

Annex II: Schedule of Canada – Text of the 2023 Canada - Ukraine Free Trade Agreement

The 2017 CUFTA will remain in force until entry into force of the 2023 modernized agreement. Until such time, please refer to the [2017 CUFTA text](#) for information on the existing trade agreement between Canada and Ukraine.

Sub-Sector:

Obligations Concerned:

National Treatment (Articles 17.6 and 18.3)

Most-Favoured-Nation Treatment (Articles 17.7 and 18.4)

Performance Requirements (Article 17.12)

Senior Management and Boards of Directors (Article 17.13)

Description:**Investment and Cross-Border Trade in Services**

[1. Canada reserves the right to adopt or maintain measures with respect to the rights or preferences provided to Aboriginal peoples, including those recognized and affirmed by section 35 of the Constitution Act, 1982 or those set out in self-government agreements between a central or regional level of government and Indigenous peoples.](#)[Footnote1](#)

Existing Measures:

Constitution Act, 1982, being Schedule B of the *Canada Act 1982* (U.K.), 1982, c. 11, as well as land claims agreements and self-government agreements that have been implemented by statute.

Reservation II-C-2

Sector:

All Sectors

Sub-Sector:

Obligations Concerned:

National Treatment (Article 17.6)

Description:

Investment

Canada reserves the right to adopt or maintain a measure relating to residency requirements for the ownership of oceanfront land by an investor of Ukraine or its investments.

Existing Measures:

Reservation II-C-3

Sector:

Fisheries

Sub-Sector:

Fishing and Services Incidental to Fishing

Obligations Concerned:

National Treatment (Articles 17.6 and 18.3)

Most-Favoured Nation Treatment (Articles 17.7 and 18.4)

Description:

Investment and Cross-Border Trade in Services

1. Canada reserves the right to adopt or maintain any measure with respect to licensing or otherwise authorizing fishing or fishing related activities, including entry of foreign fishing vessels to Canada's exclusive economic zone, territorial sea, internal waters, or ports, and use of any services therein.

2. Canada shall endeavour to accord to vessels entitled to fly the flag of Ukraine treatment no less favourable than the treatment it accords, in like situations, to vessels entitled to fly the flag of any other foreign State.

Existing Measures:

Fisheries Act, R.S.C. 1985, c. F14

Coastal Fisheries Protection Act, R.S.C. 1985, c.33

Coastal Fisheries Protection Regulations, C.R.C. 1978, c. 413

Commercial Fisheries Licensing Policy

Policy on Foreign Investment in the Canadian Fisheries Sector, 1985

Reservation II-C-4

Sector:

Government Finance

Sub-Sector:

Securities

Obligations Concerned:

National Treatment (Article 17.6)

Description:

Investment

Canada reserves the right to adopt or maintain a measure relating to the acquisition, sale, or other disposition by a national of Ukraine of bonds, treasury bills, or other kinds of debt securities issued by the Government of Canada or a Canadian sub-national government.

Existing Measures:

Financial Administration Act, R.S.C. 1985, c. F-11

Reservation II-C-5

Sector:

Minority Affairs

Sub-Sector:

Obligations Concerned:

National Treatment (Articles 17.6 and 18.3)

Performance Requirements (Article 17.12)

Senior Management and Boards of Directors (Article 17.13)

Description:

Investment and Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure conferring rights or privileges to a socially or economically disadvantaged minority.

Existing Measures:

Reservation II-C-6

Sector:

Social Services

Sub-Sector:

Obligations Concerned:

National Treatment (Articles 17.6 and 18.3)

Most-Favoured-Nation Treatment (Articles 17.7 and 18.4)

Performance Requirements (Article 17.12)

Senior Management and Boards of Directors (Article 17.13)

Description:

Investment and Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure with respect to the supply of public law enforcement and correctional services, as well as the following services to the extent they are social services established or maintained for a public purpose: income security or insurance; social security or insurance; social welfare; public education; public training; health; and child care.

Existing Measures:

Reservation II-C-7

Sector:

Transportation

Sub-Sector:

Water Transportation

Obligations Concerned:

National Treatment (Articles 17.6 and 18.3)

Most-Favoured-Nation Treatment (Articles 17.7 and 18.4)

Performance Requirements (Article 17.12)

Senior Management and Boards of Directors (Article 17.13)

Description:

Investment and Cross-Border Trade in Services

1. Canada reserves the right to adopt or maintain a measure affecting the investment in or supply of marine cabotage services, including:

(a) the transportation of goods or passengers by vessel between points in the territory of Canada or above the continental shelf of Canada, directly or by way of a place outside Canada; but with respect to waters above the continental shelf of Canada, the transportation of goods or passengers only in relation to the exploration, exploitation, or transportation of the mineral or non-living natural resources of the continental shelf of Canada; and

(b) engaging by vessel in any other marine activity of a commercial nature in the territory of Canada and, with respect to waters above the continental shelf, in such other marine activities of a commercial nature that are in relation to the exploration, exploitation, or transportation of the mineral or non-living natural resources of the continental shelf of Canada.

2. This reservation relates, among other things, to limitations and conditions for services suppliers entitled to participate in these activities, to criteria for the issuance of a temporary cabotage license to foreign vessels, and to limits on the number of cabotage licenses issued to foreign vessels.

3. For greater certainty, this reservation applies, among other things, to marine activities of a commercial nature undertaken by or from a vessel, including feeder services and repositioning of empty containers.

Existing Measures:

Coasting Trade Act, S.C. 1992, c. 31

Canada Shipping Act, S.C. 2001, c.26

Customs Act, R.S.C. 1985, c.1 (2nd Supp.)

Customs and Excise Offshore Application Act, R.S.C. 1985, c. C-53

Reservation II-C-8

Sector:

Transportation

Sub-Sector:

Water Transportation

Obligations Concerned:

Most-Favoured-Nation Treatment (Article 18.4)

Description:

Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure relating to the implementation of an agreement, arrangement, or other formal or informal undertaking with other countries with respect to maritime activities in waters of mutual interest in areas such as pollution control (including double hull requirements for oil tankers), safe navigation, barge inspection standards, water quality, pilotage, salvage, drug abuse control, or maritime communications.

Existing Measures:

Reservation II-C-9

Sector:

Water Transportation

Sub-Sector:

Technical Testing and Analysis Services

Obligations Concerned:

National Treatment (Articles 17.6 and 18.3)

Most-Favoured-Nation Treatment (Articles 17.7 and 18.4)

Description:**Investment and Cross-Border Trade in Services**

1. Canada reserves the right to adopt or maintain a measure affecting the statutory inspection and certification of a vessel on behalf of Canada.

2. For greater certainty, only a person, classification society, or other organization authorized by Canada may carry out statutory inspections and issue Canadian Maritime Documents to Canadian-registered vessels and their equipment on behalf of Canada.

Existing Measures:

Reservation II-C-10

Sector:

All Sectors

Sub-Sector:

Obligations Concerned:

Most-Favoured-Nation Treatment (Articles 17.7 and 18.4)

Description:**Investment and Cross-Border Trade in Services**

1. Canada reserves the right to adopt or maintain a measure that accords differential treatment to countries under any international agreement in force or signed prior to the date of entry into force of this Agreement.

2. Canada reserves the right to adopt or maintain a measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Existing Measures:

Reservation II-C-11

Sector:

All

Sub-Sector:

Obligations Concerned:

Market Access (Article 18.5)

Description:

Cross-Border Trade in Services

1. Canada reserves the right to adopt or maintain a measure that is not inconsistent with:

(a) Canada's obligations under Article XVI of GATS, including obligations resulting from future amendments to Canada's Schedule to Article XVI of GATS; and

(b) Canada's Schedule of Specific Commitments under GATS (GATS/SC/16, GATS/SC/16/Suppl.1, GATS/SC/16/Suppl.1/Rev.1, GATS/SC/16/Suppl.2, GATS/SC/16/Suppl.2/Rev.1, GATS/SC/16/ Suppl.3, GATS/SC/16/Suppl.4 and GATS/SC/16/Suppl.4/Rev.1).

2. This entry applies to measures adopted or maintained that affect the supply of a service by a covered investment pursuant to Article 18.5 (Market Access). For purposes of this entry only, Canada's Schedule of Specific Commitments is modified as indicated in Appendix I of this Annex.

Existing Measures:

Appendix I

For the following sectors, Canada's obligations under Article XVI of GATS are modified as described.

Sector/Sub-sector	Market Access Improvements
-------------------	----------------------------

Accounting, auditing, and book-keeping services	<p>Under Mode 1 remove:</p> <p>Auditing</p> <ul style="list-style-type: none"> - Commercial presence requirement: Nova Scotia. - Citizenship requirement for accreditation: Manitoba, Quebec. - Permanent residence requirement for accreditation: Ontario. <p>Under Mode 2 remove:</p> <p>Auditing</p> <ul style="list-style-type: none"> - Commercial presence requirement: Nova Scotia. - Citizenship requirement for accreditation: Manitoba, Quebec. - Permanent residence requirement for accreditation: Ontario.
Architectural services	<p>Under Mode 1 remove:</p> <p>Architects</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Quebec.
Engineering services	<p>Under Mode 1 remove:</p> <p>Consulting Engineers</p> <ul style="list-style-type: none"> - Commercial presence requirement for accreditation: Manitoba. <p>Engineers</p> <ul style="list-style-type: none"> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec. <p>Under Mode 2 remove:</p> <p>Consulting Engineers</p> <ul style="list-style-type: none"> - Commercial presence requirement for accreditation: Manitoba. <p>Engineers</p> <ul style="list-style-type: none"> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec.
Integrated engineering services	<p>Under Mode 1 remove:</p> <p>Consulting Engineers</p>

	<ul style="list-style-type: none"> - Commercial presence requirement for accreditation: Manitoba. <p>Engineers</p> <ul style="list-style-type: none"> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec. <p>Under Mode 2 remove:</p> <p>Consulting Engineers</p> <ul style="list-style-type: none"> - Commercial presence requirement for accreditation: Manitoba. <p>Engineers</p> <ul style="list-style-type: none"> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec.
Urban planning and landscape architectural services	<p>Under Mode 1 remove:</p> <p>Community/Urban Planning</p> <ul style="list-style-type: none"> - Citizenship requirement for use of title: Quebec.
Real estate services	<p>Under Mode 1 remove:</p> <p>Chartered Appraisers</p> <ul style="list-style-type: none"> - Citizenship requirement for use of title: Quebec.
Management consulting services	<p>Under Mode 1 remove:</p> <p>Agrologists</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Quebec. <p>Professional Administrators and Certified Management Consultants</p> <ul style="list-style-type: none"> - Citizenship requirement for use of title: Quebec Professional Corporation of Administrators. <p>Industrial Relations Counsellors</p> <ul style="list-style-type: none"> - Citizenship requirement for use of title: Quebec. <p>Under Mode 2 remove:</p> <p>Agrologists</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Quebec.
Investigation and	<p>Under Mode 3 remove:</p>

security services	<p>Business and Personnel Information Investigations</p> <ul style="list-style-type: none"> - Foreign ownership restriction to 25 percent in total and 10 percent by any individual holding shares: Ontario.
Related scientific and technical consulting services	<p>Under Mode 1 remove:</p> <p>Land Surveyors</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Nova Scotia, Quebec. <p>Subsurface Surveying Services</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Quebec. <p>Professional Technologist</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Quebec. <p>Chemists</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Quebec. <p>Under Mode 2 remove:</p> <p>Land Surveyors</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Nova Scotia, Quebec. <p>Subsurface Surveying Services</p> <ul style="list-style-type: none"> - Citizenship requirement for accreditation: Quebec.
Other business services	<p>Under Mode 1 remove:</p> <p>Certified Translators and Interpreters</p> <ul style="list-style-type: none"> - Citizenship requirement for use of title: Quebec. <p>Under Mode 2 remove:</p> <p>Certified Translators and Interpreters</p> <ul style="list-style-type: none"> - Citizenship requirement for use of title: Quebec. <p>Under Mode 3 remove:</p> <p>Collection Agencies</p> <ul style="list-style-type: none"> - Foreign ownership restriction to 25 percent in total and 10 percent by any individual: Ontario.
Courier services	Under Mode 3 remove:

	<p>- Economic needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service; and the fitness, willingness, and ability of the applicant to supply proper service.): Nova Scotia, Manitoba.</p>
General construction work for civil engineering	<p>Under Mode 3 remove: Construction</p> <p>- An applicant and holder of a water power site development permit must be incorporated in Ontario.</p>
Wholesale trade services	<p>Under Mode 1 remove</p> <p>Marketing of Fish Products (Nova Scotia): Nova Scotia residents require ministerial approval to enter into agreements with non-residents.</p>
Railway passenger and freight transport	<p>Under Mode 1 remove:</p> <p>- cabotage limitation</p>
Road passenger transportation	<p>Under Mode 3 remove:</p> <p>Interurban bus transport and scheduled services:</p> <p>- Public convenience and needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service; and the fitness, willingness, and ability of the applicant to supply proper service.): Prince Edward Island.</p>
Road freight transportation	<p>Under Mode 3 remove: Highway freight transportation</p>

	<p>- Public convenience and needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service; and the fitness, willingness, and ability of the applicant to supply proper service.): British Columbia, Manitoba, Ontario, Prince Edward Island, Nova Scotia.</p>
Telecommunications	<p>Under Mode 3 remove:</p> <p>Nova Scotia: no person may vote more than 1,000 shares of Maritime Telegraph and Telephone Ltd.</p>