

Affirming their rights and obligations under the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights* and other intellectual property agreements to which both Parties are party;

Affirming the right to fully avail themselves of the flexibilities established in the TRIPS Agreement, including those related to the protection of public health and in particular the promotion of access to medicines for all, and taking note of the *WTO General Council Decision on the implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health* adopted 30 August 2003 and the *Protocol amending the TRIPS Agreement* of 6 December 2005;

Recognizing the differences in the level of development and the size of the Parties' economies and the importance of creating opportunities for economic development;

Recognizing that the promotion and the protection of investments of investors of one Party in the territory of the other Party will be conducive to the stimulation of mutually beneficial business activity;

Recognizing that states must maintain the ability to preserve, develop and implement their cultural policies for the purpose of strengthening cultural diversity, given the essential role that cultural goods and services play in the identity and diversity of societies and the lives of individuals; and

Affirming their commitment to respect the values and principles of democracy and to promote and protect human rights and fundamental freedoms as proclaimed in the *Universal Declaration of Human Rights*;

Have agreed as follows:

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Text of the Canada–Panama Free trade agreement – Chapter one: Initial provisions and general definitions

Section A – General definitions

确认 其根据世界贸易组织《与贸易有关的知识产权协定》及其他知识产权协定所享有的权利和义务；

确认 其充分行使其在《与贸易有关的知识产权协定》中规定的灵活性之权利，包括与保护公共卫生相关的灵活性，特别是促进全民获得药品的灵活性，并注意到世界贸易组织《关于实施多哈宣言：与贸易有关的知识产权协定和公共卫生》第六段的决定，该决定于2003年8月30日通过，以及《修订与贸易有关的知识产权协定的议定书》，该议定书于2005年12月6日通过；

认识到 缔约方之间发展水平和经济规模存在的差异，以及创造经济发展机会的重要性；

认识到促进和保护一方投资者在另一方领土上的投资将有利于刺激互利商业活动；

认识到鉴于文化商品和服务在社会身份和个体生活中的重要作用，国家必须保持保存、发展和实施其文化政策的能力，以加强文化多样性；以及

确认其对尊重民主价值观和原则的承诺，并促进和保护在《世界人权宣言》中宣布的人权和基本自由；

已同意 如下：

在此页面上报告问题

加拿大-巴拿马自由贸易协定文本 – 章节 一：初始条款和一般定义

章节 A – 一般定义

Article 1.01: Definitions of general application

1. For purposes of this Agreement, unless otherwise specified:

Agreement on the Environment means the Agreement on the Environment between Canada and the Republic of Panama;

Commission means the Joint Commission established under Article 21.01 (Administration of the Agreement – Joint Commission);

Coordinators means the Agreement Coordinators established under Article 21.02 (Administration of the Agreement – Agreement Coordinators);

customs duty includes a customs or import duty and a charge of any kind imposed on or in connection with the importation of a good, including a form of surtax or surcharge in connection with that importation, but does not include:

- a. a charge equivalent to an internal tax imposed consistently with Article III:2 of the GATT 1994, in respect of like, directly competitive or substitutable goods of the Party, or in respect of goods from which the imported good has been manufactured or produced in whole or in part;*

第1.0 1条：一般定义

1. 根据本协议，除非另有规定：

环境协定是指加拿大与巴拿马共和国之间的环境协定；**委员会**是指根据第2 1.01条（协定管理——联合委员会）设立的联合委员会；**协调员**是指根据第21 . 0 2条（协定管理——协定协调员）设立的协定协调员；

关税包括关税或进口税以及对商品进口所征收或与之相关的任何费用，包括与该进口相关的任何形式的附加税或附加费，但不包括：

- a. 一项与《1994年关税及贸易总协定》第III条第2款一致，针对缔约方同类、直接竞争或可替代商品的内部税相当的收费；或针对进口货物已全部或部分制造或生产的商品的收费；

- b. an anti-dumping or countervailing duty that is applied pursuant to a Party's domestic law;
- c. a fee or other charge imposed consistent with Article 2.11 (National Treatment and Market Access for Goods – Customs User Fees and Similar Charges); and
- d. a premium offered or collected on an imported good arising out of any tendering system in respect of the administration of quantitative import restrictions, tariff rate quotas or tariff preference levels;

Customs Valuation Agreement means the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994;

days means calendar days, including weekends and holidays;

enterprise means an entity constituted or organized under applicable law, whether or not for profit, and whether privately owned or governmentally owned, including a corporation, trust, partnership, sole proprietorship, joint venture or other association;

existing means in effect on the date of entry into force of this Agreement;

