

Chapter 30: Final Provisions – Text of the 2023 Canada – Ukraine Free Trade Agreement

Article 30.1: Transitional Provision from the 2017 Agreement

- 1. The Parties recognize the importance of a smooth transition from the 2017 Agreement to this Agreement.*
- 2. Issues under consideration, including cooperation, documents or other work under development, by the Joint Commission or a committee, subcommittee or other body of the 2017 Agreement may be continued under any relevant body in this Agreement, subject to any decision by the Parties on whether and in what manner that continuation is to occur.*

Article 30.2: Annexes, Appendices, and Footnotes

The Annexes, Appendices, and footnotes to this Agreement constitute integral parts of this Agreement.

Article 30.3: Review Clause

The Parties undertake to review this Agreement within five years of its entry into force, in light of further developments including within the framework of the WTO Agreement, and other agreements to which the Parties are party.

Article 30.4: Amendments

The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force after the Parties exchange written notifications certifying that they have completed their respective applicable internal requirements and procedures necessary for the entry into force of the amendment, on the date agreed by the Parties.

Article 30.5: Reservations and Unilateral Declarations

This Agreement shall not be subject to unilateral reservations or unilateral interpretive declarations.

Article 30.6: Entry into Force

1. Each Party shall notify the other Party in writing of the completion of its domestic procedures required for the entry into force of this Agreement.

2. This Agreement shall enter into force on:

- (a) the first day of the second month following receipt of the latter notification of the completion of the procedures for entry into force; or

- (b) 1 January 2024,

whichever is later.

Article 30.7: Termination of this Agreement

1. This Agreement may be terminated by either Party by giving notice in writing of its intention to terminate to the other Party. The Agreement shall terminate six months after the date of receipt of that notice.

2. Notwithstanding paragraph 1, in the event that this Agreement is terminated, the provisions of Chapter 17 (Investment) shall continue to be effective for a period of 10 years after the date of termination of this Agreement in respect of investments made before that date.

Article 30.8: Termination of the 2017 Agreement

This Agreement terminates and replaces the Free Trade Agreement Between Canada and Ukraine, done at Kyiv on 11 July 2016.

Article 30.9: Suspension of Other Agreements

1. The Agreement between the Government of Canada and the Government of Ukraine for the Promotion and Protection of Investments done at Ottawa on 24 October 1994 (the “FIPA”) shall be suspended from the date of entry into force of this Agreement and until such time as this Agreement is no longer in force.

2. Notwithstanding paragraph 1, the FIPA shall remain operative for a period of 10 years after the entry into force of this Agreement for the purpose of any breach of the obligations of the FIPA that occurred before the entry into force of this Agreement. During this period the right of an investor of a Party to submit a claim to arbitration concerning such a breach shall be governed by the relevant provisions of the FIPA.

Article 30.10: Accession

A non-Party may accede to this Agreement upon terms and conditions to be set out in an Agreement on Accession between the Parties and the non-Party. The Parties and the non-Party shall notify each other through diplomatic channels of the completion of the internal procedures necessary to approve the Agreement on Accession.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

Done in duplicate at _____, this _____ day
of _____ 202__, in the English, French, and Ukrainian
languages, each version being equally authentic.

FOR CANADA

FOR UKRAINE

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