in its country of origin for at least five years.</p>
Phase-out:	None

*

Sector:	Tourism and Travel Related Services
Sub-sector:	Tourist Guides Services
Industry classification:	CPC 7472
Type of Reservation:	National Treatment

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Market Access

Level of Government:

Subfederal

Measures:**Andalucía**

Decreto 80/2010, de 30 de marzo, de simplificación de trámites administrativos y de modificación de diversos Decretos para su adaptación al Decreto-ley 3/2009, de 22 de diciembre, por el que se modifican diversas Leyes para la transposición en Andalucía de la Directiva relativa a los Servicios en el Mercado Interior, art 3.5

Aragón

Decreto 264/2007, de 23 de octubre, del Gobierno de Aragón, por el que se aprueba el Reglamento de Guías de Turismo, art 13

Cantabria

Decreto 51/2001, de 24 de julio, art 4, por el que se modifica el Decreto 32/1997, de 25 de abril, por el que se aprueba el reglamento para el ejercicio de actividades turístico-informativas privadas

Castilla y León

Decreto 25/2000, de 10 de febrero, por el que se modifica el Decreto 101/1995, de 25 de mayo, por el que se regula la profesión de guía de turismo de la Comunidad Autónoma de Castilla y León.

Castilla la Mancha

Decreto 96/2006, de 17 de julio, de Ordenación de las Profesiones Turísticas.

Cataluña

Decreto Legislativo 3/2010, de 5 de octubre, para la adecuación de normas con rango de ley a la Directiva 2006/123/CE, del Parlamento y del Consejo, de 12 de diciembre de 2006, relativa a los servicios en el mercado interior, art 88.

Comunidad de Madrid

- Decreto 84/2006, de 26 de octubre del Consejo de Gobierno, por el que se modifica el Decreto 47/1996, de 28 de Marzo.

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Comunidad Valenciana

- Decreto 90/2010, de 21 de mayo, del Consell, por el que se modifica el reglamento regulador de la profesión de guía de turismo en el ámbito territorial de la Comunitat Valenciana, aprobado por el Decreto 62/1996, de 25 de marzo, del Consell.

Extremadura

Decreto 43/2000, de 22 de febrero, por el que se modifica el Decreto 12/1996, de 6 de febrero, por el que se aprueba el reglamento de la actividad profesional de Guía Turístico

Galicia

- Decreto 42/2001, de 1 de febrero, de Refundición en materia de agencias de viajes, guías de turismo y turismo activo.

Illes Balears

- Decreto 136/2000, de 22 de septiembre, por el cual se modifica el Decreto 112/1996, de 21 de junio, por el que se regula la habilitación de guía turístico en las Islas Baleares.

Islas Canarias

Decreto 13/2010, de 11 de febrero, por el que se regula el acceso y ejercicio de la profesión de guía de turismo en la Comunidad Autónoma de Canarias, art 5

La Rioja

Decreto 20/2000, de 28 de abril, de modificación del Decreto 27/1997, de 30 de abril, por el que se aprueba el Reglamento regulador de la profesión de Guías de Turismo.

Navarra

Decreto 125/95, de 20 de mayo, por el que se regula la profesión de guías de turismo en Navarra.

Principado de Asturias

- Decreto 59/2007, de 24 de mayo, por el que se aprueba el Reglamento regulador de la profesión de Guía de Turismo en el Principado de Asturias.

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Región de Murcia

Decreto n.º 37/2011, de 8 de abril, por el que se modifican diversos decretos en materia de turismo para su adaptación a la ley 11/1997, de 12 de diciembre, de turismo de la Región de Murcia tras su modificación por la ley 12/2009, de 11 de diciembre, por la que se modifican diversas leyes para su adaptación a la directiva 2006/123/CE, del Parlamento Europeo y del Consejo de 12 de diciembre de 2006, relativa a los servicios en el mercado interior. (Los guías podrían ser extranjeros si tienen homologación de las titulaciones requeridas)

Description:**Cross-Border Services**

EU nationality condition for the provision of tourist guide services.

Phase-out:

None

*

Sector:

Fishing, Transport

Sub-Sector:

All commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification:

ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation:

National Treatment

Market Access

Level of Government:

National

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Measures: Law of Ports and Maritime Shipping (Royal Legislative Decree 2/2011) Articles 251, 252, 253, and Additional Disposition 16 th indent 4.a) as well as Article 6, in Royal Decree 1516/2007 on the legal regime of cabotage and maritime navigation of public interest

Description: **Investment and International Maritime Transport Services**

In order to register a ship on the national register of Spain and to fly the national flag, the owner of that ship or the person who has exclusive possession of that ship must be Spanish or established in Spain or incorporated in other Member State of the EU.

To register a ship in the Especial Register Islands, the owner company must be established in the Canary Islands.

Phase-out: None

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Reservations Applicable in Sweden**Sector:** All sectors**Sub-sector:** Types of establishment**Industry classification:****Type of Reservation:** National Treatment

Market Access

Level of Government: National**Measures:** Lag om utländska filialer m.m (Foreign Branch Offices Act) (1992:160)

Aktiebolagslagen (Companies Act) (2005:551),

The Co-operative Economic Associations Act (1987:667)

Act on European Economic Interest Groupings (1994:1927)

Description: **Investment**

A foreign company, which has not established a legal entity in Sweden or is conducting its business through a commercial agent, shall conduct its commercial operations through a branch, registered in Sweden, with independent management and separate accounts. The managing director, and the vice-managing director if appointed, of the branch must reside in the EEA. A natural person not resident in the EEA, who conducts commercial operations in Sweden, shall appoint and register a resident representative responsible for the operations in Sweden. Separate accounts shall be kept for the operations in Sweden. The competent authority may in individual cases grant exemptions from the branch and residency requirements. Building projects with duration of less than a year - conducted by a company located or a natural person residing outside the EEA - are exempted from the requirements of establishing a branch or appointing a resident representative.

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A Swedish limited liability company may be established by a natural person resident within the EEA, by a Swedish legal person or by a legal person that has been formed according to the legislation in a state within the EEA and that has its registered office, head quarters or principal place of business within the EEA. A partnership may be a founder, only if all owners with unlimited personal liability are resident within the EEA. Founders outside the EEA may apply for permission from the competent authority.

For limited liability companies and co-operative economic associations, at least 50 % of the members of the board of directors, at least 50% of the deputy board members, the managing director, the vice-managing director, and at least one of the persons authorised to sign for the company, if any, must reside within the EEA. The competent authority may grant exemptions from this requirement. If none of the company's/society's representatives reside in Sweden, the board must appoint and register a person resident in Sweden, who has been authorised to receive servings on behalf of the company/society.

Corresponding conditions prevail for establishment of all other types of legal entities.

Phase-out: None

*

Sector: Animal husbandry

Sub-sector: Reindeer husbandry

Industry classification: ISIC Rev. 3.1 014

Type of reservation: National Treatment

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Market Access

Level of government:

National

Measure:

Reindeer Husbandry Act (1971:437) para. 1

Description:**Investment**

Only Sami people may own and exercise reindeer husbandry.

Phase-out:

None

*

Sector:

Fishing and Aquaculture

Sub-sector:**Industry classification:**

ISIC rev 3.1: 0501, 0502, CPC 882

Type of Reservation:National
Market Access

Treatment

Level of Government:

National

Measures:

Maritime Law (1994:1009)

Fisheries Act (1993:787)

Ordinance for fishing, aquaculture and the fishing industry
(1994:1716)The Fishing Regulations of the National Board of Fisheries
(2004:25)

The Ship Security Regulation (2003:438)

Description:**Cross-Border Services and Investment**

Professional fishing is fishing with a professional fishing licence or fishing by foreign fishermen holding a specific permit to fish professionally in Swedish territorial waters or in the Swedish economic zone.

A professional fishing licence may be given to a fisherman for whom fishing is essential to his living and where the fishing has a connection to the Swedish fishing industry. A connection to Swedish fishing industry could for example be demonstrated if the fishermen lands half his catch during a calendar year (in value) in Sweden, if half the fishing trips depart from a Swedish harbour or half of the fishermen in the fleet are domiciled in Sweden.

For vessels over five meters, a vessel permit is needed together with the professional fishing licence. A permit is granted if, among other things, the vessel is registered in the national registry, the vessel has a real economic connection to Sweden, the permit holder is a fisherman with a professional fishing licence and if the commander of the vessel is a fisherman with a professional fishing licence.

The commander of a fishing vessel over 20 gross tonnages shall be a citizen of an EEA member state. Exemptions may be granted by the Swedish Transport Agency.

A ship shall be deemed Swedish and can carry the Swedish flag if more than half is owned by Swedish citizens or juridical persons. The Government may permit foreign vessels to fly the Swedish flag where their operations are under Swedish control or the owner can demonstrate that he has his permanent residence in Sweden. Vessels which are 50% owned by EEA nationals or companies having their registered office, central administration or principal

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place of business in the EEA and whose operation is controlled from Sweden, may also be registered in the Swedish register.

Phase-out: None

*

Sector: Business services

Sub-sector: Legal services

Industry classification: part of CPC 861

Type of Reservation: National Treatment

Market access

Level of Government: National

Measures: Rättegångsbalken (The Swedish Code of Judicial Procedure) (1942:740)
The Swedish Bar Association Code of Conduct adopted 29 August 2008

Description: **Cross-Border Services and Investment**

For admission to the Bar, which is required only for the use of the Swedish title “*advokat*”, residency within the EU, EEA or Switzerland is required. Exemptions may be granted by the board of the Swedish Bar Association. Admission to the Bar is not necessary for the practice of domestic law.

A member of the Swedish Bar Association may not be employed by anyone other than a Bar member or a company conducting the business of a Bar member. However, a member of the Bar may be employed by a foreign company conducting the business of an

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advocate, provided that the company in question is domiciled in a country within the EU, the EEA or Switzerland.

Members conducting their practice in the form of a company or a partnership may not have any other objective and may not carry out any other business than the practice of an advocate. Collaboration with other advocate businesses is permitted, however, collaboration with foreign businesses requires permission by the Board of the Bar Association.

Only a Member may directly or indirectly, or through a company, practice as an advocate, own shares in the company or be a partner. Only a Member may be a member or deputy member of the board or deputy managing director, or an authorised signatory or secretary of the company or the partnership.

Phase-out: None

*

Sector: Business Services

Sub-sector: Auditing Services

Industry classification: CPC 86211 and 86212 other than accounting services

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Revisorslagen (Auditors Act) (2001:883)

Revisionslag (Auditing Act) (1999:1079)

Aktiebolagslagen (Companies Act) (2005:551)

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Lag om ekonomiska föreningar (The Co-operative Economic Associations Act) (1987:667)

and others, regulating the requirements to make use of approved auditors

Description:

Cross-Border Services and Investment

Only auditors approved in Sweden, authorised auditors and registered auditing firms may perform statutory auditing services in certain legal entities, including in all limited companies, as well as natural persons.

Only auditors approved in Sweden, and registered public accounting firms, may be shareholders or form partnerships in companies which practice qualified auditing (for official purposes).

Residency within the EEA or Switzerland is required for approval.

The titles of “approved auditor” and “authorised auditor” may only be used by auditors approved or authorised in Sweden.

Auditors of co-operative economic associations and certain other enterprises who are not certified or approved accountants must be resident within the EEA, unless the Government, or a Government authority appointed by the Government, in a particular case allows otherwise.

Phase-out:

None

*

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Sector: Business Services

Sub-sector: Rental/Leasing of vehicles without Operators

Industry classification: CPC 831

Type of Reservation: National Treatment

Level of Government: Central

Measures: Lag (1998:424) om biluthyrning (Act on renting and leasing cars)

Description: **Cross-Border** **Services**
 Suppliers of rental or leasing services of cars and certain off-road vehicles (terrängmotorfordon) without a driver, rented or leased for a period of less than one year, are obliged to appoint someone to be responsible for ensuring, *inter alia*, that the business is conducted in accordance with applicable rules and regulations and that the road traffic safety rules are followed. The responsible person must reside in Sweden.

Phase-out: None

*

Sector: Business services

Sub-sector: Rental/Leasing services without operators, Rental/Leasing of ships

Industry classification: CPC 83103

Type of Reservation: National Treatment

Market Access

Level of Government: National

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Measures: Sjölagen (Maritime Law) (1994:1009), chapter 1, § 1

Description: **Investment**

To fly the Swedish flag, proof of dominating Swedish operating influence must be shown in case of foreign ownership interests in ships. Dominating Swedish influence means a proportionally large share of Swedish ownership in the ship, and that the operation of the ship is located in Sweden.

Foreign ships may be granted an exemption from this rule where they are rented/leased by Swedish legal persons through bareboat charter contracts. To be granted an exemption, the bareboat charter contract must be provided to the Swedish Maritime Administration and demonstrate that the charterer takes full responsibility for operation and crew of the leased/rented ship. The duration of the contract should be at least 1-2 years.

Phase-out: None

*

Sector: Business services

Sub-sector: Other business services

Industry classification: CPC 87909

Type of Reservation: Market Access

Level of Government: National

Measures: Cooperative building societies law (1991:614)

Description: **Cross-Border Services**

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The economic plan for a building society must be certified by two persons. These persons must be publicly approved by authorities in the EEA.

Phase-out: None

*

Sector: Other business services n.e.c.

Sub-sector: Pawn-shops

Industry classification: Part of CPC 87909

Type of Reservation: Market Access

Level of Government: National

MEASURES: PAWN SHOP ACT (1995:1000)

Description: **Investment**

Pawn-shops must be established as a limited liability company or as a branch.

Phase-out: None

*

Sector: Distribution Services

Sub-sector: Retailing services

Industry classification: part of CPC 631, part of CPC 6322

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Type of Reservation: Market Access**Level of Government:** National**Measures:** The Alcohol Act (2010:1622)**Description:** **Cross-Border Services and Investment**

Systembolaget AB has a governmental monopoly on retail sales of liquor, wine and beer (except non-alcoholic beer). Alcoholic beverages are beverages with an alcohol content over 2.25 percentage per volume. For beer, the limit is an alcohol content over 3.5 percentage per volume.

Phase-out: None

*

Sector: Printing and Publishing**Sub-sector:****Industry classification:** CPC 88442, ISIC rev. 3.1:22**Type of Reservation:** National Treatment**Level of Government:** National**MEASURES:** THE FREEDOM OF THE PRESS ACT (1949:105)

Fundamental law on Freedom of Expression (1991:1469)
Act on ordinances for the Freedom of the Press Act and the
Fundamental law on Freedom of Expression (1991:1559)

Description: **Cross-Border Services and Investment**

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Natural persons who are owners of periodicals that are printed and published in Sweden must reside in Sweden or be citizens of the EEA. Owners of such periodicals who are juridical persons must be established in the EEA.

Periodicals that are printed and published in Sweden, and technical recordings must have a responsible editor, who must be domiciled in Sweden.

Phase-out: None

*

Sector: Environmental services

Sub sector: Protection of ambient air and climate

Industry classification: CPC 9404

Type of Reservation: Market Access

Level of Government: National

Measures: The Vehicles Act (2002:574)

Description: **Cross-Border Services**

Only entities established in Sweden and/or having their principal seat in Sweden are eligible for accreditation to perform control services of exhaust gas.

Phase-out: None

*

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Sector: Financial Services

Sub-sector: Insurance and insurance-related services

Industry classification:

Type of Reservation: National Treatment

Level of Government: National

Measures: Lag om försäkringsförmedling (Insurance Mediation Act) (2005:405), Chapter 3, § 2

Description: **Financial Services**

Insurance mediation undertakings not incorporated in Sweden may establish only through a branch.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Insurance and insurance-related services

Industry classification:

Type of Reservation: Cross-Border Supply of Financial Services

Level of Government: National

Measures: Foreign Insurers Business in Sweden Act (1998:293)

Description: **Financial Services**

The supply of direct insurance is allowed only through an insurance service supplier authorised in Sweden, provided that the

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foreign service supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.

Phase-out: None

*

Sector: Financial Services

Sub-sector: Banking and other financial services (excluding insurance)

Industry classification:

Type of Reservation: Market Access

Level of Government: National

Measures: Sparbankslagen (Savings Bank Act) (1987:619), chapter 2, § 1, part 2

Description: **Financial Services**

A founder of a savings bank shall be a natural person resident in the EEA.

Phase-out: None

*

Sector: Transport

Sub-Sector: All commercial marine activity undertaken from a seagoing ship excluding fishing and aquaculture, but including transport services

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(passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works

Industry Classification: CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223

Type of Reservation: National Treatment

Market Access

Level of Government: National

Measures: Maritime Act (1994:1009), Ship safety Ordinance (1994:1009)
The Ship Security Regulation (2003:438)

Description: **Cross-Border Services, Investment, and International Maritime Transport Services**

A ship shall be deemed Swedish and may carry the Swedish flag if more than half the equity is owned by Swedish citizens or juridical persons. The Government may permit foreign vessels to fly the Swedish flag where their operations are under Swedish control or the owner can demonstrate that he has his permanent residence in Sweden.

Vessels which are 50% or more owned by EEA nationals or companies having their registered office, central administration or principal place of business in the EEA and whose operation is controlled from Sweden, may also be registered in the Swedish register.

The commander of a trading vessel or a traditional vessel shall be a citizen of an EEA member state. Exemptions may be granted by the Swedish Transport Agency.

A separate Swedish reservation applies to vessels used for fishing and aquaculture.

Phase-out: None

*

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Sector: Transport

Sub-sector: Rail Transport services

Industry classification: CPC 7111

Type of Reservation: Market Access

Level of Government: National

Measures: Järnvägslagen (Rail road Act) (2004:519), Chapter 5, Section 2c

Description: **Investment**

Picking up and setting down passengers on the line between Stockholm City and Arlanda Airport (where Arlanda is the starting or final destination of the journey) is limited to one operator. The operator for the line between Arlanda and Stockholm may allow other operators to use their line. This reservation does not apply to transport of passengers between Arlanda and other destinations than Stockholm.

Phase-out: None

*

Sector: Transport

Sub-sector: Operators of road haulage and road passenger transport services

Industry classification: CPC 712

Type of Reservation: National Treatment

Market Access

Most-Favoured-Nation Treatment

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Level of Government: National

Measures: Yrkestrafiklag (**2012:210**) (Act on professional traffic)

Lag om vägtrafikregister (2001:558) (Act on road traffic registry)

Yrkestrafikförordning (**2012:237**) (Government regulation on professional traffic)

Taxitrafiklag (**2012:211**) (Act on Taxis)

Taxitrafikförordning (**2012:238**) (Government regulation on taxis)

Description: **Cross-Border Services**

In order to engage in the occupation of road transport operator, a Swedish licence is needed. Criteria for receiving a taxi licence include that the company has appointed a natural person to act as the transport manager (a de facto residency requirement – see the Swedish reservation on types of establishment).

