

3. The Sub-Committee shall be:
- (a) composed of representatives of the Governments of the Parties; and
 - (b) co-chaired by officials of the Governments of the Parties.
4. The Sub-Committee may invite representatives of relevant entities other than the Governments of the Parties with the necessary expertise relevant to the issues to be discussed.
5. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.

Chapter 6
Trade in Services

Article 73
Scope

1. This Chapter shall apply to measures by a Party affecting trade in services.
2. This Chapter shall not apply to:
- (a) in respect of air transport services, measures affecting traffic rights, however granted or services directly related to the exercise of traffic rights except measures affecting:
 - (i) aircraft repair and maintenance services;
 - (ii) the selling and marketing of air transport services; and
 - (iii) computer reservation system (CRS) services;
 - (b) laws, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale;
 - (c) cabotage in maritime transport services;
 - (d) measures affecting natural persons of a Party seeking access to the employment market of the other Party, or measures regarding nationality, or residence or employment on a permanent basis; and

3. 分委员会应:
- (a)由各方的政府代表组成; 以及(b)由各方的政府官员共同主持。

4. 分委员会可以邀请除各方的政府以外的、具有与将要讨论的问题相关的必要专业知识的其他相关实体代表。

5. 分委员会应在各方同意的场所和时间举行会议。

第六章 服务贸易 第
七十三条 范围

1. 本章适用于一方影响服务贸易的措施。
2. 本章不适用于:
- (a) 就航空运输服务而言, 影响运输权的措施, 无论以何种方式授予, 或与行使运输权直接相关的服务, 但影响以下措施除外: (i) 飞机维修保养服务; (ii) 航空运输服务的销售和营销; 以及 (iii) 计算机预订系统 (CRS) 服务;
 - (b) 政府机构为政府目的采购服务而制定的、旨在商业转售或旨在为商业销售提供服务的供应服务的法律、法规或要求;
 - (c) 海上运输服务中的沿海航运;
 - (d) 影响一方寻求进入另一方就业市场之自然人的措施, 或涉及国籍、居住或永久性就业的措施; 以及

- (e) subsidies provided by a Party or a state enterprise thereof, including grants, government-supported loans, guarantees and insurance.

3. Article 79 shall not apply to any measure by a Party pursuant to immigration laws and regulations.

4. This Chapter shall not prevent a Party from applying measures to regulate the entry of natural persons of the other Party into, or their temporary stay in, the former Party, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under the terms of a specific commitment.

Note: The sole fact of requiring a visa for natural persons of a certain nationality or citizenship and not for those of others shall not be regarded as nullifying or impairing benefits under a specific commitment.

5. Annex 6 provides supplementary provisions to this Chapter with respect to financial services.

Article 74 Definitions

For the purposes of this Chapter:

- (a) “aircraft repair and maintenance services” means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and does not include so-called line maintenance;
- (b) “commercial presence” means any type of business or professional establishment, including through:
 - (i) the constitution, acquisition or maintenance of a juridical person; or
 - (ii) the creation or maintenance of a branch or a representative office,within the Area of a Party for the purposes of supplying services;

- (e) 一方或其国有企业提供的补贴，包括拨款、政府支持贷款、担保和保险。

3. 第79条不适用于任何一方根据移民法律法规采取的措施。

4. 本章不得阻止一方采取措施，以监管对方自然人进入前方或在前一方临时停留，包括为保护其边境的自然人完整性和确保自然人有序流动所必需的措施，前提是此类措施不得以使具体承诺项下对方产生的利益失效或受损的方式实施。

