

<i>Harmonized System Classification (HS2012)</i>	<i>Sufficient production</i>
	<i>product.</i>
<i>96.16 – 96.19</i>	<i>A change from any other heading.</i>

Section XXI

Works of art, collectors' pieces and antiques

Chapter 97

Works of Art, Collectors' Pieces and Antiques

<i>Harmonized System Classification (HS2012)</i>	<i>Sufficient production</i>
<i>97.01 – 97.06</i>	<i>A change from any other heading.</i>

Text of the Canada–Ukraine Free trade agreement – Chapter 4: Trade facilitation

<i>协调一致的系统分类 (HS2012)</i>	<i>充足生产</i>
	<i>产品。</i>
<i>96.16 – 96.19</i>	<i>从其他任何品目改变。</i>

第XXI类

艺术品、收藏品及古董

第97章

艺术品、收藏品及古董

<i>协调制度分类 (HS2012)</i>	<i>充足生产</i>
<i>97.01 – 97.06</i>	<i>从其他任何品目改变。</i>

加拿大-乌克兰自由贸易协定文本 – 第四章：贸易

Article 4.1: Objectives, Principles, and General Provisions

- 1. The Parties acknowledge the importance of customs and trade facilitation matters in the evolving global trading environment.
- 2. The Parties shall, to the extent possible, cooperate and exchange information, including information on best practices, to promote the application of and compliance with the trade facilitation measures in this Agreement.
- 3. Each Party shall ensure that its measures to facilitate trade do not hinder mechanisms to protect a person through effective enforcement of and compliance with its law.
- 4. Each Party shall ensure that its import, export and transit requirements and procedures are no more administratively burdensome or trade restrictive than necessary to achieve a legitimate objective.
- 5. Each Party shall use existing international trade and customs instruments and standards as a basis for its import, export and transit requirements and procedures, unless they would be an inappropriate or ineffective means for the fulfilment of the legitimate objective pursued.

第4.1条：目标、原则和一般规定

- 1. 缔约方认识到海关和贸易便利化事项在不断变化的全球贸易环境中的重要
L.1.
- 2. 缔约方应尽可能开展合作与信息交流，包括关于最佳实践的信息，以促进本协定中贸易便利化措施的应用和合规。
- 3. 每一缔约方应确保其贸易便利化措施不妨碍通过有效执行和符合其法律来保护个人的机制。
- 4. 每一缔约方应确保其进口、出口和过境要求和程序的行政负担或贸易限制不超过实现合法目标所需的程度。
- 5. 每一缔约方应以现有国际贸易和海关文书及标准作为其进口、出口和过境要求和程序的基础，除非这些文书和标准对于实现所追求的合法目标不适当或无效。

Article 4.2: Transparency

1. Each Party shall publish or otherwise make available, including electronically, its legislation, judicial decisions and administrative policies relating to import or export requirements.
2. Each Party shall endeavour to make public, including on the internet, proposed regulations and administrative policies relating to customs matters and to provide interested persons an opportunity to comment prior to their adoption.
3. Each Party shall designate or maintain one or more contact points to address inquiries by interested persons concerning customs matters and make available, including on the internet, information concerning the procedures for making these inquiries.

Article 4.3: Release of Goods

1. Each Party shall adopt or maintain simplified customs procedures for the efficient release of goods in order to facilitate trade between the Parties and reduce costs for importers and exporters. Each Party shall ensure that its procedures:
 - (a) allow for the release of goods within a period of time no longer than that required to ensure compliance with its law;

第4.2条：透明度

1. 每一缔约方应公布或以其他方式提供（包括电子方式）其与进出口要求有关的法律法规、司法裁决和行政政策。
2. 每一缔约方应努力公开（包括通过互联网）与海关事务相关的拟议法规和行政政策，并为相关人士提供在采纳前发表意见的机会。
3. 每一缔约方应指定或维持一个或多个联络点，以处理相关人士关于海关事务的咨询，并公开（包括通过互联网）有关提出此类咨询的程序信息。

第4.3条：货物放行

1. 每一缔约方应采用或维持简化海关程序以实现高效货物放行，从而促进缔约方之间的贸易并降低进出口商的成本。每一缔约方应确保其程序：
 - (a) 允许在不超过确保符合其法律所需时间的期限内放行货物；

- (b) require the submission of more extensive information through post-entry accounting and verifications, as appropriate;
- (c) allow goods, and to the extent possible controlled or regulated goods, to be released at the first point of arrival;
- (d) allow, to the extent possible, for the expeditious release of goods in need of emergency clearance;
- (e) allow an importer or its agent to remove goods from customs control prior to the final determination and payment of customs duties, taxes, and fees. Before releasing the goods, a Party may require that an importer provide sufficient guarantee in the form of a surety, a deposit, or some other appropriate instrument. The guarantee shall be limited to an amount calculated to ensure compliance with a Party's requirements for customs duties, taxes and fees, and shall not represent an indirect protection of domestic products or taxation of imports for fiscal purposes; and
- (f) provide for, in accordance with its law, simplified documentation requirements for the entry of low-value goods as determined by each Party.

