



LexSage\*

*Canada – Ukraine Free Trade Agreement. A Primer  
for the Canadian Lawyer*

*Ukrainian-Canadian Bar Association  
November 17, 2015*

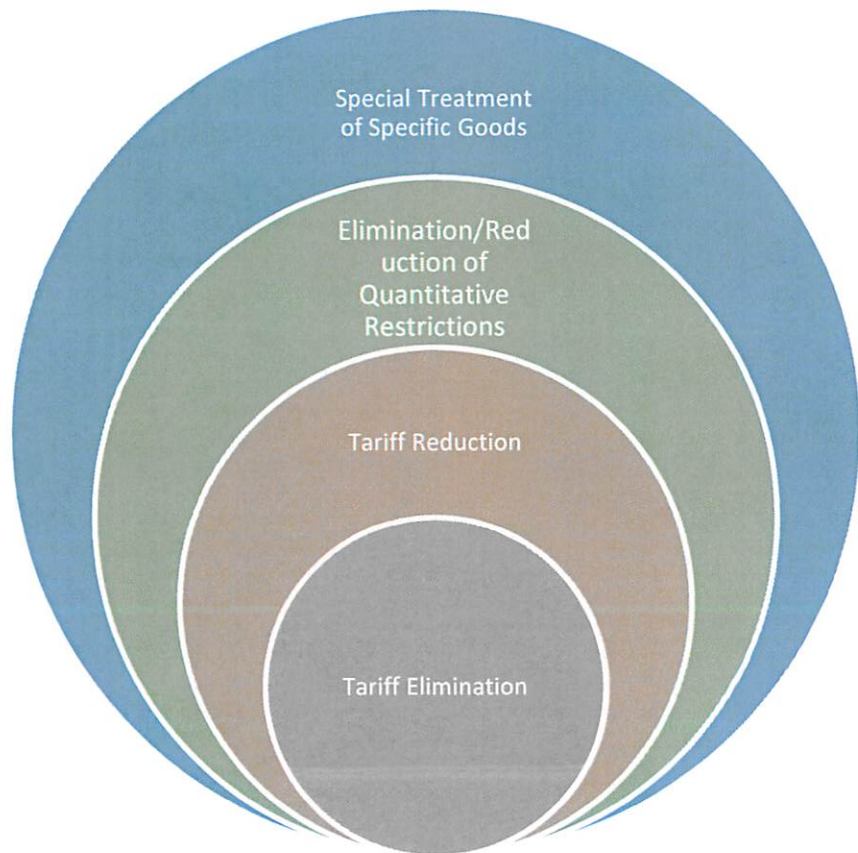


# Canada – Ukraine FTA Background

- ∞ Negotiations commenced 2010
- ∞ 6 rounds of negotiations
- ∞ Signed July 14, 2015
- ∞ Text has not been released
- ∞ Foreign Investment Promotion and Protection Agreement entered into force July 24, 1995
- ∞ Canada – Ukraine Income Tax Convention signed March 4, 1996