注意：仅因要求某国籍或公民身份的自然人签证，而非要求他人签证这一事实，不应被视为使具体承诺项下的利益失效或受损。

5. 附件6就金融服务提供了本章的补充规定。

第74条 定义

本章规定：

- (a) “飞机维修保养服务”是指当飞机或其一部分在停用时进行的此类活动，不包括所谓的航线维护；

- (b) “商业存在”是指任何类型的商业或专业机构，包括通过：

- (i) 设立、获得或维持法人；或 (ii) 设立或维持分支机构或代表处，

在一方区域内为供应服务；

- (c) “computer reservation system (CRS) services” means services provided by computerised systems that contain information about air carriers’ schedules, availability, fares and fare rules, through which reservations may be made or tickets may be issued;
- (d) “juridical person” means any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;
- (e) “juridical person of the other Party” means a juridical person which is either:
- (i) constituted or organised under the law of the other Party; or
 - (ii) in the case of the supply of a service through commercial presence, owned or controlled by:
 - (A) natural persons of the other Party; or
 - (B) juridical persons of the other Party identified under subparagraph (i);
- (f) a juridical person is:
- (i) “owned” by persons of a Party or a non-Party if more than 50 percent of the equity interests in it is beneficially owned by such persons;
 - (ii) “controlled” by persons of a Party or a non-Party if such persons have the power to name a majority of its directors or otherwise to legally direct its actions; and
 - (iii) “affiliated” with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;
- (g) “measure” means any measure, including that of taxation, whether in the form of a law, regulation, rule, procedure, decision, administrative action or any other form;

- (c) “计算机预订系统 (CRS) 服务”指包含有关航空公司时刻表、可用性、票价和票价规则的计算机化系统提供的服务，通过这些系统可以进行预订或签发机票；

- (d) “法人”是指根据适用法律正式成立或组织的任何法律实体根据适用法律成立或以其他方式组织，无论是否营利性，以及无论是否私营或国有，包括任何公司、信托、合伙企业、合资企业、个体工商户或协会；

- (e) “对方法人”是指一个法人，该法人或者是：

- (i) 根据对方法律成立或组织；或 (ii) 在通过商业存在提供服务的情况下，为：(A) 对方自然人；或 (B) 根据子项 (i) 确定的对方法人；(f) 法人是：(i) “为”一方或非缔约方人员拥有

如果其股权的50%以上由此类人员实际拥有；(ii) “受控制”于一方或非一方的人员，如果此类人员有权任命其多数董事或以其他方式合法地指示其行为；以及

- (iii) “关联”于另一人，当其控制或受控制于该另一人；或当其与该另一人同时受同一个人控制；

- (g) “措施”是指任何措施，包括税收，无论以法律、法规、规则、程序、决定、行政行为或任何其他形式存在；

- (h) “measures by a Party” means measures taken by:
- (i) central or local governments and authorities of a Party; and
 - (ii) non-governmental bodies in the exercise of powers delegated by central or local governments or authorities of a Party;
- (i) “measures by a Party affecting trade in services” includes measures by a Party in respect of:
- (i) the purchase, payment or use of services;
 - (ii) the access to and use of, in connection with the supply of services, services which are required by the Party to be offered to the public generally; and
 - (iii) the presence, including commercial presence, of persons of the other Party for the supply of services in the Area of the former Party;
- (j) “monopoly supplier of a service” means any person, public or private, which in the relevant market of the Area of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;
- (k) “natural person of the other Party” means a natural person who under the law of the other Party:
- (i) in respect of Brunei Darussalam, is a national of Brunei Darussalam or is a permanent resident in Brunei Darussalam; and
 - (ii) in respect of Japan, is a national of Japan;
- (l) “person” means either a natural person or a juridical person;
- (m) “sector” of a service means:
- (i) with reference to a specific commitment, one or more, or all, sub-sectors of that service, as specified in a Party’s Schedule of Specific Commitments in Annex 7; or
 - (ii) otherwise, the whole of that service sector, including all of its sub-sectors;

- (h) “一方的措施”是指一方采取的措施:
- (i) 一方的中央或地方政府和机构;和(ii) 一方中央或地方政府或机构授予的权力在非政府机构行使;
- (i) “一方影响服务贸易的措施”
包括一方在以下方面的措施:
- (i) 服务的购买、支付或使用;
 - (ii) 在与服务供应相关的方面, 对服务 (一方要求向公众普遍提供的) 的获取和使用; 和
 - (iii) 另一方人员, 包括商业存在, 为前一方区域提供服务;
- (j) “服务的垄断供应商”是指任何
个人, 公共或私人, 在另一方区域的相关市场中, 被该方授权或正式或实际上设立为该服务的唯一供应商;
- (k) “另一方的自然人”是指根据另一方法律: (i) 在文莱达鲁萨兰方面, 是文莱国民或文莱永久居民; 以及 (ii) 在日本方面, 是日本国民; (l) “个人”是指自然人或法人;
- 法人;
- (m) “部门”的服务是指: (i) 针对具体承诺, 一方在附件7中的具体承诺清单中指定的该服务的一个或多个或全部子部门; 或 (ii) 其他情况下, 该服务部门的全部, 包括其所有子部门;

