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ANNEX 2 – PART 3/3

**ANNEX**

***to the***

**Proposa for a Council Decision**

**on the signing on behalf of the European Union of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part**

# ANNEX 2-B

## Declaration of the Parties concerning tariff rate quota administration

*SECTION A*

### *Declaration concerning European Union administration for beef and veal, and pork tariff rate quotas under this Agreement*

1. The general principle is that tariff rate quota administration should be as conducive to trade as possible. More specifically, it must not impair or nullify the market access commitments negotiated by the Parties; it must be transparent, predictable, minimise transactional costs for traders, maximise fill rates and aim to avoid potential speculation.

### Structure of the import licensing system

### Quarterly sub-periods with carryover between periods for unused tariff rate quota quantities

2. In each of the four quarters of the marketing year, 25 per cent of the annual tariff rate quota quantity will be made available for licence applications.

3. Any quantities remaining available at the end of one quarter will be automatically rolled over into the subsequent quarter until the end of the marketing year.

### Application period for import licences

4. An application for an import licence will be accepted up to 45 calendar days preceding the beginning of each quarter and an import licence shall be issued no less than 30 calendar days before the quarter begins.

5. If demand for licences during the application period exceeds the quantities available for that quarter, licences will be allocated on a pro-rated basis.

6. If the available quantity for any quarter is not fully allocated during the application period, the remaining quantity will be made available for eligible applicants to apply for on demand for the rest of that quarter. Import licences will be issued automatically on demand until the available quantity has been fully subscribed for that period.

**Validity of licences**

7. An import licence is valid:

   (a) from the date of issue or the date of the beginning of the quarter for which the import licence is issued, whichever is later; and

   (b) for five months from the applicable date in subparagraph (a) or until the end of the marketing year, whichever comes first.

8. Import licences may be used at any European Union customs entry point and for multiple shipments.

**Eligibility criteria**

9. The eligibility criteria and allocation method should result in the quotas going to those persons that are most likely to use it and must not create barriers to imports.

10. During the application period, eligible applicants shall include historical importers of beef, bison or veal for beef and veal imports and historical importers of beef, bison, veal or pork for pork imports.

11. In any quarter following the application period when licences are made available on demand, the eligibility criteria for applicants will be expanded to include wholesalers and accredited meat processors.

## Securities

### Securities tied to import licence applications

12. A security of not more than 95 euro (€) per tonne of beef and 65 euro (€) per tonne of pork will be lodged with the application for a licence.

### Transfer of licence and corresponding security

13. Licences are not transferable.

### Return of licence and corresponding security

14. Unused licence quantities may be returned before expiration and up to four months prior to the end of the marketing year. Each licence holder may return up to 30 per cent of their individual licence quantity. When such a quantity is returned, 60 per cent of the corresponding security is released.

15. All returned quantities will be immediately made available to other eligible applicants to apply for on demand for the rest of that quarter, and will be rolled over to subsequent quarters if not requested.

### Release of security and release of full security when 95 per cent of imports occur

16. Securities shall be proportionally released each time actual imports have taken place.

17. Once 95 per cent of an importer's individual licence quantity is actually imported the full security shall be released.

*SECTION B*

***Declaration concerning Canada's administration for cheese tariff rate quotas under this Agreement***

1. The general principle is that tariff rate quota administration should be as conducive to trade as possible. More specifically, it must not impair or nullify the market access commitments negotiated by the Parties; it must be transparent, predictable, minimise transactional costs for traders, maximise fill rates and aim to avoid potential speculation.

2. The eligibility criteria and allocation method should result in the quotas going to those persons that are most likely to use it and must not create barriers to imports.

**Structure of the import licensing system**

3. The annual tariff rate quota quantity will be allocated each year among eligible applicants.

4. The tariff rate quota allocation method will allow for new entrants each year. During the phase-in period from Year 1 to Year 5, at least 30 per cent of the tariff rate quota will be available to new entrants every year. After the end of the phase-in period from Year 6 and in subsequent years, at least 10 percent of the tariff rate quota quantity will be available for new entrants.

5. The tariff rate quota quantity will be allocated on a calendar year basis. Applications from all interested parties will be received and processed according to the provisions of the Understanding on Tariff Rate Quota Administration Provisions of Agricultural Products, as defined in Article 2 of the Agreement on Agriculture, Ministerial Decision WT/MIN(13)/39, 7 December 2013, with a period of four to six weeks to submit applications. Imports will be able to start from the first day of the year.

6. In the event that the tariff rate quota is not fully allocated following the application process in paragraph 3, available quantities will immediately be offered to eligible applicants in proportion to their allocation, or on demand if quantities still remain after the first offer.

**Eligibility criteria**

7. To be eligible, an applicant shall be, at a minimum, a resident of Canada and be active in the Canadian cheese sector regularly during the year.

8. During the phase-in period from Year 1 to Year 5, a new entrant shall be an eligible applicant who is not an allocation holder under Canada's cheese tariff rate quota under the WTO.

9. After the end of the phase-in period, from Year 6 and in subsequent years, a new entrant shall be an eligible applicant who is not an allocation holder under Canada's cheese tariff rate quota under the WTO or did not receive an allocation of the tariff rate quotas under this Agreement in the preceding year.

10. A new entrant shall be considered as such for a period of three years.

11. Once an applicant is no longer considered to be a new entrant, the applicant shall be treated the same as all other applicants.

12. Canada may consider limiting the size of allocations to a specific percentage if it is deemed necessary to foster a competitive, fair, and balanced import environment.

**Use of import allocations and import permits**

13. A tariff rate quota allocation shall be valid for one quota year or, if issued after the beginning of the quota year, for the remainder of the quota year.

14. To ensure that imports are aligned with domestic market conditions and to minimise barriers to trade, an allocation holder will normally be free to use its allocation to import any product covered by the tariff rate quota at any time during the year.

15. On the basis of its allocation, an importer will submit an import permit request for each shipment of product covered by the tariff rate quota that the importer seeks to import into Canada. Import permits are normally issued automatically upon request through the electronic permitting system of the Government of Canada. Under current policies, import permits may be requested up to 30 days before the planned date of entry and are valid for a period of five days before and 25 days from the date of entry.

16. Permits are not transferable.

17. An import permit may be amended or cancelled.

18. A transfer of allocations may be authorised.

19. An allocation holder that uses less than 95 per cent of its allocation in any one year may be subject to an under-utilisation penalty in the following year, in which it will receive an allocation that reflects the actual level of use of the previous allocation. An allocation holder affected by an under-utilisation penalty will be advised prior to the final allocation of the tariff rate quota.

20. An allocation holder may return an unused quantity of their allocation up to a specified date. Returned quantities will be considered used for the purpose of the application of the under-utilisation penalty. Chronic returns may be penalised.

21. Returned quantities will normally be made available to interested allocation holders who have not returned any unused quantity of their allocation the day after the return deadline. If quantities remain after that, they may be offered to other interested third parties.

22. The return deadline will be set at a date that is early enough to give sufficient time for use of the returned quantities, while being late enough to allow allocation holders to establish their import needs until the end of the year, possibly near the middle of the quota year.

# ANNEX 4-A

## COOPERATION IN THE FIELD OF MOTOR VEHICLE REGULATIONS

*Article 1*

### Objectives and purpose

1. The Parties note the cooperation between Canada and the European Commission in the area of science and technology.

2. The Parties affirm their joint commitment to improve vehicle safety and environmental performance, and to the harmonisation efforts pursued under the framework of the *1998 Global Agreement administered by the World Forum for the Harmonization of Vehicle Regulations (WP.29)* (the "*1998 Global Agreement*") of the United Nations Economic Commission for Europe ("UNECE").

3. The Parties note their commitment to enhance their efforts in the area of regulatory cooperation under this Chapter and Chapter Twenty-One (Regulatory Cooperation).

4. The Parties recognise the right of each Party to determine its desired level of health, safety, and environmental and consumer protection.

5. The Parties desire to enhance cooperation and to increase the efficient use of resources in matters that relate to motor vehicle technical regulations, in a manner that does not compromise each Party's ability to fulfill its responsibilities.

6. The purpose of this Annex is to strengthen cooperation and communication, including the exchange of information, on motor vehicle safety and environmental performance research activities related to the development of new technical regulations or related standards, to promote the application and recognition of the Global Technical Regulations under the framework of the *1998 Global Agreement* and possible future harmonisation, between the Parties, concerning improvements and other developments in the areas of motor vehicle technical regulations or related standards.

*Article 2*

**Areas of cooperation**

The Parties shall endeavour to share information and cooperate on activities in the following areas:

(a) the development and establishment of technical regulations or related standards;

(b) the post-implementation reviews of technical regulations or related standards;

(c) the development and dissemination of information for consumer use related to motor vehicle regulations or related standards;

(d) the exchange of research, information and results linked to the development of new vehicle safety regulations or related standards, and advanced emission reduction and electric vehicle technologies; and

(e) the exchange of available information on the identification of safety-related or emission-related defects and non-compliance with technical regulations.

*Article 3*

**Forms of cooperation**

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

(a) meet at least annually (including meetings held on the margins of WP.29 Sessions), by video-conference or, if directly, on an alternating basis in Canada and in the European Union;

(b) share information about domestic and international programmes and agendas, including planning of research programmes linked to the development of new technical regulations or related standards;

(c) contribute jointly to encourage and promote greater international harmonisation of technical requirements through multilateral fora, such as the *1998 Global Agreement*, including through cooperation in the planning of initiatives in support of such activities;

(d) share and discuss research and development plans on motor vehicle safety and environmental technical regulations or related standards;

(e) conduct joint analyses, develop methodologies and approaches, as mutually beneficial, practical and convenient, to assist and facilitate the development of motor vehicle technical regulations or related standards; and

(f) develop additional provisions for cooperation.

*Article 4*

**Canada's incorporation of United Nations Regulations**

1. The Parties acknowledge that Canada has incorporated, with the adaptations that it considered necessary, technical regulations contained in United Nations Regulations into its *Motor Vehicle Safety Regulations*, C.R.C., c. 1038, as listed in Annex 4-A-1.

2. Canada maintains its right to modify its law, including by amending or revising which United Nations Regulations are incorporated into its law, or the manner in which or the extent to which these Regulations are incorporated into its law. Before introducing such changes, Canada shall inform the European Union and, upon request, shall be prepared to provide information on the rationale for these changes. Canada shall continue to recognise the relevant United Nations Regulations, unless doing so would provide for a lower level of safety than the amendments introduced, or would compromise North American integration.

3. The Parties shall engage in technical consultations with a view to determining, no later than three years after the entry into force of this Agreement, whether the technical regulations contained in the United Nations Regulations listed in Annex 4-A-2 should also be incorporated into Canada's *Motor Vehicle Safety Regulations*, with any adaptations Canada considers necessary. These technical regulations should be incorporated, unless doing so would provide for a lower level of safety than the Canadian regulations or would compromise North American integration.

4. The Parties shall also engage in further technical consultations to determine whether other technical regulations should be included in Annex 4-A-2.

5. Canada shall establish and maintain a list of technical regulations contained in United Nations Regulations that are incorporated into Canada's *Motor Vehicle Safety Regulations*. Canada shall make that list publicly available.

6. In an effort to promote regulatory convergence, the Parties shall exchange information, to the extent practicable, on their respective technical regulations related to motor vehicle safety.

