

Chapter 11: Government Procurement – 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.

Article 11.1: Incorporation and Application of Certain Provisions of the GPA 2012

1. Articles I to IV, VI to XV, XVI(1) to XVI(3), and XVII to XVIII set forth in the Annex to the *Protocol Amending the Agreement on Government Procurement*, done at Geneva on 30 March 2012, (“GPA 2012”) are incorporated into and made part of this Agreement.
2. The articles of the GPA 2012 incorporated into this Agreement under paragraph 1, as well as Articles 11.2, 11.3, 11.4 and 11.5, shall apply to the Parties’ annexes to their Market Access Schedule for this Chapter.
3. Further to Article 1.4 (Reference to Other Agreements), amendments to the articles of the GPA 2012 incorporated into this Agreement under paragraph 1 are also incorporated into this Agreement, except as decided by the Parties.

Article 11.2: Environmental, Socio- Economic, and Labour-related Considerations

1. The Parties recognize the role of government procurement in:

- (a) advancing environmental and climate change objectives, including those set out in the *Paris Agreement*, done in Paris on 12 December 2015;
- (b) creating opportunities for socially or economically disadvantaged groups; and
- (c) promoting internationally recognized labour principles and rights, including those set out in the International Labour Organization Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022.

2. For greater certainty, a Party, including its procuring entities, may take into account environmental, socio-economic, or labour-related considerations in the procurement process, including through conditions for participation, technical specifications, or evaluation criteria, provided that those considerations are consistent with Article IV(1) and (2) of the GPA 2012 and do not constitute an unnecessary obstacle to international trade.

Article 11.3: Ensuring Integrity in Procurement Practices

1. Each Party shall ensure that criminal, civil, or administrative measures exist to address corruption, fraud, and other wrongful acts in its government procurement.

2. The criminal, civil, or administrative measures may include procedures to debar, suspend, or declare ineligible from participation in a Party's procurements, for a stated period of time, a supplier that the Party has determined to have engaged in corruption, fraud, or other wrongful acts relevant to a supplier's eligibility to participate in the Party's government procurement.

3. Each Party shall adopt or maintain measures to address potential conflicts of interest on the part of those engaged in or having influence over a procurement.

Article 11.4: Facilitation of Participation by Small and Medium Sized Enterprises

1. The Parties recognize the important contribution that small and medium sized enterprises (SMEs) can make to economic growth and employment and, accordingly, the importance of facilitating the participation of SMEs in government procurement.

2. To facilitate participation by SMEs in covered procurement, each Party shall, to the extent possible and if appropriate:

- (a) ensure that information on how to participate in government procurement is readily available;
- (b) endeavour to make all tender documentation available free of charge;
- (c) conduct procurement by electronic means, including through new information and communication technologies;
- (d) consider the size, design, and structure of the procurement, including subcontracting with SMEs; and
- (e) promote prompt payment upon satisfactory provision of the goods or services.

Article 11.5: Cooperation in Government Procurement

1. The Parties recognize the importance of cooperation between them in helping to ensure the effective implementation of this Chapter. Taking into account the available and existing instruments, resources, and mechanisms, the Parties shall, to the extent possible, cooperate and exchange information, including through networks, seminars, and workshops, in matters such as:

- (a) sustainable procurement practices; and

- (b) streamlining and simplifying procurement processes to facilitate the participation of suppliers in government procurement.

Annex 11-A: Market Access Schedule of Canada

Annex 11-A.1: Central Government Entities

Unless otherwise specified, this Chapter covers procurement by entities listed in this Annex, subject to the following thresholds:

Thresholds: 130,000 SDRs - Goods

130,000 SDRs - **Services**

5,000,000 SDRs - **Construction Services**

List of Entities:

1. Atlantic Canada Opportunities Agency (on its own account)
2. Canada Border Services Agency
3. Canada Employment Insurance Commission
4. Canada Industrial Relations Board
5. Canada Revenue Agency
6. Canada School of Public Service
7. Canadian Centre for Occupational Health and Safety
8. Canadian Energy Regulator
9. Canadian Food Inspection Agency
10. Canadian Human Rights Commission
11. Canadian Institutes of Health Research
12. Canadian Intergovernmental Conference Secretariat
13. Canadian International Trade Tribunal
14. Canadian Nuclear Safety Commission
15. Canadian Radio-television and Telecommunications Commission (on its own account)
16. Canadian Transportation Accident Investigation and Safety Board
17. Canadian Transportation Agency (on its own account)

