

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. 在巴拿马的情况下，指贸易和工业部或其继任者。

加拿大–巴拿马自由贸易协议文本 – 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. 在加拿大的情况下，指加拿大国际贸易法庭，或其通过外交渠道通知另一缔约方的继任者；和
- b. 就巴拿马而言，指贸易保护总局或其通过

外交渠道通知另一缔约方的继任者；

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

emergency action means an emergency action described in

Article 8.03;

serious injury means a significant overall impairment of a domestic industry;

substantial cause means a cause that is important and not less important than any other cause;

threat of serious injury means serious injury that is clearly imminent based on facts and not based on allegation, conjecture or remote possibility; and

transition period means the 10 -year period beginning on the entry into force of this Agreement, except where the tariff elimination for the good against which the action is taken occurs over a longer period of time, in which case the transition period is the period of the staged tariff elimination for that good.

Article 8.02: Global safeguard measures

1. Each Party retains its rights and obligations under Article XIX of the GATT 1994 and the Agreement on Safeguards, which shall exclusively govern global safeguard actions, including the resolution of a dispute in respect thereof.

紧急行动指第8.03条所述的紧急行动；

严重损害指对国内产业造成的重大全面损害；

实质性原因指重要且不亚于任何其他原因的因素；

严重损害威胁指基于事实而非指控、推测或渺茫可能性，明显迫在眉睫的严重损害；

过渡期指自本协定生效之日起的10年期限，但若针对所涉货物的关税取消在更长期限内分阶段实施，则该货物的过渡期为其分阶段取消关税的期限。

第八条 2：全球保障措施

1. 每一方保留其在《1994年关税与贸易总协定》第19条和《保障措施协定》下的权利和义务，这些条款应专门适用于全球保障措施行动，包括相关争端的解决。

2. *This Agreement does not confer additional rights or obligations on the Parties with regard to actions taken pursuant to Article XIX of the GATT 1994 and the Agreement on Safeguards, except that a Party taking a global safeguard measure may exclude imports of an originating good of the other Party if the competent investigating authority of that Party concludes that those imports are not a substantial cause of serious injury or threat thereof.*
3. *A Party may not adopt or maintain with respect to the same good at the same time:*
 - a. *an emergency action; and*
 - b. *a measure pursuant to Article XIX of the GATT 1994 and the Agreement on Safeguards.*

Article 8.03: Bilateral emergency actions

1. *A Party may adopt an emergency action described in paragraph 2:*
 - a. *only during the transition period; and*
 - b. *if as a result of the reduction or elimination of a duty pursuant to this Agreement an originating good is being imported into the Party's territory in such increased*

2. 本协定未就根据《1994年关税与贸易总协定》第19条和《保障措施协定》采取的行动赋予缔约方额外的权利或义务，除非采取全球保障措施的缔约方在其主管调查机关认定另一方的原产货物进口并非造成严重损害或其威胁的实质性原因时，可排除该另一方的原产货物进口。

3. 一方不得在同一时间对同一商品采取或维持以下措施：

- a. 紧急行动；及b. 根据《1994年关税与贸易总协定》第十九条和《保障措施协定》实施的措施。

第八条 3：双边紧急行动

1. 缔约方可采取第2款所述的紧急行动：

- a. 仅在过渡期内；且b. 若因本协定项下的关税减让或取消，导致原产货物进口至该缔约方领土的数量绝对或相对于国内生产激增，且在此条件下对生产同类或直接竞争产品的国内产业构成严重损害或威胁的实质性原因。

quantities, in absolute terms or relative to domestic production, and under such conditions as to constitute a substantial cause of serious injury, or threat thereof, to a domestic industry producing a like or directly competitive good.

2. If the conditions set out in paragraph 1 and Articles 8.04 and 8.05 are met, a Party may to the extent necessary to prevent or remedy serious injury, or threat thereof, and to facilitate adjustment:

- a. suspend the further reduction of a rate of duty provided for under this Agreement on the good; or
- b. increase the rate of duty on the good to a level not exceeding the lesser of:
 - i. i. the most -favoured -nation (MFN) rate of duty in effect at the time the emergency action is taken, and
 - ii. ii. the base rate of duty as provided in the schedule to Annex 2.04 (National Treatment and Market Access for Goods – Tariff Elimination).

Article 8.04: Notification and discussions

数量，无论是绝对数量还是相对于国内生产的数量，且在此类条件下对生产同类或直接竞争产品的国内产业构成严重损害的实质性原因或其威胁。

2. 如果满足第1款以及第八条和第八条第五款规定的条件，一方可在必要的范围内防止或补救严重损害或其威胁，并促进调整：

- a. 暂停根据本协定对该货物进一步降低关税税率；或b. 将该货物的关税税率提高至不超过以下两者中较低者的水平：
 - i. i. 采取紧急行动时生效的最惠国关税税率，以及
 - ii. ii. 附件2.04（货物国民待遇和市场准入—关税取消）清单中规定的基准关税税率。

第八条 4：通知与讨论

1. A Party shall, in writing, promptly notify and invite for discussions the other Party in connection with:
 - a. initiating an emergency action proceeding;
 - b. making a finding of serious injury, or threat thereof, under the conditions set out in Article 8.03(1); and
 - c. applying an emergency action.
2. A Party shall without delay, provide to the other Party a copy of the public version of any notice or any report by a competent investigating authority issued in connection with matters notified pursuant to paragraph 1.
3. If a Party accepts an invitation for discussions made pursuant to paragraph 1, the Parties shall enter into discussions to review the notification under paragraph 1 or the public version of a document issued by a competent investigating authority in connection with the emergency action proceeding.
4. An emergency action shall be initiated no later than 1 year after the date the proceeding is instituted.