*Article 5*

**Positive consideration of the other Party's technical regulations**

When a Party develops a new technical regulation for motor vehicles and their parts, or when it modifies an existing one, it shall consider the technical regulations of the other Party, including those established under the framework of the UNECE *World Forum for the Harmonization of Vehicle Regulations (WP.29)*. A Party shall provide, at the request of the other Party, an explanation on the extent to which it considered the technical regulations of that other Party when it developed its new technical regulations.

*Article 6*

**Cooperation with the United States of America**

The Parties recognise their mutual interest to cooperate with the United States of America in the field of motor vehicle technical regulations. If the European Union and the United States conclude an agreement or an arrangement on the harmonisation of their respective technical regulations related to motor vehicles, the Parties shall cooperate with a view to determining whether they should conclude a similar agreement or arrangement.

**ANNEX 4-A-1**

**List referred to in Article 4.1 of Annex 4-A**

| United Nations Regulation | Title of United Nations Regulation | Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part | Title of Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part |
|---|---|---|---|
| No. 98 | Uniform provisions concerning the approval of motor vehicle headlamps equipped with gas-discharge light sources | CMVSS 108* | Lighting System and Retroreflective Devices |
| No. 112 | Uniform provisions concerning the approval of motor vehicle headlamps emitting an asymmetrical passing-beam or a driving-beam or both and equipped with filament lamps and/or LED modules | CMVSS 108* | Lighting System and Retroreflective Devices |
| No. 113 | Uniform provisions concerning the approval of motor vehicle headlamps emitting a symmetrical passing-beam or a driving-beam or both and equipped with filament, gas-discharge light sources or LED modules | CMVSS 108* | Lighting System and Retroreflective Devices |

| United Nations Regulation | Title of United Nations Regulation | Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part | Title of Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part |
|---|---|---|---|
| No. 51 | Uniform provisions concerning the approval of motor vehicles having at least four wheels with regard to their noise emissions | CMVSS 1106* | Noise Emissions |
| No. 41 | Uniform provisions concerning the approval of motor cycles with regard to noise | CMVSS 1106* | Noise Emissions |
| No. 11 | Uniform provisions concerning the approval of vehicles with regard to door latches and door retention components | CMVSS 206* | Door Locks and Door Retention Components |
| No. 116 (immobilizer only) | Uniform provisions concerning the protection of motor vehicles against unauthorized use (Immobilizer only) | CMVSS 114* | Theft Protection and Rollaway Prevention |
| No. 42 | Uniform provisions concerning the approval of vehicles with regard to their front and rear protective devices (bumpers etc.) | CMVSS 215* | Bumpers |
| No. 78 | Uniform provisions concerning the approval of vehicles of categories L1, L2, L3, L4 and L5 with regard to braking | CMVSS 122* | Motorcycle Brake Systems |

| United Nations Regulation | Title of United Nations Regulation | Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part | Title of Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part |
|---|---|---|---|
| No. 8 | Uniform provisions concerning the approval of motor vehicles headlamps emitting an asymmetrical passing beam or a driving beam or both an equipped with halogen filament lamps (H1, H2, H3, HB3, HB4, H7, H8, H9, HIR1, HIR2 and/or H11) | CMVSS 108* | Lighting System and Retroreflective Devices |
| No. 20 | Uniform provisions concerning the approval of motor vehicles headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with halogen filament lamps (H4 lamps) | CMVSS 108* | Lighting System and Retroreflective Devices |
| No. 31 | Uniform provisions concerning the approval of power-driven vehicle's halogen sealed-beam headlamps (HSB) emitting an European asymmetrical passing-beam or a driving-beam or both | CMVSS 108* | Lighting System and Retroreflective Devices |
| No. 57 | Uniform provisions concerning the approval of headlamps for motor cycles and vehicles treated as such | CMVSS 108* | Lighting System and Retroreflective Devices |

| United Nations Regulation | Title of United Nations Regulation | Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part | Title of Canadian Regulation into which the United Nations Regulation is incorporated, in whole or in part |
|---|---|---|---|
| No. 72 | Uniform provisions concerning the approval of motor cycle headlamps emitting an asymmetrical passing beam and a driving beam and equipped with halogen lamps (HS1 lamps) | CMVSS 108* | Lighting System and Retroreflective Devices |
| No. 13H (electronic stability control only) | Uniform provisions concerning the approval of passenger cars with regard to braking (electronic stability control only) | CMVSS 126 | Electronic Stability Control Systems |
| No. 60 | Uniform provisions concerning the approval of two-wheeled motor cycles and mopeds with regard to driver-operated controls including the identification of controls, tell-tales and indicators | CMVSS 123 | Motorcycle Controls and Displays |
| No. 81 | Uniform provisions concerning the approval of rear-view mirrors of two-wheeled power-driven vehicles with or without side car, with regard to the mounting of rear-view mirrors on handlebars | CMVSS 111 | Mirrors |

* As the regulation read on 13 February 2013.

**ANNEX 4-A-2**

**List referred to in Article 4.3 of Annex 4-A**

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

# ANNEX 5-A

## COMPETENT AUTHORITIES

Competent authorities of the European Union

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

   (a) for exports to Canada, the Member States are responsible for the control of the production circumstances and requirements, including statutory inspections or audits and issuing health certification attesting to the agreed SPS measures and requirements;

   (b) for imports from Canada, the Member States are responsible for the control of the compliance of the imports with the European Union's import conditions; and

   (c) the European Commission is responsible for the overall coordination, inspection or audits of control systems and the necessary measures, including legislative action to ensure uniform application of standards and requirements of this Agreement.

Competent authorities of Canada

2. The following are responsible for the application of SPS measures with respect to domestically produced, exported and imported animals and animal products, plants and plant products, and for issuing health certificates attesting to the agreed SPS measures unless otherwise noted:

   (a) the Canadian Food Inspection Agency (the "CFIA");

   (b) the Department of Health, as appropriate; or

   (c) a successor entity notified to the other Party.

## ANNEX 5-B

## REGIONAL CONDITIONS

Diseases for which regionalisation decisions may be taken:

*Diseases*

1. Foot-and-mouth disease
2. Vesicular stomatitis
3. Swine vesicular disease
4. Rinderpest
5. Peste des petits ruminants
6. Contagious bovine pleuropneumonia
7. Lumpy skin disease
8. Rift Valley fever
9. Bluetongue
10. Sheep pox and goat pox

11. African horse sickness

12. African swine fever

13. Classical swine fever

14. Notifiable avian influenza

15. Newcastle disease

16. Venezuelan equine encephalomyelitis

17. Epizootic haemorrhagic disease

*Aquatic Diseases*

The Parties may discuss the list of aquatic diseases on the basis of the OIE Aquatic Animal Health Code.

## ANNEX 5-C

## PROCESS OF RECOGNITION OF REGIONAL CONDITIONS

*Animal diseases*

To be agreed at a later stage.

*Plant pests*

To be agreed at a later stage.

# ANNEX 5-D

## GUIDELINES TO DETERMINE, RECOGNISE AND MAINTAIN EQUIVALENCE

### Determination and Recognition of Equivalence

To be agreed at a later stage.

### Maintenance of Equivalence

1. If a Party intends to adopt, modify, or repeal an SPS measure in an area for which it has made a recognition of equivalence as set out in Article 5.6.3(a) or a recognition described in Article 5.6.3(b), that Party should:

   (a) evaluate whether the adoption, modification or repeal of that SPS measure may affect the recognition; and

   (b) notify the other Party of its intention to adopt, modify, or repeal that SPS measure, and of the evaluation under paragraph (a). The notification should take place at an early appropriate stage, when amendments can still be introduced and comments taken into account.

2. If a Party adopts, modifies, or repeals an SPS measure in an area for which it has made a recognition, the importing Party should continue to accept the recognition of equivalence as set out in Article 5.6.3(a) or the recognition described in Article 5.6.3(b), as the case may be, in that area until it has communicated to the exporting Party whether special conditions must be met, and if so, provided the special conditions to the exporting Party. The importing Party should consult with the exporting Party to develop these special conditions.

# ANNEX 5-E

## RECOGNITION OF SANITARY AND PHYTOSANITARY MEASURES

General Notes

1. If a Party modifies an SPS measure listed in this Annex, the modified SPS measure applies to imports from the other Party, taking into account paragraph 2 of Annex 5-D. For updated SPS measures, refer to the legislative publications of each Party.

2. If an importing Party determines that a special condition listed in this Annex is no longer necessary, that Party shall notify the other Party in accordance with Article 26.5 that it will no longer apply that special condition to imports from the other Party.

3. For greater certainty, an SPS measure of an importing Party that is not otherwise referenced in this Annex or a measure of an importing Party that is not an SPS measure applies, as appropriate, to imports from the other Party.