- (n) "service consumer" means any person that receives or uses a service;
 - (o) "service of the other Party" means a service which is supplied:
 - (i) from or in the Area of the other Party, or in the case of maritime transport, by a vessel registered under the laws of the other Party, or by a person of the other Party which supplies the service through the operation of a vessel or its use in whole or in part; or
 - (ii) in the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of the other Party;
 - (p) "services" includes any service in any sector except services supplied in the exercise of governmental authority;
 - (q) "services supplied in the exercise of governmental authority" means any services which are supplied neither on a commercial basis nor in competition with one or more service suppliers;
 - (r) "service supplier" means any person that supplies a service;
- Note: Where the service is not supplied directly by a juridical person but through other forms of commercial presence such as a branch or a representative office, the service supplier (i.e. the juridical person) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Chapter. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the Area of a Party where the service is supplied.
- (s) "service supplier of the other Party" means any natural person of the other Party or juridical person of the other Party, that supplies a service;
 - (t) "state enterprise" means an enterprise owned or controlled by a Party;

(n) “服务消费者”是指接收或使用服务的人员；(o) “对方提供服务”是指由以下方式提供的服务：(i) 从或位于对方区域，或在海上运输的情况下，由在对方国家注册的船舶提供，或由对方人员通过船舶的运作或其全部或部分使用来提供服务；或(ii) 在通过商业存在或通过自然人存在提供服务的情况下，由对方服务提供者提供；(p) “服务”包括任何部门中的任何服务，但不包括政府当局提供的服务；(q) “政府当局提供的服务”是指既非以商业为基础提供，也非与一个或多个服务提供者竞争的任何服务；(r) “服务提供者”是指提供服务的人员；注意：如果服务不是由法人直接提供，而是通过分支机构或代表处等其他商业存在形式提供，则服务提供者（即法人）仍应通过此类存在获得本章规定的对服务提供者的待遇。此类待遇应扩展到提供服务的方式，并且无需扩展到供应商在服务提供方所在的一方法区域之外的其他部分。(s) “对方服务提供者”是指提供服务的对方自然人或对方法人；(t) “国有企业”是指由一方拥有或受控制的企业；

- (u) "supply of a service" includes the production, distribution, marketing, sale and delivery of a service;
- (v) "the selling and marketing of air transport services" means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions;
- (w) "trade in services" means the supply of a service:
- (i) from the Area of a Party into the Area of the other Party ("cross-border supply mode");
 - (ii) in the Area of a Party to the service consumer of the other Party ("consumption abroad mode");
 - (iii) by a service supplier of a Party, through commercial presence in the Area of the other Party ("commercial presence mode"); and
 - (iv) by a service supplier of a Party, through presence of natural persons of that Party in the Area of the other Party ("presence of natural persons mode"); and
- (x) "traffic rights" means the rights for scheduled and non-scheduled services to operate and/or to carry passengers, cargo and mail for remuneration or hire from, to, within, or over a Party, including points to be served, routes to be operated, types of traffic to be carried, capacity to be provided, tariffs to be charged and their conditions, and criteria for designation of airlines, including such criteria as number, ownership and control.

