

# LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

## Annex II

### Schedule of Canada

<b>Sector:</b>	Aboriginal Affairs
<b>Sub-sector:</b>	
<b>Industry Classification:</b>	
<b>Type of Reservation:</b>	National Treatment (Articles ___ and ___) Market Access (Articles ___ and ___) Most-Favoured-Nation Treatment (___ and ___) Performance Requirements (Article ___) Senior Management and Boards of Directors (Article ___)
<b>Description:</b>	<b>Cross-Border Trade in Services and Investment</b>  Canada reserves the right to adopt or maintain any measure denying investors of the European Union [Member States] and their investments, or service providers of the European Union [Member States], rights or preferences provided to aboriginal peoples.
<b>Existing Measures:</b>	<i>Constitution Act</i> , 1982, being Schedule B of the <i>Canada Act 1982</i> (U.K.), 1982, c. 11

LIMITED

# LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** Agriculture

**Sub-sector:**

**Industry Classification:**

**Type of Reservation:** Market Access

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

Canada reserves the right to adopt or maintain any measure related to collective marketing arrangements for agricultural products,\* which includes, but is not limited to, activities such as production, pricing, buying, selling or any other activity to prepare the product in a form or make it available at a place or time for purchase for consumption or use.

**Existing Measures:**

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\* Note: Agricultural products as defined in the WTO Agreement on Agriculture.

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** All Sectors

**Sub-sector:**

**Industry Classification:**

**Type of Reservation:** Senior Management and Boards of Directors  
National Treatment (Article \_\_\_\_)

**Description:** **Investment**

British Columbia, New Brunswick, Nova Scotia, Nunavut, Prince Edward Island, Quebec, The Northwest Territories, and Yukon, reserve the right to adopt or maintain any measure relating to an enterprise of Canada that is a covered investment that requires 25 percent, or less, of the board of directors, or any committee thereof, be of a particular nationality. An amendment to a measure adopted pursuant to the above must not decrease the conformity of the measure with the obligations set out in Chapter X (Investment) as it existed immediately before the amendment.

Canada reserves the right to adopt or maintain any measure requiring that up to 50 percent of the board of directors of an enterprise that is a covered investment be ordinarily resident in Canada. A granting of residency to an EU national who is an appointee to a board of directors of an

LIMITED

## LIMITED

CETA Services and Investment Reservations

Canada Federal Annex II

1 August 2014

enterprise that is a covered investment will be conducted in accordance with Canadian domestic law relating to the entry of foreign nationals. However, such an EU national shall not be subject to an economic needs test solely for the purposes of the appointment to the board of directors.

### Existing Measures:

**Sector:** All Sectors

**Sub-sector:**

**Industry Classification:**

**Type of Reservation:** National Treatment (Article \_\_\_)  
Market Access (Article \_\_\_)

**Description:** **Investment**

Canada reserves the right to adopt or maintain any measure relating to residency requirements for the ownership by investors of the European Union [Member States], or their investments, of oceanfront land.

### Existing Measures:

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

<b>Sector:</b>	Fisheries
<b>Sub-Sector:</b>	Fishing and Services Incidental to Fishing
<b>Industry Classification:</b>	CPC 04, 882
<b>Type of Reservations:</b>	National Treatment (Articles X) Most-Favoured Nation Treatments (Article X) Market Access (Articles X)
<b>Description:</b>	<b>Cross-Border Trade in Services and Investment</b>

Canada reserves the right to adopt or maintain any measure with respect to collective marketing and trading arrangements for fish and seafood products, and licensing 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.

