

# **AGREEMENT ON TRADE CONTINUITY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND CANADA**

The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom" or "UK") and Canada (hereinafter referred to as "the Parties"),

RECOGNISING that the Canada-European Union Comprehensive Economic and Trade Agreement ("CETA") done at Brussels, on 30 October 2016, will cease to apply to the United Kingdom at the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, done at Brussels and London on 24 January 2020 ("transition period");

DESIRING that the rights and obligations between them as provided for by CETA should continue following the departure of the United Kingdom from the European Union and following the end of the transition period, subject to the provisions of this Agreement, including the modifications provided for in Annexes A and B;

REAFFIRMING the preamble of CETA,

Have agreed as follows:

## **Article I. Incorporation of CETA**

1. The provisions of CETA are incorporated by reference into and made part of this Agreement, mutatis mutandis, subject to the provisions of this Agreement, including the modifications provided for in Annexes A and B.
2. For greater certainty, a reference to "this Agreement" in Articles I through VII, Annexes A and B or the incorporated provisions of CETA, shall be understood as reference to the Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada ("Trade Continuity Agreement" or "TCA").
3. For greater certainty, a reference to the "provisions of CETA" in this Agreement includes tables, lists, annexes, reservations and footnotes.
4. Provisions of CETA, or parts of such provisions, that apply exclusively to EU Member States and not to the UK, or that are in languages other than English and French, are not incorporated by reference into and made part of this Agreement.
5. For greater certainty, nothing in this Agreement shall provide any rights to any non-Party to this Agreement.
6. In the event of any inconsistency between Articles I through VII and the provisions of CETA, as incorporated, Articles I through VII shall prevail to the extent of the inconsistency.

## **Article II. Further Provision In Relation to the Canada-UK Joint Committee**

1. The Canada-UK Joint Committee, which the Parties establish under incorporated Article 26.1 (Canada-UK Joint Committee), shall ensure that this Agreement operates properly.
2. Upon entry into force of this Agreement, any decisions adopted by the CETA Joint Committee or specialised committees established by Article 26.2 (Specialised committees) of CETA before CETA ceased to apply to the United Kingdom shall, to the extent that those decisions relate to the Parties to this Agreement, be deemed to have been adopted by the Canada-UK Joint Committee, mutatis mutandis and subject to the provisions of this Agreement, including the modifications provided for in Annexes A and B.
3. Nothing in paragraph 2 prevents the Canada-UK Joint Committee from making decisions that are different from, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

## **Article III. Retained Law**

1. References to EU law in this Agreement are to be understood as references to EU law as incorporated into the law of the UK on the date the transition period ends.
2. Subject to the provisions of this Agreement, in incorporating EU law into UK domestic law, or in making amendments to UK law to address a deficiency in retained EU law, the UK shall not decrease the conformity of a measure, as it existed before the incorporation or amendment, with the provisions of this Agreement.
3. Nothing in paragraph 2 prevents the UK from withdrawing treatment it was granting to Canada only as a result of the UK's participation in the internal market of the European Union.
4. A dispute arising in relation to paragraph 2 shall be considered urgent within the meaning of incorporated paragraph 29.4.4 (Consultations) and incorporated Article 29.11 (Urgent proceedings), except that:
  - (a) consultations shall commence within 5 days of the date of receipt of Canada's request by the UK; and
  - (b) the UK may not make the type of request referred to in the final sentence of incorporated Article 29.11 (Urgent proceedings).

#### **Article IV. Subsequent Negotiations**

1. The Parties shall commence negotiations on a new Canada-United Kingdom free trade agreement no later than one year after the date of entry into force of this Agreement.
2. A Party shall give positive consideration to any proposal by the other Party regarding topics to be included in the scope of the negotiations referred to in paragraph 1, including topics not covered by this Agreement.
3. In pursuing the negotiations referred to in paragraph 1, the Parties shall endeavour to develop their trade and economic relations further by aiming for an agreement that is ambitious, modern and comprehensive, and that is tailored to their interests.
4. The Parties shall strive to conclude the negotiations referred to in paragraph 1 within three years of the date of entry into force of this Agreement.

#### **Article V. Review of Procedures for the Resolution of Investment Disputes between Investors and States**

1. Incorporated Articles 8.18 (Scope) through 8.43 (Consolidation), as well as incorporated paragraphs 8.44.2 and 8.44.3 (Committee on Services and Investment), except for sub-paragraph (d), shall not apply upon entry into force of this Agreement.
2. Within 90 days of the entry into force of this Agreement, the Parties shall commence a comprehensive review of the incorporated provisions listed in paragraph 1.
3. The review under paragraph 2 shall be completed within three years of the entry into force of this Agreement. No later than 30 months after the entry into force of this Agreement, the Parties shall consult as to whether the three-year period should be extended. If they agree, the period may be extended by decision of the Canada- UK Joint Committee.
4. If the review under paragraph 2 has not been completed within the time period set out in paragraph 3 or as extended by the Canada-UK Joint Committee, the incorporated provisions listed in paragraph 1 shall apply, provided that the equivalent provisions of CETA have entered into force.
5. For greater certainty, following the Parties's review under paragraph 2, the amendment procedures established in incorporated paragraph 30.2.1 (Amendments) apply.
6. Incorporated paragraph 13.2.4 (Scope), incorporated sub-paragraph 13.18.3(c) (Financial Services Committee), incorporated Article 13.21 (Investment disputes in financial services) as well as incorporated Annex 13-B (Understanding on the Application of Articles 13.16.1 and 13.21), to the extent that it relates to the process under incorporated Article 13.21, shall not apply unless and until the incorporated provisions referred to in paragraph 1 apply.
7. Further to Article IL2 (Further provision in relation to the Canada-UK Joint Committee), any decisions, or parts of decisions, related to the incorporated provisions listed in paragraph 1 that were adopted by the CETA Joint Committee or the Committee on Services and Investment established under Articles 26.1 (CETA Joint Committee) and 26.2 (Specialised

committees) of CETA before it ceased to apply to the United Kingdom shall not be deemed to have been adopted by the Canada-UK Joint Committee under this Agreement.

## **Article VI. Integral Parts of this Agreement**

Unless otherwise provided for, the protocols, annexes, and footnotes to this Agreement, including those incorporated under Article I (Incorporation of CETA), constitute integral parts thereof. The agreement, in the form of an exchange of letters between Canada and the United Kingdom, entitled "WTO Cheese TRQ - UK Transitional Access to the European Union Reserve", dated 9 December 2020, also constitutes an integral part of this Agreement.

