

## UNITED KINGDOM NOTE TO CANADA

23<sup>rd</sup> December 2020

Mr. Martin Proulx,  
Director General,  
Innovation, Science and Economic Development Canada.

Dear Mr Proulx,

I have the honour to refer to discussions that have taken place between our two Governments regarding the European Union-Canada Comprehensive Economic and Trade Agreement (“EU-Canada CETA”) signed on 30 October 2016, which is currently being provisionally applied by Canada and by the United Kingdom of Great Britain and Northern Ireland (the “United Kingdom”) in its capacity as a Member State of the European Union.

Mindful of the need to ensure transparency, predictability and legal stability regarding the obligations contained in the EU-Canada CETA once it ceases to apply to the United Kingdom and observing that references to the EU-Canada CETA in this letter are to the EU-Canada CETA as it has effect at the time it ceases to apply to the United Kingdom, I have the honour to propose that:

1. The Government of the United Kingdom and the Government of Canada (the “Participants”) will continue to take the measures listed below, in accordance with their respective existing laws and regulations from the time and date on which the EU-Canada CETA ceases to apply to the United Kingdom.

### **Radio and telecommunications terminal equipment**

2. (a) With respect to radio and telecommunications terminal equipment, the Government of the United Kingdom will, where third-party conformity assessment procedures are required, accept the results of conformity assessment procedures conducted by conformity assessment bodies (CABs) established in Canada, which are recognised pursuant to the EU-Canada CETA.  
  
(b) With respect to radio and telecommunications terminal equipment, the Government of Canada will, where third-party conformity assessment procedures are required, accept the results of conformity assessment procedures conducted by CABs established in the United Kingdom, which are recognised pursuant to the EU-Canada CETA.

## **Electromagnetic compatibility**

3. (a) With respect to products tested for electromagnetic compatibility, the Government of the United Kingdom will, where third-party conformity assessment procedures are required, accept the results of conformity assessment procedures conducted by CABs in Canada, which are recognised pursuant to the EU-Canada CETA.

(b) With respect to products tested for electromagnetic compatibility, the Government of Canada will, where third-party conformity assessment procedures are required, accept the results of conformity assessment procedures conducted by CABs in the United Kingdom, which are recognised pursuant to the EU-Canada CETA.

## **Resolution of Differences**

4. The Participants will appoint their respective contact points to serve as liaisons for communication on each respective sector and provide details to each other of the relevant contact points within six months of the date of the entry into effect of this understanding.

5. If questions arise as to the interpretation of this understanding, the Participants will resolve such questions through consultations between their appointed contact points.

6. If a Participant concludes that a product within the scope of this understanding poses an imminent and serious risk to the public, it will immediately communicate its findings to the other Participant.

## **Entry into Effect and Termination**

7. This understanding will enter into effect when the EU-Canada CETA ceases to apply to the United Kingdom provided that the conditions in paragraph 1 are satisfied.

8. This understanding will terminate:

(a) When a new agreement on conformity assessment between the United Kingdom and Canada enters into force; or

(b) When a period of six months has expired following the date on which a Participant gives written notice of its intention to terminate to the other Participant.

If the foregoing proposal is acceptable to the Government of Canada, I have the honour to propose that the present letter and your letter in reply, equally valid in the English and French languages, will constitute an understanding between our two Governments, which will come into effect in accordance with paragraph 7.

A handwritten signature in cursive script, appearing to read 'G. Russell'.

Mr Graham Russell

## CANADA NOTE TO THE UNITED KINGDOM

23<sup>rd</sup> December 2020

Mr Graham Russell  
Chief Executive  
Office for Product Safety and Standards, BEIS, UK

Dear Mr. Russell,

I have the honour to acknowledge receipt of your letter dated 23<sup>rd</sup> December, 2020, which reads as follows:

“ I have the honour to refer to discussions that have taken place between our two Governments regarding the European Union-Canada Comprehensive Economic and Trade Agreement (“EU-Canada CETA”) signed on 30 October 2016, which is currently being provisionally applied by Canada and by the United Kingdom of Great Britain and Northern Ireland (the “United Kingdom”) in its capacity as a Member State of the European Union.