Canada shall endeavour to accord to vessels entitled to fly the flag of a Member State of the European Union treatment no less favourable than that it accords, in like

LIMITED

## LIMITED

CETA Services and Investment Reservations

Canada Federal Annex II

1 August 2014

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

*Freshwater Fisher Marketing Act*, R.S.C., 1985, c. F-13

**Sector:** Financial Services

**Sub-sector:** Securities

**Industry Classification:** SIC 8152

**Type of Reservation:** National Treatment (Article )  
Market Access (Article )

**Description:** **Investment**

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

LIMITED

**LIMITED**

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Existing Measures:** *Financial Administration Act, R.S.C. 1985, c. F-11*

**Sector:** Food, Beverage and Drug Industries

**Sub-Sector:** Liquor, Wine and Beer Stores

**Industry Classification:** CPC 241, 242, 243, 62112, 62226, 63107

**Type of Reservation:** Market Access

**Measures:** *Importation of Intoxicating Liquors Act, R.S.C. 1985, c. I-3*

**LIMITED**

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Description:**

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

The *Importation of Intoxicating Liquors Act* gives each provincial government an import monopoly on any intoxicating liquors entering its territory.

**Sector:**

Minority Affairs

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sub-sector:**

**Industry Classification:**

**Type of Reservation:** National Treatment (Articles )  
Market Access (Articles )  
Performance Requirements (Article )  
Senior Management and Boards of Directors (Article )

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

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

**Existing Measures:**

**Sector:** Social Services

**Sub-sector:**

**Industry Classification:**

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Type of Reservation:** National Treatment (Articles )  
Market Access (Articles )  
Most-Favoured-Nation Treatment (Articles )  
Senior Management and Boards of Directors (Article )

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

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

**Existing Measures:**

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** Social Services

**Sub-Sector:**

**Industry Classification:**

**Type of Reservation:** Market Access

**Descriptions:** **Cross-border Trade in Services and Investment**

Canada reserves the right to adopt or maintain any measure with respect to the provision of social services not otherwise reserved under its Annex II reservation in respect of social services on page II – C – 9.

This reservation shall not extend to the adoption of any new measure imposing limitations on the participation of foreign capital in the provision of such social services.

**Measures:**

LIMITED

**LIMITED**

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**LIMITED**

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** Collection, Purification and Distribution of Water

**Sub-sector:**

**Industry Classification:**

**Type of Reservation:** Market Access  
National Treatment

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

Canada reserves the right to adopt or maintain any measure with respect to the collection, purification and distribution of water.

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

<b>Sector:</b>	Energy
<b>Sub-sector:</b>	Transportation Services via Pipeline
<b>Industry Classification:</b>	713
<b>Type of Reservation:</b>	Market Access
<b>Description:</b>	<b>Investment</b>  Canada reserves the right to adopt or maintain any measure with respect to the issuance of certificates for the pipeline transportation of fuels.
<b>Existing Measures:</b>	<i>National Energy Board Act, R.S.C., 1985, C.N-7</i>

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

<b>Sector:</b>	Air Transportation
<b>Sub-sector:</b>	Selling and marketing of air transport services (as defined in the Chapters on Cross-Border Trade in Services and Investment)
<b>Industry Classification:</b>	Defined in the Chapters on Cross-Border Trade in Services and Investment
<b>Type of Reservation:</b>	National Treatment (Articles___ and ___) Most-Favoured-Nation Treatment (Articles___ and ___) Market Access (Articles___ and ___)
<b>Description:</b>	<b>Cross-Border Trade in Services and Investment</b>  Canada reserves the right to adopt or maintain any measure relating to the selling and marketing of air transportation services.
<b>Existing Measures:</b>	For greater certainty this reservation does not affect Canada's rights and obligations under the <i>Agreement on Air Transport Between Canada and the European Community and its Member States</i> .

