

FREE TRADE AGREEMENT

BETWEEN

CANADA

AND

THE STATES OF THE
EUROPEAN FREE TRADE ASSOCIATION
(ICELAND, LIECHTENSTEIN, NORWAY AND
SWITZERLAND)

自由贸易协定

与

加拿大

AND

欧洲自由贸易联盟成员国（冰岛、列支敦
士登、挪威和瑞士）

Canada, and the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation (the “EFTA States”), hereinafter collectively referred to as the “Parties”,

RESOLVED to strengthen the special bonds of friendship and co-operation among their nations;

REAFFIRMING their commitment to the *United Nations Charter* and the *Universal Declaration of Human Rights*;

DESIRING to contribute to the harmonious development and expansion of world trade and provide a catalyst to broader international and transatlantic co-operation;

DETERMINED to create an expanded and secure market for the goods produced in their territories;

WISHING to establish a free trade area through the removal of trade barriers;

COMMITTED to reduce distortions of trade;

RESOLVED to establish clear and mutually advantageous rules governing their trade;

INTENDING to enhance the competitiveness of their firms in global markets;

AIMING to create new employment opportunities and improve working conditions and living standards in their respective territories;

DETERMINED to ensure that the gains from trade liberalisation are not offset by the erection of private, anti-competitive barriers;

RECALLING the *Arrangements on Trade and Economic Co-operation* that were signed: between the Government of Canada and the Government of the Kingdom of Norway, on 3 December 1997; between the Government of Canada and the Government of the Swiss Confederation, on 9 December 1997; and between the Government of Canada and the Government of the Republic of Iceland, on 24 March 1998;

BUILDING on their respective rights and obligations under the *Marrakesh Agreement Establishing the World Trade Organization*, done on 15 April 1994 (hereinafter referred to as the “WTO Agreement”), the other agreements negotiated thereunder and other multilateral and bilateral instruments of co-operation;

TAKING INTO ACCOUNT the *Agreement on Mutual Recognition in Relation to Conformity Assessment between Canada and Switzerland*, done at Ottawa on 3 December 1998; and the *Agreement on Mutual Recognition in Relation to Conformity Assessment between Canada and the Republic of Iceland, the Principality of Liechtenstein, and the Kingdom of Norway*, done at Brussels on 4 July 2000;

加拿大、冰岛共和国、列支敦士登公国、挪威王国和瑞士联邦（以下简称“欧洲自由贸易联盟国家”）， 以下统称为“缔约方”，

决心加强各国间特殊的友好关系与合作纽带；

重申对《联合国宪章》和《世界人权宣言》的承诺；

期望促进世界贸易的和谐发展 与扩张，并为更广泛的国际及跨大西洋合作提供动力；

决心为其境内生产的商品创建一个扩大且稳定的市场；

希望通过消除贸易壁垒建立自由贸易区；

致力于减少贸易扭曲；

决心制定清晰且互利的规则以规范彼此间的贸易；

旨在提升各自企业 在全球市场中的竞争力；

致力于在各自领土内创造新的就业机会，改善工作条件与生活水平；

坚决确保贸易自由化的成果不会被私设的反竞争壁垒所抵消；

忆及以下贸易与经济合作安排：加拿大政府与挪威王国政府于1997年12月3日签署；加拿大政府与瑞士联邦政府于1997年12月9日签署；以及加拿大政府与冰岛共和国政府于1998年3月24日签署；

基于各方在1994年4月15日达成的《马拉喀什建立世界贸易组织协定》（下称“世界贸易组织协定”）、据此谈判的其他协定以及其他多边与双边合作文件中的权利与义务；

考虑到加拿大与瑞士于1998年12月3日在渥太华签署的《关于合格评定的相互承认协定》；以及加拿大与冰岛共和国、列支敦士登公国和挪威王国于2000年7月4日在布鲁塞尔签署的《关于合格评定的相互承认协定》；

RECOGNISING the importance of trade facilitation in promoting efficient and transparent procedures to reduce costs and ensure predictability for the Parties’ respective trading communities;

COMMITTED to co-operate in promoting recognition that States must maintain the ability to preserve, develop and implement their cultural policies for the purpose of strengthening cultural diversity;

RECOGNISING the need for mutually supportive trade and environmental policies in order to achieve the objective of sustainable development;

AFFIRMING their commitment to economic and social development and the respect for the fundamental rights of workers and the principles set out in the International Labour Organization’s *Declaration on Fundamental Principles and Rights at Work*; and

DECLARING their readiness to examine the possibility of developing and deepening their economic relations in order to extend them to fields not covered by this Agreement;

HAVE AGREED as follows:

I OBJECTIVES AND SCOPE

ARTICLE 1

Objectives

1. The Parties hereby establish a free trade area in accordance with this Agreement.
2. The objectives of this Agreement are:

(a) to promote, through the expansion of reciprocal trade, the harmonious development of the economic relations between Canada and the EFTA States and thus to foster in Canada and in the EFTA States the advancement of economic activity;

(b) to provide fair conditions of competition affecting trade between the Parties;

(c) to establish a framework for further co-operation between Canada and the EFTA States in the light of developments in international economic relations, in particular with the aim of liberalising trade in services and increasing investment opportunities; and

认识到贸易便利化对于推动高效透明的程序以降低成本并确保缔约方各自贸易社区可预测性的重要性；

致力于合作推动各国认识到，国家必须保持制定、发展和实施文化政策的能力，以加强文化多样性；

认识到需要相互支持的贸易与环境政策，以实现可持续发展的目标；

重申其对经济和社会发展的承诺，以及对工人基本权利和国际劳工组织关于工作中的基本原则和权利宣言所载原则的尊重；

声明其愿意探讨发展和深化经济关系的可能性，以将合作扩展至本协议未涵盖的领域；

达成如下协议：

I 目标与范围

ARTICLE 1

目标

1. 缔约方特此根据本协议建立一个自由贸易区。
2. 本协议的目标如下：

(a) 通过扩大互惠贸易，促进加拿大与欧洲自由贸易联盟国家之间经济关系的和谐发展，从而推动加拿大及欧洲自由贸易联盟国家经济活动的进步；

(b) 为影响缔约方之间贸易的公平竞争条件提供保障；

(c) 根据国际经济关系的发展，特别是以实现服务贸易自由化和增加投资机会为目标, 建立加拿大与欧洲自由贸易联盟国家之间进一步合作的框架；

(d) to contribute in this way, by the removal of barriers to trade, to the harmonious development and expansion of world trade.

ARTICLE 2

Geographical scope

1. Without prejudice to Annex C and except as otherwise provided elsewhere in this Agreement, this Agreement shall apply to:

- (a) the land territory, air space, internal waters and territorial sea over which a Party exercises sovereignty; and
- (b) the exclusive economic zone and the continental shelf of a Party, as determined by its domestic law, consistent with international law.

2. Annex A applies with respect to the Kingdom of Norway.

II TRADE IN GOODS

ARTICLE 3

Coverage

1. This Agreement applies to trade in goods of a Party, except as otherwise provided in this Agreement and in the bilateral Agreements on trade in agricultural products referred to in paragraph 2.
2. The Parties declare their readiness to foster, in so far as their agricultural policies allow, harmonious development of trade in agricultural products. In pursuance of this objective, Canada and each individual EFTA State have concluded bilateral Agreements on trade in agricultural products. These Agreements shall form part of the instruments establishing the free trade area between Canada and the EFTA States.
3. In this Agreement:
- (a) “goods of a Party” means domestic products as these are understood in the *General Agreement on Tariffs and Trade 1994* (hereinafter referred to as the “GATT 1994”), or such goods as the Parties may agree, and includes originating products of that Party;

(d) 通过消除贸易壁垒，以此方式促进世界贸易的和谐发展与扩张。

ARTICLE 2

地理范围

1. 在不损害附件C且除非本协议另有规定外，本协议应适用于：

(a) 缔约方行使主权的陆地领土、领空、内水及领海；及 (b) 根据缔约方符合国际法的国内法所确定的专属经济区和大陆架。

2. 附件A适用于挪威王国。

II 货物贸易

ARTICLE 3

适用范围

1. 本协议适用于一方的货物贸易，除非本协议及第2款所述农产品贸易双边协定另有规定。
2. 缔约方声明愿意在其农业政策允许的范围内促进农产品贸易的和谐发展。为实现这一目标，加拿大与各欧洲自由贸易联盟国家已分别签署农产品贸易双边协定。这些协定将构成加拿大与欧洲自由贸易联盟国家间建立自由贸易区的法律文件组成部分。
3. 在本协议中：
- (a) “一方的货物”指1994年关税与贸易总协定（下称“1994年关税及贸易总协定”）中所理解的国内产品，或缔约方可能同意的此类货物，并包括该方的原产品；

(b) “originating products of a Party” means goods of a Party qualifying under the rules of origin set out in Annex C.