2. Each Party shall adopt or maintain separate customs procedures for the expedited release of express shipments. These procedures shall:

- (b) 要求提交更广泛的信息
通过事后核算和验证（如适用）；
- (c) 允许货物（在可能范围内包括受控或受监管货物）
在首个到达点放行；
- (d) 在可能范围内，允许急需紧急清关的货物
快速放行；
- (e) 允许进口商或其代理人在最终裁定及支付关税、税款和费用前将货物移出海关监管。在放行货物前，缔约方可要求进口商以保证、押金或其他适当形式提供充分担保。该担保应限于为确保符合缔约方关税、税款和费用要求而计算的金额，且不得构成对国内产品的间接保护或为财政目的对进口产品征税；
- (f) 根据其法律，为各缔约方确定的低价值货物的入境提供简化单证要求。

2. 每一缔约方应采用或维持单独的海关程序，以便快速放行快递货物。这些程

- (a) when applicable, use the World Customs Organization (WCO), Guidelines for the Immediate Release of Consignments by Customs, as amended;
- (b) to the extent possible or if applicable, provide for advance electronic submission and processing of information before physical arrival of express shipments to enable their release upon arrival;
- (c) to the extent possible, provide for clearance of certain goods with a minimum of documentation;
- (d) not be limited by a maximum weight; and
- (e) provide for, in accordance with a Party's legislation, simplified documentation requirements for the entry of low-value goods as determined by that Party.

3. Each Party shall ensure, to the extent possible, that its authorities and agencies involved in border and other import and export controls cooperate and coordinate to facilitate trade by, among other things, converging import and export data and documentation requirements and establishing a single location for one-time documentation and physical verification of consignments.

4. Each Party shall ensure, to the extent possible, that its import and export requirements are coordinated to facilitate trade, regardless of

- (a) 在适用情况下，采用经修订的《世界海关组织海关即时放行货物指南》；
- (b) 尽可能或在适用情况下，允许快递货物在实体到达前预先以电子方式提交和处理信息，以便货物抵达时即可放行；
- (c) 尽可能为特定货物提供最少文件要求的通关程序；
- (d) 不受最高重量限制；及
- (e) 根据缔约方法律法规，为该缔约方确定的低价值货物入境提供简化单证要求。

3. 每一缔约方应尽可能确保其参与边境及其他进出口管制的部门和机构相互合作与协调，以促进贸易，包括但不限于统一进出口数据和单证要求，并设立单一地点一次性完成单证提交和货物实物验证。

4. 每一缔约方应尽可能确保其进出口要求相互协调以促进贸易，无论

whether these requirements are administered by an agency or on behalf of that agency by the customs authority.

Article 4.4: Customs Valuation

The Customs Valuation Agreement governs customs valuation applied to reciprocal trade between the Parties.

Article 4.5: Fees and Charges

Each Party shall publish or otherwise make available information on fees and charges imposed by its customs authority, including electronically. This information shall include the applicable fees and charges, the specific reason for the fee or charge, the responsible authority, and when and how payment is to be made. A Party shall not impose new or amended fees and charges until it publishes or otherwise makes available this information.

Article 4.6: Risk Management

1. Each Party shall base its examination, release, and post-entry verification procedures on risk assessment principles, rather than requiring each shipment offered for entry to be examined in a comprehensive manner for compliance with import requirements.

这些要求是由某一机构管理还是由海关当局代表该机构管理。

第4.4条：海关估价

《海关估价协定》规范适用于缔约方之间互惠贸易的海关估价。

第4.5条：费用和收费

每一缔约方应公布或以其他方式提供其海关当局征收的费用和收费信息，包括电子形式。该信息应包括适用的费用和收费、收费的具体原因、负责当局以及支付的时间和方式。缔约方在公布或以其他方式提供此信息之前，不得征收新的或修订的费用和收费。

第4.6条：风险管理

1. 每一缔约方应基于风险评估原则实施其检查、放行和入境后核查程序，而非要求对每批申报入境的货物进行全面检查以确保符合进口要求。

2. Each Party shall adopt and apply its import, export and transit requirements and procedures for goods on the basis of risk management principles that focus compliance measures on transactions that merit attention.