# Overview: Concentric Circle Approach – Core – Trade in Goods

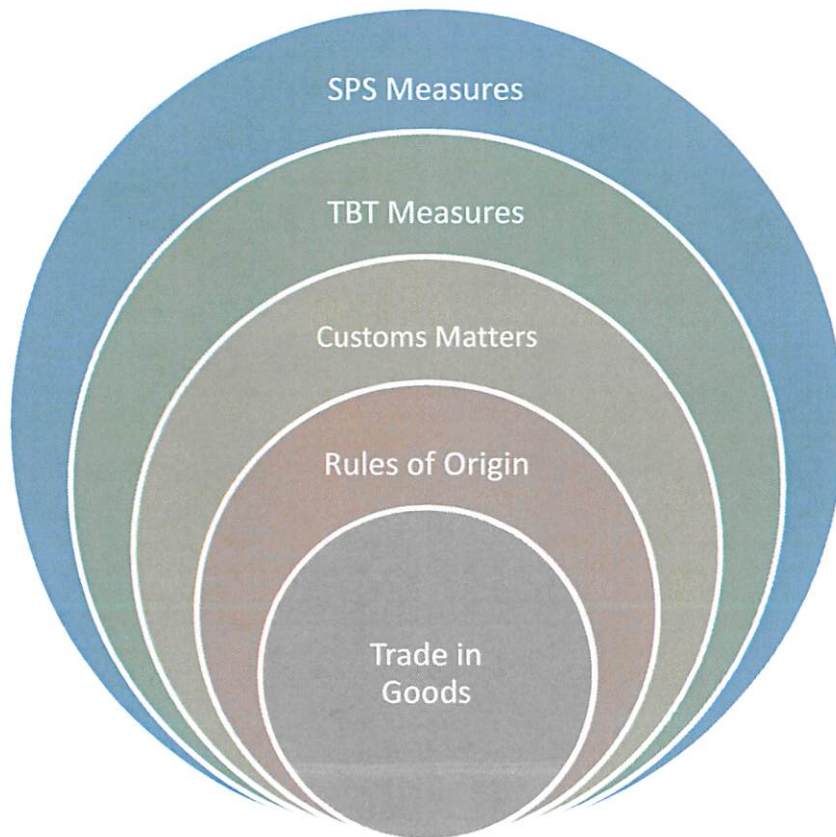


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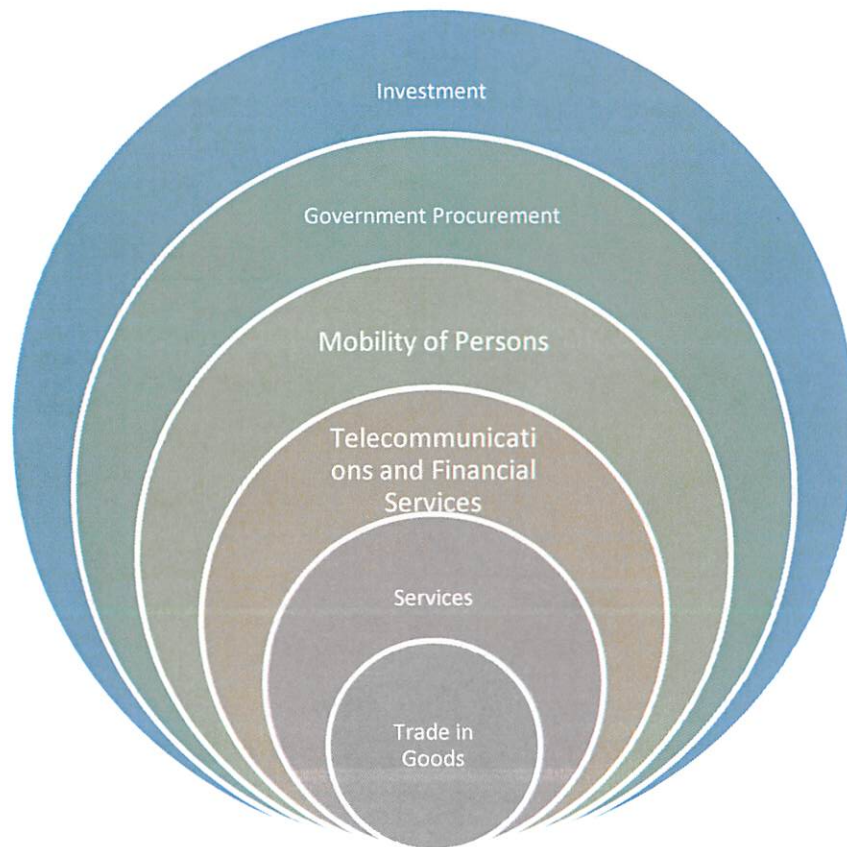
## Overview: Concentric Circle Approach – Core – Trade in Goods



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## Overview: Concentric Circle Approach – Core – Comprehensive PTA

