

Security) shall not be subject to the dispute settlement provisions of Section C of this Chapter or of Chapter Twenty -Two (Dispute Settlement).

Text of the Canada–Panama Free trade agreement – Chapter ten: Cross-border trade in services

Article 10.01: Definitions

For purposes of this Chapter:

aircraft repair and maintenance services mean these activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so -called line maintenance;

computer reservation system (CRS) services mean services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;

cross-border trade in services means providing a service:

- from the territory of one Party into the territory of the other Party,
- in the territory of one Party by a person of that Party to a person of the other Party, or

安全）不应受本章节第C章或第二十二章（争议解决）的争议解决条款的约束。

加拿大-巴拿马自由贸易协定文本 – 第十章：跨境服务贸易

第10.01条：定义

本章的目的是：

飞机维修保养服务 是指在飞机或其部分从服务中撤出时进行的这些活动，不包括所谓的航线维护；**计算机预订系统（CRS）服务** 是指由包含有关航空公司时刻表、可用性、票价和票价规则的计算机化系统提供的服务，通过这些系统可以进行预订或发行机票；

跨境服务贸易 是指提供服务：

- 从一方领土进入另一方领土，在一方领土内由该方人员向另一方人员提供，或
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- *by a national of a Party in the territory of the other Party,*

but does not include providing a service in the territory of a Party by

a covered investment as defined in Article 9.01 (Investment –

Definitions);

***enterprise** means an enterprise as defined in Article 1.01 (Initial*

Provisions and General Definitions – Definitions of General

Application), and a branch of an enterprise;

***enterprise of a Party** means an enterprise organized or constituted*

under the laws of a Party and a branch located in the territory of a

Party and carrying out business activities there;

***measure adopted or maintained by a Party** means a measure adopted*

or maintained by:

- *a national or sub -national government or authority; or*
- *a non-governmental body exercising a national or sub -national governmental authority;*

***professional service** means a service, the provision of which requires*

specialized post -secondary education, or equivalent training or

experience, and for which the right to practise is granted or restricted

by a Party, but does not include a service provided by a tradesperson

or a crew member of a vessel or an aircraft;

- 由一方国民在另一方领土内提供，但不包括根据第9.01条（投资——定义）定义的受涵盖投资在一方领土内提供服务；

企业 是指根据第1.01条（初始条款和一般定义——一般应用定义）中定义的企业，以及企业的分支机构；

一方企业 是指根据一方法律组织或成立的企业，以及位于一方领土内并在该领土内开展业务活动的分支机构；

一方采取或维持的措施 是指一方采取或维持的措施：

- 一国民政府或下级政府或当局；或行使一国民或下级政府当局的非政府机构；
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专业服务是指提供该服务需要专门的高等后教育，或同等培训或经验，并且其执业权由一方授予或限制的服务，但不包括由手艺人、船舶船员或飞机船员提供的服务；

selling or marketing of an air transport service means opportunities for the air carrier concerned to sell and market freely its air transport services and all aspects of marketing such as market research, advertising and distribution, but does not include the pricing of air transport services nor the applicable conditions; and

service provider of a Party means a person of that Party that seeks to provide or provides a service.

Article 10.02: Scope of Application

1. *This Chapter applies to measures adopted or maintained by a Party affecting cross – border trade in services by a service provider of the other Party, including a measure that affects:*
 - a. *producing, distributing, marketing, selling and delivering of a service;*
 - b. *purchasing, using or paying for a service;*
 - c. *accessing and using a distribution, transport or telecommunications network and service in connection with providing a service;*
 - d. *the presence in its territory of a service provider of the other Party; or*

航空运输服务的销售或营销是指有关航空公司自由销售和营销其航空运输服务以及营销的所有方面的机会，如市场调研、广告和分销，但不包括航空运输服务的定价或适用条件；并且**一方的服务提供者**是指该方寻求提供或提供服务的人员。