*SECTION A*

## Sanitary Measures

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Semen** | | | | | | |
| **Cattle** | | | | | | |
| Animal health | Directive 88/407 | - *Health of Animals Act*, S.C. 1990, c. 21<br>- *Health of Animals Regulations*, C.R.C., c. 296 | Semen collection centre clinically free of paratuberculosis | - *Health of Animals Act*<br>- *Health of Animals Regulations*<br>- CFIA Artificial Insemination Program | Directive 88/407 | 1. Enzootic bovine leucosis: (serum) Enzyme-linked immunosorbent assay ("ELISA")<br>In addition, when possible, the uterine dam of the prospective donor bull should be subjected to an ELISA test for enzootic bovine leucosis, subsequent to the weaning of the prospective donor, with negative results.<br>This test of the uterine dam is required to export semen to the Member States of the European Union when semen is collected from a donor bull before reaching 24 months of age, and a negative result to an ELISA test is required after reaching that age. This test is not required when the prospective donor bull originates from a Canada Health Accredited Herd for Enzootic bovine leucosis; and, |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| | | | | | | 2. Infectious bovine rhinotracheitis: (serum) ELISA<br>The semi-annual testing for infectious bovine rhinotracheitis of all resident animals must be performed at infectious bovine rhinotracheitis-negative facilities that are approved for export to the European Union. Only infectious bovine rhinotracheitis-negative facilities are allowed to export semen to the European Union. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Embryos** | | | | | | |
| **In vivo derived bovine** | | | | | | |
| Animal health | Directive 89/556 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part XIII | | - *Health of Animals Act*<br>- *Health of Animals Regulations*<br>- CFIA Embryo Export Approval Program | Directive 89/556<br>Decisions<br>2006/168<br>2007/240 | 1. The donor females spent the six months immediately prior to the collection within Canada in no more than two herds:<br>(a) which, according to official findings, were free from tuberculosis;<br>(b) which, according to official findings, were free from brucellosis;<br>(c) which were free from enzootic bovine leucosis or in which no animal showed clinical signs of enzootic bovine leucosis during the previous three years; and<br>(d) in which no bovine animal showed clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvovaginitis during the previous 12 months;<br>2. There was no outbreak of epizootic haemorrhagic disease within 10 kilometers of where the donor female is located during the 30 days prior to collection; and,<br>3. The semen is collected and stored in collection centres or stored in storage centres approved by the CFIA, or the semen is collected and stored in collection centres or stored in storage centres approved by the competent authority of a third country that is approved to export semen to the European Union, or the semen is exported from European Union. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Fresh meat** | | | | | | |
| **Ruminants, equidae, porcine, poultry, farmed game from deer, rabbit and ratite** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2015/1375 | - *Meat Inspection Act*, R.S.C. 1985, c. 25 (1st Supp.)<br>- *Meat Inspection Regulations, 1990*, S.O.R./90-288<br>- *Food and Drugs Act*, R.S.C., 1985, c. F-27<br>- *Food and Drug Regulations*, C.R.C., c. 870 | 1. Compliance with Canadian rules on transmissible spongiform encephalopathy;<br>2. Prolonged delayed evisceration not permitted;<br>3. Compliance with microbiological food safety criteria of the importing Party;<br>4. Porcine meat intended for processing in ready-to-eat product is tested or frozen in accordance with the Commission Regulation (EC) No 2015/1375;<br>5. Blood is collected using a closed blood collection method; and,<br>6. Meat derived from animals slaughtered under emergency slaughter procedures is not eligible for trade. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2015/1375 | See Appendix A |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Meat products** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public Health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions, excluding special condition 4 when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*;<br>2. Compliance with product standards of the importing Party; and,<br>3. Compliance with microbiological food safety criteria of the importing Party. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | 1. Fresh meat used to make the products complies with applicable special conditions, excluding Appendix A special condition 6(a) when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*;<br>2. Compliance with product standards of the importing Party; and,<br>3. Compliance with microbiological food safety criteria of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Minced meat, meat preparations** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public Health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions;<br>2. Compliance with product standards of the importing Party; and,<br>3. Compliance with microbiological food safety criteria of the importing Party. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | 1. Fresh meat used to make the products complies with applicable special conditions;<br>2. Compliance with product standards of the importing Party; and,<br>3. Compliance with microbiological food safety criteria of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Processed animal proteins for human consumption** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions, excluding special condition 4 when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*; and<br>2. Compliance with product standards of the importing Party. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004 | 1. Fresh meat used to make the products complies with applicable special conditions, excluding Appendix A special condition 6(a) when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*; and,<br>2. Compliance with product standards of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Rendered animal fat intended for human consumption** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions, excluding special condition 4; and,<br>2. Compliance with product standards of the importing Party. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004 | 1. Fresh meat used to make the products complies with applicable special conditions, excluding Appendix A special condition 6(a); and,<br>2. Compliance with product standards of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Animal casings for human consumption** | | | | | | |
| **Cattle, sheep, goats and pigs** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Compliance with Canadian rules on transmissible spongiform encephalopathy | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004 | Compliance with European Union rules on transmissible spongiform encephalopathy |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Fishery products and live bivalve molluscs** | | | | | | |
| **Fish and fishery products for human consumption** | | | | | | |
| Public Health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2074/2005 | - *Fish Inspection Act*, R.S.C. 1985, c. F-12<br>- *Fish Inspection Regulations*, C.R.C., c. 802<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Smoked fish packed in hermetically sealed containers that are not frozen contain a salt level not less than 9 per cent (water phase method).<br><br>The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. | - *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2074/2005 | The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Deheaded eviscerated fish for human consumption** | | | | | | |
| Animal Health | Directive 2006/88 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part XVI<br>- *Reportable Disease Regulations*, S.O.R./91-2 | | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part XVI | Directive 2006/88<br>Regulation 1251/2008 | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Live bivalve molluscs for human consumption, including echinoderms, tunicates and marine gastropods** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2074/2005 | - *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. | - *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Management of Contaminated Fisheries Regulations*, S.O.R./90-351<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2074/2005 | Live bivalve molluscs are monitored for diarrheic shellfish poison toxins on a risk-based level.<br>The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Fish caught under the authority of a recreational fishing licence from Canada** | | | | | | |
| Public health | | | | - *Fish Inspection Act*<br>- *Fish Inspection Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | For fish caught under the authority of a recreational fishing licence from Canada with the name of the importer, the following conditions apply:<br>1. The fish was caught in Canadian fisheries waters on the dates while the licence is valid, in accordance with Canadian regulations on sport fishing and that possession limits have been respected;<br>2. The fish has been eviscerated under appropriate hygiene and preservation measures;<br>3. The fish is not a toxic species nor a species that may contain biotoxins; and,<br>4. The fish is introduced into the European Union within one month following the last date of validity of the recreational fishing licence and is not intended to be marketed. A copy of the recreational fishing licence is attached to the accompanying document. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Milk and milk products for human consumption** | | | | | | |
| **Pasteurised or cheeses from not pasteurised (or low heat treated) and raw milk maturated for at least 60 days** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, s. 34<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations*, Part B, Division 8<br>- *Canada Agricultural Products Act*, R.S.C 1985, c. 20 (4th Supp.)<br>- *Dairy Products Regulations*, S.O.R./79-840 | The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. | - *Food and Drugs Act*<br>- *Food and Drug Regulations*, Part B, Division B<br>- *Canada Agricultural Products Act*<br>- *Dairy Products Regulations* | Decision<br>2011/163<br>Regulations<br>852/2004<br>853/2004<br>854/2004<br>605/2010 | 1. Canada to evaluate Hazard Analysis Critical Control Point ("HACCP") systems of establishments which are not Food Safety Enhancement Program ("FSEP")-HACCP recognized to ensure they are operating under HACCP principles; and,<br>2. Two signatures are required on the export certificate: animal health attestations are signed by an official veterinarian; and public health related attestations are signed by an official inspector.<br>The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Animal casings not for human consumption** | | | | | | |
| **Pigs** | | | | | | |
| Animal Health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV | | | | |
| **Bones, horns and hooves (except meals) and their products not for human consumption** | | | | | | |
| Animal health | | | | - *Health of Animals Act*<br>- *Health of Animals Regulations* | Regulation 1069/2009 | Certificate as per Decision 97/534 |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Blood and blood products not intended for human consumption** | | | | | | |
| **Ruminant** | | | | | | |
| Animal health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV and Part XIV<br>- *Feeds Act*, R.S.C. 1985, c. F-9<br>- *Feeds Regulations*, 1983, S.O.R./83-593 | Compliance with Canadian rules on transmissible spongiform encephalopathy | | | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Apiculture products not for human consumption** | | | | | | |
| Animal Health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part VI | Product subjected to treatment, for example freeze drying, irradiation, or vacuum packaging. | - *Health of Animals Act*<br>- *Health of Animals Regulations*<br>- Bee Products Directive<br>TAHD-DSAT-IE-2001-3-6, January 5, 2011 | Regulation 1069/2009 | 1. Bee products used for animal or human feed or industrial use are not restricted; and<br>2. Bee products used for bee feeding are treated. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Wool, feathers and hair** | | | | | | |
| **Wool** | | | | | | |
| Animal health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV | Certificate of origin | - *Health of Animals Act*<br>- *Health of Animals Regulations* | Regulation 1069/2009 | |
| Pig bristle | | | | | | |
| Animal health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV | Certificate of origin | - *Health of Animals Act*<br>- *Health of Animals Regulations* | Regulation 1069/2009 | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Shell eggs and egg products intended for human consumption** | | | | | | |
| Animal health | Directives<br>90/539<br>2002/99 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part III and Part IV (for shell eggs and egg products) | 1. Statement of origin; and,<br>2. Veterinary certification | *Egg Products – Import Procedures*, AHPD-DSAE-IE-2001-5-3, December 20, 1995 | Directives<br>90/539<br>2002/99 | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Horizontal issues** | | | | | | |
| Listing of establishments | Regulations<br>2004/852<br>2004/853<br>2004/854 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Canada Agricultural Products Act*<br>- *Dairy Products Regulations* | Listing required for fresh meat and meat products | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Canada Agricultural Products Act*<br>- *Dairy Products Regulations* | Regulations<br>2004/852<br>2004/853<br>2004/854 | The following conditions apply to all animals and animal product commodities with public health recognition where a list of establishments is required:<br>1. Lists of Canadian establishments and plants are entered into the TRACES system by Canada; and,<br>2. Canada provides guarantees that the establishments fulfil the conditions as laid down in this Chapter, in its entirety.<br>The European Union updates and publishes the list of establishments without undue delay. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| Water | Directive 98/83 | - *Canada Agricultural Products Act*<br>- *Dairy Products Regulations*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations*<br>- *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990* | | - *Canada Agricultural Products Act*<br>- *Dairy Products Regulations*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations*<br>- *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990* | Directive 98/83 | |

## APPENDIX A

## SPECIAL CONDITIONS
## WITH RESPECT TO CERTAIN EXPORTS
## FROM CANADA TO THE EUROPEAN UNION

1. Compliance with European Union rules on transmissible spongiform encephalopathy;

2. Shrouds not to be used on carcases;

3. Compliance with European Union rules on decontamination;

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

5. Ante-mortem inspection

   Routine ante-mortem inspection procedures apply provided a CFIA veterinarian is present on premises when ante-mortem inspection is conducted on animals intended to be slaughtered for export to the European Union;

6. Post-mortem inspection

   (a) Pork:

   in accordance with the Commission Implementing Regulation (EC) No 2015/1375:

   (i) skeletal muscle is tested for Trichinella by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose; or,

   (ii) skeletal muscle is submitted to cold treatment by using a treatment approved by the CFIA;

(b) Bovine over 6 weeks old:

(i) liver: incision of the gastric surface and at the base of the caudate lobe to examine the bile ducts;

(ii) head: two incisions in the external masseters parallel to the mandible;

(c) Domestic solipeds:

in accordance with the Commission Implementing Regulation (EC) No 2015/1375, skeletal muscle is tested for Trichinella by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose;

(d) Farmed game - wild boar:

in accordance with the Commission Implementing Regulation (EC) No 2015/1375, skeletal muscle is tested for Trichinella by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose;

7. Regular check on general hygiene:
in addition to Canadian operational and preoperational sanitation requirements, the products testing requirements for E. coli and Salmonella for the United States of America (USA) as is written in Annex T: Testing for Escherichia coli (E. coli) in Slaughter Establishments and Annex U: USDA Performance Standards for Salmonella of USA section of Chapter 11 of the CFIA's Meat Hygiene Manual of Procedures are implemented; and

8. Compliance with microbiological food safety criteria of the importing Party.

*SECTION B*

**Phytosanitary Measures**

To be agreed at a later stage.

## ANNEX-5-F

## APPROVAL OF ESTABLISHMENTS OR FACILITIES

The conditions and procedures for the purpose of Article 5.7.4(b) are as follows:

(a) the import of the product has been authorised, if so required, by the competent authority of the importing Party;

(b) the establishment or facility concerned has been approved by the competent authority of the exporting Party;

(c) the competent authority of the exporting Party has the authority to suspend or withdraw the approval of the establishment or facility; and

(d) the exporting Party has provided relevant information requested by the importing Party.

## ANNEX 5-G

### PROCEDURE RELATED TO SPECIFIC IMPORT REQUIREMENTS FOR PLANT HEALTH

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

1. If the Parties jointly identify a specific commodity as a priority, the importing Party should establish a preliminary list of pests for that commodity, within a period of time determined by the Parties, once it receives from the exporting Party:

   (a) information on the pest status in the territory of the exporting Party that relates to the pests regulated by at least one of the Parties; and

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

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

3. For a commodity:

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

   (b) which the Parties confirm is a priority; and

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

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

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

# ANNEX 5-H

## PRINCIPLES AND GUIDELINES TO CONDUCT AN AUDIT OR VERIFICATION

To be agreed at a later stage.

