

the Financial Administration Act (R.S.C. 1985, c. F-11), a Crown corporation within the meaning of any comparable provincial law or equivalent entity that is incorporated under other applicable provincial law.

Text of the Canada–Panama Free trade agreement – Chapter fifteen: Electronic commerce

Article 15.01: Definitions

For purposes of this Chapter:

delivered electronically means delivered through telecommunications, alone or in conjunction with other information and communication technologies;

digital product means a computer program, text, video, image, sound recording or other product that is digitally encoded; and

electronic commerce means commerce conducted through telecommunications, alone or in conjunction with other information and communication technologies.

Article 15.02: Scope and Coverage

《财务管理法》（《1985年加拿大修订法规》第F-11章）、任何可比较的省级法律含义下的皇家公司或根据其他适用省级法律成立的等效实体。

加拿大-巴拿马自由贸易协议文本 – 第十五章：电子商务

第15.01条：定义

就本章节而言：

电子交付 指单独或与其他信息和通信技术结合通过电信进行的交付；

数字产品 指计算机程序、文本、视频、图像、录音或其他以数字编码形式存在的产品；且**电子商务** 指单独或与其他信息和通信技术结合通过电信进行的商业活动。

第15.02条：范围和覆盖范围

1. The Parties confirm that this Agreement, including Chapter 2 (National Treatment and Market Access for Goods), Chapter 9 (Investment), Chapter 10 (Cross -Border Trade in Services), Chapter 11 (Telecommunications), Chapter 12 (Financial Services), Chapter 16 (Government Procurement) and Chapter 23 (Exceptions) applies to electronic commerce. In particular, the Parties recognize the importance of Article 11.03 (Telecommunications - Access to and Use of Public Telecommunications Transport Networks or Services) in enabling electronic commerce.
2. Nothing in this Chapter imposes an obligation on a Party to allow a product to be delivered electronically, except in accordance with the obligations of that Party under another Chapter of this Agreement.
3. For greater certainty, a Party's reservations set out in its Schedule to Annex I, II or III apply to electronic commerce.

Article 15.03: General Provisions

1. The Parties recognize the economic growth and opportunities provided by electronic commerce and the applicability of WTO rules to electronic commerce.

1. 缔约方确认本协定，包括第二章（货物国民待遇和市场准入）、第九章（投资）、第十章（跨境服务贸易）、第十一章（电信）、第十二章（金融服务）、第十六章（政府采购）和第二十三章（例外）适用于电子商务。特别是，缔约方认识到第11.03条（电信-公共电信传输网络或服务的接入和使用）在促进电子商务方面的重要性。

2. 本章节不强制要求缔约方允许产品以电子交付方式提供，除非该缔约方根据本协定其他章节承担了相关义务。

3. 为进一步明确，缔约方在附件I、II或III的减让表中列出的保留条款适用于电子商务。

第15.03条：一般规定

1. 缔约方认识到电子商务带来的经济增长和机遇，以及世贸组织规则对电子商务的适用性。

2. *Considering the potential of electronic commerce as a social and economic development tool, the Parties recognize the importance of:*

- *clarity, transparency and predictability in their domestic regulatory frameworks in facilitating, to the maximum extent possible, the development of electronic commerce;*
- *encouraging self-regulation by the private sector to promote trust and confidence in electronic commerce, having regard to the interests of users, through initiatives such as industry guidelines, model contracts and codes of conduct;*
- *interoperability, innovation and competition in facilitating electronic commerce;*
- *ensuring that global and domestic electronic commerce policy takes into account the interest of all stakeholders, including business, consumers, non-government organizations and relevant public institutions; and*
- *sharing information and experiences on laws, regulations and programmes in order to facilitate the use of electronic commerce by micro -, small - and medium -sized enterprises.*

2. 鉴于电子商务作为社会 and 经济发展工具的潜力，缔约方认识到以下方面的重要性：

- 通过国内监管框架的清晰性、透明度和可预测性，在最大程度上促进电子商务的发展；鼓励私营部门通过行业指南、示范合同和行为准则等举措进行自我监管，以促进电子商务中的信任和信心，同时考虑到用户的利益；在促进电子商务方面实现互操作性、创新和竞争；确保全球和国内电子商务政策考虑到所有利益相关者的利益，包括企业、消费者、非政府组织和相关公共机构；并分享有关法律、法规和计划的信息和经验，以促进微型、小型和中型企业使用电子商务。

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3. Each Party shall endeavour to adopt measures to facilitate electronic commerce that address issues relevant to the electronic environment.
4. The Parties recognize the importance of avoiding unnecessary barriers to electronic commerce. Having regard to its national policy objectives, each Party shall endeavour to guard against measures that:
- unduly hinder electronic commerce; or
 - have the effect of treating electronic commerce more restrictively than commerce conducted by other means.

Article 15.04: Customs Duties on Digital Products Delivered Electronically

1. A Party shall not apply a customs duty, fee or charge on a digital product delivered electronically.
2. For greater clarity, paragraph 1 does not prevent a Party from imposing an internal tax or other internal charge not prohibited by this Agreement on a digital product delivered electronically.

Article 15.05: Relation to Other Chapters

3. 每一方应努力采取旨在解决电子环境相关问题的措施以促进电子商务。
4. 缔约方认识到避免对电子商务设置不必要壁垒的重要性。考虑到其国家政策目标，每一方应努力防范以下措施：
- 过度阻碍电子商务；或以比其他商业形式更严格的方式对待电子商务。
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第15.04条：电子交付数字产品的关税

1. 缔约方不得对电子交付的数字产品征收关税、费用或收费。
2. 为更明确起见，第1款并不阻止一方对本协定未禁止的电子交付的数字产品征收国内税或其他国内收费。

第15.05条：与其他章节的关系

In the event of an inconsistency between this Chapter and another Chapter of this Agreement, the other Chapter prevails.

Text of the Canada–Panama Free trade agreement – Chapter sixteen: Government procurement

Article 16.01: Definitions

For the purposes of this Chapter:

commercial good or service means a good or service of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes;

conditions for participation means a registration, qualification or other prerequisites for participation in a procurement;

construction service means a contractual arrangement for the realization by any means of civil or building works paid for:

- 1. directly by the Party; or*
- 2. for a specified period of time, through any grant to the supplier of temporary ownership or a right to control and operate, and*

若本章节与本协定其他章节存在不一致之处，以其他章节为准。

《加拿大-巴拿马自由贸易协定》文本 – 第十六章：政府采购

第16.01条：定义

就本章而言：

商业商品或服务 指通常在商业市场上向非政府买家销售或提供销售，并惯常由非政府买家出于非政府目的购买的一类商品或服务；

参与条件 指参与采购所需的注册、资格认定或其他先决条件；**建筑服务** 指通过任何方式实现由以下方支付的土木或建筑工程的合同安排：

- 1. 缔约方直接支付；或
- 2. 在特定期限内，通过授予供应商临时所有权或控制和运营权的方式，