

4. 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*.

5. For those provinces and territories marked by an asterisk, this Agreement does not apply to procurement:

- (a) of goods purchased for representational or promotional purposes; or
- (b) services or construction purchased for representational or promotional purposes outside the province or territory.

6. Except for Ontario and Quebec, this Agreement does not apply to the procurement of goods, services or construction purchased for the benefit of, or which is to be transferred to the authority of, school boards or their functional equivalents, publicly-funded academic institutions, social services entities or hospitals.

7. Nothing in this Agreement shall be construed to prevent any provincial or territorial entity from applying restrictions that promote the general environmental quality in that province or territory, as long as such restrictions are not disguised barriers to international trade.

8. This Agreement does not apply to any procurement made by a covered entity on behalf of a non-covered entity.

9. This Agreement does not apply to Crown Corporations of the provinces and territories.

10. The positive list of goods listed in Annex 1 for the Department of National Defence, Coast Guard and the Royal Canadian Mounted Police also applies to procurement by provincial police forces at the goods threshold applicable to this Annex.

11. The entities covered by this annex shall be subject to the *Revised Text of the Agreement on Government Procurement (Articles I-XXI) as at 13 November 2007* (WTO Document negs 268, 19 November 2007), rather than Articles I-XXIV of this Agreement in relation to the United States until a revised Agreement on Government Procurement enters into force.

12. The General Notes apply to this Annex.