COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT (CETA) between Canada and the European Union and its Member States

CANADA,

of the one part, and

THE EUROPEAN UNION,

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

and

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, of the other part,

hereafter jointly referred to as the "Parties",

resolve to:

FURTHER strengthen their close economic relationship and build upon their respective rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994, 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, predictable and mutually-advantageous rules to govern their trade and investment; AND,

REAFFIRMING their strong attachment to democracy and to fundamental rights as laid down in The Universal Declaration of Human Rights, done at Paris on 10 December 1948, and sharing the view that the proliferation of weapons of mass destruction poses a major threat to international security;

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

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

AFFIRMING their commitments as parties to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, done at Paris on 20 October 2005, and recognising that states have the right to preserve, develop and implement their cultural policies, to support their cultural industries for the purpose of strengthening the diversity of cultural expressions, and to preserve their cultural identity, including through the use of regulatory measures and financial support;

RECOGNISING that the provisions of this Agreement protect investments and investors with respect to their investments, and are intended to stimulate mutually-beneficial business activity, without undermining the right of the Parties to regulate in the public interest within their territories;

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;

ENCOURAGING enterprises operating within their territory or subject to their jurisdiction to respect internationally recognised guidelines and principles of corporate social responsibility, including the OECD Guidelines for Multinational Enterprises, and to pursue best practices of responsible business conduct;

IMPLEMENTING this Agreement in a manner consistent with the enforcement of their respective labour and environmen- tal laws and that enhances their levels of labour and environmental protection, and building upon their international commitments on labour and environmental matters;

RECOGNISING the strong link between innovation and trade, and the importance of innovation to future economic growth, and affirming 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 to promote the involvement of relevant public and private sector entities;

HAVE AGREED AS FOLLOWS:

Chapter ONE. General Definitions and Initial Provisions

Section A. General Definitions

Article 1.1. Definitions of General Application

For the purposes of this Agreement and unless otherwise specified:

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) 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

(b) a ruling that adjudicates with respect to a particular act or practice; Agreement on Agriculture means the Agreement on Agriculture, contained in Annex 1A to the WTO Agreement; agricultural good means a product listed in Annex 1 to the Agreement on Agriculture;

Anti-dumping Agreement means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;

CETA contact points means the contact points established under Article 26.5 (CETA contact points); CETA Joint Committee means the CETA Joint Committee established under Article 26.1 (The CETA Joint Committee);

CPC means the provisional Central Product Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, CPC prov, 1991;

cultural industries means persons 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; (c) the production, distribution, sale or exhibition of audio or video music recordings; (d) the publication, distribution or sale of music in print or machine-readable form; or

(e) radio-communications 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;

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

(a) a charge equivalent to an internal tax imposed consistently with Article 2.3 (National treatment);

(b) a measure applied in accordance with the provisions of Articles VI or XIX of the GATT 1994, the Anti-dumping Agreement, the SCM Agreement, the Safeguards Agreement, or Article 22 of the DSU; or

(c) a fee or other charge imposed consistently with Article VIII of the GATT 1994;

Customs Valuation Agreement means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;

days means calendar days, including weekends and holidays;

DSU means the Understanding on Rules and Procedures Governing the Settlement of Disputes, contained in Annex 2 to the WTO Agreement;

enterprise means an entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or 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 General Agreement on Trade in Services, contained in Annex 1B to the WTO Agreement;

GATT 1994 means the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;

goods of a Party means domestic products as these are understood in the GATT 1994 or such goods as the Parties may decide, 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 HS;

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

national means a natural person who is a citizen as defined in Article 1.2, or is a permanent resident of a Party; originating means qualifying under the rules of origin set out in the Protocol on Rules of Origin and Origin Procedures; Parties means, on the one hand, the European Union or its Member States or the European Union and its Member States within their respective areas of competence as derived from the Treaty on European Union and the Treaty on the Functioning of the European Union (hereinafter referred to as the "EU Party"), and on the other hand, Canada;

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 duty rate under this Agreement to an originating good pursuant to the tariff elimination schedule;

Safeguards Agreement means the Agreement on Safeguards, contained in Annex 1A to the WTO Agreement; sanitary or phytosanitary measure means a measure referred to in Annex A, paragraph 1 of the SPS Agreement;

SCM Agreement means the Agreement on Subsidies and Countervailing Measures, contained in Annex 1A to the WTO Agreement;

service supplier means a person that supplies or seeks to supply a service; Pp PP! pply

SPS Agreement means the Agreement on the Application of Sanitary and Phytosanitary Measures, contained in Annex 1A to the WTO Agreement;

state enterprise means an enterprise that is owned or controlled by a Party;

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

tariff classification means the classification of a good or material under a chapter, heading or subheading of the HS; tariff elimination schedule means Annex 2-A (Cariff elimination);

TBT Agreement means the Agreement on Technical Barriers to Trade, contained in Annex 1A to the WTO Agreement;

territory means the territory where this Agreement applies as set out under Article 1.3;

third country means a country or territory outside the geographic scope of application of this Agreement;

TRIPS Agreement means the Agreement on Trade-Related Aspects of Intellectual Property Rights, contained in Annex 1C to the WTO Agreement;

Vienna Convention on the Law of Treaties means the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969;

WTO means the World Trade Organization; and

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

Article 1.2. Party-specific Definitions

For the Purposes of this Agreement, unless otherwise specified:

citizen means:

(a) for Canada, a natural person who is a citizen of Canada under Canadian legislation;

(b) for the EU Party, a natural person holding the nationality of a Member State; and central government means:

(a) for Canada, the Government of Canada; and

(b) for the EU Party, the European Union or the national governments of its Member States;

Article 1.3. Geographical Scope of Application

Unless otherwise specified, this Agreement applies:

(a) for Canada, to:

(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 at Montego Bay 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) for the European Union, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied and under the conditions laid down in those Treaties. As regards the provisions concerning the tariff treatment of goods, this Agreement shall also apply to the areas of the European Union customs territory not covered by the first sentence of this subparagraph.

Section B. Initial Provisions

Article 1.4. Establishment of a Free Trade Area

The Parties hereby establish a free trade area in conformity with Article XXIV of GATT 1994 and Article V of the GATS.

Article 1.5. Relation to the WTO Agreement and other Agreements

The Parties affirm their rights and obligations with respect to each other under the WTO Agreement and other agreements to which they are party.

Article 1.6. Reference to other Agreements

When this Agreement refers to or incorporates by reference other agreements or legal instruments in whole or in part, those references include:

(a) related annexes, protocols, footnotes, interpretative notes and explanatory notes; and

(b) successor agreements to which the Parties are party or amendments that are binding on the Parties, except where the reference affirms existing rights.

Article 1.7. Reference to Laws

When this Agreement refers to laws, either generally or by reference to a specific statute, regulation or directive, the reference is to the laws, as they may be amended, unless otherwise indicated.

Article 1.8. 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 1.9. Rights and Obligations Relating to Water

1. The Parties recognise that water in its natural state, including water in lakes, rivers, reservoirs, aquifers and water basins, is not a good or a product. Therefore, only Chapters Twenty-Two (Trade and Sustainable Development) and Twenty-Four (Trade and Environment) apply to such water.

2. Each Party has the right to protect and preserve its natural water resources. 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. If a Party permits the commercial use of a specific water source, it shall do so in a manner consistent with this Agreement.

Article 1.10. Persons Exercising Delegated Governmental 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.

Chapter TWO. National Treatment and Market Access for Goods

Article 2.1. Objective

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

Article 2.2. Scope

This Chapter applies to trade in goods of a Party, as defined in Chapter 1 (General Definitions and Initial Provisions), except as otherwise provided in this Agreement.

Article 2.3. 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 Article III of the GATT 1994 is incorporated into and made part of this Agreement.

2. Paragraph 1 means, with respect to a government in Canada other than at the federal level, or a government of or in a Member State of the European Union, treatment no less favourable than that accorded by that government to like, directly competitive or substitutable goods of Canada or the Member State, respectively.

3. This Article does not apply to a measure, including a 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 (Schedule V) annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994, done on 15 April 1994 (the "Marrakesh Protocol"), used in manufacturing under provisions of the Excise Act, 2001, S.C. 2002, c. 22.

Article 2.4. 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 the tariff elimination schedules in Annex 2-A. For the purposes of this Chapter, "originating" means originating in either Party under the rules of origin set out in the Protocol on rules of origin and origin procedures.

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

3. For goods that are subject to tariff preferences as listed in a Party's tariff elimination schedule in Annex 2-A, 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 a 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 of 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 the Parties' Schedules in Annex 2-A for that good when approved by each Party in accordance with its applicable legal procedures.

Article 2.5. Restriction on Duty Drawback, Duty Deferral and Duty Suspension Programs

1. Subject to paragraphs 2 and 3, a Party shall not refund, defer or suspend a customs duty paid or payable on a non-originating good 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, if the reduction, suspension or remission is not expressly conditioned on the exportation of a good.

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

Article 2.6. Duties, Taxes or other Fees and Charges on Exports

A Party may not adopt or maintain any duties, taxes or other fees and charges imposed on, or in connection with, the export of a good to the other Party, or any internal taxes or fees and charges on a good exported to the other Party, that is in excess of those that would be imposed on those goods when destined for internal sale.

Article 2.7. Standstill

1. Upon the entry into force of this Agreement a Party may not increase a customs duty existing at entry into force, or adopt a new customs duty, on a good originating in the Parties.

2. Notwithstanding paragraph 1, 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 in Annex 2-A following a unilateral reduction; or

(c) maintain or increase a customs duty as authorised by this Agreement or any agreement under the WTO Agreement.

3. Notwithstanding paragraphs 1 and 2, only Canada may apply a special safeguard pursuant to 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 included in Annex 2-A. The use of this special safeguard is 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 2.8. Temporary Suspension of Preferential Tariff Treatment

1. A Party may temporarily suspend, in accordance with paragraphs 2 through 5, the preferential tariff treatment under this Agreement with respect to a good exported or produced by a person of the other Party if the Party:

(a) as a result of an investigation based on objective, compelling and verifiable information, makes a finding that the person of the other Party has committed systematic breaches of customs legislation in order to obtain preferential tariff treatment under this Agreement; or

(b) makes a finding that the other Party systematically and unjustifiably refuses to cooperate with respect to the investigation of breaches of customs legislation under Article 6.13.4 (Cooperation), and the Party requesting cooperation, based on objective, compelling and verifiable information, has reasonable grounds to conclude that the person of the other Party has committed systematic breaches of customs legislation in order to obtain preferential tariff treatment under this Agreement.

2. A Party that has made a finding referred to in paragraph 1 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 authorities of the other Party 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 that includes the information that is the basis of the finding.

3. If the 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.

4. If the Joint Customs Cooperation Committee has not resolved the issue after 60 days, the Party that has made the finding may temporarily suspend the preferential tariff treatment under this Agreement with respect to that good of that person of the other Party. The temporary suspension does not apply to a good that is already in transit between the Parties on the day that the temporary suspension comes into effect.

5. The Party applying the temporary suspension under paragraph 1 shall only apply it for a period commensurate with the impact on the financial interests of that Party resulting from the situation responsible for the finding made pursuant to paragraph 1, to a maximum of 90 days. If the 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, that Party may renew the suspension for a further period of no longer than 90 days. The original suspension and any renewed suspensions are subject to periodic consultations within the Joint Customs Cooperation Committee.

Article 2.9. Fees and other Charges

1. In accordance with Article VIII of GATT 1994, a Party shall not adopt or maintain a fee or charge 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 or exports for fiscal purposes.

2. For greater certainty, paragraph 1 does not prevent a Party from imposing a customs duty or a charge set out in paragraphs (a) through (c) of the definition of customs duty under Article 1.1 (Definitions of general application).

Article 2.10. 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 they were intended. Repair or alteration of goods includes restoration and maintenance but does not include an operation or process that:

(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 provided in footnote 1, 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) (2).

3. Paragraph 2 does not apply to a good imported in bond, into free trade zones, or in similar status, that is then 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 (3).

(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, 2001, 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 included in Annex 2-A (Tariff Elimination): 8901 10 10, 8901 10 90, 8901 30 00, 89019010, 8901 90 91, 8901 90 99, 8904 00 00, 8905 2019, 8905 20 20, 8905 90 19, 8905 90 90,8906 90 19, 8906 90 91, 8906 90 99.

(2) The European Union will implement this paragraph through the outward processing procedure in Regulation (EU) No 952/2013 in a manner consistent with this paragraph.

(3) The European Union will implement this paragraph through the inward processing procedure in Regulation (EU) No 952/2013 in a manner consistent with this paragraph.

Article 2.11. Import and Export Restrictions

1. Except as otherwise provided in this Agreement, a Party shall not 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. If a Party adopts or maintains a prohibition or restriction on the importation from or exportation to a third country of a good, that Party may:

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

(b) limit or prohibit the exportation of a good to that third country through the territory of the other Party.

3. Ifa Party adopts or maintains a prohibition or restriction on the importation of a good from a third country, the Parties, at the request of the other Party, shall enter into 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:

(a) the export of logs of all species. If a Party ceases to require export permits for logs destined for a third country, that Party will permanently cease requiring export permits for logs destined for the other Party;

(b) 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;

(c) 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 provisions of the Excise Act, 2001, S.C. 2002, c. 22; and

(d) the importation of used vehicles into Canada that do not conform to Canada's safety and environmental requirements.

Article 2.12. Other Provisions Related to Trade In Goods

Each Party shall endeavour to ensure that a good 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 2.13. Committee on Trade In Goods

1. The functions of the Committee on Trade in Goods established under Article 26.2.1 (a) (Specialised committees) 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 CETA Joint Committee a modification of or an addition to any provision of this Agreement related to the Harmonized System; and

(c) promptly addressing issues related to movement of goods through the Partiesâ 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 established under Article 26.2.1 (a) (Specialised committees) shall:

(a) meet within 90 days of a request by a Party;

(b) provide a forum for the Parties to discuss issues related to agricultural goods covered by this Agreement; and (c) refer to the Committee on Trade in Goods any unresolved issue under subparagraph (b).

4. The Parties note the cooperation and exchange of information on agriculture issues under the annual Canada- European Union Agriculture Dialogue, as established in letters exchanged on 14 July 2008. As appropriate, the Agriculture Dialogue may be used for the purpose of paragraph 3.

Chapter THREE. Trade Remedies

Section A. Anti-dumping and Countervailing Measures

Article 3.1. General Provisions Concerning Anti-dumping and Countervailing Measures

1. The Parties reaffirm their rights and obligations under Article VI of GATT 1994, the Anti-dumping Agreement and the SCM Agreement.

2. The Protocol on rules of origin and origin procedures shall not apply to antidumping and countervailing measures.

Article 3.2. 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 an 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 Anti-Dumping Agreement and Article 12.4 of the SCM Agreement.

3. Provided it does not unnecessarily delay the conduct of the investigation, each interested party in an anti-dumping or countervailing investigation (1) shall be granted a full opportunity to defend its interests.

(1) For the purpose of this Article, interested parties are defined as per Article 6.11 of the Anti-Dumping Agreement and Article 12.9 of the SCM Agreement.

Article 3.3. Consideration of Public Interest and Lesser Duty

1. Each Party's authorities shall consider information provided in accordance with the Party's law as to whether imposing an anti-dumping or countervailing duty would not be in the public interest.

2. After considering the information referred to in paragraph 1, the Partyâs 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 Party's law.

Section B. Global Safeguard Measures

Article 3.4. General Provisions Concerning Global Safeguard Measures

1. The Parties reaffirm their rights and obligations concerning global safeguard measures under Article XIX of GATT 1994 and the Safeguards Agreement.

2. The Protocol on rules of origin and origin procedures shall not apply to global safeguard measures.

Article 3.5. Transparency

1. At the request of the exporting Party, the Party initiating a safeguard investigation or intending to adopt provisional or definitive global safeguard measures shall immediately provide:

(a) the information referred to in Article 12.2 of the Safeguards Agreement, 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 global safeguard measures.

2. When information is provided under this Article, the importing Party shall offer to hold consultations with the exporting Party in order to review the information provided.

Article 3.6. Imposition of Definitive Measures

1. A Party adopting global safeguard measures shall endeavour to impose them in a way that least affects bilateral trade.

2. The importing Party shall offer to hold 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 hold consultations was made.

Section C. General Provisions

Article 3.7. Exclusion from Dispute Settlement

This Chapter is not subject to Chapter Twenty-Nine (Dispute Settlement).

Chapter FOUR. Technical Barriers to Trade

Article 4.1. 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) a sanitary or phytosanitary measure as defined in Annex A of the SPS Agreement.

3. Except where this Agreement, including the incorporated provisions of the TBT Agreement pursuant to Article 4.2, defines or gives a meaning to a term, the general terms for standardisation and conformity assessment procedures shall normally have the meaning given to them by the definition adopted within the United Nations system and by international standardising bodies taking into account their context and in the light of the object and purpose of this Chapter.

4. References in this Chapter to technical regulations, standards, and conformity assessment procedures include amendments thereto, and additions to the rules or the product coverage thereof, except amendments and additions of an insignificant nature.

5. Article 1.8.2 (Extent of obligations) does not apply to Articles 3, 4, 7, 8 and 9 of the TBT Agreement, as incorporated into this Agreement.

Article 4.2. Incorporation of the TBT Agreement

1. The following provisions of 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 a Party's rights or obligations under the Protocol on the Mutual Acceptance of the Results of Conformity Assessment, and the Protocol on the Mutual Recognition of the Compliance and Enforcement Programme Regarding Good Manufacturing Practices for Pharmaceutical Products;

(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); and

(j) Annex 3 (Code of Good Practice for the Preparation, Adoption and Application of Standards).

2. The term "Members" in the incorporated provisions shall have the same meaning in this Agreement as it has in the TBT Agreement.

3. With respect to Articles 3, 4, 7, 8 and 9 of the TBT Agreement, Chapter Twenty-Nine (Dispute Settlement) 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 4.3. Cooperation

The Parties shall strengthen their cooperation in the areas of technical regulations, standards, metrology, conformity assessment procedures, market surveillance or monitoring and enforcement activities in order to facilitate trade between the Parties, as set out in Chapter Twenty-One (Regulatory Cooperation). This may include promoting and encouraging cooperation between the Parties' respective public or private organisations responsible for metrology, standardisation, testing, certification and accreditation, market surveillance or monitoring and enforcement activities; and, in particular, encouraging their accreditation and conformity assessment bodies to participate in cooperation arrangements that promote the acceptance of conformity assessment results.

Article 4.4. Technical Regulations

1. The Parties undertake to cooperate to the extent 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 that exists in or is being prepared by the other Party, that other Party shall, on request, provide to the Party, to the extent practicable, the relevant information, studies and data upon which it has relied in the preparation of its technical regulation, whether adopted or being developed. The Parties recognise 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 that the other Party recognise the technical regulation as equivalent. The Party shall make the request in writing and set out detailed reasons why the technical regulation should be considered equivalent, including reasons with respect to product scope. The Party that does not agree that the technical regulation is equivalent shall provide to the other Party, upon request, the reasons for its decision.

Article 4.5. Conformity Assessment

The Parties shall observe the Protocol on the mutual acceptance of the results of conformity assessment, and the Protocol on the mutual recognition of the compliance and enforcement programme regarding good manufacturing practices for pharmaceutical products.

Article 4.6. Transparency

1. Each Party shall ensure that transparency procedures regarding the development of technical regulations and conformity assessment procedures allow interested persons of the Parties 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 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 standardisation bodies located within their respective territories with a view to facilitating, among other things, the exchange of information about their respective activities, as well as the harmonisation of standards based on mutual interest and reciprocity, according to modalities to be agreed by the standardisation 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 of safety, health, environmental protection or national security arise or threaten to arise. A Party shall give positive consideration to a reasonable request to extend the comment period.

4. If a Party receives comments on its proposed technical regulation or conformity assessment procedure from the other Party, it shall reply in writing to those comments before the technical regulation or conformity assessment procedure is adopted.

5. 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.

6. 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.

7. 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 the delay would be ineffective in fulfilling the legitimate objectives pursued.

8. Each Party shall ensure that its adopted technical regulations and conformity assessment procedures are publicly available on official websites.

9. If 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 4.7. Management of the Chapter

1. The Parties shall cooperate on issues covered by this Chapter. The Parties agree that the Committee on Trade in Goods, established under Article 26.2.1(a) shall:

(a) manage the implementation of this Chapter;

(b) promptly address an 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, facilitate discussion of the assessment of risk or hazard conducted by the other Party;

(d) encourage cooperation between the standardisation bodies and conformity assessment bodies of the Parties;

(e) 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) review this Chapter in the light of developments before the WTO Committee on Technical Barriers to Trade or under the TBT Agreement, and, if necessary, develop recommendations to amend this Chapter for consideration by the CETA Joint Committee;

(g) take other steps that the Parties consider will assist them to implement this Chapter and the TBT Agreement and to facilitate trade between the Parties; and

(h) report to the CETA Joint Committee on the implementation of this Chapter, as appropriate.

2. If the Parties are unable to resolve a matter covered under this Chapter through the Committee on Trade in Goods, upon request of a Party, the CETA Joint Committee may establish an ad hoc technical working group to identify solutions to facilitate trade. If a Party does not agree with a request from the other Party to establish a technical working group, it shall, on request, explain the reasons for its decision. The Parties shall lead the technical working group.

3. When a Party has requested information, the other Party shall provide the information, pursuant to the provisions of this Chapter, in print or electronically within a reasonable period of time. The Party shall endeavour to respond to each request for information within 60 days.

Chapter FIVE. Sanitary and Phytosanitary Measures

Article 5.1. Definitions

1. For the purposes of this Chapter, the following definitions apply:

(a) the definitions in Annex A of the SPS Agreement;

(b) the definitions adopted under the auspices of the Codex Alimentarius Commission (the "Codex");

(c) the definitions adopted under the auspices of the World Organisation for Animal Health (the "OIE");

(d) the definitions adopted under the auspices of the International Plant Protection Convention (the "IPPC");

(e) protected zone for a specified regulated harmful organism means an officially defined geographical area in the European

Union in which that organism is not established in spite of favourable conditions for its establishment and its presence in other parts of the European Union; and

(f) a competent authority of a Party means an authority listed in Annex 5-A.

2. Further to paragraph 1, the definitions under the SPS Agreement prevail to the extent that there is an inconsistency between the definitions adopted under the auspices of the Codex, the OIE, the IPPC and the definitions under the SPS Agreement.

Article 5.2. 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; and

(c) further the implementation of the SPS Agreement.

Article 5.3. Scope

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

Article 5.4. Rights and Obligations

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

Article 5.5. Adaptation to Regional Conditions

1. With respect to an animal, animal product and animal by-product:

(a) the Parties recognise the concept of zoning and they have decided to apply this concept to the diseases listed in Annex 5-B;

(b) if the Parties decide on principles and guidelines to recognise regional conditions, they shall include them in Annex 5-C;

(c) for the purpose of subparagraph (a), the importing Party shall base its sanitary measure applicable to the exporting Party whose territory is affected by a disease listed in Annex 5-B on the zoning decision made by the exporting Party, provided that the importing Party is satisfied that the exporting Party's zoning decision is in accordance with the principles and guidelines that the Parties set out in Annex 5-C, and is based on relevant international standards, guidelines, and recommendations. The importing Party may apply any additional measure to achieve its appropriate level of sanitary protection;

(d) if a Party considers that it has a special status with respect to a disease not listed in Annex 5-B, it may request recognition of that status. The importing Party may request additional guarantees for imports of live animals, animal products, and animal by-products appropriate to the agreed status recognised by the importing Party, including the special conditions identified in Annex 5-E; and

(e) the Parties recognise the concept of compartmentalisation and agree to cooperate on this matter.

2. With respect to a plant and plant product:

(a) when the importing Party establishes or maintains its phytosanitary measure, it shall take into account, among other things, the pest status of an area, such as a pest-free area, pest-free place of production, pest-free production site, an area of low pest prevalence and a protected zone that the exporting Party has established; and

(b) if the Parties decide on principles and guidelines to recognise regional conditions, they shall include them in Annex 5-C.

Article 5.6. Equivalence

1. The importing Party shall accept the SPS measure 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 SPS protection.

2. Annex 5-D sets out principles and guidelines to determine, recognise, and maintain equivalence.

3. Annex 5-E sets out:

(a) the area for which the importing Party recognises that an SPS measure of the exporting Party is equivalent to its own; and

(b) the area for which the importing Party recognises that the fulfilment of the specified special condition, combined with the exporting Party's SPS measure, achieves the importing Party's appropriate level of SPS protection.

4. For the purposes of this Chapter, Article 1.7 (Reference to laws) applies subject to this Article, Annex 5-D and the General Notes under Annex 5-E.

Article 5.7. Trade Conditions

1. The importing Party shall make available its general SPS import requirements for all commodities. If the Parties jointly identify a commodity as a priority, the importing Party shall establish specific SPS import requirements for that commodity, unless the Parties 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. Pursuant to paragraph 1, the importing Party shall undertake, without undue delay, the necessary process to establish specific SPS import requirements for the commodity that is identified as a priority. Once these specific import requirements are established, the importing Party shall take the necessary steps, without undue delay, to allow trade on the basis of these import requirements.

3. For the purpose of establishing the specific SPS import requirements, the exporting Party shall, at the request of the importing Party:

(a) provide all relevant information required by the importing Party; and

(b) give reasonable access to the importing Party to inspect, test, audit and perform other relevant procedures.

4. If the importing Party maintains a list of authorised establishments or facilities for the import of a commodity, it shall approve an establishment or facility situated in the territory of the exporting Party without prior inspection of that establishment or facility if:

(a) the exporting Party has requested such an approval for the establishment or facility, accompanied by the appropriate guarantees; and

(b) the conditions and procedures set out in Annex 5-F are fulfilled.

5. Further to paragraph 4, the importing Party shall make its lists of authorised establishments or facilities publicly available.

6. A Party shall normally accept a consignment of a regulated commodity without pre-clearance of the commodity on a consignment basis, unless the Parties decide otherwise.

7. 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.

8. The Parties should follow the procedure set out in Annex 5-G on the specific import requirements for plant health.

Article 5.8. Audit and Verification

1. For the purpose of maintaining confidence in the implementation of this Chapter, a Party may carry out an audit or verification, or both, of all or part of the control programme of the competent authority of the other Party. The Party shall bear its own costs associated with the audit or verification.

2. If the Parties decide on principles and guidelines to conduct an audit or verification, they shall include them in Annex 5-H. If a Party conducts an audit or verification, it shall do so in accordance with any principles and guidelines in Annex 5-H.

Article 5.9. Export Certification

1. When an official health certificate is required to import a consignment of live animals or animal products, and if the

importing Party has accepted the SPS measure 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 5-I for such certificate, unless the Parties decide otherwise. The Parties may also use a model attestation for other products if they so decide.

2. Annex 5-I sets out principles and guidelines for export certification, including electronic certification, withdrawal or replacement of certificates, language regimes and model attestations.

Article 5.10. Import Checks and Fees

1. Annex 5-J sets out principles and guidelines for import checks and fees, including the frequency rate for import checks.

2. If import checks reveal non-compliance with the relevant import requirements, the action taken by the importing Party must be based on an assessment of the risk involved and not be more trade-restrictive than required to achieve the Party's appropriate level of sanitary or phytosanitary protection.

3. Whenever possible, the importing Party shall notify the importer of a non-compliant consignment, or its representative, of the reason for non-compliance, and provide them with an opportunity for a review of the decision. The importing Party shall consider any relevant information submitted to assist in the review.

4. A Party may collect fees for the costs incurred to conduct frontier checks, which should not exceed the recovery of the costs.

Article 5.11. Notification and Information Exchange

1. A Party shall notify the other Party without undue delay of a:

(a) significant change to pest or disease status, such as the presence and evolution of a disease listed in Annex 5-B;

(b) finding of epidemiological importance with respect to an animal disease, which is not listed in Annex 5-B, or which is a new disease; and

(c) significant food safety issue related to a product traded between the Parties.

2. The Parties endeavour to exchange information on other relevant issues including:

(a) a change to a Party's SPS measure;

(b) any significant change to the structure or organisation of a Party's competent authority;

(c) on request, the results of a Party's official control and a report that concerns the results of the control carried out;

(d) the results of an import check provided for in Article 5.10 in case of a rejected or a non-compliant consignment; and

(e) on request, a risk analysis or scientific opinion that a Party has produced and that is relevant to this Chapter.

3. Unless the Joint Management Committee decides otherwise, when the information referred to in paragraph 1 or 2 has been made available via notification to the WTO's Central Registry of Notifications or to the relevant international standard-setting body, in accordance with its relevant rules, the requirements in paragraphs 1 and 2, as they apply to that information, are fulfilled.

Article 5.12. Technical Consultations

If a Party has a significant concern with respect to food safety, plant health, or animal health, or an SPS measure that the other Party has proposed or implemented, that Party may request technical consultations with the other Party. The Party that is the subject of the request should respond to the request without undue delay. Each Party shall endeavour to provide the information necessary to avoid a disruption to trade and, as the case may be, to reach a mutually acceptable solution.

Article 5.13. Emergency SPS Measures

1. A Party shall notify the other Party of an emergency SPS measure within 24 hours of its decision to implement the measure. If a Party requests technical consultations to address the emergency SPS measure, the technical consultations must be held within 10 days of the notification of the emergency SPS measure. The Parties shall consider any information provided through the technical consultations.

2. The importing Party shall consider the information that was provided in a timely manner by the exporting Party when it makes its decision with respect to a consignment that, at the time of adoption of the emergency SPS measure, is being transported between the Parties.

Article 5.14. Joint Management Committee for Sanitary and Phytosanitary Measures

1. The Joint Management Committee for Sanitary and Phytosanitary Measures (the Joint Management Committee), established under Article 26.2.1(d), comprises regulatory and trade representatives of each Party responsible for SPS measures.

2. The functions of the Joint Management Committee include:

(a) to monitor the implementation of this Chapter, to consider any matter related to this Chapter and to examine all matters which may arise in relation to its implementation;

(b) to provide direction for the identification, prioritisation, management and resolution of issues;

(c) to address any request by a Party to modify an import check;

(d) at least once a year, to review the annexes to this Chapter, notably in the light of progress made under the consultations provided for under this Agreement. Following its review, the Joint Management Committee may decide to amend the annexes to this Chapter. The Parties may approve the Joint Management Committee's decision, in accordance with their respective procedures necessary for the entry into force of the amendment. The decision enters into force on a date agreed by the Parties;

(e) to monitor the implementation of a decision referred to in subparagraph (d), above, as well as the operation of measures referred to under subparagraph (d) above;

(f) to provide a regular forum to exchange information that relates to each Party's regulatory system, including the scientific and risk assessment basis for an SPS measure; and

(g) to prepare and maintain a document that details the state of discussions between the Parties on their work on recognition of the equivalence of specific SPS measures.

3. The Joint Management Committee may, among other things:

(a) identify opportunities for greater bilateral engagement, including enhanced relationships, which may include an exchange of officials;

(b) discuss at an early stage, a change to, or a proposed change to, an SPS measure being considered;

(c) facilitate improved understanding between the Parties on the implementation of the SPS Agreement, and promote cooperation between the Parties on SPS issues under discussion in multilateral fora, including the WTO Committee on Sanitary and Phytosanitary Measures and international standard-setting bodies, as appropriate; or

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

4. The Joint Management Committee may establish working groups comprising expert-level representatives of the Parties, to address specific SPS issues.

5. A Party may refer any SPS issue to the Joint Management Committee. The Joint Management Committee should consider the issue as expeditiously as possible.

6. If the Joint Management Committee is unable to resolve an issue expeditiously, it shall, at the request of a Party, report promptly to the CETA Joint Committee.

7. Unless the Parties decide otherwise, the Joint Management Committee shall meet and establish its work programme no later than 180 days 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 Joint Management Committee shall meet as required, normally on an annual basis. The Joint Management Committee may decide to meet by videoconference or teleconference, and it may also address issues out of session by correspondence.

9. The Joint Management Committee shall report annually on its activities and work programme to the CETA Joint

Committee.

10. Upon entry into force of this Agreement, each Party shall designate and inform the other Party, in writing, of a contact point to coordinate the Joint Management Committee's agenda and to facilitate communication on SPS matters.

Chapter SIX. Customs and Trade Facilitation

Article 6.1. Objectives and Principles

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

2. The Parties shall, to the extent possible, cooperate and exchange information, including information on best practices, to promote the application of and compliance with the trade facilitation measures in this Agreement.

3. Measures to facilitate trade shall not hinder mechanisms to protect a person through effective enforcement of and compliance with a Party's law.

4. Import, export and transit requirements and procedures shall be no more administratively burdensome or trade restrictive than necessary to achieve a legitimate objective.

5. Existing international trade and customs instruments and standards shall be the basis for import, export and transit requirements and procedures, except if these instruments and standards would be an inappropriate or ineffective means for the fulfilment of the legitimate objective pursued.

Article 6.2. Transparency

1. Each Party shall publish or otherwise make available, including through electronic means, its legislation, regulations, judicial decisions and administrative policies relating to requirements for the import or export of goods.

2. Each Party shall endeavour to make public, including on the internet, proposed regulations and administrative policies relating to customs matters and to provide interested persons an opportunity to comment prior to their adoption.

3. 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 6.3. Release of Goods

1. 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.

2. Each Party shall ensure that these simplified procedures:

(a) allow for the release of goods within a period of time no longer than that required to ensure compliance with its law;

(b) allow goods, and to the extent possible controlled or regulated goods, to be released at the first point of arrival;

(c) endeavour to allow for the expeditious release of goods in need of emergency clearance;

(d) allow an importer or its agent to remove goods from customs' 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; and

(e) provide for, in accordance with its law, simplified documentation requirements for the entry of low-value goods as determined by each Party.

3. Each Party, in its simplified procedures, may require the submission of more extensive information through post- entry accounting and verifications, as appropriate.

4. Each Party shall allow for the expedited release of goods and, to the extent possible and if applicable, shall:

(a) provide for advance electronic submission and processing of information before physical arrival of goods to enable their release upon arrival, if no risk has been identified or if no random checks are to be performed; and

(b) provide for clearance of certain goods with a minimum of documentation.

5. 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, among other things, converging import and export data and documentation requirements and establishing a single location for one-time documentary and physical verification of consignments.

6. Each Party shall ensure, to the extent possible, that its import and export requirements for 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 6.4. Customs Valuation

1. The Customs Valuation Agreement governs customs valuation applied to reciprocal trade between the Parties.

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

Article 6.5. Classification of Goods

The classification of goods in trade between the Parties under this Agreement is set out in each Party's respective tariff nomenclature in conformity with the Harmonized System.

Article 6.6. Fees and Charges

Each Party shall publish or otherwise make available information on fees and charges imposed by a customs administration of that Party, including through electronic means. This information includes 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 6.7. Risk Management

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

2. Each Party shall adopt and apply its import, export and transit requirements and procedures for goods on the basis of risk management principles and focus compliance measures on transactions that merit attention.

3. Paragraphs 1 and 2 do not preclude a Party from conducting quality control and compliance reviews that can require more extensive examinations.

Article 6.8. Automation

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

2. Each Party shall:

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

(b) allow, subject to its law, those customs forms to be submitted in electronic format; and

(c) if possible, through its customs administration, provide for the electronic exchange of information with its trading community.

3. Each Party shall endeavour to:

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

(b) develop a set of data elements and processes in accordance with the World Customs Organization ("WCO") Data Model and related WCO recommendations and guidelines.

4. 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 6.9. Advance Rulings

1. Each Party shall issue, upon written request, advance rulings on tariff classification in accordance with its law.

2. Subject to confidentiality requirements, each Party shall publish, for example on the internet, information on advance rulings on tariff classification that is relevant to understand and apply tariff classification rules.

3. To facilitate trade, the Parties shall include in their bilateral dialogue regular updates on changes in their respective laws and implementation measures regarding matters referred to in paragraphs 1 and 2.

Article 6.10. Review and Appeal

1. Each Party shall ensure that an 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.

2. The tribunal or official acting pursuant to those 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 law.

3. Before requiring a person to seek redress at a more formal or judicial level, each Party shall provide for an administrative level of appeal or review that is independent of the official or the office responsible for the original action or decision.

4. Each Party shall grant substantially the same right of review and appeal of determinations of advance rulings by its customs administration that it provides to importers in its territory to a person that has received an advance ruling pursuant to Article 6.9.

Article 6.11. Penalties

Each Party shall ensure that its customs law provides that penalties imposed for breaches to it be proportionate and non-discriminatory and that the application of these penalties does not result in unwarranted delays.

Article 6.12. Confidentiality

1. Each Party shall, in accordance with its law, treat as strictly confidential all information obtained under 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.

2. If the Party receiving or obtaining the information referred to in paragraph 1 is required by its law 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 under this Chapter shall not be used for purposes other than the administration and enforcement of customs matters, except with the permission of the Party or person that provided that confidential information.

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

Article 6.13. Cooperation

1. The Parties shall continue to cooperate in international fora, such as the WCO, to achieve mutually-recognised goals, including those set out in the WCO Framework of Standards to Secure and Facilitate Global Trade.

2. 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.

3. The Parties shall cooperate in accordance with 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").

4. The Parties shall provide each other with mutual assistance in customs matters in accordance with the Canada-EU Customs Cooperation Agreement, including matters relating to a suspected breach of a Party's customs legislation, as defined in that agreement, and to the implementation of this Agreement.

Article 6.14. Joint Customs Cooperation Committee

1. The Joint Customs Cooperation Committee, which is granted authority to act under the auspices of the CETA Joint Committee as a specialised committee pursuant to Article 26.2.1 (c) (Specialised committees), shall ensure the proper functioning of this Chapter and the Protocol on Rules of Origin and Origin Procedures, as well as Article 20.43 (Scope of border measures) and Article 2.8 (Temporary suspension of preferential tariff treatment). The Joint Customs Cooperation Committee shall examine issues arising from their application in accordance with the objectives of this Agreement.

2. For matters covered by this Agreement, the Joint Customs Cooperation Committee shall comprise representatives of the customs, trade, or other competent authorities as each Party deems appropriate.

3. Each Party shall ensure that its representatives in Joint Customs Cooperation Committee meetings have an expertise that corresponds to the agenda items. The Joint Customs Cooperation Committee may meet in a specific con- figuration of expertise to deal with rules of origin or origin procedures matters either as the Joint Customs Cooperation Committee-Rules of Origin or the Joint Customs Cooperation Committee-Origin Procedures.

4. The Joint Customs Cooperation Committee may formulate resolutions, recommendations, or opinions and present draft decisions to the CETA Joint Committee that it considers necessary for the attainment of the common objectives and sound functioning of the mechanisms established in this Chapter and the Protocol on Rules of Origin and Origin Procedures, as well as Article 20.43 (Scope of border measures) and Article 2.8 (Temporary suspension of preferential tariff treatment).

Chapter SEVEN. Subsidies

Article 7.1. Definition of a Subsidy

1. For the purposes of this Agreement, a subsidy means a measure related to trade in goods, which fulfils the conditions set out in Article 1.1 of the SCM Agreement.

2. A subsidy is subject to this Chapter only if it is specific within the meaning of Article 2 of the SCM Agreement.

Article 7.2. 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:

(a) the legal basis of the subsidy;

(b) the form of the subsidy; and

(c) the amount of the subsidy or the amount budgeted for the subsidy.

2. Notifications provided to the WTO under Article 25.1 of the SCM Agreement are deemed to meet the requirement set out in paragraph 1.

3. 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 7.3. 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 concerns to the other Party and request consultations on the matter. The responding Party shall accord full and sympathetic consideration to that request.

2. During 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 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 does not apply to subsidies related to agricultural goods and fisheries products, and is without prejudice to Articles 7.4 and 7.5.

Article 7.4. 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 responding Party shall accord full and sympathetic consideration to that request and will use its best endeavours to eliminate or minimise 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 7.5. Agriculture Export Subsidies

1. For the purposes of this Article:

(a) export subsidy means an export subsidy as defined in Article 1(e) of the Agreement on Agriculture; and

(b) full elimination of a tariff means, where tariff quotas exist, the elimination of either the in-quota or over-quota tariff.

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 Annex 2-A (Tariff Elimination), including its Tariff Schedules.

Article 7.6. Confidentiality

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

Article 7.7. Exclusion of Subsidies and Government Support for Audio-visual Services and Cultural Industries

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

Article 7.8. Relationship with the WTO Agreement

The Parties reaffirm their rights and obligations under Article VI of GATT 1994, the SCM Agreement and the Agreement on Agriculture.

Article 7.9. Dispute Settlement

Articles 7.3 and 7.4 of this Chapter are not subject to the dispute settlement provisions of this Agreement.

Chapter EIGHT. Investment

Section A. Definitions and Scope

Article 8.1. Definitions

For the purposes of this Chapter:

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

aircraft repair and maintenance services means activities undertaken on an aircraft or a part of an aircraft while it is withdrawn from service and do not include so-called line maintenance;

airport operation services means the operation 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 property of a disputing party to secure or ensure the satisfaction of an award;

computer reservation system services means the supply of a service 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:

(a) confidential business information; or

(b) information which is protected against disclosure to the public;

(i) in the case of information of the respondent, under the law of the respondent;

(ii) in the case of other information, under a law or rules that the Tribunal determines to be applicable to the disclosure of such information;

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

(a) in its territory;

(b) made in accordance with the applicable law at the time the investment is made;

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

(d) existing on the date of entry into force of this Agreement, or made or acquired thereafter;

disputing party means the investor that initiates proceedings pursuant to Section F or the respondent. For the purposes of Section F and without prejudice to Article 8.14, 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 an enterprise as defined in Article 1.1 (Definitions of general application) and a branch or representative office of an enterprise;

ground handling services means the supply of a service on a fee or contract basis for: 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; or 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, or intra-airport transport systems;

ICSID means the International Centre for Settlement of Investment Disputes;

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 on 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, if such rights are provided by a Party's law, utility model rights. The CETA 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:

(a) an enterprise;

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

(c) bonds, debentures and other debt instruments of an enterprise;

(d) a loan to an enterprise;

(e) any other kind of interest in an enterprise;

(f) an interest arising from:

(i) a concession conferred pursuant to the law of a Party or under a contract, including to search for, cultivate, extract or exploit natural resources,

(i) a turnkey, construction, production or revenue-sharing contract; or (ii) other similar contracts;

(g) intellectual property rights;

(h) other moveable property, tangible or intangible, or immovable property and related rights;

(i) claims to money or claims to performance under a contract.

For greater certainty, claims to money does not include:

(a) 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.

(b) the domestic financing of such contracts; or

(c) any order, judgment, or arbitral award related to sub-subparagraph (a) or (b).

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:

(a) 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

(b) 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 paragraph (a);

locally established enterprise means a juridical person that is constituted or organised under the laws of the respondent and that an investor of the other Party owns or controls directly or indirectly;

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 Party, a natural person having the nationality of one of the Member States of the European Union according to their respective laws, 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 European Union is 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, is 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 on 10 June 1958;

non-disputing Party means Canada, if the European Union or a Member State of the European Union is the respondent, or the European Union, if Canada is the respondent;

respondent means Canada or, in the case of the European Union, either the Member State of the European Union or the European Union pursuant to Article 8.21;

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 services 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, but does not include the pricing of air transport services or the applicable conditions;

third party funding means any funding provided by a natural or legal person who is not a disputing party but who enters into an agreement with a disputing party in order to finance part or all of the cost of the proceedings either through a donation or grant, or in return for remuneration dependent on the outcome of the dispute;

Tribunal means the tribunal established under Article 8.27;

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

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

Article 8.2. Scope

1. This Chapter applies to a measure adopted or maintained by a Party in its territory (1) relating to:

(a) an investor of the other Party;

(b) a covered investment; and

(c) with respect to Article 8.5, any investments in its territory.

2. With respect to the establishment or acquisition of a covered investment (2), Sections B and C do not apply to a measure relating to:

(a) air services, or related services in support of air services and other services supplied by means of air transport (3), other than:

(i) aircraft repair and maintenance services;

(ii) the selling and marketing of air transport services;

(iii) computer reservation system (CRS) services;

(iv) ground handling services;

(v) airport operation services; or

(b) activities carried out in the exercise of governmental authority.

3. For the EU Party, Sections B and C do not apply to a measure with respect to audio-visual services. For Canada, Sections B and C do not apply to a measure with respect to cultural industries.

4. Claims may be submitted by an investor under this Chapter only in accordance with Article 8.18, and in compliance with

the procedures set out in Section F. Claims in respect of an obligation set out in Section B are excluded from the scope of Section F. Claims under Section C with respect to the establishment or acquisition of a covered investment are excluded from the scope of Section F. Section D applies only to a covered investment and to investors in respect of their covered investment.

5. This Chapter does not affect the rights and obligations of the Parties under 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.

(1) 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, done at Montego Bay on 10 December 1982: (a) of Canada as referred to in Article 1.3(a) (Geographical scope of application); and (b) to which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied as referred to in Article 1.3(b) (Geographical scope of application).

(2) For greater certainty, a Party may maintain measures with respect to the establishment or acquisition of a covered investment and continue to apply such measures to the covered investment after it has been established or acquired.

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

Article 8.3. 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 Thirteen (Financial Services).

2. A requirement by a Party that a service supplier of the other Party post a bond or other form of financial security as a condition for supplying a service in its territory does not of itself make this Chapter applicable to measures adopted or maintained by the Party relating to the supply of that cross-border service. This Chapter applies 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.

Section B. Establishment of Investments

Article 8.4. Market Access

1. A Party shall not adopt or maintain with respect to market access through establishment by an investor of the other Party, 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, a measure that:

(a) imposes 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;

(ii) 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 (1);

(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; or

(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; or

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

2. For greater certainty, the following are consistent with paragraph 1:

(a) a measure concerning zoning and planning regulations affecting the development or use of land, or another analogous measure;

(b) a measure 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;

(c) a measure restricting the concentration of ownership to ensure fair competition;

(d) a measure seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number and scope of concessions granted, and the imposition of a moratorium or ban;

(e) a measure limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectrum and frequencies; or

(f) a measure 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.

(1) Sub-subparagraphs 1 (a) (i), (ii) and (iii) do not cover measures taken in order to limit the production of an agricultural good.

Article 8.5. Performance Requirements

1. A Party shall not impose, or enforce the following requirements, or enforce a commitment or undertaking, in connection with the establishment, acquisition, expansion, conduct, operation, and management of any investments in its territory to:

(a) export a given level or percentage of a good or service;

(b) achieve a given level or percentage of domestic content;

(c) purchase, use or accord a preference to a good produced or service provided in its territory, or to purchase a good or service from natural persons or enterprises in its territory;

(d) relate the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with that investment;

(e) restrict sales of a good or service in its territory that the investment produces or provides by relating those sales 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 enterprise 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. A Party shall not condition the receipt or continued receipt of an advantage, in connection with the establishment, acquisition, expansion, management, conduct or operation of any 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 a good produced in its territory, or to purchase a good from a producer in its territory;

(c) to relate the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with that investment; or

(d) to restrict sales of a good or service in its territory that the investment produces or provides by relating those sales to the volume or value of its exports or foreign exchange earnings.

3. Paragraph 2 does not 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.

4. Subparagraph 1(f) does not apply if 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.

5. The provisions of:

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

(b) this Article does not apply to procurement by a Party of a good or service purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of a good or service for commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article 19.2 (Scope and coverage).

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

7. This Article is without prejudice to World Trade Organization commitments of a Party.

Section C. Non-discriminatory Treatment

Article 8.6. National Treatment

1. Each Party shall accord to an investor of the other Party and to a covered investment, 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, treatment no less favourable than the most favourable treatment accorded, in like situations, by that government to investors of Canada in its territory and to investments of such investors.

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

Article 8.7. Most-favoured-nation Treatment

1. Each Party shall accord to an investor of the other Party and to a covered investment, treatment no less favourable than the treatment it accords in like situations, to investors of a third country 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. 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 Member State of the European Union, treatment accorded, in like situations, by that government to investors in its territory, and to investments of such investors, of a third country.

3 Paragraph 1 does not apply to treatment accorded by a Party providing for recognition, including through an arrangement or agreement with a third country that recognises the accreditation of testing and analysis services and service suppliers, the accreditation of repair and maintenance services and service suppliers, as well as the certification of the qualifications of or the results of or work done by those accredited services and service suppliers.

4. For greater certainty, the "treatment" referred to in paragraphs 1 and 2 does not include procedures for the resolution of investment disputes between investors and states 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 or maintained by a Party pursuant to those obligations.

Article 8.8. Senior Management and Boards of Directors

A Party shall not require that an enterprise of that Party, that is also a covered investment, appoint to senior management

or board of director positions, natural persons of any particular nationality.

Section D. Investment Protection

Article 8.9. Investment and Regulatory Measures

1. For the purpose of this Chapter, the Parties reaffirm their right to regulate within their territories to achieve legitimate policy objectives, such as the protection of public health, safety, the environment or public morals, social or consumer protection or the promotion and protection of cultural diversity.

2. For greater certainty, the mere fact that a Party regulates, including through a modification to its laws, in a manner which negatively affects an investment or interferes with an investor's expectations, including its expectations of profits, does not amount to a breach of an obligation under this Section.

3. For greater certainty, a Party's decision not to issue, renew or maintain a subsidy: (a) in the absence of any specific commitment under law or contract to issue, renew, or maintain that subsidy; or (b) in accordance with any terms or conditions attached to the issuance, renewal or maintenance of the subsidy, does not constitute a breach of the provisions of this Section.

4. For greater certainty, nothing in this Section shall be construed as preventing a Party from discontinuing the granting of a subsidy (1) or requesting its reimbursement where such measure is necessary in order to comply with inter- national obligations between the Parties or has been ordered by a competent court, administrative tribunal or other competent authority (2), or requiring that Party to compensate the investor therefor.

(1) In the case of the European Union, "subsidy" includes "state aid" as defined in its law.

(2) In the case of the European Union, "competent authority" is the European Commission, in accordance with Article 108 of the Treaty on the Functioning of the European Union.

Article 8.10. Treatment of Investors and of Covered Investments

1. 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 through 7.

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

(a) denial of justice in criminal, civil or administrative proceedings;

(b) fundamental breach of due process, including a fundamental breach of transparency, in judicial and administrative proceedings;

(c) manifest arbitrariness;

(d) targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief;

(e) abusive treatment of investors, such as coercion, duress and harassment; or

(f) 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.

3. 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, established under Article 26.2.1(b) (Specialised committees), may develop recommendations in this regard and submit them to the CETA Joint Committee for decision.

4. When applying the above fair and equitable treatment obligation, the 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.

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

6. For greater certainty, a breach of another provision of this Agreement, or of a separate international agreement does not establish a breach of this Article.

7. For greater certainty, the fact that a measure breaches domestic law does not, in and of itself, establish a breach of this Article. In order to ascertain whether the measure breaches this Article, the Tribunal must consider whether a Party has acted inconsistently with the obligations in paragraph 1.

Article 8.11. Compensation for Losses

Notwithstanding Article 8.15.5(b), 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 a third country, whichever is more favourable to the investor concerned, as regards restitution, indemnification, compensation or other settlement.

Article 8.12. Expropriation

1. A Party shall not nationalise or expropriate a covered investment either directly, or indirectly through measures having an effect equivalent to nationalisation or expropriation ("expropriation"), except:

(a) for a public purpose;

(b) under due process of law;

(c) in a non-discriminatory manner; and

(d) on payment of prompt, adequate and effective compensation.

For greater certainty, this paragraph shall be interpreted in accordance with Annex 8-A.

2. The compensation referred to in paragraph 1 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 affected investor shall have the right, under the law of the expropriating Party, to a 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 licences granted in relation to intellectual property rights, to the extent that such issuance is consistent with the TRIPS Agreement.

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

Article 8.13. Transfers

1. Each Party shall permit all transfers relating to a covered investment to be made without restriction or delay in a freely convertible currency and at the market rate of exchange applicable on the date of transfer. 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 a 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 8.11 and 8.12;

(f) earnings and other remuneration of foreign personnel working in connection with an investment; and

(g) payments of damages pursuant to an award issued under Section F.

2. A Party shall not require its investors to transfer, or penalise 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.

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; and

(e) the satisfaction of judgments in adjudicatory proceedings.

Article 8.14. Subrogation

If a Party, or an agency of a Party, makes a payment under an indemnity, guarantee or contract of insurance that 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 recognise 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. These rights may be exercised by the Party or an agency of the Party, or by the investor if the Party or an agency of the Party so authorises.

Section E. Reservations and Exceptions

Article 8.15. Reservations and Exceptions

1. Articles 8.4 through 8.8 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 J; or

(iv) a local government;

(b) the continuation or prompt renewal of a non-conforming measure referred to in subparagraph (a); or

(c) an amendment to a 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 8.4 through 8.8.

2. Articles 8.4 through 8.8 do not apply to a measure that a Party adopts or maintains with respect to a sector, subsector or activity, as set out in its Schedule to Annex II.

3. Without prejudice to Articles 8.10 and 8.12, a Party shall not adopt a 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 become effective.

4. In respect of intellectual property rights, a Party may derogate from Articles 8.5.1(f), 8.6, and 8.7 if 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. Articles 8.4, 8.6, 8.7 and 8.8 do not apply to:

(a) procurement by a Party of a good or service purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of a good or service for commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article 19.2 (Scope and coverage); or

(b) subsidies, or government support relating to trade in services, provided by a Party.

Article 8.16. 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:

(a) an investor of a third country owns or controls the enterprise; and

(b) the denying Party adopts or maintains a measure with respect to the third country that:

(i) relates to the maintenance of international peace and security; and

(ii) prohibits 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 8.17. Formal Requirements

Notwithstanding Articles 8.6 and 8.7, 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 those requests are reasonable and not unduly burdensome. The Party shall protect confidential or protected information from any disclosure that would prejudice the competitive position of the investor or the covered investment. This paragraph does not prevent a Party from otherwise obtaining or disclosing information in connection with the equitable and good faith application of its laws.

Section F. Resolution of Investment Disputes between Investors and States

Article 8.18. Scope

1. Without prejudice to the rights and obligations of the Parties under Chapter Twenty-Nine (Dispute Settlement), an investor of a Party may submit to the Tribunal constituted under this Section a claim that the other Party has breached an obligation under:

(a) Section C, with respect to the expansion, conduct, operation, management, maintenance, use, enjoyment and sale or disposal of its covered investment, or

(b) Section D, where the investor claims to have suffered loss or damage as a result of the alleged breach.

2. 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.

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

4. A claim with respect to restructuring of debt issued by a Party may only be submitted under this Section in accordance with Annex 8-B.

5. The Tribunal constituted under this Section shall not decide claims that fall outside of the scope of this Article.

Article 8.19. Consultations

1. A dispute should as far as possible be settled amicably. Such a settlement may be agreed at any time, including after the claim has been submitted pursuant to Article 8.23. 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 4.

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

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

(b) Brussels, if the measures challenged include a measure of the European Union; or

(c) the capital of the Member State of the European Union, if the measures challenged are exclusively measures of that Member State.

3. The disputing parties may hold the consultations through videoconference or other means where appropriate, such as in the case where the investor is a small or medium-sized enterprise.

4. The investor shall submit to the other Party a request for consultations setting out:

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

(b) if there is more than one investor, the name and address of each investor and, if there is more than one locally established enterprise, the name, address and place of incorporation of each locally established enterprise;

(c) the provisions of this Agreement alleged to have been breached;

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

(e) the relief sought and the estimated amount of damages claimed.

The request for consultations shall contain evidence establishing that the investor is an investor of the other Party and that it owns or controls the investment including, if applicable, that it owns or controls the locally established enterprise on whose behalf the request is submitted.

5. The requirements of the request for consultations set out in paragraph 4 shall be met with sufficient specificity to allow the respondent to effectively engage in consultations and to prepare its defence.

6. A request for consultations must be submitted within:

(a) three 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

(b) two years after an investor or, as applicable, the locally established enterprise, ceases to pursue claims or proceedings before a tribunal or court under the law of a Party, or when such proceedings have otherwise ended 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.

7. A request for consultations concerning an alleged breach by the European Union or a Member State of the European Union shall be sent to the European Union.

8. In the event that the investor has not submitted a claim pursuant to Article 8.23 within 18 months of submitting the request for consultations, the investor is deemed to have withdrawn its request for consultations and, if applicable, its notice requesting a determination of the respondent, and shall not submit a claim under this Section with respect to the same measures. This period may be extended by agreement of the disputing parties.

Article 8.20. Mediation

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

2. Recourse to mediation is without prejudice to the legal position or rights of either disputing party under this Chapter and is governed by the rules agreed to by the disputing parties including, if available, the rules for mediation adopted by the Committee on Services and Investment pursuant to Article 8.44.3(c).

3. The mediator is appointed by agreement of the disputing parties. The disputing parties may also request that the Secretary General of ICSID appoint the mediator.

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

5. If the disputing parties agree to have recourse to mediation, Articles 8.19.6 and 8.19.8 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. A decision by a disputing party to terminate the mediation shall be transmitted by way of a letter to the mediator and the other disputing party.

Article 8.21. Determination of the Respondent for Disputes with the European Union or Its Member States

1. If the dispute cannot be settled within 90 days of the submission of the request for consultations, the request concerns an alleged breach of this Agreement by the European Union or a Member State of the European Union and the investor intends to submit a claim pursuant to Article 8.23, the investor shall deliver to the European Union a notice requesting a determination of the respondent.

2. The notice under paragraph 1 shall identify the measures in respect of which the investor intends to submit a claim.

3. 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.

4. In the event that the investor has not been informed of the determination within 50 days of delivering its notice requesting such determination:

(a) if the measures identified in the notice are exclusively measures of a Member State of the European Union, the Member State shall be the respondent;

(b) if the measures identified in the notice include measures of the European Union, the European Union shall be the respondent.

5. The investor may submit a claim pursuant to Article 8.23 on the basis of the determination made pursuant to paragraph 3, and, if no such determination has been communicated to the investor, on the basis of the application of paragraph 4.

6. If the European Union or a Member State of the European Union is the respondent, pursuant to paragraph 3 or 4, neither the European Union, nor the Member State of the European Union 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.

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

Article 8.22. Procedural and other Requirements for the Submission of a Claim to the Tribunal

1. An investor may only submit a claim pursuant to Article 8.23 if the investor:

(a) delivers to the respondent, with the submission of a claim, its consent to the settlement of the dispute by the Tribunal in accordance with the procedures set out in this Section;

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

(c) has fulfilled the requirements of the notice requesting a determination of the respondent;

(d) has fulfilled the requirements related to the request for consultations;

(e) does not identify a measure in its claim that was not identified in its request for consultations;

(f) withdraws or discontinues any existing proceeding before a tribunal or court under domestic or international law with respect to a measure alleged to constitute a breach referred to in its claim; and

(g) waives its right to initiate any claim or proceeding before a tribunal or court under domestic or international law with respect to a measure alleged to constitute a breach referred to in its claim.

2. If the claim submitted pursuant to Article 8.23 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, the requirements in subparagraphs 1(f) and (g) apply both to the investor and the locally established enterprise.

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

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

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

(a) if the Tribunal rejects the claim on the basis of a failure to meet the requirements of paragraph 1 or 2 or on any other procedural or jurisdictional grounds;

(b) if the Tribunal dismisses the claim pursuant to Article 8.32 or Article 8.33; or

(c) if the investor withdraws its claim, in conformity with the applicable rules under Article 8.23.2, within 12 months of the constitution of the division of the Tribunal.

Article 8.23. Submission of a Claim to the Tribunal

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

(a) an investor of a Party on its own behalf; or

(b) an investor of a Party, on behalf of a locally established enterprise which it owns or controls directly or indirectly. 2. A claim may be submitted under the following rules:

(a) the ICSID Convention and Rules of Procedure for Arbitration Proceedings;

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

(c) the UNCITRAL Arbitration Rules; or

(d) any other rules on agreement of the disputing parties.

3. In the event that the investor proposes rules pursuant to subparagraph 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 rules within 30 days of receipt, the investor may submit a claim under the rules provided for in subparagraph 2(a), (b) or (c).

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

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

6. The rules applicable under paragraph 2 are those that are in effect on the date that the claim or claims are submitted to the Tribunal under this Section, subject to the specific rules set out in this Section and supplemented by rules adopted pursuant to Article 8.44.3 (b).

7. Acclaim is submitted for dispute settlement under this Section when: (a) the request under Article 36(1) of the ICSID Convention is received by the Secretary-General of ICSID;

(b) the request under Article 2 of Schedule C of the ICSID Additional Facility Rules is received by the Secretariat of ICSID;

(c) the notice under Article 3 of the UNCITRAL Arbitration Rules is received by the respondent; or

(d) the request or notice initiating proceedings is received by the respondent in accordance with the rules agreed upon pursuant to subparagraph 2(d).

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

Article 8.24. Proceedings Under Another International Agreement

Where a claim is brought pursuant to this Section and another international agreement and:

(a) there is a potential for overlapping compensation; or

(b) the other international claim could have a significant impact on the resolution of the claim brought pursuant to this Section,

the Tribunal shall, as soon as possible after hearing the disputing parties, stay its proceedings or otherwise ensure that proceedings brought pursuant to another international agreement are taken into account in its decision, order or award.

Article 8.25. Consent to the Settlement of the Dispute by the Tribunal

1. The respondent consents to the settlement of the dispute by the Tribunal in accordance with the procedures set out in this Section.

2. The consent under paragraph 1 and the submission of a claim to the Tribunal under this Section shall satisfy the requirements of:

(a) Article 25 of the ICSID Convention and Chapter II of Schedule C of the ICSID Additional Facility Rules regarding written consent of the disputing parties; and,

(b) Article II of the New York Convention for an agreement in writing.

Article 8.26. Third Party Funding

1. Where there is third party funding, the disputing party benefiting from it shall disclose to the other disputing party and to the Tribunal the name and address of the third party funder.

2. The disclosure shall be made at the time of the submission of a claim, or, if the financing agreement is concluded or the donation or grant is made after the submission of a claim, without delay as soon as the agreement is concluded or the donation or grant is made.

Article 8.27. Constitution of the Tribunal

1. The Tribunal established under this Section shall decide claims submitted pursuant to Article 8.23.

2. The CETA Joint Committee shall, upon the entry into force of this Agreement, appoint fifteen Members of the Tribunal. Five of the Members of the Tribunal shall be nationals of a Member State of the European Union, five shall be nationals of Canada (1) and five shall be nationals of third countries.

3. The CETA Joint Committee may decide to increase or to decrease the number of the Members of the Tribunal by multiples of three. Additional appointments shall be made on the same basis as provided for in paragraph 2.

4. The Members of the Tribunal shall possess the qualifications required in their respective countries for appointment to judicial office, or be jurists of recognised competence. They shall have demonstrated expertise in public international law. It is desirable that they have expertise in particular, in international investment law, in international trade law and the resolution of disputes arising under international investment or international trade agreements.

5. The Members of the Tribunal appointed pursuant to this Section shall be appointed for a five-year term, renewable once. However, the terms of seven of the 15 persons appointed immediately after the entry into force of this Agreement, to be determined by lot, shall extend to six years. Vacancies shall be filled as they arise. A person appointed to replace a Member of the Tribunal whose term of office has not expired shall hold office for the remainder of the predecessor's term. In principle, a Member of the Tribunal serving on a division of the Tribunal when his or her term expires may continue to serve on the division until a final award is issued.

6. The Tribunal shall hear cases in divisions consisting of three Members of the Tribunal, of whom one shall be a national of a Member State of the European Union, one a national of Canada and one a national of a third country. The division shall be

chaired by the Member of the Tribunal who is a national of a third country.

7. Within 90 days of the submission of a claim pursuant to Article 8.23, the President of the Tribunal shall appoint the Members of the Tribunal composing the division of the Tribunal hearing the case on a rotation basis, ensuring that the composition of the divisions is random and unpredictable, while giving equal opportunity to all Members of the Tribunal to serve.

8. The President and Vice-President of the Tribunal shall be responsible for organisational issues and shall be appointed for a two-year term and shall be drawn by lot from among the Members of the Tribunal who are nationals of third countries. They shall serve on the basis of a rotation drawn by lot by the Chair of the CETA Joint Committee. The Vice-President shall replace the President when the President is unavailable.

9. Notwithstanding paragraph 6, the disputing parties may agree that a case be heard by a sole Member of the Tribunal to be appointed at random from the third country nationals. The respondent shall give sympathetic considera- tion to a request from the claimant to have the case heard by a sole Member of the Tribunal, in particular where the claimant is a small or medium-sized enterprise or the compensation or damages claimed are relatively low. Such a request shall be made before the constitution of the division of the Tribunal.

10. The Tribunal may draw up its own working procedures.

11. The Members of the Tribunal shall ensure that they are available and able to perform the functions set out under this Section.

12. In order to ensure their availability, the Members of the Tribunal shall be paid a monthly retainer fee to be determined by the CETA Joint Committee.

13. The fees referred to in paragraph 12 shall be paid equally by both Parties into an account managed by the ICSID Secretariat. In the event that one Party fails to pay the retainer fee the other Party may elect to pay. Any such arrears by a Party shall remain payable, with appropriate interest.

14. Unless the CETA Joint Committee adopts a decision pursuant to paragraph 15, the amount of the fees and expenses of the Members of the Tribunal on a division constituted to hear a claim, other than the fees referred to in paragraph 12, shall be those determined pursuant to Regulation 14(1) of the Administrative and Financial Regulations of the ICSID Convention in force on the date of the submission of the claim and allocated by the Tribunal among the disputing parties in accordance with Article 8.39.5.

15. The CETA Joint Committee may, by decision, transform the retainer fee and other fees and expenses into a regular salary, and decide applicable modalities and conditions.

16. The ICSID Secretariat shall act as Secretariat for the Tribunal and provide it with appropriate support.

17. If the CETA Joint Committee has not made the appointments pursuant to paragraph 2 within 90 days from the date that a claim is submitted for dispute settlement, the Secretary General of ICSID shall, at the request of either disputing party appoint a division consisting of three Members of the Tribunal, unless the disputing parties have agreed that the case is to be heard by a sole Member of the Tribunal. The Secretary General of ICSID shall make the appointment by random selection from the existing nominations. The Secretary-General of ICSID may not appoint as chair a national of either Canada or a Member State of the European Union unless the disputing parties agree otherwise.

(1) Either Party may instead propose to appoint up to five Members of the Tribunal of any nationality. In this case, such Members of the Tribunal shall be considered to be nationals of the Party that proposed his or her appointment for the purposes of this Article.

Article 8.28. Appellate Tribunal

1. An Appellate Tribunal is hereby established to review awards rendered under this Section.

2. The Appellate Tribunal may uphold, modify or reverse the Tribunal's award based on:

(a) errors in the application or interpretation of applicable law;

(b) manifest errors in the appreciation of the facts, including the appreciation of relevant domestic law;

(c) the grounds set out in Article 52(1) (a) through (e) of the ICSID Convention, in so far as they are not covered by paragraphs (a) and (b).

3. The Members of the Appellate Tribunal shall be appointed by a decision of the CETA Joint Committee at the same time as the decision referred to in paragraph 7.

4. The Members of the Appellate Tribunal shall meet the requirements of Article 8.27.4 and comply with Article 8.30.

5. The division of the Appellate Tribunal constituted to hear the appeal shall consist of three randomly appointed Members of the Appellate Tribunal.

6. Articles 8.36 and 8.38 shall apply to the proceedings before the Appellate Tribunal.

7. The CETA Joint Committee shall promptly adopt a decision setting out the following administrative and organisa- tional matters regarding the functioning of the Appellate Tribunal:

(a) administrative support;

(b) procedures for the initiation and the conduct of appeals, and procedures for referring issues back to the Tribunal for adjustment of the award, as appropriate;

(c) procedures for filling a vacancy on the Appellate Tribunal and on a division of the Appellate Tribunal constituted to hear a case;

(d) remuneration of the Members of the Appellate Tribunal;

(e) provisions related to the costs of appeals;

(f) the number of Members of the Appellate Tribunal; and

(g) any other elements it determines to be necessary for the effective functioning of the Appellate Tribunal.

8. The Committee on Services and Investment shall periodically review the functioning of the Appellate Tribunal and may make recommendations to the CETA Joint Committee. The CETA Joint Committee may revise the decision referred to in paragraph 7, if necessary.

9. Upon adoption of the decision referred to in paragraph 7:

(a) a disputing party may appeal an award rendered pursuant to this Section to the Appellate Tribunal within 90 days after its issuance;

(b) a disputing party shall not seek to review, set aside, annul, revise or initiate any other similar procedure as regards an award under this Section;

(c) an award rendered pursuant to Article 8.39 shall not be considered final and no action for enforcement of an award may be brought until either:

(i) 90 days from the issuance of the award by the Tribunal has elapsed and no appeal has been initiated;

(ii) an initiated appeal has been rejected or withdrawn; or

(iii) 90 days have elapsed from an award by the Appellate Tribunal and the Appellate Tribunal has not referred the matter back to the Tribunal;

(d) a final award by the Appellate Tribunal shall be considered as a final award for the purposes of Article 8.41; and

(e) Article 8.41.3 shall not apply.

Article 8.29. Establishment of a Multilateral Investment Tribunal and Appellate Mechanism

The Parties shall pursue with other trading partners the establishment of a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes. Upon establishment of such a multilateral mechanism, the CETA Joint Committee shall adopt a decision providing that investment disputes under this Section will be decided pursuant to the multilateral mechanism and make appropriate transitional arrangements.

Article 8.30. Ethics

1. The Members of the Tribunal shall be independent. They shall not be affiliated with any government (1). They shall not take instructions from any organisation, or government with regard to matters related to the dispute. They shall not participate in the consideration of any disputes that would create a direct or indirect conflict of interest. They shall comply with the International Bar Association Guidelines on Conflicts of Interest in International Arbitration or any supplemental rules adopted pursuant to Article 8.44.2. In addition, upon appointment, they shall refrain from acting as counsel or as party-appointed expert or witness in any pending or new investment dispute under this or any other international agreement.

2. If a disputing party considers that a Member of the Tribunal has a conflict of interest, it may invite the President of the International Court of Justice to issue a decision on the challenge to the appointment of such Member. Any notice of challenge shall be sent to the President of the International Court of Justice within 15 days of the date on which the composition of the division of the Tribunal has been communicated to the disputing party, or within 15 days of the date on which the relevant facts came to its knowledge, if they could not have reasonably been known at the time of composition of the division. The notice of challenge shall state the grounds for the challenge.

3. If, within 15 days from the date of the notice of challenge, the challenged Member of the Tribunal has elected not to resign from the division, the President of the International Court of Justice may, after receiving submissions from the disputing parties and after providing the Member of the Tribunal an opportunity to submit any observations, issue a decision on the challenge. The President of the International Court of Justice shall endeavour to issue the decision and to notify the disputing parties and the other Members of the division within 45 days of receipt of the notice of challenge. A vacancy resulting from the disqualification or resignation of a Member of the Tribunal shall be filled promptly.

4. Upon a reasoned recommendation from the President of the Tribunal, or on their joint initiative, the Parties, by decision of the CETA Joint Committee, may remove a Member from the Tribunal where his or her behaviour is inconsistent with the obligations set out in paragraph 1 and incompatible with his or her continued membership of the Tribunal.

(1) For greater certainty, the fact that a person receives remuneration from a government does not in itself make that person ineligible.

Article 8.31. Applicable Law and Interpretation

1. When rendering its decision, the Tribunal established under this Section shall apply 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.

2. The Tribunal shall not have jurisdiction to determine the legality of a measure, alleged to constitute a breach of this Agreement, under the domestic law of a Party. For greater certainty, in determining the consistency of a measure with this Agreement, the Tribunal may consider, as appropriate, the domestic law of a Party as a matter of fact. In doing so, the Tribunal shall follow the prevailing interpretation given to the domestic law by the courts or authorities of that Party and any meaning given to domestic law by the Tribunal shall not be binding upon the courts or the authorities of that Party.

3. Where serious concerns arise as regards matters of interpretation that may affect investment, the Committee on Services and Investment may, pursuant to Article 8.44.3(a), recommend to the CETA Joint Committee the adoption of interpretations of this Agreement. An interpretation adopted by the CETA Joint Committee shall be binding on the Tribunal established under this Section. The CETA Joint Committee may decide that an interpretation shall have binding effect from a specific date.

Article 8.32. Claims Manifestly without Legal Merit

1. The respondent may, no later than 30 days after the constitution of the division of the Tribunal, and in any event before its first session, file an objection that a claim is manifestly without legal merit.

2. An objection shall not be submitted under paragraph 1 if the respondent has filed an objection pursuant to Article 8.33.

3. The respondent shall specify as precisely as possible the basis for the objection.

4. On receipt of an objection pursuant to this Article, the Tribunal shall suspend the proceedings on the merits and establish a schedule for considering such an objection consistent with its schedule for considering any other preliminary question.

5. 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.

6. 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 8.33. Claims Unfounded as a Matter of Law

1. Without prejudice to the Tribunal's authority to address other objections as a preliminary question or to a respondent's right to raise any such objections at an 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 8.23 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.

2. 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.

3. If an objection has been submitted pursuant to Article 8.32, 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.

4. On receipt of an objection under paragraph 1, and, if appropriate, after rendering 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 8.34. Interim Measures of Protection

The 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. The Tribunal shall not order attachment or enjoin the application of the measure alleged to constitute a breach referred to in Article 8.23. For the purposes of this Article, an order includes a recommendation.

Article 8.35. Discontinuance

If, following the submission of a claim under this Section, the investor fails to take any steps in the proceeding during 180 consecutive days or such period as the disputing parties may agree, the investor is deemed to have withdrawn its claim and to have discontinued the proceeding. The Tribunal shall, at the request of the respondent, and after notice to the disputing parties, in an order take note of the discontinuance. After the order has been rendered the authority of the Tribunal shall lapse.

Article 8.36. Transparency of Proceedings

1. The UNCITRAL Transparency Rules, as modified by this Chapter, shall apply in connection with proceedings under this Section.

2. _ 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 a Member of the Tribunal, the decision on challenge to a Member of the Tribunal and the request for consolidation shall be included in the list of documents to be made available to the public under Article 3(1) of the UNCITRAL Transparency Rules.

3. Exhibits shall be included in the list of documents to be made available to the public under Article 3(2) of the UNCITRAL Transparency Rules.

4. 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.

5. 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. If 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.

6. Nothing in this Chapter requires a respondent to withhold from the public information required to be disclosed by its laws. The respondent should apply those laws in a manner sensitive to protecting from disclosure information that has been designated as confidential or protected information.

Article 8.37. Information Sharing

1. A disputing party may disclose to other persons in connection with the 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.

2. This Agreement does not 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 8.38. Non-disputing Party

1. 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) a request for consultations, a notice requesting a determination of the respondent, a notice of determination of the respondent, a claim submitted pursuant to Article 8.23, a request for consolidation, and any other documents that are appended to such documents;

(b) on request:

(i) pleadings, memorials, briefs, requests and other submissions made to the Tribunal by a disputing party;

(ii) written submissions made to the Tribunal pursuant to Article 4 of the UNCITRAL Transparency Rules;

(ii) minutes or transcripts of hearings of the Tribunal, if available; and

(iv) orders, awards and decisions of the Tribunal; and

(c) 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 the requested evidence is publicly available.

2. 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 this Agreement. The non-disputing Party may attend a hearing held under this Section.

3. The Tribunal shall not draw any inference from the absence of a submission pursuant to paragraph 2.

4. 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 this Agreement.

Article 8.39. Final Award

1. If the Tribunal makes a final award against the respondent, the Tribunal may only award, separately or in combination:

(a) monetary damages and any applicable interest;

(b) 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 8.12.

2. Subject to paragraphs 1 and 5, if a claim is made under Article 8.23.1(b):

(a) an award of monetary damages and any applicable interest shall provide that the sum be paid to the locally established enterprise;

(b) an award of restitution of property shall provide that restitution be made to the locally established enterprise;

(c) an award of costs in favour of the investor shall provide that it is to be made to the investor; and

(d) 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 8.22, may have in monetary damages or property awarded under a Party's law.

3. 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.

4. The Tribunal shall not award punitive damages.

5. The Tribunal shall order that the costs of the proceedings be borne by the unsuccessful disputing party. In exceptional circumstances, the 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. If 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.

6. The CETA Joint Committee shall consider supplemental rules aimed at reducing the financial burden on claimants who are natural persons or small and medium-sized enterprises. Such supplemental rules may, in particular, take into account the financial resources of such claimants and the amount of compensation sought.

7. The Tribunal and the disputing parties shall make every effort to ensure the dispute settlement process is carried out in a timely manner. The Tribunal shall issue its final award within 24 months of the date the claim is submitted pursuant to Article 8.23. If the Tribunal requires additional time to issue its final award, it shall provide the disputing parties the reasons for the delay.

Article 8.40. Indemnification or other Compensation

A respondent shall not assert, and the Tribunal shall not accept a defence, counterclaim, right of setoff, or similar assertion, that an investor or, as applicable, a 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 8.41. Enforcement of Awards

1. An award issued pursuant to this Section shall be binding between the disputing parties and in respect of that particular case.

2. Subject to paragraph 3, a disputing party shall recognise and comply with an award without delay.

3. A disputing party shall not seek enforcement of a final award until: (a) in the case of a final award issued under the ICSID Convention:

(i) 120 days have elapsed from the date the award was rendered and no disputing party has requested revision or annulment of the award; or

(ii) enforcement of the award has been stayed and revision or annulment proceedings have been completed;

(b) 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 8. 23.2(d):

(i) 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

(ii) 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.

4. Execution of the award shall be governed by the laws concerning the execution of judgments or awards in force where the execution is sought.

5. A final award issued pursuant to this Section is an arbitral award that is deemed to relate to claims arising out of a commercial relationship or transaction for the purposes of Article I of the New York Convention.

6. For greater certainty, if a claim has been submitted pursuant to Article 8.23.2(a), a final award issued pursuant to this Section shall qualify as an award under Chapter IV, Section 6 of the ICSID Convention.

Article 8.42. Role of the Parties

1. A Party shall not bring an international claim, in respect of a claim submitted pursuant to Article 8.23, unless the other Party has failed to abide by and comply with the award rendered in that dispute.

2. Paragraph 1 shall not exclude the possibility of dispute settlement under Chapter Twenty-Nine (Dispute Settlement) in respect of a measure of general application even if that measure is alleged to have breached this Agreement as regards a specific investment in respect of which a claim has been submitted pursuant to Article 8.23 and is without prejudice to Article 8.38.

3. Paragraph 1 does not preclude informal exchanges for the sole purpose of facilitating a settlement of the dispute.

Article 8.43. Consolidation

1. When two or more claims that have been submitted separately pursuant to Article 8.23 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 division of the Tribunal pursuant to this Article and request that such division issue a consolidation order ("request for consolidation").

2. The disputing party seeking a consolidation order shall first deliver a notice to the disputing parties it seeks to be covered by this order.

3. If the disputing parties 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 division of the Tribunal and a consolidation order pursuant to this Article. If the disputing parties 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 division of the Tribunal and a consolidation order pursuant to this Article.

4. The request shall be delivered, in writing, to the President of the Tribunal and to all the disputing parties sought to be covered by the order, and shall specify:

(a) the names and addresses of the disputing parties sought to be covered by the order;

(b) the claims, or parts thereof, sought to be covered by the order; and

(c) the grounds for the order sought.

5. A request for consolidation involving more than one respondent shall require the agreement of all such respondents.

6. The rules applicable to the proceedings under this Article are determined as follows:

(a) if all of the claims for which a consolidation order is sought have been submitted to dispute settlement under the same rules pursuant to Article 8.23, these rules shall apply;

(b) if the claims for which a consolidation order is sought have not been submitted to dispute settlement under the same rules:

(i) the investors may collectively agree on the rules pursuant to Article 8.23.2; or

(i) if the investors cannot agree on the applicable rules within 30 days of the President of the Tribunal receiving the request for consolidation, the UNCITRAL Arbitration Rules shall apply.

7. The President of the Tribunal shall, after receipt of a consolidation request and in accordance with the requirements of Article 8.27.7 constitute a new division ("consolidating division") of the Tribunal which shall have jurisdiction over some or all of the claims, in whole or in part, which are the subject of the joint consolidation request.

8. If, after hearing the disputing parties, a consolidating division is satisfied that claims submitted pursuant to Article 8.23 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 awards, the consolidating division of the Tribunal may, by order, assume jurisdiction over some or all of the claims, in whole or in part.

9. If a consolidating division of the Tribunal has assumed jurisdiction pursuant to paragraph 8, an investor that has submitted a claim pursuant to Article 8.23 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 4. The consolidating division of the Tribunal shall grant such order where it is satisfied that the conditions of paragraph 8 are met and that granting such a request would not unduly burden or unfairly prejudice the disputing parties or unduly disrupt the proceedings. Before consolidating division of the Tribunal issues that order, it shall consult with the disputing parties.

10. On application of a disputing party, a consolidating division of the Tribunal established under this Article, pending its decision under paragraph 8, may order that the proceedings of the division of the Tribunal appointed under Article 8.27.7 be stayed unless the latter Tribunal has already adjourned its proceedings.

11. The division of the Tribunal appointed under Article 8.27.7 shall cede jurisdiction in relation to the claims, or parts thereof, over which a consolidating division of the Tribunal established under this Article has assumed jurisdiction.

12. The award of a consolidating division of the Tribunal established under this Article in relation to those claims, or parts thereof, over which it has assumed jurisdiction is binding on the division of the Tribunal appointed under Article 8.27.7 as regards those claims, or parts thereof.

13. An investor may withdraw a claim under this Section that is subject to consolidation and such claim shall not be resubmitted pursuant to Article 8.23. If it does so no later than 15 days after receipt of the notice of consolidation, its earlier submission of the claim shall not prevent the investor's recourse to dispute settlement other than under this Section.

14. At the request of an investor, a consolidating division of the Tribunal may take such measures as it sees fit in order to preserve the confidential or protected information of that investor in relation to other investors. Those 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 8.44. Committee on Services and Investment

1. The Committee on Services and Investment shall provide a forum for the Parties to consult on issues related to this Chapter, including:

(a) difficulties which may arise in the implementation of this Chapter;

(b) possible improvements of this Chapter, in particular in the light of experience and developments in other international fora and under the Parties' other agreements.

2. The Committee on Services and Investment shall, on agreement of the Parties, and after completion of their respective internal requirements and procedures, adopt a code of conduct for the Members of the Tribunal to be applied in disputes arising out of this Chapter, which may replace or supplement the rules in application, and may address topics including:

(a) disclosure obligations;

(b) the independence and impartiality of the Members of the Tribunal; and

(c) confidentiality.

The Parties shall make best efforts to ensure that the code of conduct is adopted no later than the first day of the provisional application or entry into force of this Agreement, as the case may be, and in any event no later than two years after such date.

3. The Committee Services and Investment may, on agreement of the Parties, and after completion of their respective internal requirements and procedures:

(a) recommend to the CETA Joint Committee the adoption of interpretations of this Agreement pursuant to Article 8.31.3;

(b) adopt and amend rules supplementing the applicable dispute settlement rules, and amend the applicable rules on transparency. These rules and amendments are binding on the Tribunal established under this Section;

(c) adopt rules for mediation for use by disputing parties as referred to in Article 8.20;

(d) recommend to the CETA Joint Committee the adoption of any further elements of the fair and equitable treatment obligation pursuant to Article 8.10.3; and

(e) make recommendations to the CETA Joint Committee on the functioning of the Appellate Tribunal pursuant to Article

8.28.8.

Article 8.45. Exclusion

The dispute settlement provisions of this Section and of Chapter Twenty-Nine (Dispute Settlement) do not apply to the matters referred to in Annex 8-C.

Chapter NINE. Cross-border Trade In Services

Article 9.1. Definitions

For the purposes of this Chapter:

aircraft repair and maintenance services means activities undertaken on an aircraft or a part of an aircraft while it is withdrawn from service and do not include so-called line maintenance;

airport operation services means the operation 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 means the supply of a service 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;

cross-border trade in services or cross-border supply of services means the supply of a service: (a) from the territory of a Party into the territory of the other Party; or (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 of the other Party;

ground handling services means the supply of a service on a fee or contract basis for: 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; or 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, or intra-airport transport systems;

selling and marketing of air transport services 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, but do not include the pricing of air transport services or the applicable conditions; and

services supplied in the exercise of governmental authority means any service that is not supplied on a commercial basis, or in competition with one or more service suppliers.

Article 9.2. Scope

1. This Chapter applies to a measure adopted or maintained by a Party affecting cross-border trade in services by a service supplier of the other Party, including a measure affecting:

(a) the production, distribution, marketing, sale, and delivery of a service;

(b) the purchase of, 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 a measure 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 Article 13.1 (Definitions);

(e) air services, related services in support of air services and other services supplied by means of air transport (1), other than:

(i) aircraft repair and maintenance services;

(ii) the selling and marketing of air transport services;

(iii) computer reservation system (CRS) services;

(iv) ground handling services;

(v) airport operation services;

(f) procurement by a Party of a good or service purchased for governmental purposes, and not with of a view to commercial resale or with a view to use in the supply of a good or service for commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article 19.2.2 (Scope and coverage); or

(g) a subsidy, or other government support relating to cross-border trade in services, provided by a Party.

3. This Chapter does not affect the rights and obligations of the Parties under 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.

4. This Chapter does not impose an obligation on a Party with respect to a national of the other Party seeking access to its employment market, or employment on a permanent basis in its territory, or confer any right on that national with respect to that access or employment.

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

Article 9.3. 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. For greater certainty, the treatment accorded by a Party pursuant to 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 Member State of the European Union, treatment no less favourable than the most favourable treatment accorded, in like situations, by that government to its own service suppliers and services.

Article 9.4. Formal Requirements

Article 9.3 does not 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. These 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 supplier to have a local agent for service or maintain a local address;

(c) to speak a national language or hold a driver's licence; or

(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 9.5. Most-favoured-nation 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 service suppliers and services of a third country.

2. For greater certainty, the treatment accorded by a Party pursuant to 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 Member State of the European Union, the treatment accorded, in like situations, by that government in its territory to services or service suppliers of a third country.

3. Paragraph 1 does not apply to treatment accorded by a Party under an existing or future measure providing for recognition, including through an arrangement or agreement with a third country that recognises the accreditation of testing and analysis services and service suppliers, the accreditation of repair and maintenance services and service suppliers, as well as the certification of the qualifications of, or the results of, or work done by, those accredited services and service suppliers.

Article 9.6. Market Access

A Party shall not adopt or maintain, 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, a measure that imposes 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; or

(c) the total number of service operations or the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test.

Article 9.7. Reservations

1. Articles 9.3, 9.5 and 9.6 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 a non-conforming measure referred to in subparagraph (a); or

(c) an amendment to a 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 9.3, 9.5, and 9.6.

2. Articles 9.3, 9.5, and 9.6 do not apply to a measure that a Party adopts or maintains with respect to a sector, subsector or activity, as set out in its Schedule to Annex II.

Article 9.8. 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:

(a) a service supplier of a third country owns or controls the enterprise; and (b) the denying Party adopts or maintains a measure with respect to the third country that:

(i) relates to maintenance of international peace and security; and

(ii) prohibits transactions with the enterprise or would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise.

Chapter TEN. Temporary Entry and Stay of Natural Persons for Business Purposes

Article 10.1. Definitions

For the purposes of this Chapter:

contractual services suppliers means natural persons employed by an enterprise of one Party that has no establishment in the territory of the other Party and that has concluded a bona fide contract (other than through an agency as defined by CPC 872) to supply a service to a consumer of the other Party that requires the presence on a temporary basis of its employees in the territory of the other Party in order to fulfil the contract to supply a service;

enterprise means an "enterprise" as defined in Article 8.1 (Definitions);

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 a service to a consumer of the other Party that requires the presence of the natural person on a temporary basis in the territory of the other Party in order to fulfil the contract to supply a service;

key personnel means business visitors for investment purposes, investors, or intra-corporate transferees:

(a) business visitors for investment purposes means natural persons working in a managerial or specialist position who are responsible for setting up an enterprise but who do not engage in direct transactions with the general public and do not receive remuneration from a source located within the territory of the host Party;

(b) investors means natural persons who establish, develop, or administer the operation of an investment in a capacity that is supervisory or executive, and to which those persons or the enterprise employing those persons has committed, or is in the process of committing, a substantial amount of capital; and

(c) intra-corporate transferees means natural persons who have been employed by an enterprise of a Party or have been partners in an enterprise of a Party for at least one year and who are temporarily transferred to an enterprise (that may be a subsidiary, branch, or head company of the enterprise of a Party) in the territory of the other Party. This natural person must belong to one of the following categories:

(i) 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, or a department or sub-division of the enterprise; and

(B) exercise wide latitude in decision making, which may include having the authority to personally recruit and dismiss or to take other personnel actions (such as promotion or leave authorisations), and

(I) receive only general supervision or direction principally from higher level executives, the board of directors, or stockholders of the business or their equivalent; or

(I) supervise and control the work of other supervisory, professional or managerial employees and exercise discretionary authority over day-to-day operations; or

(i) specialists means natural persons working in an enterprise who possess:

(A) uncommon knowledge of the enterprise's products or services and its application in international markets; or

(B) 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, the 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 natural person in the short-term. Those abilities would have been obtained through specific academic qualifications or extensive experience with the enterprise; or

(ii) graduate trainees means natural persons who:

(A) possess a university degree; and

(B) 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; and

natural persons for business purposes means key personnel, contractual services suppliers, independent professionals, or short-term business visitors who are citizens of a Party.

Article 10.2. Objectives and 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 by ensuring transparency in the process.

2. This Chapter applies to measures adopted or maintained by a Party concerning the temporary entry and stay into its territory 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 this Chapter.

4. To the extent that commitments are not taken in this Chapter, all other requirements of the laws of the Parties regarding entry and stay continue to apply, including those concerning period of stay.

5. Notwithstanding the provisions of this Chapter, all requirements of the Parties' laws regarding employment and social security measures shall continue to apply, including regulations concerning minimum wages as well as collective wage agreements.

6. This Chapter does not apply to cases where the intent or effect of the temporary entry and stay is to interfere with or otherwise affect the outcome of a labour or management dispute or negotiation, or the employment of natural persons who are involved in such dispute or negotiation.

Article 10.3. General Obligations

1. Each Party shall allow temporary entry to natural persons for business purposes of the other Party who otherwise comply with the Party's immigration measures applicable to temporary entry, in accordance with this Chapter.

2. Each Party shall apply its measures relating to the provisions of this Chapter in accordance with Article 10.2.1, and, in particular, shall apply those measures so as to avoid unduly impairing or delaying trade in goods or services or the conduct of investment activities under this Agreement.

3. Each Party shall ensure that any fees for processing applications for temporary entry are reasonable and commensurate with the costs incurred.

Article 10.4. Provision of Information

1. Further to Chapter Twenty-Seven (Transparency), and recognising the importance to the Parties of transparency of temporary entry information, each Party shall, no later than 180 days 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 enables business persons of the other Party to be acquainted with those requirements.

2. If a Party collects and maintains data relating to temporary entry by category of business persons under this Chapter, the Party shall make this data available to the other Party on request, in accordance with its law related to privacy and data protection.

Article 10.5. Contact Points

1. The Parties hereby establish the following 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 Union:

Director-General

Directorate General for Trade

European Commission

(c) in the case of the Member States of the European Union, the contact points listed in Annex10-A or their respective successors.

2. The contact points for Canada and the European Union, and as appropriate the contact points for Member States of the European Union, shall exchange information pursuant to Article 10.4 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 this Chapter;

(c) the development of measures to further facilitate temporary entry of business persons; and

(d) recommendations to the CETA Joint Committee concerning this Chapter.

Article 10.6. 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 Twenty-Seven (Transparency).

2. Without prejudice to any decision to allow temporary entry to natural persons of the other Party within the terms of this Chapter, including the length of stay permissible pursuant to such an allowance:

(a) Articles 9.3 (National treatment) and 9.6 (Market access), subject to Articles 9.4 (Formal requirements) and 9.2 (Scope) but not Article 9.2.2(d), are 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; and

(ii) contractual services suppliers, and independent professionals for all sectors listed in Annex 10-E; and

(b) Article 9.5 (Most-favoured-nation treatment), subject to Articles 9.4 (Formal requirements) and 9.2 (Scope) but not Article 9.2.2(d), is incorporated into and made part of this Chapter and applies to the treatment of natural persons for business purposes present in the territory of the other Party under the categories of:

(i) key personnel, contractual services suppliers, and independent professionals; and

(ii) short-term business visitors, as set out in Article 10.9. 3. For greater certainty, paragraph 2 applies to the treatment of natural persons for business purposes present in the territory of the other Party and falling within the relevant categories and who are supplying financial services, as defined

in Article 13.1 (Definitions) of Chapter Thirteen (Financial Services). Paragraph 2 does not apply to measures relating to the granting of temporary entry to natural persons of a Party or of a third country.

4. Ifa Party has set out a reservation in its Schedule to Annex I, II or III, the reservation also constitutes a reservation to paragraph 2, to the extent that the measure set out in or permitted by the reservation affects the treatment of natural persons for business purposes present in the territory of the other Party.

Article 10.7. Key Personnel

1. Each Party shall allow the temporary entry and stay of key personnel of the other Party subject to the reservations and exceptions listed in Annex 10-B.

2. Each Party shall not adopt or maintain 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 procedure of similar intent.

4. Each Party shall allow the temporary employment in its territory of intra-corporate transferees and investors of the other Party.

5. The permissible length of stay of key personnel is as follows:

(a) intra-corporate transferees (specialists and senior personnel): the lesser of three years or the length of the contract, with a possible extension of up to 18 months at the discretion of the Party granting the temporary entry and stay (1);

(b) intra-corporate transferees (graduate trainees): the lesser of one year or the length of the contract;

(c) investors: one year, with possible extensions at the discretion of the Party granting the temporary entry and stay;

(d) business visitors for investment purposes: 90 days within any six month period (2).

(1) 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.

(2) This is without prejudice to the rights granted to Canada under bilateral visa waivers by Member States of the European Union

Article 10.8. Contractual Services Suppliers and Independent Professionals

1. In accordance with Annex 10-E, 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 12 months. If the service contract is longer than 12 months, the commitments in this Chapter only apply for the initial 12 months of the contract;

(b) the natural persons entering the territory of the other Party must be offering those services as employees of the enterprise supplying the services for at least the year immediately preceding the date of submission of an application for entry into the territory of the other Party and must possess, at the date of the submission, at least three years of professional experience (3) in the sector of activity that is the subject of the contract;

(3) The professional experience must have been obtained after having reached the age of majority.

(c) the natural persons entering the territory of the other Party must possess, (i) a university degree or a qualification demonstrating knowledge of an equivalent level (1); and

(ii) professional qualifications, if this is required to practice an activity pursuant to the laws or requirements of the Party where the service is supplied;

(d) the natural persons must not receive remuneration for the provision of services other than the remuneration paid by the enterprise employing the contractual services suppliers during their stay in the territory of the other Party;

(e) the temporary entry and stay accorded under this Article relate only to the supply of a service which is the subject of the

contract. Entitlement to utilise the professional title of the Party where the service is provided may be granted, as required, by the relevant authority as defined in Article 11.1 (Definitions), through a Mutual Recognition Agreement ("MRA") or otherwise; and

(f) the service contract must comply with the laws and other legal requirements of the Party where the contract is executed (2).

2. In accordance with Annex 10-E, 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 12 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 territory of 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 territory of the other Party must possess,

(i) a university degree or a qualification demonstrating knowledge of an equivalent level (3); and

(ii) professional qualifications, if this is required to practice an activity pursuant to the laws, or requirements of the Party where the service is supplied;

(d) the temporary entry and stay accorded under the provisions of this Article relate only to the supply of a service which is the subject of the contract. Entitlement to utilise the professional title of the Party where the service is provided may be granted, as required, by the relevant authority as defined in Article 11.1 (Definitions), through an MRA or otherwise; and

(e) the service contract must comply with the laws and other legal requirements of the Party where the contract is executed.

3. Unless otherwise specified in Annex 10-E, a Party shall not adopt or maintain a limitation on the total number of contractual services 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 supplier or independent professionals is for a cumulative period of not more than 12 months, with extensions possible at the discretion of the Party, in any 24 month period or for the duration of the contract, whichever is less.

(1) If the degree or qualification has not been obtained in the Party where the service is supplied, that Party may evaluate whether it is equivalent to a university degree required in its territory. The Parties shall apply Annex 10-C, subject to the reservations in Annex 10-E, for the purposes of assessing such equivalence.

(2) 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.

(3) If the degree or qualification was not obtained in the Party where the service is supplied, that Party may evaluate whether it is equivalent to a university degree required in its territory. The Parties shall apply Annex 10-C, subject to the reservations in Annex 10-E, for the purposes of assessing such equivalence.

Article 10.9. Short-term Business Visitors

1. In accordance with Annex 10-B, a Party shall allow the temporary entry and stay of short-term business visitors of the other Party for the purposes of carrying out the activities listed in Annex 10-D, provided that the short-term business visitors:

(a) are not engaged in selling a good or a service to the general public;

(b) do not on their own behalf receive remuneration from a source located within the Party where the short-term business

visitors are staying temporarily; and

(c) are not engaged in the supply of a service in the framework of a contract concluded between an enterprise that has no commercial presence in the territory of the Party where the short-term business visitors are staying temporarily, and a consumer in that territory, except as provided in Annex 10-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 is 90 days in any six-month period (1).

(1) This is without prejudice to the rights granted under bilateral visa waivers by Member States of the European Union.

Article 10.10. Review of Commitments

Within five years following the entry into force of this Agreement, the Parties shall consider updating their respective commitments under Articles 10.7 through 10.9.

Chapter ELEVEN. Mutual Recognition of Professional Qualifications

Article 11.1. Definitions

For the purposes of this Chapter:

jurisdiction means the territory of Canada, and each of its provinces and territories, or the territory of each of the Member States of the European Union, in so far as this Agreement applies in these territories in accordance with Article 1.3 (Geographical scope of application);

negotiating entity means a person or body of a Party entitled or empowered to negotiate an agreement on the mutual recognition of professional qualifications (MRA);

professional experience means the effective and lawful practice of a service;

professional qualifications means the qualifications attested by evidence of formal qualification and/or professional experience;

relevant authority means an authority or body, designated pursuant to legislative, regulatory or administrative provisions to recognise qualifications and authorise the practice of a profession in a jurisdiction; and

regulated profession means a service, the practice 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 11.2. Objectives and Scope

1. This Chapter establishes a framework to facilitate a fair, transparent and consistent regime for the mutual recognition of professional qualifications by the Parties and sets out the general conditions for the negotiation of MRAs.

2. This Chapter applies to professions which are regulated in each Party, including in all or some Member States of the European Union and in all or some provinces and territories of Canada.

3. A Party shall not accord recognition in a manner that would constitute a means of discrimination in the application of its criteria for the authorisation, licensing or certification of a service supplier, or that would constitute a disguised restriction on trade in services.

4. An MRA adopted pursuant to this Chapter shall apply throughout the territories of the European Union and Canada.

Article 11.3. Negotiation of an MRA

1. Each Party shall encourage its relevant authorities or professional bodies, as appropriate, to develop and provide to the Joint Committee on Mutual Recognition of Professional Qualifications ("MRA Committee") established under Article 26.2.1(b) joint recommendations on proposed MRAs.

2. A recommendation shall 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, for example, 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. In addition, it shall provide an assessment as to the compatibility of the licensing or qualification regimes of the Parties and the intended approach for the negotiation of an MRA.

3. The MRA Committee shall, within a reasonable period of time, review the recommendation with a view to ensuring its consistency with the requirements of this Chapter. If these requirements are satisfied, the MRA Committee shall establish the necessary steps to negotiate and each Party shall inform its respective relevant authorities of these steps.

4. The negotiating entities shall thereafter pursue the negotiation and submit a draft MRA text to the MRA Committee.

5. The MRA Committee will thereafter review the draft MRA to ensure its consistency with this Agreement.

6. If in the view of the MRA Committee the MRA is consistent with this Agreement, the MRA Committee shall adopt the MRA by means of a decision, which is conditional upon subsequent notification to the MRA Committee by each Party of the fulfilment of its respective internal requirements. The decision becomes binding on the Parties upon that notification to the MRA Committee by each Party.

Article 11.4. Recognition

1. The recognition of professional qualifications provided by an MRA shall allow the service supplier to practice professional activities in the host jurisdiction, in accordance with the terms and conditions specified in the MRA.

2. If the professional qualifications of a service supplier of a Party are recognised by the other Party pursuant to an MRA, the relevant authorities of the host jurisdiction shall accord to this service supplier treatment no less favourable than that accorded in like situations to a like service supplier whose professional qualifications have been certified or attested in the Party's own jurisdiction.

3. (a) Recognition under an MRA cannot be conditioned upon: a service supplier meeting a citizenship or any form of residency requirement; or

(b) a service supplier's education, experience or training having been acquired in the Party's own jurisdiction.

Article 11.5. Joint Committee on Mutual Recognition of Professional Qualifications

The MRA Committee responsible for the implementation of Article 11.3 shall:

(a) be composed of and co-chaired by representatives of Canada and the European Union, which must be different from the relevant authorities or professional bodies referred to in Article 11.3.1. A list of those representatives shall be confirmed through an exchange of letters;

(b) meet within one year after this Agreement enters into force, and thereafter as necessary or as decided;

(c) determine its own rules of procedure;

(d) facilitate the exchange of information regarding laws, regulations, policies and practices concerning standards or criteria for the authorisation, licensing or certification of regulated professions;

(e) make publicly available information regarding the negotiation and implementation of MRAs;

(f) report to the CETA Joint Committee on the progress of the negotiation and implementation of MRAs; and

(g) as appropriate, provide information and complement the guidelines set out in Annex 11-A.

Article 11.6. Guidelines for the Negotiation and Conclusion of MRAs

As part of the framework to achieve mutual recognition of qualifications, the Parties set out in Annex 11-A non-binding guidelines with respect to the negotiation and conclusion of MRAs.

Article 11.7. Contact Points

Each Party shall establish one or more contact points for the administration of this Chapter.

Chapter TWELVE. Domestic Regulation

Article 12.1. Definitions

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;

competent authority means any government of a Party, or non-governmental body in the exercise of powers delegated by any government of a Party, that grants an authorisation;

licensing procedures means 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;

licensing requirements means substantive requirements, other than qualification requirements, that must be complied with in order to obtain, amend or renew an authorisation;

qualification procedures means administrative or procedural rules that must be adhered to in order to demonstrate compliance with qualification requirements; and

qualification requirements means substantive requirements relating to competency that must be complied with in order to obtain, amend or renew an authorisation.

Article 12.2. Scope

1. This Chapter applies to a measure adopted or maintained by a Party relating to licensing requirements, licensing procedures, qualification requirements, or qualification procedures that affect:

(a) the cross-border supply of services as defined in Article 9.1 (Definitions);

(b) the supply of a service or pursuit of any other economic activity, through commercial presence in the territory of the other Party, including the establishment of such commercial presence; and

(c) the supply of a service through the presence of a natural person of the other Party in the territory of the Party, in accordance with Article 10.6.2 (Obligations in other chapters).

2. This Chapter does not apply to licensing requirements, licensing procedures, qualification requirements, or qualifi- cation procedures:

(a) pursuant to an existing non-conforming measure maintained by a Party as set out in its Schedule to Annex I; or

(b) relating to one of the following sectors or activities:

(i) for Canada, cultural industries and, as set out in its Schedule to Annex II, social services, aboriginal affairs, minority affairs, gambling and betting services, and the collection, purification, and distribution of water; and

(ii) for the EU Party, audio-visual services and, as set out in its Schedule to Annex II, health, education, and social services, gambling and betting services (1), and the collection, purification, and distribution of water.

(1) With the exception of Malta.

Article 12.3. Licensing and Qualification Requirements and Procedures

1. Each Party shall ensure that licensing requirements, qualification requirements, licensing procedures, or qualifi- cation procedures it adopts or maintains are based on criteria that preclude the competent authority from exercising its power of assessment in an arbitrary manner.

2. The criteria referred to in paragraph 1 shall be:

(a) clear and transparent;

(b) objective; and

(c) established in advance and made publicly accessible.

3. The Parties recognise that the exercise of statutory discretion conferred on a minister with respect to a decision on the granting of an authorisation in the public interest is not inconsistent with subparagraph 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.

4. Paragraph 3 does not apply to licensing requirements, or qualification requirements for a professional service.

5. Each Party shall ensure that an authorisation is granted as soon as the competent authority determines that the conditions for the authorisation have been met, and once granted, that the authorisation 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 that provide for, at the request of an affected investor, as defined in Article 8.1 (Definitions), or an affected service supplier, as defined in Article 1.1 (Definitions of general application), a prompt review of, and if justified, appropriate remedies for, administrative decisions affecting the supply of a service or the pursuit of any other economic activity. If such procedures are not independent of the agency entrusted with the administrative decision concerned, each Party shall ensure that the procedures are applied in a way that provides for an objective and impartial review.

7. Each Party shall ensure that licensing procedures or qualification procedures it adopts or maintains 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. An authorisation fee that an applicant may incur in relation to its application for an authorisation shall be reasonable and commensurate with the costs incurred, and shall not in itself 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 provide a universal service.

10. _ Each Party shall ensure that licensing procedures, or qualification procedures used by the competent authority and decisions of the competent authority in the authorisation process are impartial with respect to all applicants. The competent authority should reach its decisions in an independent manner and in particular should not be accountable to any person supplying a service or pursuing any other economic activity for which the authorisation is required.

11. If specific time periods for authorising 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. If possible, applications should be accepted in electronic format under similar conditions of authenticity as paper submissions.

12. Authenticated copies should be accepted, if considered appropriate, in place of original documents.

13. Each Party shall ensure that the processing of an authorisation 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, a Party's competent authority shall provide, without undue delay, information concerning the status of the application.

15. If an application is considered incomplete, a Party's competent authority shall, within a reasonable period of time, inform the applicant, identify the additional information required to complete the application, and provide the applicant an opportunity to correct deficiencies.

16. If a Party's competent authority rejects an application, it shall inform the applicant in writing and without undue delay. Upon request of the applicant, the Party's competent authority shall also inform the applicant of the reasons the application was rejected 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.

Chapter THIRTEEN. Financial Services

Article 13.1. Definitions

For the purposes of this Chapter:

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 that service;

cross-border supply of financial services or cross-border trade in 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;

financial institution means a supplier that carries out one or more of the operations defined as being financial services in this Article, if the supplier is regulated or supervised in respect of the supply of those services as a financial institution under the law of the Party in whose territory it is located, including a branch in the territory of the Party of

that financial service supplier 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 a person of the other Party;

financial service means a service of a financial nature, including insurance and insurance-related services, banking and other financial services (excluding insurance), and services incidental or auxiliary to a service of a financial nature. Financial services include the following activities:

(a) insurance and insurance-related services

(i) direct insurance (including co-insurance):

(A) life; or

(B) non-life;

(ii) reinsurance and retrocession;

(ii) insurance intermediation, such as brokerage and agency; or

(iv) services auxiliary to insurance, such as consultancy, actuarial, risk assessment, and claim settlement services; and

(b) banking and other financial services (excluding insurance):

(i) acceptance of deposits and other repayable funds from the public;

(ii) lending of all types, including consumer credit, mortgage credit, factoring, and financing of commercial transactions;

(ii) financial leasing;

(iv) all payment and money transmission services, including credit, charge and debit cards, travellers cheques, and bankers drafts;

(v) guarantees and commitments;

(vi) 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 or 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 and forward rate agreements;

(E) transferable securities; or

(F) other negotiable instruments and financial assets, including bullion;

(vii) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately), and supply of services related to such issues;

(viii) money broking;

(ix) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository, and trust services;

(x) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

(xi) provision and transfer of financial information, and financial data processing and related software; or

(xii) advisory, intermediation and other auxiliary financial services on all the activities listed in sub-subparagraphs (i) through (xi), including credit reference and analysis, investment and portfolio research and advice, and advice on acquisitions and on corporate restructuring and strategy;

financial service supplier means a person of a Party that is engaged in the business of supplying a financial service within the territory of that Party but does not include a public entity;

investment means "investment" as defined in Article 8.1 (Definitions), except that for the purposes of this Chapter, with respect to "loans" and "debt instruments" referred to in that Article:

(a) a loan to or debt instrument issued by a financial institution is an investment in that financial institution only if it is treated as regulatory capital by the Party in whose territory the financial institution is located; and

(b) 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,

(c) Chapter Eight (Investment) applies to a loan or debt instrument to the extent that it is not covered in this Chapter; and

(d) a loan granted by or a 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 Fight (Investment) if that loan or debt instrument meets the criteria for investments set out in Article 8.1 (Definitions);

investor means "investor" as defined in Article 8.1 (Definitions);

new financial service means a financial service that is not supplied in the territory of a Party but that 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;

person of a Party means "person of a Party" as defined in Article 1.1 (Definitions of general application) and, for greater certainty, does not include a branch of an enterprise of a third country;

public entity means:

(a) 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, but does not include an entity principally engaged in supplying financial services on commercial terms; or

(b) a private entity that performs functions normally performed by a central bank or monetary authority when exercising those functions; and

self-regulatory organisation means a 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.

Article 13.2. Scope

1. This Chapter applies to a measure adopted or maintained by a Party relating to:

(a) financial institutions of the other Party;

(b) an investor of the other Party, and an investment of that investor, in a financial institution in the Party's territory; and

(c) cross-border trade in financial services.

2. For greater certainty, the provisions of Chapter Eight (Investment) apply to:

(a) a measure relating to an investor of a Party, and an investment of that investor, in a financial service supplier that is not a financial institution; and

(b) a measure, other than a measure relating to the supply of financial services, relating to an investor of a Party or an investment of that investor in a financial institution.

3. Articles 8.10 (Treatment of investors and of covered investments), 8.11 (Compensation for losses), 8.12 (Expropriation), 8.13 (Transfers), 8.14 (Subrogation), 8.16 (Denial of benefits), and 8.17 (Formal requirements) are incorporated into and made a part of this Chapter.

4. Section F of Chapter Eight (Resolution of investment disputes between investors and states) is incorporated into and made a part of this Chapter solely for claims that a Party has breached Article 13.3 or 13.4 with respect to the expansion, conduct, operation, management, maintenance, use, enjoyment, and sale or disposal of a financial institution or an investment in a financial institution, or Article 8.10 (Treatment of investors and of covered investments), 8.11 (Compensation for losses), 8.12 (Expropriation), 8.13 (Transfers), or 8.16 (Denial of benefits).

5. This Chapter does not apply to a measure adopted or maintained by a Party relating to:

(a) 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 of the Party, with the guarantee or using the financial resources of the Party, including its public entities,

except that this Chapter applies to the extent that a Party allows 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 Twelve (Domestic Regulation) is incorporated into and made a part of this Chapter. For greater certainty, Article 12.3 (Licensing and qualification requirements and procedures) applies to the exercise of statutory discretion by the financial regulatory authorities of the Parties.

7. The provisions of Chapter Twelve (Domestic Regulation) incorporated into this Chapter under paragraph 6 do not apply to licensing requirements, licensing procedures, qualification requirements or qualification procedures:

(a) pursuant to a non-conforming measure maintained by Canada, as set out in its Schedule to Annex III-A;

(b) pursuant to a non-conforming measure maintained by the European Union, as set out in its Schedule to Annex I, to the extent that such measure relates to financial services; and

(c) as set out in Article 12.2.2(b) (Scope), to the extent that such measure relates to financial services.

Article 13.3. National Treatment

1. Article 8.6 (National treatment) is incorporated into and made a 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 Article 8.6 (National treatment) means treatment accorded to its own financial institutions and investments of its own investors in financial institutions.

Article 13.4. Most-favoured-nation Treatment

1. Article 8.7 (Most-favoured-nation treatment) is incorporated into and made a 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 investors of a third country and investments of investors of a third country under paragraphs 1 and 2 of Article 8.7 (Most-favoured-nation treatment) means treatment accorded to financial institutions of a third country and investments of investors of a third country in financial institutions.

Article 13.5. Recognition of Prudential Measures

1. A Party may recognise a prudential measure of a third country in the application of a measure covered by this Chapter. That recognition may be:

(a) accorded unilaterally;

(b) achieved through harmonisation or other means; or (c) based upon an agreement or arrangement with the third country.

2. A Party according recognition of a prudential measure 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.

3. Ifa Party recognises a prudential measure under subparagraph 1(c) and the circumstances described 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 13.6. Market Access

1. A Party shall not adopt or maintain, with respect to a financial institution of the other Party or with respect to market access through establishment of a financial institution by an investor of the other Party, 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, a measure that:

(a) imposes 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;

(ii) 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; or

(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; or

(b) restricts or requires specific types of legal entity or joint venture through which a financial institution may perform an economic activity.

2. Article 8.4.2 (Market access) is incorporated into and made a part of this Article.

3. For greater certainty:

(a) a Party may impose terms, conditions, and procedures for the authorisation of the establishment and expansion of a commercial presence provided that they do not circumvent the Party's obligation under paragraph 1 and are consistent with the other provisions of this Chapter; and

(b) this Article does not prevent a Party from requiring a financial institution to supply certain financial services

through separate legal entities if, under the law of the Party, the range of financial services supplied by the financial institution may not be supplied through a single entity.

Article 13.7. Cross-border Supply of Financial Services

1. Articles 9.3 (National treatment), 9.4 (Formal requirements), and 9.6 (Market access) are incorporated into and made a part of this Chapter and apply to treatment of cross-border financial service suppliers supplying the financial services specified in Annex 13-A.

2. The treatment accorded by a Party to its own service suppliers and services under Article 9.3.2 (National treatment) means treatment accorded to its own financial service suppliers and financial services.

3. The measures that a Party shall not adopt or maintain with respect to service suppliers and services of the other Party under Article 9.6 (Market access) means measures relating to cross-border financial service suppliers of the other Party

supplying financial services.

4. Article 9.5 (Most-favoured-nation treatment) is incorporated into and made a part of this Chapter and applies to treatment of cross-border financial service suppliers of the other Party.

5. The treatment accorded by a Party to service suppliers and services of a third country under Article 9.5 (Most-favoured-nation treatment) means treatment accorded to financial service suppliers of a third country and financial services of a third country.

6. Each Party shall permit a person located in its territory, and a national wherever they are located, to purchase a financial service from a cross-border financial service supplier of the other Party located in the territory of that 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, in conformity with paragraph 1.

7. For the financial services specified in Annex 13-A, 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 permits its own financial service suppliers to supply such a service or to sell such a product under its law in like situations.

Article 13.8. Senior Management and Boards of Directors

A Party shall not 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 13.9. Performance Requirements

1. The Parties shall negotiate disciplines on performance requirements such as those contained in Article 8.5 (Performance requirements) with respect to investments in financial institutions.

2. If, after three years of entry into force of this Agreement, the Parties have not agreed to such disciplines, upon request of a Party, Article 8.5 (Performance requirements) shall be incorporated into and made a part of this Chapter and shall apply to investments in financial institutions. For this purpose, "investment" in Article 8.5 (Performance requirements) means "investment in a financial institution in its territory".

3. Within 180 days following the successful negotiation by the Parties on the performance requirement disciplines pursuant to paragraph 1, or following a Party's request for incorporation of Article 8.5 (Performance requirements) into this Chapter pursuant to paragraph 2, as the case may be, each Party may amend its Schedule as required. Any amendment must be limited to the listing of reservations for existing measures that do not conform with the performance requirements obligation under this Chapter, for Canada in Section A of its Schedule to Annex III and for the European Union in its Schedule to Annex I. Article 13.10.1 shall apply to such measures with respect to the performance requirement disciplines negotiated pursuant to paragraph 1, or Article 8.5 (Performance requirements) as incorporated into this Chapter pursuant to paragraph 2, as the case may be.

Article 13.10. Reservations and Exceptions

1. Articles 13.3, 13.4, 13.6, and 13.8 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 Canada in Section A of its Schedule to Annex III or the European Union in its Schedule to Annex J;

(ii) a provincial, territorial, or regional government, as set out by Canada in Section A of its Schedule to Annex III or the European Union in its Schedule to Annex J; or

(iv) a local government; the continuation or prompt renewal of a non-conforming measure referred to in subparagraph (a); or prompt ig paragrap:

(c) an amendment to a 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 13.3, 13.4, 13.6, or 13.8.

2. Article 13.7 does 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 Canada in Section A of its Schedule to Annex III or the European Union in its Schedule to Annex I;

(ii) a provincial, territorial, or regional government, as set out by Canada in Section A of its Schedule to Annex II or the European Union in its Schedule to Annex I; or

(iv) a local government;

(b) the continuation or prompt renewal of a non-conforming measure referred to in subparagraph (a); or

(c) an amendment to a 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 13.7.

3. Articles 13.3, 13.4, 13.6, 13.7, and 13.8 do not apply to a measure that Canada adopts or maintains with respect to financial services as set out in Section B of its Schedule to Annex III, or to a measure that the European Union adopts or maintains with respect to financial services as set out in its Schedule to Annex II.

4. If a Party has set out a reservation to Articles 8.4 (Market access), 8.5 (Performance requirements), 8.6 (National treatment), 8.7 (Most-favoured-nation treatment), 8.8 (Senior management and boards of directors), 9.3 (National treatment), 9.5 (Most-favoured-nation treatment), or 9.6 (Market access) in its Schedule to Annex I or II, the reservation also constitutes a reservation to Articles 13.3, 13.4, 13.6, 13.7, or 13.8, or to any discipline on performance requirements negotiated pursuant to Article 13.9.1 or incorporated into this Chapter pursuant to Article 13.9.2, 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.

5. A Party shall not adopt a measure or series of measures after the date of entry into force of this Agreement that are covered by Section B of Canada's Schedule to Annex III, or by the Schedule to Annex II of the European Union and 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.

6. In respect of intellectual property rights, a Party may derogate from Articles 13.3 and 13.4, and from any discipline on technology transfer in relation to performance requirements negotiated pursuant to Article 13.9.1 or incorporated into this Chapter pursuant to Article 13.9.2, as the case may be, if the derogation is permitted by the TRIPS Agreement, including waivers to the TRIPS Agreement adopted pursuant to Article IX of the WTO Agreement.

7. Articles 13.3, 13.4, 13.6, 13.7, 13.8, and 13.9 do not apply to:

(a) procurement by a Party of a good or service purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of a good or service for commercial sale, whether or not that procurement is "covered procurement" within the meaning of Article 19.2 (Scope and coverage); or

(b) subsidies, or government support relating to trade in services, provided by a Party.

Article 13.11. Effective and Transparent Regulation

1. Each Party shall ensure that all measures of general application to which this Chapter applies are administered in a reasonable, objective, and impartial manner.

2. Each Party shall ensure that its laws, regulations, procedures, and administrative rulings of general application with respect to any matter covered by this Chapter are promptly published or made available in such a manner as to enable an interested person and the other Party to become acquainted with them. To the extent possible, each Party shall:

(a) publish in advance any such measures that it proposes to adopt;

(b) provide an interested person and the other Party a reasonable opportunity to comment on these proposed measures; and

(c) allow reasonable time between the final publication of the measures and the date they become effective.

For the purposes of this Chapter, these requirements replace those set out in Article 27.1 (Publication).

3. Each Party shall maintain or establish appropriate mechanisms to respond within a reasonable period of time to an inquiry from an interested person regarding measures of general application covered by this Chapter.

4. 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 of time that is justified by the complexity of the application and the normal period of time established for the processing of the application. For Canada, such a reasonable time period is 120 days. The regulatory authority shall promptly notify the applicant of the decision. If it is not practicable for a decision to be made within a reasonable period of time, the regulatory authority shall promptly notify the applicant and endeavour to make the decision as soon as possible. For greater certainty, an application is not considered complete until all relevant hearings are held and the regulatory authority has received all necessary information.

Article 13.12. 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 organisation to supply a financial service in or into the territory of that Party, or grants a privilege or advantage when supplying a financial service through a self-regulatory organisation, then the requiring Party shall ensure that the self-regulatory organisation observes the obligations of this Chapter.

Article 13.13. Payment and Clearing Systems

Under terms and conditions that accord national treatment, each Party shall grant a financial service supplier of the other Party established in its territory access to payment and clearing systems operated by a Party, or by an entity exercising governmental authority delegated to it by a Party, and access to official funding and refinancing facilities available in the normal course of ordinary business. This Article does not confer access to a Party's lender of last resort facilities.

Article 13.14. New Financial Services

1. Each Party shall permit a financial institution of the other Party to supply any new financial service that the first Party would permit its own financial institutions, in like situations, to supply under its law, on request or notification to the relevant regulator, if required.

2. A Party may determine the institutional and juridical form through which the new financial service may be supplied and may require authorisation for the supply of the service. If authorisation is required, a decision shall be made within a reasonable period of time and the authorisation may only be refused for prudential reasons.

3. 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 law of the Party receiving the application and is not subject to the obligations of this Article.

Article 13.15. Transfer and Processing of Information

1. 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 if processing is required in the ordinary course of business of the financial institution or the cross-border financial service supplier.

2. Each Party shall maintain adequate safeguards to protect privacy, in particular with regard to the transfer of personal information. If the transfer of financial information involves personal information, such transfers shall be in accordance with the legislation governing the protection of personal information of the territory of the Party where the transfer has originated.

Article 13.16. Prudential Carve-out

1. This Agreement does not prevent a Party from adopting or maintaining reasonable measures for prudential reasons, including:

(a) the protection of investors, depositors, policy-holders, or persons to whom a financial institution, cross-border financial service supplier, or financial service supplier owes a fiduciary duty;

(b) the maintenance of the safety, soundness, integrity, or financial responsibility of a financial institution, cross-border

financial service supplier, or financial service supplier; or

(c) ensuring the integrity and stability of a Party's financial system.

2. 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.

3. Subject to Articles 13.3 and 13.4, a Party may, for prudential reasons, prohibit a particular financial service or activity. Such a prohibition shall not apply to all financial services or to a complete financial services sub-sector, such as banking.

Article 13.17. Specific Exceptions

1. This Agreement does not apply to measures taken by a public entity in pursuit of monetary or exchange rate policies. This paragraph does not affect a Party's obligations under Articles 8.5 (Performance requirements), 8.13 (Transfers), or 13.9.

2. This Agreement does not require a Party to furnish or allow access to information relating to the affairs and accounts of individual consumers, cross-border financial service suppliers, financial institutions, or to any confidential information which, if disclosed, would interfere with specific regulatory, supervisory, or law enforcement matters, or would otherwise be contrary to public interest or prejudice legitimate commercial interests of particular enterprises.

Article 13.18. Financial Services Committee

1. The Financial Services Committee established under Article 26.2.1(f) (Specialised committees) 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 the Department of Finance Canada or its successor.

2. The Financial Services Committee shall decide by mutual consent.

3. The Financial Services Committee shall meet annually, or as it otherwise decides, 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 Parties' respective regulatory systems and to cooperate in the development of international standards as illustrated by the Understanding on the dialogue on the regulation of the financial services sector contained in Annex 13-C; and

(c) implement Article 13.21.

Article 13.19. Consultations

1. 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.

2. Each Party shall ensure that when there are consultations pursuant to paragraph 1 its delegation includes officials with the relevant expertise in the area covered by this Chapter. For Canada this means officials of the Department of Finance Canada or its successor.

Article 13.20. Dispute Settlement

1. Chapter Twenty-Nine (Dispute Settlement) applies as modified by this Article to the settlement of disputes arising under this Chapter.

2. If the Parties are unable to agree on the composition of the arbitration panel established for the purposes of a dispute arising under this Chapter, Article 29.7 (Composition of the arbitration panel) applies. However, all references to the list of arbitrators established under Article 29.8 (List of arbitrators) shall be understood to refer to the list of arbitrators established under this Article.

3. The CETA Joint Committee 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 Joint Committee may review the list at any time and shall ensure that the list conforms with this Article.

4. The arbitrators included on the list must have expertise or experience in financial services law or regulation or in the practice thereof, which may include the regulation of financial service suppliers. The arbitrators acting as chairpersons must also have experience as counsel, panellist, or arbitrator in dispute settlement proceedings. Arbitrators shall be independent, serve in their individual capacity, and shall not take instructions from any organisation or government. They shall comply with the Code of Conduct in Annex 29-B (Code of conduct).

5. If an arbitration panel finds that a measure is 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 shall not suspend benefits in the financial services sector.

Article 13.21. Investment Disputes In Financial Services

1. Section F of Chapter Eight (Resolution of investment disputes between investors and states) applies, as modified by this Article and Annex 13-B, to:

(a) investment disputes pertaining to measures to which this Chapter applies and in which an investor claims that a Party has breached Article 8.10 (Treatment of investors and of covered investments), 8.11 (Compensation for losses), 8.12 (Expropriation), 8.13 (Transfers), 8.16 (Denial of benefits), 13.3, or 13.4; or

(b) investment disputes commenced pursuant to Section F of Chapter Eight (Resolution of investment disputes between investors and states) in which Article 13.16.1 has been invoked.

2. In the case of an investment dispute under subparagraph 1(a), or if the respondent invokes Article 13.16.1 within 60 days of the submission of a claim to the Tribunal under Article 8.23 (Submission of a claim to the Tribunal), a division of the Tribunal shall be composed, in accordance with Article 8.27.7 (Constitution of the Tribunal) from the list established under Article 13.20.3. If the respondent invokes Article 13.16.1 within 60 days of the submission of a claim, with respect to an investment dispute other than under subparagraph 1(a), the period of time applicable to the composition of a division of the Tribunal under Article 8.27.7 (Constitution of the Tribunal) commences on the date the respondent invokes Article 13.16.1. If the CETA Joint Committee has not made the appointments pursuant to Article 8.27.2 (Constitution of the Tribunal) within the period of time provided in Article 8.27.17 (Constitution of the Tribunal), either disputing party may request that the Secretary-General of the International Centre for Settlement of Investment Disputes ("ICSID") select the Members of the Tribunal from the list established under Article 13.20. If the list has not been established under Article 13.20 on the date the claim is submitted pursuant to Article 8.23 (Submission of a claim to the Tribunal), the Secretary-General of ICSID shall select the Members of the Tribunal from the individuals proposed by one or both of the Parties in accordance with Article 13.20.

3. 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 13.16.1 is a valid defence to the claim. This referral shall not be made later than the date the Tribunal fixes for the respondent to submit its counter-memorial. If the respondent refers the matter to the Financial Services Committee under this paragraph the periods of time or proceedings referred to in Section F of Chapter Eight (Resolution of investment disputes between investors and states) are suspended.

4. Ina referral under paragraph 3, the Financial Services Committee or the CETA Joint Committee, as the case may be, may make a joint determination as to whether and to what extent Article 13.16.1 is a valid defence to the claim. The Financial Services Committee or the CETA Joint Committee, as the case may be, shall transmit a copy of the joint determination to the investor and the Tribunal, if constituted. If the joint determination concludes that Article 13.16.1 is a valid defence to all parts of the claim in their entirety, the investor is deemed to have withdrawn its claim and the proceedings are discontinued in accordance with Article 8.35 (Discontinuance). If the joint determination concludes that Article 13.16.1 is a valid defence to only parts of the claim, the joint determination is binding on the Tribunal with respect to those parts of the claim. The suspension of the periods of time or proceedings described in paragraph 3 then no longer applies and the investor may proceed with the remaining parts of the claim.

5. If the CETA Joint Committee has not made a joint determination within three months of referral of the matter by the Financial Services Committee, the suspension of the periods of time or proceedings referred to in paragraph 3 no longer applies and the investor may proceed with its claim.

6. At the request of the respondent, the Tribunal shall decide as a preliminary matter whether and to what extent Article 13.16.1 is a valid defence to the claim. Failure of the respondent to make that request is without prejudice to the right of the respondent to assert Article 13.16.1 as a defence in a later phase of the proceedings. The Tribunal shall draw no adverse

inference from the fact that the Financial Services Committee or the CETA Joint Committee has not agreed on a joint determination in accordance with Annex] 3-B.

Chapter FOURTEEN. International Maritime Transport Services

Article 14.1. Definitions

For the purposes of this Chapter:

customs clearance services or customs house brokers' services means the carrying out, on a fee or contract basis, of customs formalities concerning import, export or through transport of cargo, irrespective of whether these services are the main or secondary activity of the service provider;

container station and depot services means the storage, stuffing, stripping or repair of containers and making them available for shipment, whether in port areas or inland;

door-to-door or multimodal transport operation means the transport of cargo under a single transport document, that uses more than one mode of transport and involves an international sea-leg;

feeder services means the pre- and onward transportation by sea of international cargo, including containerised, break bulk and dry or liquid bulk cargo, between ports located in the territory of 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, R.S.C. 1985, c.1 (2nd Supp.);

international cargo means cargo transported by sea-going vessels between a port of a Party and a port of the other Party or of a third country, or between a port of one Member State of the European Union and a port of another Member State of the European Union;

international maritime transport services means the transport of passengers or cargo by a sea-going vessel between a port of one Party and a port of the other Party or of a third country, or between a port of one Member State of the European Union and a port of another Member State of the European Union, 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;

international maritime transport service suppliers means:

(a) an enterprise of a Party, as defined in Article 1.1 (Definitions of general application), and a branch of any such entity; or

(b) an enterprise, as defined in Article 1.1 (Definitions of general application), of a third country owned or controlled by nationals of a Party, if its vessels are registered in accordance with the legislation of that Party and flying the flag of that Party; or

(c) a branch of an enterprise of a third country with substantive business operations in the territory of a Party, that is engaged in the supply of international maritime transport services. For greater certainty, Chapter Eight (Investment) does not apply to such a branch;

maritime agency services means the representation, as an agent, within a given geographic area, of the business interests of one or more shipping lines or shipping companies, for the following purposes:

(a) 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

(b) acting on behalf of the companies in organising the call of the vessel or taking control of cargo when required;

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, organisation and supervision of:

(a) the loading or discharging of cargo to or from a vessel,

(b) the lashing or unlashing of cargo, and

(c) the reception or 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 organised independently of stevedoring or terminal operator companies;

maritime freight forwarding services means the organisation and monitoring of shipments on behalf of shippers, through the supply of such services as the arrangement of transport and related services, consolidation and packing of cargo, preparation of documentation and provision of business information;

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.

Article 14.2. Scope

1. This Chapter applies to a measure adopted or maintained by a Party relating to the supply of international maritime transport services (1). For greater certainty, such measure is also subject to Chapters Eight (Investment) and Nine (Cross-Border Trade in Services), as applicable.

(1) This Chapter does not apply to fishing vessels as defined under a Party's law.

2. For greater certainty, further to Articles 8.6 (National treatment), 8.7 (Most-favoured-nation treatment), 9.3 (National treatment), and 9.5 (Most-favoured-nation treatment), a Party shall not adopt or maintain a measure in respect of:

(a) a vessel supplying an international maritime transport service and flying the flag of the other Party (1); or

(b) an international maritime transport service supplier of the other Party,

that accords treatment that is less favourable than that accorded by that Party in like situations to its own vessels or international maritime transport service suppliers or to vessels or international maritime transport service suppliers of a third country with regard to:

(a) access to ports;

(b) the use of infrastructure and services of ports such as towage and pilotage;

(c) the use of maritime auxiliary services as well as the imposition of related fees and charges;

(d) access to customs facilities; or

(e) the assignment of berths and facilities for loading and unloading (2).

(1) For the purposes of this Chapter for the European Union, flying the flag of a Party means flying the flag of a Member State of the European Union.

(2) This paragraph does not apply to vessels or international maritime transport service suppliers that are subject to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done in Rome on 22 November 2009.

Article 14.3. Obligations

1. Each Party shall permit the international maritime transport service suppliers of the other Party to reposition owned or leased empty containers that are carried on a non-revenue basis between the ports of that Party.

2. A Party shall permit the international maritime transport service suppliers of the other Party to supply feeder services between the ports of that Party.

3. A Party shall not adopt or maintain a cargo-sharing arrangement with a third country concerning any international maritime transport services, including dry and liquid bulk and liner trades.

4. A Party shall not adopt or maintain a measure that requires all or part of any international cargo to be transported exclusively by vessels registered in that Party or owned or controlled by nationals of that Party.

5. A Party shall not adopt or maintain a measure that prevents international maritime transport service suppliers of the other Party from directly contracting with other transport service suppliers for door-to-door or multimodal transport

operations.

Article 14.4. Reservations

1. Article 14.3 does 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;

(ii) 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 a non-conforming measure referred to in subparagraph (a); or

(c) an amendment to a 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 14.3.

2. Article 14.3 does not apply to a measure that a Party adopts or maintains with respect to sectors, subsectors or activities, as set out in its Schedule to Annex II.

Chapter FIFTEEN. Telecommunications

Article 15.1. Definitions

For the purposes 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 8.1 (Definitions);

essential facilities means facilities of a public telecommunications transport network or service that:

(a) are exclusively or predominantly supplied by a single or a limited number of suppliers; and

(b) cannot feasibly be economically or technically substituted in order to supply 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 the users of another supplier and to access services supplied by another supplier;

intra-corporate communications means telecommunications through which an enterprise communicates within the enterprise or with or among its subsidiaries, branches and, subject to a Party's law, affiliates, but does not include commercial or non-commercial services that are supplied to enterprises that are not related subsidiaries, branches or affiliates, or that are offered to customers or potential customers. For the purposes of this definition, "subsidiaries", "branches" and, where applicable, "affiliates" are as defined by each Party;

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 choice;

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:

(a) control over essential facilities; or

(b) 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 telecommunications transport network;

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;

public telecommunications transport network means the public telecommunications infrastructure that permits telecommunications between and among defined network termination points;

public telecommunications transport service means a telecommunications transport service that a Party requires, explicitly or in effect, to be offered to the public generally that involves 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. This service may include, among other things, 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; telecommunications services means all services consisting of the transmission and reception of signals by any electro- magnetic means but does not include the economic activity consisting of the provision of content by means of telecommunications; and

user means an enterprise or natural person using or requesting a publicly available telecommunications service.

Article 15.2. Scope

1. This Chapter applies to a measure 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 as set out in its Schedule to Annex I or II.

2. This Chapter does not apply to a 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. For greater certainty, this Chapter applies to a contribution link.

3. This Chapter does not:

(a) require a Party to authorise 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

(b) require a Party, or require a Party to compel a service supplier, to establish, construct, acquire, lease, operate or supply telecommunications networks or services not offered to the public generally.

Article 15.3. 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 with respect to quality, technical standards and specifications (1). The Parties shall apply this obligation, among other things, as set out in paragraphs 2 through 6.

(1) 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.

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 these enterprises are permitted to:

(a) purchase or lease, and attach terminal or other equipment which interfaces with the public telecommunications transport network;

(b) 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;

(c) use operating protocols of their choice; and

(d) perform switching, signalling, 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 these 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 28.3 (General exceptions), and notwithstanding paragraph 3, a Party shall take appropriate measures to protect:

(a) the security and confidentiality of public telecommunications transport services; and

(b) the privacy of users of public telecommunications transport services,

subject to the requirement that these measures are not applied in a manner that 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:

(a) 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;

(b) protect the technical integrity of public telecommunications transport networks or services; or

(c) ensure that service suppliers of the other Party do not supply services limited by the Party's reservations as set out in its Schedule to Annex I or II.

6. Provided that they satisfy the criteria in paragraph 5, conditions for access to and use of public telecommunications transport networks or services may include:

(a) restrictions on resale or shared use of these services;

(b) a requirement to use specified technical interfaces, including interface protocols, for connection with such networks or services;

(c) requirements, where necessary, for the inter-operability of these services;

(d) type approval of terminal or other equipment that interfaces with the network and technical requirements relating to the attachment of that equipment to the networks;

(e) restrictions on connection of private leased or owned circuits with these networks or services or with circuits leased or owned by another enterprise; and

(f) notification, registration and licensing.

Article 15.4. Competitive Safeguards on Major Suppliers

1. Each Party shall maintain appropriate measures to prevent 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 include:

(a) engaging in anti-competitive cross-subsidisation;

(b) using information obtained from competitors with anti-competitive results; and

(c) 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 supply services.

Article 15.5. Access to Essential Facilities

1. Each Party shall ensure that a major supplier in its territory makes available its essential facilities, which may include, among other things, 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, those essential facilities required to be made available in its territory.

Article 15.6. Interconnection

1. Each Party shall ensure that a major supplier in its territory provides interconnection:

(a) at any technically feasible point in the network;

(b) under non-discriminatory terms, conditions, including technical standards and specifications, and rates;

(c) of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or of its subsidiaries or other affiliates;

(d) 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

(e) 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. A supplier that is authorised to supply telecommunications services has 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 a major supplier makes publicly available either its interconnection agreements or reference interconnection offer if it is appropriate. Article 15.7 Authorisation to supply telecommunications services

Each Party should ensure that the authorisation to supply telecommunications services, wherever possible, is based upon a simple notification procedure.

Article 15.8. 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 it imposes 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. If a supplier is to be designated as the supplier of a universal service, a Party shall ensure that the selection is made through an efficient, transparent and non-discriminatory mechanism.

Article 15.9. Scarce Resources

1. 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. Notwithstanding Articles 8.4 (Market access) and 9.6 (Market access), a Party may adopt or maintain a measure that allocates and assigns spectrum and that manages frequencies. 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. Each Party shall make the current state of allocated frequency bands publicly available but shall not be required to provide detailed identification of frequencies allocated for specific government use. Article 15.10 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 15.11 Regulatory authority

1. Each Party shall ensure that its regulatory authority is legally distinct and functionally independent from any supplier of telecommunications transport networks, services or equipment, including if a Party retains ownership or control of a supplier of telecommunications transport networks or services.

2. Each Party shall ensure that its regulatory authority's 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 authority is sufficiently empowered to regulate the sector, including by ensuring that it has the power to:

(a) require suppliers of telecommunications transport networks or services to submit any information the regulatory authority considers necessary for the administration of its responsibilities; and

(b) enforce its decisions relating to the obligations set out in Articles 15.3 through 15.6 through appropriate sanctions that may include financial penalties, corrective orders or the suspension or revocation of licences.

Article 15.12. Resolution of Telecommunication Disputes

Recourse to regulatory authorities

1. Further to Articles 27.3 (Administrative proceedings) and 27.4 (Review and appeal), each Party shall ensure that: (a) 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 15.3 through 15.6 and that, under

the law of the Party, are within the regulatory authority's jurisdiction. As appropriate, the regulatory authority shall issue a binding decision to resolve the dispute within a reasonable period of time; and

(b) suppliers of telecommunications networks or services of the other Party requesting access to essential facilities or interconnection with a major supplier in the Party's territory have, within a reasonable and publicly specified period of time, recourse to a regulatory authority to resolve disputes regarding the appropriate terms, conditions and rates for interconnection or access with that major supplier.

Appeal and review of regulatory authority determinations or decisions

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 law of the Party. The judicial, quasi-judicial or administrative authority shall provide the enterprise with written reasons supporting its determination or decision. Each Party shall ensure that these determinations or decisions, subject to appeal or further review, are implemented by the regulatory authority.

3. An application for judicial review does not constitute grounds for non-compliance with the determination or decision of the regulatory authority unless the relevant judicial authority stays this determination or decision.

Article 15.13. Transparency

1. Further to Articles 27.1 (Publication) and 27.2 (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:

(a) 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;

(b) its measures relating to public telecommunications transport networks or services, including:

(i) regulations of its regulatory authority, together with the basis for these regulations;

(ii) tariffs and other terms and conditions of services;

(iii) specifications of technical interfaces;

(iv) conditions for attaching terminal or other equipment to the public telecommunications transport networks;

(v) notification, permit, registration, or licensing requirements, if any; and

(c) information on bodies responsible for preparing, amending and adopting standards-related measures.

Article 15.14. Forbearance

The Parties recognise 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 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 15.15. Relation to other Chapters

If there is any inconsistency between this Chapter and another Chapter, this Chapter prevails to the extent of the inconsistency.

Chapter SIXTEEN. Electronic Commerce

Article 16.1. Definitions

For the 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.

Article 16.2. Objective and Scope

1. The Parties recognise that electronic commerce increases economic growth and trade opportunities in many sectors and confirm the applicability of the WTO rules to electronic commerce. They agree to promote the development of electronic commerce between them, in particular by cooperating on the issues raised by electronic commerce under the provisions of this Chapter.

2. This Chapter does not impose an obligation on a Party to allow a delivery transmitted by electronic means except in accordance with the Party's obligations under another provision of this Agreement.

Article 16.3. Customs Duties on Electronic Deliveries

1. A Party shall not impose a customs duty, fee, or charge on a delivery transmitted by electronic means.

2. For greater certainty, paragraph 1 does not prevent a Party from imposing an internal tax or other internal charge on a delivery transmitted by electronic means, provided that the tax or charge is imposed in a manner consistent with this Agreement.

Article 16.4. 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 of data protection of relevant international organisations of which both Parties are a member.

Article 16.5. General Provisions

Considering the potential of electronic commerce as a social and economic development tool, the Parties recognise 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; and

(c) facilitating the use of electronic commerce by small and medium sized enterprises.

Article 16.6. Dialogue on Electronic Commerce

1. Recognising the global nature of electronic commerce, the Parties agree to maintain a dialogue on issues raised by electronic commerce, which will address, among other things:

(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 suppliers with respect to the transmission, or the storage of information;

(c) the treatment of unsolicited electronic commercial communications; and

(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. Recognising 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 16.7. Relation to other Chapters

In the event of an inconsistency between this Chapter and another chapter of this Agreement, the other chapter prevails to the extent of the inconsistency.

Chapter SEVENTEEN. Competition Policy

Article 17.1. Definitions

For the purposes of this Chapter:

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; and,

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 a service of general economic interest 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.

Article 17.2. Competition Policy

1. The Parties recognise 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 liberalisation.

2. The Parties shall take appropriate measures to proscribe anti-competitive business conduct, recognising that such measures will enhance the fulfilment of the objectives of this Agreement.

3. The Parties shall cooperate on matters relating to the proscription of 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, done at Bonn on 17 June 1999.

4. 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. A Party shall make available to the other Party public information concerning such exclusions provided under its competition law.

Article 17.3. Application of Competition Policy to Enterprises

1. A Party shall ensure that the measures referred to in Article 17.2.2 apply to the Parties to the extent required by its law.

2. For greater certainty:

(a) in Canada, the Competition Act, R.S.C. 1985, c. C-34 is binding on and applies to an agent of Her Majesty in right of Canada, or of 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 17.4. Dispute Settlement

Nothing in this Chapter shall be subject to any form of dispute settlement pursuant to this Agreement.

Chapter EIGHTEEN. State Enterprises, Monopolies, and Enterprises Granted Special Rights or Privileges

Article 18.1. Definitions

For the purposes of this Chapter: covered entity means:

(a) a monopoly;

(b) a supplier of a good or service, if it is one of a small number of goods or services suppliers authorised or established by a Party, formally or in effect, and the Party substantially prevents competition among those suppliers in its territory;

(c) any entity to which a Party has granted, formally or in effect, special rights or privileges to supply a good or service, substantially affecting the ability of any other enterprise to supply the same good or service in the same geographical area under substantially equivalent conditions, and allowing the entity to escape, in whole or in part, competitive pressures or market constraints (1); or

(d) a state enterprise;

designate means to establish or authorise a monopoly, or to expand the scope of a monopoly to cover an additional good or service;

in accordance with commercial considerations means consistent with customary business practices of a privately held enterprise in the relevant business or industry; and

non-discriminatory treatment means the better of national treatment and most-favoured-nation treatment as set out in this Agreement.

(1) For greater certainty, the granting of a licence 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.

Article 18.2. Scope

1. The Parties confirm their rights and obligations under Articles XVII:1 through XVII:3 of the GATT 1994, the Understanding on the Interpretation of Article XVII of the General Agreement on Tariffs and Trade 1994, and Articles VIII:1 and VIIL:2 of GATS, all of which are hereby incorporated into and made part of this Agreement.

2. This Chapter does not apply to the procurement by a Party of a good or service purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of a good or service for commercial sale, whether or not that procurement is a "covered procurement" within the meaning of Article 19.2 (Scope and coverage).

3. Articles 18.4 and 18.5 do not apply to the sectors set out in Article 8.2 (Scope) and Article 9.2 (Scope).

4 Articles 18.4 and 18.5 do not apply to a measure of a covered entity if a reservation of a Party, taken against a national treatment or most-favoured nation treatment obligation, as set out in that Party's Schedule to Annex I, II, or III, would be applicable if the same measure had been adopted or maintained by that Party.

Article 18.3. State Enterprises, Monopolies and Enterprises Granted Special Rights or Privileges

1. Without prejudice to the Parties' rights and obligations under this Agreement, nothing in this Chapter prevents a Party from designating or maintaining a state enterprise or a monopoly or from granting an enterprise special rights or privileges.

2. A Party shall not require or encourage a covered entity to act in a manner inconsistent with this Agreement.

Article 18.4. Non-discriminatory Treatment

1. Each Party shall ensure that in its territory a covered entity accords non-discriminatory treatment to a covered investment, to a good of the other Party, or to a service supplier of the other Party in the purchase or sale of a good or service.

2. If a covered entity described in paragraphs (b) through (d) of the definition of "covered entity" in Article 18.1 acts in accordance with Article 18.5.1, the Party in whose territory the covered entity is located shall be deemed to be in compliance with the obligations set out in paragraph 1 in respect of that covered entity.

Article 18.5. Commercial Considerations

1. Each Party shall ensure that a covered entity in its territory acts in accordance with commercial considerations in the purchase or sale of goods, including with regard to price, quality, availability, marketability, transportation, and other terms and conditions of purchase or sale, as well as in the purchase or supply of services, including when such goods or services are supplied to or by an investment of an investor of the other Party.

2. Provided that a covered entity's conduct is consistent with Article 18.4 and Chapter Seventeen (Competition Policy), the obligation contained in paragraph 1 does not apply:

(a) in the case of a monopoly, to the fulfilment of the purpose for which the monopoly has been created or for which special rights or privileges have been granted, such as a public service obligation or regional development; or,

(b) in the case of a state enterprise, to the fulfilment of its public mandate.

Chapter NINETEEN. Government Procurement

Article 19.1. Definitions

For the purposes of this Chapter:

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;

construction service means a service that has as its objective the realisation by whatever means of civil or building works, based on Division 51 of the United Nations Provisional Central Product Classification (CPQ);

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;

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;

limited tendering means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice;

measure means any law, regulation, procedure, administrative guidance or practice, or any action of a procuring entity relating to a covered procurement;

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;

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;

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;

open tendering means a procurement method whereby all interested suppliers may submit a tender; person means "person" as defined in Article 1.1 (Definitions of general application);

procuring entity means an entity covered under Annexes 19-1, 19-2 or 19-3 of a Party's Market Access Schedule for this Chapter;

qualified supplier means a supplier that a procuring entity recognises as having satisfied the conditions for participation;

selective tendering means a procurement method whereby only qualified suppliers are invited by the procuring entity to submit a tender;

services includes construction services, unless otherwise specified;

standard means a document approved by a recognised 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;

supplier means a person or group of persons that provides or could provide goods or services; and technical specification means a tendering requirement that:

(a) lays down the characteristics of a good or a service to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision; or

(b) addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or a service.

Article 19.2. Scope and Coverage

Application of this Chapter

1. This Chapter applies to any measure relating to a 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 a good, a service, or any combination thereof:

(i) as specified in each Party's Annexes to its Market Access Schedule for this Chapter; and

(ii) not procured with a view to commercial sale or resale, or for use in the production or supply of a good or a service 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 its Market Access Schedule for this Chapter, at the time of publication of a notice in accordance with Article 19.6;

(d) by a procuring entity; and

(e) that is not otherwise excluded from coverage in paragraph 3 or a Party's Annexes to its Market Access Schedule for this Chapter.

3. Except as otherwise provided in a Party's Annexes to its Market Access Schedule for 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 organisation, or funded by international grants, loans or other assistance if the applicable procedure or condition would be inconsistent with this Chapter.

4. A procurement subject to this Chapter shall be all procurement covered by the Market Access Schedules of Canada and the European Union, in which each Party's commitments are set out as follows:

(a) in Annex 19-1, the central government entities whose procurement is covered by this Chapter;

(b) in Annex 19-2, the sub-central government entities whose procurement is covered by this Chapter; (c) in Annex 19-3, all other entities whose procurement is covered by this Chapter;

(d) in Annex 19-4, the goods covered by this Chapter;

(e) in Annex 19-5, the services, other than construction services, covered by this Chapter;

(f) in Annex 19-6, the construction services covered by this Chapter;

(g) in Annex 19-7, any General Notes; and

(h) in Annex 19-8, the means of publication used for this Chapter.

5. If a procuring entity, in the context of covered procurement, requires a person not covered under a Party's Annexes to its Market Access Schedule for this Chapter to procure in accordance with particular requirements, Article 19.4 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) if the procurement provides for the possibility of options, the total value of such options.

7. If an individual requirement for a procurement results in the award of more than one contract, or in the award of contracts in separate parts ("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, if 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 a good or a service, 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) if the term of the contract is 12 months or less, the total estimated maximum value for its duration; or

(ii) if the term of the contract exceeds 12 months, the total estimated maximum value, including any estimated residual value;

(b) if the contract is for an indefinite period, the estimated monthly instalment multiplied by 48; and

(c) if it is not certain whether the contract is to be a fixed-term contract, subparagraph (b) shall be used.

Article 19.3. Security and General Exceptions

1. Nothing in this Chapter shall be construed to prevent a Party from taking any action or from not disclosing any information that it considers necessary for the protection of its essential security interests relating to the procurement:

(a) of arms, ammunition (1) or war material;

(b) or to procurement indispensable for national security; or

(c) 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;

(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, of philanthropic institutions or of prison labour.

(1) The expression "ammunition" in this Article is considered equivalent to the expression "munitions".

Article 19.4. 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 its own goods, services and suppliers. For greater certainty, such treatment includes:

(a) 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

(b) 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 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

(b) 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

(c) prevents corrupt practices.

Rules of Origin

5. For the 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 19.5. 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 19-8 of its Market Access Schedule:

(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 19.6, 19.8.7 and 19.15.2; and

(c) the website address or addresses where the Party publishes: (i) its procurement statistics pursuant to Article 19.15.5; or (ii) its notices concerning awarded contracts pursuant to Article 19.15.6.

3. Each Party shall promptly notify the Committee on Government Procurement of any modification to the Party's information listed in Annex 19-8. Article 19.6

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 19.12.

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. The notices may also be published in an appropriate paper medium that is widely

disseminated and those 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 is listed by each Party in Annex 19-8.

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 Annexes 19-2 and 19-3 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 19-8.

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, if 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) if 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) if, pursuant to Article 19.8, 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, if 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, if 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, if available, paper medium listed in Annex 19-8 as early as possible in each fiscal year a notice regarding their future procurement plans ("notice of planned procurement"). The notice of planned procurement shall also be published in the single point of access site listed in Annex 19-8, 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 Annexes 19-2 or 19-3 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 19.7. 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 if 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. If 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 19.8. 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 minimise differences in their qualification procedures; and

(b) if its procuring entities maintain registration systems, the entities make efforts to minimise differences in their registration systems.

3. A Party, including its procuring entities, shall not adopt or apply a 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. If 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 19.6.3 (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 19.6.3 (c), (d), (e), (h) and (i) to the qualified suppliers that it notifies as specified in Article 19.10.3(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. If 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) if published by electronic means, made available continuously,

in the appropriate medium listed in Annex 19-8.

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 if 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, if 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. If 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 19.10.2, 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.

Procuring Entities of Annex 19-2 and Annex 19-3

12. A procuring entity covered under Annexes 19-2 or 19-3 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 19.6.3 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 19.6.3, to the extent such information is available.

13. A procuring entity covered under Annexes 19-2 or 19-3 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, if 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. Ifa procuring entity rejects a supplier's request for participation in a procurement or application for inclusion on a multi-use list, ceases to recognise 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 19.9. 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, if 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, if they exist; otherwise, on national technical regulations, recognised national standards or building codes.

3. If design or descriptive characteristics are used in the technical specifications, a procuring entity should indicate, if 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 prepare, adopt or apply technical specifications to promote the conservation of natural resources or protect the environment, provided that it does so in accordance with this Article.

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, if 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, unless price is the sole criterion, the relative importance of that criteria;

(d) if 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) if 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) if there will be a public opening of tenders, the date, time and place for the opening and, if appropriate, the persons authorised 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. If, 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, if 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 19.10. 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 if electronic means are not used.

These 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. If 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 if:

(a) the procuring entity has published a notice of planned procurement as described in Article 19.6.5 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;

(i) 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 19.6.3, 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, if 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, if 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. If a procuring entity covered under Annexes 19-2 or 19-3 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 19.11. Negotiation

1. A Party may provide for its procuring entities to conduct negotiations with suppliers:

(a) if the entity has indicated its intent to conduct negotiations in the notice of intended procurement required under Article 19.6.3; or

(b) if 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) if negotiations are concluded, provide a common deadline for the remaining participating suppliers to submit any new or revised tenders.

Article 19.12. 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 19.6 through 19.8, paragraphs 7 through 11 of Article 19.9, and Articles 19.10, 19.11, 19.13 and 19.14 under any of the following circumstances:

(a) if:

(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) if 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 if 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) only when strictly necessary if, 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) if 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) if a contract is awarded to a winner of a design contest provided that:

(i) the contest has been organised 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

(ii) 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 19.13. Electronic Auctions

If 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 if 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 19.14. 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 penalise 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. If 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) if price is the sole criterion, the lowest price.

6. If 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 19.15. 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 Articles 19.6.2 and 19.6.3, 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 19-8. If 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 19.12, 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 19.12; 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 on Government Procurement 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 19-1 procuring entities: (i) the number and total value, for all such entities, of all contracts covered by this Chapter;

(i) 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 recognised uniform classification system; and

(ii) the number and total value of all contracts covered by this Chapter awarded by each such entity under limited tendering;

(b) for Annexes 19-2 and 19-3 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, if it is not feasible to provide the data.

5. Ifa 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 on Government Procurement, provide a link to the website, together with any instructions necessary to access and use such statistics.

6. If a Party requires notices concerning awarded contracts, pursuant to paragraph 2, to be published electronically and if 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 on Government Procurement, provide a link to the website, together with any instructions necessary to access and use such data.

Article 19.16. 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 consent 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 if 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 19.17. 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) if 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. Ifa 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 ("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) 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, if a review body determines that there has been a

breach or a failure as referred to in paragraph 1.

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 19.18. Modifications and Rectifications to Coverage

1. 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 Twenty-Nine (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 this 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 Agreement on Government Procurement, contained in Annex 4 of the WTO Agreement, following the entry into force of this Agreement.

7. A Party may notify the other Party of an objection to a proposed rectification within 45 days from having received the notification. If 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 19.19. Committee on Government Procurement

1. The Committee on Government Procurement, established under Article 26.2.1(Â¢), is to be composed of represen- tatives from each Party and shall meet, as necessary, for the purpose of providing the 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 other responsibilities as may be assigned to it by the Parties.

2. The Committee on Government Procurement 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. These activities may include information sessions, in particular with a view to improving electronic access to publicly-available information on each Partyâs 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 set out in Article 19.15, annually to the Committee on Government Procurement.

Chapter TWENTY. Intellectual Property

Section A. General Provisions

Article 20.1. Objectives

The objectives of this Chapter are to:

(a) facilitate the production and commercialisation 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 20.2. Nature and Scope of Obligations

1. The provisions of this Chapter complement the rights and obligations between the Parties under the TRIPS Agreement.

2. Each Party shall be free to determine the appropriate method of implementing the provisions of this Agreement within its own legal system and practice.

3. This Agreement does not create any obligation with respect to the distribution of resources as between enforcement of intellectual property rights and enforcement of law in general.

Article 20.3. Public Health Concerns

1. The Parties recognise the importance of the Doha Declaration on the TRIPS Agreement and Public Health ("Doha Declaration"), adopted on 14 November 2001 by the WTO Ministerial Conference. 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 of and respect the Decision of the WTO General Council of 30 August 2003 on Paragraph 6 of the Doha Declaration, as well as the Protocol amending the TRIPS Agreement, done at Geneva on 6 December 2005.

Article 20.4. Exhaustion

This Chapter does not affect the freedom of the Parties to determine whether and under what conditions the exhaustion of intellectual property rights applies.

Article 20.5. Disclosure of Information

This Chapter does not require a Party to disclose information that would otherwise be contrary to its law or exempt from disclosure under its law concerning access to information and privacy.

Section B. Standards Concerning Intellectual Property Rights

Article 20.6. Definition

For the purposes of this Section:

pharmaceutical product means a product including a chemical drug, biologic drug, vaccine or radiopharmaceutical, that 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.

Subsection A. Copyright and Related Rights

Article 20.7. Protection Granted

1. The Parties shall comply with the following international agreements:

(a) Articles 2 through 20 of the Berne Convention for the Protection of Literary and Artistic Works, done at Paris on 24 July 1971;

(b) Articles 1 through 14 of the WIPO Copyright Treaty, done at Geneva on 20 December 1996;

(c) Articles 1 through 23 of the WIPO Performances and Phonograms Treaty, done at Geneva on 20 December 1996; and

(d) Articles 1 through 22 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, done at Rome on 26 October 1961.

2. To the extent permitted by the treaties referred to in paragraph 1, this Chapter shall not restrict each Party's ability to limit intellectual property protection that it accords to performances to those performances that are fixed in phonograms.

Article 20.8. Broadcasting and Communication to the Public

1. Each Party shall provide performers the exclusive right to authorise 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. Each Party 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 shall ensure that this remuneration is shared between the relevant performers and phonogram producers. Each Party may, in the absence of an agreement between the performers and producers of phonograms, lay down the conditions as to the sharing of this remuneration between them.

Article 20.9. Protection of Technological Measures

1. 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, that are not authorised by authors, performers or producers of phonograms, as provided for by the law of a Party. Without prejudice to the scope of copyright or related rights contained in the law of a Party, 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, that achieves the objective of protection.

2. Each Party shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures 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 authorised by the authors, the performers or the producers of phonograms concerned or permitted by law.

3. In order to provide the adequate legal protection and effective legal remedies referred to in paragraph 2, each Party shall provide protection against at least:

(a) to the extent provided by its law:

(i) the unauthorised 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 technological measure.

4. Under paragraph 3, the term "to the extent provided by its law" means that each Party has flexibility in implementing subparagraphs (a)(i) and (ii).

5. In implementing paragraphs 2 and 3, a Party shall not be obliged 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 that Party's measures implementing these paragraphs. The intention of this provision is that this Agreement does not require a Party to mandate interoperability in its law: there is no obligation for the information communication technology industry to design devices, products, components, or services to correspond to certain technological measures.

6. In providing adequate legal protection and effective legal remedies pursuant to paragraph 2, a Party may adopt or maintain appropriate limitations or exceptions to measures implementing the provisions of paragraphs 2 and 3. The obligations set forth in paragraphs 2 and 3 are without prejudice to the rights, limitations, exceptions, or defences to copyright or related rights infringement under the law of a Party.

Article 20.10. Protection of Rights Management Information.

1. 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.

2. To protect electronic rights management information, 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; or

(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.

3. In providing adequate legal protection and effective legal remedies pursuant to paragraph 2, a Party may adopt or maintain appropriate limitations or exceptions to measures implementing paragraph 2. The obligations set forth in paragraph 2 are without prejudice to the rights, limitations, exceptions, or defences to copyright or related rights infringement under the law of a Party.

Article 20.11. Liability of Intermediary Service Providers

1. Subject to the other paragraphs of this Article, each Party shall provide limitations or exceptions in its law 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.

2. The limitations or exceptions referred to in paragraph 1:

(a) shall cover at least the following functions:

(i) hosting of the information at the request of a user of the hosting services;

(ii) caching carried out through an automated process, when the service provider:

(A) does not modify the information other than for technical reasons;

(B) ensures that any directions related to the caching of the information that are specified in a manner widely recognised and used by industry are complied with; and

(C) does not interfere with the use of technology that is lawful and widely recognised and used by the industry in order to obtain data on the use of the information; and

(iii) 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; and

(b) 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.

3. The eligibility for the limitations or exceptions referred to in this Article may not be conditioned on the service provider monitoring its service, or affirmatively seeking facts indicating infringing activity.

4. 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.

5. This Article is without prejudice to the availability in the law of a Party 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 the legal system of a Party, of requiring the service provider to terminate or prevent an infringement.

Article 20.12. Camcording

Each Party may provide for criminal procedures and penalties to be applied in accordance with its laws and regulations against a person who, without authorisation of the theatre manager or the holder of the 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.

Subsection B. Trademarks

Article 20.13. International Agreements

Each Party shall make all reasonable efforts to comply with Articles 1 through 22 of the Singapore Treaty on the Law of Trademarks, done at Singapore on 27 March 2006, and to accede to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, done at Madrid on 27 June 1989.

Article 20.14. Registration Procedure

Each Party shall provide for a system for the registration of trademarks in which reasons for the refusal to register a trademark are communicated in writing to the applicant, who will have the opportunity to contest that refusal and to appeal a final refusal to a judicial authority. Each Party shall provide for the possibility of filing oppositions either against trademark applications or against trademark registrations. Each Party shall provide a publicly available electronic database of trademark applications and trademark registrations.

Article 20.15. Exceptions to the Rights Conferred by a Trademark

Each Party 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 constitutes fair use, account shall be taken of the legitimate interests of the owner of the trademark and of third parties. Each Party may provide other limited exceptions, provided that these exceptions take account of the legitimate interests of the owner of the trademark and of third parties.

Subsection C. Geographical Indications

Article 20.16. Definitions

For the purposes of this Sub-section:

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; and

product class means a product class listed in Annex 20-C.

Article 20.17. Scope

This Sub-section applies to geographical indications identifying products falling within one of the product classes listed in Annex 20-C.

Article 20.18. Listed Geographical Indications

For the purposes of this Sub-section:

(a) the indications listed in Part A of Annex 20-A 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

(b) the indications listed in Part B of Annex 20-A are geographical indications which identify a product as originating in the territory of Canada or a region or locality in that territory.

Article 20.19. Protection for Geographical Indications Listed In Annex 20-a

1. Having examined the geographical indications of the other Party, each Party shall protect them according to the level of protection set out in this Sub-section.

2. 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 20-A for a product that falls within the product class specified in Annex 20-A for that geographical indication and that either:

(i) does not originate in the place of origin specified in Annex 20-A for that geographical indication; or

(ii) does originate in the place of origin specified in Annex 20-A 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 were for consumption in the other Party;

(b) 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

(c) any other use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention for the Protection of Industrial Property (1967) done at Stockholm on 14 July 1967.

3. The protection referred to in subparagraph 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.

4. Each Party shall provide for enforcement by administrative action, to the extent provided for by its 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.

5. In accordance 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.

6. The registration of a trademark which contains or consists of a geographical indication of the other Party listed in Annex 20-A 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 20-A for that geographical indication and that does

not originate in the place of origin specified in Annex 20-A for that geographical indication.

7. There shall be no obligation under this Sub-section 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 20-A 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 20.20. Homonymous Geographical Indications

1. 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.

2. If 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, if that indication is homonymous with a geographical indication of the other Party listed in Annex 20-A and if that product falls within the product class specified in Annex 20-A 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 20.21. Exceptions

1. Notwithstanding Articles 20.19.2 and 20.19.3, 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 20-A and identified by one asterisk (1) 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 Articles 20.19.2 and 20.19.3, the protection of the geographical indications listed in Part A of Annex 20-A and identified by one asterisk (2) shall not prevent the use in the territory of Canada of any of these indications by any persons, including their successors and assignees, 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 Articles 20.19.2 and 20.19.3, the protection of the geographical indications listed in Part A of Annex 20-A and identified by two asterisks 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 five years preceding the date of 18 October 2013. A transitional period of five years from the entry into force of this Article, during which the use of the above indication 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 five years preceding the date of 18 October 2013.

4. Notwithstanding Articles 20.19.2 and 20.19.3, the protection of the geographical indications listed in Part A of Annex 20-A and identified by three asterisks 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 ten years preceding the date of 18 October 2013. A transitional period of five years from the entry into force of this Article, during which the use of the above indications 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 ten years preceding the date of 18 October 2013.

5. If a trademark has been applied for or registered in good faith, or if 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 Sub-section in that Party shall not prejudice the 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:

(a) in respect of a geographical indication listed in Annex 20-A on the date of signing of this Agreement, the date of coming into force of this Sub-section; or

(b) in respect of a geographical indication added to Annex 20-A after the date of signing of this Agreement pursuant to Article 20.22, the date on which the geographical indication is added.

7. If 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 if a geographical indication is not identical with but contains within it such a term, the provisions of this Sub-section shall not 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 Sub- section.

9. A Party may provide that any request made under this Sub-section 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 Sub-section shall not 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 Sub-section shall not 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 Part A of Annex 20-B; and

(b) Subparagraph (a) does not apply to the terms listed in Part A of Annex 20-B 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 Part B of Annex 20-B shall not be subject to the provisions of this Sub- section.

13. An assignment as referred to in paragraphs 2 through 4 does not include the transfer of the right to use a geographical indication on its own.

(1) For greater certainty, this paragraph applies equally to the term "Feta".

(2) For greater certainty, this paragraph applies equally to the term "Feta".

Article 20.22. Amendments to Annex 20-a

1. The CETA Joint Committee, established under Article 26.1 (The CETA Joint Committee), acting by consensus and on a recommendation by the CETA Committee on Geographical Indications, may decide to amend Annex 20-A 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.

2. A geographical indication shall not in principle be added to Part A of Annex 20-A, if it is a name that on the date of the 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.

3. A geographical indication identifying a product originating in a particular Party shall not be added to Annex 20-A:

(a) 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;

(b) if it is identical to the customary name of a plant variety or an animal breed existing in the other Party; or

(c) if it is identical with the term customary in common language as the common name for such product in the other Party.

Article 20.23. Other Protection

The provisions of this Sub-section are without prejudice to the right to seek recognition and protection of a geographical indication under the relevant law of a Party.

Sub-section D Designs Article 20.24 International agreements Each Party shall make all reasonable efforts to accede to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, done at Geneva on 2

July 1999. Article 20.25 Relationship to copyright

The subject matter of a design right may be protected under copyright law if the conditions for this 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.

Subsection E. Patents

Article 20.26. International Agreements

Each Party shall make all reasonable efforts to comply with Articles 1 through 14 and Article 22 of the Patent Law Treaty, done at Geneva on 1 June 2000.

Article 20.27. Sui Generis Protection for Pharmaceuticals

1. For the purposes of this Article:

basic patent means a patent which protects a product as such, a process to obtain a product or an application of a product, and which has been designated by the holder of a patent that may serve as a basic patent, as the basic patent for the purpose of the granting of sui generis protection; and

product means the active ingredient or combination of active ingredients of a pharmaceutical 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 authorisation has been granted to place the product on the market of that Party as a pharmaceutical product (referred to as "marketing authorisation" in this Article);

(b) the product has not already been the subject of a period of sui generis protection; and

(c) the marketing authorisation referred to in subparagraph (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 the marketing authorisation 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, each Party will provide a period of at least 60 days from the grant of the patent during which the request for a period of protection under this Article may be submitted.

4. In the case where a product is protected by one basic patent, the period of sui generis protection shall take effect at the end of the lawful term of that patent.

In the case where a product is protected by more than one patent that may serve as a basic patent, a Party may provide for only a single period of sui generis protection, which takes effect at the end of the lawful term of the basic patent,

(a) in the case where all the patents that may serve as a basic patent are held by the same person, selected by the person requesting the period of sui generis protection; and

(b) in the case where the patents that may serve as a basic patent are not held by the same person and this gives rise to conflicting requests for the sui generis protection, selected by agreement between the patent holders.

5. Each Party shall provide that the period of sui generis protection be for a period equal to the period which elapsed between the date on which the application for the basic patent was filed and the date of the first marketing authorisation, reduced by a period of five years.

6. Notwithstanding paragraph 5 and without prejudice to a possible extension of the period of sui generis protection by a Party as an incentive or a reward for research in certain target populations, such as children, the duration of the sui generis protection may not exceed a period of two to five years, to be established by each Party.

7. Each Party may provide that the period of sui generis protection shall lapse:

(a) if the sui generis protection is surrendered by the beneficiary; or

(b) if any prescribed administrative fees are not paid.

Each Party may reduce the period of sui generis protection commensurate with any unjustified delays resulting from the inactions of the applicant after applying for the market authorisation, when the holder of the basic patent is the applicant for market authorisation or an entity related to it.

8. Within the limits of the protection conferred by the basic patent, the sui generis protection shall extend only to the pharmaceutical product covered by the marketing authorisation and for any use of that product as a pharmaceutical product that has been authorised 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.

9. Notwithstanding paragraphs 1 through 8, each Party may also limit the scope of the protection by providing exceptions for the making, using, offering for sale, selling or importing of products for the purpose of export during the period of protection.

10. Each Party may revoke the sui generis protection on grounds relating to invalidity of the basic patent, including if that 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 the withdrawal of the marketing authorisation or authorisations for the respective market, or if the protection was granted contrary to the provisions of paragraph 2.

Article 20.28. 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.

Subsection F. Data Protection

Article 20.29. Protection of Undisclosed Data Related to Pharmaceutical Products

1. If a Party requires, as a condition for authorising the marketing of pharmaceutical products that utilise new chemical entities (1) (referred to as "authorisation" in this Article) the submission of undisclosed test or other data necessary to determine whether the use of those products is safe and effective, the Party shall protect such data against disclosure, if 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 are 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 who submitted them may, without the latter's permission, rely on such data in support of an application for an authorisation during a period of not less than six years from the date on which the Party granted authorisation to the person that produced the data for authorisation; and

(b) a Party shall not grant an 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 the authorisation to the person that produced the data for the auth- orisation, unless the person that produced these data provides permission.

Subject to this paragraph, there shall be no limitation on either Party to implement abbreviated authorisation procedures for such products on the basis of bioequivalence and bioavailability studies.

(1) 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 of Canada.

Article 20.30. Protection of Data Related to Plant Protection Products

1. Each Party shall determine safety and efficacy requirements before authorising the placing on the market of a plant

protection product (referred to as "authorisation" in this Article).

2. Each Party shall provide a limited period of data protection for a test or study report submitted for the first time to obtain an authorisation. During such period, each Party shall provide that the test or study report will not be used for the benefit of any other person aiming to obtain an authorisation, except when the explicit consent of the first authoris- ation holder is proved.

3. The test or study report should be necessary for the authorisation or for an amendment of an authorisation in order to allow the use on other crops.

4. In each Party, 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 the test or study report 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. Each Party may also establish data protection requirements or financial compensation requirements for the test or study report supporting the amendment or renewal of an authorisation.

6. Each Party 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. Each Party should encourage each new applicant and each holder of the relevant authorisations to make every effort to ensure that they share tests and studies involving vertebrate animals. The costs of sharing such test and study reports shall be determined in a fair, transparent and non-discriminatory way. An applicant is only required to share in the costs of information that the applicant is required to submit to meet the authorisation requirements.

8. The holder or holders of the relevant authorisation shall have a right to be compensated for a fair share of the costs incurred by them in respect of the test or study report that supported such authorisation by an applicant relying on such test and study reports to obtain an authorisation for a new plant protection product. Each Party may direct the parties involved to resolve any issue by binding arbitration administered under its law.

Subsection G. Plant Varieties

Article 20.31. Plant Varieties

Each Party shall co-operate to promote and reinforce the protection of plant varieties on the basis of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, done at Paris on 2 December 1961.

Section C. Enforcement of Intellectual Property Rights

Article 20.32. General Obligations

1. Each Party shall ensure that 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 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 20.33 through 20.42 relate to civil enforcement.

4. For the purposes of Articles 20.33 through 20.42, unless otherwise provided, intellectual property rights means all categories of intellectual property that are the subject of Sections 1 through 7 of Part II of the TRIPS Agreement.

Article 20.33. Entitled Applicants

Each Party shall recognise as persons entitled to seek application of the procedures and remedies referred to in Articles 20.34 through 20.42:

(a) the holders of intellectual property rights in accordance with the provisions of its law;

(b) all other persons authorised to use those rights, if those persons are entitled to seek relief in accordance with its law;

(c) intellectual property collective rights management bodies that are regularly recognised as having a right to represent holders of intellectual property rights, if those bodies are entitled to seek relief in accordance with its law; and

(d) professional defence bodies that are regularly recognised as having a right to represent holders of intellectual property rights, if those bodies are entitled to seek relief in accordance with its law.

Article 20.34. 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, if appropriate and following an application, the production of relevant information, as provided for in its law, including banking, financial or commercial documents under the control of the opposing party, subject to the protection of confidential information.

Article 20.35. Measures for Preserving Evidence

1. Each Party shall ensure that, even before the commencement of proceedings on the merits of the case, the judicial authorities may, on application by an entity that 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 the measures referred to in paragraph 1 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 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 20.36. 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. This 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 those goods or services and of their channels of distribution.

Article 20.37. Provisional and Precautionary Measures

1. Each Party shall provide that its judicial authorities 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 into 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 its 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 20.38. Other Remedies

1. Each Party 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. Each Party 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. Each Party shall ensure that the judicial authorities have the authority to order that the remedies referred to in paragraph 1 shall be carried out at the expense of the infringer, unless particular reasons are invoked for not doing so.

Article 20.39. Injunctions

1. Each Party shall provide that, in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities have the authority to issue an order against a party to desist from an infringement, and among other things, 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 authorised by government, without the use of authorisation 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 20.40. Damages

1. Each Party shall provide that:

(a) in civil judicial proceedings, its judicial authorities 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); and

(b) in determining the amount of damages for infringements of intellectual property rights, its judicial authorities may consider, among other things, any legitimate measure of value that may be submitted by the right holder, including lost profits.

2. As an alternative to paragraph 1, a Party's law may provide for the payment of remuneration, such as a royalty or fee, to compensate a right holder for the unauthorised use of the right holder's intellectual property.

Article 20.41. Legal Costs

Each Party shall provide that its judicial authorities, where appropriate, 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 20.42. Presumption of Authorship or Ownership

1. For the purposes of civil proceedings involving copyright or related rights, it is sufficient for the name of an author of a literary or artistic work to appear on the work in the usual manner in order for that author to be regarded as such, and consequently to be entitled to institute infringement proceedings, unless there is proof to the contrary. Proof to the contrary may include registration.

2. Paragraph 1 shall apply mutatis mutandis to the holders of related rights with regard to the protected subject matter of such rights.

Section D. Border Measures

Article 20.43. Scope of Border Measures

1. For the purposes of this Section:

counterfeit geographical indication goods means any goods under Article 20.17 falling within one of the product classes listed in Annex 20-C, including packaging, bearing without authorisation, 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 measure procedures are applied;

counterfeit trademark goods means any goods, including packaging, bearing, without authorisation, 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 measure procedures are applied;

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 transhipments;

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, including goods brought into the territory to a free zone or customs warehouse, but excludes shipments in customs transit and transhipments;

pirated copyright goods means any goods which are copies made without the consent of the right holder or person duly authorised 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;

shipments in customs transit means shipments of goods that enter the territory of a Party from a place outside that territory and are authorised 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; and

transhipments 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.

2. The references to the infringement of intellectual property rights in this Section shall be interpreted as referring to instances of counterfeit trademark goods, pirated copyright goods or counterfeit geographical indication goods.

3. It is the understanding of the Parties 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.

4. 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.

5. 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, in order to provide an opportunity to right holders to formally request assistance under paragraph 4.

6. Each Party may enter into an arrangement with one or more third countries 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 4 and 5, provided the Party concerned retains the legal authority to comply with these paragraphs.

7. Each Party may adopt or maintain the procedures referred to in paragraphs 4 and 5 with respect to transhipments and shipments in customs transit.

8. Each Party may exclude from the application of this Article 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.

Article 20.44. Application by the Right Holder

1. Each Party shall provide that its competent authorities require a right holder who requests the procedures described in Article 20.43 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 20.43.

2. Each Party shall provide for applications to suspend the release of, or to detain, goods suspected of infringing an intellectual property right listed in Article 20.43, under customs control in its territory. The requirement to provide for such applications is subject to the obligations to provide procedures referred to in Articles 20.43.4 and 20.43.5. 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. Each Party may provide that, where the applicant has abused the procedures described in Article 20.43, or where there is due cause, its competent authorities have the authority to deny, suspend, or void an application.

Article 20.45. Provision of Information from the Right Holder

Each Party shall permit its competent authorities to request a right holder to supply relevant information 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 Section. Each Party may also allow a right holder to supply such information to its competent authorities.

Article 20.46. Security or Equivalent Assurance

1. Each Party shall provide that its competent authorities have the authority to require a right holder who requests the procedures described in Article 20.43 to provide 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.

2. Each 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 circum- stances or pursuant to a judicial order, permit the defendant to obtain possession of suspect goods by posting a bond or other security.

Article 20.47. 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 20.43, whether the suspect goods infringe an intellectual property right.

Article 20.48. 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 20.47 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 respect of 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 20.47 that the goods are infringing.

Article 20.49. Specific Cooperation In the Area of Border Measures

1. Each Party agrees to cooperate with the other Party with a view to eliminating international trade in goods infringing intellectual property rights. For this purpose, each Party shall establish contact points in its administration and be ready to exchange information on trade in infringing goods. Each Party shall, in particular, promote the exchange of information and cooperation between its customs authorities and those of the other Party with regard to trade in goods infringing intellectual property rights.

2. The cooperation referred to in paragraph 1 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. _ The cooperation under this Section shall be conducted consistent with relevant international agreements that are binding on both Parties. The Joint Customs Cooperation Committee referred to in Article 6.14 (Joint Customs Cooperation Committee) will set the priorities and provide for the adequate procedures for cooperation under this Section between the competent authorities of the Parties.

Section E. Co-operation

Article 20.50. Co-operation

1. Each Party agrees to co-operate with the other Party with a view to supporting the implementation of the commitments and obligations undertaken under this Chapter. Areas of co-operation include exchanges of information or experience on the following:

(a) the protection and enforcement of intellectual property rights, including geographical indications; and

(b) the establishment of arrangements between their respective collecting societies.

2. Pursuant to paragraph 1, each Party agrees 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.

Chapter TWENTY-ONE. Regulatory Cooperation

Article 21.1. Scope

This Chapter applies to the development, review and methodological aspects of regulatory measures of the Parties' regulatory authorities that are covered by, among others, the TBT Agreement, the SPS Agreement, the GATT 1994, the GATS, and Chapters Four (Technical Barriers to Trade), Five (Sanitary and Phytosanitary Measures), Nine (Cross-Border Trade in Services), Twenty-Two (Trade and Sustainable Development), Twenty-Three (Trade and Labour) and Twenty- Four (Trade and Environment).

Article 21.2. Principles

1. The Parties reaffirm their rights and obligations with respect to regulatory measures under the TBT Agreement, the SPS Agreement, the GATT 1994 and the GATS.

2. The Parties are committed to ensure high levels of protection for human, animal and plant life or health, and the environment in accordance with the TBT Agreement, the SPS Agreement, the GATT 1994, the GATS, and this Agreement.

3. 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.

4. Without limiting the ability of each Party to carry out its regulatory, legislative and policy activities, the Parties are committed to further develop 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 by pursuing regulatory compatibility, recognition of

equivalence, and convergence; and

(c) promote transparent, efficient and effective regulatory processes that support public policy objectives and fulfil the mandates of regulatory bodies, including through the promotion of information exchange and enhanced use of best practices.

5. This Chapter replaces the Framework on Regulatory Co-operation and Transparency between the Government of Canada and the European Commission, done at Brussels on 21 December 2004, and governs the activities previously undertaken in the context of that Framework.

6. The Parties may undertake regulatory cooperation activities on a voluntary basis. For greater certainty, a Party is not required to enter into any particular regulatory cooperation activity, and may refuse to cooperate or may withdraw from cooperation. However, if a Party refuses to initiate regulatory cooperation or withdraws from cooperation, it should be prepared to explain the reasons for its decision to the other Party.

Article 21.3. Objectives of Regulatory Cooperation

The objectives of regulatory cooperation include to:

(a) contribute 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 review 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 to identify, assess and manage risks;

(b) build trust, deepen mutual understanding of regulatory governance and obtain from each other the benefit of expertise and perspectives in order 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) recognise the associated impacts of regulations;

(vi) avoid unnecessary regulatory differences; and

(vii) improve regulatory implementation and compliance;

(c) facilitate bilateral trade and investment in a way that:

(i) builds on existing cooperative arrangements;

(ii) reduces unnecessary differences in regulation; and

(iii) identifies new ways of working for cooperation in specific sectors;

(d) contribute to the improvement of competitiveness and efficiency of industry in a way that:

(i) minimises administrative costs whenever possible;

(ii) reduces duplicative regulatory requirements and consequential compliance costs whenever possible; and

(iii) pursues 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 21.4. Regulatory Cooperation Activities

The Parties endeavour to fulfil the objectives set out in Article 21.3 by undertaking regulatory cooperation activities that may include:

(a) engaging in ongoing bilateral discussions on regulatory governance, including to:

(i) discuss regulatory reform and its effects on the Parties' relationship;

(ii) identify lessons learned;

(ii) explore, if appropriate, alternative approaches to regulation; and

(iv) exchange experiences with regulatory tools and instruments, including regulatory impact assessments, risk assessment and compliance and enforcement strategies;

(b) consulting with each other, as appropriate, and exchanging information throughout the regulatory development process. This consultation and exchange should begin as early as possible in that process;

(c) sharing non-public information to the extent that this information may be made available to foreign governments in accordance with the applicable rules of the Party providing the information;

(d) sharing proposed technical or sanitary and phytosanitary regulations that may have an impact on trade with the other Party at the earliest stage possible so that comments and proposals for amendments may be taken into account;

(e) providing, upon request by the other Party, a copy of the proposed regulation, subject to applicable privacy law, and allow sufficient time for interested parties to provide comments in writing;

(f) exchanging information about contemplated regulatory actions, measures or amendments under consideration, at the earliest stage possible, in order to:

(i) understand the rationale behind a Party's regulatory choices, including the instrument choice, and examine the possibilities for greater convergence between the Parties on how to state the objectives of regulations and how to define their scope. The Parties should also address the interface between regulations, standards and conformity assessment in this context; and

(ii) compare methods and assumptions used to analyse regulatory proposals, including, when appropriate, an analysis of technical or economic practicability and the benefits in relation to the objective pursued of any major alternative regulatory requirements or 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 or approaches considered;

(g) examining opportunities to minimise unnecessary divergences in regulations through means such as:

(i) conducting a concurrent or joint risk assessment and a regulatory impact assessment if practicable and mutually beneficial;

(ii) achieving a harmonised, equivalent or compatible solution; or (ii) considering mutual recognition in specific cases;

(h) cooperating on issues that concern the development, adoption, implementation and maintenance of international standards, guides and recommendations;

(i) examining the appropriateness and possibility of collecting the same or similar data about the nature, extent and frequency of problems that may potentially give rise to regulatory action when it would expedite making statistically significant judgments about those problems;

(j) periodically comparing data collection practices;

(k) examining the appropriateness and the possibility of using the same or similar assumptions and methodologies that the other Party uses to analyse data and assess the underlying issues to be addressed through regulation in order to:

(i) reduce differences in identifying issues; and

(ii) promote similarity of results;

(l) periodically comparing analytical assumptions and methodologies;

(m) exchanging information on the administration, implementation and enforcement of regulations, as well as on the means to obtain and measure compliance;

(n) conducting cooperative research agendas in order to:

(i) reduce duplicative research;

(ii) generate more information at less cost;

(ii) gather the best data;

(iv) establish, when appropriate, a common scientific basis;

(v) address the most pressing regulatory problems in a more consistent and performance-oriented manner; and

(vi) minimise unnecessary differences in new regulatory proposals while more effectively improving health, safety and environmental protection;

(o) conducting post-implementation reviews of regulations or policies;

(p) comparing methods and assumptions used in those post-implementation reviews;

(q) when applicable, making available to each other summaries of the results of those post-implementation reviews;

(r) identifying the appropriate approach to reduce 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 and investment distorting regulatory instruments, and the use of international standards, including standards and guides for conformity assessment; or

(s) exchanging information, expertise and experience in the field of animal welfare in order to promote collaboration on animal welfare between the Parties.

Article 21.5. Compatibility of Regulatory Measures

With a view to enhancing convergence and compatibility between the 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. A Party is not prevented from adopting different regulatory measures or pursuing different initiatives for reasons including different institutional or legislative approaches, circumstances, values or priorities that are particular to that Party.

Article 21.6. The Regulatory Cooperation Forum

1. A Regulatory Cooperation Forum ("RCF") is established, pursuant to Article 26.2.1(h) (Specialised committees), to facilitate and promote regulatory cooperation between the Parties in accordance with this Chapter.

2. The RCF shall perform the following functions:

(a) provide a forum to discuss regulatory policy issues of mutual interest that the Parties have identified through, among others, consultations conducted in accordance with Article 21.8;

(b) assist individual regulators to identify potential partners for cooperation activities and provide them with appropriate tools for that purpose, such as model confidentiality agreements;

(c) review regulatory initiatives, whether in progress or anticipated, that a Party considers may provide potential for cooperation. The reviews, which will be carried out in consultation with regulatory departments and agencies, should support the implementation of this Chapter; and

(d) encourage the development of bilateral cooperation activities in accordance with Article 21.4 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 by mutual consent invite other interested parties to participate in the meetings of the RCF.

4. The RCF shall:

(a) adopt its 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; and

(c) report to the CETA Joint Committee on the implementation of this Chapter, as appropriate.

Article 21.7. Further Cooperation between the Parties

1. Pursuant to Article 21.6.2(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, if appropriate, new technical regulations and amendments to existing technical regulations that are likely to be proposed or adopted.

2. The Parties may facilitate regulatory cooperation through the exchange of officials pursuant to a specified arrangement.

3. The Parties endeavour to cooperate and to share information on a voluntary basis in the area of non-food product safety. This cooperation or exchange of information may in particular relate to:

(a) scientific, technical, and regulatory matters, to help improve non-food product safety;

(b) emerging issues of significant health and safety relevance that fall within the scope of a Party's authority;

(c) standardisation related activities;

(d) market surveillance and enforcement activities;

(e) risk assessment methods and product testing; and

(f) coordinated product recalls or other similar actions.

4. The Parties may establish reciprocal exchange of information on the safety of consumer products and on preventive, restrictive and corrective measures taken. In particular, Canada may receive access to selected information from the European Union RAPEX alert system, or 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 European Union may receive early warning information on restrictive measures and product recalls from Canada's consumer product incident reporting system, known as RADAR, or its successor, with respect to consumer products as defined in the Canada Consumer Product Safety Act, S.C. 2010, c. 21 and cosmetics as defined in the Food and Drugs Act, R.S.C. 1985, c. F-27. This reciprocal exchange of information shall be done on the basis of an arrangement setting out the measures referred to under paragraph 5.

5. Before the Parties conduct the first exchange of information provided for under paragraph 4, they shall ensure that the Committee on Trade in Goods endorse the measures to implement these exchanges. The Parties shall ensure that these measures specify the type of information to be exchanged, the modalities for the exchange and the application of confidentiality and personal data protection rules.

6. The Committee on Trade in Goods shall endorse the measures under paragraph 5 within one year from the date of entry into force of this Agreement unless the Parties decide to extend the date.

7. The Parties may modify the measures referred to in paragraph 5. The Committee on Trade in Goods shall endorse any modification to the measures.

Article 21.8. Consultations with Private Entities

In order to gain non-governmental perspectives on matters that relate to the implementation of this Chapter, each Party or the Parties may consult, as appropriate, with stakeholders and interested parties, including representatives from academia, think-tanks, non-governmental organisations, businesses, consumer and other organisations. These consultations may be conducted by any means the Party or Parties deem appropriate.

Article 21.9. Contact Points

1. The contact points for communication between the Parties on matters arising under this Chapter are:

(a) in the case of Canada, the Technical Barriers and Regulations Division of the Department of Foreign Affairs, Trade and Development, or its successor; and

(b) in the case of the European Union, the International Affairs Unit of the Directorate-General for Internal Market, Industry,

Entrepreneurship and SMEs, European Commission, or its successor.

2. Each contact point is responsible for consulting and coordinating with its respective regulatory departments and agencies, as appropriate, on matters arising under this Chapter.

Chapter TWENTY-TWO. Trade and Sustainable Development

Article 22.1. Context and Objectives

1. The Parties recall the Rio Declaration on Environment and Development of 1992, the Agenda 21 on Environment and Development of 1992, the Johannesburg Declaration on Sustainable Development of 2002 and the Plan of Implementation of the World Summit on Sustainable Development of 2002, the Ministerial Declaration of the United Nations Economic and Social Council on Creating an environment at the national and international levels conducive to generating full and productive employment and decent work for all, and its impact on sustainable development of 2006, and the ILO Declaration on Social Justice for a Fair Globalisation of 2008. The Parties recognise that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, and 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.

2. 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 Twenty-Three (Trade and Labour) and Twenty-Four (Trade and Environment) are to be considered in the context of this Agreement.

3. In this regard, through the implementation of Chapters Twenty-Three (Trade and Labour) and Twenty-Four (Trade and Environment), the Parties aim to:

(a) promote sustainable development through the enhanced coordination and integration of their respective labour, environmental and trade policies and measures;

(b) promote dialogue and cooperation between the Parties with a view to developing their trade and economic relations in a manner that supports their respective labour and environmental protection measures and standards, and to upholding their environmental and labour protection objectives in a context of trade relations that are free, open and transparent;

(c) enhance enforcement of their respective labour and environmental law and respect for labour and environmental international agreements;

(d) 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; and

(e) promote public consultation and participation in the discussion of sustainable development issues that arise under this Agreement and in the development of relevant law and policies.

Article 22.2. Transparency

The Parties stress the importance of ensuring transparency as a necessary element to promote public participation and making information public within the context of this Chapter, in accordance with the provisions of this Chapter and Chapter Twenty-Seven (transparency) as well as Articles 23.6 (Public information and awareness) and 24.7 (Public information and awareness).

Article 22.3. Cooperation 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, the Parties 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, 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;

(b) encouraging the development and use of voluntary best practices of corporate social responsibility by enterprises, such as those in the OECD Guidelines for Multinational Enterprises, to strengthen coherence between economic, social and environmental objectives;

(c) encouraging the integration of sustainability considerations in private and public consumption decisions; and

(d) promoting the development, the establishment, the maintenance or the improvement of environmental performance goals and standards.

3. 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, each Party commits to review, monitor and assess the impact of the implementation of this Agreement on sustainable development in its territory in order to identify any need for action that may arise in connection with this Agreement. The Parties may 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 processes set up under this Agreement.

Article 22.4. Institutional Mechanisms

1. The Committee on Trade and Sustainable Development, established under Article 26.2.1(g) (Specialised committees), shall be comprised of high level representatives of the Parties responsible for matters covered by this Chapter and Chapters Twenty-Three (Trade and Labour) and Twenty-Four (Trade and Environment). The Committee on Trade and Sustainable Development shall oversee the implementation of those Chapters, including cooperative activities and the review of the impact of this Agreement on sustainable development, and address in an integrated manner any matter of common interest to the Parties in relation to the interface between economic development, social development and environmental protection. With regard to Chapters Twenty-Three (Trade and Labour) and Twenty-Four (Trade and Environment), the Committee on Trade and Sustainable Development can also carry out its duties through dedicated sessions comprising participants responsible for any matter covered, respectively, under these Chapters.

2. The Committee 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 Articles 23.8 (Institutional mechanisms) and 24.13 (Institutional mechanisms) are responsible for the communication between the Parties regarding the scheduling and the organisation of those meetings or dedicated sessions.

3. Each regular meeting or dedicated session of the Committee on Trade and Sustainable Development includes a session with the public to discuss matters relating to the implementation of the relevant Chapters, unless the Parties decide otherwise.

4. The Committee on Trade and Sustainable Development shall promote transparency and public participation. To this end:

(a) any decision or report of the Committee on Trade and Sustainable Development shall be made public, unless it decides otherwise;

(b) the Committee on Trade and Sustainable Development shall present updates on any matter related to this Chapter, including its implementation, to the Civil Society Forum referred to in Article 22.5. Any view or opinion of the Civil Society Forum shall be presented to the Parties directly, or through the consultative mechanisms referred to in Articles 23.8.3 (Institutional mechanisms) and 24.13 (Institutional mechanisms). The Committee on Trade and Sustainable Development shall report annually on the follow-up to those communications;

(c) the Committee on Trade and Sustainable Development shall report annually on any matter that it addresses pursuant to Article 24.7.3 (Public information and awareness) or Article 23.8.4 (Institutional mechanisms).

Article 22.5. Civil Society Forum

1. The Parties shall facilitate a joint Civil Society Forum composed of representatives of civil society organisations established in their territories, including participants in the consultative mechanisms referred to in Articles 23.8.3 (Institutional mechanisms) and 24.13 (Institutional mechanisms), in order to conduct a dialogue on the 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.

Chapter TWENTY-THREE. Trade and Labour

Article 23.1. Context and Objectives

1. The Parties recognise the value of international cooperation and agreements on labour affairs as a response of the international community to economic, employment and social challenges and opportunities resulting from globalisation. They recognise the contribution that international trade could make to full and productive employment and decent work for all and commit to consulting and cooperating as appropriate on trade-related labour and employment issues of mutual interest.

2. Affirming the value of greater policy coherence in decent work, encompassing core labour standards, and high levels of labour protection, coupled with their effective enforcement, the Parties recognise the beneficial role that those areas can have on economic efficiency, innovation and productivity, including export performance. In this context, they also recognise the importance of social dialogue on labour matters among workers and employers, and their respective organisations, and governments, and commit to the promotion of such dialogue.

Article 23.2. 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 laws and policies accordingly in a manner consistent with its international labour commitments, including those in this Chapter, each Party shall seek to ensure those laws and policies provide for and encourage high levels of labour protection and shall strive to continue to improve such laws and policies with the goal of providing high levels of labour protection.

Article 23.3. 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 which are listed below. The Parties affirm their commitment to respect, promote and realise those principles and rights in accordance with the obligations of the members of the International Labour Organization (the "ILO") and the commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998 adopted by the International Labour Conference at its 8 6th Session:

(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 ILO Decent Work Agenda, and in accordance with the ILO Declaration on Social Justice for a Fair Globalization of 2008 adopted by the International Labour Conference at its 97th Session, and other international commitments:

(a) health and safety at work, including the prevention of occupational injury or illness and compensation in cases of such injury or illness;

(b) establishment of acceptable minimum employment standards for wage earners, including those not covered by a collective agreement; and,

(c) non-discrimination in respect of working conditions, including for migrant workers.

3. Pursuant to subparagraph 2(a), 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 that promote basic principles aimed at preventing accidents and injuries that arise out of or in the course of work, and that are aimed at developing a 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 into account

existing relevant scientific and technical information and related international standards, guidelines or recommendations, if the measures may affect trade or investment between the Parties. The Parties acknowledge that in case of existing or potential hazards or conditions that could reasonably be expected to cause injury or illness to a natural person, a Party shall not use the lack of full scientific certainty as a reason to postpone cost- effective protective measures.

4. Each Party reaffirms its commitment to effectively implement in its law 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 shall make continued and sustained efforts to ratify the fundamental ILO Conventions if they have not yet done so. The Parties shall exchange information on their respective situations and advances regarding the ratification of the fundamental as well as priority and other ILO Conventions that are classified as up to date by the ILO.

Article 23.4. Upholding Levels of Protection

1. The Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the levels of protection afforded in their 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 and standards, to encourage trade or the establishment, acquisition, expansion or retention of an investment in its territory.

3. A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its labour law and standards to encourage trade or investment.

Article 23.5. Enforcement Procedures, Administrative Proceedings and Review of Administrative Action

1. Pursuant to Article 23.4, each Party shall promote compliance with and shall effectively enforce its labour law, including by:

(a) maintaining a system of labour inspection in accordance with its international commitments aimed at securing the enforcement of legal provisions relating to working conditions and the protection of workers which are enforceable by labour inspectors; and

(b) ensuring that administrative and judicial proceedings are available to persons with a legally recognised interest in a particular matter who maintain that a right is infringed under its law, in order to permit effective action against infringements of its labour law, including appropriate remedies for violations of such law.

2. Each Party shall, in accordance with its law, 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, if appropriate, and are fair and equitable, including by:

(a) providing defendants with reasonable notice when a procedure is initiated, including a description of the nature of the proceeding and the basis of the claim;

(b) providing the parties to the proceedings with a reasonable opportunity to support or defend their respective positions, including by presenting information or evidence, prior to a final decision;

(c) 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 to the proceeding were offered the opportunity to be heard; and

(d) allowing the parties to administrative proceedings an opportunity for review and, if warranted, correction of final administrative decisions within a reasonable period of time by a tribunal established by law, with appropriate guarantees of tribunal independence and impartiality.

Article 23.6. Public Information and Awareness

1. In addition to its obligations under Article 27.1 (Publication), each Party shall encourage public debate with and among non-state actors as regards the development and definition of policies that may lead to the adoption of labour law and standards by its public authorities.

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 23.7. Cooperative Activities

1. The Parties commit to cooperate to promote the objectives of this Chapter through actions such as:

(a) the exchange of information on best practices on issues of common interest and on relevant events, activities, and initiatives;

(b) cooperation in international fora that deal with issues relevant for trade and labour, including in particular the WTO and the ILO;

(c) the international promotion and the effective application of fundamental principles and rights at work referred to in Article 23.3.1, and the ILO Decent Work Agenda;

(d) dialogue and information-sharing on the labour provisions in the context of their respective trade agreements, and the implementation thereof;

(e) the exploration of collaboration in initiatives regarding third parties; and

(f) any other form of cooperation deemed appropriate.

2. The Parties will consider any views provided by representatives of workers, employers, and civil society organisations when identifying areas of cooperation, and carrying out cooperative activities.

3. The Parties may establish cooperative arrangements with the ILO and other competent international or regional organisations to draw on their expertise and resources to achieve the objectives of this Chapter.

Article 23.8. Institutional Mechanisms

1. Each Party shall designate an office to serve as the contact point with the other Party for the implementation of this Chapter, including with regard to:

(a) cooperative programmes and activities in accordance with Article 23.7; (b) the receipt of submissions and communications under Article 23.9; and (c) information to be provided to the other Party, the Panels of Experts and the public.

2. Each Party shall inform the other Party, in writing, of the contact point referred to in paragraph 1.

3. The Committee on Trade and Sustainable Development established under Article 26.2.1(g) (Specialised committees) shall, through its regular meetings or dedicated sessions comprising participants responsible for matters covered under this Chapter:

(a) oversee the implementation of this Chapter and review the progress achieved under it, including its operation and effectiveness; and

(b) discuss any other matter within the scope of this Chapter.

4. Each Party shall convene a new or consult its domestic labour or sustainable development advisory groups, to seek views and advice on issues relating to this Chapter. Those groups shall comprise independent representative organ- isations of civil society in a balanced representation of employers, unions, labour and business organisations, as well as other relevant stakeholders as appropriate. They may submit opinions and make recommendations on any matter related to this Chapter on their own initiative.

5. 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 respective domestic labour or sustainable development advisory groups of those communications.

6. The Parties shall take into account the activities of the ILO so as to promote greater cooperation and coherence between the work of the Parties and the ILO.

Article 23.9. Consultations

1. 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 Party shall present the matter clearly in its request, identify the

questions at issue and provide a brief summary of any claims under this Chapter. Consultations must commence promptly after a Party delivers a request for consultations.

2. During consultations, each Party shall provide the other Party with sufficient information in its possession to allow a full examination of the matters raised, subject to its law regarding confidential personal and commercial information.

3. If relevant, and if both Parties consent, the Parties shall seek the information or views of any person, organisation or body, including the ILO, that may contribute to the examination of the matter that arises.

4. Ifa Party considers that further discussion of the matter is required, that Party may request that the Committee on Trade and Sustainable Development be convened to consider the matter by delivering a written request to the contact point of the other Party. The Committee on Trade and Sustainable Development shall convene promptly and endeavour to resolve the matter. If appropriate, it shall seek the advice of the Parties' domestic labour or sustainable development advisory groups through the consultative mechanisms referred to in Article 23.8.

5. Each Party shall make publicly available any solution or decision on a matter discussed under this Article.

Article 23.10. Panel of Experts

1. For any matter that is not satisfactorily addressed through consultations under Article 23.9, a Party may, 90 days after the receipt of a request for consultations under Article 23.9.1, 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 Annexes 29-A and 29-B, unless the Parties decide otherwise.

3. The Panel of Experts is composed of three panellists.

4. 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 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 and have the expertise appropriate to the particular matter.

5. If the Parties are unable to decide on the composition of the Panel of Experts within the period of time specified in paragraph 4, the selection procedure set out in paragraphs 3 through 7 of Article 29.7 (Composition of the arbitration panel) applies in respect of the list established in paragraph 6.

6. The Committee on Trade and Sustainable Development shall, at its first meeting after the entry into force of this Agreement, establish a list of at least nine individuals chosen for their objectivity, reliability and sound judgment, who are willing and able to serve as panellists. Each Party shall name at least three individuals to the list to serve as panellists. The Parties shall also name at least three individuals who are not nationals of either Party and who are willing and able to serve as chairperson of a Panel of Experts. The Committee on Trade and Sustainable Development shall ensure that the list is always maintained at this level.

7. The experts proposed as panellists must have specialised knowledge or expertise in labour law, other issues addressed in this Chapter, or in the resolution of disputes arising under international agreements. They must be independent, serve in their individual capacities and not take instructions from any organisation or government with regard to the matter in issue. They must not be affiliated with the government of either Party, and must comply with the Code of Conduct referred to in paragraph 2.

8. Unless the Parties decide otherwise, within five working days of the date of the selection of the panellists, the terms of reference of the Panel of Experts are as follows:

"to examine, in the light of the relevant provisions of Chapter Twenty-Three (Trade and Labour), the matter referred to in the request for the establishment of the Panel of Experts, and to deliver a report, in accordance with Article 23.10 (Panel of Experts) of Chapter Twenty-Three (Trade and Labour), that makes recommendations for the resolution of the matter."

9. In respect of matters related to multilateral agreements as set out in Article 23.3, the Panel of Experts should seek information from the ILO, including any pertinent available interpretative guidance, findings or decisions adopted by the ILO (1).

10. The Panel may request and receive written submissions or any other information from persons with relevant information or specialised knowledge.

11. The Panel of Experts shall issue to the Parties an interim report and a final report setting out the findings of fact, its determinations on the matter including 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 deliver 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 of Experts on the interim report within 45 days of its delivery. After considering these comments, the Panel of Experts may reconsider its report or carry out any further examination that it considers appropriate. The Panel of Experts shall deliver 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 delivery.

12. If the final report of the Panel of Experts determines that a Party has not conformed with its obligations under this Chapter, the Parties shall engage in discussions and shall endeavour, within three months of the delivery of the final report, to identify appropriate measures or, if appropriate, to decide upon a mutually satisfactory action plan. In these discussions, the Parties shall take into account the final report. The responding Party shall inform in a timely manner its labour or sustainable development advisory groups and the requesting Party of its decision on any actions or measures to be implemented. Furthermore, the requesting Party shall inform in a timely manner its labour or sustainable development advisory groups and the responding Party of any other action or measure it may decide to take, as a follow-up to the final report, to encourage the resolution of the matter in a manner consistent with this Agreement. The Committee on Trade and Sustainable Development shall monitor the follow-up to the final report and the recommendations of the Panel of Experts. The labour or sustainable development advisory groups of the Parties and the Civil Society Forum may submit observations to the Committee on Trade and Sustainable Development in this regard.

13. If the Parties reach a mutually agreed solution to the matter following the establishment of a Panel of Experts, they shall notify the Committee on Trade and Sustainable Development and the Panel of Experts of that solution. Upon that notification, the panel procedure shall be terminated.

(1) The Parties shall apply this provision in accordance with rule 42 of the Rules of Procedure for Arbitration set out in Annex 29-A.

Article 23.11. Dispute Resolution

1. For any dispute that arises under this Chapter, the Parties shall only have recourse to the rules and procedures provided in this Chapter.

2. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of a dispute. At any time, the Parties may have recourse to good offices, conciliation, or mediation to resolve that dispute.

3. The Parties understand that the obligations included under this Chapter are binding and enforceable through the procedures for the resolution of disputes provided in Article 23.10. Within this context, the Parties shall discuss, through the meetings of the Committee on Trade and Sustainable Development, the effectiveness of the implementation of the Chapter, policy developments in each Party, 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 Article 23.10.

4. In the case of disagreement under paragraph 3, a Party may request consultations according to the procedures established in Article 23.9 in order to review the provisions for the resolution of disputes provided for in Article 23.10, with a view to reaching a mutually agreed solution to the matter.

5. The Committee on Trade and Sustainable Development may recommend to the CETA Joint Committee modifications to relevant provisions of this Chapter, in accordance with the amendment procedures established in Article 30.2 (Amendments).

Chapter TWENTY-FOUR. Trade and Environment

Article 24.1. Definition

For the purposes of this Chapter:

environmental law means a law, including a statutory or regulatory provision, or other legally binding measure of a Party, 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 or the dissemination of information related thereto, or

(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 a measure of a Party solely related to worker health and safety, which is subject to Chapter Twenty-Three (Trade and Labour), or a measure of a Party the purpose of which is to manage the subsistence or aboriginal harvesting of natural resources.

Article 24.2. Context and Objectives

The Parties recognise that the environment is a fundamental pillar of sustainable development and recognise the contribution that trade could make to sustainable development. The Parties stress that enhanced cooperation to protect and conserve the environment brings benefits that will:

(a) promote sustainable development;

(b) strengthen the environmental governance of the Parties;

(c) build upon international environmental agreements to which they are party; and

(d) complement the objectives of this Agreement.

Article 24.3. Right to Regulate and Levels of Protection

The Parties recognise the right of each Party to set its environmental priorities, to establish its levels of environmental protection, and to adopt or modify its laws and policies accordingly and in a manner consistent with the multilateral environmental agreements to which it is 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 such laws and policies and their underlying levels of protection.

Article 24.4. 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 law and practices, in its whole territory, the multilateral environmental agreements to which it is party.

3. The Parties commit to consult and cooperate as appropriate with respect to environmental issues of mutual interest related to multilateral environmental agreements, and in particular, trade-related issues. This commitment includes exchanging information on:

(a) the implementation of multilateral environmental agreements, to which a Party is party;

(b) on-going negotiations of new multilateral environmental agreements; and

(c) each Party's respective views on becoming a party to additional multilateral environmental agreements.

4. The Parties acknowledge their right to use Article 28.3 (General exceptions) in relation to environmental measures, including those taken pursuant to multilateral environmental agreements to which they are party.

Article 24.5. Upholding Levels of Protection

1. The Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the levels of protection afforded in their environmental law.

2. A Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental law, to encourage trade or the establishment, acquisition, expansion or retention of an investment in its territory.

3. A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental law to encourage trade or investment.

Article 24.6. Access to Remedies and Procedural Guarantees

1. Pursuant to the obligations In Article 24.5:

(a) each Party shall, in accordance with its law, ensure that its authorities competent to enforce environmental law give due consideration to alleged violations of environmental law brought to its attention by any interested persons residing or established in its territory; and

(b) each Party shall ensure that administrative or judicial proceedings are available to persons with a legally recognised interest in a particular matter or who maintain that a right is infringed under its law, in order to permit effective action against infringements of its environmental law, including appropriate remedies for violations of such law.

2. Each Party shall, in accordance with its domestic law, 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 if appropriate, and are fair, equitable and transparent, including by:

(a) providing defendants with reasonable notice when a proceeding is initiated, including a description of the nature of the proceeding and the basis of the claim;

(b) providing the parties to the proceeding with a reasonable opportunity to support or defend their respective positions, including by presenting information or evidence, prior to a final decision;

(c) 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 to the proceeding were offered the opportunity to be heard; and

(d) allowing the parties to administrative proceedings an opportunity for review and, if warranted, correction of final administrative decisions within a reasonable period of time by a tribunal established by law, with appropriate guarantees of tribunal independence and impartiality.

Article 24.7. Public Information and Awareness

1. In addition to Article 27.1 (Publication), each Party shall encourage public debate with and among non-state actors as regards the development and definition of policies that may lead to the adoption of environmental law by its public authorities.

2. Each Party shall promote public awareness of its environmental law, as well as enforcement and compliance procedures, by ensuring the availability of information to stakeholders.

3. 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 respective civil society organisations of those communications through the consultative mechanisms referred to in Article 24.13.5.

Article 24.8. Scientific and Technical Information

1. When preparing and implementing measures aimed at environmental protection that may affect trade or investment between the Parties, each Party shall take into account relevant scientific and technical information and related international standards, guidelines, or recommendations.

2. 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 24.9. Trade Favouring Environmental Protection

1. 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 in goods and services of particular relevance for climate change mitigation and in particular trade or investment in renewable energy goods and related services.

Article 24.10. Trade In Forest Products

1. The Parties recognise 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 forest products harvested in accordance with the law of the country of harvest and from sustainably managed forests.

2. To this end, and in a manner consistent with their international obligations, the Parties undertake to:

(a) encourage trade in forest products from sustainably managed forests and harvested in accordance with the law of the country of harvest;

(b) exchange information, and if 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 the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on 3 March 1973, with regard to timber species considered at risk; and

(d) cooperate, where appropriate, in international fora that deal with the conservation and sustainable management of forests.

3. The Parties shall discuss the subjects referred to in paragraph 2, in the Committee on Trade and Sustainable Development or in the Bilateral Dialogue on Forest Products referred to in Chapter Twenty-Five (Bilateral Dialogues and Cooperation), in accordance with their respective spheres of competence.

Article 24.11. Trade In Fisheries and Aquaculture Products

1. 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.

2. To this end, and in a manner consistent with their international obligations, the Parties undertake to:

(a) adopt or maintain effective monitoring, control and surveillance measures, such as observer schemes, vessel monitoring schemes, transhipment control, inspections at sea, port state control, and associated sanctions, aimed at the conservation of fish stocks and the prevention of overfishing;

(b) adopt or maintain 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 the 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 for compliance with those decisions in these organisations; and

(d) promote the development of an environmentally responsible and economically competitive aquaculture industry.

Article 24.12. Cooperation on Environment Issues

1. The Parties recognise that enhanced cooperation is an important element to advance the objectives of this Chapter, and commit to cooperate on trade-related environmental issues of common interest, in areas such as:

(a) the potential impact of this Agreement on the environment and ways to enhance, prevent, or mitigate such impact, taking into account any impact assessment carried out by the Parties;

(b) activity 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;

(c) the environmental dimension of corporate social responsibility and accountability, including the implementation and follow-up of internationally recognised guidelines;

(d) the trade impact of environmental regulations and standards as well as the environmental impact of trade and investment rules including on the development of environmental regulations and policy;

(e) trade-related aspects of the current and future international climate change regime, as well as domestic climate policies and programmes 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;

(f) 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;

(g) cooperation on trade-related aspects of the conservation and sustainable use of biological diversity;

(h) 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;

(i) improved understanding of the effects of economic activity and market forces on the environment; and

(j) exchange of views on the relationship between multilateral environmental agreements and international trade rules.

2. Cooperation further to paragraph 1 shall take place through actions and instruments that may include technical exchanges, exchanges of information and best practices, research projects, studies, reports, conferences and workshops.

3. 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 such stakeholders further in those activities, as appropriate.

Article 24.13. Institutional Mechanisms

1. Each Party shall designate an office to serve as contact point with the other Party for the implementation of this Chapter, including with regard to:

(a) cooperative programmes and activities in accordance with Article 24.12;

(b) the receipt of submissions and communications under Article 24.7.3; and

(c) information to be provided to the other Party, the Panel of Experts, and the public.

2. Each Party shall inform the other Party, in writing, of the contact point referred to in paragraph 1.

3. The Committee on Trade and Sustainable Development established under Article 26.2.1(g) (Specialised committees) shall, through its regular meetings or dedicated sessions comprising participants responsible for matters covered under this Chapter:

(a) oversee the implementation of this Chapter and review the progress achieved under it;

(b) discuss matters of common interest; and

(c) discuss any other matter within the scope of this Chapter as the Parties jointly decide.

4. 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 or bodies.

5. 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. These consultative mechanisms shall comprise 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 consultative mechanisms, stakeholders may submit opinions and make recommendations on any matter related to this Chapter on their own initiative.

Article 24.14. Consultations

1. 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 Party shall present the matter clearly in the request, identify the questions at issue, and provide a brief summary of any claims under this Chapter. Consultations must commence promptly after a Party delivers a request for consultations.

2. During consultations, each Party shall provide the other Party with sufficient information in its possession to allow a full examination of the matters raised, subject to its law regarding the protection of confidential or proprietary information.

3. If relevant, and if both Parties consent, the Parties shall seek the information or views of any person, organisation, or body, including the relevant international organisation or body, that may contribute to the examination of the matter at issue.

4. Ifa Party considers that further discussion of the matter is required, that Party may request that the Committee on Trade and Sustainable Development be convened to consider the matter by delivering a written request to the contact point of the other Party. The Committee on Trade and Sustainable Development shall convene promptly and endeavour to resolve the matter. If appropriate, it shall seek the advice of the Partiesâ civil society organisations through the consultative mechanisms referred to in Article 24.13.5.

5. Each Party shall make publicly available any solution or decision on a matter discussed under this Article.

Article 24.15. Panel of Experts

1. For any matter that is not satisfactorily addressed through consultations under Article 24.14, a Party may, 90 days after the receipt of the request for consultations under Article 24.14.1, 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.

2. Subject to the provisions of this Chapter, the Parties shall apply the Rules of Procedure and Code of Conduct set out in Annexes 29-A and 29-B, unless the Parties decide otherwise.

3. The Panel of Experts is composed of three panellists.

4. 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 receipt by the responding Party of a 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 and have the expertise appropriate to the particular matter.

5. If the Parties are unable to decide on the composition of the Panel of Experts within the period of time specified in paragraph 4, the selection procedure set out in paragraphs 3 through 7 of Article 29.7 (Composition of the arbitration panel) applies in respect of the list established in paragraph 6.

6. The Committee on Trade and Sustainable Development shall, at its first meeting after the entry into force of this Agreement, establish a list of at least nine individuals chosen for their objectivity, reliability, and sound judgment, who are willing and able to serve as panellists. Each Party shall name at least three individuals to the list to serve as panellists. The Parties shall also name at least three individuals who are not nationals of either Party and who are willing and able to serve as chairperson of a Panel of Experts. The Committee on Trade and Sustainable Development shall ensure that the list is always maintained at this level.

7. The experts proposed as panellists must have specialised knowledge or expertise in environmental law, issues addressed in this Chapter, or in the resolution of disputes arising under international agreements. They must be independent, serve in their individual capacities and not take instructions from any organisation or government with regard to the matter in issue. They must not be affiliated with the governments of either Party, and must comply with the Code of Conduct referred to in paragraph 2.

8. Unless the Parties otherwise decide, within five working days of the date of the selection of the panellists, the terms of reference of the Panel of Experts are as follows:

"to examine, in the light of the relevant provisions of Chapter Twenty-Four (Trade and Environment), the matter referred to in the request for the establishment of the Panel of Experts, and to deliver a report in accordance with Article 24.15 (Panel of Experts) of Chapter Twenty-Four (Trade and Environment), that makes recommendations for the resolution of the matter".

9. In respect of matters related to multilateral environmental agreements as set out in Article 24.4, the Panel of Experts should seek views and information from relevant bodies established under these agreements, including any pertinent available interpretative guidance, findings, or decisions adopted by those bodies (1).

10. The Panel of Experts shall issue to the Parties an interim report and a final report setting out the findings of fact, its determinations on the matter, including 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 deliver 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 of Experts on the interim report within 45 days of its delivery. After considering these comments, the Panel of Experts may reconsider its report or carry out any further examination that it considers appropriate. The Panel of Experts shall deliver 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 delivery.

11. If the final report of the Panel of Experts determines that a Party has not conformed with its obligations under this Chapter, the Parties shall engage in discussions and shall endeavour, within three months of the delivery of the final report,

to identify an appropriate measure or, if appropriate, to decide upon a mutually satisfactory action plan. In these discussions, the Parties shall take into account the final report. The responding Party shall inform, in a timely manner, its civil society organisations, through the consultative mechanisms referred to in Article 24.13.5, and the requesting Party of its decision on any action or measure to be implemented. The Committee on Trade and Sustainable Development shall monitor the follow-up to the final report and the recommendations of the Panel of Experts. The civil society organisations, through the consultative mechanisms referred to in Article 24.13.5, and the Civil Society Forum may submit observations to the Committee on Trade and Sustainable Development in this regard.

12. If the Parties reach a mutually agreed solution to the matter following the establishment of a Panel of Experts, they shall notify the Committee on Trade and Sustainable Development and the Panel of Experts of that solution. Upon that notification, the panel procedure shall be terminated.

(1) The Parties shall apply this provision in accordance with rule 42 of the Rules of Procedure for Arbitration set out in Annex 29-A.

Article 24.16. Dispute Resolution

1. For any dispute that arises under this Chapter, the Parties shall only have recourse to the rules and procedures provided for in this Chapter.

2. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of a dispute. At any time, the Parties may have recourse to good offices, conciliation, or mediation to resolve that dispute.

Chapter TWENTY-FIVE. Bilateral Dialogues and Cooperation

Article 25.1. Objectives and Principles

1. Building upon their well-established partnership and shared values, the Parties agree to facilitate cooperation on issues of common interest, including through:

(a) strengthening bilateral cooperation on biotechnology through the Dialogue on Biotech Market Access Issues;

(b) fostering and facilitating bilateral dialogue and exchange of information on issues related to trade in forest products through the Bilateral Dialogue on Forest Products;

(c) endeavour to establish and maintain effective cooperation on raw materials issues through the Bilateral Dialogue on Raw Materials; and

(d) encouraging enhanced cooperation on science, technology, research and innovation issues.

2. Unless otherwise provided in this Agreement, bilateral dialogues shall take place without undue delay at the request of either Party or of the CETA Joint Committee. The dialogues shall be co-chaired by representatives of Canada and the European Union. The meeting schedules and agendas shall be determined by agreement between the co-chairs.

3. The co-chairs of a bilateral dialogue shall inform the CETA Joint Committee of the schedules and agendas of any bilateral dialogue sufficiently in advance of meetings. The co-chairs of a bilateral dialogue shall report to the CETA Joint Committee on the results and conclusions of a dialogue as appropriate or on request by the CETA Joint Committee. The creation or existence of a dialogue shall not prevent either Party from bringing any matter directly to the CETA Joint Committee.

4. The CETA Joint Committee may decide to change or undertake the task assigned to a dialogue or dissolve a dialogue.

5. The Parties may engage in bilateral cooperation in other areas under this Agreement on consent of the CETA Joint Committee.

Article 25.2. Dialogue on Biotech Market Access Issues

1. 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 the bilateral dialogue on agricultural biotech market access issues of mutual interest which was established by 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 bilateral dialogue covers any relevant issue of mutual interest to the Parties, including:

(a) biotechnology product approvals in the territory of the Parties as well as, where appropriate, forthcoming applications for product approvals of commercial interest to either side;

(b) the commercial and economic outlook for future approvals of biotechnology products;

(c) any trade impact related to asynchronous approvals of biotechnology products or the accidental release of unauthorised products, and any appropriate measures in this respect;

(d) any biotech-related measures that may affect trade between the Parties, including measures of Member States of the European Union;

(e) any new legislation in the field of biotechnology; and

(f) 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:

(a) to exchange information on policy, regulatory and technical issues of common interest related to biotechnology products, and, in particular, information on their respective systems and processes for risk assessments for decision-making on the use of genetically modified organisms;

(b) to promote efficient science-based approval processes for biotechnology products;

(c) to cooperate internationally on issues related to biotechnology, such as low level presence of genetically modified organisms; and

(d) to engage in regulatory cooperation to minimise adverse trade impacts of regulatory practices related to biotechnology products.

Article 25.3. Bilateral Dialogue on Forest Products

1. The Parties agree that bilateral dialogue, cooperation and exchange of information and views on relevant laws, regulations, policies and issues of importance to the production, trade, and consumption of forest products are of mutual interest. The Parties agree to carry out this dialogue, cooperation and exchange in the Bilateral Dialogue on Forest Products, including:

(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 the sustainable management of forests and forest governance;

(c) mechanisms to assure the legal or sustainable origin of forest products;

(d) access for forest products to the Parties or other markets;

(e) perspectives on multilateral and plurilateral organisations and processes in which they participate, which seek to promote sustainable forest management or combat illegal logging;

(f) issues referred to in Article 24.10 (Trade in forest products); and (g) any other issue related to forest products as agreed upon by the Parties.

2. 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 25.1.2.

3. The Parties agree that discussions taking place in the Bilateral Dialogue on Forest Products can inform discussions in the Committee on Trade and Sustainable Development.

Article 25.4. Bilateral Dialogue on Raw Materials

1. Recognising the importance of an open, non-discriminatory and transparent trading environment based on rules and science, the Parties endeavour to establish and maintain effective cooperation on raw materials. For the purposes of this cooperation, raw materials include minerals, metals and agricultural products with an industrial use.

2. The Bilateral Dialogue on Raw Materials covers any relevant issue of mutual interest, including:

(a) to provide a forum of discussion on cooperation in the field of raw materials between the Parties, to contribute to market access for raw material goods and related services and investments and to avoid non-tariff barriers to trade for raw materials;

(b) to 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-a-vis raw materials;

(c) to encourage activities that support corporate social responsibility in accordance with internationally-recognised standards such as the OECD Guidelines for Multinational Enterprises and the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas; and

(d) to facilitate, as appropriate, consultation on the Parties' positions in multilateral or plurilateral fora where issues related to raw materials may be raised and discussed.

Article 25.5. 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 upon 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 the European Community and Canada, done at Halifax on 17 June 1995. The Parties agree to conduct these activities on the basis of the following principles:

(a) the activities are of mutual benefit to the Parties;

(b) the Parties agree on the scope and parameters of the activities; and

(c) 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 the commercialisation of goods and. services thereof.

4. The Parties also recognise the importance of enhanced cooperation in science, technology, research and innovation, such as activities initiated, developed or undertaken by a variety of stakeholders, including the Canadian federal government, the Canadian Provinces and Territories, the European Union and its Member States.

5. Each Party shall encourage, in accordance with its law, the participation of the private sector, research institutions and civil society within its territory in activities to enhance cooperation.

Chapter TWENTY-SIX. Administrative and Institutional Provisions

Article 26.1. CETA Joint Committee

1. The Parties hereby establish the CETA Joint Committee comprising representatives of the European Union and representatives of Canada. 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.

2. The CETA Joint Committee shall meet once a year or at the request of a Party. The CETA Joint Committee shall agree on its meeting schedule and its agenda.

3. The CETA Joint Committee is responsible for all questions concerning trade and investment between the Parties and the implementation and application of this Agreement. A Party may refer to the CETA Joint Committee any issue relating to the implementation and interpretation of this Agreement, or any other issue concerning trade and investment between the Parties.

4. The CETA Joint Committee shall:

(a) supervise and facilitate the implementation and application of this Agreement and further its general aims;

(b) supervise the work of all specialised committees and other bodies established under this Agreement;

(c) without prejudice to Chapters Eight (Investment), Twenty-Two (Trade and Sustainable Development), Twenty- Three

(Trade and Labour), Twenty-Four (Trade and Environment), and Twenty-Nine (Dispute Settlement), seek appropriate ways and methods of preventing problems that might arise in areas covered by this Agreement, or of resolving disputes that may arise regarding the interpretation or application of this Agreement;

(d) adopt its own rules of procedure;

(e) make decisions as set out in Article 26.3; and

(f) consider any matter of interest relating to an area covered by this Agreement.

5. The CETA Joint Committee may:

(a) delegate responsibilities to the specialised committees established pursuant to Article 26.2;

(b) communicate with all interested parties including private sector and civil society organisations;

(c) consider or agree on amendments as provided in this Agreement;

(d) study the development of trade between the Parties and consider ways to further enhance trade relations between the Parties;

(ce) adopt interpretations of the provisions of this Agreement, which shall be binding on tribunals established under Section F of Chapter Eight (Resolution of investment disputes between investors and states) and Chapter Twenty- Nine (Dispute Settlement);

(f) make recommendations suitable for promoting the expansion of trade and investment as envisaged in this Agreement;

(g) change or undertake the tasks assigned to specialised committees established pursuant to Article 26.2 or dissolve any of these specialised committees;

(h) establish specialised committees and bilateral dialogues in order to assist it in the performance of its tasks; and

(i) take such other action in the exercise of its functions as decided by the Parties.

Article 26.2. Specialised Committees

1. The following specialised committees are hereby established, 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:

(a) the Committee on Trade in Goods, which addresses matters concerning trade in goods, tariffs, technical barriers to trade, the Protocol on the mutual acceptance of the results of conformity assessment and intellectual property rights related to goods. At the request of a Party, or upon a reference from the relevant specialised committee, or when preparing a discussion in the CETA Joint Committee, the Committee on Trade in Goods may also address matters arising in the area of rules of origin, origin procedures, customs and trade facilitation and border measures, sanitary and phytosanitary measures, government procurement, or regulatory cooperation, if this facilitates the resolution of a matter that cannot otherwise be resolved by the relevant specialised committee. The Committee on Agriculture, the Committee on Wines and Spirits, and the Joint Sectoral Group on Pharmaceuticals shall also be established under and report to the Committee on Trade in Goods;

(b) the Committee on Services and Investment, which addresses matters concerning cross-border trade in services, investment, temporary entry, electronic commerce, and intellectual property rights related to services. At the request of a Party, or upon a reference from the relevant specialised committee, or when preparing a discussion in the CETA Joint Committee, the Committee on Services and Investment may also address matters arising in the area of financial services or government procurement if this facilitates the resolution of a matter that cannot otherwise be resolved by the relevant specialised committee.

A Joint Committee on Mutual Recognition of Professional Qualifications shall be established under and report to the Committee on Services and Investment;

(c) the Joint Customs Cooperation Committee (JCCC), established under the 1998 Agreement between the European Community and Canada on Customs Cooperation and Mutual Assistance in Customs Matters, done at Ottawa on 4 December 1997, which addresses matters under this Agreement concerning rules of origin, origin procedures, customs and trade facilitation, border measures and temporary suspension of preferential tariff treatment;

(d) the Joint Management Committee for Sanitary and Phytosanitary Measures, which addresses matters concerning

sanitary and phytosanitary measures;

(e) the Committee on Government Procurement, which addresses matters concerning government procurement;

(f) the Financial Services Committee, which addresses matters concerning financial services;

(g) the Committee on Trade and Sustainable Development, which addresses matters concerning sustainable development;

(h) the Regulatory Cooperation Forum, which addresses matters concerning regulatory cooperation; and

(i) the CETA Committee on Geographical Indications, which addresses matters concerning geographical indications.

2. The specialised committees established pursuant to paragraph 1 shall operate according to the provisions of paragraphs 3 through 5.

3. The remit and tasks of the specialised committees established pursuant to paragraph 1 are further defined in the relevant Chapters and Protocols of this Agreement.

4. Unless otherwise provided under this Agreement, or if the co-chairs decide otherwise, the specialised committees shall meet once a year. Additional meetings may be held at the request of a Party or of the CETA Joint Committee. They shall be co-chaired by representatives of Canada and the European Union. The specialised committees shall set their meeting schedule and agenda by mutual consent. They shall set and modify their own rules of procedures, if they deem it appropriate. The specialised committees may propose draft decisions for adoption by the CETA Joint Committee, or take decisions when this Agreement so provides.

5. Each Party shall ensure that when a specialised committee meets, all the competent authorities for each issue on the agenda are represented, as each Party deems appropriate, and that each issue can be discussed at the adequate level of expertise.

6. The specialised 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 specialised committee does not prevent a Party from bringing any matter directly to the CETA Joint Committee.

Article 26.3. Decision Making

1. The CETA Joint Committee shall, for the purpose of attaining the objectives of this Agreement, have the power to make decisions in respect of all matters when this Agreement so provides.

2. The decisions made by the CETA Joint Committee shall be binding on the Parties, subject to the completion of any necessary internal requirements and procedures, and the Parties shall implement them. The CETA Joint Committee may also make appropriate recommendations.

3. The CETA Joint Committee shall make its decisions and recommendations by mutual consent.

Article 26.4. Information Sharing

When a Party submits to the CETA Joint Committee or any specialised committee established under this Agreement information considered as confidential or protected from disclosure under its laws, the other Party shall treat that information as confidential.

Article 26.5. CETA Contact Points

1. Each Party shall promptly appoint a CETA contact point and notify the other Party within 60 days following the entry into force of this Agreement.

2. The CETA contact points shall:

(a) monitor the work of all institutional bodies established under this Agreement, including communications relating to successors to those bodies;

(b) coordinate preparations for committee meetings;

(c) follow up on any decisions made by the CETA Joint Committee, as appropriate;

(d) 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;

(e) respond to any information requests pursuant to Article 27.2 (Provision of information); and

(f) consider any other matter that may affect the operation of this Agreement as mandated by the CETA Joint Committee.

3. The CETA contact points shall communicate as required.

Article 26.6. Meetings

1. Meetings referred to in this Chapter should be in person. Parties may also agree to meet by videoconference or teleconference.

2. The Parties shall endeavour to meet within 30 days after a Party receives a request to meet by the other Party.

Chapter TWENTY-SEVEN. Transparency

Article 27.1. Publication

1. 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.

2. To the extent possible, each Party shall:

(a) publish in advance any such measure that it proposes to adopt; and

(b) provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures.

Article 27.2. Provision of Information

1. At the request of the other Party, a Party shall, to the extent possible, promptly provide information and respond to questions pertaining to any existing or proposed measure that materially affects the operation of this Agreement.

2. Information provided under this Article is without prejudice as to whether the measure is consistent with this Agreement.

Article 27.3. Administrative Proceedings

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 its administrative proceedings applying measures referred to in Article 27.1 to a particular person, good or service of the other Party in a specific case:

(a) whenever possible, provide reasonable notice to a person of the other Party who is directly affected by a proceeding, 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;

(b) provide a person referred to in subparagraph (a) 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

(c) are conducted in accordance with its law.

Article 27.4. Review and Appeal

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review and, if 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.

2. Each Party shall ensure that, in any tribunals or procedures referred to in paragraph 1, the parties to the proceeding are

provided with the right to:

(a) a reasonable opportunity to support or defend their respective positions; and

(b) a decision based on the evidence and submissions of record or, if required by its law, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its 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 27.5. 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.

Chapter TWENTY-EIGHT. Exceptions

Article 28.1. Definitions

For the purposes of this Chapter:

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 as defined in Article 1.1 (General definitions), and

(b) a measure listed in exceptions (b) or (c) in the definition of "customs duty" in Article 1.1 (General definitions).

Article 28.2. Party-specific Definitions

For the purposes of this Chapter: competition authority means:

(a) for Canada, the Commissioner of Competition or a successor notified to the other Party through the CETA contact points; and

(b) for the European Union, the Commission of the European Union with respect to its responsibilities pursuant to the competition laws of the European Union;

competition laws means:

(a) for Canada, the Competition Act, R.S.C. 1985, c. C-34; and

(b) for the European Union, Articles 101, 102 and 106 of the Treaty on the Functioning of the European Union, of 13 December 2007, Council Regulation (EC) No. 139/2004 of 20 January 2004 on the control of concentrations between undertakings, and their implementing regulations or amendments; and

information protected under its competition laws means:

(a) for Canada, information within the scope of Section 29 of the Competition Act, R.S.C. 1985, c. C-34; and

(b) for the European Union, 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 (EC) No. 139/2004 of 20 January 2004 on the control of concentrations between undertakings.

Article 28.3. General Exceptions

1. For the purposes of Article 30.8.5 (Termination, suspension or incorporation of other existing agreements), Chapters Two (National Treatment and Market Access for Goods), Five (Sanitary and Phytosanitary Measures), and Six (Customs and Trade Facilitation), the Protocol on rules of origin and origin procedures and Sections B (Establishment of investment) and C (Non-discriminatory treatment) of Chapter Eight (Investment), Article XX of the GATT 1994 is incorporated into and made part of

this Agreement. The Parties understand that the measures referred to in Article XX (b) of the GATT 1994 include environmental measures necessary to protect human, animal or plant life or health. The Parties understand that Article XX(g) of the GATT 1994 applies to measures for the conservation of living and non- living exhaustible natural resources.

2. For the purposes of Chapters Nine (Cross-Border Trade in Services), Ten (Temporary Entry and Stay of Natural Persons for Business Purposes), Twelve (Domestic Regulation), Thirteen (Financial Services), Fourteen (International Maritime Transport Services), Fifteen (Telecommunications), Sixteen (Electronic Commerce), and Sections B (Establishment of investments) and C (Non-discriminatory treatment) of Chapter Eight (Investment), subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions prevail, or a disguised restriction on trade in services, nothing in this Agreement shall be construed to prevent the adoption or enforcement by a Party of measures necessary:

(a) to protect public security or public morals or to maintain public order (1);

(b) to protect human, animal or plant life or health (2); or

(c) to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement 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; or

(iii) safety.

(1) 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.

(2) The Parties understand that the measures referred to in subparagraph (b) include environmental measures necessary to protect human, animal or plant life or health.

Article 28.4. Temporary Safeguard Measures with Regard to Capital Movements and Payments

1. 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, the European Union may impose safeguard measures that are strictly necessary to address such difficulties for a period not to exceed 180 days.

2. Measures imposed by the European Union pursuant to paragraph 1 shall not constitute a means of arbitrary or unjustifiable discrimination in respect of Canada or its investors compared to a third country or its investors. The European Union shall inform Canada forthwith and present, as soon as possible, a schedule for the removal of such measures.

Article 28.5. Restrictions In Case of Serious Balance of Payments and External Financial Difficulties

1. 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.

2. Measures referred to in paragraph 1 shall:

(a) not treat a Party less favourably than a third country in like situations;

(b) be consistent with the Articles of Agreement of the International Monetary Fund, done at Bretton Woods on 22 July 1944, as applicable;

(c) avoid unnecessary damage to the commercial, economic and financial interests of a Party;

(d) be temporary and phased out progressively as the situation specified in paragraph 1 improves and shall not exceed 180 days. If extremely exceptional circumstances arise such that a Party seeks to extend such measures beyond a period of 180

days, it will consult in advance with the other Party regarding 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 GATT 1994 and the Understanding on the Balance-of-Payments Provisions of the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement.

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 GATS.

5. A Party that adopts or maintains a measure referred to in paragraph 1 shall promptly notify the other Party and provide, as soon as possible, a schedule for its removal.

6. Where the restrictions are adopted or maintained under this Article, consultations between the Parties shall be held promptly in the CETA Joint Committee, if such consultations are not otherwise taking place in a forum outside of this Agreement. The consultations held under this paragraph shall assess the balance-of-payments or external financial difficulty that led to the respective measures, taking into account, among other things, such factors as:

(a) the nature and extent of the difficulties;

(b) the external economic and trading environment; or

(c) the availability of alternative corrective measures.

7. The consultations pursuant to paragraph 6 shall address the compliance of any restrictive measures with paragraphs 1 through 4. The Parties shall accept all findings of statistical and other facts presented by the International Monetary Fund (IMF) relating to foreign exchange, monetary reserves, balance-of-payments, and their 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 28.6. National Security

Nothing In this Agreement shall be construed:

(a) to 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; or

(b) to prevent a Party from taking an action that it considers necessary to protect its essential security interests:

(i) 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 establishment (1);

(i) taken in time of war or other emergency in international relations; or

(iii) relating to fissionable and fusionable materials or the materials from which they are derived; or

(c) prevent a Party from taking any action in order to carry out its international obligations for the purpose of maintaining international peace and security.

(1) The expression "traffic in arms, ammunition and implements of war" in this Article is equivalent to the expression "trade in arms, munitions and war material".

Article 28.7. Taxation

1. 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 particular with regard to their place of residence or with regard to the place where their capital is invested.

2. 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:

(a) 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;

(b) 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;

(c) 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;

(d) 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;

(e) 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;

(f) to an existing non-conforming taxation measure not otherwise covered in paragraphs 1, 2 and 4(a) through (Â¢), 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 8.10 (Treatment of investors and of covered investments).

6. Articles 8.7 (Most-favoured-nation treatment), 9.5 (Most-favoured-nation treatment) and 13.4 (Most-favoured- nation treatment) do not apply to an advantage accorded by a Party pursuant to a tax convention.

7. (a) Where an investor submits a request for consultations pursuant to Article 8.19 (Consultations) claiming that a taxation measure breaches an obligation under Sections C (Non-discriminatory treatment) or D (Investment protection) of Chapter Eight (Investment), the respondent may refer the matter for consultation and joint determination by the Parties as to whether:

(i) the measure is a taxation measure;

(ii) the measure, if it is found to be a taxation measure, breaches an obligation under Sections C (Non-discriminatory treatment) or D (Investment protection) of Chapter Eight (Investment); or

(ii) there is an inconsistency between the obligations in this Agreement that are alleged to have been breached and those of a tax convention.

(b) A referral pursuant to subparagraph (a) 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 F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) 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.

(c) A joint determination by the Parties pursuant to subparagraph (a) shall be binding on the Tribunal.

(d) Each Party shall ensure that its delegation for the consultations to be conducted pursuant to subparagraph (a) 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 Canada.

8. For greater certainty, (a) taxation measure of a Party means a taxation measure adopted at any level of government of a Party; and

(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 a part.

Article 28.8. 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.

2. In the course of a dispute settlement procedure under this Agreement, (a) a Party is not required to furnish or allow access to information protected under its competition laws; and

(b) 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 28.9. Exceptions Applicable to Culture

The Parties recall the exceptions applicable to culture as set out in the relevant provisions of Chapters Seven (Subsidies), Eight (Investment), Nine (Cross-Border Trade in Services), Twelve (Domestic Regulation) and Nineteen (Government Procurement).

Article 28.10. WTO Waivers

If a right or obligation in this Agreement duplicates one under the WTO Agreement, the Parties agree that a measure 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 duplicated provision in this Agreement.

Chapter TWENTY-NINE. Dispute Settlement

Section A. Initial Provisions

Article 29.1. 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 29.2. Scope

Except as otherwise provided in this Agreement, this Chapter applies to any dispute concerning the interpretation or application of the provisions of this Agreement.

Article 29.3. Choice of Forum

1. Recourse to the dispute settlement provisions of this Chapter is without prejudice to recourse to dispute settlement under the WTO Agreement or under any other agreement to which the Parties are party.

2. Notwithstanding paragraph 1, if an obligation is equivalent in substance under this Agreement and under the WTO Agreement, or under any other agreement to which the Parties are party, a Party may not seek redress for the breach of such an obligation in the two fora. In such case, once a dispute settlement proceeding has been initiated under one agreement, the Party shall not bring a claim seeking redress for the breach of the substantially equivalent obligation under the other agreement, unless the forum selected fails, for procedural or jurisdictional reasons, other than termination under paragraph 20 of Annex 29-A, 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 DSU;

(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 29.6; and

(c) dispute settlement proceedings under any other agreement are deemed to be initiated by a Party's request for the establishment of a dispute settlement panel or tribunal in accordance with the provisions of that agreement.

4. Nothing in this Agreement shall preclude a Party from implementing the suspension of obligations authorised by the WTO

Dispute Settlement Body. A Party may not invoke the WTO Agreement to preclude the other Party from suspending obligations pursuant to this Chapter.

Section B. Consultations and Mediation

Article 29.4. Consultations

1. A Party may request in writing consultations with the other Party regarding any matter referred to in Article 29.2.

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 the legal basis for the complaint.

3. Subject to paragraph 4, the Parties shall enter into consultations within 30 days of the date of receipt of the request by the responding Party.

4. 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.

5. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter through consultations. To this end, each Party shall:

(a) provide sufficient information to enable a full examination of the matter at issue;

(b) protect any confidential or proprietary information exchanged in the course of consultations as requested by the Party providing the information; and

(c) make available the personnel of its government agencies or other regulatory bodies who have expertise in the matter that is the subject of the consultations.

6. Consultations are confidential and without prejudice to the rights of the Parties in proceedings under this Chapter.

7. Consultations shall take place in the territory of the responding Party unless the Parties agree otherwise. Consultations may be held in person or by any other means agreed to by the Parties.

8. A Party's proposed measure may be the subject of consultations under this Article but may not be the subject of mediation under Article 29.5 or the dispute settlement procedures under Section C.

Article 29.5. Mediation

The Parties may have recourse to mediation with regard to a measure if the measure adversely affects trade and investment between the Parties. Mediation procedures are set out in Annex 29-C.

Section C. Dispute Settlement Procedures and Compliance

Subsection A. Dispute Settlement Procedures

Article 29.6. Request for the Establishment of an Arbitration Panel

1. Unless the Parties agree otherwise, if a matter referred to in Article 29.4 has not been resolved within:

(a) 45 days of the date of receipt of the request for consultations; or

(b) 25 days of the date of receipt of the request for consultations for matters referred to in Article 29.4.4,

the requesting Party may refer the matter to an arbitration panel by providing its written request for the establishment of an arbitration panel to the responding Party.

2. The requesting Party shall identify in its written request the specific measure at issue and the legal basis for the complaint, including an explanation of how such measure constitutes a breach of the provisions referred to in Article 29.2.

Article 29.7. Composition of the Arbitration Panel

1. The arbitration panel shall be composed of three arbitrators.

2. 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.

3. In the event that the Parties are unable to agree on the composition of the arbitration panel within the time frame set out in paragraph 2, either Party may request the Chair of the CETA Joint Committee, or the Chair's delegate, to draw by lot the arbitrators from the list established under Article 29.8. One arbitrator shall be drawn from the sub-list of the requesting Party, one from the sub-list of the responding Party and one from the sub-list of chairpersons. If the Parties have agreed on one or more of the arbitrators, any remaining arbitrator shall be selected by the same procedure in the applicable sub-list of arbitrators. If the Parties have agreed on an arbitrator, other than the chairperson, who is not a national of either Party, the chairperson and other arbitrator shall be selected from the sub-list of chairpersons.

4. The Chair of the CETA Joint Committee, 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 selection by lot and did not accept to participate within five working days of the request referred to in paragraph 3.

5. The date of establishment of the arbitration panel shall be the date on which the last of the three arbitrators is selected.

6. If the list provided for in Article 29.8 is not established or if it does 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 arbitrators who have been proposed by one or both of the Parties in accordance with Article 29.8.1.

7. Replacement of arbitrators shall take place only for the reasons and according to the procedure set out in paragraphs 21 through 25 of Annex 29-A.

Article 29.8. List of Arbitrators

1. The CETA Joint Committee 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 Joint Committee 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 arbitrators acting as chairpersons must also have experience as counsel or panellist in dispute settlement proceedings on subject matters within the scope of this Agreement. The 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 in Annex 29-B.

Article 29.9. Interim Panel Report

1. The arbitration panel shall present to the Parties an interim report within 150 days of the establishment of the arbitration panel. The report shall contain:

(a) findings of fact; and

(b) determinations as to whether the responding Party has conformed with its obligations under this Agreement.

2. Each Party may submit written comments to the arbitration panel on the interim report, subject to any time limits set by the arbitration panel. After considering any such comments, the arbitration panel may:

(a) reconsider its report; or

(b) make any further examination that it considers appropriate.

3. The interim report of the arbitration panel shall be confidential.

Article 29.10. Final Panel Report

1. Unless the Parties agree otherwise, the arbitration panel shall issue a report in accordance with this Chapter. The final panel report 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 in the final panel report shall

be binding on the Parties.

2. The arbitration panel shall issue to the Parties and to the CETA Joint Committee a final report within 30 days of the interim report.

3. Each Party shall make publicly available the final panel report, subject to paragraph 39 of Annex 29-A.

Article 29.11. Urgent Proceedings

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 arbitration panel shall aim at issuing an interim report to the Parties within 75 days of the establishment of the arbitration panel, and a final report within 15 days 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.

Subsection B. Compliance

Article 29.12. Compliance with the Final Panel Report

The responding Party shall take any measure necessary to comply with the final panel report. No later than 20 days after the receipt of the final panel report by the Parties, the responding Party shall inform the other Party and the CETA Joint Committee of its intentions in respect of compliance.

Article 29.13. Reasonable Period of Time for Compliance

1. If immediate compliance is not possible, no later than 20 days after the receipt of the final panel report by the Parties, the responding Party shall notify the requesting Party and the CETA Joint Committee of the period of time it will require for compliance.

2. In the event of disagreement between the Parties on the reasonable period of time in which to comply with the final panel report, the requesting 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 CETA Joint Committee. The arbitration panel shall issue its ruling to the Parties and to the CETA Joint Committee within 30 days from the date 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 requesting Party, the responding Party shall make itself available to discuss the steps it is taking to comply with the final panel report.

5. The responding Party shall notify the other Party and the CETA Joint Committee before the end of the reasonable period of time of measures that it has taken to comply with the final panel report.

Article 29.14. Temporary Remedies In Case of Non-compliance.

1. If

(a) the responding Party fails to notify its intention to comply with the final panel report under Article 29.12 or the time it will require for compliance under Article 29.13.1;

(b) at the expiry of the reasonable period of time, the responding Party fails to notify any measure taken to comply with the final panel report; or

(c) the arbitration panel on compliance referred to in paragraph 6 establishes that a measure taken to comply is inconsistent with that Party's obligations under the provisions referred to in Article 29.2,

the requesting Party shall be entitled to suspend obligations or receive compensation. The level of the nullification and impairment shall be calculated starting from the date of notification of the final panel report to the Parties.

2. Before suspending obligations, the requesting Party shall notify the responding Party and the CETA Joint Committee of its intention to do so, including the level of obligations it intends to suspend.

3. Except as otherwise provided in this Agreement, the suspension of obligations may concern any provision referred to in

Article 29.2 and shall be limited at a level equivalent to the nullification or impairment caused by the violation.

4. The requesting Party may implement the suspension 10 working days after the date of receipt of the notification referred to in paragraph 2 by the responding Party, unless a Party has requested arbitration under paragraphs 6 and 7.

5. A disagreement between the Parties concerning the existence of any measure taken to comply or its consistency with the provisions referred to in Article 29.2 (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.

6. A Party may reconvene the arbitration panel by providing a written request to the arbitration panel, the other Party and the CETA Joint Committee. In case of a disagreement on compliance, the arbitration panel shall be reconvened by the requesting Party. In case of a disagreement on equivalence, the arbitration panel shall be reconvened by the responding Party. In case of disagreements on both compliance and on equivalence, the arbitration panel shall rule on the disagreement on compliance before ruling on the disagreement on equivalence.

7. The arbitration panel shall notify its ruling to the Parties and to the CETA Joint Committee accordingly:

(a) within 90 days of the request to reconvene the arbitration panel, in case of a disagreement on compliance;

(b) within 30 days of the request to reconvene the arbitration panel, in case of a disagreement on equivalence;

(c) within 120 days of the first request to reconvene the arbitration panel, in case of a disagreement on both compliance and equivalence.

8. The requesting Party shall not suspend obligations until the arbitration panel reconvened under paragraphs 6 and 7 has delivered its ruling. Any suspension shall be consistent with the arbitration panel's ruling.

9. The suspension of obligations shall be temporary and shall be applied only until the measure found to be inconsistent with the provisions referred to in Article 29.2 has been withdrawn or amended so as to bring it into conformity with those provisions, as established under Article 29.15, or until the Parties have settled the dispute.

10. At any time, the requesting Party may request the responding Party to provide an offer for temporary compensation and the responding Party shall present such offer.

Article 29.15. Review of Measures Taken to Comply after the Suspension of Obligations

1. When, after the suspension of obligations by the requesting Party, the responding Party takes measures to comply with the final panel report, the responding Party shall notify the other Party and the CETA Joint Committee and request an end to the suspension of obligations applied by the requesting Party.

2. If the Parties do not reach an agreement on the compatibility of the notified measure with the provisions referred to in Article 29.2 within 60 days of the date of receipt of the notification, the requesting 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 CETA Joint Committee. The final panel report shall be notified to the Parties and to the CETA Joint Committee 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 29.2, the suspension of obligations shall be terminated.

Section D. General Provisions

Article 29.16. Rules of Procedure

Dispute settlement procedure under this Chapter shall be governed by the rules of procedure for arbitration in Annex 29-A, unless the Parties agree otherwise.

Article 29.17. General Rule of Interpretation

The arbitration panel shall interpret the provisions of this Agreement 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 arbitration panel shall also take into account relevant interpretations in reports of Panels and the Appellate Body adopted by the WTO Dispute Settlement Body.

Article 29.18. Rulings of the Arbitration Panel

The rulings of the arbitration panel cannot add to or diminish the rights and obligations provided for in this Agreement.

Article 29.19. Mutually Agreed Solutions

The Parties may reach a mutually agreed solution to a dispute under this Chapter at any time. They shall notify the CETA Joint Committee and the arbitration panel of any such solution. Upon notification of the mutually agreed solution, the arbitration panel shall terminate its work and the proceedings shall be terminated.

Chapter THIRTY. Final Provisions

Article 30.1. Integral Parts of this Agreement

The protocols, annexes, declarations, joint declarations, understandings and footnotes to this Agreement constitute integral parts thereof.

Article 30.2. Amendments

1. 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 necessary for the entry into force of the amendment, or on the date agreed by the Parties.

2. Notwithstanding paragraph 1, the CETA Joint Committee may decide to amend the protocols and annexes of this Agreement. The Parties may approve the CETA Joint Committee's decision in accordance with their respective internal requirements and procedures necessary for the entry into force of the amendment. The decision shall enter into force on a date agreed by the Parties. This procedure shall not apply to amendments to Annexes I, II and III and to amendments to the annexes of Chapters Eight (Investment), Nine (Cross-Border Trade in Services), Ten (Temporary Entry and Stay of Natural Persons for Business Purposes) and Thirteen (Financial Services), except for Annex 10-A (List of Contact Points of the Member States of the European Union).

Article 30.3. Preference Utilisation

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 through 97, on imports of goods from the other Party that are subject to MFN-applied tariff rates and tariff preferences under this Agreement. Unless the Parties decide otherwise, this period will be renewed for five years and may be subsequently extended by them.

Article 30.4. Current Account

The Parties shall authorise, in freely convertible currency and in accordance with Article VIII of the Articles of Agreement of the International Monetary Fund done at Bretton Woods on 22 July 1944, any payments and transfers on the current account of the balance of payments between the Parties.

Article 30.5. Movement of Capital

The Parties shall consult each other with a view to facilitating the movement of capital between them by continuing to implement their policies regarding the liberalisation of the capital and financial account, and by supporting a stable and secure framework for long term investment.

Article 30.6. Private Rights

1. 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.

2. A Party shall not 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 30.7 Entry into force and provisional application 1. The Parties

shall approve this Agreement in accordance with their respective internal requirements and procedures.

2. This Agreement shall enter into force on the first day of the second month following the date the Parties exchange written notifications certifying that they have completed their respective internal requirements and procedures or on such other date as the Parties may agree.

3. (a) The Parties may provisionally apply this Agreement from the first day of the month following the date on which the Parties have notified each other that their respective internal requirements and procedures necessary for the provisional application of this Agreement have been completed or on such other date as the Parties may agree.

(b) If a Party intends not to provisionally apply a provision of this Agreement, it shall first notify the other Party of the provisions that it will not provisionally apply and shall offer to enter into consultations promptly. Within 30 days of the notification, the other Party may either object, in which case this Agreement shall not be provisionally applied, or provide its own notification of equivalent provisions of this Agreement, if any, that it does not intend to provisionally apply. If within 30 days of the second notification, an objection is made by the other Party, this Agreement shall not be provisionally applied.

The provisions that are not subject to a notification by a Party shall be provisionally applied by that Party from the first day of the month following the later notification, or on such other date as the Parties may agree, provided the Parties have exchanged notifications under subparagraph (a).

(c) 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 that notification.

(d) If this Agreement, or certain provisions of this Agreement, is provisionally applied, the Parties shall understand the term "entry into force of this Agreement" as meaning the date of provisional application. The CETA 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 subparagraph (Â¢).

4. Canada shall submit notifications under this Article to the General Secretariat of the Council of the European Union or its successor. The European Union shall submit notifications under this Article to Canada's Department of Foreign Affairs, Trade and Development or its successor.

Article 30.8. Termination, Suspension or Incorporation of other Existing Agreements

1. The agreements listed in Annex 30-A shall cease to have effect, and shall be replaced and superseded by this Agreement. Termination of the agreements listed in Annex 30-A shall take effect from the date of entry into force of this Agreement.

2. Notwithstanding paragraph 1, a claim may be submitted under an agreement listed in Annex 30-A in accordance with the rules and procedures established in the agreement if:

(a) the treatment that is object of the claim was accorded when the agreement was not terminated; and

(b) no more than three years have elapsed since the date of termination of the agreement.

3. The Agreement between the European Economic Community and Canada concerning Trade and Commerce in Alcoholic Beverages, done at Brussels on 28 February 1989, as amended, (the "1989 Alcoholic Beverages Agreement") and the Agreement between the European Community and Canada on Trade in Wines and Spirit Drinks, done at Niagara-on-the-Lake on 16 September 2003 (the "2003 Wines and Spirit Drinks Agreement") are incorporated into and made part of this Agreement, as amended by Annex 30-B.

4. The provisions of the 1989 Alcoholic Beverages Agreement or the 2003 Wines and Spirit Drinks Agreement, as amended and incorporated into this Agreement, prevail to the extent that there is an inconsistency between the provisions of those agreements and any other provision of this Agreement.

5. The Agreement on Mutual Recognition between the European Community and Canada (the "Agreement on Mutual Recognition"), done at London on 14 May 1998, shall be terminated from the date of entry into force of this Agreement. In the event of provisional application of Chapter Four (Technical Barriers to Trade) in accordance with Article 30.7.3(a), the Agreement on Mutual Recognition, 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 is terminated, the suspension of the Agreement on Mutual Recognition shall cease.

6. 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, done at Ottawa on 17 December 1998 (the "Veterinary Agreement") and confirm their intention to continue this work under this Agreement. The Veterinary Agreement shall be terminated from the date of entry into force of this Agreement. In the event of provisional application of Chapter Five (Sanitary and Phytosanitary Measures) in accordance with Article 30.7.3(a), the Veterinary Agreement, 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 is terminated, the suspension of the Veterinary Agreement shall cease.

7. The definition of "entry into force of this Agreement" in Article 30.7.3(d) shall not apply to this Article.

Article 30.9. Termination

1. A Party may denounce this Agreement by giving written notice of termination to the General Secretariat of the Council of the European Union and the Department of Foreign Affairs, Trade and Development of Canada, or their respective successors. This Agreement shall be terminated 180 days after the date of that notice. The Party giving a notice of termination shall also provide the CETA Joint Committee with a copy of the notice.

2. Notwithstanding paragraph 1, in the event that this Agreement is terminated, the provisions of Chapter Eight (Investment) shall continue to be effective for a period of 20 years after the date of termination of this Agreement in respect of investments made before that date.

Article 30.10. Accession of New Member States of the European Union

1. The European Union shall notify Canada of any request made by a country to accede to the European Union.

2. During the negotiations between the European Union and the country seeking accession, the European Union shall:

(a) provide, upon the request of Canada, and to the extent possible, any information regarding any matter covered by this Agreement; and

(b) take into account any concerns expressed by Canada.

3. The European Union shall notify Canada of the entry into force of any accession to the European Union.

4. Sufficiently in advance of the date of accession of a country to the European Union, the CETA Joint Committee shall examine any effects of the accession on this Agreement and shall decide on any necessary adjustment or transition measures.

5. Any new Member State of the European Union shall accede to this Agreement from the date of its accession to the European Union by means of a clause to that effect in the act of accession to the European Union. If the act of accession to the European Union does not provide for the automatic accession of the European Union Member State to this Agreement, the European Union 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 the Department of Foreign Affairs, Trade and Development of Canada, or their respective successors.

Article 30.11. Authentic Texts

This Agreement is drawn up in duplicate 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.

Done at Brussels on the thirtieth day of October in the year two thousand and sixteen.

FOR THE KINGDOM OF BELGIUM

This signature also commits the French Community, the Flemish Community, the German-speaking Community, the Walloon Region, the Flemish Region and the Brussels-Capital Region.

FOR THE REPUBLIC OF BULGARIA,

FOR THE CZECH REPUBLIC,

FOR THE KINGDOM OF DENMARK,

FOR THE FEDERAL REPUBLIC OF GERMANY,

FOR THE REPUBLIC OF ESTONIA,

FOR IRELAND,

FOR THE HELLENIC REPUBLIC,

FOR THE KINGDOM OF SPAIN,

FOR THE FRENCH REPUBLIC,

FOR THE REPUBLIC OF CROATIA,

FOR THE ITALIAN REPUBLIC,

FOR THE REPUBLIC OF CYPRUS,

FOR THE REPUBLIC OF LATVIA,

FOR THE REPUBLIC OF LITHUANIA,

FOR THE GRAND DUCHY OF LUXEMBOURG,

FOR HUNGARY,

FOR THE REPUBLIC OF MALTA,

FOR THE KINGDOM OF THE NETHERLANDS,

FOR THE REPUBLIC OF AUSTRIA,

FOR THE REPUBLIC OF POLAND,

FOR THE PORTUGUESE REPUBLIC,

FOR ROMANIA,

FOR THE REPUBLIC OF SLOVENIA,

FOR THE SLOVAK REPUBLIC,

FOR THE REPUBLIC OF FINLAND,

FOR THE KINGDOM OF SWEDEN,

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

FOR THE EUROPEAN UNION,

FOR CANADA

ANNEX 8-A. EXPROPRIATION

The Parties confirm their shared understanding that:

1. Expropriation may be direct or indirect:

(a) direct expropriation occurs when an investment is nationalised or otherwise directly expropriated through formal transfer of title or outright seizure; and

(b) indirect expropriation occurs if 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 takes into consideration, among other factors:

(a) 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;

(b) the duration of the measure or series of measures of a Party;

(c) the extent to which the measure or series of measures interferes with distinct, reasonable investment-backed expectations; and

(d) the character of the measure or series of measures, notably their object, context and intent.

3. For greater certainty, except in the rare circumstance when the impact of a 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 8-B. PUBLIC DEBT

1. For the purposes of this Annex:

negotiated restructuring means the restructuring or rescheduling of debt of a Party that has been effected through

(a) a modification or amendment of debt instruments, as provided for under their terms, including their governing law, or

(b) a debt exchange or other similar process in which the holders of no less than 75 per cent of the aggregate principal amount of the outstanding debt subject to restructuring have consented to such debt exchange or other process; and

governing law of a debt instrument means a jurisdiction's laws applicable to that debt instrument.

2. No claim that a restructuring of debt of a Party breaches an obligation under Sections C and D may be submitted, or if already submitted continue, under Section F 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 8.6 or 8.7.

3. Notwithstanding Article 8.22.1(b) and subject to paragraph 2, an investor of a Party may not submit a claim under Section F that a restructuring of debt of a Party breaches an obligation under Sections C and D (other than Article 8.6 or 8.7) (1) unless 270 days have elapsed from the date of submission by the claimant of the written request for consultations pursuant to Article 8.19.

4. For greater certainty, debt of a Party means a debt instrument of any level of government of a Party.

(1) For greater certainty, mere differences in treatment accorded by a Party to certain investors or investments on the basis of legitimate policy objectives in the context of a debt crisis or threat thereof, including those differences in treatment resulting from eligibility for debt restructuring, do not amount to a breach of Article 8.6 or 8.7.

ANNEX 8-C. EXCLUSIONS FROM DISPUTE SETTLEMENT

A decision by Canada following a review under the Investment Canada Act, R.S.C. 1985, c. 28 (1st Supp.), regarding whether or not to permit an investment that is subject to review, is not subject to the dispute settlement provisions under Section F, or to Chapter Twenty-Nine (Dispute Settlement). For greater certainty, this exclusion is without prejudice to the right of a Party to have recourse to Chapter Twenty-Nine (Dispute Settlement) with respect to the consistency of a measure with a Party's reservations, as set out in the Party's Schedule to Annexes I, II or III, as appropriate.

ANNEX 8-D. JOINT DECLARATION CONCERNING ARTICLE 8.12.6

Mindful that the Tribunal for the resolution of investment disputes between investors and states is meant to enforce the obligations referred to in Article 8.18.1, and is 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 recognise 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 three years after entry into force of this 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 8.31.3.

ANNEX 8-E. JOINT DECLARATION ON ARTICLES 8.16, 9.8, AND 28.6

With respect to Articles 8.16, 9.8 (Denial of benefits) and 28.6 (National security), the Parties confirm their understanding that measures that are 'related to the maintenance of international peace and security' include the protection of human rights.

ANNEX 8-F. DECLARATION BY CANADA ON THE INVESTMENT CANADA ACT

Canada will increase the threshold for review under the Investment Canada Act, R.S.C. 1985, c. 28 (1st Supp.) ('ICA') to CAD $1.5 billion once this Agreement is implemented.

Any future amendments to the ICA would be subject to the requirement that such amendments could not decrease the conformity of the ICA with the investment obligations of this Agreement.

As set out in Canada's ICA reservation (Annex I-C-1), the higher threshold will apply to an acquisition of a Canadian enterprise by an investor of the European Union that is not a state enterprise. The determination of whether the acquirer is an investor of the European Union would be based on whether a national of the European Union controls the acquirer in law, or in the absence of a majority ownership, whether nationals of the European Union control the acquirer in fact such as through the ownership of voting interests or through the nationality of members of the board of directors. Moreover, enterprises of the European Union that are controlled by nationals from Canada's existing Free Trade Agreement partners with which Canada has taken investment commitments would also benefit from the higher threshold.

Canada will amend its ICA to provide for the changes necessary for the higher review threshold stated above upon the entry into force of this Agreement.

ANNEX 29-A. RULES OF PROCEDURE FOR ARBITRATION

Definitions and general provisions

1. For this Chapter and under these Rules:

adviser means a natural person retained by a Party to advise or assist that Party in connection with the arbitration proceeding;

arbitration panel means a panel established under Article 29.7;

arbitrator means a member of an arbitration panel established under Article 29.7;

assistant means a natural person who, under the terms of appointment of an arbitrator conducts research for or provides assistance to the arbitrator;

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;

representative of a Party means an employee or any natural 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;

responding Party means the Party that is alleged to be in violation of the provisions referred to in Article 29.2; and

requesting Party means any Party that requests the establishment of an arbitration panel under Article 29.6;

2. The responding Party shall be in charge of the logistical administration of the arbitration proceedings, in particular the organisation of hearings, unless otherwise agreed. However, the Parties shall bear equally the administrative expenses of

the arbitration proceedings as well as the remuneration and all travel, lodging and general expenses of the arbitrators and their assistants.

Notifications

3. Unless agreed otherwise, the Parties and the arbitration panel shall transmit a request, notice, written submission or other document by email, 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 email 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. Minor errors of a clerical nature in a request, notice, written submission or other document related to the arbitration proceeding may be corrected by delivery of a new document clearly indicating the changes.

6. 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.

7. Depending on the provisions under dispute, all requests and notifications addressed to the CETA Joint Committee in accordance with this Chapter shall also be copied to the other relevant institutional bodies.

Commencing the arbitration

8. 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 per cent of the total remuneration of that arbitrator. Arbitrators and representatives of the Parties may take part in this meeting via telephone or video conference.

9. (a) Unless the Parties agree otherwise, within five working days of the date of the establishment of the arbitration panel, 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 29.2 and to make a ruling in accordance with Articles 29.10, 29.17 and 29.18.’.

(b) The Parties shall notify the agreed terms of reference to the arbitration panel within three working days of their agreement.

(c) The arbitration panel may rule on its own jurisdiction.

Initial submissions

10. The requesting 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

11. The chairperson of the arbitration panel shall preside over all meetings. An arbitration panel may delegate to the chairperson authority to make administrative and procedural decisions.

12. Hearings shall take place in person. Unless otherwise provided in this Chapter and without prejudice to paragraph 30, the arbitration panel may conduct its other activities by any means, including telephone, facsimile transmissions or computer links.

13. 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.

14. The drafting of any ruling shall remain the exclusive responsibility of the arbitration panel and must not be delegated.

15. Findings, determinations and recommendations of the arbitration panel under Articles 29.9 and 29.10 should be made by consensus, but if consensus is not possible then by a majority of its members.

16. Arbitrators may not issue separate opinions on matters not unanimously agreed.

17. Where a procedural question arises that is not covered by the provisions of Chapter Twenty-Nine (Dispute Settlement), the arbitration panel, after consulting with the Parties, may adopt an appropriate procedure that is compatible with those provisions and that ensures equal treatment between the Parties.

18. If 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.

19. Any time limit referred to in this Chapter and in this Annex may be modified by mutual consent of the Parties. Upon request of a Party, the arbitration panel may modify the time limits applicable in the proceedings.

20. The arbitration panel shall suspend its work:

(a) at the request of the requesting 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 requesting Party; or

(b) after it has issued its interim report or in the case of a proceeding on a disagreement on equivalence under Article 29.14 or a proceeding under Article 29.15, 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 arbitration panel's work by the end of the period specified in the request for suspension, the proceeding shall be terminated. The termination of the arbitration panel's work is without prejudice to the rights of the Parties in another proceeding on the same matter under Chapter Twenty-Nine (Dispute Settlement).

Replacement

21. If an arbitrator is unable to participate in the proceeding, withdraws, or must be replaced, a replacement shall be selected in accordance with Article 29.7.3.

22. Where a Party considers that an arbitrator does not comply with the requirements of the code of conduct of Annex 29-B ('Code of Conduct') and for this reason must be replaced, that Party shall notify the other Party within 15 days from the time it came to know of the circumstances underlying the arbitrator's non-compliance with the Code of Conduct.

23. 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 29.7.3.

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 29.8.1 and on which the original arbitrator was included. If the original arbitrator was chosen by the Parties pursuant to Article 29.7, the replacement shall be drawn by lot from the individuals proposed by the requesting Party and by the responding Party under Article 29.8.1. 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.

24. 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 29.7.3.

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 arbitrators. The decision by the arbitrators on the need to replace the chairperson shall be final.

If the arbitrators decide that the 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 29.8.1. 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 the arbitrators cannot reach a decision within 10 days of the matter being referred to them, the procedure set out in Article 29.7 shall apply.

25. The arbitration proceedings shall be suspended for the period taken to carry out the procedure provided for in paragraphs 21 through 24.

Hearings

26. The chairperson shall fix the date and time of the hearing in consultation with the Parties and the other arbitrators, 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 proceeding, subject to paragraph 39.

27. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the requesting Party is Canada and in Ottawa if the requesting Party is the European Union.

28. As a general rule there should be only one hearing. The arbitration 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 29.14 and 29.15, except in the case of a disagreement on compliance and equivalence.

29. All arbitrators shall be present during the entirety of the hearing.

30. The following persons may attend the hearing, irrespective of whether the proceeding is 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.

31. 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 natural 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.

32. The arbitration panel shall conduct the hearing in the following manner, ensuring that the requesting Party and the responding Party are afforded equal time:

Argument

(a) argument of the requesting Party

(b) argument of the responding Party

Rebuttal Argument

(a) reply of the requesting Party

(b) counter-reply of the responding Party

33. The arbitration panel may direct questions to either Party at any time during the hearing.

34. The arbitration panel, after having received the comments of the Parties, shall issue to the Parties a final transcript of each hearing.

35. 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

36. The arbitration panel may at any time during the proceeding 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.

37. 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

38. Subject to paragraph 39, 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.

39. 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 when they 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

40. The arbitration panel shall not meet or contact a Party in the absence of the other Party.

41. No arbitrator may discuss any aspect of the subject-matter of the proceeding with a Party or the Parties in the absence of the other arbitrators.

Information and technical advice

42. Upon the request of a disputing Party, or on its own initiative, the arbitration 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

43. Non-governmental persons established in a Party may submit amicus curiae briefs to the arbitration panel in accordance with the following paragraphs.

44. 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.

45. 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 paragraphs 48 and 49.

46. The arbitration panel shall list in its ruling all the submissions it has received that conform to these 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.

Urgent cases

47. In cases of urgency referred to in Article 29.11, 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.

Working language for the proceeding, translation and interpretation

48. During the consultations referred to in Article 29.7.2, and no later than the meeting referred to in paragraph 8, the Parties shall endeavour to agree on a common working language for the proceeding before the arbitration panel.

49. 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.

50. Arbitration panel rulings shall be issued in the language or languages chosen by the Parties.

51. Any costs incurred for translation of an arbitration panel ruling into the language or languages chosen by the Parties shall be borne equally by the Parties.

52. A Party may provide comments on the accuracy of any translated version of a document drawn up in accordance with these Rules.

Calculation of time limits

53. All time limits set out in this Chapter and in this Annex 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.

54. Where, by reason of the application of paragraph 6, 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

55. The time limits set out in these Rules shall be adjusted in line with the special time limits provided for the adoption of a ruling by the arbitration panel in the proceedings under Articles 29.14 and 29.15.

56. In the event that the original arbitration panel, or some of its arbitrators, are unable to reconvene for the proceedings established under Article 29.14 and 29.15, the procedure set out in Article 29.7 shall apply. The time limit for the notification of the ruling shall be extended by 20 days.

ANNEX 29-B. CODE OF CONDUCT FOR ARBITRATORS AND MEDIATORS

Definitions

1. For this Chapter and under this Code of Conduct:

arbitrator means a member of an arbitration panel established under Article 29.7;

assistant means a natural person who, under the terms of appointment of an arbitrator, conducts research or provides assistance to the arbitrator;

candidate means an individual whose name is on the list of arbitrators referred to in Article 29.8 and who is under consideration for selection as an arbitrator under Article 29.7;

mediator means a natural person who conducts a mediation in accordance with Article 29.5;

proceeding, unless otherwise specified, means an arbitration proceeding;

staff, in respect of an arbitrator, means natural persons under the direction and control of the arbitrator, other than assistants.

Responsibilities of candidates and arbitrators

2. Every candidate and arbitrator 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 arbitrators must comply with the obligations established in paragraphs 16 through 19.

Disclosure obligations

3. Prior to confirmation of her or his selection as an arbitrator under this Chapter, a candidate shall disclose any interest, relationship or matter that is likely to affect her or his 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 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 the interested parties in the proceeding, or their counsel, or 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 matters.

5. A candidate or arbitrator shall communicate matters concerning actual or potential violations of this Code of Conduct to the CETA Joint Committee for consideration by the Parties.

6. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of interests, relationships or matters referred to in paragraph 3 and shall disclose them. The disclosure obligation is a continuing duty which requires an arbitrator to disclose such interests, relationships or matters that may arise during all stages of the proceeding. The arbitrator shall disclose such interests, relationships or matters by informing the CETA Joint Committee promptly, in writing, for consideration by the Parties.

Duties of arbitrators

7. Upon selection an arbitrator 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. An arbitrator 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. An arbitrator shall take all appropriate steps to ensure that her or his assistant and staff are aware of, and comply with, paragraphs 2 through 6, and 17 through 19.

10. An arbitrator shall not engage in ex parte contacts concerning the proceeding.

Independence and impartiality of arbitrators

11. An arbitrator shall avoid creating an appearance of bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party, or fear of criticism.

12. An arbitrator 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. An arbitrator 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. An arbitrator may not allow financial, business, professional, family or social relationships or responsibilities to influence her or his conduct or judgement.

15. An arbitrator 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 arbitrators

16. All former arbitrators 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 arbitrator or former arbitrator 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. An arbitrator shall not disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with this Chapter.

19. An arbitrator or former arbitrator shall not at any time disclose the deliberations of an arbitration panel, or any

member's view.

Expenses

20. Each arbitrator 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 her or his assistant.

Mediators

21. This Code of Conduct applies, mutatis mutandis, to mediators.

ANNEX 29-C. RULES OF PROCEDURE FOR MEDIATION

1. Objective

Further to Article 29.5, 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 Proceeding

2. Initiation of the Proceeding

1. A Party may request, at any time, that the Parties enter into a mediation proceeding. 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:

(a) identify the specific measure at issue;

(b) 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

(c) explain how the requesting Party considers that those effects are linked to the measure.

2. The mediation proceeding may only be initiated by mutual consent 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.

3. Selection of the Mediator

1. Upon the start of the mediation proceeding, the Parties shall agree on a mediator, if possible, no later than 15 days after the receipt of the reply to the request for mediation.

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. Further to paragraph 21 of Annex 29-B, the Code of Conduct of Arbitrators and Mediators applies to mediators. Paragraphs 3 through 7 and 48 through 54 of the Rules of Procedure for Arbitration in Annex 29-A shall also apply, mutatis mutandis.

4. Rules of Procedure for Mediation

1. Within 10 days after the appointment of the mediator, the Party requesting 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 organise meetings between the Parties, consult the Parties jointly or individually, seek the assistance of or consult with relevant experts (1) 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 may not advise or comment 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 consent of the Parties, 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 CETA Joint Committee. 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 the measure at issue in the proceeding, the procedure followed and any mutually agreed solution reached as the final outcome of the proceeding, 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.

8. The proceeding shall be terminated:

(a) by the adoption of a mutually agreed solution by the Parties, on the date of adoption.

(b) by a written declaration of the mediator, after consulting with the Parties, that further efforts at mediation would be to no avail;

(c) by a written declaration of a Party after exploring mutually agreed solutions under the mediation proceeding 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

(d) at any stage of the procedure by mutual agreement of the Parties.

(1) A Party may not 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.

Section B. Implementation

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

6. Confidentiality and Relationship to Dispute Settlement

1. Unless the Parties agree otherwise, and without prejudice to Article 4.6, all stages of the proceeding, 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 proceeding is without prejudice to the Parties' rights and obligations under the provisions on Dispute Settlement in this Agreement or any other agreement.

3. Consultations are not required before initiating the mediation proceeding. However, a Party should normally avail itself of the other relevant cooperation or consultation provisions in this Agreement before initiating the mediation proceeding.

4. A Party shall not rely on or introduce as evidence in other dispute settlement proceedings under this Agreement or any other agreement, nor shall an arbitration panel take into consideration:

(a) positions taken by the other Party in the course of the mediation proceeding or information gathered under Article 4.2;

(b) the fact that the other Party has indicated its willingness to accept a solution to the measure subject to mediation; or

(c) 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 she or he has been a mediator.

7. Time Limits

Any time limit referred to in this Annex may be modified by mutual consent between the Parties.

8. Costs

1. Each Party shall bear its costs of participation in the mediation proceeding.

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 paragraph 8 of Annex 29-A.

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.

ANNEX 30-A. LIST OF BILATERAL INVESTMENT TREATIES BETWEEN CANADA AND MEMBER STATES OF THE EUROPEAN UNION

Agreement between the Government of the Republic of Croatia and the Government of Canada for the Promotion and Protection of Investments, done at Ottawa on 3 February 1997.

Agreement between the Czech Republic and Canada for the Promotion and Protection of Investments, done at Prague on 6 May 2009.

Agreement between the Government of the Republic of Hungary and the Government of Canada for the Promotion and Reciprocal Protection of Investments, done at Ottawa on 3 October 1991.

Agreement between the Government of the Republic of Latvia and the Government of Canada for the Promotion and Protection of Investments, done at Riga on 5 May 2009.

Exchange of Notes between the Government of Canada and the Government of the Republic of Malta Constituting an Agreement Relating to Foreign Investment Insurance, done at Valletta on 24 May 1982.

Agreement between the Government of the Republic of Poland and the Government of Canada for the Promotion and Reciprocal Protection of Investments, done at Warsaw on 6 April 1990.

Agreement between the Government of Romania and the Government of Canada for the Promotion and Reciprocal Protection of Investments, done at Bucharest on 8 May 2009.

Agreement between the Slovak Republic and Canada for the Promotion and Protection of Investments, done at Bratislava on 20 July 2010.

ANNEX I. Headnote

Reservations for existing measures and liberalisation commitments

1. The Schedule of a Party to this Annex sets out, under Articles 8.15 (Reservations and exceptions), 9.7 (Reservations), 14.4 (Reservations), and, for the European Union, Article 13.10 (Reservations and exceptions), the reservations taken by that Party with respect to existing measures that do not conform with obligations imposed by:

(a) Articles 8.6 (National treatment), 9.3 (National treatment) or, for the European Union, Article 13.3 (National treatment);

(b) Articles 8.7 (Most-favoured-nation treatment), 9.5 (Most-favoured-nation treatment) or, for the European Union, Article 13.4 (Most-favoured-nation treatment);

(c) Articles 8.4 (Market access), 9.6 (Market access) or, for the European Union, Article 13.6 (Market access);

(d) Article 8.5 (Performance requirements);

(e) Article 8.8 (Senior management and boards of directors) or, for the European Union, Article 13.8 (Senior management and boards of directors);

(f) For the European Union, Article 13.7 (Cross-border supply of financial services); or

(g) Article 14.3 (Obligations); and, in certain cases, sets out commitments for immediate or future liberalisation.

2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under the GATS.

3. 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 the CPC, ISIC rev 3.1, 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 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;

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

(iii) includes:

(A) for a European Union Directive, any laws or other measures which implement the Directive at Member State level; and

(B) for Canada, any laws or other measures at the national or sub-national level that implement agreements between the federal government and the provinces and territories; and

(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 liberalisation.

4. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant obligations of the Chapters, against which the reservation is taken. To the extent that:

(a) 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

(b) the Measures element is not so qualified, the Measures element shall prevail over other elements, unless a 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 prevails, in which case the other elements shall prevail to the extent of that discrepancy.

5. Where a Party maintains a measure that requires that a service supplier be a natural person, citizen, permanent resident or resident of its territory as a condition to the supply of a service in its territory, a reservation for that measure taken with respect to cross-border trade in services shall operate as a reservation with respect to investment, to the extent of that measure.

6. A reservation for a measure that requires a service supplier be a natural person, citizen, permanent resident, or resident of its territory as a condition to the supply of a financial service in its territory taken with respect to Article 13.7 (Cross-

border supply of financial services) shall operate as a reservation with respect to Articles 13.3 (National treatment), 13.4 (Most-favoured-nation treatment), 13.6 (Market access), and 13.8 (Senior management and boards of directors), to the extent of that measure.

7. For the purposes of this Annex, including each Party's Schedule to this Annex: 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, No 4, ISIC rev 3.1, 2002.

8. The following abbreviations are used in the European Union's Schedule to this Annex: 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

Schedule of Canada — Federal Reservations applicable in Canada (applicable in all Provinces and Territories)

Reservation I-C-1 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access Performance requirements National treatment Senior management and boards of directors Level of Government: National Measures: Investment Canada Act, R.S.C. 1985, c. 28 (1st Supp.) Investment Canada Regulations, S.O.R./85-611 Description: Investment 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 Investment Canada Act, of a Canadian business by an investor of the European Union if the value of the Canadian business is not less than CAD $1.5 billion, adjusted in accordance with the applicable methodology in January of each subsequent year as set out in the Investment Canada Act. 2. Notwithstanding the definition of 'investor' in Article 8.1 (Definitions), only investors who are nationals of the European Union or entities controlled by nationals of the European Union as provided for in the Investment Canada Act may benefit from the higher review threshold. 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 CAD $369 million in 2015, 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 six factors described in the Act, summarised 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 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 a 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 authorised under the Investment Canada Act. 6. A non-Canadian who establishes or acquires a Canadian business, other than those that are subject to review, as described above, 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 authorises a review in the public interest. 9. An indirect 'acquisition of control' of a Canadian business by an investor of the European Union other than a cultural business is not reviewable. 10. Notwithstanding Article 8.5 (Performance requirements), Canada may impose a requirement or enforce a commitment or undertaking in connection with the establishment, acquisition, expansion, conduct, operation, or management of any investment of an investor of the European Union or of a third country 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 8.5 (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.

Reservation I-C-2 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Senior management and boards of directors Level of Government: National 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 third country 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.

Reservation I-C-3 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Level of Government: National Measures: Canada Business Corporations Act, R.S.C. 1985, c. C-44 Canada Business Corporations Regulations, 2001, S.O.R./2001-512 Canada Cooperatives Act, S.C. 1998, c. 1 Canada Cooperatives Regulations, S.O.R./99-256 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, 2001, 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, 2001 or in the Canada Cooperatives Regulations.

Reservation I-C-4 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Senior management and boards of directors Level of Government: National Measures: Canada Business Corporations Act, R.S.C. 1985, c. C-44 Canada Business Corporations Regulations, 2001, S.O.R./2001-512 Canada Cooperatives Act, S.C. 1998, c. 1 Canada Cooperatives Regulations, S.O.R./99-256 Canada Corporations Act, R.S.C. 1970, c. C-32 Special Acts of Parliament incorporating specific companies Description: Investment 1. The Canada Business Corporations Act requires, for most federally incorporated corporations, that 25 per cent 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, 2001, a simple majority of resident Canadian directors is required for corporations in the following sectors: uranium mining; book publishing or distribution; book sales, if 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, 2001, or a ‘permanent resident’ as defined in the Immigration and Refugee Protection Act, S.C. 2001, c. 27, 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 to be resident Canadians if the earnings in Canada of the holding corporation and its subsidiaries are less than five per cent 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 per cent 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.

Reservation I-C-5 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Level of Government: National Measures: Citizenship Act, R.S.C. 1985, c. C-29 Foreign Ownership of Land Regulations, S.O.R./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, R.S.A. 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 two 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 foreign government agency; or (c) a corporation incorporated in a country other than Canada; and 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.

Reservation I-C-6 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Level of Government: National Measures: Air Canada Public Participation Act, R.S.C. 1985, c. 35 (4th Supp.) Canadian Arsenals 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. If 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 per cent in the aggregate; Cameco Limited (formerly Eldorado Nuclear Limited): 15 per cent per non-resident natural person, 25 per cent in the aggregate; Nordion International Inc.: 25 per cent in the aggregate; Theratronics International Limited: 49 per cent in the aggregate; and Canadian Arsenals Limited: 25 per cent 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 of a government of a foreign State, 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 a person or an entity referred to in subparagraphs (a) through (c); (e) a trust: (i) established by a person or 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 a person or an entity referred to in subparagraphs (a) through (d) has more than 50 per cent of the beneficial interest; and (f) a corporation that is controlled directly or indirectly by a trust referred to in subparagraph (e).

Reservation I-C-7 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Level of Government: National Measures: 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 authorisation certificate for a good or related service subject to controls under the Export and Import Permits Act.

Reservation I-C-8 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: National Measures: Description: Investment and Cross-Border Trade in Services 1. Canada reserves the right to maintain a measure with respect to the provision of social services not otherwise reserved under Reservation II-C-9 in respect of social services. 2. This reservation against most-favoured-nation treatment does not apply to the provision of private education services.

Reservation I-C-9 Sector: Communication services Sub-Sector: Telecommunications transport networks and services radiocommunications Industry Classification: CPC 752 Type of Reservation: Market access National treatment Senior management and boards of directors Level of Government: National Measures: Telecommunications Act, S.C. 1993, c. 38 Canadian Telecommunications Common Carrier Ownership and Control Regulations, S.O.R./94-667 Radiocommunications Act, R.S.C. 1985, c. R-2 Radiocommunication Regulations, S.O.R./96-484 Description: Investment 1. Foreign investment in facilities-based telecommunications service suppliers is restricted to a maximum, cumulative total of 46.7 per cent voting interest, based on 20 per cent direct investment and 33.3 per cent indirect investment. 2. Facilities-based telecommunications service suppliers must be controlled in fact by Canadians. 3. At least 80 per cent of the members of the board of directors of facilities-based telecommunications service suppliers must be Canadians. 4. Notwithstanding the restrictions described above: (a) foreign investment is allowed up to 100 per cent 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 per cent for suppliers conducting operations under a satellite authorisation; and (e) foreign investment is allowed up to 100 per cent for facilities-based telecommunications service suppliers that have revenues, including those of its affiliates, from the supply of telecommunications services in Canada representing less than 10 per cent of the total telecommunications

services revenues in Canada.

Reservation I-C-10 Sector: Transport services Sub-Sector: Customs brokers Other supporting and auxiliary transport services Industry Classification: CPC 749 Type of Reservation: Market access National treatment Senior management and boards of directors Level of Government: National Measures: Customs Act, R.S.C. 1985, c. 1 (2nd Supp.) Customs Brokers Licensing Regulations, S.O.R./86-1067 Description: Investment and Cross-Border Trade in Services To be a licenced 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.

Reservation I-C-11 Sector: Distribution services Sub-Sector: Duty free shops Industry Classification: CPC 631, 632 (limited to duty-free shops) Type of Reservation: Market access National treatment Level of Government: National Measures: Customs Act, R.S.C. 1985, c. 1 (2nd Supp.) Duty Free Shop Regulations, S.O.R./86-1072 Description: Investment and Cross-Border Trade in Services 1. To be a licenced duty free shop operator at a land border crossing in Canada, a natural person must: (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. 2. To be a licenced duty free shop operator at a land border crossing in Canada, a corporation must: (a) be incorporated in Canada; and (b) have all of its shares beneficially owned by Canadian nationals who meet the requirements of paragraph 1.

Reservation I-C-12 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: Market access National treatment Level of Government: National Measures: Cultural Property Export and Import Act, R.S.C. 1985, c. C-51 Description: Investment and Cross-Border Trade in Services 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 Cultural Property Export and Import Act. 2. For the purposes of this reservation: (a) 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; and (b) 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 with the business of the corporation ordinarily report for work.

Reservation I-C-13 Sector: Business services Sub-Sector: Patent agents Patent agents providing legal advisory and representation services Industry Classification: CPC 8921 Type of Reservation: National treatment Level of Government: National Measures: Patent Act, R.S.C. 1985, c. P-4 Patent Rules, S.O.R./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.

Reservation I-C-14 Sector: Business 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 Level of Government: National Measures: Trade-marks Act, R.S.C. 1985, c. T-13 Trade-marks Regulations, S.O.R./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.

Reservation I-C-15 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 Level of Government: National Measures: Canada Petroleum Resources Act, R.S.C. 1985, c. 36 (2nd Supp.) Territorial Lands Act, R.S.C. 1985, c. T-7 Federal Real Property and Federal Immovables Act, S.C. 1991, c. 50 Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3 Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, 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.

Reservation I-C-16 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 Performance requirements Level of Government: National Measures: Canada Oil and Gas Production and Conservation Act, R.S.C. 1985, c. O-7, as amended by the Canada Oil and Gas Operations Act, S.C. 1992, c. 35 Canada — Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28 Canada — Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3 Measures implementing the Canada-Yukon Oil and Gas Accord, including the Canada-Yukon Oil and Gas Accord Implementation Act, 1998, c. 5, s. 20 and the Oil and Gas Act, 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: Investment and Cross-Border Trade in Services 1. Under the Canada Oil and Gas Operations Act, a 'benefits plan' must be approved by the Minister in order to be authorised to proceed with an oil and gas development project. 2. A benefits plan means 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. 8. 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.

Reservation I-C-17 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 Level of Government: National Measures: Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3 Hibernia Development Project Act, S.C. 1990, c. 41 Description: Investment 1. Under the Hibernia Development Project Act, 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 Canada's Reservation I-C-16. 2. In addition, Canada may, in connection with the Hibernia Project, impose 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.

Reservation I-C-18 Sector: Business services Sub-Sector: Uranium mines Services incidental to mining Industry Classification: CPC 883 Type of Reservation: National treatment Most-favoured-nation treatment Level of Government: National Measures: Investment Canada Act, R.S.C. 1985, c. 28 (1st Supp.) Investment Canada Regulations, S.O.R./85-611 Non-Resident Ownership Policy in the Uranium Mining Sector, 1987 Description: Investment 1. Ownership by 'non-Canadians', as defined in the Investment Canada Act, of a uranium mining property is limited to 49 per cent 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 Non-Resident Ownership Policy 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.

Reservation I-C-19 Sector: Business services Sub-Sector: Auditing Industry Classification: CPC 862 Type of Reservation: National treatment Level of Government: National 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. If 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. If 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.

Reservation I-C-20 Sector: Transport Sub-Sector: Air transport services (passenger and freight) 'Specialty air services' (as set out in the Description element below) Courier services Industry Classification: CPC 73, 7512, 'specialty air services' (as set out in the Description element below) Type of Reservation: Market access National treatment Senior management and board of directors Level of Government: National Measures: Canada Transportation Act, S.C. 1996, c. 10 Aeronautics Act, R.S.C. 1985, c. A-2 Canadian Aviation Regulations, S.O.R./96-433: Part II, Subpart 2 — 'Aircraft Markings and Registration'; Part IV 'Personnel Licensing and Training'; and Part VII 'Commercial Air Services' Description: Investment 1. The Canada Transportation Act, in section 55, defines 'Canadian' in the following manner: 2. '... "Canadian" means a Canadian citizen or a permanent resident within the meaning of subsection 2(1) 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...' 3. 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'. 4. 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; and (d) specialty air services include 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. 5. No foreign individual is qualified to be the registered owner of a Canadian-registered aircraft. 6. 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 per cent) is in Canada. 7. 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. The foreign-registered private aircraft shall be limited to private use, as would be the case for Canadian-registered aircraft requiring a private operating certificate.

Reservation I-C-21 Sector: Transport Sub-Sector: Aircraft repair and maintenance services 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 services' and 'ground handling service' (line maintenance only), as defined in Articles 8.1 (Definitions) and 9.1 (Definitions) Level of Government: National Type of Reservation: National treatment Market access Measures: Aeronautics Act, R.S.C. 1985, c. A-2 Canadian Aviation Regulations, S.O.R./96-433: Part IV 'Personnel Licensing and Training'; Part V 'Airworthiness'; Part VI 'General Operating and 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 (that is, approved maintenance organisations and aircraft maintenance engineers). Certifications are not provided for persons located outside Canada, except sub-organisations of approved maintenance organisations that are located in Canada.

Reservation I-C-22 Sector: Transport Sub-Sector: Scheduled and non-scheduled passenger and freight transportation by road, including courier services. Industry Classification: CPC 7121, 7122, 7123, 7512 Level of Government: National Type of Reservation: National treatment Market access Measures: Motor Vehicle Transport Act, R.S.C. 1985, c. 29 (3rd Supp.), as amended by S.C. 2001, c. 13. Canada Transportation Act, S.C. 1996, c. 10 Customs Tariff, S.C. 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.

Reservation I-C-23 Sector: Transport 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 Any other commercial marine activity undertaken from a vessel Industry Classification: CPC 721, 722, 745, 5133,

5223, and any other commercial marine activity undertaken from a vessel Level of Government: National Type of Reservation: National treatment Market access Obligations Measures: Canada Shipping Act, 2001, S.C. 2001, c. 26 Description: Investment, Cross-Border Trade in Services, 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 law 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 law 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 law 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 law of Canada or a province or territory.

Reservation I-C-24 Sector: Transport 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 Any other commercial marine activity undertaken from a vessel Industry Classification: CPC 721, 722, 745, 5133, 5223, and any other commercial marine activity undertaken from a vessel Level of Government: National Type of Reservation: National treatment Market access Obligations Measures: Canada Shipping Act, 2001, S.C. 2001, c. 26 Marine Personnel Regulations, S.O.R./2007-115 Description: Cross-Border Trade in Services, and International Maritime Transport Services Masters, mates, engineers and certain other seafarers must hold a certificate granted by the Minister of Transport as a requirement of service on Canadian registered vessels. These certificates may be granted only to Canadian citizens or permanent residents.

Reservation I-C-25 Sector: Transport Sub-Sector: Pilotage and berthing services Industry Classification: CPC 74520 Level of Government: National Type of Reservation: National treatment Market access Obligations Measures: Pilotage Act, R.S.C. 1985, c. P-14 General Pilotage Regulations, S.O.R./2000-132 Atlantic Pilotage Authority Regulations, C.R.C. c. 1264 Laurentian Pilotage Authority Regulations, C.R.C. c. 1268 Great Lakes Pilotage Regulations, C.R.C. c. 1266 Pacific Pilotage Regulations, C.R.C. c. 1270 Description: Cross-Border Trade in Services, and International Maritime Transport Services Subject to Canada's Reservation II-C-15, 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 a Canadian citizen or permanent resident may obtain 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 that licence or pilotage certificate in order to retain it.

Reservation I-C-26 Sector: Transport Sub-Sector: Transportation services by sea-going and non-sea-going vessels Industry Classification: CPC 721, 722 Level of Government: National Type of Reservation: Most-favoured-nation treatment Obligations Measures: Coasting Trade Act, S.C. 1992, c. 31 Description: Cross-Border Trade in Services, and International Maritime Transport Services The prohibitions under the Coasting Trade Act, set out in Canada's Reservation II-C-14, do not apply to any vessel that is owned by the Government of the United States of America, when used solely for the purpose of transporting goods owned by the Government of the United States of America from the territory of Canada to supply Distant Early Warning sites.

Reservation I-C-27 Sector: Transport Sub-Sector: Scheduled or non-scheduled passenger transportation by road Industry Classification: CPC 7121, 7122 Level of Government: National Type of Reservation: Market access National treatment Measures: Motor Vehicle Transport Act, R.S.C. 1985, c. 29 (3rd Supp.), as amended by S.C. 2001, c. 13 Description: Investment and Cross-Border Trade in Services 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.

Reservation I-C-28 Sector: Transport Sub-Sector: All transportation sub-sectors Industry Classification: CPC 7 Level of Government: National Type of Reservation: Market access Measures: Canada Transportation Act, S.C. 1996, c. 10 Description: Investment Pursuant to the Canada Transportation Act, 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.

Reservation I-C-29 Sector: Transport Sub-Sector: Postal services, mail transportation by any mode of transport. Industry Classification: CPC 71124, 71235, 7321, 7511 Level of Government: National Type of Reservation: Market access Measures: Canada Post Corporation Act, R.S.C. 1985, c. C-10 Letter Definition Regulations, S.O.R./83-481 Description: Investment and

Cross-Border Trade in Services The sole and exclusive privilege of collecting, transmitting and delivering ‘letters’ within Canada, as defined in the Letter Definition Regulations is reserved for the postal monopoly. For greater certainty, activities relating to the sole and exclusive privilege may also be restricted, including the issuance of postage stamps and the installation, erection or relocation in a public place of a mail receptacle or device to be used for the collection, delivery or storage of mail.

Schedule of Canada — Provincial and Territorial Reservations applicable in Alberta

Reservation I-PT-1 Sector: Business services Sub-Sector: Accounting Auditing and bookkeeping services Industry Classification: CPC 862 Type of Reservation: Market access National treatment Level of Government: Provincial — Alberta Measures: Regulated Accounting Profession Act, R.S.A. 2000, c. R-12 Certified General Accountants Regulation, Alta. Reg. 176/2001 Certified Management Accountants Regulation, Alta. Reg. 177/2001 Chartered Accountants Regulation, 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 a 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.

Reservation I-PT-2 Sector: Business services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: National treatment Level of Government: Provincial — Alberta Measures: Veterinary Profession Act, R.S.A. 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.

Reservation I-PT-3 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: Market access National treatment Level of Government: Provincial — Alberta Measures: Real Estate Act, R.S.A. 2000, c. R–5 Description: Cross-Border Trade in Services Service suppliers are authorised 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; and the location of the records required to be maintained by the Act.

Reservation I-PT-4 Sector: Business services Sub-Sector: Land surveying Industry Classification: CPC 8675 Type of Reservation: Market access Level of Government: Provincial — Alberta Measures: Land Surveyors Act, R.S.A. 2000, c. L-3 Description: Investment For services that are provided through a corporation, commercial presence must take the form of a surveyor's corporation.

Reservation I-PT-5 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 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, R.S.A. 2000, c. G-1 Gaming and Liquor Regulation, Alta. Reg. 143/96 Alberta Gaming and Liquor Commission Board Policies Description: Investment and Cross-Border Trade in Services The above measures permit Alberta to control the manufacture, import, sale, purchase, possession, storage, transportation, use and consumption of liquor, including through permits and licences that may include citizenship, residency and other limitations on the establishment, operation and provision of these activities.

Reservation I-PT-6 Sector: Agriculture Sub-Sector: Land Services incidental to agriculture Industry Classification: CPC 8811 (other than rental of agricultural equipment with operator), 531 Type of Reservation: Market access National treatment Level of Government: Provincial — Alberta Measures: Provincial Parks Act, R.S.A. 2000, c. P-35 Provincial Parks (Dispositions) Regulations, Alta. Reg. 241/77 Provincial Parks (General) Regulation, Alta. Reg. 102/85 Dispositions and Fees Regulation, Alta. Reg. 54/2000 Special Areas Disposition Regulation, Alta. Reg. 137/2001 Declaration Regulation, Alta. Reg. 195/2001 Forest Reserves Regulation, 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 Immigration and Refugee Protection Act, S.C. 2001, c. 27.

Reservation I-PT-7 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: Market access National treatment Level of Government: Provincial — Alberta Measures: Wildlife Act, R.S.A. 2000, c. W-10 Wildlife Regulation, Alta. Reg. 143/97 Description: Investment and Cross-Border Trade in Services 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.

Reservation I-PT-8 Sector: Transport 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, R.S.A. 2000, c. M-21 Motor Vehicle Administration Act, R.S.A. 2000, M-23 Description: Investment and Cross-Border Trade in Services A public convenience and needs test may be imposed prior to approving a licence 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.

Reservation I-PT-9 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Performance requirements Level of Government: Provincial — Alberta Measures: Industrial benefits policy Description: Investment and Cross-Border Trade in Services Performance requirements may be imposed on applicants (such as a first consideration being given to service suppliers from within Alberta or Canada, if 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.

Reservation I-PT-10 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, R.S.A. 2000, c. B-9 Business Corporations Regulation, Alta. Reg. 118/2000 Companies Act, R.S.A. 2000, c. C-21 Cooperatives Act, S.A. 2001, c. C-28.1 Partnership Amendment Act, R.S.A. 2000 (Supp.), c. P-25 Societies Act, R.S.A. 2000, c. S-14 Description: Investment 1. At least 25 per cent of the directors of an Alberta corporation must be resident Canadians. 2. For the purposes of these measures, 'resident Canadian' means an individual who is: (a) a Canadian citizen ordinarily resident in Canada; (b) a Canadian citizen, not ordinarily resident in Canada, who is a member of a prescribed class of persons; or (c) a permanent resident within the meaning of the Immigration and Refugee Protection Act, S.C. 2001, c. 27 and ordinarily resident in Canada.

Reservation I-PT-11 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Level of Government: Provincial — Alberta Measures: Land Titles Act, R.S.A. 2000, c. L-4 Agricultural and Recreational Land Ownership Act, R.S.A. 2000, c. A-9 Regulations Respecting the Ownership of Agricultural and Recreational Land in Alberta, Alta. Reg. 160/79 Public Lands Act, R.S.A. 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 and Refugee Protection Act, S.C. 2001, c. 27; (b) a corporation that is not a Canadian corporation; or (c) 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 and Refugee Protection Act, or for a corporation that is not a Canadian corporation.

Reservation I-PT-12 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, R.S.A. 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: Investment and Cross-Border Trade in Services The above measures permit Alberta to regulate and authorise 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 licences that may include citizenship, residency and other limitations on the establishment, operation and provision of these activities.

Reservation I-PT-13 Sector: Business services Sub-Sector: Services incidental to animal husbandry Industry Classification: CPC 8812 Type of Reservation: Market access National treatment Level of Government: Provincial — Alberta Measures: Stray Animals Act, R.S.A. 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 licence to capture, bait, chase, pursue, follow after or on the trail of or stalk horses on public land in Alberta designated for the licenced capture of horses.

Reservations applicable in British Columbia

Reservation I-PT-14 Sector: Forestry Sub-Sector: Forestry and logging products Industry Classification: CPC 03 Type of Reservation: Performance requirements Level of Government: Provincial — British Columbia Measures: Forest Act, R.S.B.C. 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 authorise 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 utilisation of the wood.

Reservation I-PT-15 Sector: Business services Sub-Sector: Legal services Industry Classification: CPC 8611 Type of Reservation: Market access National treatment Level of Government: Provincial — British Columbia Measures: Evidence Act, R.S.B.C. 1996, c. 124 Description: Investment and Cross-Border Trade in Services A person must be a Canadian citizen or a permanent resident to be appointed as a commissioner for taking affidavits.

Reservation I-PT-16 Sector: Business services Sub-Sector: Accounting, auditing and bookkeeping Industry Classification: CPC 862 Type of Reservation: National treatment Level of Government: Provincial — British Columbia Measures: Accountants (Certified General) Act, R.S.B.C. 1996. c. 2 Accountants (Chartered) Act, R.S.B.C. 1996, c. 3 Accountants (Management) Act, R.S.B.C. 1996, c. 4 Description: Investment Accounting offices must be under the management of a resident of British Columbia.

Reservation I-PT-17 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Senior management and boards of directors Level of Government: Provincial — British Columbia Measures: Cooperative Association Act, S.B.C. 1999, c. 28 Society Act, R.S.B.C. 1996, c. 433 Description: Investment 1. Under the Cooperative Association Act, the majority of directors of an association incorporated under the Act must be resident Canadians and at least one director must be resident in the Province. 2. Under the Society Act, at least one director of a society incorporated under the Act must be resident in the Province.

Reservation I-PT-18 Sector: Business services Sub-Sector: Lawyers and notaries Industry Classification: CPC 861 Type of Reservation: Market access National treatment Level of Government: Provincial — British Columbia Measures: Notaries Act, R.S.B.C. 1996, c. 334 Description: Investment and Cross-Border Trade in Services 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.

Reservation I-PT-19 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: Market access National treatment Level of Government: Provincial — British Columbia Measures: Wildlife Act, R.S.B.C. 1996, c. 488 Description: Investment and Cross-Border Trade in Services Only Canadian citizens or permanent residents of Canada are eligible to be issued guide outfitter and angling guide licences.

Reservation I-PT-20 Sector: Forestry Sub-Sector: Other professional services Forestry and logging products Services incidental to forestry and logging Industry Classification: CPC 03, 8814 Type of Reservation: Market access National treatment Level of Government: Provincial — British Columbia Measures: Foresters Act, S.B.C. 2003, c. 19 Description: Investment and Cross-Border Trade in Services 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.

Reservation I-PT-21 Sector: Forestry Sub-Sector: Services incidental to manufacturing Christmas tree permits Log salvage permits Woodlot licences Industry Classification: CPC 03, 8814 Type of Reservation: Market access National treatment Level of Government: Provincial — British Columbia Measures: Forest Act, R.S.B.C. 1996, c. 157 Description: Investment 1. 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. 2. Only Canadian citizens or landed immigrants may apply for log salvage permits. 3. 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. 4. 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 licence.

Reservation I-PT-22 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, R.S.B.C. 1996, c. 157 Description: Investment 1. Only the following entities may enter into a community forest agreement: (a) A society incorporated under the Society Act, R.S.B.C. 1996, c. 433; (b) An association as defined in the Cooperative Association Act, S.B.C. 1999, c. 28; (c) A corporation, if the corporation is established by or under an enactment, or registered as an extra-provincial company under the Business Corporations Act, S.B.C. 2002, c. 57; (d) A partnership, if the partnership is comprised of municipalities or regional districts, societies, associations, companies or extra-provincial companies, or a combination of the foregoing; or (e) A municipality or regional district. 2. Community forest agreements may be directly awarded.

Reservation I-PT-23 Sector: Agriculture Sub-Sector: Products of agriculture Horticulture and market gardening Services incidental to agriculture (other than rental of agricultural equipment with operator) Services incidental to animal husbandry

Industry Classification: CPC 01, 8811 (other than rental of agricultural equipment with operator), 8812 Type of Reservation: National treatment Level of Government: Provincial — British Columbia Measures: Range Act, S.B.C. 2004, c. 71 Description: Investment An applicant who can demonstrate local presence shall be given preference in the granting of grazing licences and permits.

Reservation I-PT-24 Sector: Forestry Sub-Sector: Forestry and logging Industry Classification: CPC 03 Type of Reservation: Performance requirements Level of Government: Provincial — British Columbia Measures: Forest Act, R.S.B.C. 1996, c. 157 Description: Investment An applicant may be required to commit to the establishment of a manufacturing facility to qualify for a forest licence.

Reservation I-PT-25 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: Forest Act, R.S.B.C. 1996, c. 157 Description: Investment The granting of a community salvage licence is limited to specific groups, notably societies and 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 authorised by the Minister specifies in the invitation or advertising.

Reservation I-PT-26 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: Forest Act, R.S.B.C. 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.

Reservation I-PT-27 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Performance requirements Level of Government: Provincial — British Columbia Measures: Land Act, R.S.B.C. 1996, c. 245 Ministry of Forest and Range Policy — Grazing Lease Policy dated November 15, 2004 Description: Investment 1. The Land Act restricts Crown grants to Canadian citizens and to permanent residents. 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, R.S.B.C. 1996, c. 412, other government related body or to the South Coast British Columbia Transportation Authority continued under the South Coast British Columbia Transportation Authority Act, S.B.C. 1998, c. 30, or any of its subsidiaries. 2. Only Canadian citizens may hold grazing lease tenures. Performance requirements are imposed on companies as a condition for the granting of grazing lease tenures.

Reservation I-PT-28 Sector: Fisheries Sub-Sector: Fish and other fishing products Services incidental to fishing Land Industry Classification: CPC 04, 531, 882 Type of Reservation: Market access National treatment Level of Government: Provincial — British Columbia Measures: Fisheries Act, R.S.B.C. 1996, c. 149 Land Act, R.S.B.C. 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.

Reservation I-PT-29 Sector: Fisheries Sub-Sector: Services incidental to fishing Wholesale trade services Industry Classification: CPC 04, 62112, 62224, 882 Type of Reservation: National treatment Performance requirements Level of Government: Provincial — British Columbia Measures: Fisheries Act, R.S.B.C. 1996, c. 149 Commercial Fisheries and Mariculture: A Policy for the 1980s Description: Investment and Cross-Border Trade in Services 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. Offshore processing or processing at sea is limited to fishermen who process their own catches and if the fish species cannot be economically processed in existing shore based facilities.

Reservation I-PT-30 Sector: Transport Sub-Sector: Road transport services Passenger transportation Industry Classification: CPC 7121, 7122 Type of Reservation: Market access Level of Government: Provincial — British Columbia Measures: Passenger Transportation Act, S.B.C. 2004, c. 39 Motor Vehicle Act, R.S.B.C. 1996, c. 318 Description: Investment 1. The Passenger Transportation Act requires a person to obtain a passenger transportation licence from the Passenger Transportation Board to provide taxi or intercity bus services in British Columbia. The Board may approve an application for a licence if the Board considers that: (a) there is a public need for the service; (b) the applicant is ‘fit and proper’ and capable of providing the service; and (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia. 2. The Passenger Transportation Board has the power to impose terms and conditions on a licence. If the licence is to include an authorisation to operate motor vehicles as intercity buses, the terms and conditions of the licence include routes and minimum route frequencies for that operation. If the licence is to include an authorisation to operate motor vehicles as passenger directed vehicles (such as taxis and limousines), the terms and

conditions of the licence include fleet size, rates and geographic operating area.

Reservation I-PT-31 Sector: Transport Sub-Sector: Road transport services: public transit Industry Classification: CPC 7121, 7122 Type of Reservation: Market access Level of Government: Provincial — British Columbia Measures: British Columbia Transit Act, R.S.B.C. 1996, c. 38 South Coast British Columbia Transportation Authority Act, S.B.C. 1998, c. 30 Description: Investment 1. 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 British Columbia, except the transportation service region supported by the South Coast British Columbia Transportation Authority. 2. 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.

Reservation I-PT-32 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: BC Hydro Public Power Legacy and Heritage Contract Act, S.B.C. 2003. c. 86 Clean Energy Act, S.B.C. 2010, c. 22 Utilities Commission Act, R.S.B.C. 1996, c. 473 Hydro and Power Authority Act, R.S.B.C. 1996, c. 212 Description: Investment and Cross-Border Trade in Services 1. In British Columbia, electric utilities operate as regulated monopoly distributors of electricity within the area they service. 2. 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 British Columbia 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. 3. Subject to direction from the Lieutenant Governor in Council, rates for the sale of electricity within the Province are regulated by the British Columbia Utilities Commission.

Reservation I-PT-33 Sector: Business services Sub-Sector: Free miner Industry Classification: CPC 8675 Type of Reservation: National treatment Level of Government: Provincial — British Columbia Measures: Mineral Tenure Act, R.S.B.C. 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 be authorised to work in Canada, or be a Canadian corporation or a partnership consisting of qualified individuals or Canadian corporations.

Reservations applicable in Manitoba

Reservation I-PT-34 Sector: Community and personal services Sub-Sector: Funeral Cremation and undertaking services Industry Classification: CPC 9703 Type of Reservation: Market access National treatment Level of Government: Provincial — Manitoba Measures: The Prearranged Funeral Services Act, C.C.S.M. c. F-200 Description: Cross-Border Trade in Services Anyone supplying prearranged funeral plans, on a for-profit basis, must have a licence. 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 licence. Prearranged funeral plans can only be offered through the establishment associated with the licence.

Reservation I-PT-35 Sector: Service of membership organizations Sub-Sector: Legal documentation and certification Industry Classification: CPC 8613, 95910 Type of Reservation: Market access National treatment Level of Government: Provincial — Manitoba Measures: The Marriage Act, C.C.S.M. c. M-50 Policy Respecting Residency or Citizenship of Appointees Description: Cross-Border Trade in Services Under The Marriage Act, the Minister responsible may appoint a 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.

Reservation I-PT-36 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 Manitoba Registered Music Teachers' Association and thus use the title ‘Registered Music Teacher’, unless that person can demonstrate six months' prior residence in Manitoba.

Reservation I-PT-37 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Community Development Bonds Act, C.C.S.M. c. C-160 Description: Investment 1. 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. 2. If 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: for

example, individuals resident in Manitoba, a Manitoba corporation established under the Canada Business Corporations Act, R.S.C., 1985, c. C-44, a corporation with a head office in Manitoba, a trust if the majority of trustees or beneficiaries are residents in Manitoba, or a Manitoba municipality. 3. 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, C.C.S.M., c. C225 or the Canada Business Corporations Act or The Co-operatives Act, C.C.S.M., c. C223, 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).

Reservation I-PT-38 Sector: Agriculture Sub-Sector: Agricultural land Forest and other wooded land Industry Classification: CPC 531 Type of Reservation: Market access National treatment Level of Government: Provincial — Manitoba Measures: The Farm Lands Ownership Act, C.C.S.M. c. F-35 Description: Investment Only individuals who are citizens of Canada or permanent residents of Canada within the meaning of the Immigration and Refugee Protection Act, S.C. 2001, c. 27 ('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 two years after acquiring the farm land, may own more than 40 acres of Manitoba farmland.

Reservation I-PT-39 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Performance requirements Level of Government: Provincial — Manitoba Measures: The Labour-sponsored Venture Capital Corporations Act, C.C.S.M. c. L-12 The Corporations Act, C.C.S.M. c. C-225 Description: Investment 1. Labour-sponsored Venture Capital Corporations are required to invest in active businesses (with assets valued at less than CAD $50 million) of which at least 50 per cent of the full-time employees are employees employed in Manitoba, or if at least 50 per cent of employees' wages and salaries are attributable to services rendered in Manitoba by the employees. 2. The corporations must be registered under the Act, and only corporations that have been incorporated under The Corporations Act may apply to be registered. This means that at least 25 per cent of the corporation's directors must be residents of Canada (or at least one, where there are three or fewer directors), pursuant to The Corporations Act.

Reservation I-PT-40 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Cooperatives Act, C.C.S.M. c. C-223 Description: Investment A majority of directors of a cooperative must be resident in Canada. For a directors' meeting of a co-operative to be properly constituted, a majority of the directors at the meeting must be residents 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.

Reservation I-PT-41 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 (other than rental of agricultural equipment with operator), 8812 Type of Reservation: Market access National treatment Level of Government: Provincial — Manitoba Measures: The Crown Lands Act, C.C.S.M. c. C-340 Agricultural Crown Land Leases Regulation, 168/2001 Agricultural Crown Land Grazing and Hay Permits Regulation, 288/88 Description: Investment 1. 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 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 be a resident of Manitoba, and the corporation must be registered to carry on business in Manitoba. 2. 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.

Reservation I-PT-42 Sector: Agriculture 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: The Crown Lands Act, C.C.S.M. c. C-340 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.

Reservation I-PT-43 Sector: Fisheries Sub-Sector: Services incidental to fishing Wholesale trade services Industry Classification: CPC 04, 62224, 882 Type of Reservation: Market access National treatment Performance requirements Level of Government: Provincial — Manitoba Measures: The Fisheries Act, C.C.S.M. c. F-90 Fishing Licensing Regulation, Man. Reg. 124/97 Policy respecting the allocation of commercial fishing licences Description: Investment and Cross-Border Trade in Services 1. Unless otherwise authorised 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. 2. The Minister has full discretion to issue commercial fishing licences and to place conditions on the licences. 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: (a) local; (b) regional; and (c) provincial economies.

Reservation I-PT-44 Sector: Business services Sub-Sector: Land surveyors Industry Classification: CPC 8675 Type of Reservation: Market access National treatment Level of Government: Provincial — Manitoba Measures: The Land Surveyors Act, C.C.S.M. c. L-60 Description: Investment and Cross-Border Trade in Services 1. 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 a Manitoba land surveyor must take the form of a sole proprietorship or partnership. 2. A surveyor who practiced land surveying in Manitoba and subsequently became the citizen or subject of a foreign country must be re-naturalised in accordance with the provisions of the Citizenship Act R.S.C., 1985, c. C-29 prior to resuming practice in Manitoba.

Reservation I-PT-45 Sector: Business services Sub-Sector: Legal advisory and representation services Industry Classification: CPC 8612 Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Legal Profession Act, C.C.S.M. c. L-107 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 if, 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.

Reservation I-PT-46 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. H-38 Description: Investment and Cross-Border Trade in Services 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.

Reservation I-PT-47 Sector: Transport 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. H-60 Description: Investment and Cross-Border Trade in Services 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 if it considers public availability of the service to be essential.

Reservation I-PT-48 Sector: Business services Sub-Sector: Accounting, auditing and bookkeeping services Industry Classification: CPC 862 Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Chartered Accountants Act; C.C.S.M. c. C-70 The Certified General Accountants Act, C.C.S.M. c. C-46 The Certified Management Accountants Act, C.C.S.M. c. C-46.1 The Corporations Act, C.C.S.M. c. C-225 Description: Investment The first three Acts cited above indicate that an accounting, auditing, and bookkeeping corporation cannot be issued a corporate permit to offer services in Manitoba, unless incorporated under The Corporations Act. This means that at least 25 per cent of the corporation's directors must be residents of Canada (or at least one, if there are three or fewer directors).

Reservation I-PT-49 Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 8621 Type of Reservation: Market access National treatment Level of Government: Provincial — Manitoba Measures: The Chartered Accountants Act, C.C.S.M. c. C-70 The Certified General Accountants Act, C.C.S.M. c. C-46 The Certified Management Accountants Act, C.C.S.M. c. C-46.1 The Addictions Foundation Act, C.C.S.M. c. A-60 The Convention Centre Act, S.M. 1988-89 c. 39 amended The Crown Corporations Public Review and Accountability Act, C.C.S.M. c. C-336 amended The Insurance Act, C.C.S.M. c. 140 The Municipal Act, C.C.S.M. c. M-225 The Northern Affairs Act, C.C.S.M. c. N-100 amended The Public Schools Act, C.C.S.M. c. P-250 amended The Trustee Act, C.C.S.M. c. T-160 amended The City of Winnipeg Charter, S.M. 2002, c. 39 amended The Concordia Hospital Incorporation Act, R.S.M. 1990, c. 39 The Hudson Bay Mining Employees' Health Association Incorporation Act, R.S.M. 1990, c. 68 The Investors Syndicate Limited Incorporation Act, R.S.M. 1990, c. 77 The Mount Carmel Clinic Act, R.S.M. 1990, c. 120 L'Œuvre des bourses du Collège de Saint-Boniface Incorporation Act, R.S.M. 1990, c. 132 The Seven Oaks General Hospital Incorporation Act, R.S.M. 1990, c. 180 The United Health Services Corporation Incorporation Act, R.S.M. 1990, c. 201 The Winnipeg Art Gallery Incorporation Act, R.S.M. 1990, c. 216 The Winnipeg Clinic Incorporation Act, R.S.M. 1990, c. 220 Description: Investment and Cross-Border Trade in Services The above listed Acts require that auditing services be performed by a person who is authorised to practice as an accountant under either The Chartered Accountants Act, The Certified General Accountants Act or The Certified Management Accountants Act.

Reservation I-PT-50 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Corporations Act, C.C.S.M. c. C-225 Description: Investment At least 25 per cent of a corporation's directors must be residents of Canada (or at least one, if there are three or fewer directors).

Directors must not transact business at a meeting of directors unless at least 25 per cent of the directors present are residents of Canada (or if there are three or fewer directors, at least one 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.

Reservation I-PT-51 Sector: Hunting Sub-Sector: Services incidental to hunting Hunting, fishing and trapping industries Tourist guide agencies Own-account hunting Industry Classification: CPC 7472, 8813, 96419 Type of Reservation: Market access National treatment Level of Government: Provincial — Manitoba Measures: The Wildlife Act, C.C.S.M. c. W–130 Allocation of Hunting Licences Regulation, Man. Reg. 77/2006 Captive Wild Animal Regulation, Man. Reg. 23/98 Exotic Wildlife Regulation, Man. Reg. 78/99 General Hunting Regulation, Man. Reg. 351/87 Hunting Dogs Regulation, Man. Reg. 79/95 Hunting Seasons and Bag Limits Regulation, Man. Reg. 165/91 Miscellaneous Licences and Permits Regulation, Man. Reg. 53/2007 Trapping Areas and Zones Regulation, Man. Reg. 149/2001 Hunting Guides Regulation, Man. Reg. 110/93 Manitoba Trapping Guide 2011/2012 The Resource Tourism Operators Act, C.C.S.M. c. R119.5 Description: Investment and Cross-Border Trade in Services Pursuant to the above Acts and Regulations the Minister, and the Administrator appointed by the Minister, has the discretion to issue permits or licences required under the Acts to a person, subject to such terms and conditions as the Minister or Administrator 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 licences, for residents of Manitoba or Canada.

Reservation I-PT-52 Sector: Agriculture Sub-Sector: Products of agriculture Services incidental to agriculture Industry Classification: CPC 01, 8811 (other than rental of agricultural equipment with operator) Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Wild Rice Act, C.C.S.M. c. W-140 Description: Investment and Cross-Border Trade in Services Only persons who have been resident in Manitoba for at least one year are entitled to apply for a licence, permit, load slip or export certificate under this Act.

Reservation I-PT-53 Sector: Forestry Sub-Sector: Forestry and logging products Services incidental to manufacturing Industry Classification: CPC 0311, 0312, 8843 Type of Reservation: National treatment Performance requirements Level of Government: Provincial — Manitoba Measures: The Forest Act, C.C.S.M. c. F-150 Forest Use and Management Regulation, Man. Reg. 227/88R Description: Investment and Cross-Border Trade in Services 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 a 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 if such grants are made or permits or licences are issued.

Reservation I-PT-54 Sector: Transport Sub-Sector: Passenger road transport (taxicabs) Industry Classification: CPC 71221 Type of Reservation: Market access Level of Government: Provincial — Manitoba Measures: The Taxicab Act, C.C.S.M. c. T-10 The Highway Traffic Act, C.C.S.M. c. H-60 Description: Investment and Cross-Border Trade in Services 1. The Taxicab 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 a 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. 2. 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 a certificate it issues. In deciding whether or not to grant a certificate, the Board must consider if 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.

Reservation I-PT-55 Sector: Agriculture Sub-Sector: Products of agriculture Live animals and animal products Meats and dairy products Other food products n.e.c. Services incidental to agriculture Industry Classification: CPC 01, 02, 21, 22, 239, 8811 (other than rental of agricultural equipment with operator) Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Farm Products Marketing Act, C.C.S.M. c. F-47 Dairy Farmers of Manitoba Marketing Plan Regulation, Man. Reg. 89/2004 Manitoba Egg and Pullet Producers Marketing Plan Regulation, Man. Reg. 70/2005 Manitoba Chicken Broiler Producers Marketing Plan Regulation, Man. Reg. 246/2004 Manitoba Turkey Producers Marketing Plan Regulation, Man. Reg. 38/2004 Manitoba Vegetable Producers Marketing Plan Regulation, Man. Reg. 117/2009 The Milk Prices Review Act, C.C.S.M. c. M-130 Description: Investment and Cross-Border Trade in Services The boards and commissions under the above measures may afford preferences to permanent residents of Manitoba or Canadian citizens.

Reservation I-PT-56 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. H-190 The Public Utilities Board Act, C.C.S.M. c. P-280 The Water Power Act, C.C.S.M. c. W-60 The Environment Act, C.C.S.M. c. E-125 The

Crown Corporations Public Review and Accountability Act, C.C.S.M. c. C336 Description: Investment and Cross-Border Trade in Services 1. The above measures, among other things, permit the Government of Manitoba or Manitoba Hydro to: (a) regulate, and issue various licences, authorisations or approvals relating to the generation, transmission, distribution, importation, exportation and supply and sale of electricity, if 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); and (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). 2. Without limiting the generality of the foregoing, these measures may involve discrimination in favour of Manitoba residents or entities formed in accordance with the laws of Canada (and having a place of business in Manitoba).

Reservation I-PT-57 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: National treatment Level of Government: Provincial — Manitoba Measures: The Liquor and Gaming Control Act, C.C.S.M. c. L-160 The Corporations Act, C.C.S.M. c. C-225 Description: Investment and Cross-Border Trade in Services The Liquor and Gaming Control Authority of Manitoba has the discretion to grant licences to sell alcoholic beverages. If the applicant is an individual, the licence may only be issued to an adult natural person who is a Canadian citizen or has permanent residence status and resides in Canada. If the applicant is a partnership, all of its members must meet this requirement. If the applicant is a corporation, it must be incorporated or authorised to carry on its business in Manitoba under Manitoba law. If the applicant is incorporated under Manitoba law, 25 per cent of the corporation's directors must be residents of Canada (or at least one, if there are three or fewer directors).

Reservation I-PT-58 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: The Liquor and Gaming Control Act, C.C.S.M. c. G-5 The Manitoba Liquor and Lotteries Corporation Act, C.C.S.M. c. L-210 The Manitoba Horse Racing Commission Act, C.C.S.M. c. H-90 Rules of Thoroughbred Racing and Commission Directives, 2011 Rules of Standardbred Racing and Commission Directives, 2010 Commission Quarterhorse Directives, 2011 Pari-Mutuel Betting Supervision Regulations, SOR 91-365 Description: Investment and Cross-Border Trade in Services Gaming Activities by Charitable and Religious Organisations, Fairs and Exhibitions and Concession and Amusement Operators 1. Charitable and religious organisations, fairs and exhibitions and concession and amusement operators may not carry on gaming activities in Manitoba unless they are licenced to do so by the Liquor and Gaming Control Authority of Manitoba or by another body authorised by Manitoba. The Liquor and Gaming Control Authority has discretion to issue these licences subject to such terms and conditions as it considers advisable, and may afford preferential treatment to applicants with a presence in Manitoba. 2. No one may become an employee of The Manitoba Liquor and Lotteries Corporation or of a Manitoba gaming operator, or regularly be in a premises in Manitoba if the gaming activity is taking place for the purpose of providing a gaming service, unless they have been registered for this purpose by the Liquor and Gaming Control Authority. The Liquor and Gaming Control Authority has discretion to register a person, subject to such terms and conditions as it considers advisable, and may afford preferential treatment to Canadian citizens or permanent residents of Manitoba. 3. 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 Liquor and Gaming Control Authority. The Liquor and Gaming Control Authority has discretion to register a 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 4. Only the Government of Manitoba is authorised to conduct and manage lottery schemes in Manitoba that fall outside the authority of the Liquor and Gaming Control Authority or other bodies authorised to issue licences to conduct and manage lottery schemes in Manitoba. Manitoba conducts and manages lottery schemes within Manitoba through The Manitoba Liquor and 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 Liquor and Lotteries Corporation, Western Canada Lottery Corporation and Interprovincial Lottery Corporation are collectively referred to as the ‘Corporations’. 5. 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 6. 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 licenced 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 Canadian citizens or permanent residents of Manitoba or business entities with an office in Manitoba.

Reservations applicable in New Brunswick

Reservation I-PT-59 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: Crown Lands and Forest Act, S.N.B. 1980, c. C-38.1 Description: Investment Subject to certain exceptions every licence or permit authorising 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.

Reservation I-PT-60 Sector: Mining Sub-Sector: Mining Quarrying and oil well industries Industry Classification: CPC 11, 12, 13, 14, 15, 16 Type of Reservation: Performance requirements Level of Government: Provincial — New Brunswick Measures: Mining Act, S.N.B. 1985, c. M-14.1 Description: Investment If 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.

Reservation I-PT-61 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: National treatment Performance requirements Level of Government: Provincial — New Brunswick Measures: Liquor Control Act, R.S.N.B. 1973, c. L-10 Description: Investment and Cross-Border Trade in Services 1. 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 authorise 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. 2. The ANBL reserves the right to preferentially promote and market locally produced alcoholic beverage products.

Reservations applicable in Newfoundland and Labrador

Reservation I-PT-62 Sector: Energy Sub-Sector: Crude petroleum and natural gas Industry Classification: CPC 120, 7112, 71232, 7131, 7422, 8675, 883, 887 Type of Reservation: Market access (CPC 71232 and 7422 only) National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Newfoundland and Labrador Measures: Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act, R.S.N.L. 1990, c. C-2 Canada-Newfoundland Atlantic Accord — February 11, 1985 Energy Corporation Act, S.N.L. 2007, c. E-11.01 Petroleum and Natural Gas Act, RSNL 1990, c. P-10 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Newfoundland and Labrador to regulate and issue various authorisations 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, related hydrocarbon pipelines, marine distribution, transshipment facilities and transport services. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements or discrimination in favour of residents of Newfoundland and Labrador 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.

Reservation I-PT-63 Sector: Energy Sub-Sector: Electricity 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: Electric Power Control Act, 1994, S.N.L. 1994, c. E-5.1 Energy Corporation Act, S.N.L. 2007, c. E-11.01 Energy Corporation of Newfoundland and Labrador Water Rights Act, S.N.L. 2008, c. E-11.02 Hydro Corporation Act, 2007, SNL 2007, c. H-17 Lower Churchill Development Act, RSNL 1990, c. L-27 Lands Act, SNL 1991, c. 36 Water Resources Act, SNL 2002, c. W-401 Description: Investment and Cross-Border Trade in Services 1. The above measures, among other things, permit the Government of Newfoundland and Labrador to: (a) regulate and issue various authorisations relating to the production, generation, development, transmission (including system control), distribution, delivery, supply and exportation of electricity, and provide for the construction and maintenance of related facilities; (b) provide for the granting of the lands or waters within the domain of the Province for a good, source or force of energy from which it is possible to produce electricity, including the installation of wind turbines and hydroelectric developments; and (c) set and modify rates for electricity. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Newfoundland and Labrador 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.

Reservation I-PT-64 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 Manufacture of articles of straw and plaiting materials, on a fee or contract basis Industry Classification: CPC 031, 31, 321, 88430 Type of Reservation: Market access (CPC 31 only) National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Newfoundland and Labrador Measures: Forestry Act, R.S.N.L. 1990, c. F-23 Forest Protection Act, R.S.N.L. 1990, c. F-22 Plant Protection Act, R.S.N.L. 1990, c. P-16 Description: Investment The above measures allow the Government of Newfoundland and Labrador to regulate and issue various authorisations relating to the production, extraction and development of forestry resources and related products within the Province. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements or discrimination in favour of residents of Newfoundland and Labrador 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.

Reservation I-PT-65 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, 6221, 62224, 881 (other than rental of agricultural equipment with operator and 8814), 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, R.S.N.L. 1990, c. F-5 Natural Products Marketing Act, R.S.N.L. 1990, c. N-2 Poultry and Poultry Products Act, R.S.N.L. 1990, c. P-18 Description: Investment and Cross-Border Trade in Services The above measures allow the Government of Newfoundland and Labrador to regulate and issue various authorisations 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, these measures may involve discretionary decisions based on various factors, the imposition of performance requirements or discrimination in favour of residents of Newfoundland and Labrador 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.

Reservation I-PT-66 Sector: Fisheries Sub-Sector: Fish and other fishing products Prepared and preserved fish Wholesale trade services of fisheries products Services incidental to fishing Industry Classification: CPC 04, 212, 62224, 882 Type of Reservation: Performance requirements Level of Government: Provincial — Newfoundland and Labrador Measures: Fisheries Act, S.N.L. 1995, c. F-12.1 Aquaculture Act, R.S.N.L. 1990, c. A-13 Fish Inspection Act, R.S.N.L. 1990, c. F-12 Fishing Industry Collective Bargaining Act, R.S.N.L. 1990, c. F-18 Fish Processing Licensing Board Act, S.N.L. 2004, c. F-12.01 Professional Fish Harvesters Act, S.N.L. 1996, c. P-26.1 Lands Act, S.N.L. 1991, c. 36 Water Resources Act, S.N.L. 2002 c. W-4.01 Description: Investment The above measures allow the Government of Newfoundland and Labrador to regulate and issue various authorisations 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. These measures provide for the imposition of performance requirements in certain circumstances.

Reservation I-PT-67 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, R.S.N.L 1990, c. C-36 Description: Investment 1. At least 25 per cent of the directors of all corporations incorporated under the Corporations Act must be resident Canadians, except: (a) a corporate body that was incorporated under The Companies Act and was continued under the Corporation Act, and maintains the same proportion of non-resident directors after January 1, 1987 that it had before January 1, 1987; or (b) a corporation that earns no income in Canada. 2. Directors of a corporation incorporated under the Corporations Act must not transact a business at a meeting of directors unless at least 25 per cent of directors present are resident Canadians, except if 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 per cent of the directors at the meeting would have been resident Canadian had that director been present.

Reservation I-PT-68 Sector: Business services Sub-Sector: Surface surveying services Industry Classification: CPC 86753 Type of Reservation: Market access National treatment Level of Government: Provincial — Newfoundland and Labrador Measures: Land Surveyors Act, 1991, S.N.L. 1991, c. C-37 Description: Investment and Cross-Border Trade in Services Canadian permanent residency is required for the issuance of a certificate of authorisation to a firm, a partnership or corporate body to practice surveying within the Province.

Reservation I-PT-69 Sector: Business services Sub-Sector: 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: Private Investigation and Security Services Act, R.S.N.L. 1990, c. P-24 Description: Investment and Cross-Border Trade in Services 1. The holder of a licence to carry on the business of private investigation or security services agency must be a citizen or permanent resident of Canada, and the manager of

such business must ordinarily reside in Canada. 2. A majority of the board of directors must be permanent residents of Canada.

Reservation I-PT-70 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 — Newfoundland and Labrador Measures: Wild Life Act, R.S.N.L. 1990, c. W-8 Description: Investment and Cross-Border Trade in Services 1. Non-residents of the Province must employ licenced guides while undertaking certain licenced hunting activities within the Province. 2. Non-residents of the Province are not permitted to obtain certain types of licences, and are required to obtain non-resident licences to undertake certain fishing activities within the Province. 3. Canadian residency is required in order to obtain registration as a guide.

Reservation I-PT-71 Sector: Land Sub-Sector: Recreational and other open land Industry Classification: CPC 5330 Type of Reservation: Market access National treatment Level of Government: Provincial — Newfoundland and Labrador Measures: Lands Act, S.N.L. 1991, c. 36 Policy Directive FT. 004 (Amendment 1), 2001 Description: Investment Only permanent residents of the Province are eligible to receive residential cottage licences for Crown land.

Reservation I-PT-72 Sector: Transport 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, S.N.L. 2009, c. R-1.2 Description: Investment A person seeking to purchase, operate or construct a rail service within the Province must first obtain Provincial approval. This approval may be granted on terms and conditions the Province considers appropriate. Without limiting the generality of the foregoing, this approval may involve discretionary decisions based on various factors, including the imposition of performance requirements.

Reservation I-PT-73 Sector: Transport Sub-Sector: Other land transportation services Industry Classification: CPC 712 Type of Reservation: Market access Performance requirements Level of Government: Provincial — Newfoundland and Labrador Measures: Aquaculture Act, R.S.N.L. 1990, c. A-13 Fisheries Act, S.N.L. 1995, c. F-12.1 Fish Inspection Act, R.S.N.L. 1990, c. F-12 Liquor Corporation Act, R.S.N.L. 1990, c. L-19 Liquor Control Act, R.S.N.L. 1990, c. L-18 Motor Carrier Act, R.S.N. 1990, c. M-19 Professional Fish Harvesters Act, S.N.L. 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.

Reservation I-PT-74 Sector: All sectors Sub-Sector: Industry 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, R.S.N.L. 1990, c. L-1 Description: Investment The above measure allows the Lieutenant Governor in Council of Newfoundland and Labrador to issue Special Project Orders. Without limiting the generality of the foregoing, these Orders may involve discretionary decisions based on various factors and limitations on or linkages to investment or market access, imposition of performance requirements or discrimination in favour of residents of Newfoundland and Labrador 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.

Reservation I-PT-75 Sector: Recreational, cultural, sporting and associated services Sub-Sector: Gambling and betting Services incidental to manufacturing of metal products, machinery and equipment Industry Classification: CPC 8844, 885, 96492 Type of Reservation: Market access (CPC 8844 and 885 only) National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Newfoundland and Labrador Measures: Lotteries Act, S.N.L. 1991, c. 53 Description: Investment and Cross-Border Trade in Services 1. The above measure permits the Government of Newfoundland and Labrador to regulate and issue various authorisations 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements or discrimination in favour of residents of Newfoundland and Labrador 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.

Reservation I-PT-76 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107, 643 and 88411 Type of Reservation: Market access National treatment Performance requirements Level of Government: Provincial — Newfoundland and Labrador Measures: Liquor Corporation Act, R.S.N.L. 1990, c. L-19 Liquor Control Act, R.S.N.L. 1990, c. L-18 Description: Investment and Cross-Border Trade in Services 1. The above measures permit the Government of Newfoundland and Labrador to regulate and issue various

authorisations relating to the production, distribution, supply, sale, and marketing of alcoholic beverages. 2. The Newfoundland Liquor Corporation operates as a monopoly responsible for the distribution, supply, transport, sale and marketing of alcoholic beverages. 3. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements or discrimination in favour of residents of Newfoundland and Labrador 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.

Reservation I-PT-77 Sector: Business services Sub-Sector: Legal services (notaries) Industry Classification: CPC 861 Type of Reservation: Market access National treatment Level of Government: Provincial — Newfoundland and Labrador Measures: Notaries Public Act, R.S.N.L. 1990, c. N-5 Description: Investment and Cross-Border Trade in Services Only a Canadian citizen that is resident in the Province is eligible to become a notary public for the Province.

Reservations applicable in the Northwest Territories

Reservation I-PT-78 Sector: Business services Sub-Sector: Legal services (notaries public) Industry Classification: CPC 861 Type of Reservation: Market access National treatment Level of Government: Territorial — Northwest Territories Measures: Evidence Act, R.S.N.W.T. 1988, c. E-8, s. 79 Description: Investment and Cross-Border Trade in Services A 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.

Reservations applicable in Nova Scotia

Reservation I-PT-79 Sector: Business services Sub-Sector: Accounting services Industry Classification: CPC 862 Type of Reservation: Market access National treatment Level of Government: Provincial — Nova Scotia Measures: Certified General Accountants Act, S. N.S. 1998, c. 10 Certified Management and Accountants of Nova Scotia Act, S.N.S. 2005, c. 35 Public Accountants Act, R.S.N.S. 1989, c. 369 Chartered Accountants Act, S.N.S. 1994, c. 14 Description: Cross-Border Trade in Services Only residents of Canada are eligible to be licenced to practice as a public accountant in Nova Scotia and to use the designation ‘Public Accountant’.

Reservation I-PT-80 Sector: Tourism and recreational services Sub-Sector: Service incidental to hunting Tour guide agencies Own-account hunting Industry Classification: CPC 7472, 8813, 96419 Type of Reservation: Market access National treatment Level of Government: Provincial — Nova Scotia Measures: Wildlife Act, R.S.N.S. 1989, c. 504 Description: Cross-Border Trade in Services Only Nova Scotia residents are eligible to receive a fur harvesters' or moose hunting licence. Non-residents may be subject to supervision by a qualified guide while hunting or fishing in designated rivers.

Reservation I-PT-81 Sector: Transport Sub-Sector: Highway freight transport Industry Classification: CPC 7123 Type of Reservation: Market access Performance requirements 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.

Reservation I-PT-82 Sector: Transport Sub-Sector: Interurban motor bus transport and 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: Investment and Cross-Border Trade in Services Licencing 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.

Reservation I-PT-83 Sector: Land Sub-Sector: Other land Industry Classification: CPC 539 Type of Reservation: National treatment Level of Government: Provincial — Nova Scotia Measures: Land Titles Clarification Act, R.S.N.S. 1989, c. 250 Description: Investment An applicant who claims land in a land titles clarification area based on historical adverse possession must be a resident of Nova Scotia.

Reservation I-PT-84 Sector: Credit and collection services Sub-Sector: Credit reporting and collection agency services Consumer reporting agencies Industry Classification: CPC 87901, 87902, 87909 Type of Reservation: Market access National treatment Level of Government: Provincial — Nova Scotia Measures: Consumer Creditors' Conduct Act, R.S.N.S., c. 91 Consumer Protection Act, R.S.N.S., c. 92 Consumer Reporting Act, R.S.N.S., c. 93 Consumer Services Act, R.S.N.S., c. 94 Direct

Sellers Licensing and Regulation Act, R.S.N.S. 1989, c. 129 Description: Investment and Cross-Border Trade in Services 1. Whether as an individual or partnership, an applicant for registration as a consumer reporting agency must be a Canadian citizen or lawfully admitted to Canada and ordinarily resident. A corporate applicant 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. 2. Credit Reporting and Collection Agency Services must be supplied through a commercial presence. 3. Permanent residency is required to provide Consumer Agents Services 4. A licence application requires an address for service in Nova Scotia with direct sellers maintaining a permanent place of business in Nova Scotia.

Reservation I-PT-85 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107, 643, 88411 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Nova Scotia Measures: Liquor Control Act, R.S.N.S. 1989, c. 260 Description: Investment and Cross-Border Trade in Services 1. The above measure allows the Province, through the monopoly of the Nova Scotia Liquor License Corporation, to regulate and issue various authorisations relating to the purchase, importation, possession, delivery and sale of liquor and merchandise. 2. Without limiting the generality of the foregoing, this measure may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements or discrimination in favour of residents of Nova Scotia 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 within Nova Scotia.

Reservation I-PT-86 Sector: Community and personal services Sub-Sector: Religious organizations Industry Classification: CPC 95910 Type of Reservation: National treatment Level of Government: Provincial — Nova Scotia Measures: Solemnization of Marriage Act, R.S.N.S. 1989, c. 436 Description: Cross-Border Trade in Services Only Nova Scotia residents may be registered as a person authorised to perform marriages.

Reservation I-PT-87 Sector: Mining Sub-Sector: Mining, quarrying, and oil well industries Industry Classification: CPC 11, 12, 13, 14, 15, 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 1. Except for testing, no person shall remove from the Province to a place outside of Canada for processing an output from a mine in the Province without first obtaining the consent of the Minister. 2. A penalty equal to three times the royalty an operator would otherwise be required to pay may be ordered for failure to obtain consent. 3. Differential royalties also apply for mine output processed outside Nova Scotia.

Reservation I-PT-88 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Services incidental to manufacturing Industry Classification: CPC 8844, 885, 96492 Type of Reservation: Market access (only to CPC 8844 and 885) National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Nova Scotia Measures: Gaming Control Act, S.N.S. 1994-95, c. 4 Description: Investment and Cross-Border Trade in Services 1. The above measure allows the Province to regulate and issue various authorisations 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decision based on various factors, limitations on market access, imposition of performance requirements or discrimination in favour of residents of Nova Scotia 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 within Nova Scotia.

Reservation I-PT-89 Sector: Community and personal services Sub-Sector: Funeral, cremation and undertaking services Industry Classification: CPC 9703 Type of Reservation: Market access National treatment Level of Government: Provincial — Nova Scotia Measures: Embalmers and Funeral Directors Act, R.S.N.S., c. 144 Description: Investment and Cross-Border Trade in Services 1. The Minister has power to refuse to issue or re-issue a licence in respect of a funeral home for any reasonable cause. 2. The regulation provides that a person applying for an apprentice embalmer's licence 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 Nova Scotia, the Board has the discretion not to approve or accept the course of study.

Reservation I-PT-90 Sector: Energy Sub-Sector: Crude oil and natural gas Industry Classification: CPC 120, 7112, 71232, 7131, 7422, 8675, 883, 887 Type of Reservation: Market access (CPC 71232 and 7422 only) National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Nova Scotia Measures: Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act, S.N.S. 1987, c. 3 Crown Lands Act, R.S.N.S. 1989, c. 114 Gas Distribution Act, S.N.S. 1997, c. 4 Offshore Petroleum Royalty Act, S.N.S. 1987, c. 9 Petroleum Resources Act, R.S.N.S. 1989, c. 342 Petroleum Resources Removal Permit Act, S.N.S. 1999, c. 7 Pipeline Act, R.S.N.S. 1989, c. 345 Public Utilities Act, R.S.N.S. 1989, c. 380 Description: Investment and Cross-Border Trade in Services 1. The

Government of Nova Scotia regulates and issues various authorisations 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 related hydrocarbon pipelines, marine distribution, transshipment facilities and transport services. 2. The granting of authorisations may involve discretionary decisions based on various factors, limitations on market access, imposition of performance requirements or discrimination in favour of residents of Nova Scotia 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 within Nova Scotia.

Reservation I-PT-91 Sector: Fisheries Sub-Sector: Fish and other fishing products Prepared and preserved fish Wholesale trade services of fisheries products Services incidental to fishing Industry Classification: CPC 04, 212, 62224, 882 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Nova Scotia Measures: Fisheries and Coastal Resources Act, R.S.N.S. 1996, c. 25 Fisheries Organizations Support Act, S.N.S., 1995-96, c. 6 Description: Investment and Cross-Border Trade in Services 1. The above measures allow the Province to regulate and issue various authorisations 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Nova Scotia 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 within Nova Scotia.

Reservation I-PT-92 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 Manufacture of articles of straw and plaiting materials on a fee or contract basis Industry Classification: CPC 031, 31, 321, 88430 Type of Reservation: Market access (CPC 31 only) National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Nova Scotia Measures: Crown Lands Act, R.S.N.S. 1989, c. 114 Forests Act, R.S.N.S. 1989, c. 179 Primary Forests Products Marketing Act, R.S.N.S. 1989, c. 355 Description: Investment and Cross-Border Trade in Services 1. The above measures allow the Province to regulate and issue various authorisations relating to the production, extraction and development of forestry resources and related products within the Province. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, limitations on market access imposition of performance requirements or discrimination in favour of residents of Nova Scotia 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 within Nova Scotia.

Reservation I-PT-93 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, 6221, 881 (other than rental of agricultural equipment with operator and 8814), 882 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Nova Scotia Measures: Natural Products Act, R.S.N.S. 1989, c. 308 Dairy Industry Act, S.N.S. 2000, c. 24 Agriculture and Rural Credit Act, R.S.N.S. 1989, c. 7 Agriculture and Marketing Act, R.S.N.S., c. 6 Description: Investment and Cross-Border Trade in Services 1. The above measures allow the Province to regulate and issue various authorisations 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Nova Scotia 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 within Nova Scotia.

Reservation I-PT-94 Sector: Energy Sub-Sector: Electricity 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: Crown Lands Act, R.S.N.S. 1989, c. 114 Electricity Act, S.N.S. 2004, c. 25 Nova Scotia Power Privatization Act, S.N.S. 1992, c. 8 Nova Scotia Power Reorganization (1998) Act, S.N.S. 1998, c. 19 Public Utilities Act, R.S.N.S. 1989, c. 380 Renewable Electricity Regulations, O.I.C. 2010-381 (October 12, 2010), N.S. Reg. 155/2010 Description: Investment and Cross-Border Trade in Services 1. The above measures, among other things, permit the Government of Nova Scotia to: (a) regulate and issue various authorisations relating to the production, development, operation and maintenance of generation, transmission (including system control), distribution, delivery, importation, exportation and supply of electricity, including electricity generated by renewable energy sources; (b) 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 the installation of wind turbines and hydroelectric developments; and (c) Set and modify electricity rates, including feed-in tariffs. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of

residents of Nova Scotia 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 within Nova Scotia.

Reservations applicable in Nunavut

Reservation I-PT-95 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, 8813, 96419 Type of Reservation: National treatment Performance requirements Level of Government: Territorial — Nunavut Measures: Wildlife Act, S. Nu. 2003, c. 26, s. 113 Description: Investment and Cross-Border Trade in Services 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.

Reservation I-PT-96 Sector: Business services Sub-Sector: Legal services (notaries public) Industry Classification: CPC 861 Type of Reservation: Market access National treatment Level of Government: Territorial — Nunavut Measures: Evidence Act, R.S.N.W.T. 1988, c. E-8, s. 79 Description: Investment and Cross-Border Trade in Services 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.

Reservations applicable in Ontario

Reservation I-PT-97 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Senior management and boards of directors Level of Government: Provincial — Ontario Measures: Business Corporations Act, R.S.O. 1990, c. B.16, ss. 118(3), 126(2), and 45(1)(b) Special Acts of the Legislature incorporating specific companies Description: Investment 1. At least 25 per cent of directors of corporations (other than non-resident corporation) must be resident Canadians. If fewer than four directors, at least one must be a resident Canadian. Majority of directors' meetings must be held in Canada each year. 2. 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.

Reservation I-PT-98 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: Technical Standards and Safety Act, 2000, S.O. 2000, c. 16 Upholstered and Stuffed Articles, O. Reg. 218/01 ss. 8, and 17 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 licenced in Ontario or manufactured in a designated jurisdiction.

Reservation I-PT-99 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access National treatment Performance requirements Level of Government: Provincial — Ontario Measures: Gaming Control Act, 1992, S.O. 1992, c. 24 General O. Reg. 78/12 Order in Council 1413/08, ss. 3(b) and 16(i) Description: Investment and Cross-Border Trade in Services 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.

Reservation I-PT-100 Sector: Business services Sub-Sector: Collection agents Industry Classification: CPC 87902 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Collection and Debt Settlement Services Act, R.S.O. 1990, c. C-14 General, R.R.O. 1990, Reg. 74, ss. 12(2)(a), and 19.1 Description: Investment and Cross-Border Trade in Services 1. 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. 2. 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 not-for-profit credit counselling services.

Reservation I-PT-101 Sector: Business 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 National treatment Level of Government: Provincial — Ontario Measures: Real Estate and Business Brokers Act, 2002, S.O. 2002, c. 30, Sched. C General, O. Reg. 567/05 para.2 of ss. 4(1) and ss. 24(1) Description: Cross-Border Trade in Services Real estate services must be supplied through a commercial presence in Ontario.

Reservation I-PT-102 Sector: Alcoholic beverages Sub-Sector: Wine products Industry Classification: CPC 242 Type of

Reservation: Performance requirements Level of Government: Provincial — Ontario Measures: Wine Content and Labelling Act, S.O 2000, c. 26, Sched. P Content of Wine, O. Reg. 659/00 Description: Investment A winery in Ontario may sell wine manufactured from a blend of imported and domestic grape products with a minimum of 25 per cent Ontario grape content per bottle.

Reservation I-PT-103 Sector: Tourism Sub-Sector: Travel agency, tour operator and tourist guide services Industry Classification: CPC 7471 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Travel Industry Act, 2002, S.O. 2002, c. 30, Sched. D, s. 4(1) General, O. Reg. 26/05, para.1 of s. 5, and ss. 10(1) Description: Cross-Border Trade in Services 1. An individual must be a Canadian resident to register as a travel agent and travel wholesaler in Ontario. 2. Registrants may carry on business only if their permanent place of business is in Ontario.

Reservation I-PT-104 Sector: Agriculture Sub-Sector: Products of agriculture Services incidental to agriculture Industry Classification: CPC 01, 8811 (other than rental of agricultural equipment with operator) Type of Reservation: National treatment Level of Government: Provincial — Ontario Measures: Wild Rice Harvesting Act, R.S.O., 1990, c. W. 7, ss. 1 and 3(2) Description: Cross-Border Trade in Services A person seeking to harvest wild rice on Crown lands must obtain a licence. Only those who have resided in Ontario for 12 consecutive months immediately preceding the application are eligible for a licence.

Reservation I-PT-105 Sector: Business 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: Surveyors Act, R.S.O. 1990, c. S.29, ss. 3(6), 5(1), 12(1), 14(2) and (3) General, O. Reg. 1026, s. 23 Description: Investment and Cross-Border Trade in Services 1. Only a resident of Canada may obtain a licence to conduct cadastral surveying. Only Canadian citizens can serve as councillors of the Association of Ontario Land Surveyors ('AOLS'). 2. A corporation must primarily offer professional survey services and 50 per cent 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 licenced by the AOLS.

Reservation I-PT-106 Sector: Business services Sub-Sector: Services incidental to hunting Industry Classification: CPC 8813 Type of Reservation: National treatment Level of Government: Provincial — Ontario Measures: Fish and Wildlife Conservation Act, S.O. 1997, c. 41, s. 1(1) Hunting, O.Reg. 665/98, s. 37 Description: Cross-Border Trade in Services Only a resident may be issued a licence 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.

Reservation I-PT-107 Sector: Business services Sub-Sector: Services incidental to hunting Industry Classification: CPC 8813 Type of Reservation: National treatment Level of Government: Provincial — Ontario Measures: Fish and Wildlife Conservation Act, S.O. 1997, c. 41, s. 1(1) Trapping, 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 licence 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 licence.

Reservation I-PT-108 Sector: Recreational, cultural and sporting services Sub-Sector: Sporting services Services incidental to hunting Industry Classification: CPC 9641, 8813 Type of Reservation: National treatment Level of Government: Provincial — Ontario Measures: Fish and Wildlife Conservation Act, S.O. 1997, c. 41 Hunting, O. Reg. 665/98, s. 12 Ontario Hunter Education Program Standards, Wildlife Policy Section, 2014 Description: Cross-Border Trade in Services Only Ontario residents are eligible to be appointed to instruct hunting education courses.

Reservation I-PT-109 Sector: Business services Sub-Sector: Services incidental to hunting Industry Classification: CPC 8813 Type of Reservation: National treatment Level of Government: Provincial — Ontario Measures: Fish and Wildlife Conservation Act, S.O. 1997, c. 41, ss. 1(1), and 32 Hunting, O. Reg. 665/98, ss. 94 and 95 Description: Cross-Border Trade in Services To be eligible for a licence 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 six consecutive months immediately preceding application for a licence.

Reservation I-PT-110 Sector: Distribution services Sub-Sector: Wholesale trade services of fisheries products Industry Classification: CPC 62224 Type of Reservation: Market access Level of Government: Provincial — Ontario Measures: Freshwater Fish Marketing Act, R.S.O. 1990, c. F.33 Description: Investment and Cross-Border Trade in Services No person is permitted to control the buying or selling of fish in Ontario except as authorised in the relevant Act.

Reservation I-PT-111 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: Market access Performance requirements Level of Government: Provincial — Ontario Measures: Crown Forest Sustainability Act, S.O. 1994, c. 25, ss. 30 and 34

General, O. Reg. 167/95 Description: Investment 1. Forest resource licences that authorise 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. 2. Forest resource licences are issued in respect of specific areas of land. As such there are limits to the number of licences issued. 3. The Minister may amend a forest resource licence 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.

Reservation I-PT-112 Sector: Business services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Veterinarians Act, R.S.O. 1990, c. V. 3 General, O. Reg. 1093/90 Description: Investment and Cross-Border Trade in Services Only a Canadian citizen or permanent resident, or another status under the Immigration and Refugee Protection Act, S.C. 2001, c. 27, consistent with the class of licence for which the application is made, is eligible to be licenced to practice veterinary medicine in Ontario.

Reservation I-PT-113 Sector: Distribution services Sub-Sector: Retail sales of pharmaceutical, medical and orthopaedic goods Industry Classification: CPC 63211 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Livestock Medicines Act, R.S.O. 1990, c. L.-23 General, O. Reg. 730/90 Description: Cross-Border Trade in Services Only persons with an established place of business in Ontario are eligible to be licenced to sell livestock medicine in Ontario. Licences may be issued to sellers who have established a temporary place of business at events such as races and agricultural fairs or shows.

Reservation I-PT-114 Sector: Business services Sub-Sector: Legal services (legal documentation and certification services) Industry Classification: CPC 86130 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Notaries Act, R.S.O. 1990, c. N.6, s. 2(1) Description: Investment and Cross-Border Trade in Services Canadian citizenship is required to be appointed a notary public in Ontario for a person who is not a barrister or solicitor.

Reservation I-PT-115 Sector: Ores and minerals, electricity, gas and water Sub-Sector: Natural gas Electrical energy Industry Classification: CPC 120, 17, 334, 713, 887 Type of Reservation: Market access National treatment Performance requirements Level of Government: Provincial — Ontario Measures: Ontario Energy Board Act, S.O. 1998, c. 15, Sched. B Electricity Act, S.O. 1998, c. 15, Sched. A Green Energy Act, S.O. 2009, c. 12, Sched. A Green Energy and Green Economy Act, 2009, S.O. 2009, c. 12 Municipal Franchises Act, R.S.O. 1990, c. M-55 Description: Investment and Cross-Border Trade in Services 1. The Government of Ontario and its energy authorities, entities, and agencies, including, 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 or to produce, transmit, distribute, conserve, manage (demand and load), store, sell, retail or market energy (including electricity, natural gas or renewable energy) in any region in Ontario including on corridor lands. Further, the Government of Ontario or one of its energy authorities, the Ontario Energy Board, or its successors or assigns, may regulate the rates, storage, standards or services provided by energy producers, distributors, transmitters, sellers, retailers, marketers and storage companies in Ontario. 2. 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; 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. 3. 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.

Reservation I-PT-116 Sector: Mining Sub-Sector: Metal ores, other minerals Manufacture of basic metals on a fee or contract basis Industry Classification: CPC 14, 16, 8851 Type of Reservation: Performance requirements Level of Government: Provincial — Ontario Measures: Mining Act, R.S.O. 1990, c. 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.

Reservation I-PT-117 Sector: Transport 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, c. P-54 Description: Investment and Cross-Border Trade in Services The issuance of operating licences for public vehicles is subject to a necessity and convenience test administered by the Ontario Transport Highway Board.

Reservation I-PT-118 Sector: Educational services Sub-Sector: Driver certification services Industry Classification: CPC 9290 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Highway Traffic Act, R.S.O. 1990, c. H.8, s. 32 (5) Issuance of driver's licence, endorsements Drivers' Licences, O. Reg. 340/94 Licences

for Driving Instructors and Driving School, O. Reg. 473/07 Driver Certification Program Policy Beginner Driver Education Program School Bus Driver Improvement Course 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.

Reservation I-PT-119 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Senior management and boards of directors Level of Government: Provincial — Ontario Measures: Co-operative Corporations Act, R.S.O. 1990, c. C. 35, ss. 14(1) and 85(3) Description: Investment 1. A majority of directors of every co-operative shall be resident Canadians. 2. Co-operative corporations must have a head office in Ontario

Reservation I-PT-120 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Liquor Control Act, R.S.O. 1990, c. L. 18 General, O. Reg. 717/90 Alcohol and Gaming Regulation and Public Protection Act, R.S.O. 1996, c. 26, Sched. Assignment of Powers and Duties, O. Reg. 141/01 Registrar of the Alcohol and Gaming Commission of Ontario policies and practices Description: Investment and Cross-Border Trade in Services 1. The above measures permit Ontario to regulate and authorise the importation, purchase, production, distribution, supply, marketing and sale of alcoholic beverages in Ontario and to conduct these activities, including through provincial monopolies. Beer may only be sold in authorised government stores. 2. The Registrar of Alcohol and Gaming authorises Ontario wine, spirits and beer manufacturers to operate stores for the sale of their own wine, spirits and beer, respectively. The Alcohol and Gaming Commission of Ontario also authorises only The Beer Store for the sale of domestic and import beer.

Reservation I-PT-121 Sector: Agriculture Sub-Sector: Agricultural land, forest and other wooded land Industry Classification: CPC 5310 Type of Reservation: National treatment Level of Government: Provincial — Ontario Measures: Municipal Act, S.O 2001, c. 25, s. 308.1 Assessment Act, R.S.O. 1990, c. A.31, s. 7 General, 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 per cent controlled by Canadian citizens or persons lawfully admitted to Canada for permanent residence, are subject to reduced property taxes.

Reservation I-PT-122 Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 862 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Credit Unions and Caisses Populaires Act, S.O 1994, c. 11, s. 160 Description: Cross-Border Trade in Services An accountant or firm of accountants is qualified to be an auditor of a credit union if the accountant, or in the case of a firm of accountants, the member or employee of the firm, is ordinarily resident in Canada.

Reservation I-PT-123 Sector: Service of membership organizations Sub-Sector: Legal documentation and certification Industry Classification: CPC 8613, 95910 Type of Reservation: National treatment Level of Government: Provincial — Ontario Measures: The Marriage Act, R.S.O 1990, c. M.3, ss. 11 and 20 Description: Cross-Border Trade in Services Ontario reserves the right to restrict the category of persons eligible to issue marriage licences, including on the basis of residence, and to require that a person registered under the Act to solemnise marriage must be an Ontario resident or have a parish or pastoral charge in whole or in part in Ontario.

Reservation I-PT-124 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 (other than rental of agricultural equipment with operator and 8814), 882 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Ontario Measures: Farm Products Marketing Act, R.S.O., c. F-9 Milk Act, R.S.O. 1990, c. M. 12 Description: Investment and Cross-Border Trade in Services 1. The above measures allow the Province to regulate and issue various authorisations 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. 2. 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; 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.

Reservation I-PT-125 Sector: Trade services Sub-Sector: Sale, maintenance and repair services of motor vehicles Industry Classification: CPC 611, 612 Type of Reservation: Market access National treatment Level of Government: Provincial — Ontario Measures: Motor Vehicle Dealers Act, S.O. 2002, c. 30, Sched. B Description: Cross-Border Trade in Services A motor vehicle dealer must be registered and operate only from a place authorised in the dealer's registration. The authorised place

must be in Ontario.

Reservations applicable in Prince Edward Island

Reservation I-PT-126 Sector: Business services Sub-Sector: Architectural services Industry Classification: CPC 8671 Type of Reservation: National treatment Level of Government: Provincial — Prince Edward Island Measures: Architects Acts, R.S.P.E.I. 1988, c. A-18.1 Architects Association of Prince Edward Island By-laws Description: Investment A non-resident proprietorship, partnership or corporation applying for a certificate of practice to practice architecture in Prince Edward Island shall have at least two-thirds 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.

Reservation I-PT-127 Sector: Business services Sub-Sector: Insurance and real estate agent industries Industry Classification: CPC 821, 822 Type of Reservation: Market access National treatment Level of Government: Provincial — Prince Edward Island Measures: Real Estate Trading Act, R.S.P.E.I. 1988, R -2 Description: Cross-Border Trade in Services To sell real estate, a natural person must hold a Prince Edward Island real estate licence. The Registrar shall not issue a licence to an individual unless the individual is a citizen of Canada or has the status of permanent resident of Canada.

Reservation I-PT-128 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, R.S.P.E.I. 1988, P-5.1 Description: Investment When issuing a licence 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.

Reservation I-PT-129 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Level of Government: Provincial — Prince Edward Island Measures: Prince Edward Island Lands Protection Act, R.S.P.E.I. 1988, L-5 Fees Regulations and Lands Identification Regulations Description: Investment 1. Non-resident persons must make application to acquire more than five 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. 2. The Government of Prince Edward Island issues permits to non-resident persons under the Act and may impose more onerous conditions including, that the land be identified under the land identification program for agricultural use or non-development use. 3. Only residents of Prince Edward Island are eligible for a property tax rebate on non-commercial real property.

Reservation I-PT-130 Sector: Business services Sub-Sector: Consumer credit reporting Industry Classification: CPC 87901 Type of Reservation: Market access National treatment Level of Government: Provincial — Prince Edward Island Measures: Consumer Reporting Act, R.S.P.E.I. 1988, C-20 Description: Cross-Border Trade in Services Every consumer reporting agency registered under the Act shall operate from a fixed place of business in Prince Edward Island.

Reservation I-PT-131 Sector: Business services Sub-Sector: Legal services Industry Classification: CPC 861 Type of Reservation: Market access National treatment Level of Government: Provincial — Prince Edward Island Measures: Legal Profession Act, 1992 c. 39, R.S.P.E.I. 1988, L-6.1 Description: Investment and Cross-Border Trade in Services To be eligible for admission to the Law Society of Prince Edward Island and practice law, an individual must be a Canadian citizen or a permanent resident of Canada.

Reservation I-PT-132 Sector: Agriculture Sub-Sector: Products of agriculture Live animals and animal products Meats Dairy products 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 boards of directors Level of Government: Provincial — Prince Edward Island Measures: Natural Products Marketing Act, R.S.P.E.I. 1988, N-3 Dairy Industry Act, R.S.P.E.I. 1988, D-1 Agricultural Products Standards Act, R.S.P.E.I. 1988, A-9 Dairy Producers Act, R.S.P.E.I. 1988, D-2 Agricultural Insurance Act, R.S.P.E.I. 1988, A-8.2 Animal Health and Protection Act, R.S.P.E.I., A-11.1 Grain Elevators Corporation Act, R.S.P.E.I. 1993, c. 8 Plant Health Act, R.S.P.E.I. 1990, c. 45 Description: Investment and Cross-Border Trade in Services 1. The above measures allow Prince Edward Island to regulate and issue authorisations on a 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Prince Edward Island 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.

Reservation I-PT-133 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 boards of directors Level of Government: Provincial — Prince Edward Island Measures: Fisheries Act, R.S.P.E.I. 1988, F-13.01 Fish Inspection Act, R.S.P.E.I. 1988, F-13 Certified Fisheries Organizations Support Act, R.S.P.E.I. 1988, C-2.1 Natural Products Marketing Act, R.S.P.E.I. 1988, N-3 Description: Investment and Cross-Border Trade in Services 1. The above measures allow Prince Edward Island to regulate and issue authorisations on a matter relating to resources and products of the fishery, including: 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Prince Edward Island 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.

Reservation I-PT-134 Sector: Energy Sub-Sector: Electricity, oil and natural gas Services incidental to energy distribution Industry Classification: CPC 17, 120, 887 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Prince Edward Island Measures: Energy Corporation Act, R.S.P.E.I. 1988, E-7 Renewable Energy Act, R.S.P.E.I. 2004, C-16 Oil and Natural Gas Act, R.S.P.E.I. 1988, O-5 Electric Power Act, R.S.PE.I. 1988, E-4 Description: Investment and Cross-Border Trade in Services 1. The above measures allow Prince Edward Island to regulate and issue authorisations on a matter relating to energy and energy systems, oil and natural gas, and renewable energy sources including: the generation, accumulation, transmission, distribution, supply, purchase, utilisation 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Prince Edward Island 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.

Reservation I-PT-135 Sector: Agriculture, forestry and fisheries products Sub-Sector: Forestry and logging products Services incidental to forestry and logging Industry Classification: CPC 03, 8814 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Prince Edward Island Measures: Forest Management Act, R.S.P.E.I. 1988, F-14 Public Forest Council Act, R.S.P.E.I. 2001, C-48 Description: Investment and Cross-Border Trade in Services 1. The above measures allow Prince Edward Island to regulate and issue authorisations on a matter relating to forest products, including: the conservation, protection, harvesting, extraction and sale of forest products; issuing of licences, certification of forest producers; importation of plants or plant materials; fees and other charges; and generally for carrying out the provisions of the Acts. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Prince Edward Island 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.

Reservation I-PT-136 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages. Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Provincial — Prince Edward Island Measures: Liquor Control Act, R.S.P.E.I. 1988, L-14 Description: Investment and Cross-Border Trade in Services 1. The 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, imposition of performance requirements or discrimination in favour of residents of Prince Edward Island 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.

Reservation I-PT-137 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 — Prince Edward Island Measures: Lotteries Commission Act, R.S.P.E.I. 1988, L-17 Description: Investment and Cross-Border Trade in Services 1. The Prince Edward Island Lotteries Commission is authorised under the 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 the governments of other provinces that have any agreement with this Province respecting any such lottery schemes or pari-mutuel betting systems. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors,

imposition of performance requirements or discrimination in favour of residents of Prince Edward Island 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.

Reservations applicable in Québec

Reservation I-PT-138 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Level of Government: Provincial — Québec Measures: An Act respecting the acquisition of farm land by non-residents, C.Q.L.R., c. A-4.1 Regulation respecting the declaration of non-resident status in the application for registration of the acquisition of farm land; C.Q.L.R., c. A-4.1, r. 1 Regulation respecting an application for authorization and the information and documents required for the application, C.Q.L.R., 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, C.Q.L.R., c. A-4.1, r. 3 An Act respecting the preservation of agricultural land and agricultural activities, C.Q.L.R., c. P-41.1, and regulations An Act respecting the lands in the domain of the State, C.Q.L.R., c. T-8.1 Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, C.Q.L.R., c. T-8.1, r. 7 Description: Investment 1. Direct or indirect acquisition of farm land by non-residents of Québec must be authorised by the Commission de protection du territoire agricole du Québec. When it receives an application for authorisation by non-residents of Québec, the Commission takes into consideration the possible uses of the land for agricultural purposes and the economic consequences thereof. 2. No person may, in a designated agricultural region, use a lot for any purpose other than agriculture without the authorisation of the Commission, which takes into consideration specific socio-economics factors when rendering a decision. 3. Québec residents are given priority in the purchase or lease of land in the domain of the State.

Reservation I-PT-139 Sector: Agriculture, forestry and fisheries 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 (other than rental of agricultural equipment with operator), 8812, 882 Type of Reservation: National treatment Senior management and boards of directors Level of Government: Provincial — Québec Measures: Professional Syndicates Act, C.Q.L.R., c. S-40 An Act respecting the marketing of agricultural, food and fish products, C.Q.L.R., c. M-35.1 Règlement des producteurs d'œufs d'incubation sur le contingentement, C.Q.L.R., c. M-35.1, r. 223 Règlement sur les quotas des producteurs d'œufs de consommation du Québec, C.Q.L.R., c. M-35.1, r. 239 Description: Investment and Cross-Border Trade in Services 1. Joint plans for the production and marketing of 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. 2. 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 centralised system.

Reservation I-PT-140 Sector: Agriculture, forestry and fisheries Sub-Sector: Fish products Services incidental to fishing Industry Classification: CPC 04, 882 Type of Reservation: Performance requirements Level of Government: Provincial — Québec Measures: Marine Products Processing Act, C.Q.L.R., c. 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.

Reservation I-PT-141 Sector: Recreational, cultural and sporting services Sub-Sector: Cultural goods and property Industry Classification: CPC 963 Type of Reservation: National treatment Market access Level of Government: Provincial — Québec Measures: Cultural Heritage Act, C.Q.L.R., c. P-9.002 Description: Investment 1. 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. 2. Authorisation 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 Québec. Classified heritage property in the domain of the State may not be sold, conveyed by emphyteusis or given away without the Minister's authorisation. In other cases of alienation, prior written notice is required.

Reservation I-PT-142 Sector: Community, social and personal services Sub-Sector: Funeral, cremation and undertaking services Industry Classification: CPC 9703 Type of Reservation: National treatment Level of Government: Provincial — Québec Measures: An Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies, C.Q.L.R., c. L-0.2 Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies, C.Q.L.R., c. L-0.2, r. 1 An Act respecting prearranged funeral services and sepultures, C.Q.L.R., c. A-23.001 Description: Investment and Cross-Border Trade in Services 1. A natural person seeking a

permit to act as a funeral director, on his or her behalf or for a legal person, partnership or an association having its head office in Québec, must have resided in Québec for at least 12 months preceding the request. 2. A person seeking a permit to practise embalming, cremation or thanatopraxy is not subject to the requirement to reside in Québec provided that he or she resides in Canada.

Reservation I-PT-143 Sector: Transport Sub-Sector: Taxi services Industry Classification: CPC 71221 Type of Reservation: National treatment Market access Level of Government: Provincial — Québec Measures: An Act respecting transportation services by taxi, C.Q.L.R., c. S-6.01 Taxi Transportation Regulation, C.Q.L.R., c. S-6.01, r. 3, Highway Safety Code, C.Q.L.R., c. C-24.2 Regulation respecting road vehicle registration, C.Q.L.R., c. C-24.2, r. 29 Description: Investment and Cross-Border Trade in Services 1. 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. 2. There is a limit of 20 taxi owner's permits per person.

Reservation I-PT-144 Sector: Transport Sub-Sector: Interurban special transportation Transportation of other freight Industry Classification: CPC 71214, 71239 Type of Reservation: National treatment Level of Government: Provincial — Québec Measures: Highway Safety Code, C.Q.L.R., c. C-24.2 Regulation respecting road vehicle registration, C.Q.L.R., c. 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 licenced vehicles in other jurisdictions. This system of apportionable fees works on the basis of the distance travelled in each jurisdiction. An IRP registration certificate is recognised by Canadian provinces and United States of America's 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.

Reservation I-PT-145 Sector: Transport Sub-Sector: Bus transport Industry Classification: CPC 71211, 71212, 71213, 71214, 71222 Type of Reservation: Market access Level of Government: Provincial — Québec Measures: Transport Act, C.Q.L.R., c. T-12 Bus Transportation Regulation, C.Q.L.R., c. T-12, r. 16 Description: Investment and Cross-Border Trade in Services 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 if 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.

Reservation I-PT-146 Sector: Transport 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: An Act respecting the Ministère des Transports, C.Q.L.R., c. M-28 Transport Act, C.Q.L.R., c. T-12 Regulation respecting the brokerage of bulk trucking services, C.Q.L.R., c. T-12, r. 4 An Act respecting owners, operators and drivers of heavy vehicles, C.Q.L.R., c. P-30.3 Description: Investment and Cross-Border Trade in Services 1. 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. 2. 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 per cent 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 per cent of the transportation needed if the brokerage permit holder accepts the offer to transport 50 per cent of the transportation required. 3. To obtain a brokerage permit, a non-profit legal person or a cooperative shall demonstrate that it represents at least 35 per cent of the operators of heavy-vehicles 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 or she has his or her principal establishment or in the zone determined by regulation.

Reservation I-PT-147 Sector: Transport Sub-Sector: Maritime transport Industry Classification: CPC 72211 Type of Reservation: Market access National treatment Level of Government: Provincial — Québec Measures: An Act respecting the Société des Traversiers du Québec, C.Q.L.R., c. S-14 Transport Act, C.Q.L.R., c. T-12 Description: Investment and Cross-Border Trade in Services 1. 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, if 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 or she offers passengers a ferry service competing with another ferry service. 2. No person may be a member of the board of directors unless he is domiciled in Québec.

Reservation I-PT-148 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: An Act respecting safety in sports, C.Q.L.R., c. S-3.1 Regulation respecting combat sports, C.Q.L.R., c. S-3.1, r. 11

Regulation respecting combat sports licensing, C.Q.L.R., c. 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.

Reservation I-PT-149 Sector: Travel agency, tour operator and tourist guide services Sub-Sector: Travel agencies Tour operation services Industry Classification: CPC 7471 Type of Reservation: Market access National treatment Level of Government: Provincial — Québec Measures: Travel Agents Act, C.Q.L.R., c. A-10 Regulation respecting travel agents, C.Q.L.R., c. A-10, r. 1 Description: Cross-Border Trade in Services A natural person applying for a travel agent licence on his or her own account must establish and maintain a principal establishment in Québec. The association, partnership or person on whose behalf the licence is applied for must establish and maintain a principal establishment in Québec. A principal establishment is an establishment in which the operations of the licencee are principally performed.

Reservation I-PT-150 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, C.Q.L.R., c. C-67.2 Regulation under the Cooperatives Act, C.Q.L.R., c. C-67.2, r. 1 Description: Investment 1. 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 Québec. 2. 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.

Reservation I-PT-151 Sector: Agriculture, forestry and fisheries Sub-Sector: Forestry and logging products Products of wood, cork, straw and plaiting materials Pulp, paper and paper products Industry Classification: CPC 031, 31, 32 Type of Reservation: National treatment Performance requirements Level of Government: Provincial — Québec Measures: An Act respecting the Ministère des Ressources Naturelles et de la Faune, C.Q.L.R., c. M-25.2 Sustainable Forest Development Act, C.Q.L.R., c. A-18.1 Description: Investment 1. 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, authorise 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. 2. The Minister may take measures for the development of lands or forest resources in the domain of the State that are under his or her authority in order to encourage regional development or implement any other related policy.

Reservation I-PT-152 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: An Act respecting racing, C.Q.L.R., c. C-72.1 Rules respecting the breeding of Québec Standardbred race horses, C.Q.L.R., c. C-72.1, r. 6 Rules respecting Certification, C.Q.L.R., c. C-72.1, r. 1 Rules respecting betting houses, CQLR, c. C-72.1, r. 8 Rules respecting Standardbred horse racing, C.Q.L.R., c. C-72.1, r. 3 Regulation respecting betting horses, C.Q.L.R., c. C-72.1, r.7 Description: Investment and Cross-Border Trade in Services 1. Only a Canadian citizen may apply for a licence to operate a race track, a licence to hold races or a licence to operate a betting house. 2. A 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 least 183 days. 3. Only a Québec race horse, as defined in the Rules respecting the breeding of Québec Standardbred race horses, can be entitled to a privilege or advantage.

Reservation I-PT-153 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 — Québec Measures: An Act respecting the Société des loteries du Québec, C.Q.L.R., c. S-13.1 An Act respecting the Régie des alcools des courses et des jeux, C.Q.L.R. chapter R-6.1 An Act respecting lotteries, publicity contests and amusement machines, C.Q.L.R., c. L-6 Lottery Scheme Rules, C.Q.L.R., c. L-6, r. 12 Rules respecting amusement machines, C.Q.L.R., c. L-6, r. 2 Rules respecting publicity contests, C.Q.L.R., c. L-6, r. 6 Rules respecting video lottery machines, C.Q.L.R., c. L-6, r. 3 Bingo Rules, C.Q.L.R., c. L-6, r. 5 Description: Investment and Cross-Border Trade in Services 1. A person who applies for a licence to operate a lottery scheme must be a Canadian citizen or, in the case of a company or corporation, have an office in Québec. 2. A person who wishes to obtain an amusement machine operator's licence or merchant licence 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. 3. 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 licences 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. 4. With respect to bingo, projects for which a charitable or religious organization applies for an in-hall, media, or recreational bingo licence must be carried out entirely in Québec. Individuals or companies that apply for a bingo supplier's licence must have an establishment in Québec. 5. No person may be a member of the board of directors unless he is domiciled in Québec.

Reservation I-PT-154 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services Beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access National treatment Level of Government: Provincial — Québec Measures: An Act respecting the Société des alcools du Québec, C.Q.L.R., c. S-13 Regulation respecting cider and other apple-based alcoholic beverages, C.Q.L.R., c. S-13, r. 4 Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit, C.Q.L.R., c. S-13, r. 7 Regulation respecting alcoholic beverages made and bottled by holders of a distiller's permit, C.Q.L.R., c. S-13, r. 3 Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, C.Q.L.R., c. S-13, r. 6 An Act respecting offences relating to alcoholic beverages, C.Q.L.R., c. I-8.1 An Act respecting liquor permits, C.Q.L.R., c. P-9.1 Regulation respecting liquor permits, C.Q.L.R., c. P-9.1, r. 5 Description: Investment and Cross-Border Trade in Services 1. The Société des alcools du Québec operates as a monopoly responsible for the importation, distribution, supply, transport, sale, trade and marketing of alcoholic beverages. 2. No person may be a member of the board of directors unless he or she is domiciled in Québec.

Reservation I-PT-155 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services Beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access National treatment Performance requirements Level of Government: Provincial — Québec Measures: An Act respecting the Société des alcools du Québec, C.Q.L.R., c. S-13 Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, C.Q.L.R., c. S-13, r. 6 An Act respecting offences relating to alcoholic beverages, C.Q.L.R., c. I-8.1 Description: Investment and Cross-Border Trade in Services 1. 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. 2. 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. 3. Holders of a small-scale production permit may sell the alcoholic beverages they produce on their production premises.

Reservation I-PT-156 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services Beverages Hotel and restaurant services Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107, 641, 642, 643 Type of Reservation: Market access National treatment Senior management and boards of directors Level of Government: Provincial — Québec Measures: An Act respecting liquor permits, C.Q.L.R., c. P-9.1 Regulation respecting liquor permits, C.Q.L.R., c. P-9.1, r. 5 Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, C.Q.L.R., c. S-13, r. 6 Description: Investment and Cross-Border Trade in Services 1. To obtain a liquor permit under the Act respecting liquor permits, 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 authorised representatives of a government, country, Province, or State. 2. 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 ten per cent or more of shares with full voting rights are Canadian citizens or have been residing in Québec as a permanent resident of Canada. 3. For certain product categories, marketing is carried out by holders of a grocery licence issued by the Régie des alcools, des courses et des jeux (‘RACJ’). Grocers must buy authorised alcoholic beverages from an authorised distributor. 4. 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 per cent or more of shares with full voting rights and are not Canadian citizens that they have lived in Québec for at least one year. 5. The person entrusted to manage the establishment for a holder of a permit authorising the sale or service of alcoholic beverages for consumption on a premise must have a Canadian social insurance number. 6. With regard to reunion permits to sell alcohol, when the proceeds of an event are to be used for the purposes of a non-profit corporation other than the permit applicant, the non-profit corporation must have an establishment in Québec.

Reservation I-PT-157 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 — Québec Measures: An Act Respecting the Régie de l'énergie, C.Q.L.R., c. R-6.01 Hydro-Québec Act, C.Q.L.R., c. H-5 Description: Investment and Cross-Border Trade in Services 1. Québec (including through the Régie de l'énergie and Hydro-Québec) 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. 2. Without limiting the generality of the foregoing, these measures may involve discretionary decisions based on various factors, the imposition of performance requirements or discrimination in favour of residents of Québec or entities established in accordance with the laws of Canada or a province or territory thereof and having a place of business or substantive business operations within Québec.

Reservation I-PT-158 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 — Québec Measures: An Act respecting the exportation of electric power, C.Q.L.R., c. E-23 An Act Respecting the Régie de l'énergie, C.Q.L.R, c. R-6.01 Description: Investment and Cross-Border Trade in Services 1. Hydro-Québec, municipal electric power systems, and private electric power systems are holders of exclusive electric power distribution rights. 2. The exportation of electric power from Québec is prohibited. The Gouvernement du Québec may nevertheless authorise, by order, on the conditions and in the cases it determines, a contract for the exportation of electric power from Québec. 3. 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 authorisation in the cases determined by the Government and are subject to such conditions as the Government may then determine.

Reservation I-PT-159 Sector: Business services Sub-Sector: Real estate services involving own or leased property 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: Real Estate Brokerage Act, C.Q.L.R., c. 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 Québec. In the case of a broker who acts on behalf of an agency, the broker's establishment is the agency's establishment. An agency must have an establishment in Québec.

Reservations applicable in Saskatchewan

Reservation I-PT-160 Sector: Sale, maintenance and repair of motor vehicles and motorcycles Sub-Sector: Wholesale trade services Retail sales of motor vehicles including automobiles and other road vehicles Industry Classification: CPC 61111, 61112 Type of Reservation: Market access National treatment Level of Government: Provincial — Saskatchewan Measures: The Motor Dealers Act, R.S.S. 1978, c. M-22 The Motor Dealers Regulations, R.R.S. c. M-22 Reg. 1 Description: Cross-Border Trade in Services No licence as a motor vehicle dealer shall be granted unless the applicant for the licence maintains in the Province a place of business satisfactory to the registrar and from which he or she conducts his or her business, or a portion of his or her business, as a dealer.

Reservation I-PT-161 Sector: Business services Sub-Sector: Services incidental to fishing Industry Classification: CPC 882 Type of Reservation: Market access National treatment Level of Government: Provincial — Saskatchewan Measures: The Fisheries Act (Saskatchewan), 1994, c. F-16.1 The Fisheries Regulations, c. F-16.1 Reg. 1 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: Investment and Cross-Border Trade in Services Only a Saskatchewan resident is eligible to obtain a commercial fishing licence. Licences may be restricted to residents of the region of a local fishery.

Reservation I-PT-162 Sector: Business services Sub-Sector: Legal services Industry Classification: CPC 861 Type of Reservation: Market access National treatment Level of Government: Provincial — Saskatchewan Measures: The Legal Profession Act, 1990, S.S. 1990-91, c. L-10.1 Rules of the Law Society of Saskatchewan Description: Investment and Cross-Border Trade in Services 1. 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. 2. 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.

Reservation I-PT-163 Sector: Business services Sub-Sector: Legal services Industry Classification: CPC 861 Type of Reservation: Market access National treatment Level of Government: Provincial — Saskatchewan Measures: The Notaries Public Act, R.S.S. 1978, c. N-8 The Commissioners for Oaths Act, R.S.S. 1978, c. C-16 Description: Investment and Cross-Border Trade in Services 1. Only Canadian citizens residing within Saskatchewan can be appointed a notary public for Saskatchewan. 2. Only Canadian citizens can be appointed as a commissioner for oaths in and for Saskatchewan.

Reservation I-PT-164 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 Measures: The Wildlife Act, 1998, S.S. c. W-13.12 The Wildlife Regulations, c. W13.1 Reg. 1 The Outfitter and Guide Regulations, 2004, c. N-3.1 Reg. 3 Description: Investment and Cross-Border Trade in Services A person who wishes to hold an outfitter's licence must be a Saskatchewan resident and have a head office in Saskatchewan.

Reservation I-PT-165 Sector: Business services 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: Market access National treatment Level of Government: Provincial — Saskatchewan Measures: The Real Estate Act, S.S. 1995, c. R-1.3 The Real

Estate Commission policies and bylaws Description: Cross-Border Trade in Services A 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.

Reservation I-PT-166 Sector: Business services 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 Measures: The Wildlife Act, 1998, S.S. c. W-13.12 The Wildlife Regulations, c. W13.1 Reg. 1 Description: Investment and Cross-Border Trade in Services 1. A fur licence holder must be a Saskatchewan resident. 2. 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.

Reservation I-PT-167 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: The Alcohol and Gaming Regulation Act, S.S. 1997, c. A-18.011 Saskatchewan Liquor and Gaming Authority Policy The Slot Machine Act, R.S.S. 1978, c. S-50 The Saskatchewan Gaming Corporation Act, S.S. 1994, c. S-18.2 The Interprovincial Lotteries Act, 1984, 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.

Reservation I-PT-168 Sector: Transport 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 Measures: The Traffic Safety Act, S.S. 2004, c. T-18.1 The Operating Authority Regulations, 1990, c. M-21.2 Reg. 1 Policies of the Highway Safety Board Description: Investment and Cross-Border Trade in Services 1. 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. 2. When considering an application for an operating authority certificate or an amendment to an Operating Authority Certificate, the Highway Safety Board may consider if public business will be promoted by the proposed undertaking. 3. Public business may be measured through a public convenience and needs test which includes: (a) examination of the adequacy of current levels of service; (b) market conditions establishing the requirement for expanded service; (c) the effect of new entrants on public convenience, including the continuity and quality of service; and (d) fitness, willingness and ability of the applicant to provide proper service.

Reservation I-PT-169 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 Business Corporations Act, R.S.S. 1978, c. B-10 Private Acts of the Legislature of Saskatchewan establishing corporate bodies Description: Investment 1. At least 25 per cent of the directors of a corporation must be resident Canadians (such as a Canadian citizen or permanent resident), but if a corporation has fewer than four directors, at least one director must be a resident Canadian. 2. 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. 3. 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. 4. If the directors of a corporation appoint a committee of directors, at least 25 per cent of the members of the committee must be resident Canadians. 5. 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.

Reservation I-PT-170 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 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 1. A co-operative must have a registered office in Saskatchewan. 2. Membership may be limited to Canadians resident in Saskatchewan. 3. 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 co-operative. 4. The registrar may restrict the businesses in which a co-operative may engage in the Province.

Reservation I-PT-171 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 1. At least one director of a corporation must reside in Saskatchewan. 2. At least 25 per cent of the directors of a corporation must be resident Canadians (such as a Canadian citizen), but if a corporation has fewer than four

directors, at least one director must be a resident Canadian. 3. Directors of a charitable corporation shall not transact business at a meeting of directors unless a majority of directors present are resident Canadians. 4. 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.

Reservation I-PT-172 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Performance requirements 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 1. 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 per cent of its salaries and wages to Saskatchewan residents. 2. Tax credits are limited to persons liable to pay Saskatchewan provincial and federal income tax.

Reservation I-PT-173 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.

Reservation I-PT-174 Sector: Agriculture Sub-Sector: Agricultural land Products of agriculture Live animals and animal products Industry Classification: CPC 01, 02, 531 Type of Reservation: Market access National treatment Level of Government: Provincial — Saskatchewan Measures: The Saskatchewan Farm Security Act, S.S. 1988-89, c. S-17.1 Crown Land Lease Policy (93-10-01) Community Pasture Policy (93-12-01) Description: Investment 1. 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. 2. A ‘resident person’ means an individual who: (a) resides in Canada for at least 183 days in any year; or (b) is a Canadian citizen. 3. Non-Canadian residents and non-agricultural corporations may not have or acquire an aggregate land holding exceeding ten acres and are restricted in the conditions under which they may own, control directly or indirectly or otherwise deal with farmland holdings in Saskatchewan. 4. Non-residents may not acquire an interest in land by participating in limited partnerships. 5. 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.

Reservation I-PT-175 Sector: Agriculture Sub-Sector: Agriculture, mining and manufacturing Services incidental to agriculture Production and distribution services Industry Classification: CPC 0291, 0292, 02122, 22, 8811 (other than rental of agricultural equipment with operator) Type of Reservation: Market access Level of Government: Provincial — Saskatchewan Measures: The Agri-Food Act, S.S. 2004, c. A-15.21 The Broiler Hatching Egg Marketing Plan Regulations, 1985, c. N-3, Reg. 1 The Commercial Egg Marketing Plan Regulations, 2006, c. A-15.21, Reg. 2 The Milk Marketing Plan Regulations, 2010, c. A-15.21, Reg. 12 The Saskatchewan Chicken Marketing Plan, 1978, S.R. 387/78 The Saskatchewan Turkey Producers' Marketing Plan, 1975, S.R. 275/75 Description: Investment and Cross-Border Trade in Services 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.

Reservations applicable in Yukon

Reservation I-PT-176 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Performance requirements Level of Government: Territorial — Yukon Measures: Income Tax Act, R.S.Y. 2002, c. 118 Description: Investment 1. Under the Yukon Income Tax Act, a Yukon Small Business Investment Tax Credit of 25 per cent of the purchased share amount is offered to Yukon residents who invest in eligible business corporations. Yukon allocates CAD $1 million annually, to distribute on a first come, first served basis. 2. Eligible small business corporations must meet certain criteria including maintaining a permanent establishment in Yukon, having at least 50 per cent of assets in Yukon, and paying at least 50 per cent of salaries in Yukon.

Reservation I-PT-177 Sector: Business 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: Investment and Cross-Border Trade in Services 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) a 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; or (b) a person who has completed 12 months of service in Yukon under articles as a student-at-law approved by the executive.

Reservation I-PT-178 Sector: Business services Sub-Sector: Notary public Industry Classification: CPC 861 Type of

Reservation: Market access National treatment Level of Government: Territorial — Yukon Measures: Notaries Act, R.S.Y. 2002, c. 158 Description: Investment and Cross-Border Trade in Services 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.

Reservation I-PT-179 Sector: Business services Sub-Sector: Real estate services involving own or leased property 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: Real Estate Agents Act, R.S.Y. 2002, c. 188 Regulation, O.I.C., 1977/158, 1981/14, and 1990/136 Description: Cross-Border Trade in Services Real estate agent applicants must: (a) be a resident of Yukon for a period of not less than three months immediately prior to the application date; and (b) be licenced as a salesman in Yukon for at least one year prior to submitting an application.

Reservation I-PT-180 Sector: Travel agency, tour operator and tourist guide services Sub-Sector: Tourist guide services Industry Classification: CPC 7472 Type of Reservation: Market access National treatment Level of Government: Territorial — Yukon Measures: Wilderness Tourism Licensing Act, R.S.Y. 2002, c. 228 General Regulation, O.I.C. 1999/69 Description: Investment and Cross-Border Trade in Services 1. 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. 2. The above measures permit the Government of Yukon to regulate and issue various authorisations relating to wilderness tourism. This may involve, among other things, the making of measures: (a) to limit ownership on the basis of nationality or residence; (b) to limit market access; and (c) to favour Canadian persons and Canadian service providers.

Reservation I-PT-181 Sector: Tourism Sub-Sector: Services incidental to hunting, trapping, outfitting and tourist guides Industry Classification: CPC 8813, 7472, 96419 Type of Reservation: Market access National treatment Level of Government: Territorial — Yukon Measures: Wildlife Act, R.S.Y. 2002, c. 229 Wildlife Regulations, O.I.C. 2012/84 Trapping Regulation, O.I.C. 1982/283 Parks and Land Certainty Act, R.S.Y. 2002, c. 165 Hershel Island Park Regulation, O.I.C. 1990/038 Description: Investment and Cross-Border Trade in Services 1. Applicants for outfitting concessions, trapping concessions and wilderness tourism licences 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 or her concession. 2. An outfitting certificate is a yearly authorisation 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. 3. The above measures permit the Government of Yukon to regulate and issue various authorisations relating to tourism, including services incidental to hunting, trapping, outfitting and tourist guides. This may involve, among other things, the making of measures: (a) to limit ownership on the basis of nationality or residence; (b) to limit market access; and (c) to favour Canadian persons and Canadian service providers.

Reservation I-PT-182 Sector: Services incidental to agriculture, hunting and forestry Sub-Sector: Hides, skins and fur skins, raw Services incidental to animal husbandry Services incidental to hunting Industry Classification: CPC 0297, 8812, 8813 Type of Reservation: Market access National treatment Level of Government: Territorial — Yukon Measures: Wildlife Act, R.S.Y. 2002, c. 229 Wildlife Regulations, O.I.C. 2012/84 Trapping Regulations, O.I.C. 1982/283 Game Farm Regulations, O.I.C. 1995/15 Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services 1. 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 Wildlife Act. 2. The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to limit ownership on the basis of nationality or residence; (b) to limit market access; and (c) to favour Canadian persons and Canadian service providers.

Reservation I-PT-183 Sector: Land Sub-Sector: Agricultural land, forest and other wooded land Industry Classification: CPC 531, 8811 (other than 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: Lands Titles Act, R.S.Y. 2002, c. 130 Lands Act, R.S.Y. 2002, c. 132 Lands Regulation, O.I.C. 1983/192 Lands Act — Regulation to Amend the Lands Regulation, O.I.C. 2012/159 Yukon Agriculture Policy Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services 1. Corporate applicants for agricultural land use must be incorporated in Canada or Yukon and the majority of shareholders must be Canadian citizens or landed immigrants who have resided continuously in Yukon for one year. 2. 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. 3. A majority of members of an agricultural association or cooperative applicants must be Yukon residents. 4. The above measures permit the Government of Yukon to regulate and issue various authorisations relating to agriculture, including agricultural land, forest and other wooded land. This may involve, among other things, the making of measures: (a) to limit ownership on the basis of nationality or residence; (b) to impose performance requirements; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence

of senior management and boards of directors.

Reservation I-PT-184 Sector: Land Sub-Sector: Agricultural land, forest and other wooded land Industry Classification: CPC 8811 (other than 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: Land Titles Act, R.S.Y. 2002, c. 130 Lands Act, R.S.Y. 2002, c. 132 Lands Regulation, O.I.C. 1983/192 Lands Act — Regulation to Amend the Lands Regulation, O.I.C. 2012/159 Grazing Regulations, O.I.C. 1988/171 Yukon Grazing Policy Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services 1. In order to apply for a grazing agreement: (a) individual applicants must be a Canadian citizen or have permanent resident status; and have resided in Yukon for one year prior to applying; (b) corporate applicants must have a majority of shares held by Yukon residents; or (c) the majority of members of agricultural association or cooperative applicants must be Yukon residents. 2. The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-185 Sector: Agriculture, forestry and fisheries products Sub-Sector: Production, transformation and transport of agricultural products Food and marine products Services incidental to fishing Services incidental to agriculture, forestry and hunting Industry Classification: CPC 01, 02, 04, 531, 881 (other than rental of agricultural equipment with operator and 8814), 882 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Territorial — Yukon Measures: Agricultural Products Act, R.S.Y. 2002, c. 3 Meat Inspection and Abattoir Regulations, O.I.C. 1988/104 Yukon Agricultural Policy Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors

Reservation I-PT-186 Sector: Agriculture, forestry and fisheries products Sub-Sector: Agricultural, forest and other wooded land Forestry and logging products Industry Classification: CPC 03, 531 Type of Reservation: National treatment Performance requirements Senior management and boards of directors Level of Government: Territorial — Yukon Measures: Forest Resources Act, S.Y. 2008, c. 15 Forest Resources Regulation, O.I.C. 2010/171 Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-187 Sector: Energy Sub-Sector: Electrical energy 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: Waters Act, S.Y. 2003, c. 19 Waters Regulation, O.I.C. 2003/58 Environment Act, R.S.Y. 2002, c. 76 Quartz Mining Act, S.Y. 2003, c. 14 Quartz Mining Land Use Regulation, O.I.C. 2003/64 Security Regulation, O.I.C. 2007/77 Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to set or modify electricity rates. 2. 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. 3. The above measures permit the Government of Yukon to regulate and issue various authorisations relating to energy, including electrical energy and services incidental to energy distribution. This may involve, among other things, the making of measures: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-188 Sector: Energy Sub-Sector: Production, transmission, and distribution of electricity Gas, steam and hot water 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: Corporate Governance Act, R.S.Y. 2002, c. 45 Public Utilities Act, R.S.Y. 2002, c. 186 Yukon Power Corporation Regulations, O.I.C. 1987/71 Yukon Development Corporation Act, R.S.Y. 2002, c. 236 Energy Conservation

Fund, O.I.C. 1997/91 Energy Conservation Fund Use Regulation, O.I.C. 1998/204 Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-189 Sector: Transport Sub-Sector: Transport services via pipeline Transportation of fuels Transportation of other goods 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: Public Utilities Act, R.S.Y. 2002, c. 186 Yukon Power Corporation Regulations, O.I.C. 1987/71 Oil and Gas Act, R.S.Y. 2002, c. 162 Oil and Gas Pipeline Regulations Oil and Gas Disposition Regulations, O.I.C. 1999/147 Oil and Gas Licence Administration Regulations, O.I.C. 2004/157 Oil and Gas Drilling and Production Regulations, O.I.C. 2004/158 Oil and Gas Geoscience and Exploration Regulations, O.I.C. 2004/156 Oil and Gas Royalty Regulations, O.I.C. 2008/25 Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services 1. 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. 2. The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-190 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: Territorial — Yukon Measures: Canada-Yukon Oil and Gas Accord Oil and Gas Act, R.S.Y. 2002, c. 162 Oil and Gas Pipeline Regulation Oil and Gas Disposition Regulations, O.I.C. 1999/147 Oil and Gas Licence Administration Regulations, O.I.C. 2004/157 Oil and Gas Drilling and Production Regulations, O.I.C. 2004/158 Oil and Gas Geoscience and Exploration Regulations, O.I.C. 2004/156 Oil and Gas Royalty Regulations, O.I.C. 2008/25 Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-191 Sector: Alcoholic beverages Sub-Sector: Commission agents' services Wholesale trade services Retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture and transport of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107, 7123 (other than 71231, 71232, 71233, 71234), 8841 Type of Reservation: National treatment Senior management and boards of directors Level of Government: Territorial — Yukon Measures: Liquor Act, R.S.Y. 2002, c. 140 Liquor Regulations, O.I.C. 1977/37 Regulations to Amend the Liquor Regulations, O.I.C. 2010/157, O.I.C. 2012/96 Yukon Act, S.C. 2002, c. 7 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to limit ownership on the basis of nationality or residence; (b) to favour Canadian persons and Canadian service providers; and (c) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-192 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: Public Lotteries Act, R.S.Y. 2002, c. 179 Lottery Licensing Act, R.S.Y. 2002, c. 143 Lotteries and Games of Chance Regulations and the Diamond Tooth Gerties Regulations, O.I.C. 1987/180 Lottery Licensing Act — Regulation to Amend the Lottery and Games of Chance Regulations, O.I.C. 2012/102 Slot Machine Management Regulations, O.I.C. 2205/32 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

Reservation I-PT-193 Sector: Business services Sub-Sector: Veterinary services for pet animals Other veterinary services Industry Classification: CPC 932 Type of Reservation: National treatment Level of Government: Territorial — Yukon Measures: Animal Protection Act, R.S.Y. 2002, c. 6 Animal Health Act, R.S.Y. 2002, c. 5 Occupational Training Act, R.S.Y. 2002, c. 160 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations relating to veterinary services for pet animals and other veterinary services. This may involve, among other things, the making of measures: (a) to limit ownership on the basis of nationality or residence; and (b) to favour Canadian persons and Canadian service providers.

Reservation I-PT-194 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 requirements Senior management and boards of directors Level of Government: Territorial — Yukon Measures: Scientists and Explorers Act, R.S.Y. 2002, c. 200 Historic Resources Act, R.S.Y. 2002, c. 109 Archaeological Sites Regulation, O.I.C. 2003/73 Wildlife Act, R.S.Y. 2002, c. 229 Wildlife Regulations, O.I.C. 2012/84 Languages Act, R.S.Y. 2002, c. 133 Yukon Environmental and Socio-Economic Assessment Act, S.C. 2003, c. 7 Description: Investment and Cross-Border Trade in Services The above measures permit the Government of Yukon to regulate and issue various authorisations 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: (a) to impose performance requirements; (b) to limit ownership on the basis of nationality or residence; (c) to favour Canadian persons and Canadian service providers; and (d) regarding the nationality or residence of senior management and board of directors.

EU Party Reservations applicable in the European Union (applicable in all Member States of the EU unless otherwise indicated)

Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Level of Government: EU level — National 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 Eight (Investment), which may have been imposed on such companies or firms when they established in the EU and which shall continue to apply.

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 Level of Government: EU level — National — Regional Measures: All currently existing and all future EU research or innovation framework programmes, including all the FP7 Rules for Participation and regulations pertaining to Joint Technology Initiatives (JTIs),art. 185 Decisions, the Competitiveness and Innovation Programme (CIP) and the European Institute for Innovation and Technology (EIT), as well as existing and future national, regional or local research programmes. Description: Investment and Cross-Border Trade in Services For publicly funded research and development (R&D) services benefitting from funding provided by the EU at EU level, exclusive rights or authorisations may only be granted to nationals of the Member States of the EU and to juridical persons of the EU having their registered office, central administration or principal place of business in the EU. For publicly funded R&D services benefitting from funding provided by a Member State exclusive rights or authorisations may only be granted to nationals of the Member State of the EU 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 Articles 8.15(5)(a) and (b), and 9.2(2)(f) and (g) respectively.

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: EU level — National —

Regional Measures: As set out in the Description element Description: Investment Any Member State of the EU, 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 of Canada or of a third country or their investments. With respect to such a sale or other disposition, any Member State of the EU 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 of the EU 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: Agriculture Sub-Sector: Industry Classification: Type of Reservation: Performance requirements Level of Government: EU level Measures: Council Regulation (EC) No 1234/2007 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 of the EU shall buy cereals which have been harvested in the EU. No export refund shall be granted on rice imported from and re-exported to Canada or any third country. Only EU rice producers may claim compensatory payments.

Sector: Business services Sub-Sector: Accounting and auditing services Industry Classification: CPC 8621 Type of Reservation: National treatment Level of Government: EU level — National — Regional Measures: Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC Description: Cross-Border Trade in Services The competent authorities of a Member State of the EU may recognise the equivalence of the qualifications of an auditor who is a national of Canada or of any third country in order to approve them to act as a statutory auditor in the EU subject to reciprocity.

Sector: Communications services Sub-Sector: Postal services Industry Classification: Part of CPC 71235, part of CPC 73210, part of 751, Type of Reservation: Market access Level of Government: EU level — National — Regional 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: Investment and Cross-Border Trade in Services 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 or a financial contribution to a compensation fund.

Sector: Transport Sub-Sector: Supporting services for air transport Industry Classification: Rental of aircraft Type of Reservation: CPC 7461, CPC 7469, CPC 83104 National treatment Market access Most-favoured-nation treatment Level of Government: EU level — National — Regional Measures: Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems Description: Investment and Cross-Border Trade in Services Aircraft used by EU air carriers must be registered in the Member State of the EU licensing the carrier or, if the licensing Member State of the EU 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. 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. For groundhandling services, establishment within the EU territory may be required. The level of openness of groundhandling services depends on the size of airport. The number of suppliers 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 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.

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 Obligations Level of Government: EU level Measures: Council Regulation (EEC) No 3921/91 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 Council Regulation (EC) No 1356/96 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 Council Regulation (EEC) No 2919/85 of 17 October 1985 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 Description: Investment, Cross-Border Trade in Services, 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: (a) is established in a Member State of the EU, (b) is entitled there to carry out the (international) transport of goods or passengers by inland waterway, and (c) uses vessels registered in a Member State of the EU or in possession of a certificate of membership of a fleet of a Member State of the EU. In addition, the vessels must be owned by natural persons domiciled in a Member State of the EU and who are nationals of a Member State of the EU, or owned by legal persons registered in a Member State of the EU and the majority of whom are nationals of a Member State of the EU. 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.

Sector: Transport Sub-Sector: Rail transport Industry Classification: CPC 711 Type of Reservation: Market access Level of Government: EU level — National — Regional Measures: Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) Council 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 the European Parliament and of the Council 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 Trade in Services The provision of rail transport services requires a licence, which can only be granted to railway undertakings established in a Member State of the EU.

Sector: Transport Sub-Sector: Other transport services (provision of combined transport services) Industry Classification: CPC 711, CPC 712, CPC 7212, CPC 7222, CPC 741, CPC 742, CPC 743, CPC 744, CPC 745, CPC 748, CPC 749 Type of Reservation: Market access Level of Government: EU level — National — Regional Measures: Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States Description: Investment and Cross-Border Trade in Services With the exception of Finland, only hauliers established in a Member State of the EU who meet the conditions of access to the occupation and access to the market for transport of goods between Member States of the EU may, in the context of a combined transport operation between Member States of the EU, carry out initial 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.

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: EU level — National — Regional Measures: Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, and subsequent amendments Description: Cross-Border Trade in Services Customs clearance services may only be provided by EU residents.

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: Regional (Sub-national) Measures: Burgenländisches Grundverkehrsgesetz, LGBL. Nr. 25/2007 Kärntner Grundverkehrsgesetz, LGBL. Nr. 9/2004 NÖ- Grundverkehrsgesetz, LGBL. 6800 OÖ- Grundverkehrsgesetz, LGBL. Nr. 88/1994 Salzburger Grundverkehrsgesetz, LGBL. Nr. 9/2002 Steiermärkisches Grundverkehrsgesetz, LGBL. Nr. 134/1993 Tiroler Grundverkehrsgesetz, LGBL. Nr. 61/1996 Voralberger Grundverkehrsgesetz, LGBL. Nr. 42/2004 Wiener Ausländergrundverkehrsgesetz, LGBL. Nr. 11/1998 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.

Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Level of Government: National Measures: Aktiengesetz, BGBL. Nr. 98/1965, § 254 (2) GmbH-Gesetz, RGBL. Nr. 58/1906, § 107 (2) Gewerbeordnung, BGBL. Nr. 194/1994, § 39 (2a) Description: Investment For the operation of a branch, non-European Economic Area (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.

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: Rechtsanwaltsordnung (Lawyers Act) — RAO, RGBl. Nr. 96/1868, art. 1 and 21c Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, 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 law and the law of a Member State of the EU, 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 Canadian law. For admission to the Bar, required for the practice of EU law and the law of a Member State of the EU including representation before courts, nationality of a Member State of 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 per cent; the rest must be held by fully fledged EEA 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 Article 1a of the Lawyers Act — in Austria generally limited to certain forms of association.

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), § 12, § 65, § 67, § 68 (1) 4 Bilanzbuchhaltungsgesetz (BibuG, BGBl. I Nr. 11/2008, § 7, § 11, § 56 and § 59 (1) 4. Description: Investment and Cross-Border Trade in Services 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 per cent. The service supplier 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 a national of a Member State of the EU, they must be a member of the relevant professional body in their home country, where such a body exists.

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/, §3 (3) 1 Description: Investment and Cross-Border Trade in Services Only nationals of a Member State of the EEA may provide veterinary services. The nationality requirement is waived for nationals of a non-Member State of the EEA where there is an agreement with that non-Member State of the EEA providing for national treatment with respect to investment and cross-border trade of veterinary services.

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, §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 Description: Investment Nationality of a Member State of the EEA or of the Swiss Confederation is required in order to provide medical services. Regarding medical services, non-nationals of a Member State of the EEA may apply for the following authorisations: postgraduate training, medical practice as a general medical practitioner or specialist in hospitals and penal institutions, medical practice as a general practitioner in a self-employed capacity, and medical activities for educational purposes. This reservation does not apply to dental services or services provided by psychologists and psychotherapists.

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: Investment and Cross-Border Trade in Services Only natural persons may apply for an authorisation to operate as a tobacconist. Priority is given to nationals of a Member State of the EEA.

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 Senior management and boards of directors Market access Level of Government: National Measures: Apothekengesetz (Pharmacy Law), RGBl.No. 5/1907, §3 Arzneimittelgesetz (Medication Act) BGBL. Nr. 185/1983, §57-63 Description: Investment The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required in order to operate a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required for leaseholders and persons in charge of managing a pharmacy.

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, § 2 University Accreditation Act, BGBL. I Nr. 168/1999, § 2 Description: Investment and Cross-Border Trade in Services 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.

Sector: Financial services Sub-Sector: Insurance and insurance-related services Industry Classification: Type of Reservation: National treatment Level of Government: National 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.

Sector: Financial services 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, §1 (2) Description: Financial Services Promotional activity and intermediation on behalf of a subsidiary not established in the EU or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited.

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: Regional (Sub-national) Measures: Kärntner Schischulgesetz, LGBL. Nr. 53/97 Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98 NÖ- Sportgesetz, LGBL. Nr. 5710 OÖ- Sportgesetz, LGBl. Nr. 93/1997 Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89 Salzburger Bergführergesetz, LGBL. Nr. 76/81 Steiermärkisches Schischulgesetz, LGBL. Nr.58/97 Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76 Tiroler Schischulgesetz. LGBL. Nr. 15/95 Tiroler Bergsportführergesetz, LGBL. Nr. 7/98 Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 §4 (2)a Vorarlberger Bergführergesetz, LGBL. Nr. 54/02 Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. Nr. 37/02 Description: Investment and Cross-Border Trade in Services The operation of ski schools and mountain guide services is governed by the laws of the 'Bundesländer'. The provision of these services may require nationality of a Member State of the EEA. Enterprises may be required to appoint a Managing Director who is a national of a Member State of the EEA.

Sector: Transport Sub-Sector: Water transport Supporting services for water transport Industry Classification: CPC 7221, CPC 7222, CPC 7223, CPC 7224, part of CPC 745 Type of Reservation: National treatment Senor management and boards of directors Market access Obligations Level of Government: National Measures: Schifffahrtsgesetz, BGBl. I Nr. 62/1997, §75f Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services For internal waterways transport, nationality of a Member State of the EEA s 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 Austria is required. More than 50 per cent of the business shares and the working capital must be held by nationals of a Member State of the EEA.

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 Level of Government: National Measures: Güterbeförderungsgesetz (Goods Transportation Act), BGBl. Nr. 593/1995; § 5 Gelegenheitsverkehrsgesetz (Occasional Traffic Act), BGBl. Nr. 112/1996; § 6 Description: Investment and Cross-Border

Trade in Services For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of the Member States of the EU and to juridical persons of the EU having their headquarters in the EU.

Sector: Transport Sub-Sector: Pipeline transport Industry Classification: CPC 713 Type of Reservation: Senior management and boards of directors Market access Level of Government: National Measures: Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975, § 5(1) and (2), §§ 5 (1) and (3), 15, 16 Gaswirtschaftsgesetz (Gas Act), BGBl. I Nr. 121/2000, § 14, 15 and 16 Description: Investment and Cross-Border Trade in Services With regard to natural persons, authorisation is only granted to nationals of a Member State of the EEA 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 nationals of a Member State of the EEA. 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: 1. With regard to natural persons, authorisation is only granted to EEA-nationals who must have a seat in Austria; and 2. Enterprises and partnerships must have their seat in Austria. An Economic Needs Test or interest test is applied. Cross border pipelines must not jeopardise Austria's security interests and its status as a neutral country. Enterprises and partnerships have to appoint a managing director who must be a national of a Member State of the EEA. 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.

Sector: Energy Sub-Sector: Transmission and distribution of electricity Industry Classification: ISIC rev 3.1 40, CPC 887 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; Kärntner Elektrizitätswirtschafts-und Organisationsgesetz (ElWOG), LGBl. Nr. 24/2006 Description: Investment and Cross-Border Trade in Services With regard to natural persons, authorisation is only granted to nationals of a Member State of the EEA 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 nationals of a Member State of the EEA domiciled in the EEA. The competent authority may waive the domicile and nationality requirements where the operation of the network is considered to be in the public interest.

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 1er 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 continental shelf are subject to concession. The concessionaire must be domiciled in Belgium.

Sector: Business services 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: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of 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 six years from the date of application for registration, three 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 86212 other than accounting services 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 Trade in 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.

Sector: Business services Sub-Sector: Architectural services Urban planning and landscape architectural services Industry Classification: CPC 8671,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 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 Trade in 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 practice 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 practice their activity.

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 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 German-speaking Community: Dekret über die Zulassung der Leiharbeitsvermittler und die Überwachung der privaten Arbeitsvermittler/Décret du 11 mai 2009 relatif à l'agrément des agences de travail intérimaire et à la surveillance des agences de placement privées, art. 6 Description: Investment and Cross-Border Trade in Services 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. German-speaking Community: A company having its head office outside the EEA has to prove that it supplies placement services in its country of origin and has to fulfill the admission criteria established by the mentioned decree.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National (Federal State) 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: (a) an individual who is national of a Member State of the EU; (b) an individual who is domiciled or resident in Belgium; or (c) a legal person/body corporate/having its real place of business in one of the Member States of the EU, 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). 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.

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: Investment and Cross-Border Trade in Services 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.

Sector: Transport 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.

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 State and Regions) Measures: Arrêté Royal du 6 novembre 2010 réglementant l'accès au marché de l'assistance en escale à l'aéroport de Bruxelles-National (art. 18) Besluit van de Vlaamse Regering betreffende de toegang tot de grondafhandelingsmarkt op de Vlaamse regionale luchthavens (art. 14) Arrêté du Gouvernement wallon réglementant l'accès au marché de l'assistance en escale aux aéroports relevant de la Région wallonne (art.14) Description: Investment and Cross-Border Trade in Services For groundhandling services, reciprocity is required.

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 a Member State of the EU or the EEA, may conduct 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 or agents.

Sector: Mining and quarrying Sub-Sector: All sectors other than mining of uranium and thorium ore Industry Classification: ISIC rev 3.1 10, ISIC rev 3.1 11, ISIC rev 3.112, ISIC rev 3.1 13, ISIC rev 3.1 14 Type of Reservation: Market access National treatment Level of Government: Measures: Underground Natural Resources Act Concessions Act Privatisation and Post-Privatisation Control Act 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 or other special concessions laws. The activities of prospecting 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 (that is, off-shore zones) 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. Commercial corporations in which the Member 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 8.4, 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 that is, 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 Description: Investment The mining of uranium ore is forbidden by Decree of the Council of Ministers No. 163 of 20.8.1992. 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 (that is, off-shore zones) 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.

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: Attorney Law Law for Mediation Law for the Notaries and Notarial Activity Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, including representation before courts. To provide legal services in respect of EU law and the law of a Member State of the EU, 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. In so far as Canada and its territories and provinces allow Bulgarian lawyers to represent Bulgarian nationals under domestic law, Bulgaria will allow Canadian lawyers to represent a national of Canada 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 nationals of a Member State of the EU or for foreign nationals, who are qualified lawyers and have obtained their diploma providing the capacity to practice in a Member State of the EU. For procedural representation they shall be accompanied by a Bulgarian lawyer. For legal mediation services, permanent residence is required.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, 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 EU, 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 or audit entities from a Member State of the EU, of good repute, and which is: (a) a general partnership in which more than half of the partners are registered auditors, auditors or audit entities from other Member State of the EU; (b) a limited partnership in which more than half of the partners with unlimited liability are registered auditors, auditors or audit entities from other Member States of the EU; or (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 or audit entities from other Member States of the EU.

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 Trade in Services Nationality of a Member State of the EU is required for tax advisors.

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, 8674 Type of Reservation: National treatment Market access Level of Government: National Measures: Spatial Development Act, art. 230 Description: Investment and Cross-Border Trade in Services For projects of national or regional significance, Canadian investors must act in partnership with or, as subcontractors to, local investors. Foreign specialists must have experience of at least two years in the field of construction, which is not a requirement for national specialists. A Bulgarian nationality condition applies to urban planning and landscape architectural services.

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: Investment and Cross-Border Trade in Services 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.

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 Description: Investment and Cross-Border Trade in Services A contract with the Ministry of Foreign Affairs is required for official translations provided by translation agencies.

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 Trade in Services In order to provide testing and analyses services, a national of Canada must be established in Bulgaria according to the Bulgarian Commercial Act and be registered on the Commercial register. For the periodical inspection for proof of technical condition of road transport vehicles, the person shall be registered in accordance with the Bulgarian Commercial Act or the Non-profit Legal Persons Act, or else be registered in another Member State of the EU or country from the EEA. 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, or its agencies in co-operation with the Bulgarian Academy of Sciences.

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, arts. 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, arts. 21, 27, 30 Description: Investment and Cross-Border Trade in Services 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 nationals of a Member State of the EEA or foreign citizens with permanent residence in BG. Department stores may be subject to an Economic Needs Test, depending on the rules of the local municipality.

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, arts. 146, 161, 195, 222, 228 Description: Investment and Cross-Border Trade in Services The mail order of pharmaceuticals is prohibited. 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.

Sector: Education services Sub-Sector: Primary and secondary education services Industry Classification: CPC 921, CPC 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). 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 or legal entities, duly registered in 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 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.

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, arts. 8, 41, 47b Description: Financial Services Before establishing a branch or agency in Bulgaria to provide insurance, a foreign insurer or re-insurer must have been authorised 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.

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. 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-Member State of the EU is required to obtain a license from Bulgarian National Bank for taking up and pursuing of business activities in 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 Bulgaria. Only financial institutions registered in Bulgaria and foreign financial institutions with a seat in a Member State of the EU may carry out activity on the territory 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 of the EU (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 cannot 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 legislation of another Member State of the EU 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.

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, arts. 17, 45 Description: Investment and Cross-Border Trade in Services Incorporation (no branches) is required. Tour operation or travel agency services may be provided by a person established in a Member State of the EU or in a Member State of the EEA if, upon establishment in the territory 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 or municipal) share in the equity capital of a Bulgarian company exceeds 50 per cent. Nationality condition for tourist guides.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5233, CPC 721,CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Level of Government: National Measures: Merchant Shipping Code, arts. 6, 27, 28 Law For the Sea Water, Inland Waterways and Ports of the Republic of Bulgaria, arts. 116, 116a, 117, 117a Ordinance No.17/22.1.2013 for carrying goods by inland waterways Description: Investment and Cross-Border Trade in Services A seagoing ship is entitled to fly the Bulgarian flag if: (a) it is owned by the State; (b) it is owned by a Bulgarian natural person or legal entity; (c) more than half of the ownership is by Bulgarian natural persons or legal entities; or (d) it is owned by a natural person or legal entity of a Member State of the EU, provided that, for the performance of the technical, administrative and other requirements of 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 EU resident in 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 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, ISIC rev 3.10502, CPC 5133, CPC 5223, CPC 721, CPC 722, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Senior management and boards of directors Obligations 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: Investment, Cross-Border Trade in Services and International Maritime Transport Services 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 Bulgaria, may only be performed by vessels flying the Bulgarian flag or vessels flying the flag of another Member State of the EU. 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 suppliers 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 nationals of a Member State of the EU or the EEA, 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 nationals of Bulgaria.

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 Railway Transport, arts. 37, 48 Description: Investment and Cross-Border Trade in Services Only nationals of a Member State of the EU may provide rail transport or supporting services for rail transport in Bulgaria. A licence to carry out passenger or freight transportation by rail is issued by the Minister of Transport to railway operators registered as traders.

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: National Measures: 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), art. 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.

Sector: Business services Sub-Sector: Legal services Industry Classification: CPC 861 Type of Reservation: National treatment Level of Government: National Measures: Legal Profession Act, (OG 9/94, 51/01, 117/08, 75/09, 18/11) Description: Investment and Cross-Border Trade in Services Representation of parties before courts can be practised only by the members of the Croatian Bar Association (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 requirement (nationality of a Member State of the EU).

Sector: Business services Sub-Sector: Accounting, auditing and bookkeeping services Industry Classification: CPC 862 Type of Reservation: National treatment Market access Level of Government: National Measures: Audit Act (OG 146/05, 139/08, 144/12), Art. 3 Description: Investment and Cross-Border Trade in Services 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.

Sector: Business services Sub-Sector: Architectural services and engineering services Industry Classification: CPC 8671, CPC 8672, CPC 8673, CPC 8674 Type of Reservation: National treatment Market access Level of Government: National Measures: Act on Architectural and Engineering Activities in Physical Planning and Building (OG 152/08, 49/11, 25/13) Description: Cross-Border Trade in 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.

Sector: Business services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: National treatment Market access Level of Government: National Measures: Veterinary Act (OG 41/07, 55/11), Arts. 89, 106 Description: Investment and Cross-Border Trade in Services Only legal and natural persons established for the purpose of conducting veterinary activities in a Member State of the EU can provide cross border veterinary services in the Croatia (Veterinary Act; OG 41/07, 55/11, Article 89). Only nationals of a Member State of the EU can establish a veterinary practice in the Croatia (Veterinary Act, OG 41/07; 55/11, Article 106).

Sector: Distribution Sub-Sector: Retail sale of pharmaceuticals and retail sales of medical and orthopaedic goods Industry Classification: CPC 63211 Type of Reservation: Market access Level of Government: National 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.

Sector: Business services Sub-Sector: Real estate services Industry Classification: CPC 821, CPC 822 Type of Reservation: Market access Level of Government: National Measures: Real Estate Brokerage Act (OG 107/07 and 144/12), Art. 2 Description: Cross-Border Trade in Services Commercial presence is required to provide real estate services.

Sector: Business services Sub-Sector: Related scientific and technical consulting services Industry Classification: CPC 8675 Type of Reservation: Market access Level of Government: National Measures: Ordinance on requirements for issuing approvals to legal persons for performing professional environmental protection activities (OG No. 57/10), Arts. 32-35 Description: Cross-Border Trade in 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.

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 Type of Reservation: Market access Level of Government: National 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.

Sector: Tourism and travel related services Sub-Sector: Hotels and restaurants Travel agencies and tour operators services (including tour managers) Tourist guide services Industry Classification: CPC 641, CPC 642, CPC 643, CPC 7471, CPC 7472 Type of Reservation: National treatment Market access Level of Government: National 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: Investment and Cross-Border Trade in Services Nationality requirement for hospitality and catering services in households and rural homesteads.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Maritime Act (Pomorski zakonik), Art. 187 Description: Investment, Cross-Border Trade in Services, 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 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 741, CPC 742, 745, CPC 741, CPC 742, CPC 748, CPC 749 Type of Reservation: National treatment Market access Level of Government: National 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.

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 nationals of a Member State of the EU, 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 of Cyprus, including a foreign controlled company. The term does not include foreigners of Cypriot origin or non-Cypriot spouses of citizens of the Republic of Cyprus.

Sector: Mining and quarrying Sub-Sector: Extraction of crude petroleum and natural gas Industry Classification: ISIC rev 3.1 1110 Type of Reservation: Market access National treatment Level of Government: National 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 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 Canada or by nationals of Canada. 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 Canada or a national of Canada 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 Canada or a third country or by a national of Canada or a third country, where Canada or the third country does not grant entities of the Republic of Cyprus or entities of Member States of the EU, in relation to the access to and exercise of the activities of prospecting, exploring for and exploiting hydrocarbons, treatment comparable to that which the Republic of Cyprus or the Member State of the EU grants entities of Canada or that third country.

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(?) of 2013 Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, including representation before courts. Residency (commercial presence) and nationality of a Member State of the EU 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 EU law and the law of a Member State of the EU, 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.

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: Investment and Cross-Border Trade in Services Access is restricted to natural persons. Canadian 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.

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 Trade in Services The provision of services by chemists and biologists requires nationality of a Member State of the EU.

Sector: Tourism and travel related services Sub-Sector: Travel agencies and tour operators services (including tour managers) Tourist guide services Industry Classification: CPC 7471, CPC 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: Investment and Cross-Border Trade in Services 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. No non-resident company except those established in another Member State of the EU, can provide in the Republic of Cyprus, on an organised or permanent basis, the activities referred to under Article 3 of the abovementioned Law, unless represented by a resident company. The provision of tourist guide services requires nationality of a Member State of the EU.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations 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 be registered in the Register of Cyprus Ships only if: (a) More than 50 per cent of the shares of the ship are owned by nationals of a Member State of the EU, who, if they are not permanent residents of the Republic of Cyprus, have appointed an authorised representative in the Republic of Cyprus; or (b) The total (100 per cent) of the shares of the ship are owned by one or more corporations, which have been established and operate: (i) in accordance with the laws of the Republic of Cyprus and have their registered office in the Republic of Cyprus; (ii) in accordance with the laws of any other Member State of the EU 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 the Republic of Cyprus or the management of the ship is entrusted in full to a Cypriot or an EU ship management company having its place of business in the Republic of Cyprus; or (iii) outside the Republic of Cyprus or outside any other Member State of the EU but controlled by nationals of a Member State of the EU and have either appointed an authorised representative in the Republic of Cyprus or the management of the ship is entrusted in full to a Cypriot or an EU ship management company having its place of business in the Republic of Cyprus. The corporation is deemed to be controlled by nationals of a Member State of the EU when more than fifty per cent of its shares are owned by nationals of a Member State of the EU or when the majority of the Directors of the corporation are nationals of a Member State of the EU.

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) Act No. 503/2012, Coll. on State Land Office 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.

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 Description: Investment and Cross-Border Trade in Services 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 EU law and the law of a Member State of the EU, including representation before courts. To provide legal services in respect of EU law and the law of a Member State of the EU, 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.

Sector: Health and social services Sub-Sector: Business and production services Veterinary services Paramedical personnel Restorer Physiotherapists Industry Classification: CPC 93191, CPC 932, CPC 96322 Type of Reservation: Market access Level of Government: National Measures: Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39 Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), para. 4 Act. 20/1987 Coll., on State monument care 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 Description: Cross-Border Trade in Services Access is restricted to natural persons only.

Sector: Education services Sub-Sector: Higher education services Industry Classification: CPC 92390 Type of Reservation: Market access Level of Government: National Measures: Act No. 111/1998, Coll. (Higher Education Act), § 39 Act No. 561/2004 Coll. on pre-school, basic, secondary, tertiary professional and other education (the Education Act) Description: Investment 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.

Sector: Community, social and personal services Sub-Sector: Environmental protection services Recycling services Packaging Industry Classification: Type of Reservation: Market access Level of Government: National Measures: Act. 477/2001 Coll. (Packaging Act) para. 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

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations 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 nationals of a Member State of the EU or juridical persons established in a Member State of the EU or the EEA.

Sector: Transport 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: Investment and Cross-Border Trade in Services For passenger and freight transportation and pushing and towing services by rail, incorporation is required (no branches).

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 five 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. 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 or 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 six month following the acquisition. There is no limitation on citizenship. If the acquirer is not a national of one of the Member States of the EU or the 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 five years.

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. 1053 of 29 October 2009 on the administration of justice) Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, including representation before courts. To provide legal services in respect of EU law and the law of a Member State, 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. Ninety per cent 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 on the board or be a member of the management of a Danish law firm. The remaining ten per cent 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.

Sector: Business services Sub-Sector: Accounting and bookkeeping services Auditing services Industry Classification: CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 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: Investment and Cross-Border Trade in Services 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 Business Authority.

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 Trade in Services Access is restricted to natural persons.

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: Lov om omsætning af fast ejendom (The Act on the sale of real estate) Description: Cross-Border Trade in Services 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 the Swiss Confederation. The residence requirement may be waived by the Danish Business Authority. The Act on the sale of real estate is only applicable when providing real estate services to Danish consumers.

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, ss. 1 and 1a Description: Cross-Border Trade in Services For the provision of authorised translation and interpretation services by a physical person present in the territory of Denmark, an authorisation from the Danish Business Authority 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 Member State of the EU, in an EEA country or in the Swiss Confederation.

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: National treatment Senior management and boards of directors Level of Government: National Measures: Lov om vagtvirksomhed LBK nr 227 af 03/03/2010 Description: Investment Requirement of residence for members of the board.

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: Apotekerloven (Danish Pharmacy Act) LBK nr. 855 of 04/08/2008 Description: Cross-Border Trade in Services Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

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, ISIC rev 3.10502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations 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), ss. 9 (6-7) and 10 (4-5) Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services Non-EU residents cannot own Danish flagged vessels except: (a) 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 either through a national of a Member State of the EU or the EEA or a person having Danish residence; or (b) Through the establishment of a subsidiary company in another Member State of the EU or the EEA and the transfer of the ownership of the ship to this EU or EEA company. This EU or 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

Sector: Fishing Transport Sub-Sector: Supporting services for water transport Industry Classification: CPC 741, CPC 742, CPC 745 Type of Reservation: National treatment Market access Obligations 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 (Harbours Act), ss. 9 (6-7) and 10 (4-5) Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services 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.

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, rørsysrtemer 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.

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 the EEA or in the Swiss Confederation.

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: 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: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of 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 EU law and the law of a Member State of the EU, 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).

Sector: Legal services Sub-Sector: Patent agents Sworn translators Industry Classification: Part of CPC 861 Type of Reservation: National treatment Market access Level of Government: National Measures: Patendivoliniku seadus (Patent Agents Act) § 14 (1) Vandetõlgi seadus (Sworn Translators Act) § 3 (2) Description: Cross-Border Trade in Services A patent agent must be a national of a Member State of the EU with permanent residence in Estonia. A sworn translator must be a national of a Member State of the EU.

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: Investment and Cross-Border Trade in Services 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.

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, ISIC rev0502, CPC 5133, CPC 5223, CPC 721, CPC 74520 CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Senior management and boards of directors Market access Obligations 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 Member States of the EU provided that the person from another Member State of the EU has: (a) a residence or a permanent business establishment in Estonia, and the ship itself is not deemed to be a business establishment; or (b) 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.

Reservations applicable in Finland

For the purposes of the reservations of the EU 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 Senior management and boards of directors Market access Level of Government: National Measures: Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 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. 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.

Sector: Mining and quarrying Sub-Sector: Mining Services incidental to mining Engineering related scientific and technical consulting services Ore mining Industry Classification: ISIC rev 3.1 120, CPC 5115, CPC 883, CPC 8675 Type of Reservation: National treatment Market access Level of Government: National Measures: Kaivoslaki (Mining Act) (621/2011) Ydinenergialaki (Nuclear Energy Act) (990/1987) Description: Investment and Cross-Border Trade in Services 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 or a juridical person established in the EEA. An economic needs test may apply.

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, s. 4 Protocol 3 to the Accession Treaty of Finland Description: Investment Only nationals of a Member State of the EEA resident in the reindeer herding area may own reindeer and practice reindeer husbandry. Exclusive rights may be granted.

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 Trade in 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 practice of the profession.

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: Laki asianajajista (Advocates Act) (496/1958), ss. 1 and 3, Oikeudenkäymiskaari (4/1734) (Code of Judicial Procedure) Description: Cross-Border Trade in 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. S

ector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 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: Investment and Cross-Border Trade in Services 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. An auditor must be a locally-licensed auditor or a locally-licensed audit firm.

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), s. 2(1)) Description: Cross-Border Trade in Services Residency in EEA is required for certified translators.

Sector: Other services Sub-Sector: Funeral, cremation and undertaking services Industry Classification: Part of CPC 9703 Type of Reservation: Market access Level of Government: National 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.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Merilaki (Maritime Act) 674/1994 Description: Investment, Cross-Border Trade in Services, 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. 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 sixty per cent of the vessel.

Sector: Transport Sub-Sector: Supporting services for water transport Industry Classification: CPC 745 Type of Reservation: Market access National treatment Most-favoured-nation treatment Obligations 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), s. 4 Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services 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.

Reservations applicable in France

Sector: Agriculture and hunting Sub-Sector: Industry Classification: ISIC rev 3.1 011, ISIC rev 3.1 012, ISIC rev 3.1 013, ISIC rev 3.1 014, ISIC rev 3.1 015 Type of Reservation: National treatment Market access Level of Government: National Measures: Code rural et de la pêche maritime: art. R331-1 on installation and art. 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.

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 Market access Level of Government: National Measures: Code rural et de la pêche maritime: art. 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 France is established and the vessel is directed and controlled from a permanent establishment located on the territory of France.

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, art. 56 Loi 90-1258 relative à l'exercice sous forme de société des professions libérales Loi 90-1259 du 31 décembre 1990, art. 7 Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of French law, including representation before courts. Residency (commercial presence) is required in order to obtain full admission to the Bar. Only nationals of a Member State of the EEA or of the Swiss Confederation 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 EU law and the law of a Member State of the EU, 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. Respresentation 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 per cent of the partners holding 75 per cent of the shares shall be lawyers fully admitted to the Bar in France.

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: National treatment Market access Level of Government: National Measures: Ordonnance 45-2138 du 19 septembre 1945, arts. 3, 7, 26, 27 Description: Investment and Cross-Border Trade in Services 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 (Société civile professionnelle) only. For taxation advisory services, provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions) or SCP (Société civile professionnelle) only. For statutory audits: provision through any company form except SNC (Société en nom collectif), SCS (Société en commandite simple).

Sector: Business services Sub-Sector: Architectural services Industry Classification: CPC 8671 Type of Reservation: Market access Level of Government: National 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, arts. 12, 13, 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 (Entreprise unipersonnelle à responsabilité limitée), SCA (en commandite par actions), SCOP (Société coopérative et participative), SELARL (société d'exercice libéral à responsabilité limitée), SELAFA (société d'exercice libéral à forme anonyme), SELAS (société d'exercice libéral par actions simplifiée) or SAS (Société par actions simplifiée), or as individual or as a partner in an architectural firm.

Sector: Health services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: National treatment Market access Most-favoured-nation treatment Level of Government: National Measures: Code rural et de la pêche maritime arts. L241-1; L241-2; L241-2-1 Description: Investment and Cross-Border Trade in Services Nationality condition limited to nationals of a Member State of the EU and the EEA. 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 (Société en participation); SCP (Société civile professionnelle); and SEL (Société d'exercice liberal).

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: 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: Investment and Cross-Border Trade in Services For surveying, access through a SEL (anonyme, à responsabilité limitée ou en commandite par actions), SCP (Société civile professionnelle), SA and SARL (sociétés anonymes, à responsabilité limitée) only. Foreign investors are required to have a specific authorisation for exploration and prospecting services.

Sector: Distribution Sub-Sector: Retail Industry Classification: CPC 631, CPC 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. Main criteria: number of and impact on existing stores, population density, geographic spread, impact on traffic conditions and creation of new employment.

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 impôts, 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).

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, arts. L4221-1, L4221-13, 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 of liberal professions in the form of a company) 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: anonyme, à responsabilité limitée ou en commandite par actions (SEL), société en nom collectif (SNC), société de participations

financières de profession libérale de pharmaciens d'officine and SARL only

Sector: Education services Sub-Sector: Privately funded primary, secondary, and higher education services Industry Classification: CPC 921, CPC 922, CPC 923 Type of Reservation: National treatment Market access Level of Government: National Measures: Code de l'éducation, Arts. L 444-5, L 914-4, L 441-8, L 731-8, L 731-1 to 8 Description: Cross-Border Trade in Services Nationality of a Member State of the EU is required in order to teach in a privately funded educational institution. However, nationals of Canada may obtain an authorisation from the relevant competent authorities in order to teach in primary, secondary and higher level educational institutions. Nationals of Canada may also obtain an authorisation from the relevant competent authorities in order to establish and operate or manage primary, secondary or higher level educational institutions. Such authorisation is granted on a discretionary basis.

Sector: Health and social services Sub-Sector: Industry Classification: CPC 931, CPC 933 Type of Reservation: National treatment Market access Level of Government: National Measures: Loi 90-1258 relative à l'exercice sous forme de société des professions libérals, 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, art. L6122-1, L6122-2 (Ordonnance 2010-177 du 23 février 2010) Description: Investment and Cross-Border Trade in Services While other types of legal form are available for EU investors, foreign investors only have access to the legal forms of 'société d'exercice liberal' and 'société civile professionnelle'. For medical, dental and midwives services, French 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 anonyme, à responsabilité limitée ou en commandite par actions (SEL) 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.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Code des douanes, Art. 219 Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services Foreign investors that are not nationals of a Member State of the EU or not incorporated or having their principal office in the EU or the EEA, cannot own 50 per cent or more of a French flag seagoing vessel. 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.

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 3.1 223, ISIC rev 3.1 224 Type of Reservation: National treatment Level of Government: National — Regional (sub-federal) Measures: § 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) § 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 or

printed newspaper, journal, or periodical must clearly indicate a 'responsible editor' (the full name and address of a natural person). 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.

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 Order) Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland (EuRAG) Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of German 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 law (EuRAG). Residency (commercial presence) is required in order to obtain full admission to the Bar. According to the Federal Lawyers Order (§§ 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.

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: Investment and Cross-Border Trade in Services Third country patent lawyers (non-EU, EEA Member States or the 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 other countries (§ 154a PAO) may have their commercial presence in the form of Patentanwalts-GmbH or Patentanwalt-AG by acquiring minority shares only.

Sector: Business services Sub-Sector: Accounting services Auditing services Industry Classification: CPC 86211, CPC 86212 (other than accounting services), 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 Order) Description: Investment and Cross-Border Trade in Services 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. Establishment in the EU is required in order to provide auditing services. However, auditors from Canada 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 EU, whose transferable securities are offered for trading in a regulated market.

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 — Regional (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 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 (Social Code Book No. V), Statutory Health Insurance § 1 Absatz 2 and Absatz 5 Hebammengesetz (Midwife Code), § 291b SGB V (Social Code BookNo. 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 Landespflegegesetzes und anderer berufsrechtlicher Vorschriften vom 15.06.2010 (GBl. BW of 22.06.2010, pages 427, 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 Elftes 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 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: Investment and Cross-Border Trade in Services 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 or dentists (kassenärztliche or 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). 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 (information and communications technology) -service suppliers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way.

Sector: Health and social services Sub-Sector: Human health and social care services Hospitals Ambulance services Rescue services Industry Classification: CPC 931, CPC 933 Type of Reservation: Market access National treatment Level of Government: National — Regional (sub-federal) Measures: Bundesärzteordnung (Federal Medical Regulation) Gesetz über die Ausübung der Zahnheilkunde Gesetz über die Berufe des Psychologischen Psychotherapeuten und des Kinder- und Jugendlichentherapeuten (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 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 Diätassitentin und des Diätassistenten Gesetz über den Beruf der Ergotherapeutin und des Ergotherapeuten Bundesapothekerorndung 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-Württember 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 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 (Social Code Book No. V), Statutory Health Insurance § 291b SGB V (Social Code Book No. V) E-health provider § 15 Sozialgesetzbuch VI (SGB VI, Social Code Book No. VI) § 34 Sozialgesetzbuch VII (SGB VII, Social Code Book No. VII), Unfallversicherung § 21 Sozialgesetzbuch IX (SGB IX, Social Code Book No. IX) Rehabilitation und Teilhabe behinderter Menschen) § 72 Sozialgesetzbuch XI (SGB XI, Social Code Book No. XI), Social Care Insurance Landespflegegesetze Gesetz zur Umsetzung der Pflegeversicherung in Baden-Württemberg (Landespflegegesetz — LPflG) vom 11. September 1995, zuletzt geändert sowie Abschnitt 7 neu gefasst durch Arti-kel 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. Dezember2005 (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 Ausführungs-gesetzes zum Bundessozialhilfegesetz (BremAGPflegeVG) vom 26. März 1996, zuletzt geändert durch Gesetz vom 28. Februar 2012 (GBl. S. 149) Hamburgisches Landespflegegesetz (HmbLPG) vom 18. Sep-tember 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 Pflegeeirich-tungen 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 Ge-setzes vom 10. August 2007 (GVBl. S. 306) Ausführungsgesetz zum Pflege-Versicherungsgesetz (Landes-pflegegesetz — LPflegeG) vom 10. Februar 1996, zuletzt geän-dert durch Art. 63 LVO vom 15. September 2010 (GVOBl. S. 575) Thüringer Gesetz zur Ausführung des Pflege-Versicherungs-gesetzes (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 Bavarian Act on Hospitals (Bayerisches Krankenhausgesetzes — BayKrG) vom 28.03.2007, geändert durch das Nachtragshaus¬halts¬gesetz 2008 vom 23.04.2008, ss. 2 and 3 §§ 12, 13, 14 Krankenhausentwicklungsgesetz Brandenburg (BbgKHEG) vom 08.07.2009 (GVBl. I/09, page 310), Berliner Gesetz zur Neuregelung 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. Page127), 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 (GVOBl. 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 Krankenhausfinan¬zierungs¬gesetzes (AG-KHG) in Schleswig-Holstein vom 12.12.1986 (GVOBl. 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 Standortegesetz vom 27.01.2012 (SächsGVBl. Seite 130) § 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: Investment and Cross-Border Trade in Services 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 suppliers. 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 (information and communications technology)-service suppliers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way.

Sector: Health services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: Market access Level of Government: National — Regional (sub-federal) Measures: 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) sub-central level: 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 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 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) 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] Bremen, Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, 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 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 (GVOBl. 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 Trade in 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.

Sector: Business services Sub-Sector: Supply services of support personnel Industry Classification: CPC 87201, CPC 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: Investment and Cross-Border Trade in Services Nationality of a Member State of the EU or a commercial presence in the EU is required in order to obtain a licence to operate as a temporary employment agency (pursuant to s. 3 paras. 2 and 3 of this Act) The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-EU and non-EEA personnel for specified professions.

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: § 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 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.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: § 1 und § 2 Flaggenrechtsgesetz vom 8. Februar 1951 (BGBl. I S. 79), das durch Artikel 561 der Verordnung vom 31. August 2015 (BGBl. I S. 1474) geändert worden ist. § 3 Abs. 2

Schiffsregisterordnung in der Fassung der Bekanntmachung vom 26. Mai 1994 (BGBl. I S. 1133), die zuletzt durch Artikel 156 der Verordnung vom 31. August 2015 (BGBl. I S. 1474) geändert worden ist. Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services In order to register a seagoing vessel on the national shipping register, the majority of shares in a vessel must be owned by nationals of a Member State of the EU or companies established in accordance with EU law and that have their principal place of business in a Member State of the EU. The use of the vessel must be headed and supervised by persons residing in Germany

Sector: Transport Sub-Sector: Water transport Supporting services for water transport Rental of ships Leasing or rental services concerning vessels 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 Obligations Level of Government: National — Regional (sub federal) Measures: §§ 1, 2 Flaggenrechtsgesetz (Flag Protection Act),§ 2 Verordnung über die Küstenschifffahrt vom 05.07. 2002, §§ 1, 2 Binnenschifffahrtsaufgabengesetz (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: Investment, Cross-Border Trade in Services and International Maritime Transport Services A vessel that does not belong to a national of a Member State of the EU may be used in the German federal waterways only after specific authorisation. Cabotage operations may only be performed by vessels flying German or another Member State of the EU 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) All activities falling within the scope of the pilot law are regulated and accreditation is restricted to nationals of a Member State of the EU, a Member State of the EEA or the Swiss Confederation. For rental or 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 Member State of the EU. Transactions between residents and non-residents concerning: (a) the rental of internal waterways vessels, which are not registered in the economic area; (b) the transport of freight with such internal waterways vessels; or (c) the towing services by such internal waterways vessels within the economic area may be restricted.

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.

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: Lawyers Code (Law 3026/1954), as amended by Presidential Decree 172/1989 Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, including representation before courts. Only nationals of a Member State of the EEA or of the Swiss Confederation 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 EU law and the law of a Member State of the EU, 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 86212 other than accounting services Type of Reservation: National treatment Level of Government: National Measures: Presidential Decree 226/1992 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 Trade in Services Nationality of a Member State of the EU is required in order to obtain a licence to be a statutory auditor. By Regulatory Act, the ELTE (Epitropi Logistikis Typopoiissis Kai Elenchon) (Oversight Body in Greece) may issue a licence to an auditor who is a national of Canada or of any third country if, in its discretion, the conditions laid down in Articles 4 and 6 to 11 of Law 3693/2008 is met.

Sector: Health services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: National treatment Market access Level of Government: National Measures: Presidential Decree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B) Description: Cross-Border Trade in Services Nationality of a Member State of the EU is required to supply veterinary services.

Sector: Business services and health and social services Sub-Sector: Services provided by nurses, physiotherapists and

paramedical personnel Industry Classification: Part of CPC93123, CPC 93191 Type of Reservation: National treatment Market access Level of Government: National Measures: Law 1666/1986 Description: Cross-Border Trade in 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 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. Nationality of a Member State of the EU is required in order to operate a pharmacy.

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 directors Level of Government: National Measures: Laws 682/1977, 284/1968, 2545/1940 and Presidential Decree 211/1994 as amended by Presidential Decree 394/1997 Description: Investment Nationality of a Member State of the EU is required for owners and a majority of the members of the board of directors in privately funded primary and secondary schools, and for teachers in privately funded primary and secondary education.

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.

Sector: Financial services Sub-Sector: Insurance and insurance-related services Industry Classification: Type of Reservation: Market access Level of Government: National Measures: Legislative Decree 400/1970 Description: Financial Services 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.

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 Decree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B) Description: Cross-Border Trade in Services Nationality of a Member State of the EU is required in order to provide tourist guide services.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Code of Public Maritime Law (Decree no 187/1973, as amended by Presidential Decree no 11/2000, art. 5 Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services Over 50 per cent of shares of a seagoing vessel must be owned by EU or nationals of a Member State of the EEA or companies in order to be registered on the registry of Greece. The vessel must be managed from Greece.

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 Decree 187/1973) Description: Investment Public monopoly imposed in port areas for cargo-handling services.

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 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 1071/2009 and 1072/2009 Description: Investment and Cross-Border Trade in Services 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 Road freight transport operations established in Greece may only use vehicles that are registered in Greece.

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. 251/2014 (X. 2.) 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.

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 XI of 1998 on Attorneys at Law Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of Hungarian law, including representation before courts. Full admission to the Bar is subject to a nationality condition, coupled with a residency requirement. Only nationals of a Member State of the EEA 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.

Sector: Legal services Sub-Sector: Patent agents Industry Classification: CPC 8613 Type of Reservation: National treatment Market access Level of Government: National Measures: Act XXXII of 1995 on Patent Attorneys Description: Cross-Border Trade in Services For supplying patent agent services, residency is required for non-nationals of a Member State of the EEA.

Sector: Professional services Sub-Sector: Taxation advisory services Architectural services Engineering services Integrated engineering services Industry Classification: CPC 863, CPC 8671, CPC 8672, CPC 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 Trade in 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: (a) Taxation advisory services; (b) Architectural services; (c) Engineering services (only applicable to graduate trainees); and (d) Integrated Engineering services.

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 Trade in Services The supply of landscape architectural services by non-nationals of a Member State of the EEA requires residency. The supply of landscape architecture services is therefore only available to service suppliers established or resident in the EEA.

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: Investment and Cross-Border Trade in Services For supplying veterinary services, membership of the Hungarian Veterinary Chamber is required. Only nationals of a Member State of the EEA may be admitted to the Chamber. Authorisation for establishment is subject to an economic needs test. Main criteria: labour market conditions in the sector.

Sector: Business services 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 Trade in 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 (such as arbitration and conciliation) activities which may only be granted to juridical or natural persons that are established in or resident in Hungary.

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 Description: Investment and Cross-Border Trade in Services Official translations, official certifications of translations, and certified copies of official documents in foreign languages may only be provided by the Hungarian Office for Translation and Attestation (OFFI).

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.

Sector: Financial services Sub-Sector: Banking and other financial services Industry Classification: CPC 811, CPC 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.

Sector: Financial services Sub-Sector: Banking and other financial services Industry Classification: CPC 811, CPC 813 Type of Reservation: National treatment Market access Level of Government: National 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 laws 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.

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 Description: Cross-Border Trade in 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 nationals of a Member State of the EEA and juridical persons having their seats in the EEA Member States.

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, ISIC rev 3.10502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations 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.

Reservations applicable in Ireland

Sector: Agriculture and hunting Sub-Sector: Industry Classification: ISIC rev 3.1 1531 Type of Reservation: National treatment Level of Government: National Measures: Agriculture Produce (Cereals) Act, 1933 Description: Investment Establishment by Canadian residents in flour milling activities is subject to authorisation.

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, ISIC rev 3.1 13, ISIC rev 3.1 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: Investment and Cross-Border Trade in Services 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 or Licenses to develop such minerals within the lease or licence area, whether the minerals are State-owned or privately-owned. Exploration and mining companies operating in Ireland are required to have a presence there. 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 or 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 or License.

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: Solicitors Acts 1954-2011 Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of Irish 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 law and the law of a Member State of the EU, 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. Lawyers in Ireland are divided into two distinct categories: solicitors and barristers. The Law Society of Ireland is the statutory legal professional body that governs admission of solicitors in Ireland. The Honorable Society of King's Inns governs the admission of barristers in Ireland.

Sector: Health services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: Market access Level of Government: National Measures: Veterinary Practice Act 2005 Description: Investment and Cross-Border Trade in Services Access through partnership or natural persons only.

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, ISIC rev 3.1 0502, CPC 5133, CPC

5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Mercantile Marine Act 1955 as amended by the Merchant Shipping (Miscellaneous Provisions) Act 1998 Description: Investment, Cross-Border Trade in Services, 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 EU, and which has its principal office in Ireland or another Member State of the EU, may register a vessel on the Irish Ship Register.

Reservations applicable in Italy

Sector: Publishing and printing Sub-Sector: ISIC rev 3.1 221, ISIC rev 3.1 222 Industry Classification: National treatment Market access Type of Reservation: 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 conduct these activities, Italy will allow nationals of Canada and enterprises to conduct these activities under the same conditions. In so far as Canada and its provinces and territories allow Italian investors to own more than 49 per cent of the capital and voting rights in a Canadian publishing company, then Italy will allow Canadian investors to own more than 49 per cent of the capital and voting rights in an Italian publishing company under the same conditions.

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: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of Italian 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.

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 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 Trade in 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.

Sector: Business services Sub-Sector: Architectural services Engineering services Urban planning and landscape architectural services 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 Decree of the President of the Republic (D.P.R.) 328/2001 Description: Cross-Border Trade in Services Residency in Italy is required for enrolment in the professional register, which is necessary for the practice of the profession.

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, arts. 7-9 Decree of the President of the Republic (DPR) 221/1950, para. 7 Description: Cross-Border Trade in Services Residency in Italy is required for enrolment in the professional register, which is necessary for the practice of the profession.

Sector: Business services Sub-Sector: Research and experimental development services on 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 Trade in Services Residency in Italy is required for enrolment in the professional register, which is necessary for the practice of the profession. Nationality of a Member State of the EU is required to practice the profession, except foreign professionals may be allowed to practice based on reciprocity.

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, arts. 2 and 5; D.P.R. 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 Trade in

Services Residency or professional domicile in Italy is required for enrolment in the geologists' register, which is necessary for the practice of the professions of surveyor or geologist in order to provide services relating to exploration and the operation of mines, etc. There is a nationality of a Member State of the EU requirement, however, foreigners may enrol under condition of reciprocity. For biologists, chemical analysts, agronomists and 'periti agrari', residency and enrolment in the professional register is required. Third country nationals can enrol under condition of reciprocity.

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, ISIC rev 3.1 11, ISIC rev 3.1 12, ISIC rev 3.1 13, ISIC rev 3.1 14, CPC 8675, CPC 883 Type of Reservation: Market access Level of Government: National and regional (for exploration) Measures: Exploration services: Royal Decree 1443/1927; Legislative Decree 112/1998, art. 34 Description: Investment and Cross-Border Trade in Services 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 1443/1927). 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.

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: National treatment Market access Level of Government: National Measures: Law on public security (TULPS) 773/1931, arts. 133-141, Royal Decree 635/1940, art. 257 Description: Investment and Cross-Border Trade in Services Nationality of a Member State of the EU 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 Law 3/2003 Law 1293/1957 Law 907/1942 Decree of the President of the Republic (D.P.R.) 1074/1958 Description: Investment and Cross-Border Trade in Services 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 shops (magazzini), nationality of a Member State of the EU is required.

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, arts. 1, 4, 7 and 9 Legislative Decree CPS 233/1946, arts. 7-9 Decree of the President of the Republic (D.P.R. 221/1950, pars. 3 and 7 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 nationals of a Member State of the EU enrolled in the Register of pharmacists ('albo') are able to participate in a public competition. The practice 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 nationality of a Member State of the EU or residency and the practice 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. Lgsl. CPS 233/1946 arts. 7-9 and D.P.R. 221/1950 pars. 3 and 7).

Sector: Education services Sub-Sector: Higher education services Industry Classification: CPC 92 Type of Reservation: Market access Level of Government: National 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 three year programme. Main criteria: population and density of existing establishments. Only Italian juridical persons may be authorised to issue state-recognised diplomas.

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 Description: Financial Services Residency in Italy is required for enrolment in the actuarial register, which is necessary for the practice of the actuarial profession.

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, arts. 1, 19, 28, 30-33, 38, 69 and 80 Joint Regulation of Bank of Italy and Consob 22.2.1998, arts. 3 and 41 Regulation of Bank of Italy 25.1.2005, Title V, Chapter VII, Section II Consob Regulation

16190 of 29.10.2007, arts. 17-21, 78-81, 91-111 Description: Financial Services In order to be authorised to manage the securities settlement system or central securities depository services with an establishment in Italy, a company is required to be incorporated in Italy (no branches). In the case of collective investment schemes other than undertakings for collective investment in transferable securities ('UCITS') harmonised under EU legislation, the trustee or 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).

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: Regional Measures: Law 135/2001 arts. 7.5 and 6 Law 40/2007 (DL 7/2007) Description: Cross-Border Trade in 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 Member States of the EU can work freely without the requirement for such a licence. The licence is granted to tourist guides demonstrating adequate competence and knowledge.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations 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.

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.

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, ss. 20, 21 Law on land privatisation in rural areas, s. 28 Description: Investment Acquisition of urban land by nationals of Canada or of a third country is permitted through incorporated companies registered in Latvia or other Member States of the EU: (a) if more than 50 per cent of their equity capital is owned by nationals of Member States of the EU, the Latvian Government or a municipality, separately or in total; (b) if more than 50 per cent of their equity capital is owned by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which have been approved by the Latvian Parliament before 31 December 1996; (c) if more than 50 per cent of their equity capital is possessed by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments after 31 December 1996, if in those agreements the rights of Latvian natural persons and companies on acquisition of land in the respective third country have been determined; (d) if more than 50 per cent 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 nationals of Canada and enterprises to purchase urban real estate in Latvia under the same conditions as Latvian nationals.

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, s. 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 Member State of the EEA, must work for at least one year in a pharmacy under the supervision of a pharmacist.

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, s. 79 Advocacy Law of the Republic of Latvia, s. 4 Description: Investment and Cross-Border Trade in Services 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 nationals of a Member State of the EU, 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 law is only permitted by: (a) a sworn solicitor or an assistant of a sworn solicitor holding Latvian nationality; or (b) a national of a Member State of the EU who has been designated as an advocate in one of the Member States of the EU; or (c) a foreign advocate, in the framework of an agreement on legal assistance concluded between Latvia and the relevant foreign country. For advocates of a Member State of the EU 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 EU law and the law of a Member State of the EU, 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 86212 other than accounting services Type of Reservation: National treatment Market access Level of Government: National Measures: Law on Sworn Auditors Description: Investment In a commercial company of sworn auditors, a foreign investor may only own more than 50 per cent 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 Member States of the EEA, who, in accordance with laws of the Member State of the EU or the Member 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.

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, s. 8 Description: Investment Only legal persons incorporated in Latvia, and natural persons of Latvia have the right to found and publish mass media. Branches are not allowed.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Law ‘Maritime Code’ Description: Investment, Cross-Border Trade in Services, 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.

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: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, including representation before courts. To provide legal services in respect of EU law and the law of a Member State of the EU, 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 nationals of a Member State of the EEA or of the Swiss Confederation 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC86212 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: Investment and Cross-Border Trade in Services Not less than 75 per cent of shares shall 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. Establishment is not permitted in the form of a Public Stock Corporation (AB).

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: Investment and Cross-Border Trade in Services Third country (non-Member States of the EU) nationals are not allowed to be registered as patent attorneys. Only patent attorneys are allowed to provide patent agent services in Lithuania.

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 Trade in Services The distribution of pyrotechnics is subject to licensing. Only the juridical persons established in the EU may obtain a licence.

Sector: Energy Sub-Sector: Pipeline transport of fuels Services incidental to energy distribution Industry Classification: CPC 713, CPC 887 Type of Reservation: Market access Level of Government: National Measures: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No. VIII-1973 Description: Cross-Border Trade in Services Establishment is required. Licences for transmission and distribution of fuels may only be issued to legal persons of Lithuania or branches of foreign legal persons or other organisations (subsidiaries) established in Lithuania. This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of fuels.

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 Trade in Services The licences for transmission, distribution, public supply and organizing of trade of electricity may only be issued to legal persons of Lithuania or branches of foreign legal person or other organisations established in Lithuania. This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of electricity.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590 Type of Reservation: National treatment Market access Obligations 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 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.

Sector: Transport Sub-Sector: Rail transport services Industry Classification: CPC 711 Type of Reservation: Market access Level of Government: National 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 per cent owned, by the state.

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: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of Luxembourg law, including representation before courts. Nationality of a Member State of the EU 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.

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.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Law 9 November 1990 Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services Foreign investors that are not nationals of a Member State of the EU or not incorporated in the EU or having their principal office in the EU, 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 owner-ship requirements and is actually making use of the ship.

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-nationals of a Member State of the EU may not acquire immovable property for commercial purposes. Companies with 25 per cent (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.

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: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of Maltese 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 nationals of a Member State of the EEA or of the Swiss Confederation may be admitted to the Bar, and are thus entitled to provide legal services in respect of Maltese law.

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: Investment 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)).

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 Description: Cross-Border Trade in Services Service suppliers 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.

Sector: Transport Sub-Sector: Water transport Supporting services for water transport Industry Classification: CPC 721, part of 742, CPC 745,part of CPC 749 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Gozo Passenger and Goods Service (Fares) Regulations (SL499.31) Exclusive rights are allocated through public procurement procedures on the basis of contracts Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services 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 ?irkewwa and the Port of Marsamxetto (Malta) and the Port of M?arr (Gozo) for the carriage of passengers, vehicles and goods.The tariffs for such services are regulated by law through the Gozo Passenger and Goods Service (Fares) Regulations (SL499.31). Nationality condition for supporting services.

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) Description: Investment and Cross-Border Trade in Services Taxis: Numerical restrictions on the number of licences apply. Karozzini (horse drawn carriages): Numerical Restrictions on the number of licences apply.

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.

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 Trade in 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.

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: Advocatenwet (Act on Advocates) Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, including representation before courts. To provide legal services in respect of EU law and the law of a Member State of the EU, 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 'Advocaat' according to articles 2(c), and 16(b), (c), (d) Advocatenwet (Act on Advocates). Only lawyers registered in the Dutch registry can use the title 'advocaat' . Instead of using the full term 'advocaat', (non-registered) foreign lawyers are obliged to mention their home country professional organisation for the purposes of their activities in the Netherlands.

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 To provide hallmarking services, commercial presence in the Netherlands is required. The hallmarking of precious metal articles is currently exclusively granted to two Dutch public monopolies.

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 Trade in Services Access is restricted to natural persons.

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, ISIC rev 3.10502, CPC 5133, CPC5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Art. 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: (a) natural persons with the nationality of a Member State of the EU, the EEA or the Swiss Confederation; (b) companies or legal entities under the law of a Member State of the EU, one of the countries, islands or areas as meant in Articles 349 and in paragraphs 1 through 4 and paragraph 5(c) of Article 355 of the Treaty on the Functioning of the European Union, or of a Member State of the EEA or the Swiss Confederation; and (c) natural persons or companies or legal entities other than above which can claim the European right of free establishment or 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. 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.

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).

Sector: Mining and quarrying Sub-Sector: Extraction of crude petroleum and natural gas Industry Classification: ISIC rev 3.1 10, ISIC rev 3.1 11, ISIC rev 3.1 12, ISIC rev 3.1 13, ISIC rev 3.1 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.

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.

Sector: Publishing and printing Sub-Sector: Industry Classification: ISIC rev 3.1 221, ISIC rev 3.1 222 Type of Reservation: Senior management and boards of directors 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.

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, arts. 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 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).

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: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 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: Investment and Cross-Border Trade in Services Audit firms may be established only in certain Polish legal forms.

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 nationals of a Member State of the EU may provide veterinary services. Foreign persons may apply for permission to practice.

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 or interpreter (Journal of Laws no 273 item 2702), art. 2.1 Description: Investment and Cross-Border Trade in Services Only natural persons may be sworn translators.

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 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), arts. 16 and 31 Description: Financial Services Local incorporation (no branches) required for insurance intermediaries.

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 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 suppliers 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 per cent.

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 63297, CPC 74220, CPC 887 Type of Reservation: National treatment Market access Level of Government: National Measures: Energy Law Act of 10 April 1997, arts. 32 and 33 Description: Investment and Cross-Border Trade in Services The following activities are subject to licensing under the Energy Law Act: (a) 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 five MW other than renewable energy sources; generation of heat using the sources of the total capacity of not more than five MW; (b) 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 one MJ/s capacity and the storage of liquid fuels in retail trade; (c) 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; (d) the trade in fuels or energy, except for: the trade in solid fuels; the trade in electricity using installations of voltage lower than one 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 five 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 a Member State of the EU, Member State of the EEA or the Swiss Confederation.

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, arts. 203,194 PortugueseBarStatute (Estatuto da Ordem dos Advogados) and Decree-Law 229/2004, arts. 5, 7 — 9 Decree-Law 88/2003, arts. 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, arts. 31, 4. Regulation of family and labour mediation (Ordinance 282/2010) Law 21/2007 on criminal mediation, art. 12 Law 32/2004 (as modified by Decree-Law 282/2007 and Law 34/2009) on Insolvency administrator, arts. 3 and 5, among others Decree-Law 54/2004, art. 1 (Regime jurídico das sociedades de administradores de insolvência) Description: Investment and Cross-Border Trade in Services 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 law. The recognition of qualifications to practice Portuguese law is subject to a condition of reciprocity. 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 a requirement of nationality of a Member State of the EU.

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), arts. 85, 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). Arts. 95-97 Description: Investment 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, in so far as the actual accounting services are provided by a locally licensed accountant

Sector: Business services Sub-Sector: Collection agency services Credit reporting services Industry Classification: CPC 87901, CPC 87902 Type of Reservation: National treatment Market access Level of Government: National Measures: Law 49/2004 Description: Investment Nationality of a Member State of the EU 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 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, art. 2 Portaria 1200/2010, art. 5 Description: Cross-Border Trade in Services Industrial property agents are subject to a condition of nationality of a Member State of the EEA.

Sector: Health services Sub-Sector: Veterinary services Industry Classification: CPC 932 Type of Reservation: National treatment Market access Level of Government: National Measures: Decree-Law 368/91 (Statute of the Veterinary Professional Association) Description: Cross-Border Trade in Services Residency is required in order to provide veterinary services.

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 (arts. 3 and 25), as amended and republished by Decree-Law 69/2011 Description: Investment and Cross-Border Trade in Services Residency in a Member State of the EEA is required for natural persons. Incorporation in a Member State of the EEA is required for legal persons.

Sector: Business services Sub-Sector: Services related to agriculture Industry Classification: Part of CPC 88 Type of Reservation: Market access Level of Government: National Measures: Decree Law 119/92 Law 47/2011 Decree Law 183/98 Description: Cross-Border Trade in Services The professions of biologist, chemical analyst and agronomist are reserved for natural persons.

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: National treatment Market access Level of Government: National Measures: Law 34/2013 Ordinance 273/2013 Description: Cross-Border Trade in Services The provision of security services by a foreign supplier on a cross-border basis is not allowed. A nationality condition exists for specialised personnel.

Sector: Distribution Sub-Sector: Retailing Services Industry Classification: CPC 631, CPC 632 other than CPC 6321, CPC 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 8 000 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; and contribution to eco-efficiency.

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: Decree-Law 307/2007, arts. 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.

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, arts. 34, nr. 6, 7 Description: Financial Services In order to establish a branch in Portugal, foreign insurance companies need to demonstrate prior operational experience of at least five years. Direct branching is not permitted for insurance intermediation, which is reserved to companies formed in accordance with the law of a Member State of the EU.

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 Decree-Law 357-A/2007, Regulation 7/2007-R, as amended by Regulation 2/2008-R Regulation 19/2008-R Regulation 8/2009 Description: Financial Services 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 Member States of the EU. Direct branching from non-EU countries is not permitted.

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, ISIC rev 3.1 0502, CPC 5122, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Decree-Law 194/98 Decree-Law 197/98 Decree-Law 331/99 Description: Investment and International Maritime Transport Services To register a vessel on the national shipping register,

foreign investors must have their principal office in Portugal.

Sector: Transport Sub-Sector: Road transport Industry Classification: CPC 71222 Type of Reservation: Market access Level of Government: National Measures: Decree-Law 41/80, August 21 Description: Investment and Cross-Border Trade in Services 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

Reservations applicable in Romania

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 312/2005, regarding acquisition of property over land by foreign citizens and stateless persons, as well as foreign legal persons Description: Investment Foreign nationals, stateless persons and legal persons (other than nationals of a Member State of the EU and nationals of a Member State of the EEA) may acquire property rights over lands, under the conditions regulated by international treaties, based on reciprocity. Foreign nationals, stateless persons and juridical persons may not acquire the property right over lands under more favourable conditions than those applicable to the national of a Member State of the EU and to juridical persons established according to the legislation of a Member State of the EU.

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: Attorney Law Law for Mediation Law for the Notaries and the Notarial Activity Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 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 Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC. Description: Investment and Cross-Border Trade in Services 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.

Sector: Financial services Sub-Sector: Banking and other financial services (excluding insurance) Industry Classification: Type of Reservation: Market access National treatment Level of Government: National Measures: Law N. 297/2004 on capital markets CNVM (‘Comisia Nationala a Valorilor Mobiliare’) Regulation No. 2/2006 on regulated markets and alternative trading systems Description: Financial Services 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.

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, ISIC rev 3.1 0502, CPC 5122, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Government Ordinance No. 42 of 28 August 1997 Ministerial Order No. 1627/2006 Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services The right to fly the Romanian flag is granted: (a) to ships owned by Romanian natural or legal persons; (b) to seagoing ships owned by natural persons having the nationality of a Member State of the EU or of a Member State of the European Economic Area or by legal persons established (having their headquarters) in a Member State of the EU or a Member State of the EEA; (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 in subparagraph (b); and (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. Granting the right to fly the Romanian flag is forbidden for ships of 20 years or more.

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 Trade in 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.

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, 12 Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of Slovakian 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 nationals of a Member State of the EEA or of the Swiss Confederation may be admitted to the Bar, and are thus entitled to provide legal services in respect of Slovakian law.

Sector: Mining and quarrying Sub-Sector: Industry Classification: ISIC rev 3.1 10, ISIC rev 3.1 11, ISIC rev 3.1 12, ISIC rev 3.1 13, ISIC rev 3.1 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: Investment and Cross-Border Trade in Services For mining, activities related to mining and geological activity, incorporation in a Member State of the EU or a Member State of the EEA is required (no branching).

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC86212 other than accounting services Type of Reservation: National treatment Senior management and boards of directors Market access Level of Government: National Measures: Act No. 540/2007 on Auditors, arts. 3, 4, 5 Description: Investment Only an enterprise in which at least 60 per cent of capital interests or voting rights are reserved to Slovak nationals or nationals of a Member State of the EU may be authorised to carry out audits in the Slovak Republic.

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: Act 138/1992 on Architects and Engineers, arts. 3, 15, 15a, 17a, 18a Description: Cross-Border Trade in 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.

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 Trade in 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.

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 Act 578/2004 on healthcare providers, medical employees, professional organisation Description: Investment and Cross-Border Trade in Services Residency is required in order to obtain a licence as a pharmacist or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

Sector: Education services Sub-Sector: Higher education services Industry Classification: CPC 92 Type of Reservation: Market access Level of Government: National Measures: Law No. 131 of 21 February 2002 on Higher Education and on Changes and Supplements to Some Laws Description: Investment Establishment in a Member State of 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.

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 Trade in Services For processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment, incorporation in a Member State of the EU or a Member State of the EEA is required (residency requirement).

Sector: Health services Sub-Sector: Medical and dental services, midwives services, nursing, physiotherapeutic and para-medical services Industry Classification: CPC 9312, CPC 9319 Type of Reservation: Market access National Level of Government: Health services Measures: Act 576/2004 on Health Treatment Act 578/2004 on health care providers, medical employees, professional organisation Description: Cross-Border Trade in Services Services may only be provided by natural persons.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations 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.

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 odvetni?tvu (Neuradno pre?i??eno besedilo-ZOdv-NPB2 Dr?avnega Zbora RS z dne 21.5.2009 (Attorneys Act) unofficial consolidated text prepared by the Slovenian parliament from 21.5.2009) Description: Investment Commercial presence for appointed attorneys by 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.

Sector: Business services Sub-Sector: Accounting and bookkeeping services Auditing services Industry Classification: CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 86220 Type of Reservation: National treatment Market access Level of Government: National Measures: Zakon o revidiranju (Zrev-2 Uradni list RS, ?t. 65/2008), (Auditing Act -Official Gazetee RS No. 65/2008) Description: Cross-Border Trade in Services Commercial presence is required.

Sector: Business services Sub-Sector: Real estate services Industry Classification: CPC 821, CPC 822 Type of Reservation: National treatment Market access Most-favoured-nation treatment Level of Government: National Measures: Real Estate Agencies Act Description: Cross-Border Trade in Services In so far as Canada and its provinces and territories allow Slovenian nationals and enterprises to supply real estate agent services, Slovenia will allow nationals of Canada 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.

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), arts. 2, 6-8, 13-14 Medicinal Products Act (Official Gazette of the RS, No. 31/06, 45/08), arts. 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.

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 supplier must establish a registered office or branch office.

Sector: Health and social services Sub-Sector: Human health services 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, arts. 1,3, 62-64 Infertility Treatment and Procedures of the Biomedically-Assisted Procreation Act, Official Gazette of the RS, No.: 70/00, arts. 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.

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: Financial Services 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 a Member State of the EU.

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 Trade in 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 or natural gas market, and representation and intermediation in electricity and natural gas markets. These activities are subject to registration, which is conditioned on establishment in Slovenia.

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, ISIC rev 3.1 0502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Article 210 of the Maritime Code Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services Seagoing non-merchant ships may be registered to fly the Slovenian flag if: (a) more than half of the ship is owned by citizens of the Republic of Slovenia, nationals of a Member State of the EU or by juridical persons having their headquarters in Slovenia or a Member State of the EU; or (b) more than half of the ship is owned by a non- national of a Member State of the EU 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 Slovenia or a juridical person having their headquarters in 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.

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 investment Description: Investment Foreign investment in activities directly relating to real estate investments for diplomatic missions by States that are not members of the EU require an administrative authorisation from the Spanish Council of Ministers, unless there is a reciprocal liberalisation agreement in place.

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: Estatuto General de la Abogacía Española, aprobado por Real Decreto 658/2001, art. 13.1a Description: Investment and Cross-Border Trade in Services Full admission to the Bar is required for the practice of legal services in respect of EU law and the law of a Member State of the EU, including representation before courts. Only nationals of a Member State of the EEA or of the Swiss Confederation 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 EU law and the law of a Member State of the EU, 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 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, 9.3,10.1 Description: Cross-Border Trade in Services Statutory auditors are subject to a nationality of a Member State of the EU condition. This reservation does not apply to the auditing of non-EU companies listed in a Spanish regulated market.

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, arts. 155-157 Description: Cross-Border Trade in Services Industrial property attorneys are subject to a nationality of a Member State of the EU condition.

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 the Veterinary Association of Spain), arts. 62, 64 Description: Cross-Border Trade in Services Membership in a professional association is obligatory and subject to a nationality of a Member State of the EU condition, which may be waived through a bilateral professional agreement.

Sector: Distribution 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: Investment and Cross-Border Trade in Services State monopoly on retail sales of tobacco. Establishment is subject to a requirement of nationality of a Member State of the EU.

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), arts. 2, 3.1 Ley 29/2006, de 26 de julio, de garantías y uso racional de los medicamentos y productos sanitarios, art. 2(5) (Law 29/2006 of 26 July, regulating the safety and rational use of pharmaceuticals and medical goods). Description: Investment and Cross Border Trade in Services Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public. Each pharmacist cannot obtain more than one licence. Establishment authorisation is subject to an economic needs test. Main criteria: density conditions in the area. The mail order of pharmaceuticals is prohibited.

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.

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: Financial Services 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.

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: Regional (Sub-federal) 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. 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, guias 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 guias 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. 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 Trade in Services Nationality of a Member State of the EU is required for the provision of tourist guide services.

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, ISIC rev 3.10502, CPC 5133, CPC 5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Law of Ports and Maritime Shipping(Royal Legislative Decree 2/2011)

Articles 251, 252, 253, and Additional Disposition 16th 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 Special Register, the owner company must be established in the Canary Islands.

Reservations applicable in Sweden

Sector: All sectors Sub-Sector: 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. 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, headquarters 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 per cent of the members of the board of directors, at least 50 per cent 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 or 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 or society. Corresponding conditions prevail for establishment of all other types of legal entities.

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: Reindeer Husbandry Act (1971:437), para. 1 Description: Investment Only Sami people may own and practice reindeer husbandry.

Sector: Fishing and aquaculture Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 882 Type of Reservation: National treatment Market access 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: Investment and Cross-Border Trade in Services 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 national of a Member State of the EEA. 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 per cent owned by nationals of a Member State of the EEA 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.

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: Investment and Cross-Border Trade in Services For admission to the Bar, which is required only for the use of the Swedish title ‘advokat’,

residency within the EU, EEA or the Swiss Confederation 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 advocate, provided that the company in question is domiciled in a country within the EU, the EEA or the Swiss Confederation. 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.

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC86212 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) Lag om ekonomiska föreningar (The Co-operative Economic Associations Act) (1987:667) Others, regulating the requirements to make use of approved auditors Description: Investment and Cross-Border Trade in Services 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 for 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 the Swiss Confederation 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.

Sector: Business services Sub-Sector: Rental or leasing of vehicles without operators Industry Classification: CPC 831 Type of Reservation: National treatment Level of Government: National Measures: Lag (1998:424) om biluthyrning (Act on renting and leasing cars) Description: Cross-Border Trade in 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, among other things, 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.

Sector: Business services Sub-Sector: Rental or leasing services without operators Rental or leasing of ships Industry Classification: CPC 83103 Type of Reservation: National treatment Market access Level of Government: National 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 or 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 or rented ship. The duration of the contract should be at least one to two years.

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 Trade in Services The economic plan for a building society must be certified by two persons. These persons must be publicly approved by authorities in the EEA.

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.

Sector: Distribution services Sub-Sector: Retailing services Industry Classification: Part of CPC 631, part of CPC 6322 Type of Reservation: Market access Level of Government: National Measures: The Alcohol Act (2010:1622) Description: Investment and Cross-Border Trade in Services 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.

Sector: Printing and publishing Sub-Sector: Industry Classification: ISIC rev 3.1 22, CPC 88442 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: Investment and Cross-Border Trade in Services Natural persons who are owners of periodicals that are printed and published in Sweden must reside in Sweden or be nationals of a Member State 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.

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 Trade in Services Only entities established in Sweden or having their principal seat in Sweden are eligible for accreditation to perform control services of exhaust gas.

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.

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 foreign service supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.

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 a Member State of the EEA.

Sector: Transport Sub-Sector: All commercial marine activity undertaken from a seagoing ship other than fishing and aquaculture, but including 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: CPC 5133, CPC5223, CPC 721, CPC 74520, CPC 74540, CPC 74590 Type of Reservation: National treatment Market access Obligations Level of Government: National Measures: Maritime Act (1994:1009), Ship safety Ordinance (1994:1009) The Ship Security Regulation (2003:438) Description: Investment, Cross-Border Trade in Services, 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 per cent or more owned by nationals of a Member State of the EEA 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 national of a Member State of the EEA. Exemptions may be granted by the Swedish Transport Agency. A separate Swedish reservation applies to vessels used for fishing and aquaculture.

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.

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 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 Trade in 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 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.

Reservations applicable in the 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: Investment and Cross-Border Trade in Services 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 EU law and the law of Member States of the EU, 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-discriminatory requirements as to the organisation of the permitted legal forms.

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: Investment and Cross-Border Trade in Services 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 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.

Sector: Energy Sub-Sector: Extraction of crude petroleum and natural gas, services incidental to mining, related scientific and technical consulting services Industry Classification: ISIC rev 3.1 11, CPC 883, CPC 8675 Type of Reservation: Market access Level of Government: National Measures: Petroleum Act 1988 Description: Investment and Cross-Border Trade in Services 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 Companies House; or (c) registration of a UK branch of a foreign company at Companies House. This requirement exists 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: (a) be registered at Companies 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 the Finance Act 2003 (which normally requires a staffed presence).

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, ISIC rev 3.1 0502, CPC 5133, CPC5223, CPC 721, CPC 74520, CPC 74540, CPC 74590, CPC 882 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: 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. Headnote Reservations for future measures

1. The Schedule of a Party to this Annex sets out, under Articles 8.15 (Reservations and exceptions), 9.7 (Reservations), 14.4 (Reservations), and, for the European Union, Article 13.10 (Reservations and exceptions), 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) Articles 8.6 (National treatment), 9.3 (National treatment) or, for the European Union, Article 13.3 (National treatment);

(b) Articles 8.7 (Most-favoured-nation treatment), 9.5 (Most-Favoured-nation treatment) or, for the European Union, Article

13.4 (Most-favoured-nation treatment);

(c) Articles 8.4 (Market access), 9.6 (Market access) or, for the European Union, Article 13.6 (Market access);

(d) Article 8.5 (Performance requirements);

(e) Article 8.8 (Senior management and boards of directors) or, for the European Union, Article 13.8 (Senior management and boards of directors);

(f) for the European Union, Article 13.7 (Cross-border supply of financial services); or

(g) Article 14.3 (Obligations).

2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under the GATS.

3. 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 the CPC, ISIC rev 3.1, 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.

4. In interpreting a reservation, all elements of the reservation shall be considered. The Description element shall prevail over all other elements.

5. A reservation taken at the level of the European Union applies to a measure of a Member State of the European Union at the national level as well as a measure of a government within a Member State of the European Union, unless the reservation excludes a Member State of the European Union. A reservation taken by Canada at the national level of government or by a Member State of the European Union applies to a measure of a government at the regional, provincial, territorial or local level within that country.

6. Where a Party maintains a measure that requires that a service supplier be a natural person, citizen, permanent resident or resident of its territory as a condition to the supply of a service in its territory, a reservation for that measure taken with respect to cross-border trade in services shall operate as a reservation with respect to investment, to the extent of that measure.

7. A reservation for a measure that requires a service supplier be a natural person, citizen, permanent resident, or resident of its territory as a condition to the supply of a financial service in its territory taken with respect to Article 13.7 (Cross-border supply of financial services) shall operate as a reservation with respect to Articles 13.3 (National treatment), 13.4 (Most-favoured-nation treatment), 13.6 (Market access), and 13.8 (Senior management and boards of directors), to the extent of that measure.

8. For the purposes of this Annex including each Party's Schedule to this Annex: 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, No 4, ISIC rev 3.1, 2002.