ARTICLE 4

National treatment

- 1. The Parties shall apply national treatment in accordance with Article III of the GATT 1994, which is incorporated into and made part of this Agreement.
- 2. Paragraph 1 does not apply to the measures set out in Annex B.

ARTICLE 5

Import and export restrictions

- 1. Prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licences or other measures, shall be prohibited in trade between the Parties in accordance with Article XI of the GATT 1994, which is incorporated into and made part of this Agreement.
- 2. Paragraph 1 does not apply to the measures set out in Annex B.

ARTICLE 6

Sanitary and phytosanitary measures

The rights and obligations of the Parties in respect of sanitary and phytosanitary measures shall be governed by the *WTO Agreement on the Application of Sanitary and Phytosanitary Measures*.

ARTICLE 7

Technical regulations

- 1. The rights and obligations of the Parties in respect of technical regulations, standards and conformity assessment shall be governed by the *WTO Agreement on Technical Barriers to Trade* (hereinafter referred to as the “WTO TBT Agreement”).
- 2. Notwithstanding paragraph 1, the rights and obligations of Canada and the EFTA States in the field of mutual recognition of conformity assessment shall be governed:

(b) “一方的原产品”指符合附件C所规定原产地规则的一方的货物。

ARTICLE 4

国民待遇

- 1. 缔约方应根据1994年关税及贸易总协定第三条适用国民待遇，该条款已纳入本协议并成为其组成部分。
- 2. 第1款不适用于附件B所列措施。

ARTICLE 5

进出口限制

- 1. 除关税、税收或其他费用外，无论是以配额、进出口许可证或其他措施实施的禁止或限制，均应根据纳入本协议并成为其组成部分的1994年关税及贸易总协定第十一条，在缔约方之间的贸易中予以禁止。
- 2. 第1款不适用于附件B所列措施。

ARTICLE 6

卫生与植物卫生措施

缔约方在卫生与植物卫生措施方面的权利和义务应受世界贸易组织卫生与植物卫生措施应用协定管辖。

ARTICLE 7

技术法规

- 1. 缔约方在技术法规、标准和合格评定方面的权利和义务应受世界贸易组织技术性贸易壁垒协定（以下简称“世界贸易组织技术性贸易壁垒协议”）管辖。
- 2. 尽管有第1款的规定，加拿大与欧洲自由贸易联盟国家在合格评定相互承认领域的权利和义务应受以下协议管辖：

- (a) as between Canada and the Swiss Confederation, by the *Agreement on Mutual Recognition in Relation to Conformity Assessment* of 3 December 1998; and
- (b) as between Canada, on the one hand, and the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway, on the other, by the *Agreement on Mutual Recognition in Relation to Conformity Assessment* of 4 July 2000.

3. The Parties shall strengthen their co-operation in the field of technical regulations, standards and conformity assessment.

4. Without prejudice to paragraph 1, where Canada or an EFTA State considers that one or more EFTA States or Canada have taken a measure that is likely to create, or has created, an obstacle to trade, the Parties concerned shall hold consultations under the framework of the Joint Committee in order to attempt to find an appropriate solution in conformity with the WTO TBT Agreement. This paragraph is limited to matters falling within the scope of paragraph 1 and does not apply to matters falling within the scope of either of the Agreements on Mutual Recognition listed in paragraph 2. In matters falling within the scope of paragraph 2, the procedures of the applicable Agreement on Mutual Recognition shall apply.

ARTICLE 8

Rules of origin and administrative co-operation

The provisions on rules of origin and administrative co-operation are set out in Annex C.

ARTICLE 9

Sub-Committee on Rules of Origin and Trade in Goods

- 1. The Parties hereby establish a Sub-Committee on Rules of Origin and Trade in Goods of the Joint Committee.
- 2. The mandate of the Sub-Committee is set out in Annex D.

ARTICLE 10

Customs duties

- 1. Customs duties shall be prohibited in respect of the following originating products of the Parties as of the date of entry into force of this Agreement, except as otherwise provided for in Annex E:

- (a) 就加拿大与瑞士联邦之间而言，受1998年12月3日签署的《关于合格评定的相互承认协定》管辖；及 (b) 就加拿大与冰岛共和国、列支敦士登公国及挪威王国之间而言，受2000年7月4日签署的《关于合格评定的相互承认协定》管辖。

3. 缔约方应加强在技术法规、标准和合格评定领域的合作。

4. 在不影响第1款的前提下，若加拿大或某一欧洲自由贸易联盟国家认为一个或多个欧洲自由贸易联盟国家或加拿大采取的措施可能造成或已造成贸易障碍，相关缔约方应在联合委员会框架下进行磋商，以期根据《世界贸易组织技术性贸易壁垒协议》寻求适当解决方案。本款仅适用于第1款范围内的事项，不适用于第2款所列任一《相互承认协议》范围内的事项。对于第2款范围内的事项，应适用相关《相互承认协议》规定的程序。

ARTICLE 8

原产地规则与行政合作

关于原产地规则和行政合作的规定详见附件C。

ARTICLE 9

原产地规则和货物贸易分委员会

- 1. 缔约方特此设立联合委员会下属的原产地规则和货物贸易分委员会。
- 2. 该分委员会的职权范围载于附件D。

ARTICLE 10

关税

- 1. 自本协议生效之日起，缔约方的下列原产产品应禁止征收关税，附件E另有规定的除外：

- (a) products falling within Chapters 25 through 97 of the Harmonized Commodity Description and Coding System (hereinafter referred to as the “Harmonized System”), excluding the products listed in Annex F;
- (b) products falling within Chapters 1 through 24 of the Harmonized System specified in Annex G, with due regard to the provisions of that Annex; and
- (c) fish and other marine products as provided for in Annex H.

2. A customs duty includes any duty or charge of any kind imposed in connection with the importation or exportation of a product, including any form of surtax or surcharge in connection with such importation or exportation, but does not include any:

- (a) charge equivalent to an internal tax imposed consistently with Article 4;
- (b) anti-dumping or countervailing duty; or
- (c) fee or other charge, provided that it is limited in amount to the approximate cost of services rendered.

3. Paragraphs 1 and 2 shall not prevent any Party from introducing, reintroducing or increasing a customs duty vis-à-vis another Party, as may be authorized by or pursuant to the WTO Agreement, in particular pursuant to the rules and procedures on dispute settlement, but excluding any modification of schedules and tariff modifications in accordance with Article XXVIII of the GATT 1994.

ARTICLE 11

Base rate of customs duties

For each product, the base rate of customs duties, to which the successive reductions set out in Annex E are to be applied, shall be the most-favoured nation (hereinafter referred to as “MFN”) customs duty rate applied on 1 January 2007.