3. Paragraphs 1 and 2 do not preclude a Party from conducting a quality control and compliance review that may require more extensive examinations.

Article 4.7: Automation

1. Each Party shall use information technologies that expedite its domestic procedures for the release of goods in order to facilitate trade, including trade between the Parties.

2. Each Party shall:

- (a) endeavour to make available electronically customs forms that are required for the import or export of goods;
- (b) allow, subject to its law, those customs forms to be submitted in electronic format; and
- (c) if possible, provide for the electronic exchange of information with its trading community through its customs authority.

3. Each Party shall endeavour to:

2. 每一缔约方应根据风险管理原则制定并实施其货物的进口、出口和过境要求 and 程序，将合规措施集中于值得关注的交易上。

3. 第1款和第2款不妨碍缔约方进行质量控制和合规审查，此类审查可能需要进行更广泛的检查。

第4.7条：自动化

1. 每一缔约方应使用信息技术加快其货物放行的国内程序，以促进贸易，包括缔约方之间的贸易。

2. 每一缔约方应：

- (a) 努力以电子方式提供货物进出口所需的海关表格；
- (b) 根据其法律，允许以电子格式提交这些海关表格；以及
- (c) 如可能，通过其海关当局提供与贸易社区的电子信息交换。

3. 每一缔约方应努力：

- (a) develop or maintain fully interconnected single window systems to facilitate a single electronic submission of information required by customs and non-customs legislation for cross-border movements of goods; and
- (b) develop a set of data elements and processes in accordance with the WCO Data Model and related WCO recommendations and guidelines.

4. The Parties shall endeavour to cooperate on the development of interoperable electronic systems, taking account of the work at the WCO, in order to facilitate trade between the Parties.

Article 4.8: Advance Rulings for Tariff Classification

1. Subject to Chapter 3 (Rules of Origin and Origin Procedures), a Party shall issue a written ruling prior to an importation in response to a written request by an importer in its territory, exporter or producer in the territory of the other Party, or their respective representatives.
2. A Party shall issue these rulings for tariff classification or rate of customs duty, except with respect to any form of surtax or surcharge, applicable upon importation.

- (a) 开发或维护完全互联的单一窗口系统，以便利单一电子提交海关和非海关法规要求的货物跨境流动所需信息；以及

- (b) 根据世界海关组织数据模型及相关世界海关组织建议和指南，开发一套数据元素和流程集。

4.为促进缔约方之间的贸易，缔约方应致力于开发可互操作的电子系统，并考虑世界海关组织的工作。

第4.8条：关税分类预先裁定

1. 在遵守第三章（原产地规则和原产地程序）的前提下，缔约方应在进口前，根据其领土内进口商、另一方领土内出口商或生产商或其各自代表的书面请求，出具书面裁定。
2. 缔约方应就关税分类或关税税率（不包括任何形式的附加税或附加费）发布这些裁定，适用于进口时。

3. For the purposes of paragraph 1, the issuance of advance rulings shall be administered in the same manner as the procedures set out in Article 3.30 (Advance Rulings relating to Origin).

Article 4.9: Review and Appeal

1. Each Party shall ensure that an administrative action or official decision taken in respect of the import of goods is promptly reviewable by judicial, arbitral, or administrative tribunals or through administrative procedures.
2. The tribunal or official conducting the review referred to in paragraph 1 shall be independent of the official or office issuing the decision and shall have the competence to maintain, modify or reverse the determination, in accordance with the Party's law.
3. Before requiring a person to seek redress at a more formal or judicial level, each Party shall provide for an administrative level of appeal or review that is independent of the official or, if applicable, the office responsible for the original action or decision.
4. Each Party shall grant a person that has received an advance ruling pursuant to Article 4.8 (Advance Rulings for Tariff Classification) substantially the same right of review and appeal of determinations of

3. 就第1款而言，预先裁定的签发应按照第3.30条（关于原产地的预先裁定）规定的程序以相同方式进行管理。

第4.9条：审查和上诉

1. 每一缔约方应确保针对货物进口采取的行政行为或官方决定可迅速通过司法、仲裁或行政法庭或行政程序进行审查。
2. 进行第1款所述审查的法庭或官员应独立于发布决定的官员或机构，并应有权根据缔约方法律维持、修改或撤销裁定。
3. 在要求个人寻求更正式或司法层面的救济之前，每一缔约方应规定一个独立于负责原始行为或决定的官员或（如适用）机构的行政上诉级别或审查程序。
4. 每一缔约方应授予根据第4.8条（关税分类预先裁定）获得预先裁定的个人与该缔约方在其领土内提供给进口商的关于海关当局所作预先裁定的审查和上诉权基本相同的权利。

advance rulings by its customs authority that the Party provides to importers in its territory.