# ANNEX 5-I

## EXPORT CERTIFICATION

Model attestation for health certificates for animals and animal products

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

Health attestations

2. Equivalence agreed: Model health attestation to be used (equivalence for measures or certification systems). Refer to Annex 5-E;

"The [insert product] herein described, complies with the relevant [European Union/Canada] (*) SPS measure(s) and requirement(s) which have been recognised as equivalent to the [Canada/European Union] (*) SPS measure(s) and requirement(s) as prescribed in Annex 5-E of the Canada-European Union Comprehensive Economic and Trade Agreement [and the special condition(s) as set out in Annex 5-E](*).

* Delete as appropriate."

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

Official languages for certification

4. (a) For import into the European Union, the certificate must be drawn up in at least one of the official languages of the Member State of the border inspection post of introduction of the consignment into the European Union; and

(b) for import into Canada, the certificate must be drawn up in one of the official languages of Canada.

Means of certification

5. The exchange of original certificate information may occur by a paper-based system or a secure method of electronic data transmission that offers an equivalent certification guarantee. The exporting Party may elect to provide electronic official certification if the importing Party has determined that equivalent security guarantees are being provided, including the use of a digital signature and a non-repudiation mechanism. The importing Party's agreement for the exclusive use of electronic certification can either be recorded through correspondence in one of the annexes to this Chapter or by correspondence in accordance with Article 5.14.8.

6. The European Union may set out its import certificates for live animals and animal products from Canada with an equivalence status referred to in Annex 5-E in Trade and Control Export System ("TRACES").

# ANNEX 5-J

## IMPORT CHECKS AND FEES

*SECTION A*

### Frequencies of checks

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

Table 1 – Frequencies of frontier checks on consignments of live animals, animal products and animal by-products

| Type of frontier check | Normal rate as referred to in Article 5.10.1 |
|---|---|
| **1. Documentary and identity**<br>Each Party performs documentary and identity checks on all consignments | |
| **2. Physical Checks** | |
| *Live animals* | 100 per cent |
| *Semen, embryos or ova* | 10 per cent |
| *Animal products for human consumption*<br>Fresh meat including offal, and products of the bovine, ovine, caprine, porcine and equine species defined in Council Directive 92/5/EEC<br>Whole eggs<br>Lard and rendered fats<br>Animal casings<br>Gelatin<br>Poultry meat and poultry meat products<br>Rabbit meat, game meat (wild/farmed) and products<br>Milk and milk products<br>Egg products<br>Honey<br>Bone and bone products<br>Meat preparations and minced meat<br>Frogs' legs and snails | 10 per cent |

| Type of frontier check | Normal rate as referred to in Article 5.10.1 |
|---|---|
| *Animal products not for human consumption*<br>Lard and rendered fats<br>Animal casings<br>Milk and milk products<br>Gelatin<br>Bone and bone products<br>Hides and skins ungulates<br>Game trophies<br>Processed petfood<br>Raw material for the manufacture of petfood<br>Raw material, blood, blood products, glands and organs for pharmaceutical or technical use<br>Processed animal protein (packaged)<br>Bristles, wool, hair and feathers<br>Horns, horn products, hooves and hoof products<br>Apiculture products<br>Hatching eggs<br>Manure<br>Hay and straw | 10 per cent |

| Type of frontier check | Normal rate as referred to in Article 5.10.1 |
|---|---|
| *Processed animal protein not for human consumption (bulked)* | 100 per cent for six consecutive consignments (as per Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009), if these consecutive tests prove negative, random sampling shall be reduced to 20 per cent of subsequent bulk consignments from the same source. If one of these random sampling proves positive, the competent authority must sample each consignment from the same source until six consecutive tests again prove negative. |
| *Live bivalve molluscan shellfish* | 15 per cent |
| *Fish and fishery products for human consumption*<br>Fish products in hermetically sealed containers intended to render them stable at ambient temperatures, fresh and frozen fish, dry fisheries products, salted fisheries products, or dry and salted fisheries products | 15 per cent |
| Other fishery products<br>Live crustaceans or fresh headed and degutted fish without other manual processing | 2 per cent |

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

*SECTION B*

**Fees**

To be agreed at a later stage.

## 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 9-A

### UNDERSTANDING ON NATIONAL TREATMENT WITH RESPECT TO THE CROSS-BORDER SUPPLY OF SERVICES

1. The EU Party and Canada share the following understanding with respect to the application of Article 9.3 to treatment accorded by a provincial or territorial government in Canada, or by a government of or in a Member State of the European Union with respect to the cross-border supply of services as defined in Article 9.1 or the supply of a service by a natural person of a Party in the territory of the other Party.

2. Pursuant to Article 9.3, treatment "no less favourable than the most favourable treatment accorded, in like situations, by that government to its own service suppliers and services" does not apply to a person of the other Party, or to a service supplied by this person if:

   (a) in the case of Canada, a provincial or territorial government of Canada accords more favourable treatment to a service supplier which is a person of another provincial or territorial government of Canada, or to a service supplied by this supplier; and

   (b) in the case of the EU Party:

      (i) a government of a Member State of the European Union accords more favourable treatment to a service supplier which is a person of another Member State or to a service supplied by this supplier;

      (ii) a regional government of a Member State of the European Union accords more favourable treatment to a service supplier which is a person of another regional government of that Member State, or to a service supplied by this supplier; and

(c) the more favourable treatment referred to in subparagraphs (a) and (b) is accorded pursuant to specific mutual rights and obligations applicable between these governments.

3. For the EU Party, paragraph 2 includes in particular treatment accorded pursuant to the *Treaty on the Functioning of the European Union*, done at Lisbon on 13 December 2007 in respect of the free movement of persons and services, as well as to treatment accorded by any measure adopted pursuant to that Treaty. A government of or in a Member State of the European Union may accord more favourable treatment pursuant to the *Treaty on the Functioning of the European Union* to those natural persons who are nationals of another Member State of the European Union, or to enterprises formed in accordance with the law of another Member State of the European Union and having their registered office, central administration or principal place of business within the European Union, and to the services supplied by these natural persons or enterprises.

4. For Canada, paragraph 2 includes in particular treatment accorded pursuant to the Canadian *Agreement on Internal Trade*, dated 18 July 1994, between the Government of Canada and the governments of the provinces and territories of Canada ("AIT") as well as to treatment accorded by any measure adopted pursuant to the AIT and from regional agreements on the free movement of persons and services. A provincial or territorial government in Canada may accord a more favourable treatment pursuant to the AIT and these regional agreements to those natural persons who are residents in the territory of a party to the AIT or regional agreement or to enterprises formed in accordance with the law of a party to the AIT or regional agreement that have their registered office, central administration or principal place of business within Canada, and to the services supplied by these natural persons or enterprises.

## ANNEX 9-B

### UNDERSTANDING ON NEW SERVICES NOT CLASSIFIED IN THE UNITED NATIONS PROVISIONAL CENTRAL PRODUCT CLASSIFICATION (CPC), 1991

1. The Parties agree that Chapter Twelve (Domestic Regulation) and Articles 9.3, 9.5, and 9.6 do not apply to a measure relating to a new service that cannot be classified in the CPC 1991.

2. To the extent possible, each Party shall notify the other Party prior to adopting a measure inconsistent with Chapter Twelve (Domestic Regulation), and Articles 9.3, 9.5, and 9.6 with respect to a new service, as referred to in paragraph 1.

3. At the request of a Party, the Parties shall enter into negotiations to incorporate the new service into the scope of this Agreement.

4. For greater certainty, paragraph 1 does not apply to an existing service that could be classified in the CPC 1991, but that could not previously be supplied on a cross-border basis due to lack of technical feasibility.

## ANNEX 9-C

## UNDERSTANDING ON COURIER SERVICES

1. The Parties share the following understanding with respect to the application of Articles 8.2.2(a) (Scope) and 9.2.2(e) (Scope).

2. The Parties confirm that courier services are covered by Chapters Eight (Investment) and Nine (Cross-Border Trade in Services), subject to applicable reservations as set out in the Parties' Schedules to Annexes I and II. For greater certainty, the treatment offered to courier services under Chapters Eight and Nine does not include the grant of air traffic rights for courier service suppliers. These rights are subject to 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 December 18, 2009.

## ANNEX 10-A

### LIST OF CONTACT POINTS
### OF THE MEMBER STATES OF THE EUROPEAN UNION

For the purposes of this Annex, the abbreviations are as defined in paragraph 8 of Annex 10-E.

**AT**
For residence and visa issues:
Department III/4 - Residence, Civil Status and Citizenship Matters
Federal Ministry of the Interior

For labour market issues:
EU labour market laws and international affairs of labour market laws
Federal Ministry for Labour, Social Affairs and Consumer Protection

**BE**
Direction générale Potentiel économique
Politique Commerciale

**BG**
Director of International labour migration and mediation
Employment Agency

**CY**
Director of Civil Registry and Migration Department
Ministry of Interior

**CZ**
Ministry of Industry and Trade
Department of Common Trade Policy and International Economic Organisations

**DE**
CETA Advisor
Canadian German Chamber of Industry and Commerce Inc.

**DK**
Danish Agency for Labour Market and Recruitment
Ministry of Employment

**EE**
Head of Migration- and Border Policy Department
Estonian Ministry of the Interior

**EL**
Directorate for Justice, Home Affairs & Schengen issues
Ministry of Foreign Affairs

**ES**
Ministry of Employment and Social Security

**FI**
Immigration Unit, Section for employed persons
Finnish Immigration Service

**FR**
Direction générale des étrangers en France (DGEF).
Ministère de l'Intérieur

**HR**
Head of Trade Policy Department
Ministry of Foreign and European Affairs

**HU**
Department for Trade Policy and Global Economy
Ministry of Foreign Affairs

**IE**
Immigration and Citizenship Policy Division
Irish Naturalisation & Immigration Service

**IT**
DG Trade Policy
Ministry for Economic Development

**LT**
International Economic Organizations Division
External Economic Relations Department
Ministry of Foreign Affairs of the Republic of Lithuania

**LU**
Bureau des Passeports, Visas et Légalisations
Ministry of Foreign Affairs

**LV**
Office of Citizenship and Migration Affairs of Latvia

**MT**
Director Citizenship and Expatriate Affairs
Citizenship and Expatriate Affairs Department
Ministry for Home Affairs & National Security

**NL**
Directorate General for Foreign Economic Relations
Ministry of Foreign Affairs

**PT**
Directorate General for Consular Affairs and Portuguese Communities
Ministry of Foreign Affairs

**PL**
Department of Trade Policy
Ministry of Economy

**RO**
Unit for Residence/Staying UE, SEE Citizens and Third Country – Migration Directorate
General Inspectorate for Immigration (GII)

**SE**
National Board of trade
Ministry of Justice, Division for Migration and Asylum Policy

**SI**
Migration Policy and Legislation Division
Migration Office
Internal Administrative Affairs, Migration and Naturalization Directorate
Ministry of the Interior

**SK**
Aliens Police Department
Bureau of Border and Aliens Police of Presidium of the Police Force
Trade Policy Department
Ministry of Economy

**UK**
Head of Migration Policy
Immigration and Border Policy Directorate
Home Office

# ANNEX 10-B

## RESERVATIONS AND EXCEPTIONS APPLYING IN SPECIFIC MEMBER STATES OF THE EUROPEAN UNION FOR KEY PERSONNEL AND SHORT-TERM BUSINESS VISITORS

1. Articles 10.7 and 10.9 do not apply to any existing non-conforming measure listed in this Annex, to the extent of the non-conformity.

