

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.
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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.
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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.
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