(a) 协调商品描述和编码系统（以下简称“协调制度”）第25章至第97章项下的产品，不包括附件F所列产品；(b) 附件G中规定的协调制度第1章至第24章项下的产品，并应适当考虑该附件的规定；以及(c) 附件H规定的鱼类及其他海产品。

2. 关税包括对产品进口或出口征收的任何形式的税费，包括与此类进口或出口相关的任何形式的附加税或附加费，但不包括以下任何一项：

- (a) 符合第4条规定的相当于国内税的收费；(b) 反倾销税或反补贴税；或
- (c) 费用或其他收费，前提是其金额限于所提供服务的近似成本。

3. 第1款和第2款不妨碍任何缔约方根据世界贸易组织协定的授权或依据，特别是依据争端解决规则和程序，对另一缔约方实施、重新实施或提高关税，但排除根据1994年关贸总协定第28条进行的减让表修改和关税修改。

ARTICLE 11

关税基础税率

对于每种产品，关税基础税率（附件E所列的连续减让将适用于此税率）应为2007年1月1日适用的最惠国（以下简称“MFN”）关税税率。

III SERVICES AND INVESTMENT

ARTICLE 12

Services and investment

1. The Parties recognise the increasing importance of trade in services and investment in their economies. In their efforts to gradually develop and broaden their co-operation, they will work together with the aim of creating the most favourable conditions for expanding investment between them and achieving further liberalisation and additional mutual opening of markets for trade in services, taking into account on-going work under the auspices of the WTO.
2. Upon request of a Party, the requested Party shall endeavour to provide information on any of its measures that may have an impact on trade in services or investment.
3. The Parties shall encourage the relevant bodies in their respective territories to co-operate with a view to achieving mutual recognition for licensing and certification of professional service suppliers.
4. The Parties shall jointly review issues related to services and investment in the Joint Committee and consider the adoption of liberalisation measures with due regard to Article V of the WTO *General Agreement on Trade in Services* and in the light of developments in multilateral and bilateral agreements. Such a review shall take place no later than three years after the entry into force of this Agreement.
5. Any future negotiation on services and investment between Canada and the EFTA States shall be based on the principles of non-discrimination and transparency.

ARTICLE 13

Temporary entry

1. The Parties recognise that investment and services are growing in importance in relation to trade in goods. Each Party shall, in accordance with its applicable laws:
- (a) facilitate the temporary entry into its territory of nationals of another Party who are intra-corporate transferees (managers, executives, specialists) and business visitors;

三 服务与投资

ARTICLE 12

服务与投资

1. 缔约方认识到服务贸易和投资在各自经济体中日益增长的重要性。在逐步发展和拓宽合作的过程中，双方将共同努力，旨在为扩大彼此间投资、实现服务贸易市场进一步自由化和相互开放创造最有利的条件，同时考虑到世界贸易组织框架下的现行工作。
2. 应一缔约方请求，被请求方应尽力提供可能影响服务贸易或投资的任何措施的信息。
3. 缔约方应鼓励各自境内的相关机构开展合作，以期实现专业服务供应商许可和认证的相互承认。
4. 缔约方应在联合委员会中共同审议与服务及投资相关的问题，并考虑根据世界贸易组织服务贸易总协定第五条，结合多边和双边协定的发展情况，适时采取自由化措施。此类审议应在本协议生效后不迟于三年内进行。
5. 加拿大与欧洲自由贸易联盟国家之间未来关于服务与投资的任何谈判均应基于非歧视和透明度的原则。

ARTICLE 13

临时入境

1. 缔约方认识到投资和服务相对于货物贸易的重要性日益增长。每一缔约方应根据其适用法律：
- (a) 为另一缔约方的国民（公司内部调任人员（经理、高管、专家）及商务访客）临时入境其领土提供便利；

- (b) facilitate the temporary entry into its territory of nationals of another Party who render services directly related to the exportation of goods by an exporter of that same Party into the territory of the Party concerned; and
- (c) facilitate the entry into its territory of spouses and children of nationals described in sub-paragraph (a) above.

2. The Joint Committee shall monitor the operation and implementation of this Article and deal with issues of implementation or administration related to temporary entry.

3. No later than one year after the date of entry into force of this Agreement, each Party shall make available explanatory material regarding the requirements for temporary entry under this Article, in such a manner as will enable nationals of the other Parties to become acquainted with them.

4. For the purposes of this Article:

- (a) “temporary entry” means the right to enter and remain for the period authorised;
- (b) “national” means a natural person who is a citizen or a permanent resident of a Party; and
- (c) “business visitors” means short term visitors who do not intend to enter the labour market of the Parties, but seek entry to engage in activities such as buying or selling goods or services, negotiating contracts, conferring with colleagues, or attending conferences.

IV COMPETITION LAW AND POLICY

ARTICLE 14

General principles

1. The Parties agree that anti-competitive business conduct can hinder the fulfilment of the objectives of this Agreement. Accordingly, each Party shall adopt or maintain measures to proscribe such conduct and take appropriate action with respect thereto, acknowledging that such measures may be brought about by a Party’s obligations entered into through other international agreements, such as the *Agreement on the European Economic Area*, done at Brussels on 17 March 1993, to which certain EFTA States are party. The Parties shall, upon request of a Party, consult about the effectiveness of measures undertaken by each Party.

(b) 为另一缔约方的国民临时入境其领土提供便利，这些国民提供的服务直接涉及同一缔约方的出口商向相关缔约方领土的货物出口；以及 (c) 为上文(a)项所述国民的配偶及子女入境其领土提供便利。

2. 联合委员会应监督本条款的运作与实施，并处理与临时入境相关的实施或管理问题。

3. 在本协议生效日期后不迟于一年内，每一缔约方应以使其他缔约方国民能够了解的方式，提供关于本条款下临时入境要求的解释性材料。

4. 就本条款而言：

(a) “临时入境”指在授权期限内进入并停留的权利；(b) “国民”指作为缔约方公民或永久居民的自然人；及(c) “商务访客”指不打算进入缔约方劳动力市场，但寻求入境从事诸如买卖商品或服务、谈判合同、与同事商讨或参加会议等活动的短期访客。

IV 竞争法与政策

ARTICLE 14

一般原则

1. 缔约方同意反竞争商业行为可能阻碍本协议目标的实现。因此，每一缔约方应采取或维持措施以禁止此类行为，并就此采取适当行动，同时承认此类措施可能源于缔约方通过其他国际协议承担的义务，例如某些欧洲自由贸易联盟国家作为缔约方的1993年3月17日在布鲁塞尔签署的《欧洲经济区协定》。应一缔约方请求，缔约方应就每一缔约方所采取措施的有效性进行磋商。

2. Each Party shall ensure that the measures referred to in paragraph 1, and the actions it takes pursuant to those measures, are applied on a non-discriminatory basis.

3. For the purpose of this Chapter, “anti-competitive business conduct” includes, but is not limited to, anti-competitive agreements, concerted practices or arrangements by competitors, anti-competitive practices by an enterprise that is dominant in a market and mergers with substantial anti-competitive effects, unless such conduct is excluded directly or indirectly from the coverage of a Party’s own laws or authorised in accordance with those laws. All such exclusions and authorisations should be transparent and should be reviewed periodically to assess whether they are necessary to achieve their overriding policy objectives.

4. No Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

ARTICLE 15

Co-operation

1. The Parties recognise the importance of co-operation and co-ordination on general issues relating to competition law enforcement policy, such as notification, consultation and exchange of information relating to the enforcement of competition laws and policies.

2. Unless providing notice would harm its important interests, a Party shall notify another Party when a proposed or actual competition law enforcement action may have an effect on that other Party’s important interests, and give full and sympathetic consideration to the views expressed by that other Party, including possible ways of fulfilling its enforcement needs without harming those interests.

3. If a Party considers that any specified anti-competitive business conduct carried out within the territory of another Party is adversely affecting an important interest referred to in paragraph 2, that Party may notify the other Party and may request that the Party or its competition authority initiate appropriate enforcement action.

4. The notifying Party shall include in its notification sufficient information to permit the notified Party to identify the anti-competitive business conduct that is the subject of the notification and shall include an offer to provide such further information and co-operation as the notifying Party is able to provide. The notified Party may consult with the notifying Party and shall accord full and sympathetic consideration to the request of the notifying Party in deciding whether to initiate enforcement action with respect to the anti-competitive business conduct identified in the notification. The Parties may conduct such consultations through their respective competition authorities.