2. A measure listed in this Annex may be maintained, continued, promptly renewed, or amended, provided that the amendment does not decrease the conformity of the measure with Articles 10.7 or 10.9, as it existed immediately before the amendment.[1]

3. Business visitors for investment purposes

| | |
|---|---|
| **All sectors** | **AT:** Business visitor needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.<br>**CZ:** Business visitor for investment purposes needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.<br>**SK:** Business visitor for investment purposes needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound. Work permit required, including economic needs test.<br>**UK:** Permissible length of stay: up to 90 days in any twelve month period. Business visitor needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound. |

[1] This paragraph does not apply to UK reservations.

4. Investors

| | |
|---|---|
| **All sectors** | **AT:** Economic needs test.<br>**CZ, SK:** Work permit, including economic needs test, required in case of investors employed by an enterprise.<br>**DK:** Maximum stay of 90 days within any six month period. If investors wish to establish a business in Denmark as self-employed, a work permit is required.<br>**FI:** Investors need to be employed by an enterprise other than a non-profit organisation, in a position of middle or top management.<br>**HU:** Maximum length of stay 90 days where the investor is not employed by an enterprise in Hungary. Economic needs test required where the investor is employed by an enterprise in Hungary.<br>**IT:** Economic needs test required where the investor is not employed by an enterprise.<br>**LT, NL, PL:** the category of investors is not recognised with regard to natural persons representing the investor.<br>**LV:** For pre-investment phase maximum length of stay is limited to 90 days within any six months period. Extension in post-investment phase to one year, subject to criteria in national legislation such as field and amount of investment made.<br>**UK:** The category of investors is not recognised: Unbound. |

5. Intra-corporate transferees (specialists and senior personnel)

| | |
|---|---|
| **All sectors** | **BG:** The number of foreign natural persons employed within a Bulgarian enterprise may not exceed ten per cent of the average annual number of citizens of the European Union employed by the respective Bulgarian enterprise. Where less than 100 persons are employed, the number may, subject to authorisation, exceed ten per cent.<br>**AT, CZ, SK, UK:** Intra-corporate transferees need to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.<br>**FI:** Senior personnel needs to be employed by an enterprise other than a non-profit organisation.<br>**HU:** Natural persons who have been a partner in an enterprise do not qualify to be transferred as intra-corporate transferees. |

6. Intra-corporate transferees (graduate trainees)

| | |
|---|---|
| **All sectors** | **AT, CZ, FR, DE, ES, HU, SK:** The training which is to be delivered as a result of the transfer of a graduate trainee to an enterprise must be linked to the university degree which has been obtained by the graduate trainee.<br>**BG, HU:** Economic needs test.<br>**CZ, FI, SK, UK:** Graduate trainee needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound. |

7. Short-term business visitors

| | |
|---|---|
| **All activities in Annex 10-D** | **DK, HR:** Work permit, including economic needs test, required in case the short-term business visitor provides a service in the territory of Denmark or Croatia, respectively.<br>**LV:** Work permit required for operations/activities to be performed on the basis of a contract.<br>**SK:** In case of providing a service in the territory of Slovakia, a work permit, including economic needs test, is required beyond seven days in a month or 30 days in calendar year.<br>**UK:** The category of short-term business visitors is not recognised: Unbound. |
| **Research and Design** | **AT:** Work permit, including economic needs test, required, except for research activities of scientific and statistical researchers.<br>**NL:** Work permit required, including economic needs test. |
| **Marketing research** | **AT:** Work permit required, including economic needs test. Economic needs test is waived for research and analysis activities for up to seven days in a month or 30 days in a calendar year. University degree required.<br>**NL:** Work permit required, including economic needs test. |
| **Trade Fairs and Exhibitions** | **AT:** Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year. |

| | |
|---|---|
| **After-Sales or After-Lease Service** | **AT:** Work permit required, including economic needs test. Economic needs test is waived for natural persons training workers to perform services and possessing uncommon knowledge.<br>**CZ:** Work permit is required beyond seven days in a month or 30 days in calendar year.<br>**FI:** Depending on the activity, a residence permit may be required.<br>**SE:** Work permit required, except for (i) people who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction, or (ii) fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months, in the context of an emergency. No economic needs test performed. |
| **Commercial Transactions** | **AT:** Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year.<br>**FI:** The natural person needs to be providing services as an employee of an enterprise located in the territory of the other Party.<br>**NL:** Work permit required, including economic needs test. |
| **Tourism personnel** | **NL:** Work permit required, including economic needs test.<br>**FI:** The natural person needs to be providing services as an employee of an enterprise located in the territory of the other Party.<br>**PL:** Unbound.<br>**SE:** Work permit required, except for drivers and staff of tourist buses. No economic needs test performed. |
| **Translation and Interpretation** | **AT, NL:** Work permit required, including economic needs test.<br>**PL:** Unbound. |

## ANNEX 10-C

## EQUIVALENT QUALIFICATIONS FOR ENGINEERING TECHNOLOGISTS AND SCIENTIFIC TECHNOLOGISTS

For the purpose of this Agreement:

(a) for engineering technologists (CPC 8672, and 8673): completion of a three year post-secondary degree from an officially recognised institution in engineering technology is considered equivalent to a university degree; and

(b) for scientific technologists (CPC 881, 8671, 8674, 8676, 851, 852, 853, 8675, and 883): completion of a three year post-secondary degree from an officially recognised institution in the disciplines of agriculture, architecture, biology, chemistry, physics, forestry, geology, geophysics, mining and energy is considered equivalent to a university degree.

## ANNEX 10-D

### ACTIVITIES OF SHORT-TERM BUSINESS VISITORS

(a) **meetings and consultations**: natural persons attending meetings or conferences, or engaged in consultations with business associates;

(b) **research and design**: technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of the other Party;

(c) **marketing research**: market researchers and analysts conducting research or analysis for an enterprise located in the territory of the other Party;

(d) **training seminars**: personnel of an enterprise who enter the territory of the other Party to receive training in techniques and work practices who are employed by companies or organisations in that Party, provided that the training received is confined to observation, familiarisation and classroom instruction only;

(e) **trade fairs and exhibitions**: personnel attending a trade fair for the purpose of promoting their company or its products or services;

(f) **sales**: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves. Short-term business visitors do not engage in making direct sales to the general public;

(g) **purchasing**: buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in the territory of the other Party;

(h) **after-sales or after-lease service**: installers, repair and maintenance personnel, and supervisors, possessing specialised knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, including computer software, purchased or leased from an enterprise located outside the territory of the Party into which temporary entry is sought, throughout the duration of the warranty or service contract;

(i) **commercial transactions**: management and supervisory personnel and financial services personnel (including insurers, bankers and investment brokers) engaging in a commercial transaction for an enterprise located in the territory of the other Party;

(j) **tourism personnel**: tour and travel agents, tour guides or tour operators attending or participating in conventions or accompanying a tour that has begun in the territory of the other Party; and

(k) **translation and interpretation**: translators or interpreters performing services as employees of an enterprise located in the territory of the other Party.

## ANNEX 10-E

### SECTORAL COMMITMENTS ON CONTRACTUAL SERVICE SUPPLIERS AND INDEPENDENT PROFESSIONALS

1. Each Party shall allow the supply of services in its territory by contractual services suppliers or independent professionals of the other Party through the presence of natural persons, in accordance with Article 10.8, for the sectors listed in this Annex, and subject to the relevant limitations.

2. The list of reservations is composed of the following elements:

   (a) the first column indicates the sector or sub-sector in which the reservation applies; and

   (b) the second column describes the applicable limitations.

3. For Canada, sectoral commitments apply to occupations listed under level "0" and "A" of Canada's National Occupational Classification ("NOC").

4. In addition to the list of reservations in this Annex, each Party may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements or licensing procedures that does not constitute a limitation within the meaning of Article 10.8. These measures, which include requirements to obtain a licence, obtain recognition of qualifications in regulated sectors or to pass specific examinations, such as language examinations, even if not listed in this Annex, apply in any case to contractual services suppliers or independent professionals of the Parties.

5. For the European Union, in the sectors where an economic needs test is applied, the main criteria is the assessment of the relevant market situation in the Member State of the European Union or the region where the service is provided, including with respect to the number of, and the impact on, existing services suppliers.

6. The European Union takes commitments with respect to Article 10.8 differentiated by its Member States, as set out in the list of reservations included in this Annex.

7. The rights and obligations that arise from this Annex have no self-executing effect and confer no rights directly on natural or juridical persons.

8. The following abbreviations are used in the list of reservations included in this Annex:

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

ES Spain

EU European Union, including all its Member States

FI Finland

FR France

EL Greece

HR Croatia

HU Hungary

IE Ireland

IT Italy

LV Latvia

LT Lithuania

LU Luxembourg

MT Malta

NL The Netherlands

PL Poland

PT Portugal

RO Romania

SK Slovak Republic

SI Slovenia

SE Sweden

UK United Kingdom

CAN Canada

CSS: Contractual Service Suppliers

IP: Independent Professionals

9. Article 10.8.1 applies to the following sectors or sub-sectors:

(a) Legal advisory services in respect of public international law and foreign law[1]

(b) Accounting and bookkeeping services

(c) Taxation advisory services

(d) Architectural services and urban planning and landscape architectural services

(e) Engineering services and integrated engineering services

(f) Medical and dental services

(g) Veterinary services

(h) Midwives services

(i) Services provided by nurses, physiotherapists and paramedical personnel

[1] A reservation for legal services described in Annexes I or II by a Member State for *'domestic law'* as covering *'EU and Member State law'* applies to this Annex.

(j) Computer and related services

(k) Research and development services

(l) Advertising services

(m) Market research and opinion polling

(n) Management consulting services

(o) Services related to management consulting

(p) Technical testing and analysis services

(q) Related scientific and technical consulting services

(r) Mining

(s) Maintenance and repair of vessels

(t) Maintenance and repair of rail transport equipment

(u) Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment

(v) Maintenance and repair of aircrafts and parts thereof

(w) Maintenance and repair of metal products, of (non-office) machinery, of (non-transport and non-office) equipment and of personal and household goods

(x) Translation and interpretation services

(y) Telecommunication services

(z) Postal and courier services

(aa) Construction and related engineering services

(bb) Site investigation work

(cc) Higher education services

(dd) Services relating to agriculture, hunting and forestry

(ee) Environmental services

(ff) Insurance and insurance related services advisory and consulting services

(gg) Other financial services advisory and consulting services

(hh) Transport advisory and consulting services

(ii) Travel agencies and tour operators' services

(jj) Tourist guides services

(kk) Manufacturing advisory and consulting services

10. Article 10.8.2 applies to the following sectors or sub-sectors:

(a) Legal advisory services in respect of public international law and foreign law[1]

(b) Architectural services and urban planning and landscape architectural services

[1] A reservation for legal services described in Annexes I or II by a Member State for *'domestic law'* as covering *'EU and Member State law'* applies to this Annex.