18. Civilian Review and Complaints Commission for the Royal Canadian Mounted Police
19. Copyright Board
20. Correctional Service of Canada
21. Courts Administration Service
22. Department of Agriculture and Agri-Food
23. Department of Canadian Heritage
24. Department of Citizenship and Immigration
25. Department of Employment and Social Development
26. Department of Finance
27. Department of Fisheries and Oceans
28. Department of Foreign Affairs, Trade and Development
29. Department of Health
30. Department of Crown-Indigenous Relations and Northern Affairs
31. Department of Industry
32. Department of Justice
33. Department of National Defence
34. Department of Natural Resources
35. Department of Public Safety and Emergency Preparedness
36. Department of Public Works and Government Services (on its own account)
37. Department of the Environment
38. Department of Transport
39. Department of Veterans Affairs
40. Department of Western Economic Diversification (on its own account)
41. Director of Soldier Settlement
42. Director, The Veterans' Land Act
43. Economic Development Agency of Canada for the Regions of Quebec
44. Immigration and Refugee Board
45. Library and Archives of Canada
46. National Battlefields Commission
47. National Farm Products Council
48. National Research Council of Canada
49. Natural Sciences and Engineering Research Council
50. Northern Pipeline Agency (on its own account)

51. Office of Infrastructure of Canada
52. Office of the Auditor General
53. Office of the Chief Electoral Officer
54. Office of the Commissioner for Federal Judicial Affairs
55. Office of the Commissioner of Official Languages
56. Office of the Co-ordinator, Department for Women and Gender Equity
57. Office of the Governor General's Secretary
58. Office of the Superintendent of Financial Institutions
59. Offices of the Information and Privacy Commissioners of Canada
60. Parks Canada Agency
61. Parole Board of Canada
62. Patented Medicine Prices Review Board
63. Privy Council Office
64. Public Health Agency of Canada
65. Public Service Commission
66. Public Service Labour Relations and Employment Board
67. Registrar of the Supreme Court of Canada
68. Registry of the Competition Tribunal
69. Royal Canadian Mounted Police
70. Royal Canadian Mounted Police External Review Committee
71. Shared Services Canada
72. Social Sciences and Humanities Research Council
73. Statistics Canada
74. Transportation Appeal Tribunal of Canada
75. Treasury Board of Canada Secretariat

Note to Annex 11-A.1

No entity listed in Annex 11-A.1 has the power to create subordinate entities.

Annex 11-A.2: Other Entities

Unless otherwise specified, this Chapter covers procurement by the entities listed in this Annex, subject to the following thresholds:

Thresholds: 355,000 SDRs - Goods

355,000 SDRs - Services

5,000,000 SDRs - Construction Services

List of Enterprises:

1. Canada Post Corporation
2. Canadian Museum of History
3. Canadian Museum of Nature
4. Canadian Tourism Commission
5. Defence Construction (1951) Ltd.
6. National Capital Commission
7. National Gallery of Canada
8. National Museum of Science and Technology
9. Royal Canadian Mint
10. Via Rail Canada Inc.

Notes to Annex 11-A.2

1. For greater certainty, Article XVII(1) of the GPA 2012, incorporated under Article 11.1(1), applies to procurements by Via Rail Canada Inc. and the Royal Canadian Mint, respecting the protection of the commercial confidentiality of information provided.

2. This Chapter does not include procurement by or on behalf of the Royal Canadian Mint of direct inputs for use in minting anything other than Canadian legal tender.