## **Article VII. Entry Into Force and Provisional Application**

1. This Agreement shall be approved by the Parties in accordance with their domestic procedures.
2. This Agreement shall enter into force on:
  - (a) the later of:
    - (i) the date on which CETA ceases to apply to the United Kingdom; or
    - (ii) the date of the later of the Parties' notifications that they have completed their domestic procedures; or
  - (b) such other date as the Parties may otherwise agree.
3. Pending the entry into force of this Agreement, the Parties may provisionally apply this Agreement or provisions thereof by an exchange of written notifications. Such provisional application shall take effect on the later of:
  - (a) the date on which CETA ceases to apply to the United Kingdom; or
  - (b) the date of the later of the Parties' notifications that they have completed their respective internal requirements and procedures necessary for provisional application of this Agreement.
4. A Party may terminate the provisional application of this Agreement by written notice to the other Party. Such termination shall take effect on the first day of the second month following the date the notification is received, unless the notification provides for a later date.
5. If the Parties provisionally apply this Agreement, or certain provisions of it, the term "entry into force of this Agreement" in this Agreement, or in those provisions, shall be deemed to refer to the date that such provisional application takes effect.
6. The United Kingdom shall submit notifications under this Article to Canada's Department of Foreign Affairs, Trade and Development or its successor. Canada shall submit notifications under this Article to the United Kingdom's Foreign, Commonwealth and Development Office or its successor.
7. The Canada-UK Joint Committee and other bodies established under this Agreement may exercise their functions during the provisional application of this Agreement. Any decisions adopted in the exercise of their functions will cease to be effective if the provisional application of this Agreement is terminated under paragraph 4.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in Duplicate at Ottawa this 9th day of December 2020 in the English and French languages, both texts being equally authentic.

For the United Kingdom of Great Britain and Northern Ireland:

DAVID REED

For Canada:

JOHN HANNAFORD

## Annex A

# Part A. General Modifications

1. Unless otherwise provided for in this Annex:

- a) the terms, "European Union", "EU", "EU Party", "European Commission", "European", "European Union Member State", "European Union and its Member States", "Member State", and "Member State of the European Union", as well as similar terms, are replaced with "United Kingdom" or "UK";
- b) "CETA Joint Committee" is replaced with "Canada-UK Joint Committee";
- c) "Joint Customs Cooperation Committee (JCCC)" is replaced with "Committee on Customs and Trade Facilitation ("CCTF Committee")";
- d) "CETA Committee on Geographical Indications" is replaced with "Canada-UK Committee on Geographical Indications";
- e) "CETA contact points" is replaced with "Canada-UK contact points"; and
- f) "Canada-European Union Comprehensive Economic and Trade Agreement" and "CETA" are replaced with "Canada-United Kingdom Trade Continuity Agreement ("TCA")".

# Part B. Chapter-specific Modifications

## Chapter 1.

1. In Article 1.1, the definition of **Parties** is replaced with "**Parties** means, on the one hand, Canada, and on the other hand, the UK;".

2. In Article 1.2:

a) in the definition of **citizen**, sub-paragraph (b) is replaced with "(b) for the UK, a natural person who is a national of the United Kingdom, as defined in the New Declaration by the Government of the United Kingdom of Great Britain and Northern Ireland of 31 December 1982 on the definition of the term "nationals" together with Declaration No 63 annexed to the Final Act of the intergovernmental conference which adopted the Treaty of Lisbon (1).";

(1) Signed on 13 December 2007.

b) in the definition of central government, sub-paragraph (b) is replaced with "(b) for the UK, the Government of the UK.".

3. In Article 1.3, paragraph (b) is replaced with "(b) for the UK, to the extent that and under the conditions which CETA applied immediately before it ceased to apply to the UK to the territory of the UK and the following territories for whose international relations it is responsible:

- i. Gibraltar;
- ii. The Channel Islands and the Isle of Man."

## Chapter 2.

1. In Article 2.1, "over a transitional period starting from the entry into force of this Agreement" is deleted.

2. Paragraph 2.3.2 is replaced with "2. Paragraph 1 means, with respect to a government in Canada or the United Kingdom other than the central government, treatment no less favourable than that accorded by that government to like, directly competitive or substitutable goods of Canada or the United Kingdom, respectively.".

3. In paragraph 2.5.3, "three years after the date of entry into force of this Agreement" is replaced with "21 September 2020".

4. The second footnote to paragraph 2.10.2 is deleted.

5. The footnote to paragraph 2.10.4 is deleted.

6. In sub-paragraph 2.11.4(b), "for a period of three years following the entry into force of this Agreement" is replaced with "until 21 September 2020".

7. "In paragraph 2.13.3:

a) "and" is removed after sub-paragraph (b) and added after sub-paragraph (c); and

b) the following new sub-paragraph is added after sub-paragraph (c): "(d) provide a forum for cooperation and exchange of information on agriculture issues not covered under this Agreement."

8. Paragraph 2.13.4 is deleted.

## **Chapter 5.**

1. Sub-paragraph 5.1.1(e) Is Deleted.

2. In sub-paragraph 5.5.2(a), "and" is added after "pest-free production site," and "and a protected zone" is deleted.

3. In sub-paragraph 5.14.2(d), "unless the Parties decide otherwise," is added after "at least once a year,".

4. Paragraph 5.14.7 is replaced with "7. Unless the Parties decide otherwise, the Joint Management Committee shall meet and establish its rules of procedure no later than one year after the entry into force of this Agreement, and shall endeavour to establish its work programme."

5. In paragraph 5.14.9, ", as necessary," is added after "The Joint Management Committee shall report annually on its activities and".

## **Chapter 6.**

1. In paragraph 6.13.3, "the Agreement between Canada and the European Community on Customs Cooperation and Mutual Assistance in Customs Matters, done at Ottawa on 4 December 1997 (the "Canada-EU Customs Cooperation Agreement")" is replaced with "any agreement or arrangement governing customs cooperation and mutual assistance in customs matters between the UK and Canada".

2. In paragraph 6.13.4, "the Canada-EU Customs Cooperation Agreement" is replaced with "any agreement or arrangement governing customs cooperation and mutual assistance in customs matters between the UK and Canada" and "or arrangement" is added after "as defined in that agreement".

3. Article 6.14 is replaced with:

### **"Article 6.14**

#### **Committee on Customs and Trade Facilitation**

1. The Committee on Customs and Trade Facilitation ("CCTF Committee"), established under sub-paragraph 26.2.1(c) (Specialised committees), shall meet on request of the Committee on Trade in Goods or upon request of a Party and shall ensure the proper functioning of this Chapter, as well as Articles 2.8 (Temporary suspension of preferential tariff treatment) and 20.43 (Scope of border measures).