GATS means the WTO General Agreement on Trade in Services;

- b. 一方国内法规定的反倾销或反补贴；

- c. 一项与第2.11条（货物国民待遇和市场准入——海关用户费和类似费用）一致的费用或其他收费；以及

- d. 在进口货物上因任何与数量性进口限制、关税配额或关税优惠水平管理相关的招标制度而提供的或收取的溢价；

海关估价协定 是指《1994年关税及贸易总协定第七条的执行协定》（世界贸易组织协定）；

日 是指日历日，包括周末和假日；**企业**是指根据适用法律成立或组织的实体，无论是否营利性，以及是否私营或国有，包括公司、信托、合伙企业、个体工商户、合资企业或其他协会；

有效的 是指在本协议生效时有效的；

服务贸易总协定是指世界贸易组织服务贸易总协定；

GATT 1994 means the WTO General Agreement on Tariffs and Trade 1994;

goods of a Party means domestic products as these are understood in the GATT 1994 or such goods as the Parties may agree, and includes originating goods of that Party;

Harmonized System (HS) means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes, Chapter Notes and subheading notes;

heading means a four-digit number, or the first four digits of a number, used in the nomenclature of the Harmonized System;

measure includes a law, regulation, procedure, requirement or practice;

national means a natural person who has the nationality of a Party or is a citizen according to Article 1.02, or is a permanent resident of a Party;

New York Convention means the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958;

GATT 1994 是指1994年关税及贸易总协定；

一方货物是指根据GATT1994或各方同意的国内产品，并包括该方的原产地货物；**协调制度(HS)**是指协调商品描述和编码系统，包括其解释总则、分节注释、章节注释和子目注释；

品目是指协调制度分类目录中使用的四位数，或一个数字的前四位；**措施**包括法律、法规、程序、要求或做法；

自然人是指具有一方国籍的自然人，或根据第1.02条具有一方公民身份的人，或一方永久居民；

纽约公约是指1958年6月10日在纽约订立的承认及执行外国仲裁裁决公约；

originating means qualifying under the rules of origin set out in Chapter Three (Rules of Origin);

person means a natural person or an enterprise;

person of a Party means a national, or an enterprise of a Party;

sanitary or phytosanitary measure means a measure referred to in Annex A, paragraph 1 of the SPS Agreement;

SPS Agreement means the WTO Agreement on the Application of Sanitary and Phytosanitary Measures;

state enterprise means an enterprise that is owned, or controlled through ownership interests, by a Party;

subheading means a six -digit number, or the first six digits of a number, used in the nomenclature of the Harmonized System;

tariff classification means the classification of a good or material under a chapter, heading or subheading of the Harmonized System;

tariff elimination schedule means Annex 2.04 (National Treatment and Market Access for Goods – Tariff Elimination);

telecommunications means the transmission and reception of signals by electromagnetic means;

原产地是指符合第三章（原产地规则）中规定的原产地规则；

人员 指自然人或企业；

一方人员 指自然人或一方法人企业；**卫生或植物卫生措施** 指SPS协定附件A第1段所述的措施；**SPS协定** 指世界贸易组织关于实施卫生和植物卫生措施协定；

国有企业 指由一方拥有或通过所有权利益控制的企业；**子目** 指协调制度分类目录中使用的六位数字，或数字的前六位；**关税分类** 指根据协调制度章节、品目或子目对商品或材料的分类；

关税消除时间表意味着附件2.0 4（货物国民待遇和市场准入——关税消除）；**电信**意味着通过电磁方式传输和接收信号；

Tribunal means an arbitration tribunal established under Article 9.23 or 9.27 (Investment – Submission of a Claim to Arbitration and Consolidation);

TPA means the Trade Promotion Agreement between Panama and the United States of America, done on June 28, 2007;

TRIPS Agreement means the WTO Agreement on Trade -Related Aspects of Intellectual Property Rights;

Uniform Regulations means “Uniform Regulations” established under Article 4.12 (Customs Procedures – Uniform Regulations); and

WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994.

