

international and regional fora on food safety, human, animal and plant health.

- 3. In order to facilitate the resolution of a sanitary or phytosanitary trade -related issue or to facilitate the fulfillment of the functions of the SPS Coordinators, the Parties may convene an ad hoc technical working group comprising officials from governmental institutions with responsibility for sanitary and phytosanitary measures on that issue.*
- 4. The Parties agree to carry out their work under this Chapter, to the extent possible, through the use of any technological means available, for example via teleconference or videoconference, and opportunities that may arise at international fora.*
- 5. In the event that the Parties are unable to resolve an issue expeditiously under this Chapter, the SPS Coordinators, upon request of a Party, shall report promptly to the Commission on the matter, in accordance with Article 21.01(2) (Administration of the Agreement – Joint Commission).*

Text of the Canada–Panama Free trade agreement – Chapter seven: Technical barriers to trade

关于食品安全、人类、动物和植物健康的国际和区域论坛。

3. 为促进解决与卫生或植物卫生贸易相关的问题，或协助SPS协调员履行其职能，缔约方可召集由负责该问题卫生和植物卫生措施的政府机构官员组成的特设技术工作组。
4. 缔约方同意尽可能通过使用任何可用的技术手段（例如电话会议或视频会议）以及国际论坛上可能出现的机会，开展本章项下的工作。
5. 若缔约方无法根据本章迅速解决问题，应一缔约方请求，SPS协调员应根据第21.01(2)条（协定管理-联合委员会）立即就该事项向委员会报告。

加拿大-巴拿马自由贸易协定文本 – 第七章：技术性贸易壁垒

Article 7.01: Definitions

For purposes of this Chapter:

TBT Agreement means the *WTO Agreement on Technical Barriers to Trade*; and

TBT Committee means the WTO Committee on Technical Barriers to Trade.

Article 7.02: WTO Agreement on technical barriers to trade

The Parties affirm with respect to each other their existing rights and obligations under the TBT Agreement.

Article 7.03: Scope

1. This Chapter applies to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures of national governmental bodies that may affect the trade in goods between the Parties.
2. This Chapter does not apply to:
 - a. a purchasing specification prepared by a governmental body for production or consumption requirements of a governmental body; or
 - b. a sanitary or phytosanitary measure as defined in Annex A of the SPS Agreement.

Article 7.04: Joint cooperation

1. The Parties shall strengthen their joint cooperation in the areas of standards, technical regulations, accreditation, conformity assessment procedures and metrology in order to facilitate trade between the Parties.
2. Further to paragraph 1, the Parties shall seek to identify, develop and promote bilateral initiatives regarding standards, technical regulations, accreditation, conformity assessment procedures and metrology that are appropriate for particular issues or sectors. Such initiatives may include:
 - a. regulatory or technical cooperation programs directed at reaching effective and full compliance with the obligations of this Chapter and the TBT Agreement;
 - b. initiatives to develop common views on good regulatory practices, such as transparency and the use of equivalency and regulatory impact assessment; and

第7.01条：定义

就本章而言：

技术性贸易壁垒协定指世界贸易组织技术性贸易壁垒协定；且**技术性贸易壁垒委员会**指世界贸易组织技术性贸易壁垒委员会。

A第7.02条：世界贸易组织技术性贸易壁垒协定

缔约方确认彼此之间在技术性贸易壁垒协定下的现有权利和义务。

第7.03条：范围

1. 本章适用于国家政府机构制定的可能影响缔约方之间货物贸易的标准、技术法规和合格评定程序的制定、采用和实施。
2. 本章不适用于：
 - a. 政府机构为满足其生产或消费需求而制定的采购规范；或
 - b. 实施卫生与植物卫生措施协定附件A所定义的卫生或植物检疫措施。

第7.04条：联合合作

1. 缔约方应加强在标准、技术法规、认证、合格评定程序和计量学领域的联合合作，以促进缔约方之间的贸易。
2. 在遵循第1款的基础上，缔约方应寻求针对特定问题或领域，识别、制定并推动关于标准、技术法规、认证、合格评定程序和计量学的双边倡议。此类倡议可包括：
 - a. 旨在实现本章和技术性贸易壁垒协定义务有效全面遵守的监管或技术合作计划；
 - b. 制定关于良好监管实践（如透明度和等效性使用及监管影响评估）共同倡议；以及

c. the use of mechanisms to facilitate the acceptance of the results of conformity assessment procedures conducted in the other Party's territory.

