

## **PART VI - FINAL PROVISIONS**

### **Chapter Eighteen**

#### **Final Provisions**

##### **Article 1800: Trade Enhancement Arrangements**

1. The Parties recognize that it is appropriate to enter into bilateral or multilateral arrangements in order to enhance trade and mobility.
2. This Agreement shall not prevent the maintenance or formation of a trade enhancement arrangement where:
  - (a) the arrangement liberalizes trade beyond the level required by this Agreement;
  - (b) there is full disclosure of the details of the arrangement to all other Parties at least 60 days prior to its implementation; and
  - (c) the signatories to the arrangement are prepared to extend the arrangement within a reasonable time to all other Parties willing to accept the terms of the arrangement.

##### **Article 1801: Regional Economic Development**

1. The Parties recognize that measures adopted or maintained by the Federal Government or any other Party that are part of a general framework of regional economic development can play an important role in encouraging long-term job creation, economic growth or industrial competitiveness or in reducing economic disparities.
2. Subject to paragraphs 3 through 7, Parts III and IV of this Agreement do not apply to a measure adopted or maintained by the Federal Government or any other Party that is part of a general framework of regional economic development, provided that:
  - (a) the measure does not operate to impair unduly the access of persons, goods, services or investments of another Party; and
  - (b) the measure is not more trade restrictive than necessary to achieve its specific objective.
3. Each Party shall:
  - (a) within a reasonable period of time after the date of entry into force of this Agreement, notify all other Parties of its existing programs relating to regional economic development;
  - (b) on adoption of any program relating to regional economic development, notify all other Parties of that program; and

- (c) prepare an annual written report on its programs relating to regional economic development.
4. Each Party shall conduct an evaluation of:
- (a) all programs referred to in paragraph 3(a) every five years after the date of entry into force of this Agreement; and
  - (b) all new programs every five years after the date of their adoption.
5. The evaluation referred to in paragraph 4 shall be made public, shall specify the details, parameters and objectives of the program, and shall assess its operation.
6. Paragraph 2 does not apply to:
- (a) obligations relating to transparency or reconciliation of measures;
  - (b) institutional and dispute settlement provisions;
  - (c) obligations to eliminate, phase out or liberalize measures as listed in Annex 1801.6A; and
  - (d) the chapters listed in Annex 1801.6B.
7. Where a chapter in Part IV of this Agreement contains a specific regional economic development exception, a Party may only use that exception to exclude the application only of corresponding obligations as stated in that chapter. Column I of Annex 1801.7 lists the specific regional economic development exceptions contained in chapters and Column II lists the corresponding obligations.
8. For the purposes of this Article, "general framework of regional economic development" means a program or statute-based system that:
- (a) a Party has identified as a regional economic development program;
  - (b) specifies eligibility criteria or development priorities based on, but not limited to, such factors as geographic area, industrial sector or population group, whether determined by a Party or regional partners of a Party;
  - (c) is generally available to recipients that meet the eligibility criteria; and
  - (d) identifies reasonable performance or economic development objectives or targets that can be measured.
9. The Parties recognize that a general framework of regional economic development may include a decentralized, cooperative approach by way of a system of delegated authority to provincial regions or sub-regions, provided that:
- (a) the terms of such a decentralized, cooperative approach are contained in framework agreements between a Party and its regions; and

- (b) such agreements set out development priorities for specific planning periods and specify the activities to be undertaken by the regions to implement these priorities.

10. Nothing in this Agreement shall be construed to affect the level of assistance provided by the Federal Government or any other Party as part of a general framework of regional economic development.

#### **Article 1802:            Aboriginal Peoples**

This Agreement does not apply to any measure adopted or maintained with respect to Aboriginal peoples. It does not affect existing aboriginal or treaty rights of any of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*.

#### **Article 1803:            Culture**

Notwithstanding any other provision of this Agreement except Article 300 (Reaffirmation of Constitutional Powers and Responsibilities), any measure adopted or maintained with respect to culture or cultural industries is exempted from the provisions of this Agreement.

#### **Article 1804:            National Security**

Nothing in this Agreement shall be construed to:

- (a) require the Federal Government to provide, or allow access to, information the disclosure of which it determines to be contrary to national security; or
- (b) prevent the Federal Government from taking any action that it considers necessary to protect national security interests or, pursuant to its international obligations, for the maintenance of international peace and security.