2. *For purposes of this Agreement, a word in the singular includes that word in the plural, except where otherwise indicated.*

Article 1.02: Country-specific definitions

For purposes of this Agreement, unless otherwise specified:

citizen means, with respect to Canada, a natural person who is a citizen of Canada under Canadian legislation;

national government means:

仲裁庭意味着根据第9.23条或9.27条（投资——仲裁索赔的提交和合并）设立的仲裁庭；

贸易促进协定是指巴拿马和美国之间于2007年6月28日签订的<code>贸易促进协定</code>;

与贸易有关的知识产权协定是指<code>马拉喀什建立世界贸易组织的协定</code>中关于<code>与贸易有关的知识产权协定</code>的<code>世界贸易组织协定</code>; **统一法规**是指根据第4.12条（<code>海关程序——统一法规</code>）建立的“<code>统一法规</code>”； 和

世界贸易组织协定是指于1994年4月15日签订的<code>马拉喀什建立世界贸易组织的协定</code>。

2. 在本<code>协议</code>中，单数形式的词语包括其复数形式，除非另有说明。

第1.0 2条：国家特定定义

根据本协议，除非另有规定：**公民** 是指，就加拿大而言，根据加拿大立法成为加拿大公民的自然人；**国家政府**是指：

- a. *with respect to Canada, the Government of Canada; and*
- b. *with respect to Panama, the national level of government;*

natural person who has the nationality of a Party means, with respect to Panama, Panamanians by birth, naturalization or adoption, in accordance with Articles 9, 10, and 11 of the Constitution of the Republic of Panama;

sub-national government means:

- a. *with respect to Canada, provincial, territorial, or local governments; and*
- b. *with respect to Panama, local governments;*

territory means:

- a. *with respect to Canada, (i) the land territory, air space, internal waters and territorial sea of Canada; (ii) the exclusive economic zone of Canada, as determined by its domestic law, consistent with Part V of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982 (UNCLOS); and (iii) the continental shelf of Canada, as determined by its domestic law, consistent with Part VI of UNCLOS;*
- b. *with respect to Panama, the land, maritime, and air space under its sovereignty; the exclusive economic zone, and the*

- a. 就加拿大而言，加拿大政府；以及b. 就巴拿马而言，国家级政府；

具有一方国籍的自然人 是指，就巴拿马而言，根据巴拿马共和国宪法第9条、第10条和第11条的规定，出生、归化或收养的巴拿马人；

次级国家政府 是指：

- a. 就加拿大而言，省、地区或地方政府；以及b. 就巴拿马而言，地方政府；

领土 是指：

- a. 就加拿大而言，(i) 加拿大的陆地领土、领空、内水和领海；(ii) 根据其国内法确定的加拿大的专属经济区，与在蒙特哥贝于1982年12月10日通过的《联合国海洋法公约》第V部分一致（UNCLOS）；以及(iii) 根据其国内法确定的加拿大的大陆架，与《联合国海洋法公约》第VI部分一致；

- b. 关于巴拿马，其主权下的陆地、海洋和领空；专属经济区，以及

continental shelf within which it exercises sovereign rights and jurisdiction in accordance with its domestic law and international law.

Section B – Initial provisions

Article 1.03: Establishment of the free trade area

The Parties to this Agreement, consistent with Article XXIV of the GATT 1994 and Article V of the GATS, hereby establish a free trade area.

Article 1.04: Relation to other agreements

1. The Parties affirm their existing rights and obligations with respect to each other under the WTO Agreement and other agreements to which the Parties are party.
2. In the event of any inconsistency between this Agreement and the agreements referred to in paragraph 1, this Agreement shall prevail, except as otherwise provided in this Agreement.
3. The WTO Agreement exclusively governs the rights and obligations of the Parties regarding subsidies and the application of anti-dumping and countervailing measures, including the settlement of any disputes about those matters. This paragraph

其行使主权权利和管辖权的<code>大陆架</code>, 根据其<code>国内法</code>和<code>国际法</code>。

B部分 – 初始条款

第1.03条：自由贸易区的建立

本协议各方，根据GATT1994第XXIV条和GATS第V条的规定，兹建立自由贸易区。

第1.04条：与其他协议的关系

1. 各方确认其在世界贸易组织协定以及其他各方为缔约方的协议项下的现有权利和义务。
2. 如本协议与第1段所述协议之间存在任何不一致，本协议应优先适用，除非本协议另有规定。
3. 世界贸易组织协定专门规范各方关于补贴以及反倾销和反补贴措施的权利和义务，包括解决有关这些事项的任何争端。本段

does not apply to Articles 2.04(5) and 2.13 (National Treatment and Market Access for Goods – Tariff Elimination and Agricultural Export Subsidies).

Article 1.05: Extent of obligations

Each Party is fully responsible for the observance of all provisions of this Agreement and shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement, except as otherwise provided in this Agreement, by the sub-national governments and authorities within its territory.