(u) “服务的供应”包括服务的生产、分销、营销、销售和交付；

(v) “航空运输服务的销售和营销”是指相关航空公司销售和自由营销其航空运输服务的机会，包括营销的所有方面，如市场调研、广告和分销。这些活动不包括航空运输服务的定价或适用条件；

(w) “服务贸易”是指服务的供应：服务：

(i) 从一方区域进入对方区域（“跨境供应模式”）；(ii) 在一方区域向另一方区域的服务消费者提供服务（“境外消费模式”）；(iii) 一方区域的服务供应商通过在对方区域设立商业存在提供服务（“商业存在模式”）；以及(iv) 一方区域的服务供应商通过该方区域的自然人在对方区域的存在提供服务（“自然人存在模式”）；以及(x) “运输权”是指对附件规定的权利。

以及非定期服务，为报酬或租赁，从、向、在或越过一方提供服务，包括服务点、运营航线、运输类型、提供能力、收费标准及其条件，以及航空公司指定标准，包括数量、所有权和控制权等标准。

Article 75
Market Access

1. With respect to market access through the modes of supply defined in subparagraph (w) of Article 74, each Party shall accord services and service suppliers of the other Party treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its Schedule of Specific Commitments in Annex 7.

Note: If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph (w)(i) of Article 74 and if the cross-border movement of capital is an essential part of the service itself, that Party is thereby committed to allow such movement of capital. If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph (w)(iii) of Article 74, it is thereby committed to allow related transfers of capital into its Area.

2. In sectors where market-access commitments are undertaken, the measures which a Party shall not maintain or adopt either on the basis of a regional subdivision or on the basis of its entire Area, unless otherwise specified in its Schedule of Specific Commitments in Annex 7, are defined as:

- (a) limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;
- (b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;

Note: This subparagraph does not cover measures of a Party which limit inputs for the supply of services.

第75条 市场准入

1. 就第74条第(w)款中定义的供应方式所提供的市场准入而言，每一方应给予另一方服务和供应商不低于附件7中其具体承诺清单所载条款、限制和条件规定的待遇。

注释：如果一方根据第74条第(w)(i)款所述供应模式就服务的供应作出市场准入承诺，并且跨境资本流动是该服务本身的重要组成部分，那么该方即由此承诺允许此类资本流动。如果一方根据第74条第(w)(iii)款所述供应模式就服务的供应作出市场准入承诺，那么该方即由此承诺允许相关资本转移进入其区域。

2. 在作出市场准入承诺的部门中，除非附件7中的具体承诺清单另有规定，否则一方不得在其区域划分或整个区域的基础上维持或采用任何措施，这些措施定义为：

- (a) 对服务供应商数量的限制，无论以数量配额、垄断、独家服务供应商或经济需要测试的要求的形式出现；
- (b) 对服务交易总额或以数量配额形式存在的资产的限制，或要求进行经济需要测试；
- (c) 对服务运营总数或以指定数量单位形式存在的服务产出总量的限制，或要求进行经济需要测试；

注意：本款不涵盖限制服务供应投入的一方措施。

- (d) limitations on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test;
- (e) measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and
- (f) limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Article 76 National Treatment

1. In the sectors inscribed in its Schedule of Specific Commitments in Annex 7, and subject to any conditions and qualifications set out therein, each Party shall accord to services and service suppliers of the other Party, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers.

Note: Specific commitments assumed under this Article shall not be construed to require either Party to compensate for any inherent competitive disadvantages which result from the foreign character of the relevant services or service suppliers.

2. A Party may meet the requirement of paragraph 1 by according to services and service suppliers of the other Party, either formally identical treatment or formally different treatment to that it accords to its own like services and service suppliers.

3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of a Party compared to like services or service suppliers of the other Party.

(d) 对特定服务部门可能雇用的自然人总数或服务供应商可能雇用的自然人总数的限制，这些自然人是供应特定形式的服务所必需的，并且与服务供应直接相关，以数量配额或经济需要测试的要求为准；

(e) 限制或要求服务供应商必须通过特定类型法律实体或合资企业供应服务的措施；以及

(f) 对外国资本参与的限制，包括对外国持股的最大百分比限制或单个或外国投资总额的限制。

第76条 国民待遇

1. 在附件7中其具体承诺清单所列部门，并遵守其中规定的任何条件和资格，每一方应给予另一方的服务和服务供应商在所有影响服务供应的措施方面不低于其给予本国类似服务和服务供应商的待遇。

注释：根据本条假定承担的具体承诺不应被解释为要求任何一方对其相关服务或服务供应商的外国特性所导致的固有竞争劣势进行补偿。

2. 一方可通过给予另一方的服务和服务供应商与给予本国类似服务和服务供应商的形式上相同或形式上不同的待遇，以满足第1段的要求。

3. 形式上相同或形式上不同的待遇，如果它修改了竞争条件，使得一方服务或服务供应商相对于另一方类似服务或服务供应商更有利，则应被视为不利待遇。

Article 77
Additional Commitments

The Parties may negotiate commitments with respect to measures affecting trade in services not subject to scheduling under Articles 75 and 76, including those regarding qualifications, standards or licensing matters. Such commitments shall be inscribed in a Party's Schedule of Specific Commitments in Annex 7.