#### **Article 1805:            Taxation**

Except as provided in paragraphs 4 through 9 of Annex 608.3, nothing in this Agreement shall preclude a Party from adopting or maintaining:

- (a) measures relating to taxation; or
- (b) measures to secure compliance with measures relating to taxation.

**Article 1806: Financial Sector**

1. Except for Chapter 7 and for measures referred to in paragraphs 7 through 10 of Annex 807.1, nothing in this Agreement applies to measures adopted or maintained by a Party or a public body that exercises regulatory or supervisory authority delegated by law in relation to financial institutions or financial services.<sup>84</sup>
2. For greater certainty, nothing in this Agreement shall be construed to lessen the scope of the limitation set out in paragraph 1, such limitation prevailing to its full extent over any provision having some connection therewith.
3. For greater certainty, persons shall be considered to be financial institutions only in respect of, and to the extent of, their provision of financial services.

**Article 1807: Measures Subject to Transitional Provisions**

No Party shall, during the period beginning on the date of execution and ending on the date of entry into force of this Agreement, adopt a measure that would be inconsistent with this Agreement or amend or renew a measure in a manner that would decrease its consistency with this Agreement.

**Article 1808: Non-Conforming Measures**

1. No Party shall amend or renew a non-conforming measure in a manner that would further decrease the conformity of that measure with this Agreement.
2. A subsequent amendment or renewal of a measure referred to in paragraph 1 may not decrease the conformity of that measure as it existed immediately prior to the subsequent amendment or renewal.

**Article 1809: Relationship to International Agreements**

1. Nothing in this Agreement is intended to provide nor shall be construed to provide, directly or indirectly, to any national, enterprise, state or other person any right, claim or remedy under any international agreement.
2. In the event that one of Canada's trading partners alleges that, contrary to the intention stated in paragraph 1, on the basis of this Agreement, a national, enterprise, state or other person has been provided with a right, claim or remedy under any international agreement and requests formal consultations under such international agreement, the Committee shall, within 30 days after the date of the request, meet to take account of the new situation raised by the allegation and take the necessary action which includes, among other things, amending or removing, as appropriate, the obligation under this Agreement that gives rise to the allegation, or rebalancing the benefits under this Agreement.

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<sup>84</sup> This paragraph was amended by the Twelfth Protocol of Amendment.

3. Where, notwithstanding any action the Committee may take under paragraph 2, the trading partner proceeds to an international panel and is successful in establishing a right under an international agreement based on a provision of this Agreement, that provision is to that extent of no force or effect, unless the provision expressly states that it shall continue to exist notwithstanding the panel ruling.
4. The Parties recognize that an essential ingredient for achieving Canada's trade and economic goals in the international arena is the cooperation between federal and provincial governments. Existing mechanisms set up in connection with the *Canada-U.S.A. Free Trade Agreement*, the *North American Free Trade Agreement* and the *Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations*, including the *Agreement Establishing the World Trade Organization*, allow for consultations with and participation by the governments of the Provinces. It is understood that such mechanisms for consultation and participation will continue to be used in the future and that the Parties will take appropriate steps to assess international obligations to ensure that the relationship between any international obligations and this Agreement will be taken into account when new international obligations are negotiated or when international trade disputes arise. To this end, the Parties agree to review the effectiveness of existing mechanisms for consultation and participation within one year after the date of entry into force of this Agreement.

#### **Article 1810: Future Negotiations**

1. The Parties have agreed to fulfil their commitments to negotiate particular matters as provided in specific chapters of this Agreement.
2. The Parties agree to continue negotiations on Chapter Twelve (Energy) to conclude no later than the date of entry into force of this Agreement.
3. Until the terms of Chapter Twelve (Energy) are negotiated, agreed on and made part of this Agreement, no provision of this Agreement shall apply to any measure of a Party relating to energy goods or energy services as defined in Annex 1810.3.
4. The Committee shall review annually the scope and coverage of this Agreement and may make recommendations for the inclusion of measures not otherwise covered by this Agreement or of new chapters.
5. Before the conclusion of negotiations referred to in paragraph 1 or 2 or any negotiations between the Parties pursuant to recommendations made under paragraph 4, respecting a particular matter, no Party shall adopt a new measure or amend an existing measure in relation to that matter where the new measure or amendment would result in an obstacle to internal trade.
6. Subject to paragraphs 5 and 7, any obligation arising under paragraph 1, 2 or 4 to negotiate a particular matter shall, where the negotiations are successful, terminate on the effective date of the new provisions agreed to by the Parties.
7. Where a Party declares in writing that it is no longer willing to participate in negotiations pursuant to paragraph 1, 2 or 4 respecting a particular matter, the obligation under paragraph 5 terminates but only in respect of that Party.