Article 8.05: Standards for emergency actions

1. A Party may not maintain an emergency action:
 - a. for a period exceeding 3 years, including any extension; or

1. 一方应就下列事项以书面形式迅速通知另一缔约方并邀请其进行讨论：
 - a. 启动紧急行动程序；b. 根据第8.03条第1款规定的条件，认定存在严重损害或其威胁；以及c. 实施紧急行动。
2. 一方应毫不迟延地向另一方提供主管调查机关就第1款通知事项发布的任何通知或报告的公开版本副本。
3. 若一方接受根据第1款提出的讨论邀请，缔约方应进行讨论，以审查第1款下的通知或主管调查机关就紧急行动程序发布的文件公开版本。
4. 紧急行动应在程序启动之日起不迟于1年内实施。

第八条 05: 紧急行动标准

1. 一方不得维持紧急行动：
 - a. 超过3年的期限，包括任何延期；或

b. *beyond the expiration of the transition period.*

2. *A Party may not apply an emergency action against a good more than once.*
3. *On the termination of an emergency action, a Party shall set the rate of duty at the rate that would have been in effect but for the action according to the Party's Schedule to Annex 2.04 (National Treatment and Market Access for Goods – Tariff Elimination) for the staged elimination of the tariff.*
4. *A Party may take an emergency action under Article 8.03 after the expiration of the transition period to deal with cases of serious injury, or threat thereof, to a domestic industry arising from the operation of this Agreement only with the consent of the other Party.*
5. *A Party taking an emergency action under Article 8.03 shall provide to the exporting Party mutually accepted trade liberalizing compensation in the form of concessions with substantially equivalent trade effects or equivalent to the value of the additional duties expected to result from the action. If the Parties are unable to decide on compensation, the Party whose goods are subject to the action may take tariff action with trade effects substantially equivalent to the emergency action taken*

b. 过渡期结束后。

2. 一方不得对同一货物实施超过一次的紧急行动。
3. 紧急行动终止时，缔约方应根据其附件2.04（货物国民待遇和市场准入—关税取消）减让表中关于分阶段消除关税的规定，将关税税率恢复至若无该行动本应生效的水平。
4. 过渡期届满后，缔约方仅可在另一缔约方同意的情况下，依据第8.03条采取紧急行动，以应对因本协定实施导致国内产业遭受严重损害或其威胁的情况。
5. 一方根据第8.03条采取紧急行动时，应以具有实质等效贸易效果的减让形式或相当于该行动预期产生的附加关税价值，向出口缔约方提供双方接受的贸易自由化补偿。若缔约方无法就补偿达成一致，其货物受该行动影响的缔约方可采取与所采取紧急行动具有实质等效贸易效果的关税行动

under Article 8.03. The Party taking the tariff action shall apply the action only for the minimum period necessary to achieve the substantially equivalent effects and, in any event, only while the emergency action under Article 8.03 is in effect.

Article 8.06: Administration of emergency action proceedings

1. *Each Party shall ensure the consistent, impartial and reasonable administration of its laws, regulations, decisions and rulings governing emergency action proceedings.*

2. *Each Party shall entrust determinations of serious injury, or threat thereof, in an emergency action proceeding to a competent investigating authority. Each Party shall:*
 - a. *ensure that those determinations are subject to review by judicial or administrative tribunals, to the extent provided by domestic law;*

 - b. *ensure that negative injury determinations are not modified, except through a review referred to in subparagraph (a); and*

 - c. *provide its competent investigating authority with the necessary resources to enable it to fulfill its duties.*

根据第8.03条。采取关税行动的缔约方实施该行动的期限应仅为实现实质等效效果所需的最短期限，且在任何情况下仅在第8.03条规定的紧急行动有效期内实施。

第八条 8.0 6：紧急行动程序的管理

1. 每一方应确保其管辖紧急行动程序的法律、法规、决定和裁决得到一致、公正和合理的执行。

2. 每一方应将紧急行动程序中关于严重损害或其威胁的裁定委托给主管调查机关。每一方应：
 - a. 确保这些裁定在符合国内法规定的前提下，接受司法或行政法庭的复审；

 - b. 确保否定性损害裁定不得修改，除非通过(a)项所述的复审；且

 - c. 向其主管调查机关提供必要资源，使其能够履行职责。

3. Each Party shall adopt or maintain equitable, timely, transparent and effective procedures for emergency action proceedings in accordance with the requirements set out in paragraph 4.
4. A Party shall apply an emergency action only following an investigation by the Party's competent investigating authority in accordance with Articles 3 and 4.2 of the Agreement on Safeguards. To this end, Articles 3 and 4.2 of the Agreement on Safeguards are incorporated into and made part of this Agreement.

Text of the Canada–Panama Free trade agreement – Chapter nine: Investment

Section A – Definitions

Article 9.01: Definitions

For purposes of this Chapter:

confidential information means confidential business information or information that is privileged or otherwise protected from disclosure;

covered investment means, with respect to a Party, an investment in its territory of an investor of the other Party existing on the date of

3. 每一方应根据第4款所列要求，制定或维持公平、及时、透明且有效的紧急行动程序。

4. 一方只有在根据《保障措施协定》第3条和第4.2条由该缔约方的主管调查机关进行调查后，方可实施紧急行动。为此，《保障措施协定》第3条和第4.2条被纳入本协定并成为其组成部分。

加拿大–巴拿马自由贸易协定文本 – 第九章：投资

A部分 – 定义

第9.01条：定义

就本章而言：

机密信息 指商业机密信息或因特权或其他原因受保护不得披露的信息；**涵盖投资** 指对于一方而言，另一方的投资者在其领土内于协定生效之日已存在的投资