Article 4.10: Penalties

Each Party shall ensure that its customs legislation provides that any penalty imposed for a breach of customs legislation or procedures is proportionate and non-discriminatory and, in its application, does not result in unwarranted delays.

Article 4.11: Confidentiality

1. Each Party shall, in accordance with its law:

- (a) treat as strictly confidential information obtained under this Chapter that is by its nature confidential or that is provided on a confidential basis; and*
- (b) protect that information from disclosure that could prejudice the competitive position of the person providing the information.*

2. If the Party receiving or obtaining the information referred to in paragraph 1 is required by its law to disclose this information, that Party shall notify the Party or person who provided the information.

其海关当局向领土内进口商提供的预先裁定。

第4.10条：处罚

每一缔约方应确保其海关法规规定，对违反海关法规或程序的行为所施加的任何处罚均应是相称的和非歧视性的，并且在实施过程中不会导致无正当理由的延误。

第4.11条：保密性

1. 每一缔约方应根据其法律：

- (a) 对本章节项下获得的、依其性质属机密或基于保密基础提供的信息严格保密；且
- (b) 保护该等信息免遭可能损害信息提供者竞争地位的披露。

2. 如接收或获取第1款所述信息的缔约方根据其法律要求披露该信息，则该缔约方应通知提供信息的缔约方或个人。

3. Each Party shall ensure that information collected under this Chapter shall only be used for purposes related to the administration and enforcement of customs matters, except with the permission of the Party or person that provided the information.

4. A Party may allow information collected under this Chapter to be used in administrative, judicial, or quasi-judicial proceedings instituted for failure to comply with customs-related legislation implementing this Chapter. A Party shall notify the Party or person that provided the information in advance of such use.

Article 4.12: Cooperation

1. The Parties shall continue to cooperate in international fora, such as the WCO, to achieve mutually-recognised goals, including those set out in the WCO SAFE Framework of Standards to Secure and Facilitate Global Trade.

2. The Parties shall develop a technical cooperation program in customs matters under jointly decided terms as to the scope, timing and cost of cooperative measures.

3. The Parties shall cooperate:

- (a) in the enforcement of their respective customs-related legislation implementing this Agreement;

3. 每一缔约方应确保，除非获得提供信息的缔约方或个人许可，否则根据本章节收集的信息仅用于与海关事务管理和执法相关的目的。

4. 缔约方可允许根据本章节收集的信息用于因未遵守实施本章节的海关相关法律法规而提起的行政、司法或准司法程序。缔约方应事先通知提供信息的缔约方或个人此类使用。

第4.12条：合作

1. 缔约方应继续在世界海关组织等国际论坛中合作，以实现共同认可的目标，包括世界海关组织《全球贸易安全与便利标准框架》中规定的目标。

2. 缔约方应根据共同决定的合作措施范围、时间和成本，制定海关事务技术合作计划。

3. 缔约方应开展以下合作：

- (a) 在执行各自实施本协定的海关相关法律法规时；

- (b) to the extent practicable and for purposes of facilitating the flow of trade between them, in customs matters such as the collection and exchange of statistics regarding the importation and exportation of goods, the harmonization of documentation used in trade and the standardization of data elements;
- (c) to the extent practicable, to harmonize customs laboratories' methods and the exchange of information and personnel between the customs laboratories;
- (d) in the development of effective mechanisms for communicating with the trade and business communities; and
- (e) in such other matters as the Parties may decide.

4. If a Party has reasonable grounds to suspect that an offence related to a fraudulent claim for preferential tariff treatment pursuant to this Agreement has occurred, it may request the other Party to provide information pertaining to the offence, including:

- (a) the name and address of persons and companies relevant to the investigation of the offence;
- (b) shipping information relevant to the offence;
- (c) customs clearance and accounting records or equivalent records for goods or materials imported into the territory of the other Party;

- (b) 在可行范围内并为促进双方贸易流动之目的，在海关事务方面，如收集和交换关于货物进出口的统计数据、贸易中使用文件的协调以及数据元素的标准化；

- (c) 在可行范围内，协调海关实验室的方法以及海关实验室之间的信息交换和人员交流；

- (d) 在开发与贸易和商业社区沟通的有效机制方面；以及• (e) 在缔约方可能决定的其他此类事项上。

4. 如一缔约方有合理理由怀疑发生了与本协定项下优惠关税待遇欺诈性索赔相关的违法行为，可请求另一缔约方提供与该违法行为有关的信息，包括：

- (a) 与犯罪调查相关的个人和公司的名称和地址；• (b) 与犯罪相关的运输信息；
- (c) 进口到另一方领土的货物或材料的清关和会计记录或等效记录；

- (d) information related to the sourcing of materials, including indirect materials used in the production of goods exported from the territory of the other Party; and
- (e) information related to production capacity of an exporter or producer who has exported goods to the territory of the other Party.