第10.02条：适用范围

1. 本章适用于一方为影响另一方服务提供者的跨境服务贸易而采取或维持的措施，包括影响：
 - a. 提供服务；分销、运输或电信网络；营销、销售和交付服务；
 - b. 购买、使用或支付服务；
 - c.接入和使用与提供服务相关的分销、运输或电信网络和服务；
 - d. 另一方服务提供者在其实领土内的存在；或

- e. *requiring a bond or other form of financial security as a condition for providing a service.*

2. *This Chapter does not apply to:*

- a. *a financial service as defined in Chapter Twelve (Financial Services);*
- b. *an air service or related service in support of air services, other than:*
 - i. *an aircraft repair and maintenance service,*
 - ii. *the selling or marketing of an air transport service,*
 - or*
 - iii. *a computer reservation system (CRS) service;*
- c. *procurement by a Party or a state enterprise; or*
- d. *a subsidy or grant provided by a Party or a state enterprise, including a government-supported loan, guarantee or insurance.*

3. *This Chapter does not impose an obligation on a Party with respect to a national of the other Party seeking access to its employment market, or employed on a permanent basis in its*

- e. 要求作为提供服务条件的债券或其他形式的金融担保。

2. 本章不适用于：

- a. 第十二章（金融服务）中定义的金融服务；b. 支持航空服务的航空服务或相关服务，但不包括：
 - i. 飞机维修保养服务、ii. 航空运输服务的销售或营销，或iii. 计算机预订系统（CRS）服务；
- c. 一方或国有企业的采购；或d. 一方或国有企业提供的补贴或拨款，包括政府支持贷款、担保或保险。

3. 本章并未对一方就另一方国民寻求进入其就业市场，或在其实质领土上永久就业，或就其进入或就业授予该国民任何权利的义务作出规定。

territory, or confer any right on that national with respect to that access or employment.

Article 10.03: National Treatment

1. Each Party shall accord to a service provider of the other Party treatment no less favourable than that it accords in like circumstances to its own service providers.
2. The treatment accorded by a Party under paragraph 1 means, with respect to a measure adopted or maintained by a sub -national government, treatment no less favourable than the most favourable treatment accorded, in like circumstances, by that sub -national government to service providers of the Party of which it forms a part.
3. The treatment accorded by a Party under paragraph 1 extends to a relevant service provided by that service provider.

Article 10.04: Most-Favoured-Nation Treatment

1. Each Party shall accord to a service provider of the other Party treatment no less favourable than that it accords in like circumstances to service providers of a non-Party.

领土，或就其进入或就业授予该国民任何权利。

第10.03条：国民待遇

1. 每一方应给予另一方的服务提供者不低于其给予其自身服务提供者的待遇。
2. 第1段所述的方给予的待遇，就次国家政府采取或维持的措施而言，是指不低于该次国家政府在与类似情况下，给予其所属方的服务提供者的最惠国待遇。
3. 第1段所述的方给予的待遇包括该服务提供者提供的相关服务。

第10.04条：最惠国待遇

1. 每一方应给予另一方的服务提供者不低于其给予非一方服务提供者在类似情况下的待遇。

2. The treatment accorded by a Party under paragraph 1 extends to a relevant service provided by that service provider.

Article 10.05: Market Access

A Party may not adopt or maintain a measure that:

- imposes limitations on:
 - the number of service providers, whether in the form of a numerical quota, monopoly, exclusive service provider or by requiring an economic needs test,
 - the total value of service transactions or assets in the form of a numerical quota or the requirement of an economic needs test,
 - the total number of service operations or the total quantity of service output expressed in terms of a designated numerical unit in the form of a quota or the requirement of an economic needs test, or
 - the total number of natural persons that may be employed in a particular service sector or that a service provider may employ and who are necessary for, and directly related to, the provision of a specific service in the