Article 78
Schedule of Specific Commitments

1. Each Party shall set out in a schedule the specific commitments it undertakes under Articles 75, 76 and 77. Schedules of Specific Commitments shall be annexed to this Agreement as Annex 7.
2. With respect to sectors where specific commitments are undertaken by each Party, its Schedule of Specific Commitments in Annex 7 shall specify:
 - (a) terms, limitations and conditions on market access;
 - (b) conditions and qualifications on national treatment;
 - (c) undertakings relating to additional commitments; and
 - (d) where appropriate, the time-frame for implementation of such commitments.
3. Measures inconsistent with both Articles 75 and 76 shall be inscribed in the column relating to Article 75. This inscription will be considered to provide a condition or qualification to Article 76 as well.

Article 79
Most-Favoured-Nation Treatment

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords to like services and service suppliers of any non-Party.
2. Paragraph 1 shall not apply to any measure by a Party with respect to sectors, sub-sectors or activities, as set out in its Schedule in Annex 8.

第77条 附加承诺

缔约方可以就第75条和第76条未列入附件的、影响服务贸易的措施进行谈判, 包括有关资格、标准或许可事项的承诺。此类承诺应列入缔约方附件7中的具体承诺清单。

第78条 具体承诺清单

1. 每一方应在清单中列明其根据第75条、第76条和第77条作出的具体承诺。具体承诺清单应作为附件7附属于本协定。
2. 对于每一方均作出具体承诺的部门, 其在附件7中的具体承诺清单应具体规定:
 - (a) 市场准入的条款、限制和条件; (b) 国民待遇的条件和资格; (c) 与附加承诺相关的承诺; 以及(d) 如有必要, 此类承诺的实施时间表。
3. 与第75条和第76条均不一致的措施应记载于与第75条相关的栏目中。此项记载应被视为提供了对第76条的条件或资格。

第79条 最惠国待遇

1. 每一方应给予另一方的服务和服务供应商不低于其给予任何非缔约方的类似服务和服务供应商的待遇。
2. 第1段不适用于任何一方针对附件8中其附件所列的部门、子部门或活动采取的措施。

3. If a Party has entered into an agreement on trade in services with a non-Party, or enters into such an agreement after this Agreement comes into force, with respect to sectors, sub-sectors or activities included in its Schedule in Annex 8, it shall, upon the request of the other Party, consider according to services and service suppliers of the other Party, treatment no less favourable than that it accords to like services and service suppliers of that non-Party pursuant to such an agreement.

Article 80
Qualifications, Technical Standards and Licensing

With a view to ensuring that measures by a Party relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, each Party shall endeavour to ensure that such measures:

- (a) are based on objective and transparent criteria, such as competence and the ability to supply the service;
- (b) are not more burdensome than necessary to ensure the quality of the service; and
- (c) in the case of licensing procedures, are not in themselves a restriction on the supply of the service.

Article 81
Mutual Recognition

1. A Party may recognise the education or experience obtained, requirements met, or licences or certifications granted in the other Party for the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of service suppliers of the other Party.

2. Recognition referred to in paragraph 1, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement between the Parties or may be accorded unilaterally.