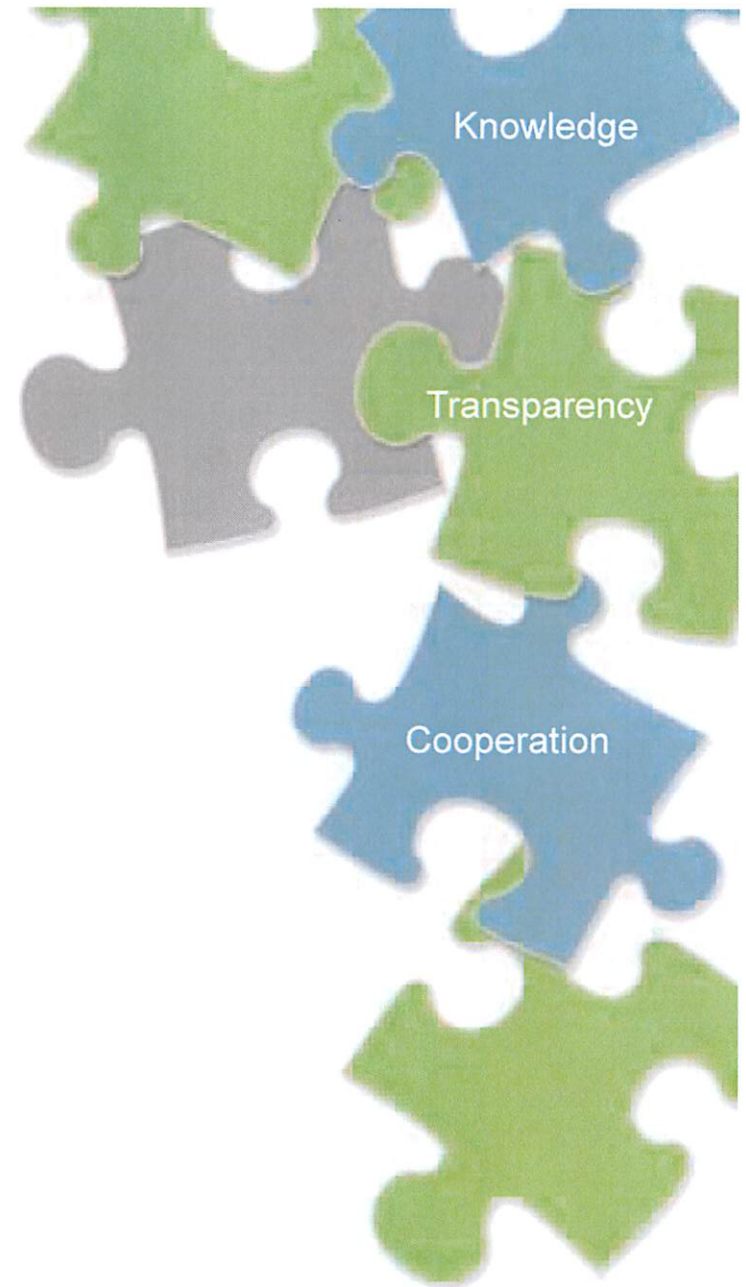
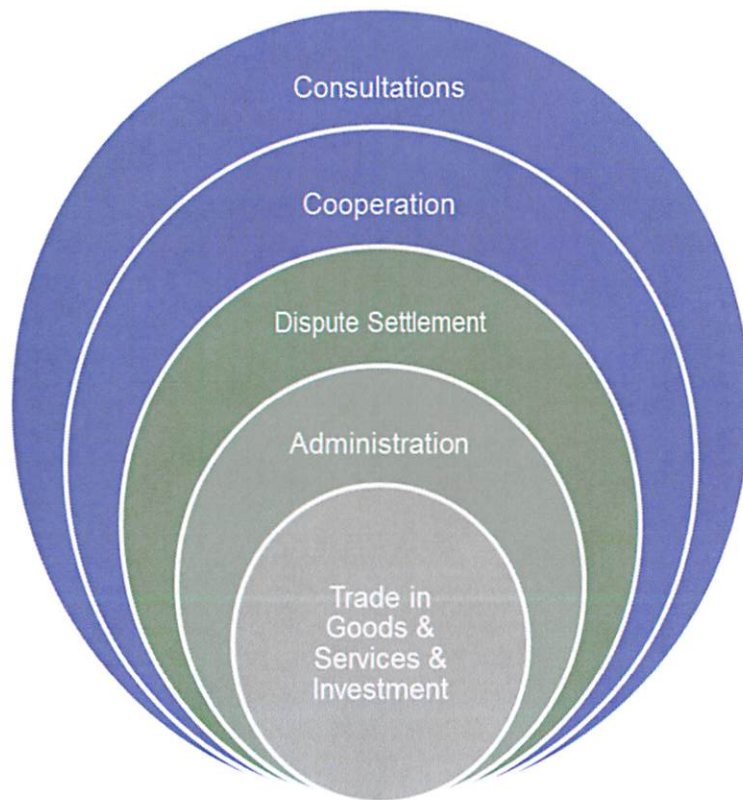