2. 根据第1段给予的待遇扩展到该服务提供者提供的相关服务。

第10.05条：市场准入

一方不得采取或维持下列措施：

- 对下列方面施加限制：
 - 服务提供者的数量，无论是以数量配额、垄断、独家服务提供者或要求经济需求测试的形式，服务交易的总价值或以数量配额形式存在的资产或要求经济需求测试，服务运营的总数量或以配额形式表达的指定数量单位的服务产出总量或要求经济需求测试，或特定服务部门中可能被雇佣的总自然人数或服务提供者可能雇佣且必要且直接与提供特定服务相关的人数，
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form of a numerical quota or the requirement of an economic needs test; or

- restricts or requires a specific type of legal entity or joint venture through which a service provider may provide a service.

Article 10.06: Local Presence

A Party may not require as a condition for the cross -border provision of a service that a service provider of the other Party:

- establish or maintain a representative office or an enterprise in its territory; or
- be resident in its territory.

Article 10.07: Reservations

1. Articles 10.03, 10.04, 10.05 and 10.06 do not apply to:
 - a. an existing non-conforming measure that is maintained by a Party at the level of the:
 - i. national government as set out in its Schedule to Annex I, or
 - ii. a sub -national government;

以数量配额形式或要求经济需求测试；或

- 限制或要求服务提供者必须通过特定类型的法律实体或合资企业提供服务。

第10.06条：本地存在

一方不得要求另一方服务提供者在跨境提供服务时，必须设立或维持代表处或在其领土内的企业；或在其领土内居住。

- 建立或维持代表处或企业；或在其领土内居住。
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第10.07条：保留

1. 第10.03、10.04、10.05和10.06条不适用于：
 - a. 一方维持的现有非符合性措施，该措施在以下层面：
 - i. 中央政府，如其在附件一中的清单所列，或ii. 次国家级政府；

- b. *the continuation or prompt renewal of a non-conforming measure referred to in subparagraph (a); or*
- c. *an amendment to a non-conforming measure referred to in subparagraph (a) provided that this amendment does not decrease the conformity of the measure as it existed immediately before the amendment, with Articles 10.03, 10.04, 10.05 and 10.06.*

- 2. *Articles 10.03, 10.04, 10.05 and 10.06 do not apply to a measure that a Party adopts or maintains with respect to a sector, subsector or activity, as set out in its Schedule to Annex II.*

Article 10.08: Domestic Regulation

The Parties note their mutual obligations related to domestic regulation in Article VI:4 of the GATS and affirm their commitment to develop necessary disciplines under Article VI:4. If any of those disciplines are adopted by the WTO Members, the Parties will, as appropriate, jointly review them to determine whether this Article needs to be supplemented.

Article 10.09: Recognition

- b. 非符合性措施（见第(a)项下所述）的延续或及时续期；或
- c. 对(a)项中提到的非符合性措施的一项修正，前提是该修正不降低该措施在修正前的符合性，与第10.03、10.04、10.05和10.06条。

- 2. 第10.03、10.04、10.05和10.06条不适用于一方根据其附件II的清单针对一个部门、子部门或活动所采纳或维持的措施。

第10.08条：国内法规

各方注意到其就《服务贸易总协定》第六条第四款中的国内法规所承担的相互义务，并重申其致力于根据第六条第四款制定必要的纪律。如果世界贸易组织成员采用了其中任何纪律，各方将根据适当情况共同审查这些纪律，以确定是否需要补充本条。

第10.09条：承认

1. For the purposes of fulfillment, in whole or in part, of its standards or criteria for the authorization, licensing or certification of services providers, and subject to the requirements of paragraph 3, a Party may recognize the education or experience obtained, requirements met, or licenses or certifications granted in a particular country. That recognition, which may be achieved through harmonization or otherwise, may be based on an agreement or arrangement with the country concerned or may be accorded autonomously.
2. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for the other Party, if the other Party is interested, to negotiate its accession to that agreement or arrangement or to negotiate a comparable agreement or arrangement. Where a Party accords recognition autonomously, it shall afford adequate opportunity for the other Party to demonstrate that education, experience, licences or certifications obtained or requirements met in that other Party's territory should be recognized.
3. A Party shall not accord recognition in a manner that would constitute a means of discrimination between countries in the application of its standards or criteria for the authorization,