2. The CCTF Committee may consider:

(a) further measures aimed at facilitating trade between the Parties;

(b) any issues related to the interpretation, application and administration of this Chapter and Articles 2.8 (Temporary suspension of preferential tariff treatment) and 20.43 (Scope of border measures) in accordance with the objectives of this Agreement; or

(c) any issue regarding customs and trade facilitation that are referred to it by a Party.

3. The CCTF Committee shall submit any recommendations to the Committee on Trade in Goods that it considers necessary for the attainment of the common objectives and sound functioning of the mechanisms established in this Chapter and Articles 2.8 (Temporary suspension of preferential tariff treatment) and 20.43 (Scope of border measures)."

## Chapter 8.

1. In Article 8.1:

a) in the definition of covered investment, in sub-paragraph (d), "the date of entry into force of this Agreement" is replaced with "21 September 2017";

b) in the definition of natural person:

(i) the text in sub-paragraph (b) is replaced with "in the case of the UK, a natural person who is a national of the UK.";

(ii) in the second paragraph, "has the nationality of one of the Member States of the European Union" is replaced with "a national of the UK"; and

(iii) in the third paragraph, "has the nationality of one of the Member States of the European Union" is replaced with "is a national of the UK".

c) the definition of non-disputing Party is replaced with: "non-disputing Party means Canada, if the UK is the respondent, or the UK, if Canada is the respondent;"

d) the definition of respondent is replaced with: "respondent means Canada or the UK;"

2. In paragraph 8.2.1, the footnote following the word "territory" is modified by replacing "to which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied" with "of the UK".

3. In paragraph 8.2.5, "the Agreement on Air Transport between Canada and the European Community and its Member States, done at Brussels on 17 December 2009 and Ottawa on 18 December 2009" is replaced with "any agreement or arrangement governing air services between Canada and the United Kingdom".

4. In paragraphs 8.6.3 and 8.7.2, in each place it occurs, "government of or in a Member State of the European Union" is replaced with "in the UK, other than the central government".

5. In paragraph 8.9.4:

a) the footnote following the word "subsidy" is deleted; and

b) in the footnote following the term "competent authority", everything after "competent authority" is replaced with "is an authority or agency notified in writing by the United Kingdom to Canada through the Canada-UK contact points".

6. In sub-paragraph 8.15.1(a), sub-sub-paragraph (i) is deleted.

7. In Section F (Resolution of investment disputes between investors and states), incorporated Articles 8.18 through 8.43 as well as incorporated paragraphs 8.44.2 and 8.44.3, except for sub-paragraph (d), do not apply upon entry into force of this Agreement and are subject to a comprehensive review in accordance with Article V (Review of procedures for the resolution of investment disputes between investors and states).

8. In paragraph 8.19.2, sub-paragraphs 8.19.2 (a) through (c) are replaced with:

"(a) Ottawa, if the measures challenged are measures of Canada; or

(b) London, if the measures challenged are measures of the UK.".

9. Paragraph 8.19.7 is deleted.

10. In paragraph 8.19.8, "and, if applicable, its notice requesting a determination of the respondent," is deleted.

11. Article 8.21 is deleted.

12. In sub-paragraph 8.22.1(b), "and, if applicable, at least 90 days to elapse from the submission of the notice requesting a determination of the respondent" is deleted.

13. Sub-paragraph 8.22.1(c) is deleted.

14. In paragraph 8.36.2, "the notice requesting a determination of the respondent, the notice of determination of the respondent," is deleted.

15. In paragraph 8.37.2, ", as applicable, the European Union, Member States of the European Union and" is deleted.

16. In sub-paragraph 8.38.1(a), "a notice requesting a determination of the respondent, a notice of determination of the respondent," is deleted.

## **Chapter 9.**

1. In paragraph 9.2.3, "the Agreement on Air Transport between Canada and the European Community and its Member States, done at Brussels on 17 December 2009 and Ottawa on 18 December 2009" is replaced with "any agreement or arrangement governing air services between Canada and the United Kingdom".

2. In paragraphs 9.3.2 and 9.5.2, "of or in a Member State of the European Union" is replaced with "in the UK other than the central government".

3. Sub-sub-paragraph 9.7.1(a)(i) is deleted.

## **Chapter 10.**

Sub-paragraph 10.5.1(a) is replaced with:

"(a) in the case of Canada:

Director

Temporary Resident Policy and Programs Immigration Branch

2. Sub-paragraph 10.5.1(b) is replaced with:

"(b) In the case of the UK: Head of Services Department for International Trade".

3. Sub-paragraph 10.5.1(c) is deleted.

4. In paragraph 10.5.2, ", and as appropriate the contact points for Member States of the European Union," is deleted.

5. The footnote to sub-paragraph 10.7.5(d) is deleted.

6. The footnote to paragraph 10.9.3 is deleted.

## **Chapter 11.**

1. In Article 11.1, in the definition of jurisdiction, "each of the Member States of the European Union" is replaced with "the UK".

2. In paragraph 11.2.2, "in all or some Member States of the European Union and" is deleted.

## **Chapter 13.**

1. Sub-sub-paragraph 13.10.1(a)(i) is deleted.

2. Sub-sub-paragraph 13.10.2(a)(i) is deleted.

3. The following sentence is added at the end of paragraph 13.18.1: "For the UK, the Committee representative is an official from Her Majesty's Treasury, or its successor.".

4. The following sentence is added at the end of paragraph 13.19.2: "For the UK, this means officials from Her Majesty's Treasury, or its successor.".

## **Chapter 14.**

1. In Article 14.1, In the definitions of International Cargo and International Maritime Transport Services, ", or between a Port of One Member State of the European Union and a Port of Another Member State of the European Union" is deleted.

2. The Footnote to Sub-paragraph 14.2.2(a) is deleted.

3. Sub-sub-paragraph 14.4.1(a)(i) is deleted.

## **Chapter 17.**

1. In paragraph 17.2.3, "in accordance with the Agreement between the European Communities and the Government of Canada Regarding the Application of their Competition Laws, done at Bonn on 17 June 1999" is deleted.

## **Chapter 19.**

1. Sub-paragraph 19.4.1(b) is replaced with:

"(b) within the UK, treatment no less favourable than that accorded by a sub-central region, including its procuring entities, to goods and services of, and suppliers located in, that sub-central region, as the case may be."

2. In paragraph 19.6.2, "the date of entry into force of this Agreement" is replaced with "21 September 2017".

3. In paragraph 19.17.8, "the entry into force of this Agreement" is replaced with "21 September 2017".

## **Chapter 20.**

1. In Article 20.21, paragraphs 1, 2, 3, 4, 11, 12 and 13 and the footnotes to these paragraphs are deleted.

2. In paragraph 20.22.2:

a) "the date of signing of this Agreement is" is replaced with "30 October 2016 was"; and

b) the expression "Register of the European Union" is not modified by paragraph 1 of Part A.