2. 每一缔约方应确保第1款所述措施及其依据这些措施采取的行动在非歧视性基础上实施。

3. 就本章而言，“反竞争商业行为”包括但不限于竞争者之间的反竞争协议、协同行为或安排，具有市场支配地位企业的反竞争行为，以及具有实质性反竞争效果的合并，除非此类行为被缔约方自身法律直接或间接排除在适用范围之外，或根据该法律获得授权。所有此类排除和授权应透明，并应定期审查以评估其是否为实现首要政策目标所必需。

4. 任何缔约方不得就本章产生的任何事项诉诸本协议的争端解决机制。

ARTICLE 15

合作

1. 缔约方认识到在竞争法执法政策相关的一般性问题（如与竞争法律与政策执行相关的通知、磋商及信息交换）上进行合作与协调的重要性。

2. 除非通知会损害其重要利益，否则当一项拟议或实际的竞争法执法行动可能对另一缔约方的重要利益产生影响时，该缔约方应通知另一缔约方，并对该另一缔约方表达的意见（包括在不损害这些利益的前提下满足其执法需求的可能方式）给予充分和同情的考虑。

3. 如一缔约方认为另一缔约方领土内实施的特定反竞争商业行为对第2款所述重要利益造成不利影响，该缔约方可通知另一缔约方，并可请求该缔约方或其竞争主管机构启动适当的执法行动。

4. 通知方应在通知中包含充分信息，以使被通知方能够识别通知所涉的反竞争商业行为，并应包括提供通知方能够提供的进一步信息和合作的提议。被通知方可与通知方进行磋商，并在决定是否就通知中指明的反竞争商业行为采取执行行动时，对通知方的请求给予充分和同情的考虑。缔约方可通过各自的竞争主管机构进行此类磋商。

5. The notified Party shall inform the notifying Party of its decision and may include the grounds for the decision. If enforcement action is initiated, the notified Party shall advise the notifying Party of its outcome and, to the extent possible, of any significant interim development. The Parties may act under this paragraph through their respective competition authorities.

ARTICLE 16

Communication of information

Nothing in this Chapter shall require the communication of information by a Party, including its competition authority, if such communication is prohibited by its laws, including those regarding disclosure of information, confidentiality and business secrecy.

V OTHER COMMON RULES

ARTICLE 17

Subsidies

1. Subject to paragraphs 2 and 3, the rights and obligations of the Parties in respect of subsidies and the application of countervailing measures shall be governed by Articles VI and XVI of the GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures.
2. Each Party shall designate, and provide full contact information for, a person that the other Parties can contact with respect to any matter concerning subsidies or countervailing measures.
3. Before initiating an investigation under Part V of the WTO Agreement on Subsidies and Countervailing Measures, the competent investigating authority of Canada or the EFTA State, as the case may be, shall notify, in writing, the Party whose goods would be subject to the investigation and allow such Party a period of 25 days from the date upon which notification was given, for consultations, with a view to finding a mutually acceptable solution. The outcome of such consultations shall be communicated to the other Parties after the decision has been made on whether or not to initiate the investigation.

5. 被通知方应将其决定告知通知方，并可包括决定的理由。如采取执行行动，被通知方应将行动结果及在可能范围内的任何重大阶段性进展通知通知方。缔约方可通过各自的竞争主管机构根据本款采取行动。

ARTICLE 16

信息交流

本章任何规定均不得要求缔约方（包括其竞争主管机构）进行信息交流，如果此类交流被其法律所禁止，包括关于信息披露、保密性和商业机密的法律。

第五部分 其他共同规则

ARTICLE 17

补贴

1. 在遵守第2款和第3款的前提下，缔约方在补贴及反补贴措施适用方面的权利和义务应受1994年关税及贸易总协定第六条、第十六条以及WTO补贴与反补贴措施协定的管辖。
2. 每一缔约方应指定一名人员，并提供完整的联系信息，以便其他缔约方能就任何涉及补贴或反补贴措施的事宜进行联系。
3. 在根据《WTO补贴与反补贴措施协定》第五部分启动调查前，加拿大或欧洲自由贸易联盟国家的主管调查机关（视情况而定）应以书面形式通知其货物将受调查的缔约方，并给予该缔约方自通知发出之日起25天的磋商期，以期找到双方均可接受的解决方案。此类磋商的结果应在就是否启动调查作出决定后通报其他缔约方。

ARTICLE 18

Anti-dumping

- 1. Subject to paragraphs 2 and 3, the rights and obligations of the Parties in respect of the application of anti-dumping measures shall be governed by Article VI of the GATT 1994 and the *WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*.
- 2. Each Party shall designate, and provide full contact information for, a person that the other Party may contact with respect to any matter concerning anti-dumping measures.
- 3. The Parties shall, within three years after the entry into force of this Agreement, meet to review this Article.

ARTICLE 19

State trading enterprises

The rights and obligations of the Parties in respect of State trading enterprises shall be governed by Article XVII of the GATT 1994 and the *WTO Understanding on the Interpretation of Article XVII of the General Agreement on Tariffs and Trade 1994*.

ARTICLE 20

Public procurement

- 1. The rights and obligations of the Parties in respect of public procurement shall be governed by the *WTO Agreement on Government Procurement*.
- 2. If, after the entry into force of this Agreement, Canada or the EFTA States enter into an international agreement that provides greater transparency or access to the procurement market or markets concerned than is provided under the *WTO Agreement on Government Procurement*, Canada or the EFTA States may request that the Parties enter into negotiations with a view to achieving a level of transparency or market access through this Agreement that is equivalent to that provided in the other agreement.
- 3. The Parties agree to co-operate in the Joint Committee, with the aim of achieving further liberalisation among them, of public procurement markets and greater transparency in public procurement. They shall meet to review this Article no later than three years after the entry into force of this Agreement.

ARTICLE 18

反倾销

- 1. 在遵守第2款和第3款的前提下，缔约方在适用反倾销措施方面的权利和义务应受《1994年关税及贸易总协定第六条》及《1994年关税及贸易总协定第六条实施协议》管辖。
- 2. 每一缔约方应指定一名人员，并提供完整的联系信息，以便另一缔约方可就任何有关反倾销措施的事宜进行联系。
- 3. 缔约方应在本协议生效后三年内会面，审议本条款。

ARTICLE 19

国营贸易企业

缔约方关于国营贸易企业的权利和义务应受1994年关税及贸易总协定第十七条及《关于解释1994年关税与贸易总协定第十七条的谅解》管辖。

ARTICLE 20

公共采购

- 1. 缔约方在公共采购方面的权利和义务应受《政府采购协议》管辖。
- 2. 若本协议生效后，加拿大或欧洲自由贸易联盟国家加入某项国际协议，且该协议在相关采购市场或市场的透明度或准入方面提供比《政府采购协议》更优的条件，则加拿大或欧洲自由贸易联盟国家可要求缔约方启动谈判，以期通过本协议达成与其他协议相当的透明度或市场准入水平。
- 3. 缔约方同意在联合委员会中合作，旨在实现公共采购市场的进一步自由化及公共采购透明度的提升。双方应在本协议生效后不迟于三年内会面审议本条款。

Trade facilitation

To facilitate trade between Canada and the EFTA States, the Parties shall:

- (a) simplify, to the greatest extent possible, procedures for trade in goods and related services;
- (b) promote multilateral co-operation among them in order to enhance their participation in the development and implementation of international conventions and recommendations on trade facilitation; and
- (c) co-operate on trade facilitation within the framework of the Joint Committee,

in accordance with the provisions set out in Annex I.

VI EXCEPTIONS AND SAFEGUARDS

General exceptions

For purposes of the Chapter on Trade in Goods, Article XX of the GATT 1994 is incorporated into and made part of this Agreement. The Parties understand that the measures referred to in Article XX(b) of the GATT 1994 include environmental measures necessary to protect human, animal or plant life or health, and that Article XX(g) of the GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

Other exceptions

Without prejudice to the rights and obligations of the Parties pursuant to the WTO Agreement, Annex J shall apply to measures of a Party with respect to cultural industries.