Annex 11-A.3: Goods

1. Unless otherwise specified and subject to paragraph 2, this Chapter covers all goods.

2. This Chapter applies to procurement by the Department of National Defence, the Royal Canadian Mounted Police, and the Department of Fisheries and Oceans for the Canadian Coast Guard, only for the goods described in the Federal Supply Classifications (FSC) listed below:

FSC 22. Railway equipment

FSC 23. Motor vehicles, trailers, and cycles (except buses in 2310 and except military trucks and trailers in 2320 and 2330 and tracked combat, assault, and tactical vehicles in 2350 and wheeled combat, assault, and tactical vehicles in 2355 formerly classified in 2320)

FSC 24. Tractors

FSC 25. Vehicular equipment components

FSC 26. Tires and tubes

FSC 29. Engine accessories

FSC 30. Mechanical power transmission equipment

FSC 32. Woodworking machinery and equipment

FSC 34. Metal working machinery

FSC 35. Service and trade equipment

FSC 36. Special industry machinery

FSC 37. Agricultural machinery and equipment

FSC 38. Construction, mining, excavating, and highway maintenance equipment

FSC 39. Materials handling equipment

FSC 40. Rope, cable, chain and fittings

FSC 41. Refrigeration and air conditioning equipment

FSC 42. Fire fighting, rescue, and safety equipment (except 4220: Marine lifesaving and diving equipment; and 4230: Decontaminating and impregnating equipment)

FSC 43. Pumps and compressors

FSC 44. Furnace, steam plant, drying equipment, and nuclear reactors

FSC 45. Plumbing, heating, and sanitation equipment

FSC 46. Water purification and sewage treatment equipment

FSC 47. Pipe, tubing, hose, and fittings

FSC 48. Valves

FSC 49. Maintenance and repair shop equipment

FSC 52. Measuring tools

FSC 53. Hardware and abrasives

FSC 54. Prefabricated structures and scaffolding

FSC 55. Lumber, millwork, plywood, and veneer

FSC 56. Construction and building materials

FSC 61. Electric wire and power and distribution equipment

FSC 62. Lighting fixtures and lamps

FSC 63. Alarm and signal systems

FSC 65. Medical, dental, and veterinary equipment and supplies

FSC 66. Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components; and 6665: Hazard detecting instruments and apparatus)

FSC 67. Photographic equipment

FSC 68. Chemicals and chemical products

FSC 69. Training aids and devices

FSC 70. General purpose automatic data processing equipment, software, supplies, and support equipment (except 7010: Automatic Data Processing Equipment (ADPE) configurations)

FSC 71. Furniture

FSC 72. Household and commercial furnishings and appliances

FSC 73. Food preparation and serving equipment

FSC 74. Office machines, text processing system, and visible record equipment

FSC 75. Office supplies and devices

FSC 76. Books, maps, and other publications (except 7650: drawings and specifications)

FSC 77. Musical instruments, phonograph, and home-type radios

FSC 78. Recreational and athletic equipment

FSC 79. Cleaning equipment and supplies

FSC 80. Brushes, paints, sealers, and adhesives

FSC 81. Containers, packaging, and packing supplies

FSC 85. Toiletries

FSC 87. Agricultural supplies

FSC 88. Live animals

FSC 91. Fuels, lubricants, oils, and waxes

FSC 93. Non-metallic fabricated materials

FSC 94. Non-metallic crude materials

FSC 96. Ores, minerals and their primary products

FSC 99. Miscellaneous

Annex 11-A.4: Services

Unless otherwise specified, this Chapter covers the services listed below. The subject matter of construction services is addressed in Annex 11-A.5. The services listed in this Annex and Annex 11-A.5 are identified in accordance with the [United Nations Provisional Central Product Classification \(CPC Prov.\)](#).

Description	
1.	Repair services of personal and household goods
2.	Hotel and similar accommodation services
3.	Food and beverage serving services

4.	Travel agency and tour operator services
5.	Commercial courier services (including multi-modal)
6.	Electronic data interchange (EDI)
7.	Electronic mail
8.	Enhanced or value-added facsimile services, including store and forward
9.	Code and protocol conversion
10.	On-line information and data base retrieval
11.	Voice mail
12.	Real estate services involving own or leased property
13.	Real estate services on a fee or contract basis
14.	Leasing or rental services concerning machinery and equipment without
15.	Leasing or rental services concerning personal and household goods
16.	Consultancy services related to the installation of computer hardware
17.	Software implementation services, including systems and software consu analysis, design, programming, and maintenance services
18.	Data processing services, including processing, tabulation, and facilities r