**Article 1811:            Accession and Withdrawal**

1. Any new province or territory may accede to this Agreement on such terms as are agreed to by all Parties.
2. A Party may withdraw from this Agreement 12 months after it gives written notice to all other Parties.

**Article 1812:            Language**

The Parties acknowledge and agree that this Agreement has been made and executed in English and French and that both versions are equally authoritative.

**Article 1813:            Interpretation of Agreement<sup>85</sup>**

1. Subject to paragraph 2, this Agreement shall be interpreted in accordance with the Interpretation of Agreement set out in Annex 1813.
2. All of the Parties collectively may, at any time, issue an interpretive note declaring their interpretation of this Agreement. Any such interpretive note shall be considered to conclusively reflect the Parties' intentions regarding the provision that is the subject matter of the interpretive note, and is binding on the Parties and on every Presiding Body as of the date on which it is issued.

**Article 1814:            Entry into Force**

1. Subject to paragraph 2, this Agreement shall enter into force on July 1, 1995, by which date all Parties shall have taken all measures in order to give effect to this Agreement.
2. The provisions set out in Annex 1814.2 shall enter into force on the date of execution of this Agreement by all Parties.

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<sup>85</sup> This Article has been replaced by means of the Fourteenth Protocol of Amendment

**Annex 1801.6A****Obligations to Eliminate, Phase Out or Liberalize to Which Article 1801(2) Does Not Apply**

## Chapter Six (Investment)

Article 604 (Local Presence and Residency Requirements)

Article 607(1) (Performance Requirements)

Article 608(3) (Incentives)

Article 610 (Environmental Measures)

Chapter Seven (Labour Mobility) <sup>86</sup>

Article 705 (1)(b) (Residency Requirements)

Article 706 (Certification of Workers)

## Chapter Eight (Consumer-Related Measures and Standards)

Article 805 (Licensing, Registration and Certification Fees)

Article 806(1) (Residency and Local Presence Requirements)

## Chapter Nine (Agricultural and Food Goods)

Article 902(3) (Scope and Coverage)

## Chapter Fourteen (Transportation)

Article 1411 (Phase Out of Non-Conforming Measures)

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<sup>86</sup> This Paragraph was amended by the Thirteenth Protocol of Amendment.

**Annex 1801.6B****Chapters to which Article 1801(2) does not Apply**

Chapter Five (Procurement)

Chapter Ten (Alcoholic Beverages)

Chapter Thirteen (Communications)

Chapter Fifteen (Environmental Protection)



**Annex 1801.7****Specific Regional Economic Development Exceptions****COLUMN I**

Specific Regional Economic Development Exception

**COLUMN II**

Specific Obligation

## Annex 1810.3

### Definitions

#### Part I

For the purposes of Article 1810(3):

**energy goods** means biomass and biomass products, hydrogen, thermal energy, and energy and petrochemical goods listed in Part II and classified under the *Harmonized Commodity Description and Coding System* as:

- (a) subheading 2612.10;
- (b) chapter 27, headings 27.01 through 27.16;
- (c) subheadings 2844.10 through 2844.50;
- (d) subheadings 2845.10; and
- (e) subheadings 2901.10;

**energy services** means services related to:

- (a) energy efficiency activities, including energy supply services, energy efficiency improvements, management services, energy management monitoring and training;
- (b) energy using products and products affecting the use of energy;
- (c) energy transportation facilities, including electricity transmission lines and pipelines; and
- (d) energy exploration, development, production and processing facilities, equipment and activities.