Criteria for receiving a licence for other road transport operators require that the company be established in the EU, have an establishment situated in Sweden and have appointed a natural person to act as the transport manager, who must be resident in the EU.

Licences are granted on non-discriminatory terms, except that operators of road haulage and road passenger transport services may as a general rule only use vehicles that are registered in the national road traffic registry. If a vehicle is registered abroad, owned by a natural or legal person whose principal residence is abroad and is brought to Sweden for temporary use, the vehicle may be temporarily used in Sweden. Temporary use is usually defined by the Swedish Transport Agency as meaning not more than one year.

Operators of cross-border road haulage and road passenger transport services abroad need to be licensed for such operations by the competent authority in the country where they are

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established. Additional requirements for cross-border trade may be regulated in bilateral road transport agreements. For vehicles where no such bilateral agreement is applicable, a licence is also needed from the Swedish Transport Agency.

Phase-out:

None

Reservations Applicable in United Kingdom**Sector:** Business services**Sub-sector:** Legal services**Industry classification:** part of CPC 861**Type of Reservation:** National Treatment

Market Access

Level of Government: Regional

Measures:

- For England and Wales, the Solicitors Act 1974, the Administration of Justice Act 1985 and the Legal Services Act 2007;
- For Scotland, the Solicitors (Scotland) Act 1980 and the Legal Services (Scotland) Act 2010;
- For Northern Ireland, the Solicitors (Northern Ireland) Order 1976.

In addition, the measures applicable in each jurisdiction include any requirements set by professional and regulatory bodies.

Description: **Cross-Border Services and Investment**

Residency (commercial presence) may be required for the provision of some UK domestic legal services by the relevant professional or regulatory body.

To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. In addition, national law may include non-

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discriminatory requirements as to the organisation of the permitted legal forms.

Phase-out: None

*

Sector: Health Services

Sub-sector: Veterinary services

Industry classification: CPC 932

Type of Reservation: Market Access

Level of Government: National

Measures: Veterinary Surgeons Act (1966)

Description: **Cross-Border Services and Investment**

Access through partnership or natural persons only.

Physical presence is required to perform veterinary surgery. It is a criminal act under the Veterinary Surgeons Act 1966 for anyone in the UK who is not a veterinary surgeon (and a member, therefore, of the Royal College of Veterinary Surgeons (RCVS)) to perform veterinary surgery.

Phase-out: None

*

Sector:	Energy
Sub-sector:	Extraction of crude petroleum and natural gas, Services incidental to mining, Related scientific and technical consulting services
Industry classification:	ISIC 11, CPC 883, CPC 8675
Type of Reservation:	Market Access
Level of Government:	National
Measures:	Petroleum Act 1988

Description: Cross-Border Services and Investment

A licence is necessary to undertake exploration and production activities on the UK Continental Shelf (UKCS), and to provide services which require direct access to or exploitation of natural resources.

This reservation applies to **production** licences issued with respect to the UK Continental Shelf. To be a **Licensee**, a company must have a place of business within the UK. That means either (a) a staffed presence in the UK, (b) registration of a UK company at Enterprises House, or (c) registration of a UK branch of a foreign company at Enterprises House. This requirement exists both for any company applying for a new licence and for any company seeking to join an existing licence by assignment. It applies to all licences and to all enterprises, whether operator or not.

To be a party to a Licence that covers a **producing field**, a company must either (a) be registered at Enterprises House as a UK company, or (b) carry on its business through a fixed place of business in the UK as defined in section 148 of Finance Act 2003 (which normally requires a staffed presence).

Phase-out: None

*

Sector:	Fishing, Transport
Sub-Sector:	All commercial marine activity undertaken from a seagoing ship, including fishing , aquaculture, and services incidental to fishing, transport services (passengers and freight) by seagoing vessels, Pilotage and berthing services, Vessel salvage and refloating services, Other supporting services for water transport, Construction for waterways, harbours, dams and other water works
Industry Classification:	ISIC rev.3.1: 0501, 0502, CPC 882, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 5133/5223
Type of Reservation:	National Treatment Market Access
Level of Government:	National
Measures:	The Merchant Shipping (Registration of Ships) Regulations 1993 and the Merchant Shipping Act 1995
Description:	Investment and International Maritime Transport Services In order to register a UK flagged vessel, a majority interest in the vessel must be owned by qualified persons. Such qualified persons may include, but are not limited to: British citizens resident in the UK; British citizens not resident in the UK where a representative person domiciled in the UK is appointed; and those UK and EEA incorporated companies with a UK place of business or a nominated representative in the UK.

Annex II**Reservations for Future Measures**

1. The Schedule of a Party sets out, under Articles XX (Investment - Reservations and Exceptions), X-06 (Cross-Border Trade in Services - Reservations), X-03 (International Maritime Transport Services – Non-Conforming Measures), and, for the EU, X.9 (Financial Services – Non-Conforming Measures), the reservations taken by that Party with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article X.6 (Investment - National Treatment) X-02 (Cross-Border Trade in Services - National Treatment) or, for the EU, X.03 (Financial Services – National Treatment);
- (b) Article X.7 (Investment - Most-Favoured-Nation Treatment) X-04 (Cross-Border Trade in Services - Most-Favoured-Nation Treatment) or, for the EU, X.04 (Financial Services – Most-Favoured-Nation Treatment);
- (c) Article X.4 (Investment -Market Access) X-05 (Cross-Border Trade in Services - Market Access) or, for the EU, X.06 (Financial Services – Market Access);
- (d) Article X.5 (Investment - Performance Requirements);
- (e) Article X.8 (Investment - Senior Management and Boards of Directors) or, for the EU, X.08 (Financial Services – Senior Management and Board of Directors);
- (f) For the EU, Article X.07 (Financial Services – Cross-Border Supply of Financial Services); or
- (g) Article X.02 (International Maritime Transport Services – Obligations)

The reservations of a Party are without prejudice to the rights and obligations of the Parties under the GATS.

2. Each reservation sets out the following elements:

- (a) Sector refers to the general sector in which the reservation is taken;
- (b) Sub-Sector refers to the specific sector in which the reservation is taken;
- (c) Industry Classification refers, where applicable, to the activity covered by the reservation according to CPC codes, ISIC codes, SIC codes, or as expressly otherwise described in a Party's reservation;

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(d) Type of Reservation specifies the obligation referred to in paragraph 1 for which a reservation is taken;

(e) Description sets out the scope of the sector, sub-sector or activities covered by the reservation; and

(f) Existing Measures identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In interpreting a reservation, all elements of the reservation [are] [shall be] considered. The Description element [prevails] [shall prevail] over all other elements.

4. A reservation taken at the level of the European Union applies to a measure of any EU Member State at the national level as well as a measure of a government within a EU Member State, unless the reservation excludes a EU Member State. A reservation taken at the national level by Canada or by an EU Member State applies to a measure of a government at regional, provincial, territorial or local level within that country.

5. Where a Party maintains a measure that requires that a service provider be a natural person, citizen, permanent resident or resident of its territory, as a condition to the provision of a service in its territory, a reservation for that measure taken with respect to cross-border services shall be applied as a reservation with respect to investment, to the extent of that measure.

6. For purposes of this Annex:

CPC means Central Product Classification (CPC) numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991;

ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002;

SIC means Standard Industrial Classification (SIC) numbers as set out in Statistics Canada, Standard Industrial Classification, fourth edition, 1980.

7. The following abbreviations are used in the Schedule:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EU	European Union, including all its Member States

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ES	Spain
EE	Estonia
FI	Finland
FR	France
EL	Greece
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SK	Slovakia
SI	Slovenia
SE	Sweden
UK	United Kingdom

Reservations Applicable throughout the European Union (EU)
(applicable to all EU Member States unless otherwise indicated)

Sector: All sectors

Sub-sector:

Industry classification:

Type of Reservation: Market Access

Description:

Investment

In all EU Member States, services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

Public utilities exist in sectors such as related scientific and technical consulting services, R&D services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical.

This reservation does not apply to telecommunications and to computer and related services.

Existing Measures:

*

Sector: All Sectors

Sub-sector:

Industry classification:

Type of Reservation: Most-Favoured-Nation Treatment

Description:

Cross-Border Services and Investment

The EU reserves the right to adopt or maintain any measure which accords differential treatment to a country pursuant to any existing or future bilateral or multilateral agreement which:-

- (i) creates an internal market in services and investment, or
- (ii) grants the right of establishment, or
- (iii) requires the approximation of legislation in one or more economic sectors.

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An **internal market on services and establishment** means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The **right of establishment** means an obligation to abolish in substance all barriers to establishment among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate enterprises under the same conditions provided for nationals under the domestic law of the country where such establishment takes place.

The **approximation of legislation** means:

(i) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other party or parties to that agreement; or

(ii) the incorporation of common legislation into the domestic law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the domestic law of the party or parties to the regional economic integration agreement.

Existing Measures:

EEA

Stabilisation Agreements

EU-Switzerland

*

Sector:

All Sectors

Sub-sector:

Industry classification:

Type of Reservation: Most-Favoured-Nation Treatment

Description:

Investment

The **EU** reserves the right to adopt or maintain any measure which accords differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the following Member States of the European Union: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and the United Kingdom, and any of the following countries or principalities: San Marino, Monaco, Andorra, and the Vatican City State.

Existing Measures:

*

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Sector: Fishing and Aquaculture, Services incidental to fishing

Sub-sector:

Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882

Type of Reservation: Market Access

National Treatment

Most-Favoured-Nation Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:

Cross-Border Services and Investment

The **EU** reserves the right to adopt or maintain any measure, in particular within the framework of the Common Fisheries Policy, and of fishing agreements with third countries, with respect to access to and use of the biological resources and fishing grounds situated in maritime waters coming under the sovereignty or within the jurisdiction of Member States of the EU.

The **EU** reserves the right to adopt or maintain any measure:

- regulating the landing of catches performed in the sub-quotas allocated to third country vessels in EU ports;

- determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels;

- according differential treatment to a third country pursuant to existing or future bilateral agreements relating to fisheries.

A commercial fishing licence granting the right to fish in the territorial waters of an EU Member State may only be granted to vessels flying the flag of an EU Member State.

The **EU** reserves the right to adopt and maintain any measure with regard to the nationality of the crew of a fishing vessel flying the flag of an EU Member State.

National complementary reservations may be found in the schedules of **BE, BG, DE, DK, FI, FR, IT, LT, MT, SE and UK**.

Existing Measures:

*

Sector: Collection, purification and distribution of water

Sub-sector:

Industry classification: ISIC rev. 3.1: 41

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Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Services and Investment**
The EU reserves the right to adopt or maintain any measure with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.

Existing Measures:

*

Sector: Business Services
Sub-sector: Legal services, Services of notaries, Services by bailiffs
Industry classification: part of CPC 861, part of CPC 87902
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
The EU, with the exception of SE, reserves the right to adopt or maintain any measure with respect to the provision of legal advisory and legal documentation and certification services provided by legal professionals entrusted with public functions, such as notaries, “*huissiers de justice*” or other “*officiers publics et ministériels*”, and with respect to services provided by bailiffs who are appointed by an official act of government.

Existing Measures:

*

Sector: Distribution and Health Services
Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists
Industry classification: CPC 63211
Type of Reservation: Market Access

Description: **Cross-Border Services**
For **all EU countries** with the exception of **BE, BG, EE, and IE**: mail order is only possible from EEA countries, thus establishment in any of these countries is required for the retail of pharmaceuticals and specific medical goods to the general public in the EU.

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In **BG, DE** and **EE**, the mail order of pharmaceuticals is prohibited.
In **IE**, the mail order of pharmaceuticals requiring a prescription is prohibited.

National complementary reservations may be found in the schedules of **BE, FI, SE** and **UK**.

*

Sector: Distribution and Health Services
Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists
Industry classification: CPC 63211
Type of Reservation: Market Access

Description: **Investment**
The **EU**, with the exception of **EL, IE, LT, LU, NL**, and the **UK**, reserves the right to adopt or maintain any measure which restricts the number of suppliers entitled to provide a particular service in a specific local zone or area on a non-discriminatory basis in order to prevent oversupply in areas of limited demand. An economic needs test may therefore be applied, taking into account such factors as the number of and impact on existing establishments, transport infrastructure, population density and/or geographic spread.

National complementary reservations may be found in the schedules of **DE, FI, IT** and **SE**.

Existing Measures:

*

Sector: Business services
Sub-sector: Other business services (Collection Agency services, Credit reporting services)
Industry classification: CPC 87902, CPC 87901
Type of Reservation: Market Access
National treatment

Description: **Cross-Border Services**
The **EU**, with the exception of **SE** and **ES**, reserves the right to adopt or maintain any measure with regard to the provision of collection agency services and credit reporting services.

Existing Measures:

*

Sector: Business services
Sub-sector: Placement services of office support personnel and other workers, and supply services of domestic help personnel, other commercial or industrial workers, nursing, and other personnel
Industry classification: CPC 87202, 87204, 87205, 87206, 87209
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
 The **EU**, with the exception of **BE**, **HU** and **SE**, reserves the right to require establishment and to prohibit the provision of cross-border services for the supply of placement services of office support personnel and other workers (CPC 87202).

The **EU**, with the exception of **HU** and **SE**, reserves the right to adopt or maintain any measure with regard to the provision of supply services of domestic help personnel, other commercial or industrial workers, nursing, and other personnel (CPCs 87204, 87205, 87206, 87209).

National complementary reservations may be found in the schedules of **AT**, **BE**, **BG**, **CY**, **CZ**, **DE**, **ES**, **IE**, **EE**, **FI**, **FR**, **IT**, **NL**, **LT**, **LV**, **MT**, **PT**, **PL**, **RO**, **SI**, and **SK**.

Measures:

*

Sector: Business Services
Sub-sector: Investigation services
Industry classification: CPC 87301
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 The **EU**, with the exception of **AT** and **SE**, reserves the right to adopt or maintain any measure with regard to the provision of investigation services. Residency or commercial presence is required and nationality requirements may exist.

National complementary reservations may be found in the schedules of **PT** and **LT**.

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Existing Measures:

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Sector: Business Services; Auxiliary services to maritime, internal waterways, rail and air transport

Sub-sector: Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof

Industry classification: part of CPC 8868, CPC 86764 and CPC 86769

Type of Reservation: Market Access
National Treatment

Description:**Cross-Border Services**

The **EU**, with the exception of **HU, DE and EE**, reserves the right to adopt or maintain any measure with respect to requiring establishment or physical presence in its territory and prohibiting the cross-border provision of maintenance and repair services of rail transport equipment from outside its territory.

The **EU**, with the exception of **HU, EE, CZ, LU and SK**, reserves the right to adopt or maintain any measure with respect to requiring establishment or physical presence in its territory and prohibiting the cross-border provision of maintenance and repair services of internal waterways transport vessels from outside its territory.

The **EU**, with the exception of **HU, EE, and LV**, reserves the right to adopt or maintain any measure with respect to requiring establishment or physical presence in its territory and prohibiting the cross-border provision of maintenance and repair services of maritime vessels from outside its territory.

Only recognised organisations authorised by the EU may carry out statutory surveys and certification of ships on behalf of EU Member States. Establishment may be required.

The **EU**, with the exception of **HU, EE, AT, LV, and PL**, reserves the right to adopt or maintain any measure with respect to requiring establishment or physical presence in its territory and prohibiting the cross-border provision of maintenance (including line maintenance) and repair services of aircraft and parts thereof from outside its territory.

Existing Measures:

*

Sector:	Recreational, cultural and sporting services
Sub-sector:	
Industry classification:	CPC 9619, CPC 963 Library, archive, museum and other cultural services and CPC 964 Sporting and other recreational services other than CPC 96492
Type of Reservation:	Market Access National Treatment Most-Favoured-Nation Treatment Performance requirements Senior Management and Boards of Directors
Description:	<p>Cross-Border Services and Investment</p> <p>The EU except AT reserves the right to adopt or maintain any measure with respect to the provision of library, archive, museum, and other cultural services (CPC 963). LT reserves the right to adopt or maintain any measure requiring the establishment of suppliers and restricting the cross-border provision of these services. In AT and LT, a licence or concession may be required to provide these services.</p> <p>CY, CZ, FI, MT, PL, RO, SI, and SK reserve the right to adopt or maintain any measure with respect to the provision of entertainment services, including theatre, live bands, circus and discotheque services.</p> <p>In addition, the EU, except AT and SE, reserves the right to adopt or maintain any measure requiring establishment and restricting the cross-border provision of entertainment services, including theatre, live bands, circus and discotheque services.</p> <p>BG reserves the right to adopt or maintain any measure with respect to the provision of the following entertainment services:- circus, amusement park and similar attraction services (CPC 96194), ballroom, discotheque and dance instructor services (CPC 96195), and other entertainment services (CPC 96199).</p> <p>EE reserves the right to adopt or maintain any measure with respect to the provision of other entertainment services (CPC 96199) except for cinema theatre services.</p> <p>LV and LT reserves the right to adopt or maintain any measure with respect to the provision of all entertainment services (CPC 9619) except for cinema theatre operation services (part of CPC 91699).</p>

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BG, CY, CZ, EE, LV, MT, PL, RO, and SK reserve the right to adopt or maintain any measure with respect to the cross-border provision of sporting and other recreational services.

AT reserves the right to adopt or maintain any measure with respect to the provision of mountain guide or ski school services.

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Sector: Recreational, cultural and sporting services
Sub-sector: Gambling and betting services
Industry classification: CPC 96492
Type of Reservation: Market Access
 National Treatment
 Most-Favoured-Nation Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 The **EU** except **MT** reserves the right to adopt or maintain any measure with respect to the provision of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations.

This reservation does not apply to games of skill, gambling machines that do not give prizes or that give prizes only in the form of free games, and promotional games, whose exclusive purpose is to encourage the sale of goods or services which are not covered by this exclusion.

Existing Measures:

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Sector: Education Services
Sub-sector:
Industry classification: CPC 92
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**

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The **EU** reserves the right to adopt or maintain any measure with regard to the provision of all educational services which receive public funding or State support in any form, and are therefore not considered to be privately funded.

The **EU**, except for **CZ, NL, SE** and **SK**, reserves the right to adopt and maintain any measure with respect to the provision of privately funded other education services (CPC 929), which means other than those classified as being primary, secondary, higher and adult education services.

Where the provision of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis.

National complementary reservations may be found in the schedules of **AT, BG, CY, CZ, FI, FR, IT, MT, RO, SI, SE, and SK**.