贸易便利化

为促进加拿大与欧洲自由贸易联盟国家之间的贸易，缔约方应：

- (a) 尽可能简化货物及相关服务贸易程序；(b) 促进各方之间的多边合作，以增强其在制定和实施贸易便利化国际公约和建议方面的参与度；及(c) 在联合委员会框架内开展贸易便利化合作，

具体规定见附件一。

VI 例外和保障措施

一般例外

就货物贸易章节而言，1994年关贸总协定第二十条被纳入本协议并成为其组成部分。缔约方理解，1994年关贸总协定第二十条(b)项所指的措施包括为保护人类、动物或植物的生命或健康所必需的环境措施，且1994年关贸总协定第二十条(g)项适用于与保护可耗尽的生物和非生物自然资源相关的措施。

其他例外

在不损害缔约方根据《世界贸易组织协定》享有的权利和承担的义务的的前提下，附件J应适用于一缔约方针对文化产业采取的措施。

ARTICLE 24

Security exceptions

Nothing in this Agreement shall be construed:

- (a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests;
- (b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests:
 - (i) relating to fissionable materials or the materials from which they are derived;
 - (ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment; or
 - (iii) taken in time of war or other emergency in international relations;
- or
- (c) to prevent any Party from taking any action in pursuance of its obligations under the *United Nations Charter* for the maintenance of international peace and security.

ARTICLE 25

Emergency action

1. Where, during the transition period referred to in paragraph 9, as a result of the reduction or elimination of a customs duty under this Agreement, an originating product of a Party is being imported into the territory of another Party in such increased 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 the domestic industry of like or directly competitive products in the importing Party, the importing Party may take emergency action to the minimum extent necessary to remedy or prevent the injury, subject to the provisions of this Article.

ARTICLE 24

安全例外

本协议中的任何内容不得解释为：

- (a) 要求任何缔约方提供其认为披露会违背其基本安全利益的任何信息；
- (b) 阻止任何缔约方采取其认为保护其基本安全利益所必需的任何行动：
 - (i) 涉及裂变材料或从中衍生出的材料；
 - (ii) 涉及武器、弹药和战争工具的贸易，以及直接或间接为供应军事机构而进行的其他货物和材料的此类贸易；或
 - (iii) 在战争时期或国际关系紧急情况下采取的行动；或
- (c) 阻止任何缔约方履行其根据《联合国宪章》为维护国际和平与安全而承担的义务采取的任何行动。

ARTICLE 25

紧急行动

1. 在第九款所指的过渡期内， 若因本协议项下关税的削减或取消， 导致一缔约方的原产产品以绝对数量或相对于国内生产的比例增加进口至另一缔约方领土， 且在此等条件下对进口缔约方生产同类或直接竞争产品的国内产业造成严重损害或其威胁的重大原因时， 进口缔约方可采取必要最小限度的紧急行动以补救或防止损害， 但须遵守本条款的规定。

2. Each Party shall ensure equitable, transparent and effective procedures for emergency action proceedings. An emergency action proceeding may be instituted by a petition or a complaint by an entity representing the domestic industry producing a good like or directly competitive with the imported product. The Party receiving a petition or a complaint shall, without delay, deliver to the other Parties and the Joint Committee written notice of the institution of a proceeding that could result in the application of emergency action. The written notice shall contain the contact information of the Party's competent investigating authority.

3. An emergency action shall only be taken upon clear evidence that increased imports have caused or are threatening to cause serious injury pursuant to an investigation conducted in accordance with definitions and procedures equivalent to those of Articles 3 and 4 of the *WTO Agreement on Safeguards*.

4. The Party intending to take an emergency action under this Article shall, before taking an action, notify the other Parties and the Joint Committee. The notification shall contain all pertinent information, including evidence of serious injury or threat thereof caused by increased imports, a precise description of the product involved, and the proposed action, as well as the proposed date of introduction, and expected duration of the action. A Party that may be affected by the action shall be offered compensation in the form of substantially equivalent trade liberalization in relation to the imports from such Party.

5. If the conditions in paragraph 1 are met, and following an examination by the Joint Committee as set out in paragraph 7, the importing Party may increase the rate of customs duty for the product to a level not to exceed the lesser of:

- (a) the MFN rate of duty applied at the time the action is taken; or
- (b) the MFN rate of duty applied on the day immediately preceding the date of the entry into force of this Agreement.

6. An emergency action shall be taken for a period not exceeding three years, and shall not extend beyond the end of the transition period referred to in paragraph 9. No action shall be applied to the import of a product that has previously been the subject of such an action.

7. The Joint Committee shall, within 30 days from the date of notification referred to in paragraph 4, examine the information provided under paragraph 4 in order to facilitate a mutually acceptable resolution of the matter. In the absence of such resolution, the importing Party may take an action in accordance with paragraph 5 and, in the absence of mutually agreed compensation, the Party against whose product the action is taken may take compensatory action. The emergency action and the compensatory action shall be immediately notified to the other Parties and the Joint Committee. In the selection of the emergency action and the compensatory action, priority must be given to the action which least disturbs the functioning of this Agreement. The compensatory action shall consist of suspension of tariff concessions

2. 每一缔约方应确保紧急行动程序 公正、透明且有效。紧急行动程序可由代表生产与进口产品同类或直接竞争产品的国内产业的实体通过提交请愿书或申诉启动。收到请愿书或申诉的缔约方应立即向其他缔约方及联合委员会提交可能导致实施紧急行动的程序启动书面通知。该书面通知应包含该缔约方主管调查机关的联系信息。

3. 紧急行动仅可在明确证据表明进口增加已导致或威胁导致严重损害时采取，且调查须按照与WTO保障措施协定第3条和第4条等同的定义和程序进行。

4. 拟根据本条款采取紧急行动的缔约方应在行动前通知其他缔约方及联合委员会。通知须包含所有相关信息，包括进口增加导致或威胁导致严重损害的证据、所涉产品的准确描述、拟采取的行动、拟实施日期及行动预期持续时间。可能受该行动影响的缔约方应获得补偿，形式为对该缔约方进口产品提供实质等价的贸易自由化。

5. 若满足第1款条件，并经联合委员会按第7款规定审查后， 进口缔约方可将该产品的关税税率提高至不超过以下两者中较低者的水平：

- (a) 采取行动时适用的最惠国税率；或 (b) 本协议生效日前一日适用的最惠国税率。

6. 紧急行动的实施期限不得超过三年，且不得延长至第9款所述过渡期结束之后。不得对先前已采取过此类行动的产品进口再次实施行动。

7. 联合委员会应在收到第4款所述通知之日起30天内， 审查根据第4款提供的信息，以促成双方均可接受的事项解决方案。若未能达成此类解决方案，进口缔约方可依据第5款采取行动；若未能达成双方同意的补偿，则被采取行动产品所属缔约方可采取补偿行动。紧急行动与补偿行动应立即通知其他缔约方及联合委员会。在选择紧急行动与补偿行动时，应优先选择对本协议运作干扰最小的行动。补偿行动应包括暂停关税减让

under this Agreement having substantially equivalent trade effects or concessions substantially equivalent to the value of the additional duties expected to result from the emergency action. The Party taking compensatory action shall apply the action only for the minimum period necessary to achieve the substantially equivalent trade effects and in any event, only while the measure under paragraph 5 is being applied.

8. Upon the termination of the emergency action, the rate of customs duty shall be the rate that would have been in effect but for the action.

9. Unless extended by the Joint Committee as set out in paragraph 10, the transition period referred to in paragraphs 1 and 6 is the longer of:

- (a) the five-year period beginning on the date of entry into force of this Agreement; or, where applicable,
- (b) the staged tariff elimination set out for a product in a Party’s schedule in Annex E.

10. In the fifth year after the date of entry into force of this Agreement, the Parties shall consider, in the Joint Committee, whether there is a need to extend the transition period for certain products. The Joint Committee may extend the transition period for a certain product, in which case the transition period for that product shall be in accordance with the decision of the Joint Committee.

11. Each Party retains its rights and obligations under Article XIX of the GATT 1994 and the *WTO Agreement on Safeguards*.

