

ARTICLE 21

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

ARTICLE 22

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.

ARTICLE 23

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.

ARTICLE 21

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) 推动彼此间的多边合作，以增强各方对贸易便利化领域国际公约和建议的制定与实施的参与；(c) 在联合委员会框架内开展贸易便利化合作，

并遵循附件一所列条款。

第六条 例外和保障措施

ARTICLE 22

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)款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)款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。

ARTICLE 23

其他例外

在不损害缔约方根据《世贸组织协定》享有的权利和承担的义务的前提下，附件J应适用于一缔约方在文化产业方面采取的措施。

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提取裂变的材料；(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大量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严重损害威胁构成实质原因，则该进口缔约方可采取必要限度的紧急行动以补救或防止损害， 但须遵守本条的各项规定。

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而启动。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采取紧急行动的程序的书面通知。该书面通知应包含该缔约方主管调查机关的联系信息。

3. 只有在有明确证据表明进口增加已导致或威胁导致严重损害，且依据与《WTO保障措施协定》第3条和第4条等同的定义和程序进行调查后，方可采取紧急行动。

4. 拟根据本条采取紧急行动的缔约方应在采取行动前通知其他缔约方和联合委员会。通知应包含所有相关信息，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，形式为与该缔约方进口相关的实质性对等贸易自由化。

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) 本协议生效之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日内，审查根据第4款提供的信息，以促进双方达成共同接受的解决方案。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，则被采取行动的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;

其贸易效果与本协议项下预期因紧急行动产生的附加关税价值基本相当的关税减让。采取补偿行动的缔约方仅应在实现基本相当贸易效果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款规定予以延长，第1款和第6款所指过渡期取以下两者中较长者：

- (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某些产品的过渡期。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) 持续审查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；