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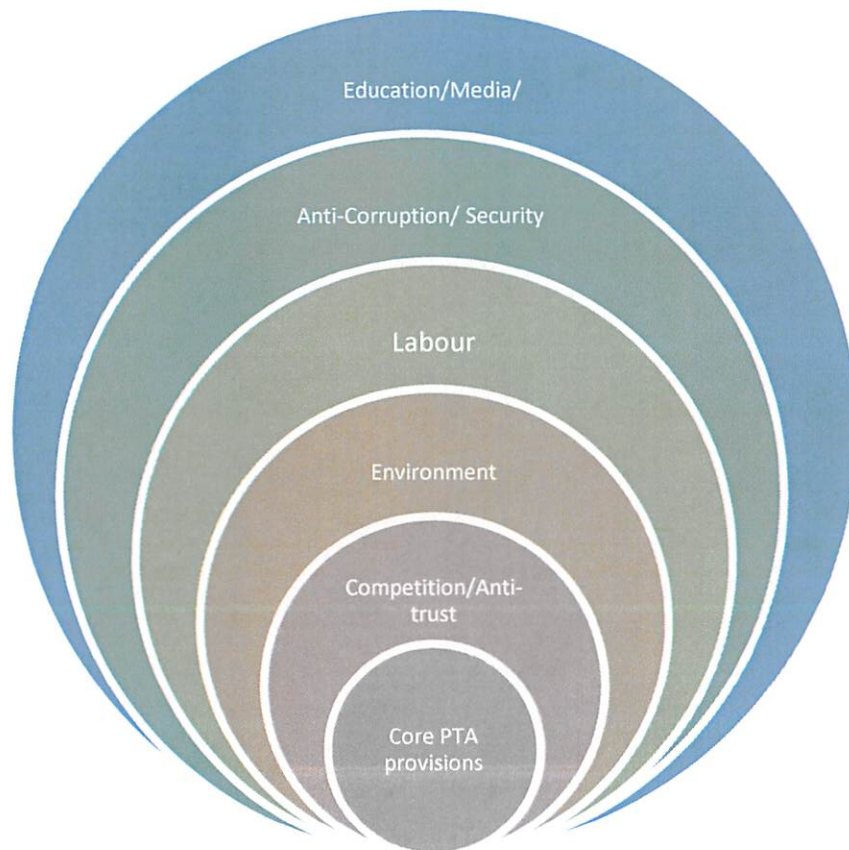