VII INSTITUTIONAL PROVISIONS

ARTICLE 26

The Joint Committee

1. The Parties hereby establish the Canada-EFTA Joint Committee which shall be composed of representatives of the Parties.
2. The Joint Committee shall:
- (a) supervise the implementation of this Agreement;
 - (b) keep under review the possibility of further removal of barriers to trade and other restrictive regulations of commerce between Canada and the EFTA States;
 - (c) oversee the further elaboration of this Agreement;

本协议项下具有实质等效贸易效应的减让，或与紧急行动预期产生的附加关税价值实质等效的减让。采取补偿行动的缔约方仅应在实现实质等效贸易效应所需的最短期限内实施该行动，且无论如何，仅在第5款所述措施实施期间适用。

8. 紧急行动终止后，关税税率应恢复至若无该行动本应适用的税率。

9. 除非联合委员会根据第10款决定延长，否则第1款和第6款所指过渡期应为以下两者中较长者：

- (a) 自本协议生效之日起五年期限；或（如适用）
- (b) 缔约方在附件E减让表中为某产品设定的分阶段关税取消期限。

10. 在本协议生效第五年，缔约方应在联合委员会中审议是否有必要延长特定产品的过渡期。联合委员会可延长某产品的过渡期，此时该产品过渡期应以联合委员会的决定为准。

11. 每一缔约方保留其在1994年关税及贸易总协定第十九条和WTO保障措施协定项下的权利和义务。

第七部分 机构条款

ARTICLE 26

联合委员会

1. 缔约方特此设立加拿大-欧洲自由贸易联盟联合委员会，该委员会应由缔约方代表组成。
2. 联合委员会应：
- (a) 监督本协议的实施；
 - (b) 持续审议进一步消除加拿大与欧洲自由贸易联盟国家之间贸易壁垒及其他限制性商业法规的可能性；
 - (c) 监督本协议的进一步细化；

- (d) supervise the work of all sub-committees and working groups established under this Agreement;
- (e) discuss, upon request by a Party, measures with respect to cultural industries maintained or adopted under Annex J;
- (f) discuss, upon request by a Party, the application of an emergency action taken under Article 25;
- (g) endeavour to resolve disputes that may arise regarding the interpretation or application of this Agreement; and
- (h) consider any other matter that may affect the operation of this Agreement.

3. The Joint Committee may decide to set up such sub-committees and working groups as it considers necessary to assist it in accomplishing its tasks. Except where specifically provided for in this Agreement, the sub-committees and working groups shall work under a mandate established by the Joint Committee.
4. The Joint Committee may take decisions as provided in this Agreement. On other matters the Joint Committee may make recommendations.
5. The Joint Committee shall take decisions and make recommendations by consensus.
6. The Joint Committee shall normally convene once a year in a regular meeting. The regular meetings of the Joint Committee shall be chaired jointly by Canada and one of the EFTA States. The Joint Committee shall establish its rules of procedure.
7. Each Party may request at any time, through a notice in writing to the other Parties, that a special meeting of the Joint Committee be held. Such a meeting shall take place within 30 days of receipt of the request.

VIII DISPUTE SETTLEMENT

ARTICLE 27

Choice of forum

1. Subject to paragraph 2 and except as otherwise provided elsewhere in this Agreement, any dispute regarding any matter arising under both this Agreement and the WTO Agreement may be settled in either forum at the discretion of the complaining Party.

(d) 监督根据本协议设立的所有小组委员会和工作组的工作；(e) 应缔约方请求，讨论附件J项下维持或采取的文化产业措施；(f) 应缔约方请求，讨论根据第二十五条采取的紧急行动的实施情况；(g) 努力解决可能出现的关于本协议解释或适用的争端；及(h) 审议可能影响本协议实施的任何其他事项。

3. 联合委员会可决定设立其认为必要的小组委员会和工作组，以协助完成其任务。除非本协议另有具体规定，小组委员会和工作组应在联合委员会制定的授权范围内开展工作。
4. 联合委员会可根据本协议规定作出决定。对于其他事项，联合委员会可提出建议。
5. 联合委员会应通过协商一致方式作出决定和提出建议。
6. 联合委员会通常每年召开一次例会。联合委员会的例会应由加拿大和一个欧洲自由贸易联盟国家共同主持。联合委员会应制定其议事规则。
7. 每一缔约方可随时通过书面通知其他缔约方，要求召开联合委员会特别会议。此类会议应在收到请求后30天内举行。

VIII 争端解决

ARTICLE 27

论坛选择

1. 在遵守第2款且除本协议另有规定外，对于同时涉及本协议和世界贸易组织协定的任何事项的争端，可由申诉方自行选择任一论坛进行解决。

2. Before Canada initiates against an EFTA State or an EFTA State initiates against Canada a dispute settlement proceeding in the WTO on grounds that are substantially equivalent to those available to that Party under this Agreement, that Party shall notify the other Parties of its intention. If an EFTA State initiates a dispute settlement proceeding against Canada and another EFTA State wishes also to have recourse to dispute settlement procedures against Canada as a complainant under this Agreement regarding the same matter, it shall inform promptly the notifying Party and those Parties shall consult with a view to agreeing on a single forum. If those Parties cannot agree, the dispute shall be settled under this Agreement.

3. Once dispute settlement procedures have been initiated under this Agreement pursuant to Article 29 or dispute settlement proceedings have been initiated under the WTO Agreement, the forum selected shall be used to the exclusion of the other.

4. For purposes of this Article, dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party’s request for the establishment of a panel, such as under Article 6 of the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

5. The provisions of this Chapter do not apply to any matters falling within the scope of any one of the following provisions: Article 6; paragraphs 1 and 2 of Article 7; any provision of Chapter IV (Competition Law and Policy); paragraph 1 of Article 17; paragraph 1 of Article 18; Article 19; paragraph 1 of Article 20; or paragraph 11 of Article 25.

ARTICLE 28

Consultations

1. The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through co-operation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

2. Canada may request in writing consultations with any EFTA State, and any EFTA State may request in writing consultations with Canada, regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Agreement. The Party requesting consultations shall at the same time notify the other Parties in writing thereof and supply all relevant information. Where an EFTA State has requested consultations with Canada, any other EFTA State may join in such a request as a co-complainant.

3. If any other Party so requests within ten days from the receipt of the notification referred to in paragraph 2, such Party shall be entitled to participate in the consultations.

2. 在加拿大针对欧洲自由贸易联盟国家、或欧洲自由贸易联盟国家针对加拿大，以与本协议下该缔约方可获得的理由基本相同的理由在世界贸易组织启动争端解决程序前，该缔约方应将其意向通知其他缔约方。若欧洲自由贸易联盟国家针对加拿大启动争端解决程序，而另一欧洲自由贸易联盟国家也希望就同一事项作为申诉方根据本协议对加拿大诉诸争端解决程序，其应立即通知通知方，且这些缔约方应进行磋商以期就单一论坛达成一致。若这些缔约方无法达成一致，则该争端应根据本协议解决。

3. 一旦根据本协议第29条启动争端解决程序，或根据世界贸易组织协定启动争端解决程序，所选择的论坛应排除其他论坛的使用。

4. 就本条而言，世界贸易组织协定下的争端解决程序被视为由缔约方请求设立专家组而启动，例如根据世界贸易组织争端解决规则与程序谅解第六条。

5. 本章规定不适用于以下任何条款范围内的事项：第六条；第七条的第1款和第2款；第四章（竞争法与政策）的任何条款；第十七条第1款；第十八条第1款；第十九条；第二十条第1款；或第二十五条第11款。

ARTICLE 28

磋商

1. 缔约方应始终努力就本协议的解释和适用达成一致，并应通过合作与磋商，尽一切努力就可能影响其运作的任何事项达成双方满意的解决方案。

2. 加拿大可书面请求与任一欧洲自由贸易联盟国家进行磋商，任一欧洲自由贸易联盟国家亦可书面请求与加拿大就任何实际或拟议措施或其他其认为可能影响本协议实施的事项进行磋商。请求磋商的缔约方应同时书面通知其他缔约方并提供所有相关信息。若某欧洲自由贸易联盟国家已请求与加拿大磋商，其他欧洲自由贸易联盟国家可作为共同申诉方加入该请求。

3. 若任何其他缔约方在第2段所述通知收到后十日内提出请求，则该缔约方有权参与磋商。

4. The consultations shall commence within 30 days from the date of receipt of the request for consultations.
5. The Parties shall inform the Joint Committee of any discussions and decisions arrived at.