## **Chapter 21.**

1. Paragraph 21.2.5 is deleted.

2. Paragraph 21.7.4 is replaced with "The Parties may establish reciprocal exchange of information on the safety of consumer products and on preventive, restrictive and corrective measures taken. In particular, a Party may receive selected information from the other Party's database containing information relating to market surveillance and product safety with respect to consumer products and cosmetics. This reciprocal exchange of information shall be done on the basis of an arrangement setting out the measures referred to under paragraph 5."

3. In sub-paragraph 21.9.1(b), "the International Affairs Unit of the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs, European Commission" is replaced with "the Trade Policy Group of the Department for International Trade".

## **Chapter 25.**

1. In sub-paragraph 25.1.1(a), "Dialogue on Biotech Market Access Issues" is replaced with "Dialogue on Agricultural Biotech Market Access Issues, as referred to in Article 25.2".

2. The title of Article 25.2 is replaced with "Dialogue on Agricultural Biotech Market Access Issues".

3. In paragraph 25.2.1, the opening paragraph is replaced with:

"The Parties agree that cooperation and information exchange on issues in connection with biotechnology products are of mutual interest. Such cooperation and exchange of information shall take place in a bilateral Dialogue on Agricultural Biotech Market Access Issues. The bilateral Dialogue on Agricultural Biotech Market Access Issues covers any relevant issue of mutual interest to the Parties, including:"

4. In sub-paragraph 25.2.1(d), "including measures of Member States of the European Union" is deleted.

5. In paragraph 25.5.3, "Agreement for Scientific and Technological Cooperation between the European Community and



Canada, done at Halifax on 17 June 1995" is replaced with "Memorandum of Understanding between the Department of Foreign Affairs, Trade and Development of Canada and the Department for Business, Energy, and Industrial Strategy of the United Kingdom of Great Britain and Northern Ireland concerning Science, Technology and Innovation, signed at Ottawa on 18 September 2017".

## Chapter 26.

1. In paragraph 26.1.1, "Member of the European Commission responsible for Trade" is replaced with "Secretary of State responsible for International Trade in the UK".
2. In paragraph 26.2.1, " or in the case of the Joint Customs Cooperation Committee referred to in subparagraph (c), is granted authority to act under the auspices of the CETA Joint Committee" is deleted.
3. Sub-paragraph 26.2.1(c) is replaced with "the Committee on Customs and Trade Facilitation, which addresses matters concerning customs and trade facilitation".
4. After sub-paragraph 26.2.1(h), "and" is deleted.
5. In sub-paragraph 26.2.1(i), "." is replaced with "; and".
6. After sub-paragraph 26.2.1(i), the following sub-paragraph is added: "(j) the Committee on Rules of Origin and Origin Procedures, which addresses matters concerning rules of origin and origin procedures."

## Chapter 28.

1. In Article 28.2:
  - a) in the definition of competition authority, sub-paragraph (b) is replaced with "for the UK, the Competition Markets Authority or a regulator listed in section 54(1) of the Competition Act 1998(c.41) or a successor notified to the other Party through the Canada-UK contact points;";
  - b) in the definition of competition laws, sub-paragraph (b) is replaced with "for the UK, the Competition Act 1998 (c.41), and Part 3 of, and Schedules 7, 8, and 10 to, the Enterprise Act 2002 (c.40); and"; and
  - c) in the definition of information protected under its competition laws, sub-paragraph (b) is replaced with "for the UK, information obtained by a competition authority under the Competition Act 1998 (c.41) and Part 3 of the Enterprise Act 2002 (c.40)."
2. In paragraph 28.3.1, "Article 30.8.5 (Termination, suspension or incorporation of other existing agreements)," is deleted.
3. Article 28.4 is deleted.
4. In Article 28.5, "Where Canada or a Member State that is not a member of the European Monetary Union" is replaced with "If a Party".
5. In sub-paragraph 28.7.7(d), the final "." is replaced with ", or its successor. For the UK, this means officials from Her Majesty's Revenue and Customs, or its successor."

## Chapter 30.

1. In paragraph 30.2.2, ", except for Annex 10-A (List of Contact Points of the Member States of the European Union)" is deleted.
2. Article 30.7 is deleted.
3. Paragraphs 30.8.1, 30.8.2, 30.8.5, 30.8.6 and 30.8.7 are deleted.
4. In paragraph 30.9.1, "General Secretariat of the Council of the European Union" is replaced with "UK Foreign, Commonwealth and Development Office".
5. After paragraph 30.9.2, the following paragraph is added:

"3. For greater certainty, Article 30.9.2 of CETA shall not apply between the United Kingdom and Canada from the date CETA

ceases to apply to the United Kingdom."

6. Articles 30.10 and 30.11 are deleted.

Modifications to the agreements incorporated by reference pursuant to paragraph 30.8.3, as amended by Annex 30-B, and modifications to Annex 30-B, are set out in Part C of this Annex.

## **Annex I. Reservations for existing measures and liberalisation commitments**

Headnote

1. In sub-sub-sub-paragraph 3(f)(iii)(A), "at Member State level" is replaced with "in the UK".

2. Paragraph 8 is deleted.

### **UK**

#### **Reservations applicable in the UK**

1. In the title, "(applicable in all Member States of the EU unless otherwise indicated)" is deleted.

2. Unless otherwise indicated below, "EU level" is deleted from the Level of Government element of each reservation.

3. The following reservations are modified as follows:

a. Sector: All sectors

Sub-sector:

Type of Reservation: National treatment

i. In the Measures element, "Treaty on the Functioning of the European Union" is replaced with "As set out in the Description element".

ii. In the Description element:

A. The first paragraph is replaced with:

"Companies or firms formed in accordance with the law of the UK and having their registered office, central administration or principal place of business in the UK, including those established in the UK by Canadian investors, may, as regards the right of establishment, be treated more favourably than branches or agencies of companies or firms established outside the UK."