#### Part II

#### 26.12 Uranium or thorium ores and concentrates

2612.10	ICES	--	Uranium ores and concentrates
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#### 27.01 Coal; briquettes, ovoids and similar solid fuels manufactured from coal

		--	Coal, whether or not pulverised, but not agglomerated.
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2701.11	ES	--	Anthracite
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2701.11.10	I	--	Screenings or dust
2701.11.20	I	--	Buckwheat No. 4, 5 or 6
2701.11.30	I	--	Buckwheat No. 1, 2 or 3
2701.11.40	I	--	Pea or bean size
2701.11.50	I	--	Egg, stove or nut size
2701.11.90	I	--	Other
2701.12	E	--	Bituminous coal
2701.12.10	I	--	Dust
2701.12.2	I	--	Other high volatile
2701.12.21	S	--	From Canadian mines
2701.12.22	S	--	Imported
2701.12.3	I	--	Other low volatile
2701.12.31	S	--	From Canadian mines
2701.12.32	S	--	Imported
2701.19	ICES	--	Other coal
2701.20	ICES	--	Briquettes, ovoids and similar solid fuels manufactured from coal

**27.02 Lignite, whether or not agglomerated, excluding jet**

2702.10	ICES	--	Lignite, whether or not pulverised, but not agglomerated
2702.20	ICES	--	Agglomerated lignite

**27.03 Peat (including peat litter), whether or not agglomerated**

2703.00	IE	--	Peat (including peat litter), whether or not agglomerated
2703.00.10	S	--	Crude
2703.00.20	S	--	Baled

**27.04 Coke and semi-coke of coal, of lignite or of peat, whether or not agglomerated; retort carbon**

2704.00	S	--	Coke and semi-coke of coal, of lignite or of peat, whether or not agglomerated; retort carbon
2704.00.10	IE	--	Coke or semi-coke of coal, briquettes
2704.00.20	I	--	Retort carbon
2704.00.30	I	--	Breeze or dust
2704.00.90	IE	--	Other

**27.05 Coal gas, water gas, producer gas and similar gases, other than petroleum gases and other gaseous hydrocarbons**

2705.00	ICES	--	Coal gas, water gas, producer gas and similar gases, other than petroleum gases and other gaseous hydrocarbons
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**27.06 Tar distilled from coal, from lignite or from peat, and other mineral tars, whether or not dehydrated or partially distilled, including reconstituted tars**

2706.00	ICES	--	Tar distilled from coal, from lignite or from peat, and other mineral tars, whether or not dehydrated or partially distilled, including reconstituted tars.
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**27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents**

2707.10	ICES	--	Benzole
2707.20	ICES	--	Toluole
2707.30	ICES	--	Xylole
2707.40	ICES	--	Naphthalene
2707.50	E	--	Other aromatic hydrocarbon mixtures of which 65% or more by volume (including losses) distils at 250 degrees Celsius by the ASTM D 86 method
2707.50.10	I S	--	Naphtha of coal-tar origin
2707.50.90	I S	--	Other
2707.60	ICES	--	Phenols
		--	Other
2707.91	ICES	--	Creosote oils
2707.99	ES	--	Other
2707.99.10	I	--	Cresylic acid
2707.99.90	I	--	Other

**27.08 Pitch and pitch coke, obtained from coal tar or from other mineral tars**

2708.10	ICES	--	Pitch
2708.20	ICES	--	Pitch coke

**27.09 Petroleum oils and oils obtained from bituminous minerals, crude**

2709.00	ICES	--	Petroleum oils and oils obtained from bituminous minerals, crude
2709.00.10	S	--	Conventional
2709.00.20	S	--	Synthetic
2709.00.30	S	--	Condensate and pentanes plus
2709.00.90	S	--	Other (including oils from bituminous sand or shale other than synthetic)