(c) Engineering services and integrated engineering services

(d) Computer and related services

(e) Research and development services

(f) Market research and opinion polling

(g) Management consulting services

(h) Services related to management consulting

(i) Mining

(j) Translation and interpretation services

(k) Telecommunication services

(l) Postal and courier services

(m) Higher education services

(n) Insurance related services advisory and consulting services

(o) Other financial services advisory and consulting services

(p) Transport advisory and consulting services

(q) Manufacturing advisory and consulting services

11. **List of reservations**

| Sector or sub-sector | Description of reservations |
|---|---|
| EU - ALL SECTORS | **Length of stay**<br>In **AT, UK**: Maximum stay for CSS and IP shall be for a cumulative period of not more than six months in any 12 month period or for the duration of the contract, whichever is less.<br>In **LT:** Maximum stay for CSS and IP shall be for a period of six months renewable once for an additional period of six months, or for the duration of the contract, whichever is less.<br>In **BE, CZ, MT, PT**: Maximum stay for CSS and IP shall be for a period of not more than 12 consecutive months or for the duration of the contract, whichever is less.<br>**Technologists**<br>Annex 10-C applies to the EU with the exception of: **AT, DE, EL, ES, HU, IT, LT, NL, PT, SK, UK**.<br>In **CY**: Annex 10-C applies only with regard to technologists active in sub-sectors CPC 8676, 851, 852, 853, and 883.<br>In **FI**: Economic needs test.<br>In **FR**: Annex 10-C applies only with regard to technologists active in sub-sector CPC 86721.<br>In **PL**: Technologist must possess as a minimum a degree equivalent to bachelor's degree. |
| CAN – ALL SECTORS | **Technologists**<br>**CAN**: Annex 10-C applies. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Legal advisory services in respect of public international law and foreign law**<br>(part of CPC 861) | CSS:<br>In **AT, BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, PT, SE, UK**: None.<br>In **BG, CZ, DK, FI, HU, LT, LV, MT, RO, SI, SK**: Economic needs test.<br>**CAN**: None.<br><br>IP:<br>In **AT, CY, DE, EE, FR, HR, IE, LU, LV, NL, PL, PT, SE, UK**: None.<br>In **BE, BG, CZ, DK, EL, ES, FI, HU, IT, LT, MT, RO, SI, SK**: Economic needs tests.<br>**CAN**: None. |
| **Accounting and bookkeeping services**<br>(CPC 86212 other than "auditing services", 86213, 86219 and 86220) | CSS:<br>In **AT, BE, CY, DE, EE, ES, HR, IE, IT, LU, NL, PL, PT, SI, SE, UK**: None.<br>In **BG, CZ, DK, EL, FI, FR, HU, LT, LV, MT, RO, SK**: Economic needs test.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Taxation advisory services** (CPC 863)[1] | CSS:<br>In **AT, BE, CY, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, SI, SE, UK**: None.<br>In **BG, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK**: Economic needs test.<br>In **PT**: Unbound.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

[1] Does not include legal advisory and legal representational services on tax matters, which are under legal advisory services in respect of public international law and foreign law.

| Sector or sub-sector | Description of reservations |
|---|---|
| **Architectural services**<br>and<br>**Urban planning and landscape architectural services**<br>(CPC 8671 and 8674) | CSS:<br>In **BE, CY, EE, ES, EL, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **FI**: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.<br>In **BG, CZ, DE, HU, LT, LV, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>In **AT**: Urban planning services only, where: Economic needs test.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **FI**: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.<br>In **BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK**: Economic needs test.<br>In **AT**: Urban planning services only, where: Economic needs test.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Engineering services**<br>and<br>**Integrated engineering services**<br>(CPC 8672 and 8673) | CSS:<br>In **BE, CY, EE, ES, EL, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **FI**: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.<br>In **BG, CZ, DE, LT, LV, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>In **AT**: Planning services only, where: Economic needs test.<br>In **HU**: Economic needs test.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **FI**: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.<br>In **BE, BG, CZ, DK, ES, IT, LT, RO, SK**: Economic needs test.<br>In **AT**: Planning services only, where: Economic needs test.<br>In **HU**: Economic needs test.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Medical (including psychologists) and dental services**<br>(CPC 9312 and part of 85201) | CSS:<br>In **SE**: None.<br>In **CY, CZ, DE, DK, EE, ES, IE, IT, LU, MT, NL, PL, PT, RO, SI**: Economic needs test.<br>In **FR**: Economic needs test, except for psychologists, where: Unbound.<br>In **AT**: Unbound, except for psychologists and dental services, where: Economic needs test.<br>In **BE, BG, EL, FI, HR, HU, LT, LV, SK, UK**: Unbound.<br>**CAN**: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Veterinary services**<br>(CPC 932) | CSS:<br>In SE: None.<br>In **CY, CZ, DE, DK, EE, EL, ES, FI, FR, IE, IT, LT, LU, MT, NL, PL, PT, RO, SI**: Economic needs test.<br>In **AT, BE, BG, HR, HU, LV, SK, UK**: Unbound.<br>**CAN**: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Midwives services**<br>(part of CPC 93191) | CSS:<br>In **SE**: None.<br>In **AT, CY, CZ, DE, DK, EE, EL, ES, FR, IE, IT, LT, LV, LU, MT, NL, PL, PT, RO, SI**: Economic needs test.<br>In **BE, BG, FI, HR, HU, SK, UK**: Unbound.<br>**CAN**: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Services provided by nurses, physiotherapists and paramedical personnel**<br>(part of CPC 93191) | CSS:<br>In **SE**: None.<br>In **AT, CY, CZ, DE, DK, EE, EL, ES, FR, IE, IT, LT, LV, LU, MT, NL, PL, PT, RO, SI**: Economic needs test.<br>In **BE, BG, FI, HR, HU, SK, UK**: Unbound.<br>**CAN**: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Computer and related services**<br>(CPC 84) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **FI**: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.<br>In **AT, BG, CZ, HU, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test except for CSS stays of up to three months.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FR, IE, LU, LV, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **FI**: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.<br>In **AT, BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK**: Economic needs test.<br>In **HR**: Unbound.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Research and development Services**<br>(CPC 851, 852 excluding psychologists services[1], and 853) | CSS:<br>**EU except in SE**: A hosting agreement with an approved research organisation is required[2].<br>**EU** except in **CZ, DK, SK**: None<br>In **CZ, DK, SK**: Economic needs test.<br>**CAN**: None.<br><br>IP:<br>**EU except in SE**: A hosting agreement with an approved research organisation is required[3].<br>**EU** except in **BE, CZ, DK, IT, SK**: None<br>In **BE, CZ, DK, IT, SK**: Economic needs test.<br>**CAN**: None. |
| **Advertising services**<br>(CPC 871) | CSS:<br>In **BE, CY, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK**: Economic needs test.<br>CAN: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

1 Part of CPC 85201, which is under medical and dental services.

2 For all Member States of the European Union except UK and DK, the approval of the research organisation and the hosting agreement must meet the conditions set pursuant to EU Directive 2005/71/EC of 12 October 2005.

3 For all Member States of the European Union except the UK and DK, the approval of the research organisation and the hosting agreement must meet the conditions set pursuant to EU Directive 2005/71/EC of 12 October 2005.

| Sector or sub-sector | Description of reservations |
|---|---|
| **Market research and opinion polling services** (CPC 864) | CSS:<br>In **BE, CY, DE, EE, ES, FR, IE, IT, LU, NL, PL, SE, UK**: None.<br>In **AT, BG, CZ, DK, EL, FI, HR, LV, MT, RO, SI, SK**: Economic needs test.<br>In **PT**: None, except for public opinion polling services (CPC 86402), where: Unbound.<br>In **HU, LT**: Economic needs test, except for public opinion polling services (CPC 86402), where: Unbound.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, FR, IE, LU, NL, PL, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, EL, ES, FI, HR, IT, LV, MT, RO, SI, SK**: Economic needs test.<br>In **PT**: None, except for public opinion polling services (CPC 86402), where: Unbound.<br>In **HU, LT**: Economic needs test, except for public opinion polling services (CPC 86402), where: Unbound.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Management consulting services**<br>(CPC 865) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, HU, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FI, FR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK:** None.<br>In **AT, BE, BG, CZ, DK, ES, HR, HU, IT, LT, RO, SK**: Economic needs test.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Services related to management consulting**<br>(CPC 866) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>In **HU**: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FI, FR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, ES, HR, IT, LT, RO, SK**: Economic needs test<br>In **HU**: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Technical testing and analysis services**<br>(CPC 8676) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, SI, SE, UK**: None.<br>In **AT, BG, CZ, FI, HU, LT, LV, MT, PT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Related scientific and technical consulting services**<br>(CPC 8675) | CSS:<br>In **BE, CY, EE, EL, ES, HR, IE, IT, LU, NL, PL, SI, SE, UK**: None.<br>In **AT, CZ, DE, DK, FI, HU, LT, LV, MT, PT, RO, SK**: Economic needs test.<br>In **DE**: None, except for publicly appointed surveyors, where: Unbound.<br>In **FR**: None, except for "surveying" operations relating to the establishment of property rights and to land law, where: Unbound.<br>In **BG**: Unbound.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Mining** (CPC 883, advisory and consulting services only) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, HU, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, ES, HU, IT, LT, PL, RO, SK**: Economic needs test.<br>**CAN**: None. |
| **Maintenance and repair of vessels**<br>(part of CPC 8868) | CSS:<br>In **BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SI, SE, UK**: None<br>In **AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK**: Economic needs test.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Maintenance and repair of rail transport equipment**<br>(part of CPC 8868) | CSS:<br>In **BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK**: Economic needs test.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment**<br>(CPC 6112, 6122, part of 8867 and part of 8868) | CSS:<br>In **BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK**: Economic needs test.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Maintenance and repair of aircraft and parts thereof** (part of CPC 8868) | CSS:<br>In **BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK**: Economic needs test.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods**[1] (CPC 633, 7545, 8861, 8862, 8864, 8865 and 8866) | CSS:<br>In **BE, CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DE, DK, HU, IE, LT, RO, SK**: Economic needs test.<br>In **FI**: Unbound, except in the context of an after-sales or after-lease contract, where: the length of stay is limited to six months; for maintenance and repair of personal and household goods (CPC 633): Economic needs test.<br>**CAN**: None, except for Managers in Utilities, where: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

[1] Maintenance and repair services of office machinery and equipment including computers (CPC 845) are under computer services.