Existing Measures:

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Sector:	Health and social services
Sub-sector:	Human Health services and Social Services
Industry classification:	CPC 931 Human Health Services and 933 Social Services, except for 9312 Medical and Dental Services, and part of 93191 relating to Midwife Services and Services provided by Nurses, Physiotherapeutic and Para-medical Services, Psychologist Services
Type of Reservation:	Market access National Treatment

Description:	<p>Cross-Border Services</p> <p>The EU, with the exception of HU, reserves the right to adopt or maintain any measure requiring the establishment or physical presence in their territory of suppliers and restricting the cross-border provision of health services from outside their territory.</p> <p>The EU, with the exception of LT, LV and the NL, reserves the right to adopt or maintain any measure requiring the establishment or physical presence in their territory of suppliers and restricting the cross-border provision of social services from outside their territory.</p> <p>National complementary reservations may be found in the schedule of LT.</p>
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This reservation does not relate to the provision of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations.

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Sector: Health Services

Sub-sector:

Industry classification: CPC 931, **except for** 9312 Medical and Dental Services and part of 93191 relating to Midwife Services and Services provided by Nurses, Physiotherapeutic and Para-medical services, Psychologist Services

Type of Reservation: Market Access
National Treatment
Performance requirements
Senior Management and Boards of Directors

Description: **Investment**

The **EU** reserves the right to adopt or maintain any measure with regard to the provision of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded.

The **EU** reserves the right to adopt or maintain any measure with regard to all privately funded health services, other than privately funded hospital, ambulance, and residential health facilities services other than hospital services (CPC 9311, 93192, 93193).

The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

This reservation does not relate to the provision of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, , which are covered by other reservations.

National complementary reservations may be found in the schedules of **AT, BE, BG, CY, CZ, FI, FR, LT, MT, PL, SI, SK** and **UK**.

Existing Measures:

*

Sector: Health Services
Sub-sector: Health-related Professional Services: Medical and Dental Services, Midwife Services, Nursing Services, Physiotherapeutic and Para-medical services, Psychologist Services
Industry classification: CPC 9312, part of CPC 93191
Type of Reservation: Market Access

Description: **Cross-Border Services**
 In the EU, with the exception of **BE, FI, NL** and **SE**, the provision of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, requires residency.

These services may only be provided by natural persons physically present in the territory of the EU.

National complementary reservations may be found in the schedules of **AT, BE, BG, FI, FR, MT** and **UK**.

Existing Measures: None

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Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 The **EU** reserves the right to adopt or maintain any measure with regard to the provision of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded.

The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of

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and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

National complementary reservations may be found in the schedules of **BE, CY, CZ, DE, DK, EL, ES, FI, FR, HU, IE, IT, LT, MT, PL, PT, RO, SK, SL, and UK.**

*

Sector: Financial Services

Sub-sector:

Industry classification:

Type of Reservation: Market Access

Description: **Financial Services**

The **EU** reserves the right to adopt or maintain any measure requiring a financial institution, other than a branch, when establishing in a Member State of the EU to adopt a specific legal form, on a non-discriminatory basis.

Existing Measures:

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Sector: Financial Services

Sub-sector: Banking and other financial services (excluding insurance)

Industry classification:

Type of Reservation: Market Access

National Treatment

Cross-Border Supply of Financial Services

Description: **Financial Services**

Only firms having their registered office in the EU can act as depositories of the assets of investment funds. The establishment of a specialised management company, having its head office and registered office in the same Member State, is required to perform the activities of management of common funds, including unit trusts, and where allowed under national law, investment companies.

Existing Measures: Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), as amended by:- 2001/107/EC and 2001/108/EC

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Sector: Air Transport
Sub-sector: Services Auxiliary to Air Transport
Industry classification:
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
 The EU reserves the right to adopt or maintain any measure which accords differential treatment to a country pursuant to existing or future bilateral agreements relating to the following Auxiliary Air Transport Services:

- (a) the selling and marketing of air transport services;
- (b) computer reservation system (CRS) services; and
- (c) other services auxiliary to air transport, such as ground-handling services and airport operation services.

In respect of maintenance and repair of aircrafts and parts, the EU reserves the right to adopt or maintain any measure which accords differential treatment to a country pursuant to existing or future Article V trade agreements.

Existing Measures:

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Sector: Transportation
Sub-Sector: Water Transportation
Industry Classification: CPC 722 Transport services (passengers and freight) by non-seagoing vessels ISIC rev.3.1: 0501, 0502, CPC 882 CPC 722, 74520, 74540, 74590, 5133/5223, Any other commercial activity undertaken from a non-sea going vessel
Type of Reservation: National Treatment
 Market Access
 Senior Management and Board of Directors

Description: **Investment**
 The EU reserves the right to adopt or maintain any measure with regard to the registration of a non-seagoing vessel in order to fly the national flag of an EU Member State, and with regard to the establishment of a registered company for the purpose of operating a fleet under the national flag of the State of establishment. This reservation relates to, among other elements, requirements for incorporation or to maintain a principal office in the Member State concerned, as well as requirements relating to ownership of capital and control.

Existing Measures:

*

Sector: Transportation
Sub-Sector: Water Transportation
Industry Classification: CPC 721,722,74520,74540,74590,5133/5223
 Any other commercial activity undertaken from a ship
Type of Reservation: National Treatment
 Market Access
 Senior Management and Board of Directors

Description: **Cross-Border Trade in Services and Investment**
 The EU reserves the right to adopt and maintain any measure with regard to the nationality of crew on a seagoing or non-seagoing vessel.

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Sector: Transport
Sub-sector: Water transport, Supporting services for water transport
Industry classification: CPC 72, CPC 745
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors
 Most-Favoured Nation Treatment

Description: **Cross-Border Services and Investment**
 The EU reserves the right to adopt or maintain any measure with respect to the provision of national cabotage transport.

Without prejudice to the scope of activities which may be considered as cabotage under the relevant national legislation, national cabotage transport is assumed to cover transportation of passengers or goods between a port or point located in a Member State of the European Union and another port or point located in the same Member State, including on its continental shelf as provided in the UN Convention on the Law of the Sea, and traffic originating and terminating in the same port or point located in a Member State of the European Union.

For greater certainty, this reservation applies *inter alia* to feeder services. This reservation does not apply to Canadian shipping companies repositioning owned/leased containers on a non-revenue basis.

Existing Measures:

*

Sector: Transport
Sub-sector: Water transport: Pilotage and berthing services, pushing and towing
Industry classification: CPC 7452, 7214, 7224
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

The EU reserves the right to adopt or maintain any measure with respect to the provision of pilotage and berthing services. For greater clarity, regardless of the criteria which may apply to the registration of ships in an EU Member State, the EU reserves the right to require that only ships registered on the national registers of EU Member States may provide pilotage and berthing services.

For the EU, with the exception of LT and LV, only vessels carrying the flag of an EU Member State may provide pushing and towing services.

For LT, only Lithuanian juridical persons or EU juridical persons with branches in Lithuania that have a Certificate issued by the Lithuanian Maritime Safety Administration may provide pilotage and berthing, pushing and towing services.

Existing Measures:

*

Sector: Internal Waterways Transport
Sub-sector:
Industry classification: CPC 722
Type of Reservation: Most-Favoured-Nation Treatment

Description:**Cross-Border Services and Investment**

The EU reserves the right to adopt or maintain any measure which accords differential treatment to a country pursuant for existing or future agreements relating to access to inland waterways (including agreements following the Rhine-Main-Danube link), which reserve traffic rights for operators based in the countries concerned who meet nationality criteria regarding ownership.

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Subject to regulations implementing the Mannheim Convention on Rhine Shipping. This part of the reservation only applies to the following Member States: Belgium, France, Germany, and the Netherlands.

Existing Measures:

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712
Type of Reservation: Market Access
 National Treatment

Description:**Cross-Border Services and Investment**

The EU reserves the right to require establishment and to limit the provision of cross-border services for the supply of road transport services.

The EU reserves the right to adopt or maintain measures limiting the provision of cabotage within an EU Member State by foreign investors established in another EU Member State.

An economic needs test may apply to taxi services in the EU except for **BE**. The economic needs test, when applied, sets a limit on the number of service suppliers. Main criteria: Local demand as provided in applicable laws.

For road passenger and freight transportation, national complementary reservations may be found in the schedules of **AT, BE, BG, ES, FI, FR, IE, IT, LV, MT, PT, RO, SE, and SK**.

Existing Measures:

Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC

Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market

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Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009
on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006

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Sector: Road and Rail Transport

Sub-sector:

Industry classification: CPC 7111, CPC 7112, CPC 7121, CPC 7122, CPC 7123

Type of Reservation: Most-Favoured-Nation Treatment

Description:

Cross-Border Services and Investment

The EU reserves the right to adopt or maintain any measure which accords differential treatment to a country pursuant to existing or future bilateral agreements relating to international road haulage (including combined transport - road/rail) and passenger transport, concluded between the Community/European Union or the Member States and third countries.

Such treatment may:

(a) reserve or limit the provision of the relevant transport services between the contracting parties or across the territory of the contracting parties to vehicles registered in each contracting party⁸⁸; and/or

(b) provide for tax exemptions for such vehicles.

Existing Measures:

*

Sector: Transport

Sub-sector: Space transport, rental of space craft

Industry classification: CPC 733, part of CPC 734

Type of Reservation: Market Access

National Treatment

Performance requirements

Senior Management and Boards of Directors

⁸⁸ With regard to Austria the part of the MFN exemption regarding traffic rights covers all countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be considered in future.

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Description: **Cross-Border Services and Investment**
 The **EU** reserves the right to adopt or maintain any measure with respect to the transportation services via space and the rental of space craft.

Existing Measures:

*

Sector: Energy
Sub-sector: Electricity and gas transmission systems, oil and gas pipeline transport
Industry classification: ISIC Rev 3.1 401, 402, CPC 7131, CPC 887 (except advisory and consultancy services)
Type of Reservation: National Treatment
 Market Access
 Performance requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Where an EU Member State permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, the **EU** reserves the right to adopt or maintain any measure with respect to Canadian enterprises controlled by natural persons or enterprises of a third country which accounts for more than 5% of the EU's oil or natural gas or electricity imports, in order to guarantee the security of the energy supply of the EU as a whole, or of an individual EU Member State.

This reservation does not apply to advisory and consultancy services provided as services incidental to energy distribution.

This reservation does not apply to **HU** and **LT** (for **LT**, only CPC 7131) with regard to the pipeline transport of fuels, nor to **LV** with regard to services incidental to energy distribution, nor to **SI** with regard to services incidental to the distribution of gas.

National complementary reservations may be found in the schedules of **BE, BG, CY, FI, FR, HU, LT, PT, and SK**.

Existing Measures: Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC

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Directive 2009/73/EC of the European Parliament and of the
Council of 13 July 2009 concerning common rules for the internal
market in natural gas and repealing Directive 2003/55/EC

Reservations Applicable in Austria

Sector: Manufacture of nuclear fuel, Electricity, Gas and Water Supply
Sub-sector: Nuclear based electricity generation, Processing of nuclear material and fuel, Transportation and handling of nuclear material
Industry classification: ISIC Rev 3.1 233, 40
Type of Reservation: Market Access
 National Treatment

Description: **Cross Border Services and Investment**
 Austria reserves the right to adopt or maintain any measure with respect to the processing, distribution or transportation of nuclear material and generation of nuclear-based energy.

Existing Measures: Bundesverfassungsgesetz für ein atomfreies Österreich (Constitutional Law on a Nuclear Free Austria), BGBl. I Nr. 149/1999

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Sector: Business services
Sub-sector: Placement services of office support personnel and other workers, and supply services of office support personnel
Industry classification: CPC 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
 Austria reserves the right to adopt or maintain any measure with regard to the provision of supply services of office support personnel (CPC 87203), and the establishment of suppliers of placement services of office support personnel and other workers (CPC 87202).

Existing Measures:

*

Sector: Education services
Sub-sector: Higher Education Services, Adult Education Services
Industry classification: CPC 923, 924
Type of Reservation: Market Access
 National Treatment

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Description:

Cross-Border Services and Investment

Austria reserves the right to adopt or maintain any measure with regard to the provision of privately funded higher education services.

Austria reserves the right to prohibit the cross-border provision of privately funded adult education services by means of radio or television broadcasting.

Existing Measures:

*

Sector:

Health Services

Sub-sector:

Ambulance services

Industry classification:

CPC 93192

Type of Reservation:

Market Access

National Treatment

Performance requirements

Senior Management and Boards of Directors

Description:

Investment

Austria reserves the right to adopt or maintain any measure with respect to the provision of privately funded ambulance services.

Existing Measures:

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Reservations Applicable in Belgium

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 A fishing licence is mandatory for performing marine fishing activities in Belgium. The owner of a vessel who has a fishing licence is either a legal person or a natural person. The natural person has to be a country resident when applying for a fishing licence. The legal person has to be a domestic firm and the managers of the domestic firm have to be active in fisheries and to be country residents when applying for a fishing licence.

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 The provision of security services by a foreign provider on a cross-border basis is not allowed.

Requirement of EU nationality for boards of directors of companies providing guard and security services, as well as consultancy and training relating to security services. The senior management of companies providing guard and security consultancy services are required to be resident EU nationals.

Existing Measures:

*

Sector: Distribution
Sub-sector: Retail sales of pharmaceutical, medical and orthopaedic goods

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Industry classification: CPC 63211**Type of Reservation:** Market Access**Description:** **Cross-Border Services**

Mail order is only authorised for pharmacies open to the public, thus establishment in Belgium is required for the retail of pharmaceuticals and specific goods to the general public.

Existing Measures: Arrêté royal du 21 janvier 2009 portant instructions pour les pharmaciens
Arrêté royal du 10 novembre 1967 relatif à l'exercice des professions des soins de santé

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Sector: Health Services**Sub-sector:** Ambulance Services, Residential Health Services Other than Hospital Services**Industry classification:** CPC 93192, CPC 93193**Type of Reservation:** Market Access

National Treatment

Performance requirements

Senior Management and Boards of Directors

Description: **Investment**

Belgium reserves the right to adopt or maintain any measure with respect to the provision of privately funded ambulance and residential health services other than hospital services.

Existing Measures:

*

Sector: Health Services**Sub-sector:** Health-related Professional Services: Medical and Dental Services, Midwife Services, Nursing Services, Physiotherapeutic and Para-medical services, Psychologist Services, Veterinary Services**Industry classification:** CPC 9312, part of CPC 93191, part of CPC 85201, CPC 932**Type of Reservation:** Market Access

National Treatment

Description: **Cross-Border Services**

Belgium reserves the right to adopt or maintain any measure relating to the cross-border provision of Medical, Dental and Midwives Services and Services provided by Nurses,

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Physiotherapists and Paramedical Personnel, and Veterinary Services.

Existing Measures:

*

Sector: Social Services

Sub-sector:

Industry classification: CPC 933

Type of Reservation: Market Access

National Treatment

Performance requirements

Senior Management and Boards of Directors

Description:**Investment**

Belgium reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

Existing Measures:

*

Sector: Transport

Sub-sector: Cargo handling services

Industry classification: CPC 741

Type of Reservation: Market Access

Description:**Cross border services and Investment**

Cargo handling services can only be operated by accredited workers, eligible to work in port areas designated by royal decree.

Existing Measures:

Loi du 8 juin 1972 organisant le travail portuaire.

Arrêté royal du 12 janvier 1973 instituant une Commission paritaire des ports et fixant sa dénomination et sa compétence

Arrêté royal du 4 septembre 1985 portant agrément d'une organisation d'employeur (Anvers)

Arrêté royal du 29 janvier 1986 portant agrément d'une organisation d'employeur (Gand)

Arrêté royal du 10 juillet 1986 portant agrément d'une organisation d'employeur (Zeebrugge)

Arrêté royal du 1er mars 1989 portant agrément d'une organisation d'employeur (Ostende)

Arrêté royal du 5 juillet 2004 relatif à la reconnaissance des

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ouvriers portuaires dans les zones portuaires tombant dans le champ d'application de la loi du 8 juin 1972 organisant le travail portuaire, tel que modifié.

*

Sector: Transport
Sub-sector: Road transport
Industry classification: CPC 71221
Type of Reservation: Market access

Description: **Investment**
 Belgium reserves the right to restrict the availability of licences to provide taxi services.

For the Brussels Capital Region: A maximum number of licences is fixed by law.

For the Flemish Region: A maximum number of taxis per capita is fixed by law. This number can be adjusted, in which case an economic needs test is applied. Main criteria: degree of urbanisation, average occupancy rate of existing taxis.

For the Walloon Region: A maximum number of taxis per capita is fixed by law. This number can be adjusted, in which case an economic needs test is applied. Main criteria: average occupancy rate of existing taxis.

*

Sector: Energy
Sub-sector: Production of electricity
Industry classification: ISIC rev 3.1: 4010
Type of Reservation: National Treatment
 Market Access

Description: **Investment**
 An individual authorisation for the production of electricity of a capacity of 25 MW requires establishment in the EU, or in another State which has a similar regime to that enforced by Directive 96/92 in place, and where the company has an effective and continuous link with the economy.

The offshore production of electricity within the offshore territory of Belgium is subject to concession and a joint venture obligation with an EU company, or a foreign company from a country having

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a similar regime to that of directive 2003/54/CE, particularly with regard to conditions relating to the authorisation and selection. Additionally, the company should have its central administration or its head office in an EU Member State or a country meeting the above criteria, where it has an effective and continuous link with the economy.

The construction of electrical power lines which link offshore production to the transmission network of Elia requires authorisation and the company must meet the previously specified conditions, except for the joint venture requirement.

Existing Measures:

Arrêté Royal du 11 octobre 2000 fixant les critères et la procédure d'octroi des autorisations individuelles préalables à la construction de lignes directes

Arrêté Royal du 20 décembre 2000 relatif aux conditions et à la procédure d'octroi des concessions domaniales pour la construction et l'exploitation d'installations de production d'électricité à partir de l'eau, des courants ou des vents, dans les espaces marins sur lesquels la Belgique peut exercer sa juridiction conformément au droit international de la mer

Arrêté Royal du 12 mars 2002 relatif aux modalités de pose de câbles d'énergie électrique qui pénètrent dans la mer territoriale ou dans le territoire national ou qui sont installés ou utilisés dans le cadre de l'exploration du plateau continental, de l'exploitation des ressources minérales et autres ressources non vivantes ou de l'exploitation d'îles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge

*

Sector: Energy
Sub-sector: Energy transmission services and bulk storage services of gas
Industry classification: ISIC 4010, CPC 71310, CPC 887 (other than consultancy services), Part of CPC 742
Type of Reservation: National Treatment
 Market Access

Description: **Cross-border services and Investment**
 Belgium reserves the right to adopt or maintain any measure related to the types of legal entities and to the treatment of public or private operators to whom Belgium has conferred exclusive rights. Establishment is required within EU for energy transmission services and for bulk storage services of gas.