## Overview: Concentric Circle Approach – Core – Operational



# Overview: Concentric Circle Approach – Core – New Issues

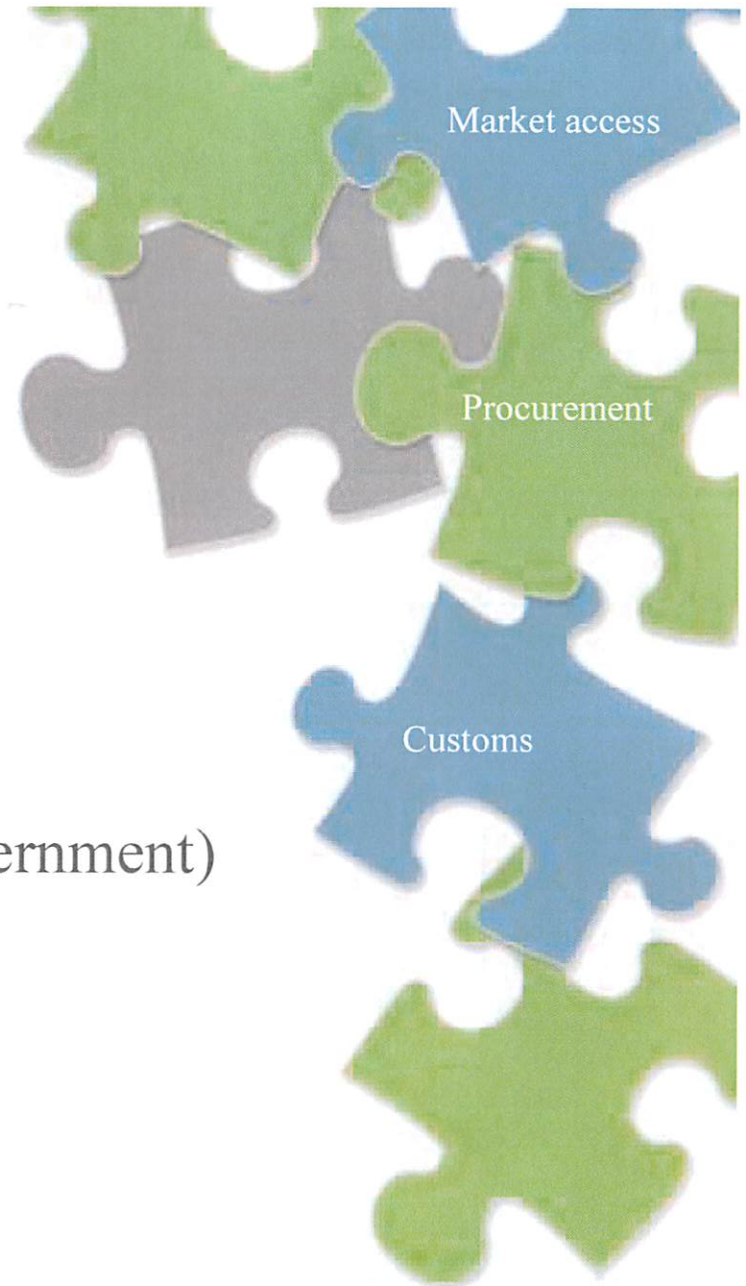


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# Canada-Ukraine FTA: Chapters

- ∞ Market access goods
- ∞ Rules of origin
- ∞ Trade facilitation
- ∞ Emergency action and trade remedies
- ∞ Sanitary and phytosanitary measures
- ∞ Technical barriers to trade
- ∞ Government procurement (central government)
- ∞ Competition policy
- ∞ Monopolies and state enterprises





## Canada – Ukraine FTA: Chapters (Cont'd)

- ∞ Intellectual property
- ∞ Electronic commerce
- ∞ Labour
- ∞ Environment
- ∞ Trade related cooperation
- ∞ Institutional provisions
- ∞ Dispute settlement



# Canada – Ukraine FTA

- ∞ No mention of trade in services chapter
- ∞ No mention of financial services chapter
- ∞ No mention of telecommunications chapter
- ∞ No mention of investment chapter
- ∞ No mention of mobility chapter
- ∞ No mention of energy chapter or energy products
- ∞ No SME Chapter like TPP