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

<b>Sector:</b>	Water Transportation
<b>Sub-sector:</b>	Construction work for waterways, harbours, dams and other water works transportation services by sea-going/non-sea-going vessels, supporting and other services for water transport, and any other marine activity of a commercial nature undertaken by or from a vessel as set out in the Description section below
<b>Industry Classification:</b>	CPC 5133, 5223, 721, 722, 745, any other marine activity of a commercial nature undertaken by or from a vessel
<b>Type of Reservation:</b>	National Treatment (Articles___ and ___) Most-Favoured-Nation Treatment (Articles___ and ___) Market Access (Articles___ and ___) Performance Requirements (Article___) Senior Management and Boards of Directors (Article___) Obligations (Article X.02) (IMTS)
<b>Description:</b>	<p><b>Cross-Border Trade in Services, Investment, and International Maritime Transport Services</b></p> <p>Canada reserves the right to adopt or maintain any measure affecting the investment in or provision of marine cabotage services, including:</p> <ul style="list-style-type: none"><li>a the transportation of either goods or passengers by vessel between points in the territory of Canada or above the continental shelf of Canada, either directly or by way of a place outside Canada; but with respect to waters above the continental shelf of Canada, the transportation of either 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</li><li>b the engaging by vessel in any other marine activity of a commercial nature in the territory of Canada and, with respect to waters above the continental shelf, in such other marine activities of a commercial nature</li></ul>

LIMITED

## LIMITED

CETA Services and Investment Reservations

Canada Federal Annex II

1 August 2014

that are in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources of the continental shelf of Canada.

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

For greater certainty this reservation applies, *inter alia*, to marine activities of a commercial nature undertaken by or from a vessel, including feeder services and repositioning of empty containers.

This reservation does not apply to any measure relating to investment in or the provision of the following marine cabotage services undertaken from a vessel operated by an EU enterprise or an enterprise of a non-Party\* owned or controlled by nationals of a Party, if that vessel is registered in accordance with the legislation of that Party and is flying the flag of that Party:

1. Repositioning owned or leased empty containers on a non-revenue basis.
2. (i) Continuous pre or onward transport of international cargo between the Port of Halifax and the Port of Montreal, and between the Port of Montreal and the Port of Halifax, using vessels on a EU Member State's national registry (that is, first registries); and  
  
(ii) Pre or onward transport of international containerized cargo between the Port of Halifax and the Port of Montreal, and between the Port of Montreal and the Port of Halifax, as a single voyage concurrent to an international leg, using vessels on an EU Member State's national or international registry (that is, first or second registries).

*[Note to legal scrub: the terminology indicating EU Member States' different vessel registries may need to be revised to make it legally correct]*

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

### 3. Dredging.

\* Canada reserves the right to not extend these benefits to enterprises of the United States.

#### **Existing Measures:**

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

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

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

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

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

<b>Sector:</b>	Water Transportation
<b>Sub-Sector:</b>	Transport services by sea- going/non-sea-going vessels, supporting and other services for water transport, and any other marine activity of a commercial nature undertaken from a vessel in waters of mutual interest
<b>Industry Classification:</b>	CPC 721, 722, 745, any other marine activity of a commercial nature undertaken from a vessel
<b>Type of Reservation:</b>	Most-Favoured-Nation Treatment (Article____) Obligations (Article X.02) (IMTS)
<b>Description:</b>	<b>Cross-Border Trade in Services and International Maritime Transport Services</b>  Canada reserves the right to adopt or maintain any measure relating to the implementation of agreements, arrangements and other formal or informal undertakings with other countries with respect to maritime activities in waters of mutual interest in such areas as pollution control (including double hull requirements for oil tankers), safe navigation, barge inspection standards, water quality, pilotage, salvage, drug abuse control and maritime communications.
<b>Existing Measures:</b>	

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** Transportation

**Sub-sector:**

**Industry Classification:** CPC Section 7

**Type of Reservation:** Market Access (Article\_\_\_)

**Description:** **Investment**

Canada reserves the right to adopt or maintain any measure relating to the number or type of legal entity which manages or operates transportation infrastructure owned or controlled by Canada.