B. The following paragraph is added after the second paragraph:

"For greater certainty, the scope of this reservation shall not be interpreted more broadly than the scope of the national treatment reservation in Annex I of CETA that is applicable in the European Union and that, for the Measures element, refers to the Treaty on the Functioning of the European Union."

b. Sector: Research and development services

Sub-Sector: Research and experimental development services on natural sciences and engineering, interdisciplinary research and experimental development services

Type of Reservation: National treatment, market access

i. The Measures element is replaced with: "Measures: All currently existing and all future research or innovation programmes."

ii. In the first paragraph of the Description element, "EU at EU level" is replaced with "UK".

iii The second paragraph of the Description element is deleted.

c. Sector: Agriculture

Sub-Sector:

Type of Reservation: Performance requirements

i. In the Level of Government element, "EU level" is replaced with "National".

d. Sector: Transport

Sub-Sector: Supporting services for air transport

Type of Reservation: national treatment, market access, most-favoured-nation treatment

i. In the Industry Classification element, the following is added after "Rental of aircraft":

"CPC 7461, CPC 7469, CPC 83104"

ii. In the Type of Reservation element, "CPC 7461, CPC 7469, CPC 83104" is deleted.

iii. In the Description element:

A. In the first paragraph, "the Member State of the EU licensing the carrier or, if the licensing Member State of the EU so allows, elsewhere in the EU" is replaced with "the UK".

B. In the second paragraph, "the Member State of the EU licensing the air carrier of the EU" is replaced with "the UK".

C. In the third paragraph, "the Agreement on Air Transport between Canada and the European Community and its Member States" is replaced with "any agreement or arrangement governing air services between Canada and the UK".

D. In the fifth paragraph, each instance of "non-EU" is replaced with "non-UK".

e. Sector: Transport

Sub-Sector: Internal waterways transport, supporting services for internal waterways transport

Type of Reservation: National treatment, market access, obligations

i. In the Level of Government element, "EU level" is replaced with "National".

f. Sector: Transport

Sub-Sector: Other transport services (provision of combined transport services)

Type of Reservation: Market access

i. In the first paragraph of the Description element, each instance of "between Member States of the EU" is replaced with "in the UK".

g. Sector: Supporting services for all modes of transport

Sub-Sector: Customs clearance services

Type of Reservation: National treatment, market access

i. In the Measures element, "Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, and subsequent amendments" is replaced with "Taxation (Cross-border Trade) Act 2018 (c.22)".

ii. In the Measures element, after "Taxation (Cross-border Trade) Act 2018 (c.22)", a new footnote is inserted as follows:

"For greater certainty, the scope of this reservation shall not be interpreted more broadly than the scope of the corresponding reservation in Annex I of CETA that is applicable in the European Union and that refers to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, and subsequent amendments. Paragraph 4 of Article III (Retained Law) of the TCA applies to a dispute arising in relation to the scope of this reservation."

h. Sector: Business services

Sub-Sector: Legal services

Type of Reservation: National treatment, market access

i. In the second paragraph of the Description element, "EU law and the law of Member States of the EU" is replaced with "the law of the UK".

i. Sector: Energy

Sub-Sector: Extraction of crude petroleum and natural gas, services incidental to mining, related scientific and technical consulting services

Type of Reservation: Market access

i. In the Measures element, "Petroleum Act 1988" is replaced with "Petroleum Act 1998",

4. The title, "Reservations applicable in the United Kingdom", is deleted.

## **ANNEX II. Reservation for future measures**

Headnote

5. Paragraph 5 is replaced with: "5. A reservation taken by Canada or the UK at the national level of government applies to a measure of a government at the regional, provincial, territorial or local level within that country.".

6. Paragraph 9 is deleted.

### **UK**

#### **Reservations applicable in the UK**

7. In the title, "(applicable in all Member States of the EU unless otherwise indicated)" is deleted.

8. The following reservations are modified as follows:

a. Sector: Fishing, aquaculture, services incidental to fishing

Sub-Sector: Type of Reservation: Market access, national treatment, most-favoured-nation treatment, performance requirements

Description: Investment and Cross-Border Trade in Services

i. In the first paragraph of the Description element, "the Common Fisheries Policy, and of" is deleted.

ii. In sub-paragraph (c) of the second paragraph of the Description element, the "a" before "Canada" is deleted.

iii. The fifth paragraph of the Description element is deleted.

b. Sector: Business services

Sub-Sector: Legal services, services of notaries, services by bailiffs

Type of Reservation: Market access, national treatment, senior management and boards of directors

Description: Investment and Cross-Border Trade in Services

i. In the Description element, "'huissiers de justice' or other 'officiers publics et ministériels,'" is deleted.

c. Sector: Distribution and health services

Sub-Sector: Retail sales of pharmaceutical, medical and orthopaedic goods and other services provided by pharmacists

Type of Reservation: Market access

Description: Cross-Border Trade in Services

i. The paragraphs of the Description element are replaced with:

"Mail order is only possible from the UK, thus establishment in the UK is required for the retail of pharmaceuticals and specific medical goods to the general public in the UK."

d. Sector: Distribution and health services

Sub-Sector: Retail sales of pharmaceutical, medical and orthopaedic goods and other services provided by pharmacists

Type of Reservation: Market access

Description: Investment

i. This reservation is deleted.

e. Sector: Health services

Sub-Sector:

Type of Reservation: Market access, national treatment, performance requirements, senior management and boards of directors

Description: Investment

i. The fifth paragraph of the Description element is replaced with: "Complementary reservations may be found further below."

f. Sector: Health services

Sub-Sector: Health-related professional services: medical and dental services, midwife services, nursing services, physiotherapeutic and para-medical services, psychologist services

Type of Reservation: Market access

Description: Cross-Border Trade in Services

i. The third paragraph of the Description element is replaced with: "Complementary reservations may be found further below."

g. Sector: Social services

Sub-Sector:

Type of Reservation: Market access, national treatment, performance requirements, senior management and boards of directors Description: Investment

i. The third paragraph of the Description element is replaced with: "Complementary reservations may be found further below."

h. 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

i. In the Description element, "the same Member State of the EU" is replaced with "the UK".

i. Sector: Transport

Sub-Sector: Water transport

Type of Reservation: national treatment, market access, senior management and board of directors

Description: Investment

i. In the Description element, each of the following is replaced with "the UK":

A. "the State of establishment"; and

B. "the Member State of the EU concerned".

j. Sector: Transport

Sub-Sector: Water transport, supporting services for water transport

Type of Reservation: Market access, national treatment, senior management and boards of directors, most-favoured-nation treatment, obligations

Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services

i. In the second paragraph of the Description element, "the same Member State of the EU" is replaced with "the UK".

k. Sector: Transport

Sub-Sector: Internal waterways transport

Type of Reservation: Most-favoured-nation treatment

Description: Investment and Cross-Border Trade in Services

i. In the first paragraph of the Description element, "(including agreements following the Rhine-Main-Danube link)" is deleted.

l. Sector: Transport

Sub-Sector: Road transport: passenger transportation, freight transportation, international truck transport services

Type of Reservation: Market access, national treatment

Description: Investment and Cross-Border Trade in Services

i. The second paragraph of the Description element is deleted.

m. Sector: Transport

Sub-Sector: Road and rail transport

Type of Reservation: Most-favoured-nation treatment

Description: Investment and Cross-Border Trade in Services

i. In the first paragraph of the Description element, "the EU or the Member States of the EU" is replaced with "the UK".

n. Sector: Energy

Sub-Sector: Electricity and gas transmission systems, Oil and gas pipeline transport

Type of Reservation: National treatment, market access, performance requirements, senior management and boards of directors

Description: Investment

i. In the first paragraph of the Description element, "the EU as a whole, or of an individual Member State of the EU" is replaced with "the UK".