3. Where a Party recognises, unilaterally or by agreement or arrangement between the Party and a non-Party, the education or experience obtained, requirements met or licences or certifications granted in the non-Party:

3. 如果一方与非缔约方就服务贸易达成了协定，或在本协定生效后与该非缔约方就附件8中其附件所列的部门、子部门或活动达成了此类协定，则该一方应根据另一方的请求，根据该协定，根据另一方的服务和服务供应商，考虑不低于其依照该协定给予该非缔约方的类似服务和服务供应商的待遇。

第80条
资格、技术标准与许可

为确保一方与资格要求及程序、技术标准及许可要求相关的措施不构成服务贸易的不必要壁垒，每一方应努力确保此类措施：

- (a) 基于客观和透明的标准，例如能力和提供服务的能力；(b) 不比确保服务质量所必需的负担更重；以及(c) 在许可程序的情况下，本身不是对服务供应的限制。

第81条 相互承认

1. 一方可承认另一方为履行其关于另一方服务供应商授权、许可或认证的标准或标准的部分要求所获得的学历或经验、满足的要求或授予的许可证或认证。

2. 第1段所述的承认，可以通过协调或其他方式实现，可以基于缔约方之间的协议或安排，也可以单方面授予。

3. 当一方单方面或通过一方与非缔约方之间的协议或安排承认非缔约方获得的学历或经验、满足的要求或授予的许可证或认证时：

- (a) nothing in Article 79 shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met or licences or certifications granted in the other Party; and
- (b) the Party shall accord the other Party an adequate opportunity to demonstrate that the education or experience obtained, requirements met or licences or certifications granted in the other Party should also be recognised.

Article 82 Transparency

1. The competent authorities referred to in paragraph 2 of Article 3 shall endeavour, upon request by service suppliers of the other Party, to promptly respond to specific questions from, and provide information to, the service suppliers with respect to matters referred to in paragraph 1 of Article 3.

2. Within two years from the date of entry into force of this Agreement, each Party shall prepare, forward to the other Party and make public a list providing all existing measures, within the scope of this Chapter, which are inconsistent with Article 75 and/or 76, whether or not these measures are included in its specific commitments in Annex 7. The list shall include the following elements and shall be reviewed every three years and revised as necessary:

- (a) sector and sub-sector;
- (b) type of inconsistency (i.e. Market Access and/or National Treatment);
- (c) legal source or authority of the measure; and
- (d) succinct description of the measure.

Note: The list under this paragraph will be made solely for the purposes of transparency, and shall not be construed to affect any rights and obligations of a Party under this Chapter.

- (a) 第79条中的任何内容均不得解释为要求一方应承认另一方获得的学历或经验、满足的要求或授予的许可证或认证；以及
- (b) 一方应给予另一方充分的机会证明，另一方获得的学历或经验、满足的要求或授予的许可证或认证也应得到承认。

第82条 透明度

1. 第3条第2款所述的主管当局应根据另一方服务供应商的要求，努力及时回应其提出的具体问题，并提供关于第3条第1款所述事项的信息。

2. 自本协定生效之日起两年内，每一方应制定、提交给另一方并公布一份清单，列出在本章节范围内与第75条和/或第76条不一致的所有现有措施，无论这些措施是否包含在其附件7中的具体承诺中。该清单应包括以下要素，并每三年审查一次并进行必要的修订：

- (a) 部门和子部门；(b) 不一致类型（即市场准入和/或国民待遇）；(c) 措施的法律来源或授权；以及 (d) 措施的简短描述。

注意：本段下方的列表将仅出于透明目的而编制，且不得解释为影响任何一方在本章节项下的权利和义务。

Article 83
Monopolies and Exclusive Service Suppliers

1. Each Party shall ensure that any monopoly supplier of a service in its Area does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with the Party's commitments under this Chapter.
2. Where a Party's monopoly supplier competes, either directly or through an affiliated juridical person, in the supply of a service outside the scope of its monopoly rights and which is subject to that Party's specific commitments, the Party shall ensure that such a supplier does not abuse its monopoly position to act in the Area of the Party in a manner inconsistent with such commitments.
3. The provisions of this Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:
 - (a) authorises or establishes a small number of service suppliers; and
 - (b) substantially prevents competition among those suppliers in its Area.

Article 84
Payments and Transfers

1. Except under the circumstances envisaged in Article 85, a Party shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.
2. Nothing in this Chapter shall affect the rights and obligations of the Parties as members of the International Monetary Fund under the Articles of Agreement of the International Monetary Fund, as may be amended, including the use of exchange actions which are in conformity with the Articles of Agreement of the International Monetary Fund, as may be amended, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its specific commitments regarding such transactions, except under Article 85, or at the request of the International Monetary Fund.

