

AGREEMENT ON TRADE CONTINUITY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND CANADA

The United Kingdom of Great Britain and Northern Ireland (“the United Kingdom” or “UK”) and Canada (hereinafter referred to as “the Parties”),

RECOGNISING that the Canada-European Union Comprehensive Economic and Trade Agreement (“CETA”) done at Brussels, on 30 October 2016, will cease to apply to the United Kingdom at the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, done at Brussels and London on 24 January 2020 (“transition period”);

DESIRING that the rights and obligations between them as provided for by CETA should continue following the departure of the United Kingdom from the European Union and following the end of the transition period, subject to the provisions of this Agreement, including the modifications provided for in Annexes A and B;

REAFFIRMING the preamble of CETA,

Have agreed as follows:

ARTICLE I

Incorporation of CETA

1. The provisions of CETA are incorporated by reference into and made part of this Agreement, *mutatis mutandis*, subject to the provisions of this Agreement, including the modifications provided for in Annexes A and B.
2. For greater certainty, a reference to “this Agreement” in Articles I through VII, Annexes A and B or the incorporated provisions of CETA, shall be understood as reference to the Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada (“Trade Continuity Agreement” or “TCA”).
3. For greater certainty, a reference to the “provisions of CETA” in this Agreement includes tables, lists, annexes, reservations and footnotes.
4. Provisions of CETA, or parts of such provisions, that apply exclusively to EU Member States and not to the UK, or that are in languages other than English and French, are not incorporated by reference into and made part of this Agreement.
5. For greater certainty, nothing in this Agreement shall provide any rights to any non-Party to this Agreement.

6. In the event of any inconsistency between Articles I through VII and the provisions of CETA, as incorporated, Articles I through VII shall prevail to the extent of the inconsistency.

ARTICLE II

Further provision in relation to the Canada-UK Joint Committee

1. The Canada-UK Joint Committee, which the Parties establish under incorporated Article 26.1 (Canada-UK Joint Committee), shall ensure that this Agreement operates properly.
2. Upon entry into force of this Agreement, any decisions adopted by the CETA Joint Committee or specialised committees established by Article 26.2 (Specialised committees) of CETA before CETA ceased to apply to the United Kingdom shall, to the extent that those decisions relate to the Parties to this Agreement, be deemed to have been adopted by the Canada-UK Joint Committee, *mutatis mutandis* and subject to the provisions of this Agreement, including the modifications provided for in Annexes A and B.
3. Nothing in paragraph 2 prevents the Canada-UK Joint Committee from making decisions that are different from, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

ARTICLE III

Retained Law

1. References to EU law in this Agreement are to be understood as references to EU law as incorporated into the law of the UK on the date the transition period ends.
2. Subject to the provisions of this Agreement, in incorporating EU law into UK domestic law, or in making amendments to UK law to address a deficiency in retained EU law, the UK shall not decrease the conformity of a measure, as it existed before the incorporation or amendment, with the provisions of this Agreement.
3. Nothing in paragraph 2 prevents the UK from withdrawing treatment it was granting to Canada only as a result of the UK's participation in the internal market of the European Union.
4. A dispute arising in relation to paragraph 2 shall be considered urgent within the meaning of incorporated paragraph 29.4.4 (Consultations) and incorporated Article 29.11 (Urgent proceedings), except that:
 - (a) consultations shall commence within 5 days of the date of receipt of Canada's request by the UK; and