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Existing Measures:

*

Sector: Energy
Sub-sector: Energy distribution services and services incidental to energy distribution
Industry classification: CPC 887 (other than consultancy services)
Type of Reservation: Market access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-border services and Investment**
 Belgium reserves the right to adopt or maintain any measure related to energy distribution services and services incidental to energy distribution.

Existing Measures:

*

Sector: Energy
Sub-sector: Transport via pipeline of fuel
Industry classification: CPC 7131
Type of Reservation: National Treatment
 Market Access

Description: **Cross-border services**
 The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a natural or juridical person established in an EU Member State (in accordance with Article 3 of the AR of 14 May 2002).

Where the authorisation is requested by a company then:-

- the company must be established in accordance with Belgian law, or the law of another EU Member State, or the law of a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas; and

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- the company must hold its administrative seat, its principal establishment or its head office within a Member State of the European Union, or a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the country concerned.

Existing Measures: Arrêté Royal du 14 mai 2002 relatif à l'autorisation de transport de produits gazeux et autres par canalisations.

*

Sector: Energy
Sub-sector: Wholesaling services of electricity and gas
Industry classification: CPC 62271
Type of Reservation: National Treatment

Description: **Cross-border services**
 An authorisation is necessary for the supply of electricity by an intermediary having customers established in Belgium who are connected to the national grid system or to a direct line whose nominal voltage is higher than 70.000 volts. Such an authorisation may only be granted to a natural or juridical person established in the EEA.

In general, the supply of natural gas to customers (customers being both distribution companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in Belgium is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. Such an authorisation may only be granted to a natural or juridical person established in an EU Member State.

Existing Measures: Arrêté royal relatif aux autorisations de fourniture d'électricité par des intermédiaires et aux règles de conduite applicables à ceux-ci
 Arrêté royal du 12 juin 2001 relatif aux conditions générales de fourniture de gaz naturel et aux conditions d'octroi des autorisations de fourniture de gaz naturel

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Sector: Energy
Sub-sector: Nuclear energy
Industry classification: ISIC
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services and Investment**
 Belgium reserves the right to adopt and maintain any measure with respect to the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

Existing Measures:

*

Sector: Mining and quarrying, Manufacturing and Energy
Sub-Sector: Mining and quarrying, Manufacture of refined petroleum products and nuclear fuel, Electricity, gas and hot water supply
Classification: ISIC rev 3.1: 10, 1110, 13, 14, 232, part of 4010, part of 4020, part of 4030
Type of Reservation: Market access
 National treatment

Description: **Investment**
 With the exception of the mining of metal ores and other mining and quarrying (ISIC rev 3.1: 13, 14), Canadian enterprises controlled by natural persons or enterprises of a third country which accounts for more than 5% of the EU's oil or natural gas or electricity imports may be prohibited from obtaining control of the activity.

Incorporation is required (no branching).

Existing Measures:

Reservations Applicable in Bulgaria

Sector: All Sectors
Sub-sector: Acquisition of real estate
Industry classification:
Type of Reservation: National Treatment

Description: **Investment**
 Foreign natural and foreign juridical persons (including through a branch) cannot acquire ownership of land in Bulgaria. Bulgarian juridical persons with foreign participation cannot acquire ownership of agricultural land. Foreign juridical persons and foreign citizens with permanent residence abroad can acquire ownership of buildings and limited property rights (right to use, right to build, right to raise a superstructure and servitudes) of real estate. Foreign citizens with permanent residence abroad, foreign juridical persons and companies in which foreign participation ensures a majority in adopting decisions or blocks the adoption of decisions, can acquire real estate property rights in specific geographic regions designated by the Council of Ministers subject to permission.

Existing Measures: Constitution of the Republic of Bulgaria, art. 22
 Law on Ownership and Use of Agricultural Land, art. 3
 Law on Forests, art. 10

*

Sector: All Sectors except Mining and Quarrying
Sub-sector:
Industry classification:
Type of Reservation: Market Access
 National Treatment
Measures: Law on State Property
 Concessions Act
 Law on Privatisation and Post-Privatisation Control

Description: **Investment**
 Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act.
 Commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 per cent, cannot effect any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest,

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lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, unless permitted by the Privatisation Agency or the municipal council, whichever is the competent authority.

This reservation does not apply to mining and quarrying, which are subject to a separate reservation in Annex I.

Existing measures:

*

Sector: Fishing and Aquaculture, Services incidental to fishing

Sub-sector:

Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882

Type of Reservation: Market Access
National Treatment
Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**

The take of marine and river living resources, performed by vessels in the internal marine waters, the territorial sea and on the inland waterways of the Republic of Bulgaria, shall be performed by vessels flying the Bulgarian flag. A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between the Republic of Bulgaria and the flag state. While passing through the exclusive economic zone, foreign fishing ships may not maintain their fishing gear in operational mode.

Existing Measures:

*

Sector: Energy

Sub-sector:

Industry classification: ISIC rev 3.1: 40, CPC 88 (part of), CPC 71310

Type of Reservation: National Treatment
Market Access

Description: **Cross-Border Services and Investment**

Bulgaria reserves the right to adopt and maintain any measure with respect to the production of electricity and heat and to the services incidental to energy distribution, as well as to pipeline

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transportation, storage and warehousing of petroleum and natural gas, including transit transmission.

Existing measures: Energy Act

*

Sector: Manufacturing, Electricity, Gas and Water Supply

Sub-sector: Nuclear-based electricity generation

Processing of nuclear material and fuel

Transportation or handling of nuclear material

Industry classification: ISIC REV 3.1 23, 40

Type of Reservation: Market Access

National Treatment

Senior Management and Boards of Directors

Description: **Investment**

Bulgaria reserves the right to adopt and maintain any measure with respect to the processing of fissionable and fusionable materials or the materials from which they are derived, as well as to the trade therewith, to the maintenance and repair of equipment and systems in nuclear energy production facilities, to the transportation of such materials and the refuse and waste matter of their processing, to the use of ionising radiation, and on all other services relating to the use of nuclear energy for peaceful purposes (incl. engineering and consulting services and services relating to software, etc.).

Existing measures: Safe Use of Nuclear Energy Act

*

Sector: Business Services

Sub-sector: Legal Services

Industry classification: part of CPC 861

Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**

In Bulgaria, full national treatment on the establishment and operation of companies, as well as on the provision of services, may be extended only to companies established in, and citizens of, the countries with whom preferential arrangements have been or will be concluded.

Existing Measures:

*

Sector: Business services
Sub-sector: Auditing services
Industry classification: CPC 86211 and CPC 86212 other than accounting services
Type of Reservation: National Treatment
Measures: Independent Financial Audit Act

Description: **Cross-Border Services**
 An independent financial audit shall be implemented by registered auditors who are members of the Institute of the Certified Public Accountants. Subject to reciprocity, the Institute of the Certified Public Accountants shall register a third-country audit entity upon the latter's furnishing proof that: 1. three-fourths of the members of the management bodies and the registered auditors carrying out audit on behalf of the entity meet requirements equivalent to those for Bulgarian auditors and have passed successfully the examinations for it; 2. the audit entity carries out independent financial audit in accordance with the requirements for independence and objectivity; 3. the audit entity publishes on its website an annual transparency report or performs other equivalent requirements for disclosure in case it audits public-interest entities.

Existing Measures:

*

Sector: Health Services
Sub-sector: Veterinary Services
Industry classification: CPC 932
Type of Reservation: National Treatment
Measures: Market Access
 Veterinary Practices Act

Description: **Cross-Border Services and Investment**
 In Bulgaria, a veterinary medical establishment may be established by a natural or a legal person.
 The practice of veterinary medicine is subject to an EU/EEA nationality condition, otherwise a permanent residence permit is required for foreign nationals (physical presence is required).

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access

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National Treatment
Senior Management and Boards of Directors

Description:**Cross Border Services and Investment**

Bulgaria reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

Bulgaria reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector:

Business Services

Sub-sector:

Security services

Industry classification:

CPC 87302, 87303, 87304, 87305, 87309

Type of Reservation: Market Access

National Treatment

Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

Bulgaria reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector:

Distribution

Sub-sector:

Distribution of chemical products

Distribution of precious metals and stones

Distribution of pharmaceuticals, products and objects for medical use and medical substances

Distribution of tobacco and tobacco products

Distribution of alcoholic beverages

Industry classification:

Part of CPC 621, CPC 62228, CPC 62251, CPC 62271, part of CPC 62272, CPC 62276, CPC 63108, part of CPC 6329

Type of Reservation: Market Access

National Treatment

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Senior Management and Boards of Directors

Description:**Cross-Border Services**

Bulgaria reserves the right to adopt or maintain any measure with respect to the distribution chemical products, precious metals and stones, pharmaceuticals, medical substances and products and objects for medical use; tobacco and tobacco products and alcoholic beverages.

Bulgaria reserves the right to adopt or maintain any measure with respect to the services provided by commodity brokers.

Existing measures: Law on Medicinal Products in Human Medicine

Law of Veterinary Activity

Law for Prohibition of the Chemical Weapons and for Control over the Toxic Chemical Substances and Their Precursors

Law for Tobacco and Tobacco Products

*

Sector:

Education Services

Sub-sector:

Industry classification: CPC 921, 922, 923

Type of Reservation: National Treatment

Market Access

Description:**Cross-Border Services and Investment**

Bulgaria reserves the right to adopt and maintain any measure restricting the cross-border provision of privately funded primary and secondary education services.

Bulgaria reserves the right to adopt and maintain any measure with respect to the provision of privately funded higher education services.

Existing Measures:

Public Education Act, art. 12

Law for the Higher Education, paragraph 4 of the additional provisions

Vocational Education and Training Act, art. 22

*

Sector:

Financial Services

Sub-sector:

Insurance

Type of Reservation Cross-Border Supply of Financial Services

Description:**Financial Services**

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Transport insurance, covering goods, insurance of vehicles as such and liability insurance regarding risks located in the Republic of Bulgaria may not be underwritten by foreign insurance companies directly.

*

Sector: Health Services
Sub-sector:
Industry classification: CPC 9311 Hospital services, 93192 Ambulance services, 93193 Residential health services other than hospital services
Type of Reservation: Market Access
 National Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Bulgaria reserves the right to adopt or maintain any measure with respect to the provision of privately funded hospital, ambulance, and residential health services other than hospital services.

Existing Measures:

*

Sector: Health Services
Sub-sector: Health-related Professional Services: Medical and Dental Services, Midwife Services, Nursing Services, Physiotherapeutic and Paramedical services, Psychologist Services
Industry classification: CPC 9312, part of CPC 9319
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Bulgaria reserves the right to adopt or maintain any measure with respect to the provision of all health-related professional services, including medical and dental services, services provided by nurses, midwives, physiotherapists, paramedical personnel, as well as psychologist services.

Existing Measures: Law for Medical Establishments
 Professional Organisation of Medical Nurses, Midwives and Associated Medical Specialists Guild Act

*

Sector: Transport
Sub-sector: Supporting services for road transport
Industry classification: CPC 744
Type of Reservation: National Treatment
Measures: Bulgarian Act for Road Transport, art. 6

Description: **Cross border**
Establishment is required.

Existing Measures: Law for Medical Establishments

*

Sector: Water Transport
Sub-sector: Supporting services for water transport
Industry classification: part of CPC 741, part of CPC 742
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
In so far as Canada and its provinces and territories allow Bulgarian service suppliers to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers, Bulgaria will allow Canadian services suppliers to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers under the same conditions.

Existing Measures:

*

Sector: Rail Transport
Sub-sector:
Industry classification: CPC 7111, CPC 7112
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
Measures that are taken under existing or future agreements, and which regulate traffic rights and operating conditions, and the provision of transport services in the territory of Bulgaria, Czech Republic and Slovakia and between the countries concerned.

Existing Measures:

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*

Sector: Road Transport
Sub-sector:
Industry classification: CPC 7121, CPC 7122, CPC 7123
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
Measures taken under existing or future agreements, which reserve and/or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits and/or preferential road taxes, in the territory of Bulgaria or across the borders of Bulgaria.

Existing Measures:

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712
Type of Reservation: National Treatment
Market Access

Description: **Cross-Border Services and Investment**
For passenger and freight transportation, exclusive rights and/or authorisations may only be granted to nationals of the Member States of the European Union and to juridical persons of the European Union having their headquarters in the European Union.

Incorporation is required. Condition of EU nationality for natural persons.

Existing Measures:

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Reservations Applicable in Croatia

Sector: Agriculture, hunting
Sub-sector:
Industry classification: ISIC rev. 3.1:011, 012, 013, 014, 015, CPC 8811, 8812, 8813
 excluding advisory and consultancy services
Type of Reservation: Market Access
 National Treatment

Description: **Investment**
 Croatia reserves the right to adopt or maintain any measure with respect to agricultural and hunting activities.

Existing Measures:

*

Sector: Business Services
Sub-sector: Urban planning
Industry classification: CPC 8674
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 Croatia reserves the right to adopt or maintain any measure with respect to the cross-border provision of urban planning.

Existing Measures:

*

Sector: Business Services
Sub-sector: Security Services
Industry classification: CPC 87302, CPC 87305
Type of Reservation: Market Access
 National Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Croatia reserves the right to adopt or maintain any measure with respect to security consultation services and guard services.

Existing Measures:

*

Sector: Other Business Services
Sub-sector: Translation and Interpretation Services;
Industry classification: CPC 87905
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 Croatia reserves the right to adopt or maintain any measure with respect to the cross border provision of translation and interpretation of official documents.

*

Sector: **Transport services**
Sub-sector: Road transport services
Industry classification: CPC 7111 and CPC 7112
Type of Reservation: Most favoured nation treatment

Description: **Cross-Border Services and Investment**
 Measures applied under existing or future agreements on international road transport and which reserve or limit the provision of transport services and specify operating conditions, including transit permits and/or preferential road taxes of transport services into, in, across and out of the Republic of Croatia to the parties concerned.

Existing Measures:

*

Sector: **Transport services**
Sub-sector: Services auxiliary to all modes of Transport
Industry classification: CPC 741, 742, 743, 744, 745, 746, 749
Type of Reservation: Market Access
 National Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description: **Cross-Border Services**
 Croatia reserves the right to adopt or maintain any measure with respect to the cross border provision of services auxiliary to transport other than freight transport agency services, transportation preparation document services and supporting services for road transport that are subject to permit.

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Existing Measures:

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Reservations Applicable in Cyprus

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
 Cyprus reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).
 Cyprus reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Cyprus reserves the right to adopt or maintain any measure with regard to the provision of security services.
 Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector: Education Services
Sub-sector:
Industry classification: CPC 921, 922, 923, 924

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Type of Reservation: Market Access

National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

Cyprus reserves the right to adopt and maintain any measure with respect to the provision of privately funded primary, secondary, higher, and adult education services.

Existing Measures:

*

Sector:

Health Services

Sub-sector:

Hospital services, Ambulance services, Residential health services other than hospital services

Industry classification:

CPC 9311, 93192, 93193

Type of Reservation: Market Access

National Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description:**Investment**

Cyprus reserves the right to adopt or maintain any measure with respect to the provision of privately funded hospital, ambulance, and residential health services other than hospital services.

Existing Measures:

*

Sector:

Social Services

Sub-sector:**Industry classification:**

CPC 933

Type of Reservation: Market Access

National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description:**Investment**

Cyprus reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

*

Sector: Energy
Sub-sector:
Industry classification: ISIC rev 3.1: 232, 4010, 4020, and CPC 62271, 63297, 7131, 613, 742, and 887 (excluding advisory and consulting services)

Type of Reservation: National Treatment
 Market Access
 Senior Management and Boards of Directors
 Performance Requirements

Description: **Cross-Border Services and Investment**

Cyprus reserves the right to adopt or maintain any measure limiting the cross-border provision of and requiring establishment for storage and warehousing services of fuels transported through pipelines, and the retail sales of fuel oil and bottled gas other than by mail order.

Cyprus reserves the right to adopt or maintain any measure with respect to the manufacture of refined petroleum products insofar as the investor is controlled by a natural or juridical person of a non-EU country which accounts for more than 5% of the EU's oil or natural gas imports, as well as to the manufacture of gas, distribution of gaseous fuels through mains on own account, the production, transmission and distribution of electricity, the pipeline transportation of fuels, services incidental to electricity and natural gas distribution other than advisory and consulting services, wholesale services of electricity, retailing services of motor fuel, electricity and non-bottled gas.

Existing Measures: The Regulating of the Electricity Market Laws of 2003 to 2008 (articles 34(2) and 37)
 The Regulating of the Gas Market Laws of 2004 to 2007
 The Petroleum (Pipelines) Law, Chapter 273 of the Constitution of the Republic of Cyprus
 The Petroleum Law L.64(I)/1975
 The Petroleum and Fuel Specifications Laws of 2003 to 2009

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Reservations Applicable in Czech Republic

Sector: Business Services
Sub-sector: Real estate services
Industry classification: CPC 821, CPC 822
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 Czech Republic reserves the right to adopt or maintain any measure with respect to the cross-border provision of real estate services.

Existing Measures:

*

Sector: Business Services
Sub-sector: Auction Services
Industry classification: CPC Ver.1.1 part of 621 (services of retail auctioning houses)
 CPC Ver.1.1 part of 612 (services of wholesale houses)
 CPC Ver.1.1 part of 625 (services of electronic retail auctions)
 CPC Ver.1.1 part of 85990 (auctioning services other than in connection with legal procedures)

Description: **Cross-Border Services**
 Auction services in the Czech Republic are subject to licence. To obtain a licence (for the provision of voluntary public auctions), a company must be incorporated in the Czech Republic and a natural person is required to obtain a residency permit, and the company, or natural person must be registered in the Commercial Register of the Czech Republic.

Existing Measures: The Act. 455/1991 Coll., Trade Licence Act and Act no. 26/2000 Coll., on public auctions

*

Sector: Business services
Sub-sector: Auditing services
Industry classification: CPC 86211 and 86212 other than accounting services
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Investment**

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Only an enterprise in which at least 60 per cent of capital interests or voting rights are reserved to Czech/EU nationals may be authorised to carry out audits in the Czech Republic.

Existing Measures: Law of 14th April 2009 no. 93/2009 Coll., on Auditors

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
 The Czech Republic reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

The Czech Republic reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 The Czech Republic reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

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*

Sector: Education Services
Sub-sector:
Industry classification: CPC 921, 922, 923, 924
Type of Reservation: Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 In the Czech Republic, the majority of the members of the board of directors of an establishment providing privately-funded education services must be Czech nationals.

Existing Measures:

*

Sector: Health Services
Sub-sector: Hospital services, Ambulance services, Residential health services other than hospital services
Industry classification: CPC 9311, 93192, 93193
Type of Reservation: Market Access
 National Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description: **Investment**
 The Czech Republic reserves the right to adopt or maintain any measure with respect to the provision of privately funded hospital, ambulance, and residential health services other than hospital services.