第83条 垄断和独家服务供应商

1. 每一方应确保其区域内的任何服务的垄断供应商在相关市场的垄断服务供应中，其行为不得与本方在本章节项下的承诺不一致。
2. 当一方垄断供应商在超出其垄断权范围的服务供应领域，或通过关联法人直接或间接竞争，并且该服务属于该一方具体承诺的范畴时，该方应确保该供应商不滥用其垄断地位，在对方的区域内以与该承诺不一致的方式行事。
3. 本条的规定也适用于独家服务供应商的情况，其中一方正式或实际上：
 - (a) 授权或设立少量服务供应商；和
 - (b) 在其区域内实质性阻止这些供应商之间的竞争。

第84条 支付和转让

1. 除第85条所述情况外，一方不得对其具体承诺相关的经常交易适用对国际转让和支付的限制。
2. 本章任何规定均不影响缔约方作为国际货币基金组织成员根据国际货币基金协定（包括其可能进行的修正）所享有的权利和应履行的义务，包括根据国际货币基金协定（包括其可能进行的修正）使用符合该协定规定的外汇行动，但一方不得对该类交易的具体承诺不一致地对其资本交易施加限制，除非根据第85条，或应国际货币基金组织的请求。

Article 85
Restrictions to Safeguard the Balance of Payments

1. In the event of serious balance-of-payments and external financial difficulties or threat thereof, a Party may adopt or maintain restrictions on trade in services on which it has undertaken specific commitments, including on payments or transfers for transactions related to such commitments.
2. The restrictions referred to in paragraph 1:
 - (a) shall ensure that the other Party is treated as favourably as any non-Party;
 - (b) shall be consistent with the Articles of Agreement of the International Monetary Fund, as may be amended;
 - (c) shall avoid unnecessary damage to the commercial, economic and financial interests of the other Party;
 - (d) shall not exceed those necessary to deal with the circumstances described in paragraph 1; and
 - (e) shall be temporary and be phased out progressively as the situation specified in paragraph 1 improves.
3. In determining the incidence of such restrictions, a Party may give priority to the supply of services which are more essential to its economic or development programmes. However, such restrictions shall not be adopted or maintained for the purposes of protecting a particular service sector.
4. Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the other Party.
5. Where a Party has adopted restrictions pursuant to paragraph 1, that Party shall, upon request, commence consultations with the other Party promptly in order to review the restrictions adopted by the former Party.

第85条
对Saf的限制 eguard the 国际收支

1. 在发生严重的国际收支和外部金融困难或存在此类威胁的情况下，一方可以采取或维持对其已作出具体承诺的服务贸易的限制，包括针对与该等承诺相关的交易的支付或转移的限制。
2. 第1段所述的限制：
 - (a) 应确保另一方与非缔约方受到同等待遇；(b) 应与国际货币基金组织的协定条款一致，包括可能进行的修正；(c) 应避免对另一方的商业、经济和金融利益造成不必要的损害；(d) 不得超过处理第1段所述情况所必需的程度；以及(e) 应是暂时的，并在第1段所述情况改善时逐步逐步取消。
3. 在确定此类限制的发生时，一方可以优先供应对其经济或发展计划更为重要的服务。然而，此类限制不得为保护特定服务部门的目的而采取或维持。
4. 根据第1段采取或维持的任何限制，或对其进行的任何变更，均应立即通知另一方。
5. 当一方根据第1段采取了限制措施时，该方应在要求下立即与另一方开始磋商，以审查该另一方所采取的限制措施。

Article 86
Denial of Benefits

1. A Party may deny the benefits of this Chapter to a service supplier of the other Party, where the denying Party establishes that the service is being supplied by a juridical person that is owned or controlled by persons of a non-Party, and that denying Party:

- (a) does not maintain diplomatic relations with the non-Party; or
- (b) adopts or maintains measures with respect to the non-Party that prohibit transactions with the juridical person or that would be violated or circumvented if the benefits of this Chapter were accorded to the juridical person.