**27.10 Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations**

2710.00		--	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2710.00.1	E	--	Gasoline (including aviation)
2710.00.11	I S	--	Aviation gasoline
2710.00.12	I S	--	Motor gasoline, regular, leaded
2710.00.13	I S	--	Motor gasoline, regular, unleaded
2710.00.14	I S	--	Motor gasoline, premium
2710.00.2		--	Aviation turbine fuel (jet type A and B)
2710.00.21	I S	--	Kerosene type jet fuel (type A)
2710.00.22	I S	--	Naphtha type jet fuel (type B)
2710.00.30	I S	--	Kerosene (excluding jet fuel)
2710.00.4	S	--	Naphtha specialties
2710.00.41	I	--	Paint thinners
2710.00.49	I	--	Other
2710.00.5		--	Diesel and light fuel oils
2710.00.51	ICES	--	Diesel oil
2710.00.52	ICES	--	Fuel oils Nos. 2 and 3
2710.00.6	S	--	Heavy fuel oils
2710.00.61	IE	--	Fuel oils Nos. 4 and 5
2710.00.62	IE	--	Fuel oil No. 6
2710.00.63	IE	--	Bunker C
2710.00.69	IE	--	Other
2710.00.8	ES	--	Lubricating oils and greases
2710.00.82	I	--	Lubricating oils or base stocks, containing by weight more than 50% of synthetic hydrocarbons
2710.00.83	I	--	Lubricating oils put up in packing for retail sale; oils and preparations thereof, having a viscosity of 7.44 mm <sup>2</sup> /sec. of more at 37.8 degrees Celsius (excluding white oils)
2710.00.84	I	--	Petroleum greases and lubricating greases
2710.00.9		--	Other petroleum oils
2710.00.91	I S	--	White oils
2710.00.92	S	--	Cutting and penetrating oils
2710.00.93	I	--	Alkylenes, mixed, with a very low degree of polymerization
2710.00.94	S	--	Petroleum alkylate
2710.00.95	S	--	Petroleum bases for lubricating oils
2710.00.96	S	--	Petroleum bases for lubricating greases
2710.00.97	IE	--	Other light petroleum oils
2710.00.98	IE	--	Other medium petroleum oils
2710.00.99	ICES	--	Other

**27.11 Petroleum gases and other gaseous hydrocarbons**

		--	Liquefied
2711.11	ICES	--	Natural gas
2711.12	ES	--	Propane
2711.12.10	I	--	When in containers ready for use
2711.12.90	I	--	Other
2711.13	ICES	--	Butanes
2711.14	ICES	--	Ethylene, propylene, butylene and butadiene
2711.19		--	Other
2711.19.1	I	--	Ethane
2711.19.11	I	--	When in containers ready for use
2711.19.19	I	--	Other
2711.19.9	ES	--	Other
2711.19.91	I	--	When in containers ready for use
2711.19.99	I	--	Other
		--	In gaseous state
2711.21	ICES	--	Natural gas
2711.29	ICES	--	Other

**27.12 Petroleum jelly; paraffin wax, micro-crystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured.**

2712.10	ICES	--	Petroleum jelly
2712.20	ES	--	Paraffin wax containing by weight less than 0.75% of oil
2712.20.10	I	--	For use in the manufacture of candles
2712.20.90	I	--	Other
2712.90	E	--	Other
2712.90.10	I	--	Lignite wax
2712.90.20	I	--	Microcrystalline petroleum wax
2712.90.30	I S	--	Crude paraffin wax
2712.90.90	I S	--	Other

**27.13 Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals**

		--	Petroleum coke
2713.11	ICES	--	Not calcined
2713.12	ICES	--	Calcined
2713.20	ICES	--	Petroleum bitumen
2713.90	ES	--	Other residues of petroleum oils or of oils obtained from bituminous minerals
2713.90.10	I	--	Of a kind used in the manufacture of carbon black
2713.90.90	I	--	Other

**27.14 Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks**

2714.10	ICES	--	Bituminous or oil shale and tar sands
2714.90	ES	--	Other
2714.90.10	I	--	Gilsonite
2714.90.90	I	--	Other

**27.15 Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)<sup>87</sup>**

2715.00	E	--	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example: bituminous mastics, cut-backs)
2715.00.10	I	--	Asphaltum oil, of a kind used for paving purposes
2715.00.20	I	--	Mastics of asphalt and other bituminous mastics
2715.00.30	S	--	Asphalt compound, hot (bulk)
2715.00.40	S	--	Asphalt compound, cold (including kegs)
2715.00.90	I S	--	Other

**27.16 Electrical energy (optional heading)**

2716.00	ICES	--	Electrical energy (optional heading)
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**28.44 Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products**