ARTICLE 29

Arbitration

1. Any dispute arising between Parties under this Agreement which has not been settled through consultations within 90 days from the date of the receipt of the request for consultation, may be referred to arbitration by one or more Parties to the dispute by means of a written notification addressed to the Party complained against. A copy of this notification shall be communicated to all Parties to this Agreement. Where more than one Party requests the submission to an arbitral tribunal of a dispute with the same Party relating to the same question, a single arbitral tribunal should be established to consider such disputes whenever feasible.
2. The establishment and functioning of the arbitral tribunal are governed by Annex K.
3. Unless the Parties otherwise agree within 30 days from the date of the receipt of the notification referring the dispute to arbitration, the terms of reference shall be:
- “To examine, in the light of the relevant provisions of this Agreement, the matter referred to arbitration (as described in the notification referred to in paragraph 1) and to make such findings, determinations and recommendations as provided in paragraph 6 of Article 29 of this Agreement.”
4. If the complaining Party alleges that any benefit it could reasonably have expected to accrue to it directly or indirectly under Articles 4, 5, 8, 10 or 11, is being nullified or impaired as a result of the application of any measure that is not inconsistent with this Agreement, the terms of reference shall so indicate.
5. The arbitral tribunal shall interpret this Agreement in accordance with customary rules of interpretation of public international law.
6. The arbitral tribunal, in its award, shall set out:
- (a) its findings of law and fact, together with the reasons therefor;
 - (b) its determination as to whether the measure at issue is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment of benefits within the meaning of paragraph 4, or any other determination requested in the terms of reference; and

4. 磋商应于收到磋商请求之日起30天内开始。
5. 缔约方应将达成的讨论和决定通知联合委员会。

ARTICLE 29

仲裁

1. 缔约方之间因本协议产生的任何争端，如在收到磋商请求之日起90天内未能通过磋商解决，争议一方或多方可向被诉方提交书面通知，将争端提交仲裁。该通知副本应抄送本协议所有缔约方。若多个缔约方就同一问题针对同一缔约方请求将争端提交仲裁庭，在可行情况下应设立单一仲裁庭审理此类争端。
2. 仲裁庭的设立和运作受附件K管辖。
3. 除非缔约方在收到争端提交仲裁的通知之日起30天内另有约定，否则职权范围应为：
- “根据本协议相关规定，审查提交仲裁的事项（如第1款所述通知中描述的内容），并依照本协议第29条第6款之规定作出调查结果、裁定及建议。”
4. 若申诉方主张其根据第4条、第5条、第8条、第10条或第11条可合理预期直接或间接获得的任何利益，因实施与本协议并无抵触的任何措施而正在丧失或减损，则职权范围应予以说明。
5. 仲裁庭应依照国际公法的习惯解释规则对本协议进行解释。
6. 仲裁庭应在其裁决中列明：
- (a) 其法律和事实认定，以及相关理由；(b) 其关于争议措施是否或将会与本协议义务不一致或导致第4款意义上的利益无效或减损的裁定，或职权范围中要求的任何其他裁定；以及

(c) its recommendations, if any, for the resolution of the dispute and the implementation of the arbitral award.

7. The parts of the award of the arbitral tribunal referred to in sub-paragraphs (a) and (b) of paragraph 6 shall be final and binding upon the Parties to the dispute.

ARTICLE 30

Implementation of the arbitral award

1. On receipt of the arbitral award, the disputing Parties shall seek to agree on the implementation of the arbitral award, which, unless they decide otherwise by common accord, shall conform with the determinations and any recommendations of the arbitral tribunal. The disputing Parties shall notify the other Parties of any agreed resolution of the dispute.

2. Wherever possible, the resolution shall be non-implementation or removal of a measure not conforming with this Agreement or causing nullification or impairment of benefits within the meaning of paragraph 4 of Article 29 or, failing such a resolution, compensation.

ARTICLE 31

Non-implementation - suspension of benefits

1. In case of disagreement as to the existence or consistency of a measure implementing the arbitral award with the determinations and any recommendations of the arbitral tribunal, such dispute shall be decided by the same arbitral tribunal before compensation can be sought or suspension of benefits can be applied in accordance with paragraphs 3 through 5. If one or more members of the original arbitral tribunal are not available, a new arbitral tribunal shall be established in accordance with Annex K, to make this determination.

2. The complaining Party may not initiate arbitration under the preceding paragraph before a period of 12 months has expired following the rendering of the award pursuant to paragraph 6 of Article 29. The award of the tribunal referred to in the preceding paragraph shall normally be rendered within three months of the request for arbitration.

3. If the arbitral tribunal, in accordance with paragraph 1 has determined that an implementing measure is inconsistent with the determinations and any recommendations of the original arbitral tribunal, or that no implementing measures have been taken, and the Party complained against has not reached agreement with a complaining Party on a mutually satisfactory resolution within 30 days of receiving this award, the complaining Party may, until such time as the disputing Parties have reached agreement on a resolution of the dispute:

(c) 其关于解决争端和执行仲裁裁决的建议（如有）。

7. 仲裁庭根据第6款(a)项和(b)项作出的裁决部分对争议各方具有最终约束力。

ARTICLE 30

仲裁裁决的执行

1. 收到仲裁裁决后，争议各方应就裁决执行达成一致。除非经共同协议另行决定，裁决执行应符合仲裁庭的裁定及任何建议。争议各方应将争端达成的任何一致解决方案通知其他缔约方。

2. 在可能的情况下，解决方案应是不执行或取消不符合本协议的措施，或消除第29条第4款所指的利益无效或减损；如无法达成此类解决方案，则应提供补偿。

ARTICLE 31

不执行 - 利益中止

1. 如对执行仲裁裁决的措施是否存在或是否符合仲裁庭的裁定及任何建议存在分歧，此类争端应由同一仲裁庭在申诉方依据第3至5段寻求补偿或实施利益中止前作出裁决。若原仲裁庭一名或多名成员无法履职，则应按照附件K组建新的仲裁庭作出此项裁定。

2. 申诉方依据第29条第6款作出裁决后未满12个月的，不得根据前款规定提请仲裁。前款所述仲裁庭的裁决通常应在收到仲裁请求后三个月内作出。

3. 如仲裁庭根据第1款裁定实施措施与原仲裁庭的裁定及任何建议不一致，或未采取任何实施措施，且被诉方未在收到该裁决后30天内与申诉方达成双方满意的解决方案，则申诉方可采取以下行动，直至争议各方就争端解决达成协议：

- (a) seek compensation through an agreement with the Party complained against; or
- (b) suspend the application to the Party complained against of benefits of equivalent effect.

4. Upon written request of any disputing Party delivered to the other Party or Parties, the same arbitral tribunal shall be reconvened to determine whether the level of benefits suspended by a Party pursuant to paragraph 3 is of equivalent effect. If one or more members of the original arbitral tribunal are not available, a new arbitral tribunal shall be established in accordance with Annex K, to make this determination.

5. The proceedings of the arbitral tribunal reconvened or established under paragraph 4 shall be conducted in accordance with paragraph 3 of Annex K. The arbitral tribunal shall present its determination within 60 days after the date of the request referred to in paragraph 4, or such other period as the disputing Parties may agree.

IX FINAL CLAUSES

ARTICLE 32

Evolutionary clause

Without prejudice to the obligation to review specific Articles of this Agreement, the Parties undertake to review this Agreement in the light of further developments in international economic relations, including in the framework of the WTO, and to examine in this context and in the light of any relevant factors, the possibility of further developing and deepening the co-operation under this Agreement and to extend it to areas not covered therein. The Parties may examine this possibility through the Joint Committee and, where appropriate, open negotiations.

ARTICLE 33

Trade and economic relations governed by this Agreement

The provisions of this Agreement apply to the trade and economic relations between, on the one side, Canada and, on the other side, the individual EFTA States, but not to the trade relations between individual EFTA States, unless otherwise provided in this Agreement.