Existing Measures: Act No. 372/2011 Sb. on Health Care Services and Conditions of Their Provision

*

Sector: Health Services
Sub-sector: Health-related Professional Services: Medical and Dental Services, Midwife Services, Nursing Services, Physiotherapeutic and Para-medical services, Psychologist Services, Other Health-related Services
Industry classification: CPC 9312, part of CPC 9319,
Type of Reservation: Market Access
 National Treatment

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Description:	Cross-Border Services and Investment The Czech Republic reserves the right to adopt or maintain any measure with regard to the provision of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, as well as other health-related services relating to the handling of human tissues, organs and cells intended for use in man.
Existing Measures:	Act No 296/2008 Coll., on Safeguarding the Quality and Safety of Human Tissues and Cells Intended for Use in Man ("Act on Human Tissues and Cells") Act No 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts (Act on Pharmaceuticals) Act. 123/2000 Coll., on Medical Devices Act. 285/2002 Coll., on the Donating, Taking and Transplanting of Tissues and Organs and on Amendment to Certain Acts (Transplantation Act)

*

Sector:	Social Services
Sub-sector:	
Industry classification:	CPC 933
Type of Reservation:	Market Access National Treatment Performance Requirements Senior Management and Boards of Directors

Description:	Investment The Czech Republic reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services.
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Sector:	Rail Transport
Sub-sector:	
Industry classification:	CPC 7111, CPC 7112
Type of Reservation:	Most-Favoured-Nation Treatment

Description:	Cross-Border Services and Investment Measures that are taken under existing or future agreements, and which regulate traffic rights and operating conditions, and the provision of transport services in the territory of Bulgaria, Czech Republic and Slovakia and between the countries concerned.
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Existing Measures:

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Sector: Road Transport

Sub-sector:

Industry classification: CPC 7121, CPC 7122, CPC 7123

Type of Reservation: Most-Favoured-Nation Treatment

Description:

Cross-Border Services and Investment

Measures that are taken under existing or future agreements, and which reserve or limit the provision of transport services and specify operating conditions, including transit permits and/or preferential road taxes of a transport services into, in, across and out of the Czech Republic to the contracting parties concerned.

Existing Measures:

Reservations Applicable in Denmark

Sector: All sectors
Sub-sector:
Industry classification:
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic cooperation, such as:
(a) financial support to R&D projects (the Nordic Industrial Fund);
(b) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and
(c) financial assistance to companies⁸⁹ utilizing environmental technology (the Nordic Environment Finance Corporation).

This reservation is without prejudice to the exclusion of procurement by a Party, subsidies, or governmental support for trade in services in Chapter X (Investment) Article X.14(5)(a) and (b), and Chapter X (CBTS) Article. X.01(2)(f) and (g) respectively.

Existing Measures:

*

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: Market Access
National Treatment
Most-Favoured-Nation Treatment
Performance Requirements
Senior Management and Boards of Directors

Description: **Investment**
Non-EU residents cannot own one-third or more of a business engaged in commercial fishing in Denmark.

Non-EU residents cannot own Danish flag vessels except through an enterprise incorporated in Denmark.

⁸⁹ Applies to East European companies, which are cooperating with one or more Nordic companies.

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For a company to register its vessel as a Danish fishing vessel, at least two-thirds of the owners of the company must be registered as fishermen having an "A" status fishing licence, or two-thirds of the shares of the company must be owned by another company which is entirely owned by fishermen having an "A" status licence.

To obtain an "A" status fishing licence, a natural person must have lived in Denmark for two years prior to the request to obtain a licence or hold Danish citizenship. These restrictions do not apply to persons within the EU or EEA Countries.

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Denmark reserves the right to adopt or maintain any measure with regard to the provision of airport guard services.

In order to provide security services in Denmark, it is a requirement to be a national juridical person.

Existing Measures:

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Market Access
 National Treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**
 No persons or companies (including insurance companies) may, for business purposes in Denmark, assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities.

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Existing Measures:

*

Sector: Social Services

Sub-sector:

Industry classification: CPC 933

Type of Reservation: Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:

Investment

Denmark reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

4 August 2014

Reservations Applicable in Estonia

Sector: All Sectors
Sub-sector: Acquisition of real estate
Industry classification:
Type of Reservation: National Treatment

Description: Investment

Only a natural person who is an Estonian citizen or the citizen of any EEA country, or a legal person who is entered in the appropriate Estonian register, may acquire an immovable used for profit yielding land, the land use type categories of which include agricultural or forest land, and only with the authorisation of the county governor.

This reservation does not apply to the acquisition of agricultural or forest land for the purposes of providing a service which is liberalised under this agreement.

Existing Measures: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) § 2, § 3

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: Cross Border Services and Investment

Estonia reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

Estonia reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

4 August 2014

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Estonia reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector: Financial Services
Sub-sector: Banking and other financial services (except insurance)
Type of Reservation: Market Access
 National treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**
 For acceptance of deposits, requirement of authorisation by the Estonian Financial Supervision Authority and registration under Estonian law as a joint-stock company, a subsidiary or a branch.

Existing Measures: Krediidiasutuste seadus (Credit Institutions Act) § 20⁶.

*

Sector: Transport
Sub-sector: Maritime Transport, Road and Rail Transport
Industry classification: part of CPC 721, part of CPC 711, part of CPC 712
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
 Estonia reserves the right to adopt or maintain any measure which accords differential treatment to a country pursuant to existing or future bilateral agreements on international road transport (including combined transport-road/rail), reserving or limiting the provision of a transport services into, in, across and out of the

4 August 2014

Republic of Estonia to the contracting parties to vehicles registered in each contracting party, and providing for tax exemption for such vehicles.

Existing Measures:

4 August 2014

Reservations Applicable in Finland

Sector: All Sectors
Sub-sector:
Industry classification:
Type of Reservation: National Treatment
 Market Access

Description: **Cross-Border Services and Investment**
 Restrictions on the right for natural persons, who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without obtaining permission from the competent authorities of the Åland Islands.

Restrictions on the right of establishment and right to carry out economic activities by natural persons, who do not enjoy regional citizenship in Åland, or by any enterprise, without obtaining permission from the competent authorities of the Åland Islands.

Existing Measures: Ahvenanmaan maanhankintalaki (Act on land acquisition in Åland) (3/1975), Section 2
 Ahvenanmaan itsehallintolaki (Act on the Autonomy of Åland) (1144/1991), Section 11

*

Sector: All services
Sub-sector: Electronic identification services
Industry classification:
Type of Reservation: Market Access

Description: **Cross-Border Services**
 Finland reserves the right to require establishment in Finland, or elsewhere in the EEA in order to provide electronic identification services.

Existing Measures: Laki vahvasta sähköisestä tunnistamisesta ja sähköisistä allekirjoituksista (Act on Strong Electronic Identification and Electronic Signatures) 617/2009

*

Sector: All sectors
Sub-sector:

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Industry classification:**Type of Reservation:** Most-Favoured-Nation Treatment**Description:****Cross-Border Services and Investment**

Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic cooperation, such as:

- (a) financial support to R&D projects (the Nordic Industrial Fund);
- (b) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and
- (c) financial assistance to companies⁹⁰ utilizing environmental technology (the Nordic Environment Finance Corporation).

This reservation is without prejudice to the exclusion of procurement by a Party, subsidies, or governmental support for trade in services in Chapter X (Investment) Article X.14(5)(a) and (b), and Chapter X (CBTS) Article. X.01(2)(f) and (g) respectively.

Existing Measures:

*

Sector:

Manufacture of Nuclear Fuel, Electricity, Gas and Water Supply

Sub-sector:

Nuclear based electricity generation

Processing of nuclear material and fuel

Transportation or handling of nuclear material

Industry classification:

ISIC REV 3.1 233, 40

Type of Reservation: National Treatment

Market Access

Description:**Investment**

Finland reserves the right to adopt and maintain any measure with respect to the processing, distribution or transportation of nuclear material and generation of nuclear-based energy.

Existing measures:

Ydinenergialaki (Nuclear Energy Act) (990/1987)

*

Sector:

Business services

Sub-sector:

Executive search, placement services of office support personnel

and other workers, and supply services of office support personnel

Industry classification:

CPC 87201, 87202, 87203

Type of Reservation:

National Treatment

⁹⁰ Applies to East European companies, which are cooperating with one or more Nordic companies.

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Market Access
Senior Management and Boards of Directors

Description:**Cross border Services and Investment**

Finland reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

Finland reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel and other workers (CPC 87203).

Existing Measures:

Laki julkisesta työvoima- ja yrityspalvelusta (Act on Public Employment and Enterprise Service) (916/2012)

*

Sector:

Business Services

Sub-sector:

Security services

Industry classification:

CPC 87302, 87303, 87304, 87305, 87309

Type of Reservation:

National Treatment
Market Access

Description:**Cross-Border Services**

The provision of security services by a foreign provider on a cross-border basis is not allowed.

Licences to provide security services may be granted only to natural persons resident in the EEA or juridical persons established in the EEA.

Existing Measures:

Laki yksityisistä turvallisuuspalveluista (Private Security Services Act) 282/2002

*

Sector:

Distribution Services

Sub-sector:

Distribution of alcoholic beverages

Industry classification:

part of CPC 62112, 62226, 63107, 8929

Type of Reservation:

National Treatment
Market Access
Performance Requirements
Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

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Finland reserves the right to adopt or maintain any measure with respect to the provision of distribution of alcoholic beverages.

Existing Measures: Alkoholilaki (Alcohol Act) (1143/1994)

*

Sector: Distribution Services
Sub-sector: Distribution of pharmaceutical products
Industry classification: CPC 62251, CPC 62117, CPC 63211, CPC 8929
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Finland reserves the right to adopt or maintain any measure with regard to distribution of pharmaceutical products.

Existing Measures: Lääkelaki (Medicine Act) (395/1987)

*

Sector: Energy
Sub-sector: Transmission and distribution networks and systems, importation, wholesale and retail of electricity, production and distribution of gas, steam and hot water
Industry classification: ISIC Rev. 3.1 [40](#), CPC 7131, CPC 887 (excluding advisory and consultancy services)
Type of Reservation: Market Access
 National treatment
 Senior Management and Boards of Directors
 Performance Requirements

Description: **Cross-Border Services and Investment**
 Finland reserves the right to adopt or maintain any measure with regard to transmission and distribution networks and systems of energy and of steam and hot water.

Finland reserves the right to prevent control or ownership of an LNG terminal (including those parts of the LNG terminal used for storage and/or re-gasification of LNG) by foreign persons or enterprises for energy security reasons.

Finland reserves the right to adopt or maintain any measure with regard to the importation, wholesale and retail of electricity.

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Finland reserves the right to adopt or maintain quantitative restrictions in the form of monopolies or exclusive rights for the importation of natural gas, and for the production and distribution of steam and hot water.

Currently, natural monopolies and exclusive rights exist.

Existing measures: Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000)
Sähkömarkkinalaki (Electricity Market Act) (386/1995)

*

Sector: Education Services

Sub-sector:

Industry classification: CPC 921, 922, 923, 924

Type of Reservation: Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:

Cross-Border Services and Investment

Finland reserves the right to adopt and maintain any measure with respect to the provision of privately funded primary, secondary, higher, and adult education services.

Existing Measures:

Perusopetuslaki (Basic Education Act) (628/1998)

Lukiolaki (General Upper Secondary Schools Act) (629/1998)

Laki ammatillisesta koulutuksesta (Vocational Training and Education Act) (630/1998)

Laki ammatillisesta aikuiskoulutuksesta (Vocational Adult Education Act) (631/1998)

Ammattikorkeakoululaki (Polytechnics Act) (351/2003)

Yliopistolaki (Universities Act) (558/2009)

*

Sector: Health Services

Sub-sector: Hospital services, Ambulance services, Residential health services other than hospital services, Other human health services

Industry classification: CPC 9311, 93192, 93193, 93199

Type of Reservation: Market Access

National Treatment

Performance requirements

Senior Management and Boards of Directors

Description:

Investment

4 August 2014

Finland reserves the right to adopt or maintain any measure with respect to the provision of privately funded hospital, ambulance, residential health services other than hospital services, and other human health services.

Existing Measures: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990)

*

Sector: Health Services

Sub-sector: Health-related professions: Medical and dental services, services provided by midwives, physiotherapeutic and para-medical services, Services provided by psychologists

Industry classification: CPC 9312, CPC 93191

Type of Reservation: Market Access
National Treatment
Performance Requirements
Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
Finland reserves the right to adopt or maintain any measure with respect to the provision of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by midwives, physiotherapists and paramedical personnel, and services provided by psychologists. This reservation does not apply to services provided by nurses.

Existing Measures: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990)

*

Sector: Social Services

Sub-sector:

Industry classification: CPC 933

Type of Reservation: Market Access
National Treatment
Performance Requirements
Senior Management and Boards of Directors

Description: **Investment**
Finland reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services.

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Existing Measures: Laki yksityisten sosiaalipalvelujen valvonnasta (Act on Supervision of Private Social Services) (603/1993)

*

Sector: Financial Services

Sub-sector: Insurance and insurance-related services

Industry classification:

Type of Reservation: National Treatment

Market Access

Cross-Border Supply of Financial Services

Senior Management and Boards of Directors

Description: **Financial Services**

The supply of insurance broker services is subject to a permanent place of business in the European Union.

Only insurers having their head office in the European Union or having their branch in Finland may offer direct insurance services, including co-insurance.

At least one half of the members of the board of directors and the supervisory board, the managing director of an insurance company providing statutory pension insurance shall have their place of residence in the EEA, unless the competent authorities have granted an exemption. Foreign insurers cannot obtain a licence in Finland as a branch to carry on statutory pension insurance. At least one auditor shall have his permanent residence in the EEA.

For other insurance companies, residency in the EEA is required for at least one member of the board of directors and the supervisory board and the managing director. At least one auditor shall have his permanent residence in the EEA.

The general agent of a Canadian insurance company must have his place of residence in Finland, unless the company has its head office in the EU.

Existing Measures: Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995)
 Vakuutusyhtiölaki (Insurance Companies Act) (521/2008)
 Laki vakuutusedustuksesta (Act on Insurance Mediation) (570/2005)
 Laki työeläkevakuutusyhtiöistä (Act on Companies providing statutory pension insurance) (354/1997)

*

Sector: Financial Services
Sub-sector: Banking and other financial services
Industry classification:
Type of Reservation: National Treatment
 Senior Management and Boards of Directors
 Cross-Border Supply of Financial Services

Description: **Financial Services**
 At least one of the founders, the members of the board of directors, the supervisory board, the managing director of banking services providers and the person entitled to sign the name of the credit institution shall have their permanent residence in the EEA. At least one auditor shall have his permanent residence in the EEA.

For payment services, residency or domicile in Finland may be required.

Existing Measures: Laki liikepankeista ja muista osakeyhtiömuotoisista luottolaitoksista (Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company) (1501/2001)
 Säästöpankkilaki (1502/2001) (Savings Bank Act)
 Laki osuuspankeista ja muista osuuskuntamuotoisista luottolaitoksista (1504/2001) (Act on Cooperative Banks and Other Credit Institutions in the Form of a Cooperative Bank)
 Laki hypoteekkiyhdistyksistä (936/2001) (Act on Mortgage Societies)
 Maksulaitoslaki (297/2010) (Act on Payment Institutions)
 Laki ulkomaisen maksulaitoksen toiminnasta Suomessa (298/2010) (Act on the Operation of Foreign Payment Institution in Finland)
 Laki luottolaitostoiminnasta (Act on Credit Institutions) (121/2007)

*

Sector: Transport
Sub-sector: Passenger or freight transport by rail
Industry classification: CPC 7111, CPC 7112
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services and Investment**

4 August 2014

Finland reserves the right to adopt or maintain any measure with respect to cross-border provision of rail transport.

With regard to establishment of rail passenger transport services, currently, there are exclusive rights (granted to VR-Group Ltd that is 100% owned by the state) until 2017 in Helsinki Metropolitan Area and elsewhere until 2019 in this field, which may be renewed.

Existing Measures: Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70
Rautatielaki (Railway Act) (304/2011)

*

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: National Treatment
Market Access

Description: **Investment**
Commercial fishing can only be exercised by vessels flying the Finnish flag. Additional requirements may apply, which relate, inter alia, to ownership of the vessel and the existence of a sufficient connection to the Finnish fishing industry

Existing Measures: Merilaki (Maritime Act) 674/1994
Kalastuslaki (Fishing Act) 286/1982
Laki merellä toimivien kalastus- ja vesiviljelyalusten rekisteröinnistä (Act on Registration of Sea-going vessels engaged in Fishing and Aquaculture) 690/2010

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712
Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Services and Investment**

4 August 2014

Authorisation is required to provide road transport services, which is not extended to foreign registered vehicles.

Existing Measures: Laki kaupallisista tavarankuljetuksista tiellä (Act on Commercial Road Transport) 693/2006
Ajoneuvolaki (Vehicles Act) 1090/2002

*

Sector: **Transport**
Sub-sector: Maritime Transport, Road and Rail Transport
Industry classification: part of CPC 721, part of CPC 711, part of CPC 712
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
Finland reserves the right to adopt or maintain any measure which accords differential treatment to a country pursuant to existing or future bilateral agreements exempting vessels registered under the foreign flag of a specified other country or foreign registered vehicles from the general prohibition from providing cabotage transport (including combined transport, road and rail) in Finland on the basis of reciprocity.

Existing Measures:

4 August 2014

Reservations Applicable in France

Sector: All sectors
Sub-sector: Types of establishment
Industry classification:
Type of Reservation: Market Access
 National Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Pursuant to articles L151-1 and R153-1 sec of the financial and monetary code, foreign investments in France in sectors listed in article R153-2 of the financial and monetary code are subject to prior approval from the Minister for the Economy.

Existing Measures: Financial and monetary code: articles L151-1 sec, R153-1 sec

*

Sector: All sectors
Sub-sector: Types of establishment
Industry classification:
Type of Reservation: National Treatment
 Senior Management and Boards of Directors

Measures:

Description: **Investment**
 France reserves the right to limit foreign participation in newly privatised companies to a variable amount, determined by the government of France on a case by case basis, of the equity offered to the public.

For establishing in certain commercial, industrial or artisanal activities, a specific authorisation is needed if the managing director is not a holder of a permanent residence permit.

Phase-out: None

*

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: National Treatment

4 August 2014

Market Access

Description:**Investment**

Non-EU nationals cannot participate in French maritime State property for fish/shellfish/algae farming.