Article 1.06: Relation to environmental and conservation agreements

In the event of an inconsistency between an obligation in this Agreement and an obligation of a Party under an agreement listed in Annex 1.06, the latter obligation shall prevail provided that the measure taken is necessary to comply with that obligation, and is not applied in a manner that would constitute, where the same conditions prevail, arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

Article 1.07: Reference to other agreements

不适用于第2.04(5)条和2.13条（货物国民待遇和市场准入——关税消除和农业出口补贴）。

第1.05条：义务的范围

每一缔约方应对遵守本协定所有条款负全部责任，并应采取其所能采取的合理措施以确保在本协定的领土内的次国家政府和当局遵守本协定的条款，除非本协定另有规定。

第1.06条：与环境保护协定的关系

在本协定的一项义务与环境保护协定附件1.06中列出的某一方义务之间发生不一致的情况下，如果采取的措施是遵守该义务所必需的，并且不是以在相同条件下构成任意或不合理的歧视或隐蔽的贸易限制的方式应用的，则后者的义务应优先适用。

第1.0条7：对其他协定的引用

Where this Agreement refers to or incorporates by reference other agreements or legal instruments in whole or in part, those references include related footnotes, interpretative and explanatory notes.

Except where the reference affirms existing rights, such references also include, as the case may be, successor agreements to which the Parties are party or amendments binding on the Parties.

Annex 1.06: Multilateral environmental agreements

- a. The Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on 3 March 1973, as amended on 22 June 1979.
- b. The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on 16 September 1987, as amended 29 June 1990, as amended 25 November 1992, as amended 17 September 1997, as amended 3 December 1999.
- c. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, done at Basel on 22 March 1989.
- d. The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in

当本协议引用或通过引用方式纳入全部或部分其他协定或法律文件时，这些引用包括相关的脚注、解释性说明。除非引用确认了有效权利，此类引用还可能包括，视情况而定，缔约方是缔约方的后续协议或对缔约方具有约束力的修正案。

附件1.06：多边环境

协定

- a. 濒危野生动植物种国际贸易公约，于1973年3月3日在华盛顿签署，并于1979年6月22日修正。
- b. 消耗臭氧层物质蒙特利尔议定书，于1987年9月16日在蒙特利尔签署，并于1990年6月29日、1992年11月25日、1997年9月17日和1999年12月3日修正。
- c. 危险废物跨界移动及其处置巴塞尔公约，于1989年3月22日在巴塞尔签署。
- d. 《鹿特丹关于某些危险化学品和农药的先期知情同意程序的公约》在鹿特丹于1998年9月10日签署。

International Trade, done at Rotterdam on 10 September 1998.

- e. *The Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001.*

Text of the Canada–Panama Free trade agreement – Chapter two: National treatment and market access for goods

Article 2.01: Definitions

For purposes of this Chapter:

Advertising films and recordings means recorded visual media or audio materials, consisting essentially of images or sound, showing the nature or operation of a good or service offered for sale or lease by a person established or resident in the territory of a Party, provided that those materials are of a kind suitable for exhibition to a prospective customer but not for broadcast to the general public, and provided that they are imported in a packet that contains no more than one copy of each film or recording and that does not form part of a larger consignment;

Agricultural good means a product listed in Annex 1 of the WTO Agreement on Agriculture;

Commercial sample means:

- 1. a good that is:
 - a. representative of a particular category of good produced outside the territory of a Party, and
 - b. imported only for the purpose of being exhibited or demonstrated to solicit orders for a similar good to be supplied from outside the territory of a Party; or
- 2. a film, chart, projector, scale model or similar item, imported only for the purpose of illustrating a particular category of good produced outside the territory of a Party to solicit orders for a similar good to be supplied from outside the territory of a Party;

国际贸易，于鹿特丹于1998年9月10日签署。

- e. 《斯德哥尔摩关于持久性有机污染物的公约》，于2001年5月22日在斯德哥尔摩签署。

加拿大-巴拿马自由贸易协定文本 – 章节：货物国民待遇和市场准入

第2.01条：定义

本章规定：

广告影片和录音是指录制的视觉媒体或音频材料，主要由图像或声音组成，展示由一方领土内设立或居住的个人提供的商品或服务的性质或操作，前提是这些材料适合向潜在客户展示但不适合向公众广播，并且它们被进口在包含每个影片或录音不超过一份的包裹中，并且不构成更大一批货的一部分；

农业商品是指《世界贸易组织农业协定》附件1中列出的产品；

商业样品是指：

- 1. 一种商品，其定义为： a. 代表特定类别的商品，但该商品是在一方领土之外生产的，并且 b. 仅进口用于展示或演示，以征求从一方领土之外供应类似商品的订单；或 2. 影片、图表、投影仪、比例模型或类似物品，仅进口用于说明一方领土之外生产的特定类别的商品，以征求从一方领土之外供应类似商品的订单；