19.	On-line information and/or data processing (including transaction processing)
20.	Data base services
21.	Maintenance and repair services of office machinery and equipment including
22.	Other computer services
23.	Legal services (advisory services on foreign and international law only)
24.	Accounting, auditing and book-keeping services
25.	Taxation services (excluding legal services)
26.	General management consulting services
27.	Marketing management consulting services
28.	Human resources management consulting services
29.	Production management consulting services
30.	Services related to management consulting (except 86602 Arbitration and
31.	Architectural services
32.	Engineering services
33.	Integrated engineering services (excluding 86731 Integrated engineering infrastructure turnkey projects)

34.	Urban planning and landscape architectural services
35.	Technical testing and analysis services, including quality control and inspection (reference to FSC 58 and transportation equipment)
36.	Building-cleaning services
37.	Packaging services
38.	Services incidental to forestry and logging, including forest management
39.	Services incidental to mining, including drilling and field services
40.	Repair services incidental to metal products, machinery, and equipment
41.	Sewage and refuse disposal, sanitation, and similar services

Notes to Annex 11-A.4:

1. Canada's coverage in telecommunications services is limited to enhanced or value-added services for the supply of which the underlying telecommunications facilities are leased from providers of public telecommunications transport networks.

2. This Chapter does not cover procurement of:

- (a) services for the management and operation of government facilities or privately-owned facilities used for government purposes, including federally funded research and development;
- (b) public utilities;
- (c) architectural and engineering services related to airfield, communications, and missile facilities;
- (d) shipbuilding and repair and related architectural and engineering services;

- (e) all services, with reference to those goods purchased by the Department of National Defence, the Royal Canadian Mounted Police, and the Department of Fisheries and Oceans for the Canadian Coast Guard which are not covered by this Chapter; and
- (f) services procured in support of military forces located overseas.

Annex 11-A.5: Construction Services

1. Unless otherwise specified and subject to paragraph 2, this Chapter covers all construction services identified in Division 51 of the United Nations Provisional Central Product Classification (CPC Prov.), which is found

at <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1>

2. This Chapter does not cover procurement of:

- (a) dredging services; and
- (b) construction services procured by or on behalf of the Department of Transport.

Annex 11-A.6: General Notes

1. This Chapter does not cover procurement in respect of:

- (a) shipbuilding and repair, including related architectural and engineering services;
- (b) urban rail and urban transportation equipment, systems, components, and materials incorporated therein as well as all project related materials of iron or steel;
- (c) communications, detection, and coherent radiation equipment (FSC 58);
- (d) agricultural goods made in furtherance of agricultural support programmes or human feeding programmes;
- (e) an international crossing between Canada and another country, including the design, construction, operation, or maintenance of the crossing as well as any related infrastructure; and

- (f) transportation services that form a part of, or are incidental to, a procurement contract.

2. This Chapter does not apply to any form of preference, including set asides, to benefit micro, small, and medium enterprises.

3. This Chapter does not apply to any measure adopted or maintained with respect to Indigenous Peoples^{Footnote1}, including set asides for Indigenous businesses. Existing Indigenous or treaty rights of any of the Indigenous Peoples of Canada protected by section 35 of the Constitution Act, 1982 are not affected by this Chapter.

4. For greater certainty, this Chapter shall be interpreted in accordance with the following:

- (a) procurement in terms of Canadian coverage is defined as contractual transactions to acquire goods or services for the direct benefit or use of the government. The procurement process is the process that begins after a procuring entity has decided on its requirement and continues through to and including contract award. It does not include procurements between one government entity or government enterprise and another government entity or government enterprise;
- (b) if a contract to be awarded by a procuring entity is not covered by this Chapter, this Chapter shall not be construed to cover any good or service component of that contract;
- (c) any exclusion that is related either specifically or generally to a procuring entity also applies to any successor entity or entities, in such a manner as to maintain the value of the coverage of Canada's annexes to its Market Access for this Chapter;
- (d) this Chapter is subject to the terms and conditions set out in Canada's Schedule to the General Agreement on Trade in Services, done at Marrakesh on 15 April 1994;
- (e) nothing in this Chapter shall be construed to prevent Canada, or its procuring entities, from adopting or

maintaining any measure to protect confidential or otherwise protected information; and

- (f) this Chapter does not cover procurement by a procuring entity on behalf of another entity where the procurement would not be covered by this Chapter if it were conducted by the other entity itself.