Existing Measures:

*

Sector:

Business services

Sub-sector:

Placement services and supply services of office support personnel

Industry classification:

87202, 87203

Type of Reservation:

Market Access

National Treatment

Senior Management and Boards of Directors

Description:**Cross Border Services and Investment**

France reserves the right to restrict the number of suppliers of placement services. These services are subject to a state monopoly.

France reserves the right to require establishment and to prohibit the cross-border provision of supply services of office personnel.

Existing Measures:

*

Sector:

Business Services

Sub-sector:

Security services

Industry classification:

CPC 87302, 87303, 87304, 87305, 87309

Type of Reservation:

Market Access

National Treatment

Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

The provision of security services by a foreign provider on a cross-border basis is not allowed.

Nationality condition for managing directors and directors.

Existing Measures:

*

Sector:

Financial Services

4 August 2014

Sub-sector: Insurance
Type of Reservation: Cross-Border Supply of Financial Services

Description: **Financial Services**
 Insurance of risks relating to ground transport may be underwritten only by insurance firms established in the European Union.

Existing Measures: Article L 310-10 du code des assurances

*

Sector: Health services
Sub-sector: Laboratory Analysis and Testing
Industry classification: Part of CPC 9311
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 France reserves the right to adopt or maintain any measure with regard to the provision of privately funded laboratory analysis and testing services.

Existing Measures: Article L 6213-1 à 6213-6 du Code de la Santé Publique

*

Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 France reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

*

Sector: Tourism and Travel Related Services
Sub-sector: Tourist Guides Services

4 August 2014

Industry classification: CPC 7472
Type of Reservation: National Treatment

Description: **Cross-Border Services**
 France reserves the right to require EU nationality for the provision of tourist guide services in its territory.

Existing measures: None

*

Sector: News and Press Agency Services
Sub-sector:
Industry classification: CPC 962
Type of Reservation: Market Access
 National Treatment

Description: **Investment**
 Foreign participation in existing companies publishing publications in the French language may not exceed 20 per cent of the capital or of voting rights in the company.

Establishment of Canadian press agencies is subject to conditions set out in domestic regulation.

Establishment of press agencies by foreign investors is subject to reciprocity.

Existing Measures: Ordonnance n° 45-2646 du 2 novembre 1945 portant réglementation provisoire des agences de presse
 Loi n° 86-897 du 1 août 1986 portant réforme du régime juridique de la presse

*

Sector: Energy
Sub-sector: Electricity and gas transmission systems, oil and gas pipeline transport
Industry classification: ISIC Rev 3.1 401, 402, CPC 7131, CPC 887
Type of Reservation: Market Access
 National Treatment
 Performance requirements
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**

4 August 2014

France reserves the right to adopt or maintain any measure with regard to electricity and gas transmission systems and oil and gas pipeline transport.

Only companies where 100% of the capital is held by the French State, by another public sector organisation or by EDF, may own and operate electricity transmission or distribution systems.

Only companies where 100% of the capital is held by the French State, by another public sector organisation or by GDF-Suez, may own and operate gas transmission or distribution systems for reasons of national energy security.

Existing Measures:

Loi N° 2004-803 du 9 août 2004 relative au service public de l'électricité et du gaz et aux entreprises électriques et gazières

Loi N°2005-781 du 13 juillet 2005

Loi N°2000-108 du 10 février 2000

*

Sector: Production of electricity
Industry classification: ISIC rev 3.1: 4010
Type of Reservation: Market Access

Description: **Investment**
 France reserves the right to adopt or maintain any measure with respect to the production of electricity.

*

Sector: Manufacturing, production, processing, generation, distribution or transportation of nuclear material
Sub-sector: Nuclear based electricity generation
 Processing of nuclear material and fuel
 Transportation or handling of nuclear material
Industry classification: ISIC REV 3.1 12, 23, 40; ISIC rev.3.1, 1200, 2330, part of 4010
Type of Reservation: Market Access
 National Treatment

Description: **Investment**
 The manufacturing, production, processing, generation, distribution or transportation of nuclear material must respect the obligations of the Euratom-Canada agreement.

4 August 2014

Existing Measures:

*

Sector: Rental/Leasing Services without Operators
Sub-sector: Other Rental/Leasing Services without Operators
Industry classification: CPC 832
Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Services**
France reserves the right to adopt or maintain any measure with regard to the provision of other rental/leasing services without operator.

Existing Measures:

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712
Type of Reservation: Market Access
National Treatment

Description: **Investment**
Foreign investors are not allowed to provide intercity bussing services.

Existing Measures:

Reservations Applicable in Germany

(applicable to all levels of government unless otherwise indicated)

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: National Treatment
 Market Access
 Senior Management and Board of Directors

Description: **Investment**
 The majority of shares must be owned by EU citizens or companies established in accordance with EU rules and that have their principal place of business in a Member State. The use of the vessels must be headed and supervised by persons residing in Germany.

In order to obtain a fishing licence, all fishing vessels must register with the relevant coastal states in which the ships have their home ports.

Existing Measures:

*

Sector: Environmental Services
Sub-sector: Waste management: Sewage, refuse disposal, and sanitation services
Industry classification: CPC 9401, CPC 9402, CPC 9403
Type of Reservation:: Market access

Description: **Cross-Border Services and Investment**
 Germany reserves the right to maintain or adopt or maintain any measure prohibiting the cross-border provision of services and requiring establishment with respect to the supply of waste management services, other than advisory services.

Germany reserves the right to adopt or maintain any measure relating to the designation, establishment, expansion, or operation of monopolies or exclusive services suppliers providing waste management services.

*

4 August 2014

Sector: Environmental Services
sub-sector: Soil Management
Industry classification: 94060
Type of reservation: Market Access

Description: **Cross-Border Services and Investment**
 Germany reserves the right to adopt or maintain any measure prohibiting the cross-border provision of services and requiring establishment with respect to services relating to the protection of soil and the management of contaminated soils, other than advisory services.

Germany reserves the right to adopt or maintain any measure relating to the designation, establishment, expansion, or operation of monopolies or exclusive services suppliers providing soil management and protection services.

Existing measures:

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Market Access
 National Treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**
 Compulsory air insurance policies can be underwritten only by a subsidiary established in the European Union or by a branch established in Germany.

Existing Measures: §§ 105 ff "Versicherungsaufsichtsgesetz" (VAG), insbesondere § 105 Abs. 2 VAG: „Versicherungsunternehmen eines Drittstaates, die im Inland das Erst- oder Rückversicherungsgeschäft durch Mittelpersonen betreiben wollen, bedürfen der Erlaubnis.“

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Market Access
 National Treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**

4 August 2014

If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.

Existing Measures: § 43 Abs. 2 Luftverkehrsgesetz (LuftVG) und § 105 Abs. 1 Luftverkehrszulassungsordnung (LuftVZO)

*

Sector: Other Business Services

Sub-sector: Placement and supply services

Industry classification: CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209

Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Services and Investment**

Germany reserves the right to adopt or maintain any measure with regard to the provision of executive search services and supply services.

Germany reserves the right to restrict the number of suppliers of placement services. Authorisation is subject to an economic needs test. Main criteria: situation and development of the labour market.

Germany reserves the right to introduce or maintain a monopoly of the Federal Labour Agency (*Bundesagentur für Arbeit*). Pursuant to Sec. 292 Social Code No. III (*Drittes Buch Sozialgesetzbuch – SGB III*), the Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of extra-EU and extra-EEA personnel for specified professions.

Existing Measures: Sec. 42 Employment Regulation (Beschäftigungsverordnung)

*

Sector: Health and Social Services

Sub-sector:

Industry classification: CPC 93

Type of Reservation: Market Access
National Treatment
Most-Favoured Nation Treatment
Performance Requirements
Senior Management and Boards of Directors

Description: **Investment**

4 August 2014

Germany reserves the right to adopt or maintain any measure with regard to the provision of the Social Security System of Germany, where services may be provided by different companies or entities involving competitive elements which are thus not "Services carried out exclusively in the exercise of governmental authority". Germany reserves the right to accord better treatment in the context of a bilateral trade agreement with regard to the provision of health and social services.

Existing Measures:

*

Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description:**Investment**

Germany reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

Germany reserves the right to adopt or maintain any measure regarding the Social Security System of Germany, where services are provided by different companies or entities involving competitive elements and might therefore not fall under the definition of the "*Services carried out exclusively in the exercise of governmental authority*".

Existing Measures:

*

Sector: Health Services
Sub-sector: Hospital Services
Industry classification: 93110
Type of Reservation: Market Access
 National Treatment

Description:**Investment**

4 August 2014

Germany reserves the right to maintain national ownership of privately funded hospitals run by the German Forces. Germany reserves the right to nationalise other key privately funded hospitals.

Existing Measures:

*

Sector: Recreational, cultural and sporting services
Sub-sector: Entertainment services, including theatre, live bands and circus services, Libraries, archives and museums and other cultural services
Industry classification: CPC 96, except for 962 (News and Press Agency Services) and 964 (Sporting and Other Recreational Services) and Audiovisual Services

Type of Reservation: Market Access
 National Treatment
 Most-Favoured-Nation Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Germany reserves the right to adopt and maintain any measure prohibiting the cross-border provision of services irrespective of their mode of production, distribution, or transmission and requiring establishment with respect to entertainment services (CPC 961), with the exception of audiovisual services which are not subject to liberalisation under this agreement.

Germany reserves the right to adopt and maintain any measure with respect to the provision of libraries, archives, museums and other cultural services (CPC 963).

Existing measures:

*

Sector: Energy
Sub-sector: Nuclear-based electricity generation
 Processing of nuclear material and fuel
 Transportation or handling of nuclear material
Industry classification: ISIC REV 3.1 120, 40, *services to be included*
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

4 August 2014

Description: **Cross-Border Services and Investment**
 Germany reserves the right to adopt and maintain any measure with respect to the processing or transportation of nuclear material and generation of nuclear-based energy.

Existing measures:

*

Sector: Rental/Leasing of vessels
Sub-sector:
Industry classification: CPC 83103, CPC 7213, CPC 7223
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
 Chartering-in of foreign ships by consumers resident in Germany may be subject to a condition of reciprocity.

Existing Measures:

*

Sector: **Other services not included elsewhere**
Sub-sector: Funeral, cremation and undertaking services
Industry classification: CPC 9703
Type of reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Germany reserves the right to adopt and maintain any measure with respect to funeral, cremation and undertaking services. Only juridical persons established under public law may operate a cemetery. The creation and operation of cemeteries and services related to funerals are carried out as governmental services.

Existing measures:

4 August 2014

Reservations Applicable in Greece

Sector: Social Services

Sub-sector:

Industry classification: CPC 933

Type of Reservation: Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:

Investment

Greece reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

4 August 2014

Reservations Applicable in Hungary**Sector:** All Sectors**Sub-sector:****Industry classification:****Type of Reservation:** Market Access
National Treatment
Senior Management and Boards of Directors**Description:****Investment**

Hungary reserves the right to adopt or maintain any measure with respect to the acquisition of state-owned properties.

Existing measures:

*

Sector: All sectors**Sub-sector:** Legal entities**Industry classification:****Type of Reservation:** Market Access**Measures:****Description:****Investment**

Commercial presence should take a form of limited liability company, joint-stock company or representative office. Initial entry as a branch is not permitted except for financial services.

Existing measures:

*

Sector: All sectors**Sub-sector:** Acquisition of arable land**Industry classification:****Type of Reservation:** National Treatment
Market Access**Description:****Investment**

Hungary reserves the right to adopt or maintain any measure with regard to the acquisition of arable land by foreign legal persons and non-resident natural persons, including with regard to the authorisation process for the acquisition of arable land.

Existing Measures:

Act LV of 1994 on Arable Land

4 August 2014

*

Sector: Agriculture
Sub-sector:
Industry classification: ISIC rev 3.1.: 011, 012, 013, 014, 015 excluding advisory and consultancy services
Type of Reservation: Market Access
 National Treatment

Description: **Investment**
 Hungary reserves the right to adopt or maintain any measures with respect to agricultural activities.

Existing Measures:

*

Sector: Business services
Sub-sector: Accounting, Bookkeeping and Auditing services
Industry classification: CPC 86212, CPC 86220, CPC 86211
Type of Reservation: Market Access

Description: **Cross-Border Services**
 Hungary reserves the right to adopt or maintain any measure with respect to cross border activities for accounting, bookkeeping and auditing services.

Existing Measures: Act C of 2000, Act CXXV of 2007

*

Sector: Business services
Sub-sector: Real Estate Services
Industry classification: CPC 821, 822
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 Hungary reserves the right to adopt or maintain any measure with respect to the cross-border provision of real estate services.

Existing Measures:

*

Sector: Business Services

4 August 2014

Sub-sector: Services incidental to manufacturing; Services incidental to energy distribution

Industry Classification: Part of CPC 884 and 887, other than advisory and consulting services

Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Services and Investment**
Hungary reserves the right to adopt or maintain any measure with respect to services incidental to energy distribution, and to the cross-border provision of services incidental to manufacturing, with the exception of advisory and consulting services relating to these sectors.

Existing Measures:

*

Sector: Business Services

Sub-sector: Security services

Industry classification: CPC 87304, 87305

Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Services**
Hungary reserves the right to adopt or maintain any measure with regard to the provision of armoured car services and guard services.

Existing Measures:

*

Sector: Business services

Sub-sector: Duplicating services

Industry classification: CPC 87904

Type of Reservation: Market access

Description: **Cross-Border services**
Hungary reserves the right to require establishment for the supply of duplicating services.

Existing Measures:

*

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Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Market Access
 National Treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**
 The supply of direct insurance in the territory of Hungary by insurance companies not established in the European Union is allowed only through a branch office registered in Hungary.

Existing Measures: Act LX of 2003

*

Sector: Health Services
Sub-sector: Hospital, ambulance and residential health services other than hospital services
Industry classification: CPC 9311, 93192, 93193
Type of Reservation: Market access
 National Treatment

Description: **Cross-Border Services**
 Hungary reserves the right to adopt or maintain any measure requiring the establishment or physical presence in their territory of suppliers and restricting the cross-border provision from outside their territory of all hospital, ambulance, and residential health services other than hospital services (CPC codes 9311, 931292, 93193), which receive public funding.

*

Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Hungary reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services.

*

Sector: Recreational, cultural and sporting agencies

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Sub-sector: News and press agencies services
Industry classification: CPC 962
Type of Reservation: Market access

Description: **Cross-Border services**
Hungary reserves the right to adopt or maintain any measure with respect to the supply of news and press agencies services.

Existing Measures: None

*

Sector: Manufacturing of electricity, gas and water supply
Sub-sector: Nuclear based electricity generation
Processing of nuclear fuel
Industry classification: ISIC rev.3.1.: 2330, part of 4010
Type of Reservation: Market Access
National Treatment
Performance Requirements
Senior Management and Boards of Directors

Description: **Investment**
Hungary reserves the right to adopt and maintain any measure with respect to the processing of nuclear fuel and nuclear-based electricity generation.

Existing measures: Act CXVI of 1996 on Nuclear Energy, Government Decree Nr. 72/2000 on Nuclear Energy

*

Sector: Energy services
Sub-sector: Pipeline Transportation of fuels
Industry classification: CPC 7131
Type of reservation: Market access

Description: **Cross-Border Services and Investment**
The provision of pipeline transport services requires establishment.

Services may be provided through a Contract of Concession granted by the state or the local authority. The supply of this service is regulated by the Hungarian Concession Law.

Existing measures: Act XVI of 1991 about Concessions

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Reservations Applicable in Ireland

Sector: Business services
Sub-sector: Executive search, supply services of office support personnel
Industry classification: CPC 87201, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross border Services**
 Ireland reserves the right to require establishment and to prohibit the cross-border provision of the supply of executive search services.
 Ireland reserves the right to require establishment and to prohibit the cross-border provision of supply services of office personnel.

Existing Measures:

*

[Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Type of Reservation: Market Access
 National Treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**
 The provision of investment services or investment advice requires either (I) authorisation in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader in each case with a head/registered office in Ireland (authorisation may not be required in certain cases, e.g., where a third country service supplier has no commercial presence in Ireland and the service is not supplied to private individuals) or (II) authorisation in another Member State in accordance with the EC Investment Services Directive.

Existing Measures: Directive 85/611/EEC

*

Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access

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National Treatment
Performance Requirements
Senior Management and Boards of Directors

Description:

Investment

Ireland reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

*

Sector:

Transport

Sub-sector:

Road Transport: Passenger Transportation

Industry classification:

CPC 7121, 7122

Type of Reservation: Market Access

Description:

Investment

Economic needs test for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

Existing Measures:

Reservations Applicable in Italy

Sector: All sectors
Sub-sector:
Industry classification:
Type of Reservation: Market Access
 National Treatment

Description: Investment

The Government may exercise certain special powers in enterprises operating in the areas of defense and national security, and in certain activities of strategic importance in the areas of energy, transport and communications. This relates to all juridical persons carrying out activities considered of strategic importance in the areas of defense and national security, not only to privatised companies.

Where there is a threat of serious injury to the essential interests of defense and national security, the Government has following special powers:-

- a) to impose specific conditions in the purchase of shares;
- b) to veto the adoption of resolutions relating to special operations such as transfers, mergers, splitting up, and changes of activity;
- c) to reject the acquisition of shares, where the buyer seeks to hold a level of participation in the capital that is likely to prejudice the interests of defense and national security.

Any resolution, act and transaction (transfers, mergers, splitting up, change of activity, termination) relating to strategic assets in the areas of energy, transport and communications shall be notified by the concerned company to the Prime Minister's office. In particular, acquisitions by any physical or juridical person outside the EU that give this person control over the company shall be notified.

The Prime Minister may exercise the following special powers:-

- a) to veto any resolution, act and transaction that constitutes an exceptional threat of serious injury to the public interest in the security and operation of networks and supplies;
- b) to impose specific conditions in order to guarantee the public interest;
- c) to reject an acquisition in exceptional cases of risk to the essential interests of the State.

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The criteria on which to evaluate the real or exceptional threat and conditions and procedures for the exercise of the special powers are laid down in the law.

Existing Measures: Law 56/2012 on special powers in companies operating in the field of defense and national security, energy, transport and communications
Decree of the Prime Minister DPCM 253 of 30.11.2012 defining the activities of strategic importance in the field of defense and national security

*

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: Market Access
National Treatment

Description: **Cross-Border Services and Investment**
Fishing in Italian territorial waters is reserved to Italian flagged vessels.

Existing Measures: Royal Decree 327/1942 (modified with [Law 222/2007](#)), [art. 143 and 221](#) (Navigation Code)

*

Sector: Business services
Sub-sector: Placement services, and supply services of office support personnel
Industry classification: CPC 87202, 87203
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
Italy reserves the right to require establishment and to prohibit the cross-border provision of supply services of office personnel (CPC 87203).

Italy reserves the right to restrict the number of suppliers of placement services and supply services of office personnel (CPC8702 and 87203).