2844.10	S	--	Natural uranium and its compounds; alloys dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds
2844.10.10	IE	--	Uranium oxides
2844.10.20	E	--	Uranium hexafluoride
2844.10.90	E	--	Other
2844.20	ES	--	Uranium enriched in U 235 and its compounds; plutonium and its compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U 235, plutonium or compounds of these products
2844.20.10	I	--	Uranium and its compounds
2844.20.90	I	--	Other
2844.30	ES	--	Uranium depleted in U 235 and its compounds; thorium and its compounds; alloys, dispersions (including cermets), ceramic products and

<sup>87</sup> This item was amended by the Second Protocol of Amendment.

				mixtures containing uranium depleted in U 235, thorium or compounds of these products
2844.30.10	I	--		Uranium and its compounds
2844.30.20	I	--		Thorium nitrate
2844.30.90	I	--		Other
2844.40	ES	--		Radioactive elements and isotopes and compounds other than those of subheading No. 2844.10, 2844.20 or 2844.30; alloys, dispersions (including cermets), ceramic products and mixtures containing these elements, isotopes or compounds; radioactive residues
2844.40.10	I	--		Radioactive elements, isotopes and compounds
2844.40.90	I	--		Other
2844.50	ICES	--		Spent (irradiated) fuel elements (cartridges) of nuclear reactors

**28.45 Isotopes other than those of heading No. 28.44; compounds, inorganic or organic, of such isotopes, whether or not chemically defined**

2845.10	ICES	--		Heavy water (deuterium oxide)
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**29.01 Acyclic hydrocarbons**

2901.10	E	--		Saturated
2901.10.10	I S	--		Butanes
2901.10.20	I S	--		Hexanes
2901.10.30	I	--		Pentanes
2901.10.90	I S	--		Other
		--		Unsaturated



## Annex 1813

### Interpretation of Agreement<sup>88</sup>

1. In this Annex:

**horizontal chapter** means any of the following chapters:

- (a) Chapter Five (Procurement);
- (b) Chapter Six (Investment);
- (c) Chapter Seven (Labour Mobility);
- (d) Chapter Eight (Consumer-Related Measures and Standards); and
- (e) Chapter Fifteen (Environmental Protection);

**vertical chapter** means any of the following chapters:

- (a) Chapter Nine (Agricultural and Food Goods);
- (b) Chapter Ten (Alcoholic Beverages);
- (c) Chapter Eleven (Natural Resources Processing);
- (d) Chapter Twelve (Energy);
- (e) Chapter Thirteen (Communications); and
- (f) Chapter Fourteen (Transportation).

2. A vertical chapter applies to matters within its scope.

3. A horizontal chapter applies both to matters within its scope and, where applicable, to matters that fall within the scope of a vertical chapter.

4. In the event of an inconsistency between a vertical chapter and a horizontal chapter, the vertical chapter prevails to the extent of the inconsistency, except as otherwise provided.

5. For greater certainty, in the event of an inconsistency between two horizontal chapters or two vertical chapters, reference may be made to this Agreement as a whole, including the Preamble, Chapter One (Operating Principles) and Chapter Three (Reaffirmation of Constitutional Powers and Responsibilities), to determine which chapter prevails to the extent of the inconsistency, except as otherwise provided.

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<sup>88</sup> This paragraph and title have been amended by means of the Fourteenth Protocol of Amendment.

6. This Agreement shall be interpreted in accordance with the reaffirmation set out in Article 300 (Reaffirmation of Constitutional Powers and Responsibilities).
7. Nothing in this Agreement shall be construed to require a Party to:
- (a) alter a contract entered into with a person before the date of execution of this Agreement, where that contract was authorized by a measure that is inconsistent with this Agreement; or
  - (b) alter such a contract that has been renewed on or after the date of execution of this Agreement, where it has been renewed pursuant to an option to renew.
8. Reference to an article includes any annex referred to in that article.
9. Use of a term in the singular includes the plural and *vice versa*.
10. A Party or a Person asserting that a measure or proposed measure is inconsistent with the provisions of this Agreement has the burden of establishing that inconsistency.<sup>89</sup>
11. A Party asserting that a measure or proposed measure is subject to an exemption or exception under this Agreement has the burden of establishing that the exemption or exception applies.<sup>90</sup>
12. Time limits imposed by this Agreement shall be calculated as follows:<sup>91</sup>

#### **Time limits and holidays**

- Where the time limited for the doing of a thing expires or falls on a holiday, the thing may be done on the day next following that is not a holiday.