Annex 11-A.7: Threshold Adjustment Formula

1. The thresholds expressed in Canada's national currency shall be adjusted at two-year intervals with each adjustment taking effect on 1 January beginning on 1 January 2024.

2. The thresholds referred to in Annexes 11-A.1 and 11-A.2 shall be converted into Canada's national currency in accordance with Annex 3 of the *Decisions on Procedural Matters under the Agreement on Government Procurement (1994)* by the WTO Committee on Government Procurement (GPA/1).

3. Canada shall notify Ukraine in writing of Canada's adjusted thresholds converted into its national currency by 15 January of the year in which the adjusted thresholds take effect.

4. If, during any year, a major change in the applicable currency of either Party creates a significant problem with regard to the application of this Chapter, the Parties shall consult to determine whether an interim adjustment is appropriate.

5. The Parties shall decide on a suitable alternative threshold adjustment formula if:

- (a) Canada withdraws from the GPA 2012 pursuant to Article XXII of that Agreement;
- (b) the GPA 2012 is terminated; or
- (c) the threshold adjustment formula is altered.

Annex 11-A.8: Extended Transparency Commitments

The provisions of Articles III; IV; VIII(1) and (2); VIII(3)(b); X(7) and (11); XI(1); XV(4) and (5); and XVII of the GPA 2012 incorporated under Article 11.1 (1), apply if:

- (a) the procuring entity uses an open tendering process; and
- (b) the procurement is for goods, services, or construction services in excess of CDN \$124,000 for entities listed in Annex 11-A.1 and is below the applicable thresholds in Annex 11-A.1 or otherwise excluded in Annexes 11-A.3, 11-A.4, or 11-A.5

Annex 11-A.9: Publication Media

Electronic or paper media utilized for the publication of laws, regulations, judicial decisions, administrative rulings of general application, standard contract clauses, and procedures regarding government procurement covered by this Chapter pursuant to Article VI of the GPA 2012, incorporated under Article 11.1(1):

1. Laws and Regulations:

- (a) Statutes of Canada (<https://laws.justice.gc.ca>); and
- (b) Canada Gazette (<https://www.gazette.gc.ca>).

2. Judicial Decisions:

- (a) Supreme Court Judgements (<https://scc-csc.lexum.com>);
- (b) Federal Court Reports (<https://reports.fja-cmf.gc.ca/fja-cmf/en/nav.do>);
- (c) Federal Court of Appeal (<https://www.fca-caf.gc.ca>); and
- (d) Canadian International Trade Tribunal (<https://www.citt-tcce.gc.ca>).

3. Administrative Rulings and Procedures:

- (a) Government Electronic Tendering System (GETS) (<https://canadabuys.canada.ca>);
- (b) Canada Gazette (<https://www.gazette.gc.ca>);
- (c) Directive on the Management of Procurement (<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32692>); and

4. Electronic or paper media utilized for the publication of notices required by Articles VII, IX(7), and XVI(2) of the GPA 2012, incorporated under Article 11.1(1):

5. Government Electronic Tendering System (GETS) (<https://canadabuys.canada.ca>)

6. MERX, Cebra Inc. (<https://merx.ca>).

7. Website address or addresses where the Party publishes procurement statistics:

8. Proactive Disclosure of Contracts/Open Data (<https://open.canada.ca/data/en/dataset/d8f85d91-7dec-4fd1-8055-483b77225d8b>)

Annex 11-B: Market Access Schedule of Ukraine

Annex 11-B.1: Central Government Entities

Thresholds: 130 000 SDR - Goods

130 000 SDR - **Services**

5 000 000 SDR - **Construction Services**

List of Entities:

1. Office of the Verkhovna Rada (Parliament) of Ukraine
2. The Secretariat of Government of Ukraine
3. Department for State Affairs
4. The Antimonopoly Committee of Ukraine
5. Office of General Prosecutor
6. Accounting Chamber of Ukraine