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Existing Measures: Legislative Decree 276/2003 art. 4 and 5

*

Sector: Education services
Sub-sector: Primary, secondary, and higher education services
Industry classification CPC 921, 922, 923
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 Italy reserves the right to require establishment and to restrict the provision of cross-border services for the supply of privately funded primary and secondary education services.

Existing Measures: Royal Decree 1592/1933 (Law on secondary education)
 Law 243/1991 (Occasional public contribution for private universities)
 Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario)
 Decree of the President of the Republic (DPR) 25/1998

*

Sector: Financial Services
Sub-sector: Banking and other financial services (except insurance)
Type of Reservation: Market Access
 National Treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**
 Italy reserves the right to adopt or maintain any measure relating to the activities of "*promotori di servizi finanziari*".

Existing Measures: Articles 91-111 of Consob Regulation on Intermediaries (no. 16190 of 29 October 2007)

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Cross-Border Supply of Financial Services

Description: **Financial Services**
 Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be

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underwritten only by insurance companies established in the European Union, except for international transport involving imports into Italy.

Existing Measures: Art. 29 of the code of private insurance (Legislative decree n. 209 of 7 September 2005

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Cross-Border Supply of Financial Services

Description: **Financial Services**
 Italy reserves the right to adopt or maintain any measure requiring establishment and limiting the cross-border provision of services of suppliers of actuarial services.

Existing Measures: Law 194/1942 on the actuarial profession

*

Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Italy reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

Existing Measures: Law 833/1978 institution of the public health system; Legislative Decree 502/1992 organisation and discipline of the health field; Law 328/2000 Reform of social services

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712

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Type of Reservation: Market Access

Description:

Investment

An economic needs test is applied to limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to the supply of freight transportation services. Main criteria: local demand.

Existing Measures:

Legislative decree 285/1992 (Road Code and subsequent amendments) art. 85; Legislative Decree 395/2000 art. 8 (road transport of passengers); Law 21/1992 (Framework law on non-scheduled public road transport of passengers); Law 218/2003 art.1 (transport of passenger through rented buses with driver); Law 151/1981 (framework law on public local transport)

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Reservations Applicable in Latvia

Sector: All sectors
Sub-sector: Acquisition of rural land
Industry classification:
Type of Reservation: National Treatment
 Market Access

Description: **Investment**
 Latvia reserves the right to adopt or maintain any measure with regard to the acquisition of rural land by third country nationals, including with regard to the authorisation process for the acquisition of rural land.

Existing Measures: Law on land privatisation in rural areas, Section 28;29;30.

*

Sector: Veterinary Services
Sub-sector:
Industry classification: CPC 932
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 Latvia reserves the right to adopt or maintain any measure relating to the cross-border provision of veterinary services.

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
 Latvia reserves the right to adopt or maintain any measure with regard to the provision of executive search, placement services, and supply services of office support personnel (CPC 87201, 87202, 87203).

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Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Latvia reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712
Type of Reservation: Market Access
 National Treatment

Description: **Investment**
 For passenger and freight transportation services, an authorisation is required, which is not extended to foreign registered vehicles.

Established entities are required to use nationally registered vehicles.

Existing Measures:

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Reservations Applicable in Lithuania

Sector: All sectors
Sub-sector:
Industry classification:
Type of reservation: Market access
National Treatment
Most-Favoured -Nation Treatment
Performance requirements
Senior Management and Boards of Directors

Description: **Investment**
Lithuania reserves the right to adopt or maintain any measure with respect to enterprises of strategic importance to national security which must belong to the State by the right of ownership (proportion of capital which may be held by private national or foreign persons conforming to national security interests, procedure and criteria for determination of conformity of potential national investors and potential enterprise participants, etc.)

Existing Measures: Law on Enterprises and Facilities of Strategic Importance for National Security and Other Enterprises of Importance to Ensuring National Security of the Republic of Lithuania of 21 July 2009 No. XI-375.

*

Sector: All sectors
Sub-sector: Purchase of land
Industry classification:
Type of Reservation: National Treatment
Market Access

Description: **Cross-Border Services and Investment**
Lithuania reserves the right to adopt or maintain any measure which is consistent with the commitments taken by the European Union and which are applicable in Lithuania in the General Agreement on Trade in Services (GATS) with respect to land acquisition. The land plot acquisition procedure, terms and conditions, as well as restrictions shall be established by the Constitutional Law, the Law on Land and the Law on the Acquisition of Agricultural Land.

However, local governments (municipalities) and other national entities of Members of the OECD and NATO conducting

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economic activities in Lithuania, which are specified by the constitutional law in compliance with the criteria of European and other integration which Lithuania has embarked on, are permitted to acquire into their ownership non-agricultural land plots required for the construction and operation of buildings and facilities necessary for their direct activities.

Existing Measures:

Constitution of the Republic of Lithuania

The Constitutional Law of the Republic of Lithuania on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania of 20 June 1996, No. I-1392 as last amended 20 March 2003, No. IX-1381

Law on land, of 27 January 2004, No. IX-1983

854 Law on acquisition of agricultural land of 24 April 2014, No. XII-

*

Sector: Business services
Sub-sector: Legal services
Industry classification: part of CPC 861
Type of Reservation: Most-Favoured-Nation Treatment

Description:**Cross-Border Services and Investment**

Attorneys from foreign countries can participate as advocates in court only in accordance with bilateral agreements on legal assistance.

Existing Measures:

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description:**Cross Border Services and Investment**

Lithuania reserves the right to adopt or maintain any measure with regard to the provision of executive search, placement services, and

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supply services of office support personnel (CPC 87201, 87202, 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

Lithuania reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector: Business Services
Sub-sector: Investigation services
Industry classification: CPC 87301
Type of Reservation: Market Access

Description:**Investment**

In Lithuania, investigation services are a monopoly reserved to the State.

Existing Measures:

*

Sector: Tourism and Travel-Related Services
Sub-sector: Tourist Guides Services
Industry classification: CPC 7472
Type of Reservation: Most-Favoured-Nation Treatment

Description:**Cross-Border Services and Investment**

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Insofar as Canada and its provinces and territories allow Lithuanian nationals to provide tourist guide services, Lithuania will allow Canadian nationals to provide tourist guide services under the same conditions.

Existing Measures:

*

Sector:

Telecommunications

Sub-sector:**Industry classification:****Type of reservation:**

Market Access

National Treatment

Description:**Cross-Border Services and Investment**

State Enterprise “Infostruktura” has exclusive rights to provide the following services: data transmission through secure state data transmission networks, granting of internet addresses ending “gov.lt”, certification of electronic cash-register.

Existing Measures:

Government Resolution of 28 May 2002 No.756 On the approval of the standard procedure for setting prices and tariffs of goods and services of a monopolistic nature provided by state owned enterprises and public institutions established by ministries, governmental institutions and county governors and assigned to them

*

Sector:

Construction services

Sub-sector:**Industry classification:**

CPC 51

Type of reservation:

Market access

Measures:

Law on Construction of Republic of Lithuania of 19 March 1996 No. I-1240

Description:**Cross-Border Services**

The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in the Republic of Lithuania, or a foreign design enterprise which has been approved by an institution authorised by the Government for such activities. The right to perform technical activities in the main areas of construction may be granted to a non-Lithuanian person who has been approved by an institution authorised by the Government of the Republic of Lithuania.

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Existing Measures: Law on Construction of Republic of Lithuania of 19 March 1996 No. I-1240

*

Sector: Social Services

Sub-sector:

Industry classification: CPC 933

Type of Reservation: Market Access

Description: **Cross-Border Services**

Lithuania reserves the right to adopt or maintain any measure with regard to the cross-border provision of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded.

*

Sector: Financial Services

Sub-sector: Banking and other financial services (excluding insurance)

Industry classification:

Type of Reservation: Market Access

Senior Management and Boards of Directors

Level of Government:

Measures: Law on Banks of the Republic of Lithuania of 30 March 2004 No IX-2085

Law on Collective Investment Undertakings of the Republic of Lithuania of 4 July 2003 No IX-1709

Law on Supplementary Voluntary Pension Accumulation of the Republic of Lithuania of 3 June 1999 No VIII-1212

Description: **Financial Services**

For the purpose of asset management, incorporation as a specialised management company (no branches) is required.

Only banks having their registered office or branch in Lithuania may act as the depositories of the assets of investment funds.

Only banks having their registered office or branch in Lithuania and authorised to provide investment services in the Member State or in the European Economic Area State may act as the depositories of the assets of pension funds.

At least one head of a bank's administration must speak the Lithuanian language and permanently reside in the Republic of Lithuania.

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Phase-out: None

*

Sector: Energy services**Sub-sector:** Pipeline Transportation of fuels**Industry classification:** CPC 7131**Type of reservation:** Market access**Description:** **Cross-Border Services**

Lithuania reserves the right to adopt or maintain any measure with respect to pipeline transportation of fuels.

Existing measures: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973

*

Sector: Energy**Sub-sector:** Storage and warehouse services of fuels transported through pipelines**Industry classification:** CPC 742 (ISIC Rev.3.1: 402)**Type of reservation:** Market access**Description:** **Cross-Border Services**

Lithuania reserves the right to adopt or maintain any measure with respect to services auxiliary to pipeline transport of goods other than fuel.

Existing measures: Law On Natural Gas of the Republic of Lithuania 10 October 2000 No VIII-1973 (Art 10.8)

*

Sector: Business Services; auxiliary services to maritime, internal waterways, rail and air transport**Sub-sector:** Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof**Industry classification:** part of CPC 8868, CPC 86764 and CPC 86769**Type of Reservation:** Market Access**Description:** **Investment**

In Lithuania, maintenance and repair services of rail transport equipment are subject to a state monopoly.

Existing Measures:

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*

Sector: Road Transport

Sub-sector:

Industry classification: CPC 7121, CPC 7122, CPC 7123

Type of Reservation: Most-Favoured-Nation Treatment

Description:

Cross-Border Services and Investment

Measures that are taken under bilateral agreements and which set the provisions for transport services and specify operating conditions, including bilateral transit and other transport permits for transport services into, through and out of the territory of Lithuania to the contracting parties concerned, and road taxes and levies.

Existing Measures:

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Reservations Applicable in Malta

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: Market Access
National Treatment

Description: **Investment**
For the purposes of the registration and licensing of a fishing vessel, the owner and/or captain or master of the fishing vessel shall be resident in Malta, in accordance with the terms of the provisions of the Immovable Property (Acquisition by Non-Residents) Act.

Existing Measures: Article 5 of Subsidiary Legislation 425.07 on Fishing Vessels Regulations

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
Malta reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

Malta reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
National Treatment

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Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

Malta reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector:

Education Services

Sub-sector:**Industry classification:** CPC 921, 922, 923, 924**Type of Reservation:** Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

Malta reserves the right to adopt and maintain any measure with respect to the provision of privately funded primary, secondary, higher, and adult education services.

Existing Measures:

*

Sector:

Health Services

Sub-sector:

Hospital services, Ambulance services, Residential health services other than hospital services

Industry classification: CPC 9311, 93192, 93193**Type of Reservation:** Market Access

National Treatment

Performance requirements

Senior Management and Boards of Directors

Description:**Investment**

Malta reserves the right to adopt or maintain any measure with respect to the provision of privately funded hospital, ambulance, and residential health services other than hospital services.

Existing Measures:

*

Sector: Health Services
Sub-sector: Health-related Professional Services: Medical and Dental Services, Midwife Services, Nursing Services, Physiotherapeutic and Para-medical services, Psychologist Services
Industry classification: CPC 9312, part of CPC 9319
Type of Reservation: National Treatment
 Market Access

Description: **Cross-Border Services and Investment**
 This reservation applies to all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists. In Malta, these services may only be provided by EU nationals having prior authorisation, which may be subject to an ENT.

Existing Measures:

*

Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Malta reserves the right to adopt or maintain any measure with regard to the provision of privately funded social services.

*

Sector: Transport services
Sub-sector: Road Transport
Industry classification: CPC 712
Type of Reservation: Market Access
 National treatment

Description: **Cross-Border Services and Investment**

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Public Bus Service: The entire network is subject to a concession which includes a Public Service Obligation agreement to cater for certain social sectors (such as students and the elderly).

*

Sector: Transport
Sub-sector: Water Transport, Supporting Services for Water Transport
Industry classification: CPC 7213, CPC 7214, CPC 745, part of CPC 742, part of CPC 749
Type of Reservation: Market Access

Description: **Cross-Border Services and Investment**
Exclusive rights exist for the maritime link to mainland Europe through Italy with Malta.

4 August 2014

Reservations Applicable in Netherlands

Sector: Business services
Sub-sector: Supply services of office support personnel
Industry classification: CPC 87203
Type of Reservation: Market Access

Description: **Cross Border Services**
 The Netherlands reserves the right to require establishment and to prohibit the cross-border provision of supply services of office personnel.

Existing Measures:

Sector: Transportation, Fishing and Aquaculture
Sub-Sector: Water Transportation, Services Incidental to Fishing
 CPC 722 Transport services (passengers and freight) by non-seagoing vessels
Type of Reservation: National Treatment
 Market Access

Description: **Investment**
 Foreign investors must have their principal office in the Netherlands in order to register a vessel on the national shipping register.

Existing Measures:

Reservations Applicable in Poland

Sector: All sectors
Sub-sector:
Industry classification:
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
 Preferential conditions for establishment or the provision of cross-border services, which may include the elimination or modification of certain restrictions embodied in the list of reservations applicable in Poland, may be extended through commerce and navigation treaties.

Existing Measures:

*

Sector: Fishing and Aquaculture, Services incidental to fishing
Sub-sector:
Industry classification: ISIC rev.3.1: 0501, 0502, CPC 882
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
 Poland reserves the right to adopt or maintain any measure which accords differential treatment to services and service providers of a country pursuant to existing or future bilateral agreements relating to fishing in the geographical area of fisheries falling within the jurisdiction of the countries involved, in accordance with international conservation practices and policies or agreements on fisheries, particularly in the Baltic Sea basin.

Existing Measures:

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**

4 August 2014

Poland reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

Poland reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Reserve the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector: Health Services
Sub-sector: Ambulance Services
Industry classification: CPC 93192
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Investment**
 Poland reserves the right to adopt or maintain any measure with respect to the provision of ambulance services.

Existing Measures:

*

4 August 2014

Sector: Social Services**Sub-sector:****Industry classification:** CPC 933**Type of Reservation:** Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:**Investment**

Poland reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services.

Existing Measures:

*

Sector: Transport**Sub-sector:** All Passenger and Freight Transport Services excluding Maritime Transport**Industry classification:** part of CPC 711, part of CPC 712, part of CPC 722**Type of Reservation:** Most-Favoured-Nation Treatment**Description:****Cross-Border Services and Investment**

Insofar as Canada and its provinces and territories allow the supply of transport services into and across Canadian territory by Polish passenger and freight transport suppliers, Poland will allow the supply of transport services by Canadian passenger and freight transport suppliers into and across the territory of Poland under the same conditions.

Existing Measures:

Reservations Applicable in Portugal

Sector: All sectors
Sub-sector:
Industry classification:
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
Portugal reserves the right to waive nationality requirements for the exercise of certain activities and professions by natural persons supplying services for countries for whom Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and São Tomé & Príncipe).

Existing Measures:

*

Sector: Business services
Sub-sector: Auditing services
Industry classification: CPC 86211, CPC 86212, other than accounting services
Type of Reservation: Market Access

Description: **Cross-Border Services**
Portugal reserves the right to adopt or maintain any measure with respect to the cross-border provision of auditing services.

Existing Measures:

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
Portugal reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

4 August 2014

Portugal reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services**
 The provision of security services by a foreign provider on a cross-border basis is not allowed.
 Nationality condition for specialised personnel.

Existing Measures:

*

Sector: Business Services
Sub-sector: Investigation services
Industry classification: CPC 87301
Type of Reservation: Market Access

Description: **Cross-Border Services and Investment**
 In Portugal, investigation services are a monopoly reserved to the State.

Existing Measures:

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Cross-Border Supply of Financial Services

Description: **Financial Services**
 Air and maritime transport insurance, covering goods, aircraft, hull and liability, can be underwritten only by firms established in the European Union.

4 August 2014

Only persons or companies established in the European Union may act as intermediaries for such insurance business in Portugal.

Existing Measures: Article 7 of [Decree-Law 94-B/98](#) and article 7 of [Decree-Law 144/2006](#)

*

Sector: Social Services

Sub-sector:

Industry classification: CPC 933

Type of Reservation: Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description: **Investment**

Portugal, reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

*

Sector: Energy

Sub-sector: Electricity, Natural Gas, Crude oil/Petroleum products

Industry classification: ISIC rev 3.1: 232, 4010, 4020, CPC 7131, 7422, 887 (excluding advisory and consulting services)

Type of Reservation: Market Access

National Treatment

Description: **Cross-Border Services and Investment**

Portugal reserves the right to adopt or maintain any measure with respect to the production, transmission and distribution of electricity, the manufacturing of gas, the pipeline transportation of fuels, wholesale services of electricity, retailing services of electricity and non-bottled gas, and services incidental to electricity and natural gas distribution.

Portugal reserves the right to adopt or maintain any measure with respect to the cross-border provision of storage and warehousing services of fuels transported through pipelines (natural gas).

The activities of electricity transmission and distribution are carried out through exclusive concessions of public service.

4 August 2014

Concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of liquefied natural gas (LNG) are awarded through contracts concession, following public calls for tenders.

These concessions for electricity and gas sectors are assigned only to limited companies with their headquarters and effective management in Portugal.

Existing Measures: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas
Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October - Electricity
Decree-Law 31/2006, 15 February – Crude oil/Petroleum products

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712
Type of Reservation: Market Access

Description: **Investment**
For passenger transportation, an economic needs test is applied to the supply of limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

Existing Measures:

*

Sector: Other Services
Sub-sector: Funeral, cremation and undertaking services

Industry classification: CPC 97030
Type of Reservation: Market Access

Description: **Investment**
Portugal reserves the right to adopt and maintain any measure with respect to funeral, cremation and undertaking services. The private management and operation of cemeteries is carried out under a public concession.

4 August 2014

Existing Measures: Decree-Law 109/2010, 14th October 2010 and Law 13/2011,
29th April 2011

4 August 2014

Reservations Applicable in Romania

Sector: Business services
Sub-sector: Research and Development Services
Industry classification: CPC 851, CPC 852, CPC 853
Type of Reservation: Market Access
 National Treatment
Description: **Cross Border Services**
 Romania reserves the right to adopt and maintain any measure with respect to the provisions of the specific legislation in force (*to be completed*).
Existing Measures: Governmental Ordinance nr. 6 / 2011
 Order of Minister of Education and Research nr. 3548 / 2006
 Governmental Decision nr. 134 / 2011

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors
Description: **Cross Border Services and Investment**
 Romania reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).
 Romania reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

4 August 2014

Description: **Cross-Border Services and Investment**
 Romania reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector: Education Services
Sub-sector:
Industry classification: CPC 921, 922, 923, 924
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services and Investment**
 Romania reserves the right to adopt and maintain any measure with respect to the provision of privately funded primary, secondary, higher, and adult education services.