2. Subject to prior notification and consultation, a Party may deny the benefits of this Chapter to a service supplier of the other Party, where the denying Party establishes that the service is being supplied by a juridical person that is owned or controlled by persons of a non-Party and that has no substantive business operations in the Area of the other Party.

Article 87
Sub-Committee on Trade in Services

1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Trade in Services (hereinafter referred to in this Article as "Sub-Committee") shall be established on the date of entry into force of this Agreement.

2. The functions of the Sub-Committee shall be:

- (a) reviewing commitments, with respect to measures affecting trade in services in this Chapter, with a view to achieving further liberalisation on a mutually advantageous basis and securing an overall balance of rights and obligations;
- (b) reviewing the implementation and operation of this Chapter;
- (c) reporting the outcome of discussions of the Sub-Committee to the Joint Committee; and
- (d) carrying out other functions as may be delegated by the Joint Committee in accordance with Article 11.

第86条 拒绝利益

1. 一方可以拒绝向另一方的服务提供者提供本章节的利益，如果拒绝方证明该服务是由一个受非缔约方人员拥有或控制的法人提供的，并且该拒绝方：

- (a) 与非缔约方没有外交关系；或 (b) 对非缔约方采取或维持禁止与法人进行交易的措施，或如果本章的利益给予法人，这些措施将被违反或规避。

2. 经事先通知和磋商，一方可以拒绝给予另一方服务提供者的本章利益，如果拒绝方证明该服务是由一个法人提供的，该法人受非缔约方人员拥有或控制，且在对方区域没有实质业务运营。

第87条
服务贸易分委员会

1. 为有效实施和运作本章，应设立服务贸易分委员会（以下简称本协定中称“分委员会”），该分委员会应在本协定生效之日起设立。

2. 分委员会的职能应为：

- (a) 审查在本章节中影响服务贸易的措施所涉及的承诺，旨在以互惠为基础实现进一步自由化，并确保权利和义务的总体平衡；(b) 审查本章节的实施和运作；(c) 向联合委员会报告分委员会讨论的结果；以及 (d) 根据第11条，执行联合委员会可能授权的其他职能。

3. The Sub-Committee shall be:
 - (a) composed of representatives of the Governments of the Parties; and
 - (b) co-chaired by officials of the Governments of the Parties.
4. The Sub-Committee may invite representatives of relevant entities other than the Governments of the Parties with the necessary expertise relevant to the issues to be discussed.
5. The Sub-Committee may hold its inaugural meeting within two years from the date of entry into force of this Agreement. The subsequent meeting of the Sub-Committee shall be held at such frequency as the Parties may agree upon.

Article 88 Review of Commitments

1. The Parties shall review commitments on trade in services with the first review within two years from the date of entry into force of this Agreement, with the aim of improving the overall commitments undertaken by the Parties under this Agreement.
2. In reviewing the commitments in accordance with paragraph 1, the Parties shall take into account paragraph 1 of Article IV of the GATS.

Chapter 7 Energy

Article 89 Basic Principle

The Parties recognise the importance of strengthening stable and mutually beneficial relationship in the energy sector.

Article 90 Definitions

For the purposes of this Chapter:

- (a) “energy good” means any good classified in subheading 2709.00, 2711.11 and 2711.21 of the Harmonized System;

3. 分委员会应:

- (a) 由各方的政府代表组成; 以及 (b) 由各方的政府官员共同主持。

4. 分委员会可以邀请除各方的政府以外的、具有与将要讨论的问题相关的必要专业知识的有关实体代表。

5. 分委员会可以在本协定生效之日起两年内举行首次会议。分委员会的后续会议应在不低于各缔约方同意的频率下举行。

第88条 承诺的审查

1. 各缔约方应在本协定生效之日起两年内审查服务贸易承诺, 旨在改进各缔约方根据本协定所承担的整体承诺。
2. 在根据第1段审查承诺时, 各缔约方应考虑GATS第IV条第1段的规定。

章节 7 能源

第 89 条 基本原则

缔约方承认加强能源部门稳定和互利关系的重要性。

第 90 条 定义

本章规定:

- (a) “能源商品”是指根据协调制度归类于子目 2709.00、2711.11 和 2711.21 的任何商品;