| Sector or sub-sector | Description of reservations |
|---|---|
| **Translation and interpretation services**<br>(CPC 87905, excluding official or certified activities) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FR, HR, IT, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DK, FI, HU, IE, LT, LV, RO, SK**: Economic needs test.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, FR, LU, LV, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, EL, ES, FI, HU, IE, IT, LT, RO, SK**: Economic needs test.<br>In **HR**: Unbound.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Telecommunication services** (CPC 7544, advisory and consulting services only) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, HU, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>In **CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK**: Economic needs test.<br>**CAN**: None, except for Managers, where: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Postal and courier services** (CPC 751, advisory and consulting services only) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, FI, HU, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>In **CY, DE, EE, EL, FR, HR, IE, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, ES, FI, HU, IT, LT, RO, SK**: Economic needs test.<br>**CAN**: None, except for Managers, where: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Construction and related engineering services**<br>(CPC 511, 512, 513, 514, 515, 516, 517 and 518.<br>BG: CPC 512, 5131, 5132, 5135, 514, 5161, 5162, 51641, 51643, 51644, 5165 and 517) | CSS:<br>**EU**: Unbound except in **BE, CZ, DK, ES, FR, NL** and **SE**.<br>In **BE, DK, ES, NL, SE**: None.<br>In **CZ**: Economic needs test.<br>In **FR**: Unbound, except for technicians, where: the work permit is delivered for a period not exceeding six months. Compliance with an economic needs test is required.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Site investigation work**<br>(CPC 5111) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, FI, HU, LT, LV, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Higher education services** (CPC 923) | CSS:<br>**EU** except in **LU, SE**: Unbound.<br>In **LU**: Unbound, except for university professors, where: None.<br>In **SE**: None, except for publicly funded and privately funded educational services suppliers with some form of State support, where: Unbound.<br>**CAN**: Unbound.<br><br>IP:<br>**EU** except in SE: Unbound.<br>In **SE**: None, except for publicly funded and privately funded educational services suppliers with some form of State support, where: Unbound.<br>**CAN**: Unbound. |
| **Agriculture, hunting and forestry** (CPC 881, advisory and consulting services only) | CSS:<br>**EU** except in **BE, DE, DK, ES, FI, HR** and **SE**: Unbound<br>In **BE, DE, ES, HR, SE**: None<br>In **DK**: Economic needs test.<br>In **FI**: Unbound, except for advisory and consulting services relating to forestry, where: None.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Environmental services** (CPC 9401, 9402, 9403, 9404, part of 94060, 9405, part of 9406 and 9409) | CSS:<br>In **BE, CY, EE, ES, FI, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DE, DK, EL, HU, LT, LV, RO, SK**: Economic needs test.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Insurance and insurance related services** (advisory and consulting services only) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, FI, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test except for CSS stays of up to three months.<br>In **HU**: Unbound.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, ES, FI, IT, LT, PL, RO, SK**: Economic needs test.<br>In **HU**: Unbound.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Other financial services** (advisory and consulting services only) | CSS:<br>In **BE, CY, DE, ES, EE, EL, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, FI, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS that stays of up to three months.<br>In **HU**: Unbound.<br>**CAN**: None.<br><br>IP:<br>In **CY, DE, EE, EL, FR, HR, IE, LV, LU, MT, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, ES, FI, IT, LT, NL, PL, RO, SK**: Economic needs test.<br>In **HU**: Unbound.<br>**CAN**: None. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Transport** (CPC 71, 72, 73, and 74, advisory and consulting services only) | CSS:<br>In **CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, HU, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>In **BE**: Unbound.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>In **CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, DK, ES, HU, IT, LT, RO, SK**: Economic needs test.<br>In **PL**: Economic needs test, except for air transport, where: None.<br>In **BE**: Unbound.<br>**CAN**: None, except for Managers, where: Unbound. |

| Sector or sub-sector | Description of reservations |
|---|---|
| **Travel agencies and tour operators services** (including tour managers[1]) (CPC 7471) | CSS:<br>In **AT, CY, CZ, DE, EE, ES, FR, HR, IT, LU, NL, PL, SI, SE, UK**: None.<br>In **BG, EL, FI, HU, LT, LV, MT, PT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>In **BE, IE**: Unbound, except for tour managers, where: None.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |
| **Tourist guides services** (CPC 7472) | CSS:<br>In **SE, UK**: None.<br>In **AT, BE, BG, CY, CZ, DE, DK, EE, FI, FR, EL, HU, IE, IT, LV, LU, MT, NL, RO, SK, SI**: Economic needs test.<br>In **ES, HR, LT, PL, PT**: Unbound.<br>**CAN**: None.<br><br>IP:<br>**EU**: Unbound.<br>**CAN**: Unbound. |

[1] Services suppliers whose function is to accompany a tour group of a minimum of 10 natural persons, without acting as guides in specific locations.

| Sector or sub-sector | Description of reservations |
|---|---|
| **Manufacturing** (CPC 884, and 885, advisory and consulting services only) | CSS:<br>In **BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK**: None.<br>In **AT, BG, CZ, HU, LT, RO, SK**: Economic needs test.<br>In **DK**: Economic needs test, except for CSS stays of up to three months.<br>**CAN**: None, except for Managers, where: Unbound.<br><br>IP:<br>In **CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE, UK**: None.<br>In **AT, BE, BG, CZ, DK, ES, HU, IT, LT, PL, RO, SK**: Economic needs test.<br>**CAN**: None, except for Managers, where: Unbound. |

## ANNEX 10-F

### UNDERSTANDING ON SPOUSES OF INTRA-CORPORATE TRANSFEREES

1. For the Member States of the European Union that are subject to the application of the existing Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer ("ICT Directive"), the European Union shall extend to spouses of Canadian citizens who are intra-corporate transferees to the European Union, the right of temporary entry and stay equivalent to that granted to spouses of intra-corporate transferees under the ICT Directive; and

2. Canada shall extend to spouses of citizens of the European Union who are intra-corporate transferees to Canada treatment that is equivalent to the treatment granted to spouses of Canadian citizens who are intra-corporate transferees in the Member State of origin of the European Union intra-corporate transferee.

# ANNEX 11-A

## GUIDELINES FOR MRAs

### Introduction

This Annex contains guidelines to provide practical guidance to facilitate the negotiation of MRAs with respect to regulated professions. These guidelines are non-binding and they do not modify or affect the rights and obligations of a Party under this Agreement.

### Definitions

For the purposes of this Annex:

**adaptation period** means a period of supervised practice, possibly accompanied by further training, of a regulated profession in the host jurisdiction under the responsibility of a qualified person. This period of supervised practice shall be subject to an assessment. The detailed rules governing the adaptation period, its assessment and the professional status of the person under supervision shall be set out, as appropriate, in the host jurisdiction's law;

**aptitude test means** a test limited to the professional knowledge of applicants, made by the relevant authorities of the host jurisdiction with the aim of assessing the ability of applicants to pursue a regulated profession in that jurisdiction; and

**scope of practice** means an activity or group of activities covered by a regulated profession.

**Form and Content of the MRA**

This Section sets out various issues that may be addressed in a negotiation and, if so agreed, included in final MRAs. It outlines elements that might be required of foreign professionals seeking to benefit from an MRA.

1. Participants

The parties to the MRA should be clearly stated.

2. Purpose of the MRA

The purpose of the MRA should be clearly stated.

3. Scope of the MRA

The MRA should set out clearly:

(a) the scope of the MRA, in terms of the specific professional titles and activities which it covers;

(b) who is entitled to use the professional titles concerned;

(c) whether the recognition mechanism is based on formal qualifications, a licence obtained in the jurisdiction of origin, or on some other requirement; and

(d) whether the MRA allows temporary or permanent access to the profession concerned.

4. Mutual Recognition Provisions

The MRA should clearly specify the conditions to be met for the recognition of qualifications in each jurisdiction and the level of equivalence agreed.

The following four-step process should be considered to simplify and facilitate the recognition of the qualifications.

**Four-Step Process for the Recognition of Qualifications**

Step One: Verification of Equivalency

The negotiating entities should verify the overall equivalence of the scopes of practice or qualifications of the regulated profession in their respective jurisdictions.

The examination of qualifications should include the collection of all relevant information pertaining to the scope of practice rights related to a legal competency to practice or to the qualifications required for a specific regulated profession in the respective jurisdictions.

Consequently, the negotiating entities should:

(a) identify activities or groups of activities covered by the scope of practice rights of the regulated profession; and

(b) identify the qualifications required in each jurisdiction. These may include the following elements:

(i) the minimum level of education required, for example, entry requirements, length of study and subjects studied;

(ii) the minimum level of experience required, for example, location, length and conditions of practical training or supervised professional practice prior to licensing, or the framework of ethical and disciplinary standards;

(iii) examinations passed, especially examinations of professional competency;

(iv) the extent to which qualifications from one jurisdiction are recognised in the other jurisdiction; and

(v) the qualifications which the relevant authorities in each jurisdiction are prepared to recognise, for instance, by listing particular diplomas or certificates issued, or by reference to particular minimum requirements to be certified by the relevant authorities of the jurisdiction of origin, including whether the possession of a certain level of qualification would allow recognition for some activities of the scope of practice but not others (level and length of education, major educational focuses, overall subjects and areas).

There is an overall equivalence between the scope of practice rights or the qualifications of the regulated profession if there are no substantial differences in this regard between jurisdictions.

Step Two: Evaluation of Substantial Differences

There exists a substantial difference in the scope of qualifications required to practice a regulated profession, in cases of:

(a) important differences in the essential knowledge; or

(b) significant differences in the duration or content of the training between the jurisdictions.

There exists a substantial difference in the scope of practice if:

(a) one or more professional activities do not form part of the corresponding profession in the jurisdiction of origin;

(b) these activities are subject to specific training in the host jurisdiction; and,

(c) the training for these activities in the host jurisdiction covers substantially different matters from those covered by the applicant's qualification.

Step Three: Compensatory Measures

If the negotiating entities determine that there is a substantial difference in the scope of practice rights or of qualifications between the jurisdictions, they may determine compensatory measures to bridge the gap.

A compensatory measure may take the form of, among other things, an adaptation period or, if required, an aptitude test.

Compensatory measures should be proportionate to the substantial difference which they seek to address. The negotiating entities should also evaluate any practical professional experience obtained in the jurisdiction of origin to see whether this experience is sufficient to remedy, in whole or in part, the substantial difference in the scope of practice rights or qualifications between the jurisdictions, prior to determining a compensatory measure.

Step Four: Identification of the Conditions for Recognition

Once the assessment of the overall equivalency of the scopes of practice rights or qualifications of the regulated profession is completed, the negotiating entities should specify in the MRA:

(a) the legal competency required to practice the regulated profession;

(b) the qualifications for the regulated profession;

(c) whether compensatory measures are necessary;

(d) the extent to which professional experience may compensate for substantial differences;

(e) a description of any compensatory measure, including the use of any adaptation period or aptitude test.

5. Mechanisms for Implementation

The MRA should state:

(a) the rules and procedures to be used to monitor and enforce the provisions of the agreement;

(b) the mechanisms for dialogue and administrative co-operation between the parties to the MRA; and

(c) the means for individual applicants to address any matters arising from the interpretation or implementation of the MRA.

As a guide to the treatment of individual applicants, the MRA should include details on:

(a) the point of contact for information on all issues relevant to the application, for example, the name and address of the relevant authorities, licensing formalities, information on additional requirements which need to be met in the host jurisdiction;

(b) the duration of the procedures for the processing of applications by the relevant authorities of the host jurisdiction;

(c) the documentation required of applicants and the form in which it should be presented;

(d) acceptance of documents and certificates issued in the host jurisdiction in relation to qualifications and licensing;

(e) the procedures of appeal to or review by the relevant authorities.

The MRA should also include the following commitments by the relevant authorities:

(a) requests about the licensing and qualification requirements and procedures will be promptly dealt with;

(b) adequate time will be provided for applicants to complete the requirements of the application process and of any appeal to or review by the relevant authorities;

(c) exams or tests will be arranged with reasonable frequency;

(d) fees for applicants seeking to take advantage of the terms of the MRA will be commensurate with the costs incurred by the host jurisdiction; and

(e) information will be supplied on any assistance programmes in the host jurisdiction for practical training, and any commitments of the host jurisdiction in that context.

6. Licensing and Other Provisions in the Host Jurisdiction

If applicable, the MRA should also set out the means by which, and the conditions under which, a licence is obtained following the determination of eligibility, and what a licence entails, for example, a licence and its contents, membership of a professional body, use of professional or academic titles. Any licensing requirements other than qualifications should be explained, including requirements relating to:

(a) having an office address, maintaining an establishment or being a resident;

(b) language skills;

(c) proof of good character;

(d) professional indemnity insurance;

(e) compliance with host jurisdiction's requirements for use of trade or firm names; and

(f) compliance with host jurisdiction ethics, for example, independence and good conduct.