Existing Measures:

*

Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 Romania reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services.

Reservations Applicable in the Slovak Republic

Sector: All sectors
Sub-sector: Acquisition of real estate
Industry classification:
Type of Reservation: Market Access
 National Treatment

Description: **Investment**
 Foreign companies or natural persons may not acquire agricultural and forest land outside the border of the built-up area of a municipality and some other land (e.g. natural resources, lakes, rivers, public roads etc.). (Article 19a of the Act 202/1995)

Existing Measures: Act 202/1995, the Foreign Exchange Act, art. 19
 Act 229/1991 on Laws on Adjustment of ownership relations to Land.

*

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
 The Slovak Republic reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).
 The Slovak Republic reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access

4 August 2014

National Treatment
Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

The Slovak Republic reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector:

Education Services

Sub-sector:

Industry classification: CPC 921, 922, 923 except 92310, 924

Type of Reservation: Market Access

National Treatment

Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

EEA residency requirement for providers of all privately funded education services other than post-secondary technical and vocational education services (CPC 92310).

An economic needs test may apply, the number of schools being established may be limited by local authorities.

In the Slovak Republic, the majority of the members of the board of directors of an establishment providing education services must be Slovak nationals.

Existing Measures: Act 245/2008 on education

Act 131/2002 on Universities, art. 2, 47 and 49a

Act 596/2003 on State Administration in Education, art. 16

*

Sector:

Health Services

Sub-sector:

Hospital services, Ambulance services, Residential health services other than hospital services

Industry classification: CPC 9311, 93192, 93193

Type of Reservation: Market Access

National Treatment

4 August 2014

Performance requirements
Senior Management and Boards of Directors

Description:**Investment**

The Slovak Republic reserves the right to adopt or maintain any measure with respect to the provision of privately funded hospital, ambulance, and residential health services other than hospital services.

Existing Measures:

*

Sector:

Social Services

Sub-sector:**Industry classification:** CPC 933**Type of Reservation:** Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:**Investment**

The Slovak Republic reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services.

Existing Measures:

*

Sector:

Financial Services

Sub-sector:

Insurance and insurance-related services

Industry classification:**Type of Reservation:** Market Access**Description:****Financial Services**

Foreign nationals may establish an insurance company in the form of a joint stock company or may conduct insurance business through their branches having a registered office in the Slovak Republic. The authorisation in both cases is subject to the evaluation of supervisory authority.

Existing Measures: Act 8/2008 on Insurance

*

4 August 2014

Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Industry classification:
Type of Reservation: Market Access
 National Treatment
Measures: Act 566/2001 on Securities
 Act 483/2001 on Banks

Description: **Financial Services**
 Investment services in the Slovak Republic can be provided by management companies which have the legal form of joint-stock company with equity capital according to the law (no branches).

Existing Measures:

*

Sector: Energy
Sub-sector:
Industry classification: ISIC 3.1: 4010, 4020, 4030, CPC 7131
Type of Reservation: National Treatment
 Market Access

Description: **Cross-Border Services and Investment**
 An authorisation is required for the production, transmission and distribution of electricity, manufacture of gas and distribution of gaseous fuels, production and distribution of steam and hot water, pipeline transportation of fuels, wholesale and retail of electricity, steam and hot water, and services incidental to energy distribution. An economic needs test is applied and the application may be denied only if the market is saturated.

For all these activities, an authorisation may only be granted to a natural person with permanent residency in EU/EEA or juridical person established in the EU/EEA.

Existing Measures: Act 51/1988 on Mining, art. 4a
 Act 569/2007 on Geological Activity, art. 5
 Act 251/2012 on Energy, art. 6, 7
 Act 657/2004 on Thermal Energy, art. 5

*

Sector: Transportation, Fishing and Aquaculture
Sub-Sector: Water Transportation, Service Incidental to Fishing

4 August 2014

Type of Reservation: CPC 722 Transport services (passengers and freight) by non-seagoing vessels
National Treatment
Market Access

Description: **Cross-border Services**
In the Slovak Republic, Foreign investors must have their principal office in the Slovak Republic in order to apply for a licence enabling them to provide a service.

Existing Measures:

*

Sector: Transport
Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services
Industry classification: CPC 712
Type of Reservation: Market Access

Description: **Investment**
For freight transportation, an economic needs test is applied. Main criteria: local demand.

Existing Measures:

*

Sector: Rail Transport
Sub-sector:
Industry classification: CPC 7111, CPC 7112
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
Measures that are taken under existing or future agreements, and which regulate traffic rights and operating conditions, and the provision of transport services in the territory of Bulgaria, Czech Republic and Slovakia and between the countries concerned.

Existing Measures:

*

Sector: Road Transport
Sub-sector:

4 August 2014

Industry classification: CPC 7121, CPC 7122, CPC 7123

Type of Reservation: Most-Favoured-Nation Treatment

Description:

Cross-Border Services and Investment

Measures that are taken under existing or future agreements, and which reserve or limit the provision of transport services and specify operating conditions, including transit permits and/or preferential road taxes of a transport services into, in, across and out of Slovakia to the contracting parties concerned.

Existing Measures:

4 August 2014

Reservations Applicable in Slovenia

Sector: Business services
Sub-sector: Executive search, placement services, and supply services of office support personnel
Industry classification: CPC 87201, 87202, 87203
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross Border Services and Investment**
 Slovenia reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel (CPC 87202).

Slovenia reserves the right to adopt or maintain any measure with regard to the provision of executive search services (CPC 87201) and supply services of office support personnel (CPC 87203).

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Slovenia reserves the right to adopt or maintain any measure with regard to the provision of security services.

Licensing and authorisation requirements may exist. Residency or commercial presence is required and nationality requirements may exist.

Existing Measures:

*

Sector: Education Services
Sub-sector: Primary, secondary, and higher education services
Industry classification: CPC 921, 922, 923

4 August 2014

Type of Reservation: Market Access

National Treatment
Senior Management and Boards of Directors

Description:**Cross-Border Services and Investment**

Slovenia reserves the right to require establishment and to restrict the provision of cross-border services for the supply of privately funded primary education services.

The majority of the members of the board of directors of an establishment providing privately funded secondary or higher education services must be Slovenian nationals.

Existing Measures:

*

Sector:

Health Services

Sub-sector:

Ambulance services

Industry classification:

CPC 93192

Type of Reservation: Market Access

National Treatment
Performance requirements
Senior Management and Boards of Directors

Description:**Investment**

Slovenia reserves the right to adopt or maintain any measure with respect to the provision of privately funded ambulance services.

Existing Measures:

*

Sector:

Social Services

Sub-sector:**Industry classification:**

CPC 933

Type of Reservation: Market Access

National Treatment
Performance Requirements
Senior Management and Boards of Directors

Description:**Investment**

Slovenia reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services.

4 August 2014

Reservations Applicable in Spain

Sector: Business services
Sub-sector: Executive search, placement services
Industry classification: CPC 87201, 87202
Type of Reservation: Market Access

Description: **Investment**
 Spain reserves the right to restrict the number of suppliers of executive search services.
 Spain reserves the right to restrict the number of suppliers of placement services.

Existing Measures:

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
 National Treatment

Description: **Cross-Border Services and Investment**
 The provision of security services by a foreign provider on a cross-border basis is not allowed.
 Access through Sociedades Anonimas, Sociedades de Responsabilidad Limitada, Sociedades Anonimas Laborales and Sociedades Cooperativas only.
 Nationality condition for specialised personnel.

Existing Measures:

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Market Access
 National Treatment
 Cross-Border Supply of Financial Services

Description: **Financial Services**

4 August 2014

Residence requirement or alternatively two years of experience for the actuarial profession.

*

Sector: Social Services

Sub-sector:

Industry classification: CPC 933

Type of Reservation: Market Access

National Treatment

Performance Requirements

Senior Management and Boards of Directors

Description:

Investment

Spain reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.

Existing Measures:

*

Sector: Transport

Sub-sector: Road Transport: Passenger Transportation, Freight Transportation, International Truck transport services

Industry classification: CPC 712

Type of Reservation: Market Access

Description:

Investment

For passenger transportation, an economic needs test applies to services provided under CPC 7122. Main criteria: local demand.

An economic needs test for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

Existing Measures:

*

Sector: Road Transport (Freight)

Sub-sector:

Industry classification: CPC 7123

Type of Reservation: Most-Favoured-Nation Treatment

4 August 2014

Description:

Cross-Border Services and Investment

Authorisation for the establishment of a commercial presence in Spain may be refused to service suppliers, whose country of origin does not accord effective market access to Spanish service suppliers.

Existing Measures:

Ley 16/1987, de 30 de julio, de Ordenación de los Transportes Terrestres

Reservations Applicable in Sweden**Sector:** All sectors**Sub-sector:****Industry classification:****Type of Reservation:** National Treatment

Senior Management and Boards of Directors

Description: **Investment**

Sweden reserves the right to adopt or maintain discriminatory requirements for founders, senior management and board of directors when new forms of legal association are incorporated into Swedish law.

Existing measures:

*

Sector: All sectors**Sub-sector:****Industry classification:****Type of Reservation:** Most-Favoured-Nation Treatment**Description:** **Cross-Border Services and Investment**

Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic cooperation, such as:

- (a) financial support to R&D projects (the Nordic Industrial Fund);
- (b) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and
- (c) financial assistance to companies⁹¹ utilizing environmental technology (the Nordic Environment Finance Corporation).

This reservation is without prejudice to the exclusion of procurement by a Party, subsidies, or governmental support for trade in services in Chapter X (Investment) Article X.14(5)(a) and (b), and Chapter X (CBTS) Article. X.01(2)(f) and (g) respectively.

Existing Measures:

*

⁹¹ Applies to East European companies, which are cooperating with one or more Nordic companies.

4 August 2014

Sector:	Mining and quarrying, Manufacturing of Electricity, gas and water supply
Sub-sector:	Nuclear based electricity generation Processing of nuclear fuel
Industry classification:	ISIC rev.3.1.: 1200, 2330, part of 4010
Type of Reservation:	Market Access National Treatment Performance Requirements Senior Management and Boards of Directors
Description:	Investment Sweden reserves the right to adopt and maintain any measure with respect to the processing of nuclear fuel and nuclear-based electricity generation.
Existing measures:	The Swedish Environmental Code (1998:808), Law on Nuclear Technology Activities (1984:3)

*

Sector:	Distribution services
Sub-sector:	Retail sales of pharmaceuticals and retail sales of medical and orthopaedical goods and other services supplied by pharmacists
Industry classification:	CPC 63211
Type of Reservation:	Market Access National Treatment Senior Management and Boards of Directors
Description:	Cross-Border Services and Investment The Swedish monopoly on retail sales of pharmaceuticals was abandoned on July 1 st 2009. Given that the opening of the market is recent and involves new modes of services delivery, Sweden reserves the right to adopt and maintain any measure with respect to retail sales of pharmaceutical goods and the supply of pharmaceutical goods to the general public.
Existing Measures:	Law on trade with pharmaceuticals (2009:336) Regulation on trade with pharmaceuticals (2009:659) The Swedish Medical Products Agency has adopted further regulations, the details can be found at (LVFS 2009:9) http://www.lakemedelsverket.se/upload/lvfs/LVFS_2009-9.pdf
Phase-out:	This reservation will be revisited within five years of the entry into force of this Agreement

*

4 August 2014

Sector: Education Services
Sub-sector:
Industry classification: CPC 92
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Description: **Cross-Border Services and Investment**
 Sweden reserves the right to adopt and maintain any measure with respect to educational services suppliers that are approved by public authorities to provide education.

This reservation applies to privately funded educational services suppliers with some form of State support, inter alia educational service suppliers recognised by the State, educational services suppliers under State supervision or education which entitles to study support.

Existing Measures:

*

Sector: Recycling
Sub-sector:
Industry classification: ISIC rev 3.1:37
Type of Reservation: Market Access

Description: Investment
 Sweden reserves the right to limit the number of suppliers of privately funded recycling services at the level of local government, by establishing or maintaining monopolies, or granting a concession or exclusive rights on a non-discriminatory basis to a service provider or service providers. The limitation on market access reflects the application of the EU reservation relating to public utilities.

Existing Measures: The Environmental Code (1998:808)
 SFS 1994:1205 Förordning (1994:1205) om producentansvar för returpapper
 SFS 2000:208 Förordning (2000:208) om producentansvar för glödlampor och vissa belysningsarmaturer
 SFS 2005:209 Förordning (2005:209) om producentansvar för elektriska och elektroniska produkter
 SFS 1997:185 Förordning (1997:185) om producentansvar för förpackningar

4 August 2014

SFS 1994:1236 Förordning (1994:1236) om producentansvar för däck

SFS 1993:1154 Förordning (1993:1154) om producentansvar för glasförpackningar och förpackningar av wellpapp

SFS 2007:185 Förordning (2007:185) om producentansvar för bilar

SFS 2007:193 Förordning (2007:193) om producentansvar för vissa radioaktiva produkter och herrelösa strålkällor

SFS 2006:1273 Förordning (2006:1273) om producentansvar för förpackningar

SFS 2009:1031 Förordning (2009:1031) om producentansvar för läkemedel

*

Sector:	Waste management
Sub-sector:	Management of waste from households and waste related to producer responsibilities
Industry classification:	CPC 9402
Type of Reservation:	Market Access

Description: Investment

Sweden reserves the right to limit the number of suppliers of privately funded waste management services at the level of local government, by establishing or maintaining monopolies, or granting a concession or exclusive rights on a non-discriminatory basis to a service provider or service providers. The limitation on market access reflects the application of the EU reservation relating to public utilities.

Existing Measures:	<p>The Environmental Code (1998:808)</p> <p>SFS 1994:1205 Förordning (1994:1205) om producentansvar för returpapper</p> <p>SFS 2000:208 Förordning (2000:208) om producentansvar för glödlampor och vissa belysningsarmaturer</p> <p>SFS 2005:209 Förordning (2005:209) om producentansvar för elektriska och elektroniska produkter</p> <p>SFS 1997:185 Förordning (1997:185) om producentansvar för förpackningar</p> <p>SFS 1994:1236 Förordning (1994:1236) om producentansvar för däck</p> <p>SFS 1993:1154 Förordning (1993:1154) om producentansvar för glasförpackningar och förpackningar av wellpapp</p> <p>SFS 2007:185 Förordning (2007:185) om producentansvar för bilar</p> <p>SFS 2007:193 Förordning (2007:193) om producentansvar för</p>
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vissa radioaktiva produkter och herrelösa strålkällor
 SFS 2006:1273 Förordning (2006:1273) om producentansvar för
 förpackningar
 SFS 2009:1031 Förordning (2009:1031) om producentansvar för
 läkemedel

*

Sector: Maritime Transport
Sub-sector: Cabotage
Industry classification: CPC 7211, CPC 7212
Type of Reservation: Most-Favoured-Nation Treatment

Description: **Cross-Border Services and Investment**
 Measures may be taken on a reciprocal basis allowing Canadian vessels under the Canadian flag to operate cabotage traffic in Sweden insofar as Canada and its provinces and territories allow vessels registered under the Swedish flag to operate cabotage traffic in Canada. The specific aim of this reservation depends on the content of possible mutually agreed future agreement between Canada and Sweden.

Existing Measures:

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Sector: Business Services; auxiliary services to rail and land transport
Sub-sector: Maintenance and repair of rail and road transport equipment and parts thereof
Industry classification: CPC 6112, CPC 6122, part of CPC 8867 and part of CPC 8868
Type of Reservation: Market Access

Description: **Investment**
 In Sweden, maintenance and repair services of rail and road transport equipment are subject to an economic needs test when an investor intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints.

Existing Measures: Planning and Building Act (2010:900)

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Sector: Other services not included elsewhere
Sub-sector: Funeral, cremation and undertaking services
Industry classification: CPC 9703
Type of reservation: Market Access

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National Treatment
Senior Management and Boards of Directors

Description:

Cross-Border Services

Sweden reserves the right to adopt and maintain any measure with respect to funeral, cremation and undertaking services

Existing measures:

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Reservations Applicable in the United Kingdom

Sector: Business Services
Sub-sector: Auditing Services
Industry classification: CPC 86211 and 86212 other than accounting services
Type of Reservation: Market Access
National Treatment
Performance requirements
Senior Management and Boards of Directors

Description: **Cross-Border Services**
United Kingdom reserves the right to adopt or maintain any measure with respect to the cross-border provision of auditing services.

Existing Measures: Companies Act 2006

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Sector: Health Services
Sub-sector: Medical services
Industry classification: CPC 93121, 93122
Type of Reservation: Market Access

Description: **Investment**
Establishment for doctors under the National Health Service is subject to medical manpower planning.

Existing Measures:

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Sector: Health Services
Sub-sector: Ambulance Services, Residential health facilities services other than hospital services
Industry classification: 93192, 93193
Type of Reservation: Market Access
National Treatment
Performance requirements
Senior Management and Boards of Directors

Description: **Investment**

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United Kingdom reserves the right to adopt or maintain any measure with respect to the provision of privately funded ambulance services and residential health facilities services other than hospital services.

Existing Measures:

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Sector: Health Services
Sub-sector: Health-related professional services, including medical and dental services as well as services by psychologists; midwives services; services by nurses, physiotherapists and paramedical personnel; retail sales of pharmaceuticals and of medical and orthopaedical goods, and other services supplied by pharmacists
Industry classification: CPC 9312, part of CPC 93191, Part of CPC 85201, CPC 63211
Type of Reservation: National Treatment
 Market Access

Description: **Cross-Border Services**
 The United Kingdom reserves the right to adopt or maintain any measure requiring the establishment of suppliers and restricting the cross-border provision of health-related professional services by service suppliers not physically present in the territory of the UK, including medical and dental services as well as services by psychologists; midwives services; services by nurses, physiotherapists and paramedical personnel; the retail sales of pharmaceuticals and of medical and orthopaedical goods, and other services supplied by pharmacists.

Existing Measures:

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Sector: Social Services
Sub-sector:
Industry classification: CPC 933
Type of Reservation: Market Access
 National Treatment
 Performance Requirements
 Senior Management and Boards of Directors

Description: **Investment**
 United Kingdom reserves the right to adopt and maintain any measure with respect to the provision of privately funded social

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services other than services relating to Convalescent and Rest
Houses and Old People's Homes.

Existing Measures:
