

Annex II: Schedule of Ukraine – 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.

Reservation II-U-1

Sector:

All Sectors

Sub-Sector:

Obligations Concerned:

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

Description:

Cross-Border Trade in Services and Investment

1. Ukraine reserves the right to adopt or maintain any 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. Ukraine reserves the right to adopt or maintain any 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) Air services;
 - (b) Maritime and services auxiliary to maritime and port matters;
 - (c) Land transport matters;

Reservation II-U-2

Sector:

Services related to Strategic Industries

Sub-Sector:

Obligations Concerned:

National Treatment (Article 17.6)

Measures:

CMU Resolution "Some issues of the development of the industrial complex of Ukraine" (draft at the stage of approval)

Description:**Investment**

Ukraine reserves the right to adopt or maintain any measure related to the participation of enterprises and government authorities in the privatization of Ukrainian enterprises that belongs to strategic industries.

Reservation II-U-3

Sector:

Certain Sectors

Sub-Sector:

Obligations Concerned:

Market Access (Article 18.5)

National Treatment (Articles 18.3 and 17.6)

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

1. For the sectors listed in Appendix I, Ukraine reserves the right to adopt or maintain a measure that is not inconsistent with:

- (a) Ukraine's obligations under Articles XVI and XVII of the GATS; and
- (b) Ukraine's Schedule of Specific Commitments under the GATS (GATS/SC/144).

For greater certainty, 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). This reservation does not apply to Market Access (Article 18.5) or National Treatment (Articles 18.3 and 17.6) reservations listed in Annex I.

Reservation II-U-4

Sector:

Water Transportation

Sub-Sector:

Technical Testing and Analysis Services

Obligations Concerned:

National Treatment (Articles 18.3 and 17.6)

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

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

1. Ukraine reserves the right to adopt or maintain a measure affecting the statutory inspection and certification of a vessel on behalf of Ukraine.
2. For greater certainty, only a person, classification society or other organization authorized by Ukraine may carry out statutory inspections and issue Ukrainian Maritime Documents to Ukrainian registered vessels and their equipment on behalf of Ukraine

Reservation II-U-5

Sector:

Transport Services

Sub-Sector:

Rail Transport Services

Obligations Concerned:

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

Measures:

Law of Ukraine "On Licensing of Economic Activity Types" on 02.03.2015 № 222-VII

Law of Ukraine "On Forwarding Activities" on 01.07.2004 № 1955-IV

Law of Ukraine "On Transport" on 10.11.1994 № 232/94-BP

Law of Ukraine "On Natural Monopolies" on 20.04.2000 № 1682-III

Law of Ukraine "On Railway Transport" on 04.07.1996 № 273/96-BP

Economic Code of Ukraine on 16.01.2003 № 436-IV

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

Transportation is carried out under existing agreements which govern access and/or traffic rights and the terms of conduct of this kind of economic activity in the territory of Ukraine or between the countries which are parties to the corresponding agreements.

Reservation II-U-6

Sector:

Transport Services

Sub-Sector:

Road Transport Services

Obligations Concerned:

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

Measures:

Law of Ukraine "On Licensing of Economic Activity Types" on 02.03.2014 № 222-VII

Law of Ukraine "On Forwarding Activities" on 01.07.2004 № 1955-IV

Law of Ukraine "On Transport" on 10.11.1994 № 232/94-BP

Law of Ukraine "On Road Transport" on 05.04.2001 № 2344-III

Economic Code of Ukraine on 16.01.2003 № 436-IV

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

Transportation is carried out under existing agreements, which reserve and/or restrict the supply of this kind of transportation services and specify the terms and conditions of this supply, including transit permits and/or preferential road taxes, in the territory of Ukraine or across the borders of Ukraine.

Appendix I

This Appendix lists the sectors/subsectors in which Ukraine has the GATS limitations with respect to Market Access (Article 18.5) or National Treatment

(Articles 18.3 and 17.6), or in which Ukraine has taken no commitment under the GATS, and would like to preserve policy flexibility under this Agreement.

Sector/Sub-sector:

- (a) Services provided by midwives, nurses, physiotherapists and paramedical personnel
- (b) Investigation and security services
- (c) Photographic services
- (d) Health related and social services
- (e) Recreational, cultural, and sporting services (excluding News agency services)
- (f) Maritime transport services (excluding port services available to international maritime transport services suppliers – pilotage; towing and tug assistance; provisioning, fueling and watering; garbage collecting and ballast waste disposal; Port Captain's services; navigation aids; shore-based operational services essential to ship operations, including communications, water and electrical supplies; emergency repair facilities; anchorage, berth and berthing services; maritime agency; and maritime freight forwarding services)
- (g) International Maritime Transport Services (excluding liner shipping; bulk, tramp, and other international shipping, including passenger transportation; and certain requirements related to the establishment of registered companies)
- (h) Internal waterways transport (excluding rental services of vessels with crew; maintenance and repair of vessels; pushing and towing services; and supporting services for internal water transport)
- (i) Air transport services (excluding aircraft repair and maintenance; and selling and marketing of air transport services)
- (j) Space transport
- (k) Rail transport services (excluding maintenance and repair of railway transportation equipment; and supporting services for railway transportation services)
- (l) Road transport services (excluding certain registration of legal entity requirements for passenger and freight transport; rental of commercial vehicles with operator; maintenance and repair of road transport equipment; and supporting services for road transport services)
- (m) Services auxiliary to all modes of transport (excluding the establishment of cargo handling, storage and warehouse, and freight transport agency services)
- (n) Other services not elsewhere specified
 - - Beauty and Physical Well-Being Services (CPC Ver. 1.0: 972)

- - Massage Services excluding Therapeutic Massage (part of CPC Ver. 1.0: 97230) [Footnote1](#)
- - Spa Services (part of CPC Ver. 1.0: 97230) [Footnote1](#), including Spa Management Services
- - Hairdressing and other beauty services (CPC 9702)