To ensure transparency, the MRA should include the following details for each host jurisdiction:

(a) the relevant law to be applied, for example, regarding disciplinary action, financial responsibility or liability;

(b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and any consequential effects on practicing professional activities;

(c) the means for the ongoing verification of competence; and

(d) the criteria for, and procedures relating to, revocation of the registration.

7. Revision of the MRA

If the MRA includes terms under which the MRA can be reviewed or revoked, the details should be clearly stated.

8. Transparency

The Parties should:

(a) make publicly available the text of MRAs which have been concluded; and,

(b) notify each other of any modifications to qualifications that may affect the application or implementation of an MRA. If possible, a Party should be given an opportunity to comment on the modifications of the other Party.

# ANNEX 13-A

## CROSS-BORDER TRADE IN FINANCIAL SERVICES

**Schedule of Canada**

Insurance and insurance-related services

1. Article 13.7.1 applies to the cross-border supply of or trade in financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) insurance of risks relating to:

      (i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

      (ii) goods in international transit;

   (b) reinsurance and retrocession;

   (c) services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1; and

(d) insurance intermediation, such as brokerage and agency, of insurance risks related to the services listed in subparagraphs (a) and (b).

Banking and other financial services (excluding insurance)

2. Article 13.7.1 applies to the cross-border supply of or trade in financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

(b) advisory, and other auxiliary financial services as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but excluding intermediation as described in that subparagraph.

Portfolio Management Services

3. Article 13.7.1 applies to the cross-border supply or trade in financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to the supply of the following services to a collective investment scheme located in its territory:

(a) investment advice; and

(b) portfolio management services, excluding:

(i) custodial services;

(ii) trustee services; or

(iii) execution services.

4. For the purposes of this commitment, portfolio management means managing portfolios in accordance with mandates given by clients on a discretionary client-by-client basis if such portfolios include one or more financial instruments.

5. A collective investment scheme means investment funds or fund management companies regulated or registered under relevant securities laws and regulations. Notwithstanding paragraph 3, Canada may require a collective investment scheme located in Canada to retain ultimate responsibility for the management of the collective investment scheme or the funds that it manages.

6. Reservations for non-conforming measures set out by Canada in its Schedule to Annex III do not apply to paragraphs 3 through 5.

**Schedule of the European Union**
**(applicable to all Member States of the European Union unless otherwise indicated)**

Insurance and insurance-related services

1. With the exception of **CY, EE, LV, LT, MT** and **PL**[1], Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) insurance of risks relating to:

      (i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

      (ii) goods in international transit;

   (b) reinsurance and retrocession;

   (c) services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1; and

   (d) insurance intermediation, such as brokerage and agency, of insurance risks related to the services listed in subparagraphs (a) and (b).

[1] The abbreviations used in this Annex are defined in paragraph 8 of the Headnote to Annex I (Reservations for Existing Measures and Liberalisation Commitments).

2. For **CY**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) direct insurance services (including co-insurance) for the insurance of risks relating to:

      (i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

      (ii) goods in international transit;

   (b) insurance intermediation;

   (c) reinsurance and retrocession; and

   (d) services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1.

3. For **EE**, Article 13.7.1. applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) direct insurance (including co-insurance);

   (b) reinsurance and retrocession;

   (c) insurance intermediation; and

   (d) services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1.

4. For **LV** and **LT**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) insurance of risks relating to:

      (i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

      (ii) goods in international transit;

   (b) reinsurance and retrocession; and

   (c) services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1.

5. For **MT**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) insurance of risks relating to:

      (i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

      (ii) goods in international transit;

   (b) reinsurance and retrocession; and

(c) services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1.

6. For **PL**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) insurance of risks relating to goods in international trade; and

(b) reinsurance and retrocession of risks relating to goods in international trade.

Banking and other financial services (excluding insurance and insurance-related services)

7. With the exception of **BE, CY, EE**, **LV, LT**, **MT, SI** and **RO**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

(b) advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that sub-subparagraph.

8. For **BE**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1.

9. For **CY**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) the trading for own account or for the account of customers, whether on an exchange, in an over-the-counter market or otherwise, of transferrable securities;

   (b) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

   (c) advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that subparagraph.

10. For **EE** and **LT**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

   (a) acceptance of deposits;

   (b) lending of all types;

   (c) financial leasing;

   (d) all payment and money transmission services;

   (e) guarantees and commitments;

   (f) trading for own account or for account of customers, whether on an exchange or in an over-the-counter market;

(g) 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;
(h) money broking;

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

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

(k) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

(l) advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that subparagraph.

11. For **LV**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) 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;

(b) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

(c) advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that subparagraph.

12. For **MT**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) the acceptance of deposits;

(b) lending of all types;

(c) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

(d) advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that subparagraph.

13. For **RO**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) acceptance of deposits;

(b) lending of all types;

(c) guarantees and commitments;

(d) money broking;

(e) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

(f) advisory, and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that sub-subparagraph.

14. For **SI**, Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to:

(a) lending of all types;

(b) the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;

(c) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

(d) advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that sub-subparagraph.

Portfolio Management Services

15. Article 13.7.1 applies to the cross-border supply of financial services, as defined in subparagraph (a) of the definition of cross-border supply of financial services in Article 13.1, with respect to portfolio management services to a European Union professional client located in the European Union, by a Canadian financial institution organised in Canada following a transitional period of four years from the entry into force of this Agreement. For greater certainty, this commitment is subject to the European Union prudential regulatory regime including equivalence assessment[1];

16. For the purposes of this commitment:

    (a) portfolio management means managing portfolios in accordance with mandates given by clients on a discretionary client-by-client basis where such portfolios include one or more financial instruments;

    (b) portfolio management services do not include:

        (i) custodial services;

        (ii) trustee services; or

        (ii) execution services; and

    (c) in the European Union professional clients are those defined under point 1, letter e) of Section I of Annex II of Directive 2004/39/EC of 21 April 2004 on markets in financial instruments.

[1] This means that once the European Commission has adopted the equivalence decision related to portfolio management and a Canadian financial institution has satisfied other European Union prudential requirements, this financial institution may provide discretionary portfolio management services to a European Union professional client without being established in the European Union. Furthermore, measures of Member States of the European Union restricting or prohibiting cross-border portfolio management including reservations in its Schedules to Annexes I and II shall no longer apply to this commitment.

## ANNEX 13-B

## UNDERSTANDING ON THE APPLICATION OF ARTICLES 13.16.1 AND 13.21

The Parties recognise that prudential measures strengthen domestic financial systems, encourage sound, efficient and robust institutions, markets and infrastructure, and promote international financial stability by facilitating better-informed lending and investment decisions, improving market integrity and reducing the risks of financial distress and contagion.

As a result, the Parties have agreed to a prudential carve-out in Article 13.16.1 allowing the Parties to adopt or maintain measures for prudential reasons, and have provided a role for the Financial Services Committee, established pursuant to Article 26.2.1(f), in determining whether, and if so, to what extent the prudential carve out applies in investment disputes in financial services pursuant to Article 13.21.

**Process relating to Article 13.21**

1. The Financial Services Committee, in its role in investment disputes pursuant to Article 13.21, shall decide whether and, if so, to what extent the prudential carve-out is a valid defence to a claim.

2. The Parties undertake to act in good faith. Each Party shall present its position to the Financial Services Committee within 60 days of the referral to the Financial Services Committee.

3. If the non-disputing Party notifies the Financial Services Committee within the 60 day period in paragraph 2 that it has launched an internal determination process on this matter, the period of time referred to in paragraph 2 is suspended until that Party notifies the Financial Services Committee of its position. A suspension beyond six months is considered as a breach of the good faith undertaking.

4. If the respondent does not provide its position to the Financial Services Committee within the period of time referred to in paragraph 2, the suspension of the periods of time or proceedings referred to in Article 13.21.3 no longer applies and the investor may proceed with its claim.

5. If the Financial Services Committee is unable to adopt a decision on a joint determination within 60 days in relation to a specific investor-state dispute concerning a prudential measure, the Financial Services Committee shall refer the matter to the CETA Joint Committee[1]. This period of 60 days commences from the moment the Financial Services Committee receives the positions of the Parties pursuant to paragraph 2.

6. The joint determination of the Financial Services Committee or of the CETA Joint Committee is binding on the Tribunal only in the dispute in question. The joint determination does not constitute a binding precedent for the Parties with respect to the scope and application of the prudential carve-out or other terms of this Agreement.

7. Unless the CETA Joint Committee decides otherwise, if the CETA Joint Committee does not reach an agreement within three months of a referral of the matter by the Financial Services Committee pursuant to paragraph 5, each Party shall make its position available to the Tribunal that arbitrates the dispute in question. The Tribunal shall take into account this record in reaching a decision.

**High level principles**

8. The Parties agree that the application of Article 13.16.1 by the Parties and by tribunals should be guided by the following principles, which are not exhaustive:

   (a) Party may determine its own appropriate level of prudential regulation. Specifically, a Party may establish and enforce measures that provide a higher level of prudential protection than those set out in common international prudential commitments;

   (b) relevant considerations in determining whether a measure meets the requirements of Article 13.16.1 include the extent to which a measure may be required by the urgency of the situation and the information available to the Party at the time when the measure was adopted;

[1] Each Party shall ensure that its representation in the CETA Joint Commission for this purpose includes financial services authorities.

(c) given the highly specialised nature of prudential regulation, those applying these principles shall defer to the highest degree possible to regulations and practices in the Parties' respective jurisdictions and to the decisions and factual determinations, including risk assessments, made by financial regulatory authorities;

(d) (i) except as provided in subparagraph (ii), a measure is deemed to meet the requirements of Article 13.16.1 if it:

(A) has a prudential objective; and

(B) is not so severe in light of its purpose that it is manifestly disproportionate to the attainment of its objective; and

(ii) a measure that otherwise meets the requirements of subparagraph (i) does not meet the requirements of Article 13.16.1 if it is a disguised restriction on foreign investment or an arbitrary or unjustifiable discrimination between investors in like situations;

(e) provided that a measure is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between investors in like situations, or a disguised restriction on foreign investment, that measure is deemed to meet the requirements of Article 13.16.1 if it is:

(i) in line with international prudential commitments that are common to the Parties;

(ii) in pursuance of the resolution of a financial institution that is no longer viable or likely to be no longer viable;

(iii) in pursuance of the recovery of a financial institution or the management of a financial institution under stress; or

(iv) in pursuance of the preservation or the restoration of financial stability, in response to a system-wide financial crisis.

**Periodic Review**

9. The Financial Services Committee may, by consent of both Parties, amend this Understanding at any time. The Financial Services Committee should review this Understanding at least every two years.

In this context, the Financial Services Committee may develop a common understanding on the application of Article 13.16.1, on the basis of the dialogue and discussions held in the Committee in relation to specific disputes and mindful of international prudential commitments that are common to the Parties.

## ANNEX 13-C

### UNDERSTANDING ON THE DIALOGUE ON THE REGULATION OF THE FINANCIAL SERVICES SECTOR

The Parties reaffirm their commitment to strengthening financial stability. The dialogue on the regulation of the financial services sector within the Financial Services Committee shall be based on the principles and prudential standards agreed at the multilateral level. The Parties undertake to focus the discussion on issues with cross-border impact, such as cross-border trade in securities (including the possibility of taking further commitments on portfolio management), the respective frameworks for covered bonds and for collateral requirements in reinsurance, and to discuss issues related to the operation of branches.