7. The Secretariat of Council for National Security and Defence of Ukraine
8. High Council of Justice
9. Constitutional Court of Ukraine
10. The Supreme Court
11. Pension Fund of Ukraine
12. National Bank of Ukraine
13. Ministry of Agrarian Policy and Food of Ukraine
14. Ministry of Internal Affairs of Ukraine
15. Ministry of Environmental Protection and Natural Resources of Ukraine
16. Ministry of Economy of Ukraine
17. Ministry of Energy of Ukraine
18. Ministry of Foreign Affairs of Ukraine
19. Ministry for Communities, Territories and Infrastructure Development of Ukraine
20. Ministry of Culture and Information Policy of Ukraine
21. Ministry of Youth and Sports of Ukraine
22. Ministry of Defence of Ukraine
23. Ministry of Education and Science of Ukraine
24. Ministry of Health of Ukraine
25. Ministry for Strategic Industries of Ukraine,
26. Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine
27. Ministry of Social Policy of Ukraine
28. Ministry of Finance of Ukraine
29. Ministry of Justice of Ukraine
30. Ministry of Digital Transformation of Ukraine
31. Ministry of Veterans Affairs of Ukraine
32. State Judicial Administration of Ukraine
33. State Aviation Administration of Ukraine
34. State Archival Service of Ukraine
35. State Criminal and Executive Service of Ukraine
36. State Treasury Service of Ukraine
37. State Migration Service of Ukraine
38. State Regulatory Service of Ukraine
39. The Ukrainian Geological Survey (State Geologic and Subsoil Survey of Ukraine)
40. State Service of Export Control of Ukraine
41. State Statistics Service of Ukraine

42. State Service of Ukraine on Medicines and Drugs Control
43. State Service of Ukraine for Transport Safety (Ukrtransbezpeka)
44. State Service of Ukraine on Food Safety and Consumer Protection
45. State Service of Ukraine on Geodesy, Cartography and Cadastre
46. State Employment Service
47. State Emergency Service of Ukraine
48. State Financial Monitoring Service of Ukraine
49. State Tax Service of Ukraine
50. State Agency of Roads of Ukraine
51. State Water Resources Agency of Ukraine
52. State Agency on Energy Efficiency and Energy Saving of Ukraine
53. State Forest Resources Agency of Ukraine
54. State Reserve Agency of Ukraine
55. State Agency of Recreation and Fisheries of Ukraine
56. The State Agency of Ukraine on Exclusion Zone Management
57. Ukrainian State Film Agency
58. State Space Agency of Ukraine
59. State Inspection of Architecture and Urban Planning
60. State Environmental Inspection of Ukraine
61. State Service of Education Quality of Ukraine
62. State Agency on Energy Efficiency Saving of Ukraine
63. State Nuclear Regulatory Inspectorate of Ukraine
64. Administration of the State Border Service of Ukraine
65. State Committee for Television and Radio Broadcasting of Ukraine
66. State Property Fund of Ukraine
67. State Service for Special Communication and Information Protection of Ukraine
68. National Agency of Ukraine on Civil Service
69. Ukrainian Institute of National Memory
70. National Council of Television and Radio Broadcasting of Ukraine

71. National Commission for the State Regulation of Electronic Communications, Radio Frequency Spectrum and the Provision of Postal Services of Ukraine
72. National Commission for the State Regulation of Energy and Public Utilities
73. National Securities and Stock Market Commission
74. Security Service of Ukraine
75. Central Election Commission of Ukraine
76. National Academy of Sciences of Ukraine
77. National Academy of Medical Sciences of Ukraine
78. National Academy of Agrarian Sciences of Ukraine

Annex 11-B.2: Other Entities

Thresholds: 400 000 SDR - Goods

400 000 SDR - Services

5 000 000 SDR - Construction Services

List of Entities:

1. Stock company UKRPOSHTA
2. Stock company "Ukrainian railway"
3. Utility Enterprise "Kyivskyi Metropoliten"
4. Utility Enterprise "Dniprovskyi Metropoliten" Dnipro city council
5. Utility Enterprise "Harkivskyi Metropoliten"
6. State enterprise "International airport Boryspil"
7. Communal enterprise "Airport Vinnytsia"
8. International airport "Dnipro"
9. Communal enterprise "Zaporizhzhia International airport"
10. Communal enterprise "International airport Kyiv" (Zhuliany)
11. Communal enterprise "International airport Kryvyi Rih" Kryvyi Rih city council
12. State enterprise "International airport Lviv"
13. Communal enterprise "International airport Mykolaiv" Mykolaiv city council
14. Communal enterprise "International airport Odesa"
15. Communal enterprise "Airport Poltava"
16. Communal enterprise "International airport Rivne"

17. Communal enterprise “Airport Sumy”
18. Communal enterprise “Airport Ternopol”
19. Communal enterprise “International airport Uzhgorod”
20. Communal enterprise “International airport Chernivtsi”
21. Communal enterprise “Airport Kherson”
22. Communal enterprise “Airport Cherkasy” Cherkasy regional council

Annex 11-B.3: Goods

This Chapter covers all goods procured by the entities included in Annexes 11-B.1 and 11-B.2.