Mindful of the need to ensure transparency, predictability and legal stability regarding the obligations contained in the EU-Canada CETA once it ceases to apply to the United Kingdom and observing that references to the EU-Canada CETA in this letter are to the EU-Canada CETA as it has effect at the time it ceases to apply to the United Kingdom, I have the honour to propose that:

1. The Government of the United Kingdom and the Government of Canada (the “Participants”) will continue to take the measures listed below, in accordance with their respective existing laws and regulations from the time and date on which the EU-Canada CETA ceases to apply to the United Kingdom.

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(b) With respect to radio and telecommunications terminal equipment, the Government of Canada will, where third-party conformity assessment procedures are required, accept the results of conformity assessment procedures conducted by CABs established in the United Kingdom, which are recognised pursuant to the EU-Canada CETA.

### **Electromagnetic compatibility**

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(b) With respect to products tested for electromagnetic compatibility, the Government of Canada will, where third-party conformity assessment procedures are required, accept the results of conformity assessment procedures conducted by CABs in the United Kingdom, which are recognised pursuant to the EU-Canada CETA.

### **Resolution of Differences**

4. The Participants will appoint their respective contact points to serve as liaisons for communication on each respective sector and provide details to each other of the relevant contact points within six months of the date of the entry into effect of this understanding.
5. If questions arise as to the interpretation of this understanding, the Participants will resolve such questions through consultations between their appointed contact points.
6. If a Participant concludes that a product within the scope of this understanding poses an imminent and serious risk to the public, it will immediately communicate its findings to the other Participant.

### **Entry into Effect and Termination**

7. This understanding will enter into effect when the EU-Canada CETA ceases to apply to the United Kingdom provided that the conditions in paragraph 1 are satisfied.
8. This understanding will terminate:
  - (a) When a new agreement on conformity assessment between the United Kingdom and Canada enters into force; or
  - (b) When a period of six months has expired following the date on which a Participant gives written notice of its intention to terminate to the other Participant.

If the foregoing proposal is acceptable to the Government of Canada, I have the honour to propose that the present letter and your letter in reply, equally valid in the English and French languages, will constitute an understanding between our two Governments, which will come into effect in accordance with paragraph 7. ”

I have the further honour of confirming that my Government shares this understanding and that your letter and this letter in reply, equally valid in the English and French languages, will constitute an understanding between our two Governments, which will come into effect in accordance with paragraph 7 of your letter.

Sincerely,

Josette Gallant, on behalf of

Martin Proulx  
Director General, Engineering, Planning and Standards Branch  
Innovation, Science and Economic Development Canada  
Government of Canada

## NOTE DU CANADA AU ROYAUME-UNI

23 décembre 2020

M. Graham Russell  
Directeur général  
Office for Product Safety and Standards, BEIS, Royaume-Uni

Cher Monsieur Russell,

J'ai l'honneur d'accuser réception de votre lettre en date du 23 décembre 2020, qui est libellée comme suit :

« J'ai l'honneur de me référer aux discussions qui ont eu lieu entre nos deux gouvernements au sujet de l'Accord économique et commercial global entre l'Union européenne et le Canada (l'« AECG UE - Canada ») signé le 30 octobre 2016, qui est actuellement appliqué à titre provisoire par le Canada et par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (le « Royaume-Uni ») en sa qualité d'État membre de l'Union européenne.

Considérant la nécessité d'assurer la transparence, la prévisibilité et la stabilité juridique en ce qui concerne les obligations contenues dans l'AECG UE - Canada après que celui-ci cessera de s'appliquer au Royaume-Uni, et notant que les références faites à l'AECG UE - Canada dans la présente lettre visent l'AECG UE - Canada tel qu'il sera en vigueur au moment où il cessera de s'appliquer au Royaume-Uni, j'ai l'honneur de proposer ce qui suit :

1. Le Gouvernement du Royaume-Uni et le Gouvernement du Canada (les « participants ») continueront de prendre les mesures énumérées ci-dessous, conformément à leurs lois et règlements respectifs en vigueur à compter de la date et de l'heure auxquelles l'AECG UE - Canada cessera de s'appliquer au Royaume-Uni.