9. The title, "Reservations applicable in the United Kingdom", is deleted.

## **Annex I. Reservations for existing measures and liberalisation commitments**

Schedule of Canada - Federal

Reservations applicable in Canada (applicable in all Provinces and Territories)

1. In reservation I-C-1, in paragraph 3 of the Description element, "CAD \$369 million in 2015" is replaced with "CAD \$398 million in 2018".

Schedule of Canada - Provincial and Territorial Reservations applicable in Québec

1. In reservation I-PT-146, in paragraph 1 of the Description element, "Agreement on Internal Trade" is replaced with "Canadian Free Trade Agreement".

## **Annex II. Reservations for future measures**

Schedule of Canada

Reservations applicable in Canada (applicable in all Provinces and Territories)

1. In reservation II-C-13, in paragraph 2 of the Description element, "the Agreement on Air Transport Between Canada and the European Community and its Member States, done at Brussels on 17 December 2009 and Ottawa on 18 December 2009" is replaced with "any agreement or arrangement governing air services between Canada and the United Kingdom".

2. In reservation H-C-14,

(a) in sub-sub-paragraph 4(b)(i) of the Description element, "the first (national) registries referred to in paragraph 1 of the Annex to Commission communication C(2004) 43 - Community guidelines on State Aid to maritime transport" is replaced with "the first national register of the United Kingdom";

(b) in sub-sub-paragraph 4(b)(ii) of the Description element, "first (national) or second (international) registries referred to in paragraphs 1, 2, and 4 of the Annex to Commission communication C(2004) 43 - Community guidelines on State Aid to maritime transport" is replaced with "first national register of the United Kingdom or the Gibraltar registry".

3. In reservation H-C-18, in paragraph 2 of the Description element, "the Agreement on Air Transport Between Canada and the European Community and its Member States, done at Brussels on 17 December 2009 and Ottawa on 18 December 2009" is replaced with "any agreement or arrangement governing air services between Canada and the United Kingdom".

## **JOINT INTERPRETATIVE INSTRUMENT ON THE AGREEMENT ON TRADE CONTINUITY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND CANADA**

### 1. Preamble

a) The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom" or "UK") and Canada make the following Joint Interpretative Instrument at the time of signature of the Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada ("TCA").

b) The TCA embodies the shared commitment of Canada and the United Kingdom to free and fair trade in a vibrant and forward-looking society. It is a modern and progressive trade agreement which will help boost trade and economic activity, while also promoting and protecting our shared values and perspectives on the role of government in society.

c) The TCA creates new opportunities for trade and investment for people of the United Kingdom and Canada, its outcome reflects the strength and depth of the United Kingdom-Canada relationship, as well as the fundamental values that we cherish. In particular, we wish to recall:

o that integration with the world economy is a source of prosperity for our citizens;

o our strong commitment to free and fair trade, whose benefits must accrue to the broadest sections of our societies;

o that the principal purpose of trade is to increase the well-being of citizens, by supporting jobs and creating sustainable economic growth;

o that Canada and the United Kingdom recognise the importance of the right to regulate in the public interest and have reflected it in the Agreement;

o that economic activity must take place within a framework of clear and transparent regulation defined by public authorities.

d) The United Kingdom and Canada will therefore continue to have the ability to achieve the legitimate public policy objectives that their democratic institutions set, such as public health, social services, public education, safety, environment, public morals, privacy and data protection and the promotion and protection of cultural diversity. The TCA will also not lower our respective standards and regulations related to food safety, product safety, consumer protection, health, environment or labour protection. Imported goods, service suppliers and investors must continue to respect domestic requirements, including rules and regulations. The United Kingdom and Canada reaffirm the commitments with respect to precaution that they have undertaken in international agreements.

e) This interpretative instrument provides, in the sense of Article 31 of the Vienna Convention on the Law of Treaties, a clear and unambiguous statement of what Canada and the United Kingdom agreed in a number of TCA provisions that have been and continue to be the object of public debate and concerns and provides an agreed interpretation thereof. This includes, in particular, the impact of TCA on the ability of governments to regulate in the public interest, as well as the provisions on investment protection and dispute resolution, and on sustainable development, labour rights and environmental protection.

### 2. Right to regulate

The TCA preserves the ability of the United Kingdom and Canada to adopt and apply their own laws and regulations that regulate economic activity in the public interest, to achieve legitimate public policy objectives such as the protection and promotion of public health, social services, public education, safety, the environment, public morals, social or consumer protection, privacy and data protection and the promotion and protection of cultural diversity.

### 3. Regulatory cooperation

The TCA provides Canada and the United Kingdom with a platform to facilitate cooperation between their regulatory authorities, with the objective of achieving better quality of regulation and more efficient use of administrative resources. This cooperation will be voluntary: regulatory authorities can cooperate on a voluntary basis but do not have an obligation to do so, or to apply the outcome of their cooperation.

### 4. Public Services

a) The United Kingdom and Canada affirm and recognise the right of governments, at all levels, to provide and support the provision of services that they consider public services including in areas such as public health and education, social services and housing and the collection, purification and distribution of water.

b) The TCA does not prevent governments from defining and regulating the provision of these services in the public interest. The TCA will not require governments to privatise any service nor prevent governments from expanding the range of services they supply to the public.

c) The TCA will not prevent governments from providing public services previously supplied by private service suppliers or from bringing back under public control services that governments had chosen to privatise. The TCA does not mean that contracting a public service to private providers makes it irreversibly part of the commercial sector.

### 5. Social Security or Insurance

Canada and the United Kingdom may regulate the provision of public services such as social security and insurance in the public interest. The United Kingdom and Canada confirm that compulsory social security and insurance schemes are excluded from the Agreement pursuant to Article 13.2(5) or are exempted from liberalisation obligations of the Agreement on the basis of the reservations the United Kingdom and Canada have taken on social and health services.