5. If a Party makes a request pursuant to paragraph 4, it shall:

- (a) make its request in writing;
- (b) specify the grounds for suspicion of a fraudulent claim for preferential tariff treatment pursuant to this Agreement and the purposes for which the information is sought; and
- (c) identify the requested information with sufficient specificity for the other Party to locate and provide the information.

6. Following the receipt of a request for information pursuant to paragraphs 4 and 5, a Party shall provide relevant information subject to its law.

7. Officials of a Party may, with the consent of the other Party, contact or visit an exporter, supplier or producer in the territory of the other Party in order to obtain information to further an

- (d) 与材料采购相关的信息，包括用于从另一方领土出口的商品生产中的间接材料；以及
- (e) 已出口商品到另一方领土的出口商或生产商的与生产能力相关的信息。

5. 如一缔约方根据第4段提出请求，则应：

- (a) 以书面形式提出请求；
- (b) 说明根据本协定怀疑欺诈性索赔的理由及寻求信息的目的；以及
- (c) 以足够的特异性指明所请求的信息，以便另一缔约方能够定位并提供该信息。

6. 在收到根据第4段和第5段提出的信息请求后，缔约方应根据其法律提供相关信息。

7. 一方的官员可在另一方同意的情况下，联系或访问另一方领土内的出口商、供应商或生产商，以获取信息，进一步

investigation related to a suspected fraudulent claim for preferential tariff treatment made pursuant to this Agreement.

8. Each Party shall, when possible on its own initiative, provide the other Party with information relating to fraudulent claims for preferential tariff treatment made pursuant to this Agreement.

9. Nothing in this Chapter shall be construed to require a Party to furnish or to allow access to information the disclosure of which would impede law enforcement or would be contrary to the Party's law protecting personal privacy.

10. If a Party declines or postpones sharing the information requested by the other Party pursuant to this Article, the Party shall provide reasons to the other Party.

Article 4.13: Future Work Program

1. With the objective of developing further steps to facilitate trade under this Agreement, the Parties shall, as appropriate, identify and submit for consideration by the Joint Commission new measures aimed at facilitating trade between the Parties.

2. The Parties shall regularly review relevant international initiatives on trade facilitation, including the Compendium of Trade Facilitation Recommendations, developed by the United Nations Conference on

调查与本协定项下涉嫌欺诈性申请优惠关税待遇相关的行为。

8. 每一缔约方应在可能的情况下主动向另一缔约方提供与本协定项下欺诈性索赔优惠关税待遇相关的信息。

9. 本章任何规定不得解释为要求一缔约方提供或允许获取披露后会妨碍执法或违反该缔约方保护个人隐私的法律的信息。

10. 如一缔约方拒绝或推迟分享另一缔约方根据本条请求的信息，该缔约方应向另一缔约方说明理由。

第4.13条：未来工作计划

1. 为进一步促进本协定项下贸易的目标，缔约方应酌情确定并提交联合委员会审议旨在促进缔约方之间贸易的新措施。

2. 缔约方应定期审查关于贸易便利化的相关国际倡议，包括由联合国会议制定的《贸易便利化建议汇编》，

Trade and Development and the United Nations Economic Commission for Europe, to identify areas in which further joint action would facilitate trade between the Parties and promote shared multilateral objectives.

Text of the Canada–Ukraine Free trade agreement – Chapter 5: Emergency action and trade remedies

Section A – Definitions

Article 5.1: Definitions

For the purposes of this Chapter:

Agreement on Safeguards means the WTO Agreement on Safeguards, contained in Annex 1A to the WTO Agreement;

Anti-Dumping Agreement means the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;

competent investigating authority means:

- (a) in the case of Canada, the Canadian International Trade Tribunal, or its successor; and

贸易与发展以及联合国欧洲经济委员会，以确定哪些领域的进一步联合行动将促进缔约方之间的贸易并推动共同的多边目标。

加拿大-乌克兰自由贸易协定文本 – 第五章：紧急行动与贸易救济

A部分 - 定义

第5.1条：定义

就本章而言：

保障措施协定指WTO协定附件1A所包含的WTO保障措施协定；

反倾销协定指WTO协定附件1A所包含的WTO关于实施1994年关税与贸易总协定第6条的协定；**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继任者；以及