Annex 11-B.4: Services

This Chapter covers all services procured by the entities included in Annexes 11-B.1 and 11-B.2 except for:

- (a) services of international mediation courts, international commercial arbitrages provided for consideration and resolution of disputes involving the procuring entity;
- (b) services of financial institutions, including international financial institutions, related to the raising of credit resources and funds for the chartered capital by a procuring entity;
- (c) research and development services identified in division 85 of the United Nations Provisional Central Product Classification (CPC Prov.), which may be found at: <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1>;
- (d) financial and related services identified in Division 81 of the CPC Prov. procured or provided by the National Bank of Ukraine.

Annex 11-B.5: Construction Services

This Chapter covers all construction services identified in Division 51 of the CPC Prov. procured by the entities included in Annexes 11-B.1 and 11-B.2.

Annex 11-B.6: General Notes

1. This Chapter with respect to services and construction services is subject to the limitations and conditions specified in Ukraine's Schedule of the *General Agreement on Trade in Services*, done at Marrakesh on 15 April 1994.

2. This Chapter shall not apply to the procurement of:

- (a) construction services procured by diplomatic representations abroad;
- (b) goods and services for the design, development, and production of protected paper, banknotes, coins of Ukraine, their storage and the record-keeping thereof; and,
- (c) personal identification documents, documents regarding special legal status, citizenship documents, including passports, and other documents requiring special security features or brands of paid excise tax pursuant to the laws of Ukraine and goods or services required for their manufacture.

Annex 11-B.7: Threshold Adjustment Formula

1. The thresholds expressed in Ukraine's national currency shall be adjusted at two-year intervals with each adjustment taking effect on 1 January beginning on 1 January 2024.

2. Ukraine shall calculate and convert the value of the thresholds into its own national currency using daily values of the national currency in terms of the SDR over the two-year period preceding on 1 October or 1 November of the year prior to the thresholds becoming effective.

3. Ukraine shall notify Canada in writing of Ukraine's adjusted thresholds converted into its national currency by 15 January of the year in which the adjusted thresholds take effect.

4. If, during any year, a major change in the applicable currency of either Party creates a significant problem with regard to the application of this Chapter, the Parties shall consult to determine whether an interim adjustment is appropriate.

5. The Parties shall decide on a suitable alternative threshold adjustment formula if:

- (a) Ukraine withdraws from the GPA 2012 pursuant to Article XXII of that Agreement;
- (b) the GPA 2012 is terminated; or
- (c) the threshold adjustment formula is altered.

Annex 11-B.8: Extended Transparency Commitments

1. The provisions of Articles III; IV; VIII(1) and (2); VIII(3)(b); X(7) and (11); XI(1); XV(4) and (5); and XVII of the GPA 2012, incorporated under Article 11.1, apply if:

- (a) the procuring entity uses an open tendering process; and
- (b) the procurement is for goods, services, or construction services in excess of CDN\$124,000 in the national currency for Ukraine for entities listed in Annex 11-B.1 and is below the applicable thresholds in Annex 11-B.1 or otherwise excluded in Annexes 11-B.3, 11-B.4, or 11-B.5.

Annex 11-B.9: Publication Media

1. Legislation and Jurisprudence:

- (a) Parliament of Ukraine (<https://www.rada.gov.ua>)
- (b) Ministry of Economy of Ukraine (<https://www.me.gov.ua/?lang=en-GB>)

2. Notices of procurement: Ukrainian Public Procurements, Prozorro (<https://prozorro.gov.ua>)

Footnotes

Footnote 1

For Canada, Indigenous Peoples means Aboriginal peoples (including First Nations, Inuit, and Métis peoples) as defined in subsection 35 (2) of the *Constitution Act, 1982* of Canada.

[Return to footnote1referrer](#)