9. The following abbreviations are used in the European Union's Schedule to this Annex: 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 LU Luxembourg MT Malta NL Netherlands PL Poland PT Portugal RO Romania SK Slovakia SI Slovenia SE Sweden UK United Kingdom

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

Reservation II-C-1 Sector: Aboriginal affairs 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 and Cross-Border Trade in Services Canada reserves the right to adopt or maintain a measure denying investors of the European Union and their investments, or service suppliers of the European Union, rights or preferences provided to aboriginal peoples. Existing Measures: Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11

Reservation II-C-2 Sector: Agriculture Sub-Sector: Industry Classification: Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services Canada reserves the right to adopt or maintain a measure related to collective marketing arrangements for agricultural goods which includes 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:

Reservation II-C-3 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Senior management and boards of directors Description: Investment 1. British Columbia, New Brunswick, Nova Scotia, Nunavut, Prince Edward Island, Quebec, The Northwest Territories, and Yukon, reserve the right to adopt or maintain a measure relating to an enterprise of Canada that is a covered investment that requires 25 per cent or less of the board of directors, or any committee thereof, be of a particular nationality. An amendment to a measure referred to above must not decrease the conformity of the measure, as it existed immediately before the amendment, with the obligations set out in Chapter Eight (Investment). 2. Canada reserves the right to adopt or maintain a measure requiring that up to 50 per cent of the board of directors of an enterprise that is a covered investment be ordinarily resident in Canada. A granting of residency to a national of the European Union who is an appointee to a board of directors of an enterprise that is a covered investment will be conducted in accordance with Canadian law relating to the entry of foreign nationals. However, a national of the European Union shall not be subject to an economic needs test solely for the purpose of the appointment to the board of directors. Existing Measures:

Reservation II-C-4 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Description: Investment Canada reserves the right to adopt or maintain a measure relating to residency requirements for the ownership of oceanfront land by investors of the European Union or their investments. Existing Measures:

Reservation II-C-5 Sector: Fisheries Sub-Sector: Fishing and services incidental to fishing Industry Classification: CPC 04, 882 Type of Reservation: Market access National treatment Most-favoured nation treatment Description: Investment and Cross-Border Trade in Services 1. Canada reserves the right to adopt or maintain a measure with respect to collective marketing and trading arrangements for fish and seafood products, and licencing 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. 2. 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 the treatment 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. F-14 Coastal Fisheries Protection Act, R.S.C. 1985, c. 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 Fish Marketing Act, R.S.C. 1985, c. F-13

Reservation II-C-6 Sector: Financial services Sub-Sector: Services related to security markets Industry Classification: CPC 8132 Type of Reservation: Market access National treatment Description: Investment Canada reserves the right to adopt or maintain a 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

Reservation II-C-7 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 Description: Investment and Cross-Border Trade in Services The Importation of Intoxicating Liquors Act gives each provincial government an import monopoly on intoxicating liquors entering its territory. Existing Measures: Importation of Intoxicating Liquors Act, R.S.C. 1985, c. I-3

Reservation II-C-8 Sector: Minority affairs Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Canada reserves the right to adopt or maintain a measure conferring rights or privileges to a socially or economically disadvantaged minority. Existing Measures:

Reservation II-C-9 Sector: Social services Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Most-favoured-nation treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Canada reserves the right to adopt or maintain a measure with respect to the supply of public law enforcement and correctional services, as well as 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:

Reservation II-C-10 Sector: Social services Sub-Sector: Industry Classification: Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Canada reserves the right to adopt or maintain a measure with respect to the supply of social services not otherwise reserved under its Reservation II-C-9 in respect of social services. 2. This reservation shall not extend to the adoption of a new measure imposing limitations on the participation of foreign capital in the supply of such social services. Existing Measures:

Reservation II-C-11 Sector: Collection, purification and distribution of water Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services Canada reserves the right to adopt or maintain a measure with respect to the collection, purification and distribution of water. Existing Measures:

Reservation II-C-12 Sector: Transport Sub-Sector: Transportation services via pipeline Industry Classification: CPC 713 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services Canada reserves the right to adopt or maintain a measure with respect to the issuance of certificates for the pipeline transportation of fuels. Existing Measures: National Energy Board Act, R.S.C. 1985, c. N-7

Reservation II-C-13 Sector: Transport Sub-Sector: Selling and marketing of air transport services, as defined in Articles 8.1 (Definitions) and 9.1 (Definitions) Industry Classification: Defined in Articles 8.1 (Definitions) and 9.1 (Definitions) Type of Reservation: Market access National treatment Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Canada reserves the right to adopt or maintain a measure relating to the selling and marketing of air transportation services. 2. For greater certainty, this reservation does not affect Canada's rights and obligations under 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. Existing Measures:

Reservation II-C-14 Sector: Transport Sub-Sector: Construction work for waterways, harbours, dams and other water works Transportation services by sea-going or non-sea-going vessels Supporting and other services for water transport Any other marine activity of a commercial nature undertaken by or from a vessel as set out in the Description element 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: Market access National treatment Most-favoured-nation treatment Performance requirements Senior management and boards of directors Obligations Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services 1. Canada reserves the right to adopt or maintain a measure affecting the investment in or supply of marine cabotage services, including: (a) the transportation of goods or passengers by vessel between points in the territory of Canada or above the continental shelf of Canada, directly or by way of a place outside Canada; but with respect to waters above the continental shelf of Canada, the transportation of 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. 2. This reservation relates to, among other things, limitations and conditions for services suppliers entitled to participate in these activities, to criteria for the issuance of a temporary cabotage licence to foreign vessels, and to limits on the number of cabotage licences issued to foreign vessels. 3. For greater certainty, this reservation applies, among other things, to marine activities of a commercial nature undertaken by or from a vessel, including feeder services and repositioning of empty containers. 4. This reservation does not apply to a measure relating to the investment in or the supply of the following marine cabotage services undertaken from a vessel operated by an enterprise of the European Union, or a vessel operated by an enterprise of a third country (1) owned or controlled by a national of the European Union if that vessel is registered in accordance with the laws of a Member State of the European Union and is flying the flag of a Member State of the European Union: (a) repositioning owned or leased empty containers on a non-revenue basis; (b) (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 registered on 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; and (ii) pre or onward transport of international containerised 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 registered on the 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; or (c) dredging. 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 (2d Supp.), c. 1 Customs and Excise Offshore Application Act, R.S.C. 1985, c. C-53

Reservation II-C-15 Sector: Transport Sub-Sector: Transport services by sea-going or non-sea-going vessels Supporting services for water transport 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 Obligations Description: Cross-Border Trade in Services and International Maritime Transport Services Canada reserves the right to adopt or maintain a 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 areas such 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:

Reservation II-C-16 Sector: Transport Sub-Sector: Industry Classification: CPC 07 Type of Reservation: Market access Description: Investment Canada reserves the right to adopt or maintain a measure relating to the number or type of legal entity which manages or operates transportation infrastructure owned or controlled by Canada. Existing Measures:

Reservation II-C-17 Sector: Transport 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: CPC 07, 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 reservation system services as defined in Articles 8.1 (Definitions) and 9.1 (Definitions) Aircraft repair and maintenance services as defined Articles 8.1 (Definitions) and Article 9.1 (Definitions) Maritime container station and depot services, maritime agency services, maritime freight forwarding services as defined in Article 14.1 (Definitions) Type of Reservation: Market access Obligations Description: Investment, Cross-Border Trade in Services, and International Maritime Transport Services Canada reserves the right to adopt or maintain a measure related to the designation, establishment, expansion, or operation of monopolies or exclusive service suppliers in the transportation sector. Existing Measures:

Reservation II-C-18 Sector: Transport Sub-Sector: Supporting and auxiliary transport services Ground handling services as defined in Articles 8.1 (Definitions) and 9.1 (Definitions) Industry Classification: CPC 74, ground handling services as defined in Articles 8.1 (Definitions) and 9.1 (Definitions) Type of Reservation: Market access Description: Investment 1. Canada reserves the right to adopt or maintain a measure limiting the number of suppliers 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. 2. For greater certainty, in the case of ground handling services, this reservation does not affect Canada's rights and obligations under 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. Existing Measures:

Reservation II-C-19 Sector: Business services Sub-Sector: Technical testing and analysis services Industry Classification: CPC 8676 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Canada reserves the right to adopt or maintain a measure affecting the statutory inspection and certification of vessels on behalf of Canada. 2. For greater certainty, only a person, classification society or other organisation authorised 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:

Reservation II-C-20 Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Most-favoured-nation treatment Description: Investment 1. Canada reserves the right to adopt or maintain a measure that accords differential treatment under any bilateral or multilateral international agreement in force or signed prior to January 1, 1994. 2. Canada reserves the right to adopt or maintain a measure that accords differential treatment pursuant to an existing or future bilateral or multilateral agreement relating to: (a) aviation; (b) fisheries; or (c) maritime matters, including salvage. Existing Measures: Schedule of Canada

Reservations applicable in Alberta

Reservation II-PT-1 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Alberta reserves the right to adopt or maintain a 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 suppliers that may carry out a specific economic activity, whether in the form of a numerical quota,

monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-2 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107, 643, 88411 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Alberta reserves the right to adopt or maintain a measure in the above mentioned sector that: (a) limits the number of covered investments or service suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-3 Sector: Agriculture, forestry and fishing products Sub-Sector: Forest resource and processing Forestry and logging products Services incidental to forestry and logging Industry Classification: CPC 03, 8814 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Alberta reserves the right to adopt or maintain a 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 suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-4 Sector: Fisheries Sub-Sector: Fishing Services incidental to fishing Industry Classification: CPC 04, 62224, 882 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Alberta reserves the right to adopt or maintain a 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 suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-5 Sector: Energy Sub-Sector: Services incidental to energy distribution Transport services via pipeline

Production, transmission and distribution of electricity, gas, steam and hot water Crude petroleum and natural gas Industry Classification: CPC 120, 17, 713, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Alberta reserves the right to adopt or maintain a 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, related pipeline and marine distribution and transport services; and (iii) the production, transport, distribution, furnishing, and importation and exportation of electricity, that: (a) limits the number of covered investments or service suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in British Columbia

Reservation II-PT-6 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 Description: Investment and Cross-Border Trade in Services 1. British Columbia reserves the right to adopt or maintain a 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, related pipeline and marine distribution and transport services; or (iii) the production, transport, distribution, furnishing, and importation and exportation of electricity, that: (a) limits the number of covered investments or service suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-7 Sector: Agriculture, forestry and fisheries products Sub-Sector: Forestry and logging products Services incidental to forestry and logging Industry Classification: CPC 03, 8814 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. British Columbia reserves the right to adopt or maintain a measure relating to the production, processing, marketing, extraction, and development of forest resources and products derived from them, including the granting of licences, that: (a) limits the number of covered investments or service suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service provider or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector 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 a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-8 Sector: Fisheries Sub-Sector: Fishing Services incidental to fishing Industry Classification: CPC 04, 62224, 882 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. British Columbia reserves the right to adopt or maintain a 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 suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-9 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. British Columbia reserves the right to adopt or maintain a 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 suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-10 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. British Columbia reserves the right to adopt or maintain a 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 suppliers that may carry out a specific economic activity, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; (b) limits the total value of transactions or assets in the form of a numerical quota 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 a quota or the requirement of an economic needs test; (d) limits the total number of natural persons that may be employed in a sub-sector or that a covered investment may employ and who are necessary for, and directly related to, the performance of an economic activity in the form of a numerical quota 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in Manitoba

Reservation II-PT-11 Sector: Fisheries 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 Description: Investment and Cross-Border Trade in Services 1. Manitoba reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-12 Sector: Transport Sub-Sector: Transport services via pipeline Industry Classification: CPC 713 Type of

Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Manitoba reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-13 Sector: Alcoholic Beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Manitoba reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-14 Sector: Energy Sub-Sector: Crude petroleum and natural gas Electrical energy Services incidental to energy distribution Industry Classification: CPC 120, 171, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Manitoba reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-15 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, 881 (other than rental of agricultural equipment with operator and 8814) 88430, 88441 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Manitoba reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-16 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Manitoba reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in New Brunswick

Reservation II-PT-17 Sector: Energy Sub-Sector: Electrical energy Services incidental to energy distribution Industry Classification: CPC 17, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. New Brunswick reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-18 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and

Cross-Border Trade in Services 1. New Brunswick reserves the right to adopt or maintain monopolies in the sub-sectors noted above. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures Gaming Control Act, S.N.B. 2008, c. G-1.5

Reservation II-PT-19 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor, wine and beer stores) Manufacturing of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. New Brunswick reserves the right to adopt or maintain a 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures New Brunswick Liquor Corporation Act, S.N.B. 1974, c. N-6.1

Reservations applicable in Newfoundland and Labrador

Reservation II-PT-20 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, 881 (other than rental of agricultural equipment with operator and 8814), 88430, 88441 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Newfoundland and Labrador reserves the right to adopt or maintain a measure relating to the above sub-sectors, that: (a) limits the number of covered investments or service suppliers, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; or (b) restricts or requires a specific type of legal entity or joint venture through which an investor may perform an economic activity. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-21 Sector: Fishing and hunting Sub-Sector: Edible products of animal origin n.e.c. Raw skins of other animals n.e.c. (fresh or preserved, but not further prepared) Fish and other fishing products Other meat and edible offal, fresh, chilled or frozen (including rabbit meat), excluding frog legs 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, 212, 2162, 2831, 62112, 62224, 8813, 882 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Newfoundland and Labrador reserves the right to adopt or maintain a measure relating to the above sub-sectors, that: (a) limits the number of covered investments or service suppliers, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; or (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-22 Sector: Energy Sub-Sector: Electrical energy Services incidental to energy distribution Industry Classification: CPC 171, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Newfoundland and Labrador reserves the right to adopt or maintain a measure relating to the above sub-sectors, that: (a) limits the number of covered investments or service suppliers, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; or (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-23 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Service 1. Newfoundland and Labrador reserves the right to adopt or maintain a measure relating to the above sub-sectors, that: (a) limits the number of covered investments or service suppliers, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; or (b) restricts or

requires the specific type of legal entity or joint venture through which an investor may perform an economic activity. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-24 Sector: Transport Sub-Sector: Transportation services via pipeline Industry Classification: CPC 7131 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Newfoundland and Labrador reserves the right to adopt or maintain a measure relating to the above sub-sector, that: (a) limits the number of covered investments or service suppliers, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; or (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-25 Sector: Energy Sub-Sector: Crude petroleum and natural gas Services incidental to energy distribution Industry Classification: CPC 120, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Newfoundland and Labrador reserves the right to adopt or maintain a measure relating to the above sub-sectors, that: (a) limits the number of covered investments or service suppliers, whether in the form of a numerical quota, monopoly, exclusive service supplier, or the requirement of an economic needs test; or (b) restricts or requires the specific type of legal entity or joint venture through which an investor may perform an economic activity. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in the Northwest Territories

Reservation II-PT-26 Sector: Business services Sub-Sector: Services incidental to animal husbandry Services incidental to hunting Industry Classification: CPC 8812, 8813 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. The Northwest Territories reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-27 Sector: Alcoholic Beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. The Northwest Territories reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-28 Sector: Forestry Sub-Sector: Forestry and logging products Pulp and paperboard 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, 881 (other than rental of agricultural equipment with operator and 8814), 88430, 88441 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. The Northwest Territories reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-29 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. The Northwest Territories reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-30 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 Description: Investment and Cross-Border Trade in Services 1. The Northwest Territories reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-31 Sector: Crude petroleum and natural gas Sub-Sector: Crude petroleum and natural gas Pipeline transport Services incidental to energy distribution Industry Classification: CPC 120 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. The Northwest Territories reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. The Northwest Territories reserves the right to adopt or maintain a measure granting exclusive rights to operate a distribution or transportation system, including, related pipeline and marine distribution and transport services. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-32 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 Description: Investment and Cross-Border Trade in Services 1. The Northwest Territories reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-33 Sector: Transport Sub-Sector: Other land transport services Industry Classification: CPC 7121, 71222 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services The Northwest Territories reserves the right to adopt or maintain economic needs tests for the provision of urban and interurban bus transportation services. The main criteria include the examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; and 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. Existing Measures

Reservations applicable in Nova Scotia

Reservation II-PT-34 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, 881 (other than rental of agricultural equipment with operator and 8814), 88430, 88441 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nova Scotia reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-35 Sector: Fisheries and hunting Sub-Sector: Edible products of animal origin n.e.c. Raw skins of other animals n.e.c. (fresh or preserved, but not further prepared) Fish and other fishing products Other meat and edible offal, fresh, chilled or frozen (including rabbit meat), excluding frog legs 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, 212, 2162, 2831, 62112, 62224, part of 71231, 8813, 882 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nova Scotia reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-36 Sector: Energy Sub-Sector: Electrical energy Services incidental to energy distribution Industry Classification: CPC 17, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nova Scotia reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-37 Sector: Energy Sub-Sector: Crude petroleum and natural gas Services incidental to energy distribution Industry Classification: CPC 120, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nova Scotia reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-38 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Nova Scotia reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-39 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacturing of alcoholic beverages. Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nova Scotia reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-40 Sector: Transport Sub-Sector: Transportation services via pipeline Industry Classification: CPC 713 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nova Scotia reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in Nunavut

Reservation II-PT-41 Sector: Business services Sub-Sector: Services incidental to animal husbandry Services incidental to hunting Industry Classification: CPC 8812, 8813 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nunavut reserves the right to adopt or maintain a 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

a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-42 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nunavut reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Nunavut has the authority under the Liquor Act to import, purchase, produce, distribute, supply, market, and sell alcoholic beverages in Nunavut and to conduct these activities through a territorial monopoly. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures Liquor Act, R.S.N.W.T. 1988, c. L-9

Reservation II-PT-43 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Nunavut reserves the right to adopt or maintain a measure limiting market access in the sub-sector 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. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-44 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 Description: Investment and Cross-Border Trade in Services 1. Nunavut reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-45 Sector: Energy Sub-Sector: Electrical energy Electricity distribution or control apparatus Services incidental to energy distribution Industry Classification: CPC 171, 4621, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nunavut reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Nunavut maintains a monopoly on the production, generation, development, transmission, distribution, delivery, supply and exportation of electricity and related services under section 5.1 of the Qulliq Energy Corporation Act. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures Qulliq Energy Corporation Act, R.S.N.W.T. 1988, c. N-2

Reservation II-PT-46 Sector: Energy Sub-Sector: Crude petroleum and natural gas Transport Services incidental to energy distribution Industry Classification: CPC 120, 713, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nunavut reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Nunavut also reserves the right to adopt or maintain any measure limiting market access related to oil and gas development. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-47 Sector: Transport Sub-Sector: Freight transport by sea Industry Classification: CPC 7212 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Nunavut reserves the right to adopt or maintain a measure limiting market access in the sub-sector listed above, with the exception of measures imposing limitations on the participation of foreign capital in terms of a maximum percentage limit on foreign shareholding or the

total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-48 Sector: Transport Sub-Sector: Other land transport services Industry Classification: CPC 7121, 71222 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services Nunavut reserves the right to adopt or maintain economic needs tests for the provision of urban and interurban bus transportation services. The main criteria include the examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; and 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. Existing Measures

Reservations applicable in Ontario

Reservation II-PT-49 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 Description: Investment and Cross-Border Trade in Services 1. Ontario reserves the right to adopt or maintain a 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, electricity, natural gas, and renewable energy), with the exception of measures imposing limitations on the participation of foreign capital in terms of a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Ontario reserves the right to adopt or maintain a measure limiting market access in the granting of exclusive rights to own or operate a transmission or distribution system or to produce, generate, store, sell, retail, or market energy (including, electricity, natural gas, or renewable energy). 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in Prince Edward Island

Reservation II-PT-50 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 Description: Investment and Cross-Border Trade in Services 1. Prince Edward Island reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-51 Sector: Energy Sub-Sector: Renewable energy systems Electrical energy, oil and natural gas Services incidental to energy distribution Industry Classification: CPC 120, 17, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Prince Edward Island reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-52 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, 881 (other than rental of agricultural equipment with operator and 8814), 88430, 88441 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Prince Edward Island reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-

2. Existing Measures

Reservation II-PT-53 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Prince Edward Island reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-54 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Prince Edward Island reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in Québec

Reservation II-PT-55 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 (other than rental of agricultural equipment with operator), 8812, 882 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Québec reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Québec also reserves the right to adopt or maintain a measure limiting market access in connection with the issuance of permits under the Food Products Act. 3. These measures include, imposing a public interest test and taking into account socio-economic factors. 4. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures Food Products Act, C.Q.L.R., c. P-29 An Act to regularize and provide for the development of local slaughterhouses, C.Q.L.R., c. R-19.1 An Act respecting the marketing of agricultural, food and fish products, C.Q.L.R. c. M-35.1 An Act respecting the marketing of marine products, C.Q.L.R., c. C-32.1 The Marine Products Processing Act, C.Q.L.R., c. T-11.01

Reservation II-PT-56 Sector: Energy Sub-Sector: Electricity energy Services incidental to energy distribution Industry Classification: CPC 171, 887 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Québec reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Québec reserves the right for the purposes of the activities mentioned in the preceding paragraph, to adopt or maintain a 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. 3. 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 Hydro-Québec for the purposes of the activities mentioned previously. 4. These measures include, taking into account socio-economic factors. 5. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures Hydro-Québec Act, C.Q.L.R., c. H-5 An Act respecting the exportation of electric power, C.Q.L.R., c. E-23 An Act respecting the Régie de l'énergie, C.Q.L.R., c. R-6.01 An Act respecting municipal and private electric power systems, C.Q.L.R., c. S-41 Act respecting the Ministère des Ressources naturelles et de la Faune, C.Q.L.R., c. M-25.2 An Act respecting threatened or vulnerable species, C.Q.L.R., 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, C.Q.L.R., c. R-13

Reservation II-PT-57 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 Description: Investment and Cross-Border Trade in Services 1. Québec reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Québec also reserves the right to adopt or maintain a measure limiting market access in oil and gas development. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures An Act respecting the Régie de l'énergie, C.Q.L.R., c. R-6.01 Mining Act, C.Q.L.R., c. M-13.1

Reservation II-PT-58 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Québec reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. The Société des loteries du Québec is or may be granted a monopoly in the activities mentioned above. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures An Act respecting the Société des loteries du Québec, C.Q.L.R., c. S-13.1 An Act respecting lotteries, publicity contests and amusement machines, C.Q.L.R., c. L-6 An Act respecting racing, C.Q.L.R., c. C-72.1

Reservation II-PT-59 Sector: Forestry and logging products 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 Description: Investment and Cross-Border Trade in Service 1. Québec reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Québec reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 3. These measures include, imposing public interest tests and taking into account socio-economic factors. 4. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures An Act respecting the marketing of agricultural, food and fish products, C.Q.L.R., c. M-35.1 Forest Act, C.Q.L.R., c. F-4.1 Sustainable Forest Development Act, C.Q.L.R., c. A-18.1 An Act respecting the Ministère des Ressources naturelles et de la Faune, C.Q.L.R., c. M-25.2

Reservations applicable in Saskatchewan

Reservation II-PT-60 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Saskatchewan reserves the right to adopt or maintain a measure to limit the number of covered investments or service suppliers whether in the form of a numerical quota, monopoly, exclusive supplier or the requirements of an economic needs test. 2. Saskatchewan reserves the right to adopt or maintain a measure to restrict or require a specific type of legal entity or joint venture through which an investor may perform an economic activity in the sub-sectors noted above. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-61 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture of alcoholic beverages. Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107, 643 Type of Reservation: Market access Description: Investment and Cross-Border

Trade in Services 1. Saskatchewan reserves the right to adopt or maintain a measure to limit the number of covered investments or service suppliers whether in the form of a numerical quota, monopoly, exclusive supplier or the requirements of an economic needs test. 2. Saskatchewan reserves the right to adopt or maintain a measure to restrict or require a specific type of legal entity or joint venture through which an investor may perform an economic activity in the sub-sectors noted above. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-62 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 Description: Investment and Cross-Border Trade in Services 1. Saskatchewan reserves the right to adopt or maintain a measure to limit the number of covered investments or service suppliers whether in the form of a numerical quota, monopoly, exclusive supplier or the requirements of an economic needs test. 2. Saskatchewan reserves the right to adopt or maintain a measure to restrict or require a specific type of legal entity or joint venture through which an investor may perform an economic activity in the sub-sectors noted above. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservations applicable in Yukon

Reservation II-PT-63 Sector: Alcoholic beverages Sub-Sector: Commission agents' services, wholesale trade services, retailing services (liquor, wine and beer, liquor wine and beer stores) Manufacture and transportation of alcoholic beverages Industry Classification: CPC 24 (other than 244), 62112, 62226, 63107, 7123 (other than 71231, 71232, 71233, 71234), 8841 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. The Yukon Liquor Corporation is the sole commercial importer of alcoholic beverages into Yukon. In-territory manufacturers of alcoholic beverages may operate a retail outlet at the manufacturing facility as a manufacturer's agent of the Yukon Liquor Corporation. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-64 Sector: Recreational, cultural and sporting services Sub-Sector: Gambling and betting Industry Classification: CPC 96492 Type of Reservation: Market access Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Yukon reserves the right 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. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-65 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 Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. Yukon reserves the right to adopt or maintain a measure granting an exclusive right to operate a natural gas or oil distribution or transportation system, including, an activity related to oil and natural gas pipeline and marine distribution and transport services. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-66 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 Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a measure limiting market access in water power, the production, transport, distribution, furnishing, and exportation of electricity, the commercial and industrial uses of water, and 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. 2. 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. 3. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-67 Sector: Forestry Sub-Sector: Forestry and logging products Industry Classification: CPC 03, 531 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-68 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 03, 531, 8811 (other than rental of agricultural equipment with operator), 8812 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-69 Sector: Fisheries Sub-Sector: Fish and other fishing products Services incidental to fishing Industry Classification: CPC 04, 882 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a measure limiting market access in fisheries, with the exception of measures imposing limitations on the participation of foreign capital in terms of a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-70 Sector: Business 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 Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a 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 a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

Reservation II-PT-71 Sector: Business services Sub-Sector: Recycling on a fee or contract basis Industry Classification: CPC 88493 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services 1. Yukon reserves the right to adopt or maintain a measure limiting market access related to recycling, with the exception of measures imposing limitations on the participation of foreign capital in terms of a maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment. 2. 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 governmental entity pursuant to Canada's Reservation I-C-2. Existing Measures

EU Party Reservations applicable in the European Union (applicable in all Member

States of the EU unless otherwise indicated)

Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access Description: Investment In all Member States of the EU, 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, research and development (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: Investment and Cross-Border Trade in Services 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: (a) creates an internal market in services and investment; (b) grants the right of establishment; or (c) requires the approximation of legislation in one or more economic sectors. 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 law of the country where such establishment takes place. The approximation of legislation means: (a) 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 (b) the incorporation of common legislation into the 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 law of the party or parties to the regional economic integration agreement. Existing Measures: European Economic Area (EEA) Stabilisation Agreements EU-Swiss Confederation bilateral agreements

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 EU: BE, DE, DK, EL, ES, FR, IE, IT, LU, NL, PT, UK, and any of the following countries or principalities: San Marino, Monaco, Andorra, and the Vatican City State. Existing Measures:

Sector: Fishing Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 882 Type of Reservation: Market access National treatment Most-favoured-nation treatment Performance requirements Description: Investment and Cross-Border Trade in Services 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 a third country, 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: (a) regulating the landing of catches performed in the sub-quotas allocated to vessels of Canada or of a third country in EU ports; (b) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels; or (c) according differential treatment to a Canada or 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 a Member State of the EU may only be granted to vessels flying the flag of a Member State of the EU. The EU reserves the right to adopt or maintain any measure with regard to the nationality of the crew of a fishing vessel flying the flag of a Member State of the EU. National complementary reservations may be found in the schedules of reservations applicable in BE, BG, DE, DK, ES, FI, FR, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK and UK. Existing Measures:

Sector: Collection, purification and distribution of water Sub-Sector: Industry Classification: ISIC rev 3.1 41 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services The EU reserves the right to adopt or maintain any measure with respect to activities, including services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the supply 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: Investment and Cross-Border Trade in Services The EU, with the exception of SE, reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation 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 and other services provided by pharmacists Industry Classification: CPC 63211 Type of Reservation: Market access Description: Cross-Border Trade in Services For all Member States of the EU with the exception of BE, BG, EE, and IE, mail order is only possible from Member States of the EEA, 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. 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 reservations applicable in BE, FI, SE and SK. Existing Measures:

Sector: Distribution and health services Sub-Sector: Retail sales of pharmaceutical, medical and orthopaedic goods and 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 or geographic spread. National complementary reservations may be found in the schedules of reservations applicable in AT, DE, ES, FI, FR, IT, LU, LV, MT, PT, SE and SI. Existing Measures:

Sector: Business services Sub-Sector: Other business services (collection agency services, credit reporting services) Industry Classification: CPC 87901, CPC 87902 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services The EU, with the exception of ES and SE, reserves the right to adopt or maintain any measure with regard to the supply of collection agency services and credit reporting services. Existing Measures:

Sector: Business services Sub-Sector: Placement services of office support personnel and other workers Supply services of domestic help personnel, other commercial or industrial workers, nursing, and other personnel Industry Classification: CPC 87202, CPC 87204, CPC 87205, CPC 87206, CPC 87209 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The EU, with the exception of BE, HU and SE, reserves the right to require establishment and to prohibit the cross-border supply of placement services of office support personnel and other workers. The EU, with the exception of HU and SE, reserves the right to adopt or maintain any measure with regard to the supply of placement services of domestic help personnel, other commercial or industrial workers, nursing, and other personnel. National complementary reservations may be found in the schedules of reservations applicable in AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, IT, LT, LV, MT, PL, PT, RO, SI, and SK. Existing 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: Investment and Cross-Border Trade in Services The EU, with the exception of AT and SE, reserves the right to adopt or maintain any measure with regard to the supply of investigation services. Residency or commercial presence is required and nationality requirements may exist. National complementary reservations may be found in the schedules of reservations applicable in LT and PT. Existing Measures:

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 86764, CPC 86769, CPC 8868, Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services The EU, with the exception of DE, EE and HU, 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 supply of maintenance and repair services of rail transport equipment from outside its territory. The EU, with the exception of CZ, EE, HU, 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 supply of maintenance and repair services of internal waterways transport vessels from outside its territory. The EU, with the exception of EE, HU 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 supply 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 Member States of the EU. Establishment may be required. The EU, with the exception of AT, EE, HU, 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 supply of maintenance (including line maintenance) and repair services of aircraft and parts thereof from outside its territory. Existing Measures:

Sector: Communication services Sub-Sector: Telecommunication services Industry Classification: Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services The EU reserves the right to adopt or maintain any measure with respect to broadcast transmission services. Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators. Existing Measures:

Sector: Recreational, cultural and sporting services Sub-Sector: Industry Classification: CPC 9619, CPC 963, CPC 964 other than CPC 96492 Type of Reservation: Market access National treatment Most-favoured-nation treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The EU, with the exception of AT reserves the right to adopt or maintain any measure with respect to the supply of library, archive, museum, and other cultural services. LT reserves the right to adopt or maintain any measure requiring the establishment of suppliers and restricting the cross-border supply of these services. In AT and LT, a licence or concession may be required to provide these services. CY, CZ, FI, MT, PL, RO, SI, and SK reserve the right to adopt or maintain any measure with respect to the supply of entertainment services, including theatre, live bands, circus and discotheque services. In addition, the EU, with the exception of AT and SE, reserves the right to adopt or maintain any measure requiring establishment and restricting the cross-border supply of entertainment services, including theatre, live bands, circus and discotheque services. BG reserves the right to adopt or maintain any measure with respect to the supply of the following entertainment services: circus, amusement park and similar attraction services, ballroom, discotheque and dance instructor services, and other entertainment services. EE reserves the right to adopt or maintain any measure with respect to the supply of other entertainment services except for cinema theatre services. LT and LV reserve the right to adopt or maintain any measure with respect to the supply of all entertainment services other than cinema theatre operation services. 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 supply of sporting and other recreational services. AT reserves the right to adopt or maintain any measure with respect to the supply of mountain guide or ski school services. Existing Measures:

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: Investment and Cross-Border Trade in Services The EU, with the exception of MT, reserves the right to adopt or maintain any measure with respect to the supply 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:

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: Investment and Cross-Border Trade in Services The EU reserves the right to adopt or maintain any measure with regard to the supply 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, with the exception of CZ, NL, SE and SK, reserves the right to adopt or maintain any measure with respect to the supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services. Where the supply 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 reservations applicable in AT, BG, CY, CZ, FI, FR, IT, MT, RO, SE, SI, and SK. Existing Measures:

Sector: Health and social services Sub-Sector: Human health services Social services Industry Classification: CPC 931 other than 9312, part of 93191 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services The EU, with the exception of HU, reserves the right to adopt or maintain any measure requiring the establishment or physical presence in its territory of suppliers and restricting the cross-border supply of health services from outside their territory. The EU 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 supply of social services from outside their territory, as well as with respect to activities or services forming part of a public retirement plan or statutory system of social security. This reservation does not relate to the supply 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. Existing Measures:

Sector: Health services Sub-Sector: Industry Classification: CPC 931 other than 9312, part of CPC 93191 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 supply 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. 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 supply of all health-related professional services, including the services supplied 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 reservations applicable in AT, BE, BG, CY, CZ, FI, FR, 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 Trade in Services In the EU, with the exception of BE, FI, NL and SE, the supply 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 reservations applicable in AT, BE, BG, FI, FR, MT, SK and UK. Existing Measures: None

Sector: Social services Sub-Sector: Industry Classification: 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 supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and with regard to activities or services forming part of a public retirement plan or statutory system of social security. 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 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 reservations applicable in BE, CY, CZ, DE, DK, EL, ES, FI, FR, HU, IE, IT, LT, MT, PL, PT, RO, SI, SK, and UK. Existing Measures:

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:

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 of the EU, is required to perform the activities of management of common funds, including unit trusts, and where allowed under national law, investment companies. Existing Measures: Council 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)

Sector: Air transport Sub-Sector: Services auxiliary to air transport Industry Classification: Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services The EU reserves the right to adopt or maintain any measure which accords differential treatment to a third 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 third country pursuant to existing or future trade agreements pursuant to Article V of GATS. Existing Measures:

Sector: Air transport Sub-Sector: Industry Classification: Type of Reservation: National treatment Market access Senior management and boards of directors Performance requirements Most-favoured-nation treatment Description: Investment The EU reserves the right to adopt or maintain any measure relating to air services, or related services in support of air services and other services supplied by means of air transport other than the services set out in Article 8.2.2(a) (i) to (v), with respect to the establishment, acquisition or expansion of a covered investment, to the extent that such measures are not excluded from the scope of Sections B and C of Chapter Eight (Investment). Existing Measures:

Sector: Transport Sub-Sector: Water transport Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 5133, CPC

5223, CPC 722, CPC 74520, CPC 74540, CPC 74590, CPC 882 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 a Member State of the EU, 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 of the EU concerned, as well as requirements relating to ownership of capital and control. Existing Measures:

Sector: Transport Sub-Sector: Water transport Industry Classification: CPC 5133 CPC 5223,CPC 721,CPC 722,CPC 74520, CPC 74540, CPC 74590 Any other commercial activity undertaken from a ship Type of Reservation: National treatment Market access Senior management and board of directors Obligations Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services The EU reserves the right to adopt or maintain any measure with regard to the nationality of crew on a seagoing or non-seagoing vessel. Existing Measures:

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 Obligations Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services The EU reserves the right to adopt or maintain any measure with respect to the supply 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 EU and another port or point located in the same Member State of the EU, 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 EU. For greater certainty, this reservation applies inter alia to feeder services. This reservation does not apply to shipping companies of Canada repositioning owned or leased containers on a non-revenue basis. Existing Measures:

Sector: Transport Sub-Sector: Water transport:pilotage and berthing services, pushing and towing services Industry Classification: CPC 7214, CPC 7224, CPC 7452 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The EU reserves the right to adopt or maintain any measure with respect to the supply of pilotage and berthing services. For greater clarity, regardless of the criteria which may apply to the registration of ships in a Member State of the EU, the EU reserves the right to require that only ships registered on the national registers of Member States of the EU may provide pilotage and berthing services. For the EU, with the exception of LT and LV, only vessels carrying the flag of a Member State of the EU may provide pushing and towing services. For LT, only juridical persons of Lithuania or juridical persons of a Member State of the EU 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: Transport Sub-Sector: Internal waterways transport Industry Classification: CPC 722 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services The EU reserves the right to adopt or maintain any measure which accords differential treatment to a third country pursuant to 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. Subject to regulations implementing the Mannheim Convention on Rhine Shipping. This part of the reservation only applies to the following Member States of the EU: BE, DE, FR and NL. 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 and Cross-Border Trade in Services The EU reserves the right to require establishment and to limit the cross-border supply of road transport services. The EU reserves the right to adopt or maintain measures limiting the supply of cabotage within a Member State of the EU by foreign investors established in another Member State of the EU. An economic needs test may apply to taxi services in the EU with the exception of 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 reservations applicable in AT, BE, BG, ES, FI, FR, IE, IT, LT, 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 Regulation (EC) No 1073/2009of 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

Sector: Transport Sub-Sector: Road and rail transport Industry Classification: CPC 7111, CPC 7112, CPC 7121, CPC 7122, CPC

7123 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 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 or rail) and passenger transport, concluded between the EU or the Member States of the EU and a third country. Such treatment may: (a) reserve or limit the supply of the relevant transport services between the contracting parties or across the territory of the contracting parties to vehicles registered in each contracting party (2); 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 Description: Investment and Cross-Border Trade in Services 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 (other than advisory and consultancy services) Type of Reservation: National treatment Market access Performance requirements Senior management and boards of directors Description: Investment Where a Member State of the EU 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 enterprises of Canada controlled by natural persons or enterprises of a third country which accounts for more than 5 per cent 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 Member State of the EU. 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 reservations applicable in BE, BG, CY, FI, FR, HU, LT, NL, PT, SI 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 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 , ISIC rev 3.1 40 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services 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

Sector: Business services Sub-Sector: Placement services of office support personnel and other workers Supply services of office support personnel Industry Classification: CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Austria reserves the right to adopt or maintain any measure with regard to the supply of supply services of office support personnel, and the establishment of suppliers of placement services of office support personnel and other workers. Existing Measures:

Sector: Education services Sub-Sector: Higher education services Adult education services Industry Classification: CPC 923, CPC 924 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services Austria reserves the right to adopt or maintain any measure with regard to the supply of privately funded higher education services. Austria reserves the right to prohibit the cross-border supply 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 Austriareserves the right to adopt or maintain any measure with respect to the supply of privately funded ambulance services. Existing Measures:

Reservations applicable in Belgium

Sector: Fishing 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:

Investment and Cross-Border Trade in Services 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 resident of Belgium 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 residents of Belgium when applying for a fishing licence. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The supply of security services by a foreign provider on a cross-border basis is not allowed. Requirement of nationality of a Member State of the EU for members of 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 nationals of a Member State of the EU. Existing Measures:

Sector: Distribution Sub-Sector: Retail sales of pharmaceutical, medical and orthopaedic goods Industry Classification: CPC 63211 Type of Reservation: Market access Description: Cross-Border Trade in Services Mail order is only authorised for pharmacies open to the public, thus establishment in Belgium is required for the retail of pharmaceuticals 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

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 Belgiumreserves the right to adopt or maintain any measure with respect to the supply 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: Part of CPC 85201, CPC 9312, part of CPC 93191, CPC932 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services Belgium reserves the right to adopt or maintain any measure relating to the cross-border supply of medical, dental and midwives services and services provided by nurses, 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 Belgiumreserves the right to adopt or maintain any measure with respect to the supply 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: Investment and Cross-Border Trade in Services 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 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. Existing Measures:

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/EC 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 a company from a Member State of the EU, or a foreign company from a country having a similar regime to that of Directive

2003/54/EC, particularly with regard to conditions relating to the authorisation and selection. Additionally, the company shall have its central administration or its head office in a Member State of the EU 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 rev 3.1 4010,CPC 71310, part of CPC 742, CPC 887 (other than consultancy services) Type of Reservation: National treatment Market access Description: Investment and Cross-Border Trade in Services 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. 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: Investment and Cross-Border Trade in Services 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 Trade in 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 a Member State of the EU (in accordance with Art. 3 of the AR of 14 May 2002). Where the authorisation is requested by a company then: (a) the company must be established in accordance with Belgian law, or the law of another Member State of the EU, 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 (b) the company must hold its administrative seat, its principal establishment or its head office within a Member State of the EU, 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 Trade in 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 a Member State of the EU. Existing Measures: Arrêté royal du 2 avril 2003 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

Sector: Energy Sub-Sector: Nuclear energy Industry Classification: ISIC rev 3.1 233 , ISIC rev 3.1 40 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services Belgium reserves the right to adopt or 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 Industry Classification: ISIC rev 3.1 10, ISIC rev 3.11110, ISIC rev 3.1 13, ISIC rev 3.1 14, ISIC rev 3.1 232 , part of ISIC rev 3.1 4010, part of ISIC rev 3.1 4020, part of ISIC rev 3.1 4030 Type of Reservation: Market access National treatment Description: Investment With the exception of the mining of metal ores and other mining and quarrying, enterprises of Canada controlled by natural persons or enterprises of a third country which accounts for more than 5 per cent 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 ofreal 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. Juridical persons of Bulgaria 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 other than 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, 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 Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 882 Type of Reservation: Market access National treatment Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services The taking of marine and river-living resources, performed by vessels in the internal marine waters, the territorial sea and on the inland waterways of Bulgaria, shall be performed by vessels flying the flag of Bulgaria. A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between 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 71310, part of CPC 88 Type of Reservation: National treatment Market access Description: Investment and Cross-Border Trade in Services Bulgaria reserves the right to adopt or 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 transportation, storage and warehousing of petroleum and natural gas, including transit transmission. Existing Measures: Energy Act

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 3.123, ISIC rev 3.1 40 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment Bulgaria reserves the right to adopt or 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: Investment and Cross-Border Trade in Services In Bulgaria, full national treatment on the establishment and operation of companies, as well as on the supply 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 Trade in 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 an audit entity of Canada or of a third country upon the latter's furnishing proof that: (a) 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; (b) the audit entity carries out independent financial audit in accordance with the requirements for independence and objectivity; and (c) 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 Market access Measures: Veterinary Practices Act Description: Investment and Cross-Border Trade in Services In Bulgaria, a veterinary medical establishment may be established by a natural or a legal person. The practice of veterinary medicine is subject to a condition of nationality of a Member State of the EU or the EEA, otherwise a permanent residence permit is required for foreign nationals (physical presence is required). Existing Measures:

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Bulgaria reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Bulgaria reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Bulgaria reserves the right to adopt or maintain any measure with regard to the supply 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 Senior management and boards of directors Description: Cross-Border Trade in Services Bulgaria reserves the right to adopt or maintain any measure with respect to the distribution of 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 Chemical Weapons and for Control over Toxic Chemical Substances and Their Precursors Law for Tobacco and Tobacco Products

Sector: Education services Sub-Sector: Industry Classification: CPC 921, CPC 922, CPC 923 Type of Reservation: National treatment Market access Description: Investment and Cross-Border Trade in Services Bulgaria reserves the right to adopt or maintain any measure restricting the cross-border supply of privately funded primary and secondary education services. Bulgaria reserves the right to adopt or maintain any measure with respect to the supply 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 Transport insurance, covering goods, insurance of vehicles as such and liability insurance regarding risks located in the Bulgaria may not be underwritten by foreign insurance companies directly.

Sector: Health services Sub-Sector: Industry Classification: CPC 9311, CPC 93192, CPC 93193 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment Bulgariareserves the right to adopt or maintain any measure with respect to the supply 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 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 supply 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 Trade in Services Establishment is required. Existing Measures:

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: Investment and Cross-Border Trade in Services In so far as Canada and its provinces and territories allow service suppliers from Bulgaria 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 services suppliers from Canada 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: CPC7111, CPC 7112 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Measures that are taken under existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and Slovakia and between the countries concerned.. Existing Measures:

Sector: Road transport Sub-Sector: Industry Classification: CPC7111, CPC 7112 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Measures taken under existing or future agreements, which reserve or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits 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: Investment and Cross-Border Trade in Services For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of a Member State of the EU and to juridical persons of the EU having their headquarters in the EU. Incorporation is required. Condition of nationality of a Member State of the EU for natural persons. Existing Measures:

Reservations applicable in Croatia

Sector: Agriculture, hunting Sub-Sector: Industry Classification: ISIC rev 3.1 011 , ISIC rev 3.1 012 , ISIC rev 3.1 013 , ISIC rev 3.1 014 , ISIC rev 3.1 015 , CPC 8811, CPC 8812, CPC 8813 other than 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 Trade in Services Croatia reserves the right to adopt or maintain any measure with respect to the cross-border supply 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: Investment and Cross-Border Trade in Services 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 Trade in Services Croatia reserves the right to adopt or maintain any measure with respect to the cross-border supply of translation and interpretation of official documents. Existing Measures

Sector: Transport services Sub-Sector: Road transport services Industry Classification: CPC 7111 and CPC 7112 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Measures applied under existing or future agreements on international road transport and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of transport services into, in, across and out of Croatia to the parties concerned. Existing Measures:

Sector: Transport services Sub-Sector: Services auxiliary to all modes of transport Industry Classification: CPC 741, CPC 742, CPC 743, CPC 744, CPC 745, CPC 746, CPC 749 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Cross-Border Trade in Services Croatia reserves the right to adopt or maintain any measure with respect to the cross-border supply of services auxiliary to transport other than freight transport agency services, transportation document preparation services and supporting services for road transport that are subject to permit. Existing Measures:

Reservations applicable in Cyprus

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Cyprus reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Cyprus reserves the right to adopt or maintain any measure with regard to the supply of security services. Existing Measures:

Sector: Education services Sub-Sector: Industry Classification: CPC 921, CPC 922, CPC 923, CPC 924 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Cyprus reserves the right to adopt or maintain any measure with respect to the supply 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, CPC 93192, CPC 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 supply 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 or maintain any measure with respect to the supply of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes. Existing Measures:

Sector: Energy Sub-Sector: Industry Classification: ISIC rev 3.1 232 , ISIC rev 3.1 4010, ISIC rev 3.1 4020, CPC 613, CPC 62271, CPC 63297, CPC 7131, CPC 742, and CPC 887 (other than advisory and consulting services) Type of Reservation: National treatment Market access Senior management and boards of directors Performance requirements Description: Investment and Cross-Border Trade in Services Cyprus reserves the right to adopt or maintain any measure limiting the cross-border supply 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 in so far as the investor is controlled by a natural or juridical person of a non-EU country which accounts for more than 5 per cent 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 (arts. 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

Reservations applicable in the 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 Trade in Services The Czech Republic reserves the right to adopt or maintain any measure with respect to the cross-border supply of real estate services. Existing Measures:

Sector: Business services Sub-Sector: Auction services Industry Classification: part of CPC 612, part of CPC 621, part of CPC 625, part of 85990 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services Auction services in the Czech Republic are subject to licence. To obtain a licence (for the supply 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: Act no.455/1991 Coll., Trade Licence Act Act no. 26/2000 Coll., on public auctions

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 86212 other than accounting services Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment Only an enterprise in which at least 60 per cent of capital interests or voting rights are reserved to nationals of the Czech Republic or of the Member States of the EU may be authorised to carry out audits in the Czech Republic. Existing

Measures: Law of 14 April 2009 no. 93/2009 Coll., on Auditors

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The Czech Republic reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. The Czech Republic reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The Czech Republic reserves the right to adopt or maintain any measure with regard to the supply 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, CPC 922, CPC 923, CPC 924 Type of Reservation: Senior management and boards of directors Description: Investment and Cross-Border Trade in Services In the Czech Republic,the majority of the members of the board of directors of an establishment providing privately-funded education services must be nationals of the Czech Republic. Existing Measures:

Sector: Health services Sub-Sector: Hospital services Ambulance services Residential health services other than hospital services Industry Classification: CPC 9311, CPC 93192, CPC 93193 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment The Czech Republicreserves the right to adopt or maintain any measure with respect to the supply 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 Description: Investment and Cross-Border Trade in Services The Czech Republic reserves the right to adopt or maintain any measure with regard to the supply 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 Republicreserves the right to adopt or maintain any measure with respect to the supply of privately funded social services. Existing Measures

Sector: Rail transport Sub-Sector: Industry Classification: CPC7111, CPC 7112 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Measures that are taken under existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and Slovakia and between the countries concerned. Existing Measures:

Sector: Road transport Sub-Sector: Industry Classification: CPC 7121, CPC 7122, CPC 7123 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of 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: Investment and Cross-Border Trade in Services Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic cooperation, such as: (a) financial support to research and development (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 companies (3) 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 Arts. 8.15.5(a) and (b), and 9.2.2(f) and (g) respectively. Existing Measures:

Sector: Fishing Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 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 a company incorporated in Denmark. 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 Member States of the EEA. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Denmark reserves the right to adopt or maintain any measure with regard to the supply 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. 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 or maintain any measure with respect to the supply of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes. Existing Measures:

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 a Member State of the EEA, 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) Chapters 2 and 3

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Estonia reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Estonia reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Estonia reserves the right to adopt or maintain any measure with regard to the supply 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 (excluding 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) § 20.6.

Sector: Transport Sub-Sector: Maritime transport Road transport Rail transport Industry Classification: Part of CPC 711, part of CPC 712, part of CPC 721 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border

Trade in Services 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 or rail), reserving or limiting the supply of a transport services into, in, across and out of Estonia to the contracting Parties to vehicles registered in each contracting Party, and providing for tax exemption for such vehicles. Existing Measures:

Reservations applicable in Finland

Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Market access Description: Investment and Cross-Border Trade in Services 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), s. 2 Ahvenanmaan itsehallintolaki (Act on the Autonomy of Åland) (1144/1991), s. 11

Sector: All services Sub-Sector: Electronicidentification services Industry Classification: Type of Reservation: Market access Description: Cross-Border Trade in 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: Industry Classification: Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 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 companies (4) 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 Arts. 8.15.5 (a) and (b), and 9.2.2 (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, ISIC rev 3.1 40 Type of Reservation: National treatment Market access Description: Investment Finland 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: Ydinenergialaki (Nuclear Energy Act) (990/1987)

Sector: Business services Sub-Sector: Executive search Placement services of office support personnel and other workers Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: National treatment Market access Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Finland reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Finland reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel and other workers. 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, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: National treatment Market access Description: Cross-Border Trade in Services The supply 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, CPC 62226, CPC 63107, CPC 8929 Type of Reservation: National treatment Market access Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Finland reserves the right to adopt or maintain any measure with respect to the distribution of alcoholic beverages. Existing Measures: Alkoholilaki (Alcohol Act) (1143/1994)

Sector: Distribution services Sub-Sector: Distribution of pharmaceutical products Industry Classification: CPC 62117, CPC 62251, CPC 63211, CPC 8929 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services 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 (other than advisory and consultancy services) Type of Reservation: Market access National treatment Senior management and boards of directors Performance requirements Description: Investment and Cross-Border Trade in Services 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 a liquefied natural gas (LNG) terminal (including those parts of the LNG terminal used for storage 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. 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, CPC 922, CPC 923, CPC 924 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Finland reserves the right to adopt or maintain any measure with respect to the supply 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, CPC 93192, CPC 93193, CPC 93199 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment Finlandreserves the right to adopt or maintain any measure with respect to the supply 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: Investment and Cross-Border Trade in Services Finland reserves the right to adopt or maintain any measure with respect to the supply 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 Finlandreserves the right to adopt or maintain any measure with respect to the supply of privately funded social services. Existing Measures: Laki yksityisistä sosiaalipalveluista (Private Social Services Act) (922/2011).

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 EU. Only insurers having a head office in the EU or having a 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 an insurance company of Canada 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 (936/1978) (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: Investment and Cross-Border Trade in Services Finland reserves the right to adopt or maintain any measure with respect to cross-border supply 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 per cent owned by the State) until 2017 in Helsinki Metropolitan Area and elsewhere until 2019 in this field, which may be renewed. Existing Measures: Rautatielaki (Railway Act) (304/2011)

Sector: Fishing Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 882 Type of Reservation: National treatment Market access Description: Investment Commercial fishing can only be exercised by vessels flying the flag of Finland. Additional requirements may apply, which relate, inter alia, to ownership of the vessel and the existence of a sufficient connection to the fishing industry of Finland. 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: Investment and Cross-Border Trade in Services 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 transport Rail transport Industry Classification: Part of CPC 711, part of CPC 712, part of CPC 721 Type of Reservation: Most-favoured-nation treatment Obligations Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services 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:

Reservations applicable in France

Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment Types of establishment — Pursuant to arts. L151-1 and R153-1 of the financial and monetary code, foreign investments in France in sectors listed in art. 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, arts. L151-1, R153-1

Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: National treatment Senior management and boards of directors Measures: Description: Investment Types of establishment — 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. Existing Measures

Sector: Fishing Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 882 Type of Reservation: National treatment Market access Description: Investment Nationals of non-EU countries cannot participate in French maritime State property for fish, shellfish or algae farming. Existing Measures:

Sector: Business services Sub-Sector: Placement services Supply services of office support personnel Industry Classification: CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services 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 supply of supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The supply of security services by a foreign provider on a cross-border basis is not allowed. Nationality requirement for managing directors and directors. Existing Measures:

Sector: Financial services 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 EU. Existing Measures: Art. L 310-10 du code des assurances

Sector: Health services Sub-Sector: Laboratory analysis and testing Industry Classification: Part ofCPC 9311 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services France reserves the right to adopt or maintain any measure with regard to the supply of privately funded laboratory analysis and testing services. Existing Measures: Art. 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 Francereserves the right to adopt or maintain any measure with respect to the supply 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 Industry Classification: CPC 7472 Type of Reservation: National treatment Description: Cross-Border Trade in Services France reserves the right to require nationality of a Member State of the EU for the supply 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 press agencies of Canada is subject to conditions set out in domestic regulation. Establishment of press agencies by foreign investors is subject to reciprocity. Existing Measures: Ordonnance no 45-2646 du 2 novembre 1945 portant règlementation provisoire des agences de presse Loi no 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 , ISIC rev 3.1 402 , CPC 7131,CPC 887 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services 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 per cent 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 per cent 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 No 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. Existing Measures:

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, ISIC rev 3.1 23, ISIC rev 3.1 40, ISIC rev 3.1 1200, ISIC rev 3.1 2330, part of ISIC rev 3.1 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. Existing Measures:

Sector: Rental or leasing services without operators Sub-Sector: Other rental or leasing services without operators Industry Classification: CPC 832 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services France reserves the right to adopt or maintain any measure with regard to the supply of other rental or 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

Sector: Fishing 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 boards of directors Description: Investment The majority of shares must be owned by citizens of a Member State of the EU or companies established in accordance with EU rules and that have their principal place of business in a Member State of the EU. 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: Investment and Cross-Border Trade in Services Germany reserves the right to adopt or maintain any measure prohibiting the cross-border supply 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. Existing Measures:

Sector: Environmental services Sub-Sector: Soil management Industry Classification: CPC 94060 Type of Reservation: Market access Description: Investment and Cross-Border Trade in Services Germany reserves the right to adopt or maintain any measure prohibiting the cross-border supply 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 EU 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 Mittelspersonen 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 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 of personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203, CPC 87204, CPC 87205, CPC 87206, CPC 87209 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services Germany reserves the right to adopt or maintain any measure with regard to the supply 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 Book 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: § 292 Social Code Book III (Drittes Buch Sozialgesetzbuch)

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 Germany reserves the right to adopt or maintain any measure with regard to the supply 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 supply 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 or maintain any measure with respect to the supply 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: CPC 93110 Type of Reservation: Market access

National treatment Description: Investment 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, other than CPC 962 and CPC 964 and audiovisual services Type of Reservation: Market access National treatment Most-favoured-nation treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Germany reserves the right to adopt or maintain any measure prohibiting the cross-border supply of services irrespective of their mode of production, distribution, or transmission and requiring establishment with respect to entertainment services, with the exception of audiovisual services which are not subject to liberalisation under this agreement. Germany reserves the right to adopt or maintain any measure with respect to the supply of libraries, archives, museums and other cultural services. 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, ISIC rev 3.1 40, CPC 887. Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Germany reserves the right to adopt or maintain any measure with respect to the processing or transportation of nuclear material and generation of nuclear-based energy. Existing Measures:

Sector: Rental or leasing of vessels Sub-Sector: Industry Classification: CPC 7213, CPC 7223, CPC 83103 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 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: Investment and Cross-Border Trade in Services Germany reserves the right to adopt or 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:

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 or maintain any measure with respect to the supply of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes. Existing Measures:

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 CXXII of 2013 concerning agricultural and forestry land trade Act CCXII of 2013 laying down certain provisions and transition rules in connection with Act No CXXII of 2013 concerning agricultural and forestry land trade

Sector: Agriculture Sub-Sector: Industry Classification: ISIC rev 3.1 011 , ISIC rev 3.1 012 , ISIC rev 3.1 013 , ISIC rev 3.1 014 , ISIC rev 3.1 015 other than 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 86211, CPC

86212, CPC 86220 Type of Reservation: Market access Description: Cross-Border Trade in 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 LXXV of 2007

Sector: Business services Sub-Sector: Real estate services Industry Classification: CPC 821, CPC 822 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services Hungary reserves the right to adopt or maintain any measure with respect to the cross-border supply of real estate services. Existing Measures:

Sector: Business services Sub-Sector: Services incidental to manufacturing Services incidental to energy distribution Industry Classification: Part of CPC 884, CPC 887 other than advisory and consulting services Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services Hungary reserves the right to adopt or maintain any measure with respect to services incidental to energy distribution, and to the cross-border supply 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, CPC 87305 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services Hungary reserves the right to adopt or maintain any measure with regard to the supply 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 Trade in services Hungary reserves the right to require establishment for the supply of duplicating 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 The supply of direct insurance in the territory of Hungary by insurance companies not established in the EU 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, CPC 93192, CPC 93193 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services Hungary reserves the right to adopt or maintain any measure requiring the establishment or physical presence in its territory of suppliers and restricting the cross-border supply from outside its territory of all hospital, ambulance, and residential health services other than hospital services, which receive public funding. 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 Hungaryreserves the right to adopt or maintain any measure with respect to the supply of privately funded social services Existing Measures:

Sector: Recreational, cultural and sporting agencies Sub-Sector: News and press agencies services Industry Classification: CPC 962 Type of Reservation: Market access Description: Cross-Border Trade in 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 ISIC rev 3.1 4010 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment Hungary reserves the right to adopt or 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: Investment and Cross-Border Trade in Services The supply 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

Reservations applicable in Ireland

Sector: Business services Sub-Sector: Executive search Supply services of office support personnel Industry Classification: CPC 87201, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Cross-Border Trade in Services Ireland reserves the right to require establishment and to prohibit the cross-border supply of executive search services. Ireland reserves the right to require establishment and to prohibit the cross-border supply of supply services of office support personnel. 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 Irelandreserves the right to adopt or maintain any measure with respect to the supply 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 Industry Classification: CPC 7121, CPC 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: Public Transport Regulation Act 2009

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 defence 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 defence and national security, not only to privatised companies. Where there is a threat of serious injury to the essential interests of defence 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; or (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 defence 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; or (c) to reject an acquisition in exceptional cases of risk to the essential interests of the State. 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 defence 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 defence and national security

Sector: Fishing Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 882 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services Fishing in Italian territorial waters is reserved to Italian flagged vessels. Existing Measures: Royal Decree 327/1942 (modified with Law 222/2007), arts. 143, 221 (Navigation Code)

Sector: Business services Sub-Sector: Placement services Supply services of office support personnel Industry Classification: CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Italy reserves the right to require establishment and to prohibit the cross-border supply of supply services of office support personnel. Italy reserves the right to restrict the number of suppliers of placement services and supply services of office support personnel. Existing Measures: Legislative Decree 276/2003 arts. 4, 5

Sector: Education services Sub-Sector: Primary education services Secondary education services Higher education services Industry Classification: CPC 921, CPC 922, CPC 923 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services Italy reserves the right to require establishment and to restrict the cross-border 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: Arts. 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 underwritten only by insurance companies established in the EU, except for international transport involving imports into Italy. Existing Measures: Art. 29 of the code of private insurance (Legislative decree no. 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 supply 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 Italyreserves the right to adopt or maintain any measure with respect to the supply 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 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)

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 nationals of Canada or of a third country, including with regard to the authorisation process for the acquisition of rural land. Existing Measures: Law on land privatisation in rural areas, ss. 28, 29, 30.

Sector: Veterinary services Sub-Sector: Industry Classification: CPC 932 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services Latvia reserves the right to adopt or maintain any measure relating to the cross-border supply of veterinary services. Existing Measures:

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Latvia reserves the right to adopt or maintain any measure with regard to the supply of executive search services, placement services, and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Latvia reserves the right to adopt or maintain any measure with regard to the supply 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:

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: Investment and Cross-Border Trade in Services Lithuania reserves the right to adopt or maintain any measure which is consistent with the commitments taken by the EU 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 Organisation for Economic Co-operation and Development and North Atlantic Treaty Organization conducting 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 Art. 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 Law on acquisition of agricultural land of 24 April 2014, No. XII-854

Sector: Business services Sub-Sector: Legal services Industry Classification: Part of CPC 861 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 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 Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Lithuania reserves the right to adopt or maintain any measure with regard to the supply of executive search services, placement services, and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Lithuania reserves the right to adopt or maintain any measure with regard to the supply 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: Investment and Cross-Border Trade in Services In so far as Canada and its provinces and territories allow nationals of Lithuania to provide tourist guide services, Lithuania will allow nationals of Canada 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: Investment and Cross-Border Trade in Services 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-registers. Existing Measures: Government Resolution of28 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 Trade in Services The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in 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 Lithuania. 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 Trade in Services Lithuania reserves the right to adopt or maintain any measure with regard to the cross-border supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded. Existing Measures:

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 National Treatment 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 fund. Only banks having their registered office or branch in Lithuania and authorised to provide investment services in the Member States of the EU or in the Member States of the EEA 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 Lithuania. Existing Measures:

Sector: Energy services Sub-Sector: Pipeline transportation of fuels Industry Classification: CPC 7131 Type of Reservation: Market access Description: Cross-Border Trade in 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: ISIC rev 3.1 402 , CPC 742 Type of Reservation: Market access Description: Cross-Border Trade in 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: CPC 86764, CPC 86769, part of CPC 8868 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:

Sector: Road transport Sub-Sector: Industry Classification: CPC 7121, CPC 7122, CPC 7123 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services 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 in, into, through and out of the territory of Lithuania to the contracting parties concerned, and road taxes and levies. Existing Measures:

Reservations applicable in Malta

Sector: Fishing Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 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, 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: Art. 5 of Subsidiary Legislation 425.07 on Fishing Vessels Regulations

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Malta reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Malta reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Malta reserves the right to adopt or maintain any measure with regard to the supply 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, CPC 922, CPC 923, CPC 924 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Malta reserves the right to adopt or maintain any measure with respect to the supply 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, CPC 93192, CPC 93193 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment Maltareserves the right to adopt or maintain any measure with respect to the supply 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: Investment and Cross-Border Trade in Services 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 nationals of a Member State of the EU having prior authorisation, which may be subject to an economic needs test (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 supply of privately funded social services. Existing Measures:

Sector: Transport services Sub-Sector: Road transport Industry Classification: CPC 712 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services 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). Existing Measures:

Sector: Transport Sub-Sector: Water transport Supporting services for water transport Industry Classification: CPC 7213, CPC 7214, part of 742, CPC 745, part of CPC 749 Type of Reservation: Market access Obligations Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services Exclusive rights exist for the maritime link to mainland Europe through Italy with Malta. Existing Measures:

Reservations applicable in the Netherlands

Sector: Business services Sub-Sector: Supply services of office support personnel Industry Classification: CPC 87203 Type of Reservation: Market access Description: Cross-Border Trade in Services The Netherlands reserves the right to require establishment and to prohibit the cross-border supply of supply services of office support personnel. Existing Measures:

Reservations applicable in Poland

Sector: All sectors Sub-Sector: Industry Classification: Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Preferential conditions for establishment or the cross-border supply of services, which may include the elimination or amendment of certain restrictions embodied in the list of reservations applicable in Poland, may be extended through commerce and navigation treaties. Existing Measures:

Sector: Fishing Aquaculture Services incidental to fishing Sub-Sector: Industry Classification: ISIC rev 3.1 0501, ISIC rev 3.1 0502, CPC 882 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Poland reserves the right to adopt or maintain any measure which accords differential treatment to services and service suppliers 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 Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Poland reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Poland reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Poland reserves the right to adopt or maintain any measure with regard to the supply 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 supply of 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 Poland reserves the right to adopt or maintain any measure with respect to the supply of privately funded social services. Existing Measures:

Sector: Transport Sub-Sector: All passenger and freight transport services other than maritime transport Industry Classification: Part of CPC 711, part of CPC 712, part of CPC 722 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services In so far as Canada and its provinces and territories allow the supply of transport services into and across the territory of Canada by passenger and freight transport suppliers of Poland, Poland will allow the supply of transport services by passenger and freight transport suppliers of Canada 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: Investment and Cross-Border Trade in Services Portugal reserves the right to waive nationality requirements for the exercise of certain activities and professions by natural persons supplying services for countries in which Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and São Tomé & Principe). Existing Measures:

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC86211, CPC 86212, other than accounting services Type of Reservation: Market access Description: Cross-Border Trade in Services Portugal reserves the right to adopt or maintain any measure with respect to the cross-border supply of auditing services. Existing Measures:

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Portugal reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Portugal reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Description: Cross-Border Trade in Services The cross-border supply of security services by a foreign service supplier 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: Investment and Cross-Border Trade in Services 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 EU. Only persons or companies established in the EU may act as intermediaries for such insurance business in Portugal. Existing Measures: Art. 7 of Decree-Law 94-B/98 and art. 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 or maintain any measure with respect to the supply of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes. Existing Measures:

Sector: Energy Sub-Sector: Electricity, natural gas, crude oil or petroleum products Industry Classification: ISIC rev 3.1 232 , ISIC rev 3.1 4010, ISIC rev 3.1 4020, CPC 7131, CPC 7422, CPC 887 (other than advisory and consulting services) Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services 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 supply 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. Concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of LNG are awarded through concession contracts, 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 or 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. Existing Measures: Decree-Law 109/2010, 14 October 2010 Law 13/2011, 29 April 2011

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 Trade in Services Romania reserves the right to adopt or maintain any measure with respect to the cross-border supply of research and development services. Existing Measures: Governmental Ordinance no. 6 / 2011 Order of Minister of Education and Research no. 3548 / 2006 Governmental Decision no. 134 / 2011

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Romania reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Romania reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Romania reserves the right to adopt or maintain any measure with regard to the supply 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, CPC 922, CPC 923, CPC 924 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services Romania reserves the right to adopt or maintain any measure with respect to the supply 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 Romaniareserves the right to adopt or maintain any measure with respect to the supply of privately funded social services. Existing Measures:

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.). 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 Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The Slovak Republic reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. The Slovak Republic reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services The Slovak Republic reserves the right to adopt or maintain any measure with regard to the supply 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, CPC 922, CPC 923 other than CPC 92310, CPC 924 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment

and Cross-Border Trade in Services EEA residency requirement for providers of all privately funded education services other than post-secondary technical and vocational education services. 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 nationals of the Slovak Republic. Existing Measures: Act 245/2008 on education Act 131/2002 on Universities, arts. 2, 47, 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, CPC 93192, CPC 93193 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 or maintain any measure with respect to the supply 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 or maintain any measure with respect to the supply 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 a branch 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

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 rev 3.1 4010, ISIC rev 3.1 4020, ISIC rev 3.1 4030, CPC 7131 Type of Reservation: National treatment Market access Description: Investment and Cross-Border Trade in Services 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 a Member State of the EU or the EEA or a juridical person established in the EU or the EEA. Existing Measures: Act 51/1988 on Mining, art. 4a Act 569/2007 on Geological Activity, art. 5 Act 251/2012 on Energy, arts. 6, 7 Act 657/2004 on Thermal Energy, art. 5

Sector: Transportation Fishing Aquaculture Sub-Sector: Water transportation Services incidental to fishing Industry Classification: CPC 722 Type of Reservation: National treatment Market access Description: Cross-border Trade in 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: Investment and Cross-Border Trade in Services Measures that are taken under existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and Slovakia and between the countries concerned. Existing Measures:

Sector: Road transport Sub-Sector: Industry Classification: CPC 7121, CPC 7122, CPC 7123 Type of Reservation: Most-favoured-nation treatment Description: Investment and Cross-Border Trade in Services Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of Slovakia to the contracting parties concerned. Existing Measures:

Reservations applicable in Slovenia

Sector: Business services Sub-Sector: Executive search Placement services Supply services of office support personnel Industry Classification: CPC 87201, CPC 87202, CPC 87203 Type of Reservation: Market access National treatment Senior

management and boards of directors Description: Investment and Cross-Border Trade in Services Slovenia reserves the right to adopt or maintain any measure with regard to the establishment of placement services of office support personnel. Slovenia reserves the right to adopt or maintain any measure with regard to the supply of executive search services and supply services of office support personnel. Existing Measures:

Sector: Business services Sub-Sector: Security services Industry Classification: CPC 87302, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Slovenia reserves the right to adopt or maintain any measure with regard to the supply 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 education services Secondary education services Higher education services Industry Classification: CPC 921, CPC 922, CPC 923 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Slovenia reserves the right to require establishment and to restrict the cross-border 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 supply 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 or maintain any measure with respect to the supply of privately funded social services. Existing Measures:

Reservations applicable in Spain

Sector: Business services Sub-Sector: Executive search Placement services Industry Classification: CPC 87201, CPC 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, CPC 87303, CPC 87304, CPC 87305, CPC 87309 Type of Reservation: Market access National treatment Description: Investment and Cross-Border Trade in Services The supply 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 Residence is required, or alternatively to have two years of experience, for the actuarial profession. 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 Spain reserves the right to adopt or maintain any measure with respect to the supply 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 applies 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 Description: Investment and Cross-Border Trade in Services 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 service suppliers of Spain. 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 boards 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: Investment and Cross-Border Trade in Services Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic cooperation, such as: (a) financial support to research and development (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 companies (5) 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 Art. 8.15.5(a) and (b), and Art. 9.2.2(f) and (g) respectively. Existing Measures:

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, ISIC rev 3.1 2330, part of ISIC rev 3.1 4010 Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Investment Sweden reserves the right to adopt or 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 pharmaceutical, medical and orthopaedic 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: Investment and Cross-Border Trade in Services The Swedish monopoly on retail sales of pharmaceuticals was abandoned on 1 July 2009. Given that the opening of the market is recent and involves new modes of services delivery, Sweden reserves the right to adopt or 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

Sector: Education services Sub-Sector: Industry Classification: CPC 92 Type of Reservation: Market access National treatment Senior management and boards of directors Description: Investment and Cross-Border Trade in Services Sweden reserves the right to adopt or 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 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: 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 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: Maritime transport Sub-Sector: Cabotage Industry Classification: CPC 7211, CPC 7212 Type of Reservation: Most-favoured-nation treatment Obligations Description: Investment, Cross-Border Trade in Services and International Maritime Transport Services Measures may be taken on a reciprocal basis allowing vessels from Canada under the flag of Canada to operate cabotage traffic in Sweden in so far as Canada and its provinces and territories allow vessels registered under the flag of Sweden to operate cabotage traffic in Canada. The specific aim of this reservation depends on the content of a possible mutually agreed future agreement between Canada and Sweden. Existing Measures:

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, 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)

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 Trade in Services Sweden reserves the right to adopt or maintain any measure with respect to funeral, cremation and undertaking services Existing Measures:

Reservations applicable in the United Kingdom

Sector: Business services Sub-Sector: Auditing services Industry Classification: CPC 86211, CPC 86212 other than accounting services Type of Reservation: Market access National treatment Performance requirements Senior management and boards of directors Description: Cross-Border Trade in Services The United Kingdom reserves the right to adopt or maintain any measure with respect to the cross-border supply of auditing services. Existing Measures: Companies Act 2006

Sector: Health services Sub-Sector: Medical services Industry Classification: CPC 93121, CPC 93122 Type of Reservation: Market access Description: Investment Establishment for doctors under the National Health Service is subject to medical manpower planning. Existing Measures:

Sector: Health services Sub-Sector: Ambulance services Residential health facilities 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 The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of privately funded ambulance services and residential health facilities services other than hospital services. Existing Measures:

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 pharmaceutical, medical and orthopaedic goods, and other services supplied by pharmacists Industry Classification: CPC 63211, part of CPC 85201, CPC 9312, part of CPC 93191 Type of Reservation: National treatment Market access Description: Cross-Border Trade in Services The United Kingdom reserves the right to adopt or maintain any measure requiring the establishment of suppliers and restricting the cross-border supply 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 orthopaedic goods, and other services supplied by pharmacists. 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 United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes. Existing Measures: (1) Canada reserves the right to not extend these benefits to enterprises of the United States of America. (2) With regard to Austria the part of the most-favoured-nation treatment 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. (3) Applies to East European companies, which are cooperating with one or more Nordic companies. (4) Applies to East European companies, which are cooperating with one or more Nordic companies. (5) Applies to East European companies, which are cooperating with one or more Nordic companies