**Existing Measures:**

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** Transportation

**Sub-Sector:** All transportation sub-sectors, other than the following sub-sectors:

Maritime Container Station and Depot Services  
Maritime Agency Services  
Maritime Freight Forwarding Services  
Aircraft Repair and Maintenance Services  
Computer Reservation Systems  
Passenger and Freight Transportation by Railway  
Maintenance and Repair of Rail Transport Equipment  
Repair Services n.e.c. of Motor Vehicles, Trailers and Semi-Trailers, on a fee or contract basis  
Maintenance and Repair Services of Motor Vehicles  
Maintenance and Repair Services of Motorcycles and Snowmobiles  
Cargo Handling Services for Land Transport  
Storage and Warehousing Services for Land Transport  
Freight Transport Agency Services for Land Transport  
Other Supporting and Auxiliary Transport Services for Land Transport

**Industry Classification:** All of CPC 7, CPC 51, CPC 61, CPC 886 and any other commercial activity undertaken from, or with respect to a vessel, aircraft, motor vehicle or rail transport equipment, other than:

CPC 6112  
CPC 6122  
CPC 7111  
CPC 7112  
CPC 741 (limited to Land Transport Services)  
CPC 742 (limited to Land Transport Services)  
CPC 7480 (limited to Land Transport Services)  
CPC 7490 (limited to Land Transport Services)  
CPC 8867  
CPC 8868 (limited to rail transport equipment)  
Computer reservations systems as defined in the Cross-Border Trade in Services Chapter and Investment

## LIMITED

## LIMITED

CETA Services and Investment Reservations

Canada Federal Annex II

1 August 2014

Aircraft repair and maintenance services as defined in the Cross-Border Trade in Services Chapter and Investment

Maritime container station and depot services as defined in the International Maritime Transport Services Annex/Chapter

Maritime agency services as defined in the International Maritime Transport Services Annex/Chapter

Maritime freight forwarding services as defined in the International Maritime Transport Services Annex/Chapter

**Type of Reservation:**

Market Access (Articles \_\_\_\_ and \_\_\_\_)

Obligations (Article X.02) (IMTS)

**Description:**

**Cross-Border Trade in Services, Investment, and International Maritime Transport Services**

Canada reserves the right to adopt or maintain any measure related to the designation, establishment, expansion, or operation of monopolies or exclusive services suppliers in the transportation sector.

**Existing Measures:**

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

<b>Sector:</b>	Transportation
<b>Sub-Sector:</b>	Supporting and auxiliary transport services, and groundhandling services (as defined in the Chapters on Cross-Border Trade in Services and Investment
<b>Industry Classification:</b>	CPC 74, Ground handling services as defined in the Chapters on Cross-Border Trade in Services and Investment
<b>Type of Reservation:</b>	Market Access (Article___)
<b>Description:</b>	<p><b>Investment</b></p> <p>Canada reserves the right to adopt or maintain any measure limiting the number of providers of certain supporting and auxiliary transport services related to: the handling of passengers, freight, cargo (including mail) and transportation conveyances that support transportation carriers, at airports, where physical or operational constraints arise primarily as a result of safety or security considerations.</p> <p>For greater certainty, in the case of ground handling services, this reservation does not affect Canada's rights and obligations under the <i>Agreement on Air Transport Between Canada and the European Community and its Member States</i>.</p>
<b>Existing Measures:</b>	

LIMITED

**LIMITED**

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**LIMITED**

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** Water Transportation

**Sub-sector:** Technical Testing and Analysis  
Services

**Industry Classification:** CPC 8676

**Type of Reservation:** Market Access (Article\_\_)

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

Canada reserves the right to adopt or maintain any measure affecting the statutory inspection and certification of vessels on behalf of Canada. 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:**

LIMITED

## LIMITED

CETA Services and Investment Reservations  
Canada Federal Annex II  
1 August 2014

**Sector:** All Sectors

**Sub-sector:**

**Industry Classification:**

**Type of Reservation:** Most-Favoured-Nation Treatment (Article\_\_\_\_)

**Description:** **Investment**

Canada reserves the right to adopt or maintain any measure that accords differential treatment under any bilateral or multilateral international agreement in force or signed prior to January 1, 1994.

Canada reserves the right to adopt or maintain any measure that accords differential treatment pursuant to any existing or future bilateral or multilateral agreement relating to:

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

**Existing Measures:**

LIMITED