### 6. Investment Protection (1)

a) The TCA includes modern rules on investment that preserve the right of governments to regulate in the public interest including when such regulations affect a foreign investment, while ensuring a high level of protection for investments and providing for fair and transparent dispute resolution. The TCA will not result in foreign investors being treated more favourably than domestic investors. The TCA does not privilege recourse to the investment court system set up by the Agreement. Investors may choose instead to pursue available recourse in domestic courts.

b) The TCA clarifies that governments may change their laws, regardless of whether this may negatively affect an investment or investor's expectations of profits. Furthermore, the TCA clarifies that any compensation due to an investor will be based on an objective determination by the Tribunal and will not be greater than the loss suffered by the investor.

c) The TCA includes clearly defined investment protection standards, including on fair and equitable treatment and expropriation and provides clear guidance to dispute resolution Tribunals on how these standards should be applied.

d) The TCA requires a real economic link with the economies of Canada or the United Kingdom in order for a firm to benefit from the Agreement and prevents "shell" or "mail box" companies established in Canada or the United Kingdom by investors of other countries from bringing claims against Canada or the United Kingdom. The United Kingdom and Canada are committed to review regularly the content of the obligation to provide fair and equitable treatment, to ensure that it reflects their intentions (including as stated in this Instrument) and that it will not be interpreted in a broader manner than they intended.

e) In order to ensure that Tribunals in all circumstances respect the intent of the Parties as set out in the Agreement, the TCA includes provisions that allow Parties to issue binding notes of interpretation. Canada and the United Kingdom are committed to using these provisions to avoid and correct any misinterpretation of the TCA by Tribunals.

f) The TCA moves decisively away from the traditional approach of investment dispute resolution and establishes independent, impartial and permanent investment Tribunals, inspired by the principles of public judicial systems in the United Kingdom and Canada, as well as international courts such as the International Court of Justice and the European Court of Human Rights. Accordingly, the members of these Tribunals will be individuals qualified for judicial office in their respective countries, and these will be appointed by the United Kingdom and Canada for a fixed term. Cases will be heard



by three randomly selected members. Strict ethical rules for these individuals have been set to ensure their independence and impartiality, the absence of conflict of interest, bias or appearance of bias. The United Kingdom and Canada have agreed to begin immediately further work on a code of conduct to further ensure the impartiality of the members of the Tribunals, on the method and level of their remuneration and the process for their selection. The common aim is to conclude the work by the entry into force of Section F of Chapter 8 of the TCA.

g) The TCA includes an Appeal mechanism which will allow the correction of errors and ensure the consistency of the decisions of the Tribunal of first instance.

h) Canada and the United Kingdom are committed to monitoring the operation of all these investment rules, to addressing in a timely manner any shortcomings that may emerge and to exploring ways in which to continually improve their operation over time.

i) Therefore, the TCA represents an important and radical change in investment rules and dispute resolution. It lays the basis for a multilateral effort to develop further this new approach to investment dispute resolution into a Multilateral Investment Court. The United Kingdom and Canada will work expeditiously towards the creation of the Multilateral Investment Court. It should be set up once a minimum critical mass of participants is established, and immediately replace bilateral systems such as the one in TCA, and be fully open to accession by any country that subscribes to the principles underlying the Court.

(1) Pursuant to Article V (Review of procedures for the resolution of investment disputes between investors and states) of the TCA, the incorporated provisions listed in paragraphs 1 and 6 of that Article do not apply upon entry into force of the TCA and are subject to a comprehensive review. Accordingly, the interpretative notes included in this paragraph that relate to those incorporated provisions will not be used for interpretative purposes pending the review.

## 7. Trade and Sustainable Development

a) The TCA reconfirms the longstanding commitment of Canada and the United Kingdom to sustainable development and is designed to foster the contribution of trade to this objective.

b) Accordingly, the TCA includes comprehensive and binding commitments for the protection of workers' rights and the environment. The United Kingdom and Canada attach the highest priority to ensuring the TCA delivers tangible outcomes in these areas, thereby maximising the benefits the Agreement will bring for workers and for the environment.

## 8. Labour Protection

a) The TCA commits Canada and the United Kingdom to improving their laws and policies with the goal of providing high levels of labour protection. The TCA provides that they cannot relax their labour laws in order to encourage trade or attract investment and, in case of any violation of this commitment, governments can remedy such violations regardless of whether these negatively affect an investment or investor's expectations of profit. The TCA does not change the rights of workers to negotiate, conclude and enforce collective agreements and to take collective action.

b) The TCA commits the United Kingdom and Canada to the ratification and effective implementation of the fundamental Conventions of the International Labour Organisation (ILO). Canada has ratified seven of the fundamental Conventions and has launched the process to ratify the remaining Convention (Right to Organise and Collective Bargaining Convention, 1949 (C98)).

c) The TCA also creates a framework for Canada and the United Kingdom to cooperate on trade-related labour issues of common interest, including through involvement of the ILO and a sustained dialogue with civil society, to ensure that the TCA encourages trade in a way that benefits workers and in a manner supportive of labour protection measures.

## 9. Environmental Protection

a) The TCA commits the United Kingdom and Canada to provide for and encourage high levels of environmental protection, as well as to strive to continue to improve such laws and policies and their underlying levels of protection.

b) The TCA explicitly recognises the right of Canada and of the United Kingdom, to set their own environmental priorities, to establish their own levels of environmental protection and to adopt or modify their relevant laws and policies accordingly, mindful of their international obligations, including those set by multilateral environmental agreements. At the same time in the TCA the United Kingdom and Canada have agreed not to lower levels of environmental protection in order to encourage trade or investment and, in case of any violation of this commitment, governments can remedy such violations regardless of whether these negatively affect an investment or investor's expectations of profit.

c) The TCA includes commitments towards the sustainable management of forests, fisheries, and aquaculture. It also

includes commitments to cooperate on trade-related environmental issues of common interest such as climate change where the implementation of the Paris Agreement will be an important shared responsibility for the United Kingdom and Canada.

#### 10. Review and Stakeholder Consultation

a) Commitments related to trade and sustainable development, trade and labour and trade and environment are subject to dedicated and binding assessment and review mechanisms. Canada and the United Kingdom are fully committed to make effective use of these mechanisms throughout the life of the Agreement. Furthermore, they are committed to initiating an early review of these provisions, including with a view to the effective enforceability of the TCA provisions on trade and labour and trade and the environment.

b) Stakeholders, including employers, unions, labour and business organisations and environmental groups, have a key role to play in supporting the effective implementation of the TCA. The United Kingdom and Canada are committed to seeking regularly the advice of stakeholders to assess the implementation of the TCA. They support their active involvement, including through the establishment of a TCA Civil Society Forum.

#### 11. Water

The TCA does not oblige Canada or the United Kingdom to permit the commercial use of water if they do not wish to do so. The TCA fully preserves their ability to decide how to use and protect water sources. Furthermore, the TCA will not prevent the reversal of a decision to allow the commercial use of water.