1. 为履行其授权、许可或认证服务提供者的标准或标准，全部或部分地，一方可承认在一个特定国家获得的教育或经验、满足的要求或授予的许可证或认证。这种承认可通过协调或其他方式实现，可基于与有关国家的协议或安排，也可自主给予。

2. 一方是第1段所述类型协议或安排的缔约方，无论该协议或安排是现存还是未来的，均应给予另一方充分的机会，如果另一方有兴趣，则谈判加入该协议或安排或谈判一个相当的协议或安排。当一方自主地给予承认时，应给予另一方充分的机会，以证明在该另一方领土内获得的教育、经验、许可证或认证或满足的要求应予承认。

3. 一方不得以承认的方式，在应用其服务提供者的授权、许可或认证的标准或标准方面，构成对国家之间的歧视，

licensing or certification of services providers, or a disguised restriction on trade in services.

4. The Parties shall encourage their relevant professional service bodies in their respective territories to:

- exchange information on existing standards and criteria for the authorization, licensing and certification of professional service providers; and
- consider the use of the standards and criteria of Annex 10.09 in discussions for a potential agreement or arrangement referred to in paragraph 1.

Article 10.10: Denial of Benefits

Subject to prior notification in accordance with Article 20.03

(Transparency – Notification and Provision of Information):

- the benefits of this Chapter shall be denied to a service provider of the other Party where the Party establishes that the service is being provided by an enterprise owned or controlled by a national of a non-Party, and the denying Party adopts or maintains a measure with respect to the non-Party that prohibits transactions with the enterprise or that would be

或与服务贸易施加伪装限制。

4. 各方应鼓励其在各自领土内的相关专业服务机构:

- 交流有关专业服务提供者授权、许可和认证的现有标准和标准; 并考虑在讨论第1段所述的潜在协议或安排时使用附件1 0.0 9的标准和标准。
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第10.10条：拒绝利益

根据第20.03条（透明度——通知和信息提供）事先通知:

- 本章的利益应被否认给另一方的服务提供者，其中一方证明该服务是由一家由非一方国民拥有或控制的企业提供的，并且否认方针对非一方采取或维持的措施禁止与该企业进行交易，或者如果本章的利益给予该企业，则该措施将被违反或规避；以及

violated or circumvented if the benefits of this Chapter were accorded to the enterprise; and

- a Party may deny the benefits of this Chapter to a service provider of the other Party if the service provider is an enterprise owned or controlled by a person of a non-Party that has no substantial business activities in the territory of the other Party.*

Article 10.11: Transfers and Payments

- Each Party shall permit transfers and payments relating to the cross -border provision of services to be made freely and without delay into and out of its territory.*
- Each Party shall permit transfers and payments relating to the cross -border provision of services to be made in a freely usable currency at the market rate of exchange prevailing on the date of transfer.*
- Notwithstanding paragraphs 1 and 2, a Party may prevent or delay a transfer or payment through the equitable, non-discriminatory, and good faith application of its domestic law relating to:*

如果本章的利益被授予企业，则会被违反或规避；和

- 一方可以拒绝向另一方服务提供者提供本章的利益，如果该服务提供者是由没有在另一方领土内进行实质性业务活动的非一方人士拥有或控制的企业。

第10.11条：转让和支付

- 每一方应允许与跨境提供服务有关的转让和支付自由且无延迟地进入和离开其领土。
- 每一方应允许与跨境提供服务有关的转让和支付以自由使用货币，并在转让日期适用的市场汇率进行。
- 尽管有第1段和第2段的规定，一方可以通过对其与破产、资不抵债或债权人权利保护；发行、交易或证券交易、期货、期权或衍生品；在必要时对转移的财务报告或记录保存，以协助执法或金融监管机构；刑事或刑事犯罪；或确保遵守司法或行政程序中的命令或判决的公平、非歧视和善意的国内法律的应用来阻止或延迟转移或支付；