(a) 通过与被诉方达成协议寻求补偿；或 (b) 中止对被诉方适用具有等效效果的利益。

4. 任一争议方书面请求送达其他缔约方后，应重新召集同一仲裁庭，以裁定某缔约方依据第3款中止的利益水平是否具有等效。若原仲裁庭一名或多名成员无法履职，则应根据附件K组建新仲裁庭作出此项裁定。

5. 依据第4款重新召集或组建的仲裁庭程序应按照附件K第3款进行。仲裁庭应在第4款所述请求送达之日起60日内（或争议各方商定的其他期限）提交其裁定。

第九条 最后条款

ARTICLE 32

演进条款

在不影响审议本协议特定条款义务的前提下，缔约方承诺将根据国际经济关系（包括世界贸易组织框架内）的新发展审议本协议，并在此背景下结合相关因素，研究进一步发展和深化本协议下合作的可能性，以及将合作扩展至未涵盖领域。缔约方可通过联合委员会研究该可能性，并在适当时启动谈判。

ARTICLE 33

本协议管辖的贸易和经济关系

本协议的条款适用于加拿大与各欧洲自由贸易联盟国家之间的贸易和经济关系，但不适用于欧洲自由贸易联盟国家之间的贸易关系，除非本协议另有规定。

ARTICLE 34

Relationship of this Agreement to extraneous agreements

Where this Agreement refers to or incorporates by reference extraneous agreements or legal instruments, or specific provisions therein, such references are intended to include related interpretative and explanatory notes.

ARTICLE 35

Sub-national entities

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 by the regional and local governments and authorities within its territory.

ARTICLE 36

Annexes

1. The Annexes to this Agreement constitute an integral part of it.
2. The Annexes may be amended by the Parties on the basis of a draft decision proposed by the Joint Committee. The Parties shall deposit their respective instruments of ratification, acceptance or approval of any such amendment with the Depositary. The amendment shall enter into force on the date of the deposit of the last instrument with the Depositary, unless the Parties agree otherwise.

ARTICLE 37

Transparency

1. The Parties shall publish, or otherwise make publicly available, their laws, regulations, procedures and administrative rulings and judicial decisions of general application as well as the international agreements which may affect the operation of this Agreement.
2. The Parties shall promptly respond to specific questions and provide, upon request, information to each other on matters referred to in paragraph 1.

ARTICLE 34

本协议与外部协议的关系

当本协议引用或通过引用纳入外部协议或法律文书或其特定条款时，此类引用旨在包括相关的解释性和说明性注释。

ARTICLE 35

次国家实体

每一缔约方对本协议所有条款的遵守负有全部责任，并应采取其可用的合理措施，确保其领土内的区域和地方政府及当局遵守本协议的条款。

ARTICLE 36

附件

1. 本协议的附件为其组成部分。
2. 缔约方可基于联合委员会提出的决定草案对附件进行修正。缔约方应将任何此类修正的批准书、接受书或核准书交存保存人。除非缔约方另有约定，修正应于最后一份文书交存保存人之日生效。

ARTICLE 37

透明度

1. 缔约方应公布或以其他方式公开其普遍适用的法律、法规、程序、行政裁决和司法决定，以及可能影响本协议实施的国际协议。
2. 缔约方应及时回应具体问题，并根据请求就第1款所述事项相互提供信息。

ARTICLE 38

Amendments

1. This Agreement may be amended by the Parties on the basis of a draft decision proposed by the Joint Committee. The Parties shall deposit their respective instruments of ratification, acceptance or approval of any such amendment with the Depositary.
2. Amendments shall enter into force on the first day of the third month following the deposit of the last instrument of ratification, acceptance or approval.

ARTICLE 39

Additional Parties

The Parties may invite any State to become a Party to this Agreement. The terms and conditions of the participation by the additional Party shall be the subject of an agreement between the Parties and the invited State.

ARTICLE 40

Withdrawal and termination

1. Canada, an EFTA State or any State that has become a Party to this Agreement may withdraw from this Agreement by means of a written notification to the Depositary. The withdrawal shall take effect on the first day of the sixth month after the date on which the notification was received by the Depositary.
2. If Canada withdraws, the Agreement shall expire on the date specified in paragraph 1.
3. If one of the EFTA States, or any State that has become a Party to this Agreement, withdraws from this Agreement, a meeting of the remaining Parties shall be convened to discuss the issue of the continued existence of this Agreement.

ARTICLE 41

Provisional application

If their domestic requirements permit, Canada and any EFTA State may apply this Agreement and the bilateral Agreements on trade in agricultural products provisionally. Such provisional application shall commence as of the date of the entry into force of this Agreement between Canada and at least two EFTA States, in accordance with paragraph 2 of Article 42. Provisional application of such Agreements under this Article shall be notified to the Depositary.

ARTICLE 38

修正案

1. 本协议可由缔约方根据联合委员会提出的决定草案予以修正。缔约方应将任何此类修正的批准书、接受书或核准书交存保存人。
2. 修正案应于最后一份批准、接受或核准文书交存后的第三个月首日生效。

ARTICLE 39

新增缔约方

缔约方可邀请任何国家成为本协议的缔约方。新增缔约方参与的条款和条件应由缔约方与被邀请国另行达成协议确定。

ARTICLE 40

退出和终止

1. 加拿大、欧洲自由贸易联盟国家或任何已成为本协议缔约方的国家，可通过向保存人提交书面通知退出本协议。退出应于保存人收到通知之日起第六个月的第一天生效。
2. 如加拿大退出，本协议应于第1款所述日期终止。
3. 如欧洲自由贸易联盟国家之一或任何已成为本协议缔约方的国家退出本协议，应召集其余缔约方举行会议，讨论本协议继续存在的问题。

ARTICLE 41

临时适用

若其国内要求允许，加拿大与任一欧洲自由贸易联盟国家可临时地适用本协议及关于农产品贸易的双边协定。此类临时适用应自本协议在加拿大与至少两个欧洲自由贸易联盟国家之间根据第42条第2款生效之日起开始。依据本条款对上述协定的临时适用应通知保存人。

Entry into force

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on the first day of the third month following the deposit by Canada and at least two of the EFTA States of their respective instruments of ratification, acceptance or approval with the Depositary, provided that the same Parties have exchanged their instruments of ratification, acceptance or approval in respect of the bilateral Agreement on trade in agricultural products concerned.
3. This Agreement shall enter into force for the other EFTA States at the date of the deposit of their respective instruments of ratification, acceptance or approval with the Depositary, provided Canada and the EFTA States concerned have exchanged instruments of ratification, acceptance or approval in respect of the corresponding bilateral Agreements on trade in agricultural products.
4. Should Canada and Liechtenstein apply this Agreement provisionally between them, this Agreement shall enter into force on the same date as for Switzerland, following Liechtenstein's deposit of its instrument of ratification, acceptance or approval with the Depositary.

生效

1. 本协议须经批准、接受或核准。批准书、接受书或核准书应交存保存人。
2. 本协议应在加拿大和至少两个欧洲自由贸易联盟国家向保存人交存各自批准书、接受书或核准书后的第三个月首日生效，前提是上述缔约方已就相关农产品贸易双边协定交换了批准书、接受书或核准书。
3. 本协议对其他欧洲自由贸易联盟国家应自其向保存人交存各自批准书、接受书或核准书之日起生效，前提是加拿大与相关欧洲自由贸易联盟国家已就相应农产品贸易双边协定交换了批准书、接受书或核准书。
4. 若加拿大和列支敦士登决定在两国间临时地适用本协议，则本协议将在列支敦士登向保存人交存其批准、接受或核准文书后，与瑞士同一天生效。

Depositary

The Kingdom of Norway shall act as Depositary.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

Done in duplicate at Davos, this 26th day of January 2008, in the English and French languages, each version being equally authentic. One original shall be deposited by the EFTA States with the Depositary.

For Canada

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For the Republic of Iceland

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For the Principality of Liechtenstein

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For the Kingdom of Norway

.....

For the Swiss Confederation

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保存人

挪威王国应担任保存人。

下列签署人经正式授权，签署本协议，以昭信守。

本协议一式两份，于2008年1月26th 日在达沃斯签订，以英文和法文写成，两种文本同等作准。欧洲自由贸易联盟国家应将一份正本交存保存人。

加拿大代表

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冰岛共和国代表

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列支敦士登公国代表

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挪威王国代表

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瑞士联邦

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