#### 12. Government Procurement

The TCA maintains the ability of procuring entities within the United Kingdom and Canada, in accordance with their respective legislation, to use environmental, social and labour-related criteria, such as the obligation to comply with and adhere to collective agreements, in procurement tenders. Canada and the United Kingdom will be able to use such criteria in their procurement in a way that is not discriminatory and does not constitute an unnecessary obstacle to international trade. They will be able to continue to do so under the TCA.

#### 13. Benefits for Small and Medium Sized Enterprises

The TCA also provides benefits to small and medium sized enterprises (SME's) for whom trying to meet the cost requirements of customers is a constant challenge. The TCA will address this issue by: allowing virtually all manufactured goods to be exported duty-free; reducing processing times at the border and making the movement of goods cheaper, faster, more predictable and efficient; reducing regulatory hurdles, in particular with the possibility to have their products tested and certified to Canadian standards within the United Kingdom and vice-versa; facilitating the movement of service providers such as contractual suppliers, independent professionals, and short-term business visitors, so that SMEs can more easily meet with clients and offer after-sales servicing; and greatly expanding access to government procurement opportunities for SMEs at the central, sub-central and local government levels. Small farmers will equally benefit by easier access to markets and better selling opportunities, including for distinctive quality products.

14. Preferences for Canada's Aboriginal Peoples In the TCA Canada has included exceptions and carve-outs to ensure its ability to adopt measures that preserve rights and preferences for Aboriginal peoples. Canada is committed to active engagement with Indigenous partners to ensure the ongoing implementation of the TCA continues to reflect their interests.

### **Concordance Table - Joint Interpretative Instrument referenced to the TCA text**

This table is meant to assist in the interpretation of the TCA, by relating the statement of the intention of the Parties in this Instrument with the relevant provisions of the TCA, including those provisions of the Canada-European Union Comprehensive Economic and Trade Agreement that have been incorporated and modified by the TCA ("TCA Incorporated Provisions"). The below list of references is meant to be as complete as possible but is non- exhaustive.

Concordance Table - Joint Interpretative Instrument referenced to the TCA Incorporated Provisions (unless otherwise indicated (2))

(2) Some references are to the TCA rather than the provisions of CETA that are incorporated.

| <b>Recital Joint Interpretative Instrument</b> | <b>Reference TCA Incorporated Provisions</b> |
|------------------------------------------------|----------------------------------------------|
|------------------------------------------------|----------------------------------------------|

|                                         |                                                                                                                                                                              |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Preamble                             | TCA Preamble, Art. 5.4, Art. 6.1.5, Art. 21.2.1, Art. 21.2.2, Art. 1.c) and d) 22.1, Art 23.3, Art. 23.4, Art. 24.3, Art. 24.4, Art. 24.5 and Art. 28.3                      |
| 2. Right to Regulate                    | TCA Preamble, Art. 5.4, Art. 6.1.5, Art. 8.9, Annex 8-A, Art. 21.2.1, Art. 21.2.2, Art. 22.1, Art. 23.3, Art. 23.4, Art. 24.3, Art. 24.4, Art. 24.5 and Art. 28.3            |
| 3. Regulatory Co-operation              | Art. 21.2.6                                                                                                                                                                  |
| 4. Public Services                      | B), Art. 8.9, Art. 8.15, Art. 9.2.2 (a) (b) (F) and (g), Art. 9.7, Art. 13.2.5, Art. 13.10, Art.13.16, Art. 13.17, Art. 28.3, Annex I Reservations and Annex II Reservations |
| 5. Social Security or Insurance         | Art. 13.2.5, Art. 13.10, Art. 28.3 Annex I Reservations and Annex II Reservations                                                                                            |
| 6. Investment Protection                | Preamble, Art. 8.2.2 (b), Art. 8.36, Art. 8.6, Art. 8.9, Annex 8-A,                                                                                                          |
| 6.a)                                    | Art. 8.22.1 (f, g) and Art. 28.3                                                                                                                                             |
| 6.b)                                    | Art. 8.9.1, 8.12, Annex 8- A and Art. 8.39.3                                                                                                                                 |
| 6.c)                                    | Art. 8.9, Art. 8.10, Art. 8.11, Art. 8.12 and Annex 8- A                                                                                                                     |
| 6.d)                                    | Art. 8.1 and Art. 8.18.3,                                                                                                                                                    |
| 6.e)                                    | Art 8.31.3                                                                                                                                                                   |
| 6.f)                                    | Art. 8.27, Art. 8.28, Art. 8.30 and Art. 8.44                                                                                                                                |
| 6.g)                                    | Art. 8.28                                                                                                                                                                    |
| 6.h)                                    | Art. 8.31.3 and Art.8.44.3                                                                                                                                                   |
| 6.i)                                    | Art. 8.29                                                                                                                                                                    |
| 7. b) Trade and Sustainable Development | Art. 22.1, Chapters 23 and 24                                                                                                                                                |
| 8. Labour Protection                    | Art, 23.2, Art, 23.3.1, Art. 23.4.2, Art. 23.4.3                                                                                                                             |
| 8.a)                                    | Art. 23.4.4.                                                                                                                                                                 |
| 8.b)                                    | Art. 23.7 and Art. 23.8                                                                                                                                                      |
| 8.c)                                    |                                                                                                                                                                              |
| 9. Environmental Protection             | Art. 24.3                                                                                                                                                                    |

|                                                 |                                                                                                                              |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 9.a)                                            | Art. 24.3 and Art. 24.5                                                                                                      |
| 9.b)                                            | Art. 24.10, Art. 24.11 and Art. 24.12                                                                                        |
| 9.c)                                            |                                                                                                                              |
| 10. Review and Stakeholder Consultation         | Art. 22.3.3, Art. 22.4, Art. 23.8, Art. 23.9, Art. 23.10 and Art. 23.11                                                      |
| 10.a)                                           | Art. 22.1.3, Art. 22.4.3, Art. 22.4.4, Art. 23.6, Art. 23.8.4, Art. 24.13, Art. 24.14, Art. 24.15, Art. 24.16 and Art. 24.7, |
| 10.b)                                           |                                                                                                                              |
| 11. Water                                       | Art. 1.9                                                                                                                     |
| 12. Government Procurement                      | Art. 19.9.6 and Art. 19.3.2                                                                                                  |
| 13. Benefits for SME's                          | Annex 2 A, Chapter 4, Chapter 6, Chapter 19, Chapter 20- subsection C                                                        |
| 14. Preferences for Canada's Aboriginal Peoples | Art. 12.2.2 and relevant Canadian reservations                                                                               |