- *bankruptcy, insolvency or the protection of the rights of a creditor;*
- *issuing, trading, or dealing in securities, futures, options or derivatives;*
- *financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;*
- *a criminal or penal offence; or*
- *ensuring compliance with an order or judgment in judicial or administrative proceedings.*

- 破产、资不抵债或债权人权利保护；发行、交易或证券交易、期货、期权或衍生品；在必要时对转移的财务报告或记录保存，以协助执法或金融监管机构；刑事或刑事犯罪；或确保遵守司法或行政程序中的命令或判决。
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Annex 10.09 – Professional Services

1. Development of Professional Standards

The Parties shall encourage the relevant professional bodies in their respective territories to develop mutually acceptable standards and criteria for licensing and certification of professional service providers and to provide recommendations on mutual recognition to the Commission.

2. The standards and criteria referred to in paragraph 1 may be developed with regard to the following matters:

附件10.09 – 专业服务

1. 专业标准发展

各方应鼓励其各自领土内的相关专业机构制定相互可接受的标准和认证专业服务提供者的标准，并向委员会提供关于相互承认的建议。

2. 第1段所述的标准和标准可能涉及以下事项：

- *education – accreditation of schools or academic programs;*
 - *examinations – qualifying examinations for licensing, including alternative methods of assessment such as oral examinations and interviews;*
 - *experience – length and nature of experience required for licensing;*
 - *conduct and ethics – standards of professional conduct and the nature of disciplinary action for non-conformity with those standards;*
 - *professional development and re -certification – continuing education and ongoing requirements to maintain professional certification;*
 - *scope of practice – extent of permissible activities or limitations on permissible activities;*
 - *local knowledge – requirements for knowledge of such matters as local laws, regulations, language, geography or climate; and*
 - *consumer protection – alternatives to nationality or residency requirements to protect consumers, including*
- 教育——学校或学术项目的认证；考试——许可的资格考试，包括口试和面试等评估替代方法；经验——许可所需的经验长度和性质；行为和道德——职业行为标准和与该标准不合规的纪律处分性质；专业发展和再认证——继续教育和维持专业认证的持续要求；
 - 执业范围——允许活动或允许活动的限制范围；地方知识——对地方法律、法规、语言、地理或气候等事项的知识要求；以及消费者保护——保护消费者的国籍或居住权要求的替代方案，包括
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bonding, professional liability insurance and client
restitution funds.

3. On receipt of a recommendation referred to in paragraph 1, the Commission shall review the recommendation within a reasonable time to determine whether it is consistent with this Agreement. If the Commission determines that the recommendation is consistent with this Agreement, each Party shall encourage its respective competent authorities, where appropriate, to implement the recommendation within a time determined by the Parties.

4. Temporary licensing

If the Parties decide, each Party shall encourage the relevant bodies in its territory to develop procedures for the temporary licensing of a professional service provider of the other Party.

Text of the Canada–Panama Free trade agreement – Chapter eleven: Telecommunications

Article 11.01: Definitions

For purposes of this Chapter:

绑定、职业责任保险和客户赔偿资金。

3. 收到第1段中提到的建议后，委员会应在合理的时间内审查该建议，以确定其是否符合本协定。如果委员会确定该建议符合本协定，每一方应鼓励其各自的主管当局，在适当的情况下，在各方确定的时间内实施该建议。

4. 临时许可

如果各方决定，每一方应鼓励其领土内的相关机构制定其他方专业服务提供者的临时许可程序。

加拿大-巴拿马自由贸易协定文本 - 第十一章： 电信

第11.01条：定义

本章的目的：