#### **Number of days between two events**

- Where there is a reference to “at least” a number of days between two events, in calculating that number of days the days on which the events happen are excluded.
- Where there is a reference to a number of days between two events, in calculating that number of days the day on which the first event happens is excluded and the day on which the second event happens is included.

#### **Beginning and ending of prescribed periods**

- Where a time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day.

#### **After specified day**

- Where a time is expressed to begin after or to be from a specified day, the time does not include that day.

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<sup>89</sup> This paragraph was modified by the Seventh Protocol of Amendment

<sup>90</sup> This paragraph was added to the Agreement on Internal Trade by means of the Seventh Protocol of Amendment

<sup>91</sup> This paragraph was added to the Agreement on Internal Trade by means of the Tenth Protocol of Amendment

**Within a time**

- Where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

## Annex 1814.2

### Provisions Entering into Force on Date of Execution

The following provisions enter into force on the date of execution of this Agreement:

- (a) Article 506(3) requiring the Parties to designate electronic tendering systems and daily newspapers no later than January 1, 1995;
- (b) Article 511(2) requiring the Parties to develop a general mechanism to report through an electronic tendering system before July 1, 1995;
- (c) Article 513(7) requiring each Party to establish a roster of panellists before July 1, 1995;
- (d) Article 516(3) requiring the Parties to establish a working group on electronic tendering no later than January 1, 1995;
- (e) Article 516(5) requiring the Parties to review and finalize the list of excluded services set out in Annex 502.1B before July 1, 1995;
- (f) Article 517(1) requiring Provinces to enter into and conclude negotiations to extend coverage of Chapter Five no later than June 30, 1995;
- (g) Paragraph 2 of Annex 502.1B requiring the Parties to review and reduce the list of excluded services before July 1, 1995;
- (h) Article 604(4) requiring the Parties to list existing inconsistent measures in Annex 604.4 no later than December 31, 1995;
- (i) Article 606 requiring the Parties to prepare an implementation plan for reconciling extra-provincial corporate registration and reporting requirements no later than July 15, 1995;
- (j) Article 809 requiring the Parties to establish a Committee on Consumer-Related Measures and Standards and requiring the Committee to develop appropriate dispute resolution mechanisms before July 1, 1995;
- (k) Paragraph 1 of Annex 807.1 requiring the Parties to complete negotiations on harmonized measures respecting direct selling contracts and cancellation rights no later than July 1, 1995;<sup>92</sup>
- (l) Paragraph 5 of Annex 1408.1 requiring the Parties to endeavour to resolve issues relating to the National Safety Code Program before July 1, 1995;
- (m) Paragraph 6 of Annex 1408.1 requiring the Parties to establish a uniform national bill of lading before July 1, 1995;

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<sup>92</sup> This paragraph was amended by the Second Protocol of Amendment.

- (n) Paragraph 7 of Annex 1408.1 requiring the Council of Ministers Responsible for Transportation and Highway Safety to establish a work plan for the creation of harmonized administrative mechanisms for the collection of certain taxes and fees before July 1, 1995;
- (o) Paragraph 9 of Annex 1408.1 requiring the Council of Ministers Responsible for Transportation and Highway Safety to establish a work plan respecting harmonized administrative arrangements before July 1, 1995;
- (p) Articles 1600, 1601 and 1603;
- (q) Article 1706(1) requiring the Committee to establish Model Rules of Procedure before July 1, 1995;
- (r) Article 1713(1) requiring each Party to appoint its screener before July 1, 1995;
- (s) Article 1721 requiring the Parties to establish a Code of Conduct for panellists before July 1, 1995;
- (t) Paragraph 6 of Annex 1718.3 requiring the Parties to establish rates for the tariff items in the Annex before July 1, 1995;
- (u) Article 1807;
- (v) Article 1810; and
- (w) Any provisions containing definitions necessary for the implementation of the provisions referred to in paragraphs (a) to (v).