### **Équipements hertziens et équipements terminaux de télécommunications**

2. a) En ce qui concerne les équipements hertziens et les équipements terminaux de télécommunications, le Gouvernement du Royaume-Uni acceptera, lorsque des procédures d'évaluation de la conformité par un tiers sont requises, les résultats des procédures d'évaluation de la conformité menées par des organismes d'évaluation de la conformité (OEC) établis au Canada, qui sont reconnus au titre de l'AECG UE - Canada.
- b) En ce qui concerne les équipements hertziens et les équipements terminaux de télécommunications, le Gouvernement du Canada acceptera, lorsque des procédures d'évaluation de la conformité par un tiers sont requises, les résultats des procédures d'évaluation de la conformité menées par des OEC établis au Royaume-Uni, qui sont reconnus au titre de l'AECG UE - Canada.

## **Compatibilité électromagnétique**

3. a) En ce qui concerne les produits mis à l'essai pour en vérifier la compatibilité électromagnétique, le Gouvernement du Royaume-Uni acceptera, lorsque des procédures d'évaluation de la conformité par un tiers sont requises, les résultats des procédures d'évaluation de la conformité menées par des OEC établis au Canada, qui sont reconnus au titre de l'AECG UE - Canada.
- b) En ce qui concerne les produits mis à l'essai pour en vérifier la compatibilité électromagnétique, le Gouvernement du Canada acceptera, lorsque des procédures d'évaluation de la conformité par un tiers sont requises, les résultats des procédures d'évaluation de la conformité menées par des OEC établis au Royaume-Uni, qui sont reconnus au titre de l'AECG UE - Canada.

## **Résolution des divergences**

4. Les participants désigneront leurs points de contact respectifs qui seront chargés d'assurer la liaison pour les communications concernant chacun des secteurs respectifs, et qui se communiqueront les coordonnées des points de contact pertinents dans les six mois suivant la date de prise d'effet de la présente entente.
5. Les participants régleront toute question ayant trait à l'interprétation de la présente entente au moyen de consultations entre leurs points de contact désignés.
6. Si un participant conclut qu'un produit relevant du champ d'application de la présente entente présente un danger imminent et grave pour le public, il fera immédiatement part de ses conclusions à l'autre participant.

## **Prise et cessation d'effet**

7. La présente entente prendra effet lorsque l'AECG UE - Canada cessera de s'appliquer au Royaume-Uni, pourvu que les conditions énoncées au paragraphe 1 soient remplies.
8. La présente entente cessera d'avoir effet :
  - a) au moment de l'entrée en vigueur d'un nouvel accord sur l'évaluation de la conformité entre le Royaume-Uni et le Canada; ou
  - b) au terme d'une période de six mois suivant la date à laquelle un participant aura notifié à l'autre participant, par écrit, son intention d'y mettre fin.

Si le Gouvernement du Canada accepte la proposition qui précède, j'ai l'honneur de proposer que la présente lettre ainsi que votre réponse, dont les versions française et anglaise sont également valides, constituent une entente entre nos deux gouvernements, qui prendra effet conformément au paragraphe 7. »



J'ai en outre l'honneur de confirmer que mon gouvernement souscrit à l'entente précitée et que votre lettre ainsi que la présente réponse, dont les versions française et anglaise sont également valides, constituent une entente entre nos deux gouvernements, qui prendra effet conformément au paragraphe 7 de votre lettre.

Veillez agréer, Monsieur Russell, l'expression de mes sentiments distingués.

Josette Gallant, au nom de

Martin Proulx

Directeur général, Direction Générale du génie, de la planification et des normes  
Innovation, Sciences et Développement économique du Canada  
Gouvernement du Canada