3. A Party shall give positive consideration to a reasonable sector-specific proposal made by the other Party for further cooperation under this Chapter.

Article 7.05: International standards

1. The Parties shall use relevant international standards, guides and recommendations as a basis for their technical regulations and conformity assessment procedures in accordance with Articles 2.4 and 5.4 of the TBT Agreement.
2. In determining whether an international standard, guide or recommendation exists within the meaning of Articles 2 or 5 or Annex 3 of the TBT Agreement, each Party shall consider the principles set out : in the *Decisions and Recommendations adopted by the WTO Committee on Technical Barriers to Trade since 1 January 1995*, G/TBT/1/ Rev.9, 8 September 2008, Annex B, or a successor document, issued by the TBT Committee.

Article 7.06: Transparency

1. The obligations in this Article supplement those set out in Chapter Twenty (Transparency). In the event of an inconsistency between this Article and the obligations in Chapter Twenty, this Article prevails.
2. Each Party shall ensure that transparency procedures for the development of technical regulations and conformity assessment procedures allow an interested person to participate at an early appropriate stage, when amendments can still be introduced and comments taken into account, except where urgent problems of safety, health, environmental protection or national security arise or threaten to arise. Where a consultation process for the development of technical regulations and conformity assessment procedures is open to the public, each Party shall permit a person of the other Party to participate on terms no less favourable than those accorded to its own persons.
3. Each Party shall recommend to standardization bodies in its territory that they observe paragraph 2 with respect to their consultation processes for the development of a standard or voluntary conformity assessment procedure.
4. Each Party shall allow a period of at least 60 days following its notification to the WTO's Central Registry of Notifications of proposed technical regulations and conformity assessment procedures for the public and the other Party to provide written comments, except where urgent problems arise, or threaten to arise, regarding safety, health, environmental protection or national security.

c. 利用机制促进对另一方领土内实施的合格评定程序结果的认可。

3. 一方应对另一方提出的关于本章项下进一步合作的合理行业特定提案给予积极考虑。

第7.05条：国际标准

1. 缔约方应根据《技术性贸易壁垒协定》第2.4条和第5.4条，使用相关国际标准、指南和建议作为其技术法规和合格评定程序的基础。
2. 在判定是否存在《技术性贸易壁垒协定》第2条、第5条或附件3所指的国际标准、指南或建议时，每一方应考虑以下原则：1995年1月1日以来世界贸易组织技术性贸易壁垒委员会通过的决议和建议，G/TBT/1/Rev.9，2008年9月8日，附件B，或技术性贸易壁垒委员会发布的继任文件中所载的原则。

第7.06条：透明度

1. 本条规定的义务是对第二十章（透明度）所规定义务的补充。若本条与第二十章义务存在不一致，以本条为准。
2. 每一方应确保技术法规和合格评定程序制定过程中的透明度程序，允许利害关系人在尚可提出修正案和考虑意见的早期适当阶段参与，除非出现或即将出现安全、健康、环境保护或国家安全的紧迫问题。若技术法规和合格评定程序制定的磋商过程向公众开放，每一方应允许另一方人员以不低于给予本方人员的条件参与。
3. 每一方应建议其境内的标准化机构在制定标准或自愿性合格评定程序的磋商过程中遵守第2款的规定。
4. 每一方应在其向世界贸易组织中央通知登记处通报拟议技术法规和合格评定程序后，给予公众和另一方至少60天的期限以提交书面意见，除非出现或可能出现的紧急问题涉及安全、健康、环境保护或国家安全。

5. Each Party, at the request of the other Party, shall provide information regarding the objectives of, and rationale for, a technical regulation or conformity assessment procedure that the Party has adopted or is proposing to adopt.
6. Where a Party does not accept a technical regulation of the other Party as equivalent to its own, it shall explain its decision at the request of the other Party. The Parties recognize that it may be necessary to develop common views, methods and procedures to facilitate the use of equivalency.
7. Where a Party does not accept the results of a conformity assessment procedure conducted in the territory the other Party, it shall explain the reasons for its decision at the request of the other Party.
8. The Parties shall ensure that all adopted technical regulations and conformity assessment procedures are available on official websites that are publicly available without charge.
9. If a Party detains a good imported from the territory of the other Party at a port of entry on the basis that the good may not comply with a technical regulation, it shall immediately notify the importer of the reasons for the detention of the good.