# Canada – Ukraine FTA

## ∞ Goods from Canada to Ukraine

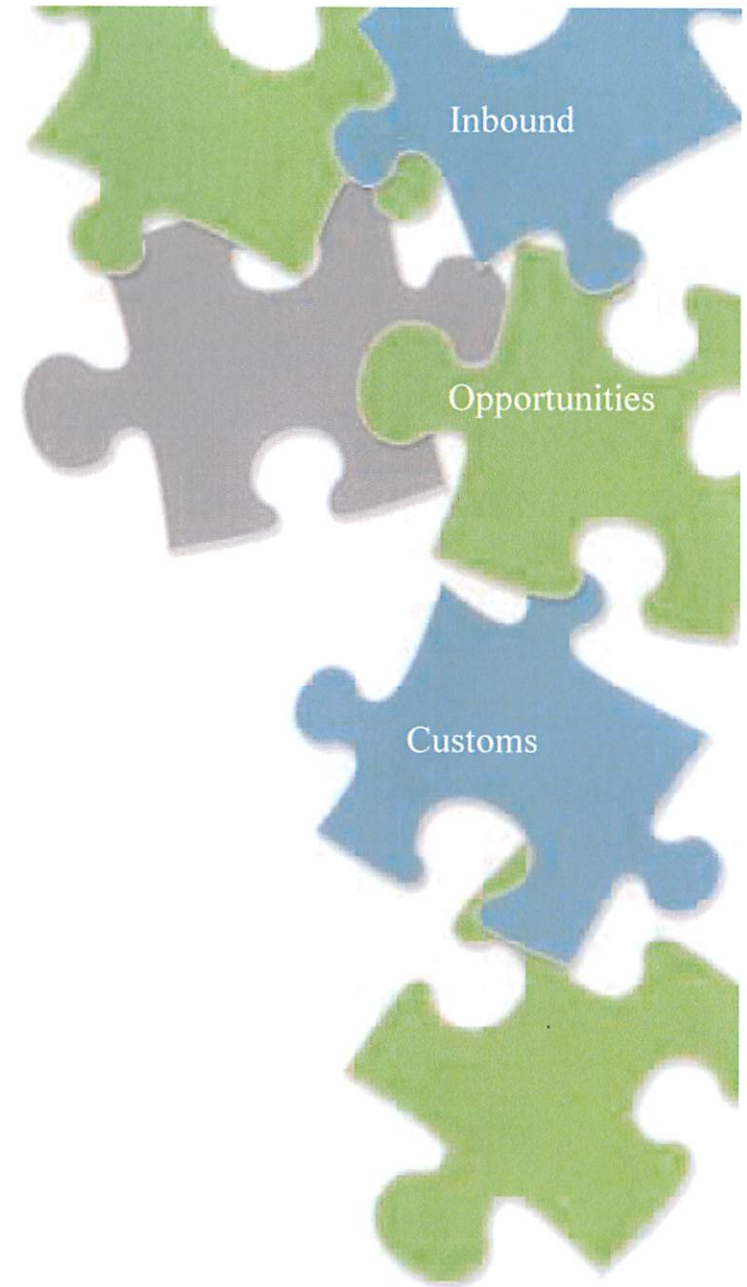
- ∞ Ukraine will immediately eliminate tariffs on **86%** of Canada's current exports to Ukraine
- ∞ **14%** of tariffs will be phased out over periods up to 7 years
- ∞ Beef, pork, canola oil, grains, soybeans, potatoes, French fries, apples, wines, ice wines, maple syrup, forestry and wood products, processed foods, pet feed and animal feed, frozen fish, caviar, cosmetics, pharmaceuticals, iron and steel products, plastics, aerospace, industrial machinery, chemicals, cultures, medications, cooling coal, boring and sinking machinery, trailers, semi-trailers, air compressors, tractors, reservoir tanks, motor boats, asphalt, tires, musical instruments, telescopes, periscopes, drilling tools, and meteorological, geophysical and other surveying instruments





# Canada – Ukraine FTA (Cont'd)

- ∞ Goods from Ukraine to Canada
  - ∞ Canada will immediately eliminate tariffs on 99.9% of current imports from Ukraine
  - ∞ Industrial products, fish and seafood, agricultural products
  - ∞ Sunflower oil, sugar, chocolate, candies, molasses, baked goods, vodka, beer, apparel, ceramics, iron and steel and minerals
  - ∞ Canada excluded all over quota tariffs for supply managed products (dairy, poultry and eggs)



# Canada-Ukraine FTA

## Government Procurement

- ∞ Covers Canadian federal government contracts
- ∞ Does not appear to cover Canadian provincial or municipal contracts
- ∞ Covers Ukrainian central government entities, including government departments and agencies
  - ∞ Airports
  - ∞ Postal system
  - ∞ Public transportation (rail and subway)



# Opportunities for Canadian Lawyers

- ∞ Trade in Goods
  - ∞ Customs, Tariff Classification, Valuation
  - ∞ Export Controls/Economic Sanctions
  - ∞ Packaging and Labelling, Language Laws
  - ∞ Standards, approvals
  - ∞ IP Issues
- ∞ Government Procurement
  - ∞ Assisting in preparation of RFPs, RFQs






# Opportunities for Canadian Lawyers

- ∞ Corporate/Tax
  - ∞ Sales contracts
- ∞ Dispute Settlement
- ∞ Consultations
  - ∞ Services, financial services, telecommunications, investment
  - ∞ Implementation
    - ∞ United States does not have an FTA
    - ∞ EU FTA signed in 2014 to be implemented in 2016





Experience

# LexSage

Professional Corporation



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