Article 7.07: Contact points

1. The Contact Points designated in Annex 7.07 are responsible for communications related to matters arising under this Chapter. Those communications include:
- a. the implementation and administration of this Chapter;
 - b. issues related to the development, adoption or application of standards, technical regulations or conformity assessment procedures under this Chapter or the TBT Agreement;
 - c. the exchange of information on standards, technical regulations or conformity assessment procedures; and
 - d. joint cooperation by the Parties, pursuant to Article 7.04.
2. A Contact Point is responsible for ensuring communication with the relevant institutions and persons in its territory as necessary to carry out its function. The Contact Points may communicate by electronic mail, video-conferencing or other means on which the Parties decide.

Annex 7.07: Contact points

The Contact Points are:

1. in the case of Canada, the Department of Foreign Affairs and International Trade, or its successor; and

5. 每一方应另一方的请求，应提供关于其已采用或拟采用的技术法规或合格评定程序的目标和理由的信息。6. 如一方不接受另一方的技术法规与其自身法规具有等效性，应另一方的请求，应解释其决定。缔约方认识到，可能需要形成共同观点、方法和程序以促进等效性的使用。7. 如一方不接受在另一方领土内进行的合格评定程序的结果，应另一方的请求，应解释其决定的理由。8. 缔约方应确保所有采用的技术法规和合格评定程序可在公开免费访问的官方网站上获取。9. 如一方在入境口岸扣留自另一方领土进口的货物，理由是货物可能不符合技术法规，应立即通知进口商扣留货物的原因。

第7.07条：联络点

1. 附件7.07指定的联络点负责处理本章节相关事务的沟通事宜。此类沟通包括：
- a. 本章节的实施与管理；b. 与本章节或《技术性贸易壁垒协定》下标准、技术法规或合格评定程序的制定、采用或应用相关的问题；c. 关于标准、技术法规或合格评定程序的信息交流；以及d. 缔约方根据第7.04条开展的联合合作。
2. 联络点负责确保与其境内相关机构和个人进行必要沟通以履行其职能。联络点可通过电子邮件、视频会议或缔约方商定的其他方式进行沟通。

附件7.07：联络点

联络点为：

1. 就加拿大而言，外交和国际贸易部或其继任者；以及

2. in the case of Panama, the Ministry of Trade and Industry, or its successor.

Text of the Canada–Panama Free trade agreement – Chapter eight: Emergency action

Article 8.01: Definitions

For purposes of this Chapter:

Agreement on Safeguards means the WTO Agreement on Safeguards;

competent investigating authority means:

- a. *in the case of Canada, the Canadian International Trade Tribunal, or its successor notified to the other Party through diplomatic channels; and*
- b. *in the case of Panama, the Directorate –General of Trade Defence, or its successor notified to the other Party through diplomatic channels;*

domestic industry means, with respect to an imported good, the producers as a whole of the like or directly competitive good operating in the territory of a Party or those whose collective production of the like or directly competitive good constitutes a major proportion of the total domestic production of such good;

2. 就巴拿马而言，指贸易和工业部或其继任者。

加拿大-巴拿马自由贸易协定文本 – 第八章：紧急行动

第8.01条：定义

就本章而言：

保障措施协定指世界贸易组织保障措施协定；**主管调查机关**指：

- a. 就加拿大而言，指加拿大国际贸易法庭，或其通过外交渠道通知另一方的继任者；及
- b. 就巴拿马而言，指贸易保护总局，或其通过外交渠道通知另一方的继任者；

国内产业指，就某一进口商品而言，在一方的领土内经营同类或直接竞争商品的生产商整体，或其集体生产占该商品国内总生产主要比例的此类生产商；