

Section I Institutions
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Section III Domestic Proceedings and Private Commercial Dispute Settlement

• PART FIVE: OTHER PROVISIONS

Chapter O: Exceptions
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PART ONE:

GENERAL PART

CHAPTER A: OBJECTIVES

Article A-01:

Establishment of the Free Trade Area

The Parties to this Agreement, consistent with Article XXIV of the General Agreement on Tariffs and Trade 1994 and Article V of the General Agreement on Trade in Services which are part of the Marrakesh Agreement Establishing the World Trade Organization, hereby establish a free trade area.

Article A-02:

Objectives

1. The objectives of this Agreement, as elaborated more specifically through its principles and rules, including national treatment, most-favoured-nation treatment and transparency, are to:

- (a) eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the Parties;
- (b) promote conditions of fair competition in the free trade area;
- (c) increase substantially investment opportunities in the territories of the Parties;
- (d) create effective procedures for the implementation and application of this Agreement, for its joint administration and for the resolution of disputes; and
- (e) establish a framework for further bilateral, regional and multilateral cooperation to expand and enhance the benefits of this Agreement.

2. The Parties shall interpret and apply the provisions of this Agreement in the light of its objectives set out in paragraph 1 and in accordance with applicable rules of international law.

第一部分：机构 第二部分：争议解决 第三部分：国内诉讼和私人商业
争议解决

• 第五部分：其他条款

第O章：例外条款 第P章：最
终条款

第一部分：

总则

第一章：目标

第A-01条：

自由贸易区的建立

本协议的缔约方，根据1994年关税及贸易总协定第二十四条和马拉喀什建立世界贸易组织的协定中的服务贸易总协定第五条，兹建立自由贸易区。

第A-02条：

目标

1. 本协议的目标，通过其原则和规则进一步具体阐述，包括国民待遇、最惠国待遇和透明度，旨在：

(a) 消除在缔约方领土之间货物和服务的贸易壁垒，并促进其跨境流动；(b) 促进自由贸易区内公平竞争的条件；(c) 大幅增加缔约方领土内的投资机会；(d) 制定有效程序以实施和应用本协议、联合管理以及解决争端；以及(e) 建立一个框架，以促进和增强本协议的双边、区域和多边合作。

2. 双方应根据第1段所列的目标，并依据适用的国际法规则，解释和适用本协议的规定。

Article A-03:

Relation to Other Agreements

1. The Parties affirm their existing rights and obligations with respect to each other under the Marrakesh Agreement Establishing the World Trade Organization and other agreements to which such Parties are party.
2. In the event of any inconsistency between this Agreement and such other agreements, this Agreement shall prevail to the extent of the inconsistency, except as otherwise provided in this Agreement.

Article A-04:

Relation to Environmental and Conservation Agreements

In the event of any inconsistency between this Agreement and the specific trade obligations set out in:

- (a) the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington, March 3, 1973, as amended June 22, 1979;
- (b) the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal, September 16, 1987, as amended June 29, 1990; or
- (c) the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, done at Basel, March 22, 1989, such obligations shall prevail to the extent of the inconsistency, provided that where a Party has a choice among equally effective and reasonably available means of complying with such obligations, the Party chooses the alternative that is the least inconsistent with the other provisions of this Agreement.

Article A-05:

Extent of Obligations

The Parties shall ensure that all necessary measures are taken in order to give effect to the provisions of this Agreement, including their observance, except as otherwise provided in this Agreement, by provincial governments.

CHAPTER B: GENERAL DEFINITIONS

Article B-01:

Definitions of General Application

1. For purposes of this Agreement, unless otherwise specified:
- Canada-United States Free Trade Agreement** means the Canada-United States Free Trade Agreement, done on January 2, 1988;

第A-03条:

与其他协议的关系

- 各方重申其根据马拉喀什建立世界贸易组织的协定以及其他各方为其缔结的协定所享有的现有权利和义务。
2. 如本协议与该等其他协议之间存在任何不一致，则在本协议另有规定的情形外，以本协议为准。

第A-04条

与环境 and 保护协议的关系

在本协议与下列具体贸易义务之间发生任何不一致时:

- (a) 《濒危野生动植物种国际贸易公约》，于1973年3月3日在华盛顿签署，并于1979年6月22日修订；(b) 《蒙特利尔议定书》，于1987年9月16日在蒙特利尔签署，并于1990年6月29日修订；或(c) 《巴塞尔公约》，于1989年3月22日在巴塞尔签署，在这种情况下，这些义务在不一致范围内优先适用，前提是当一个方在履行这些义务时可以选择多种同样有效且合理可行的手段时，该方选择与其他协议条款最不一致的替代方案。

第A-05条:

义务的范围

各方应确保采取所有必要措施以使本协议的规定得以实施，包括遵守本协议，除非本协议另有规定，由省级政府负责。

第B章：一般定义

第B-01条:

一般适用定义

1. 根据本协议，除非另有规定:
- 加拿大-美国自由贸易协定是指1988年1月2日签署的加拿大-美国自由贸易协定；

citizen means a citizen as defined in Annex B-01.1 for the Party specified in that Annex;

Commission means the Free Trade Commission established under Article N-01(1) (The Free Trade Commission);

Customs Valuation Code means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, including its interpretative notes, which is part of the WTO Agreement;

days means calendar days, including weekends and holidays;

Dispute Settlement Understanding (DSU) means the Understanding on Rules and Procedures Governing the Settlement of Disputes, which is part of the WTO Agreement;

enterprise means any entity constituted or organized under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, sole proprietorship, joint venture or other association;

enterprise of a Party means an enterprise constituted or organized under the law of a Party;

existing means in effect on the date of entry into force of this Agreement;

GATS means the General Agreement on Trade in Services, which is part of the WTO Agreement;

GATT 1994 means the General Agreement on Tariffs and Trade 1994, which is part of the WTO Agreement;

Generally Accepted Accounting Principles means the recognized consensus or substantial authoritative support in the territory of a Party with respect to the recording of revenues, expenses, costs, assets and liabilities, disclosure of information and preparation of financial statements. These standards may be broad guidelines of general application as well as detailed standards, practices and procedures;

goods of a Party means domestic products as these are understood in the GATT 1994 or such goods as the Parties may agree, and includes originating goods of that Party ¹;

Harmonized System (HS) means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes and Chapter Notes, as adopted and implemented by the Parties in their respective tariff laws;

measure includes any law, regulation, procedure, requirement or practice;

NAFTA means the North American Free Trade Agreement, done on December 17, 1992;

national means a natural person who is a citizen or permanent resident of a Party and any other natural person referred to in Annex B-01.1;

citizen是指根据附件B-01.1中规定的方定义的公民；

委员会是指根据第N-01(1)条（自由贸易委员会）设立的自由贸易委员会；

海关估价代码是指1994年关税及贸易总协定第VII条的执行协定，包括其解释性注释，该协定是世界贸易组织协定的一部分；

日是指日历日，包括周末和节假日；

争端解决谅解书（DSU）是指关于争端解决规则和程序的谅解书，该谅解书是世界贸易组织协定的一部分；

企业是指根据适用法律成立或组织的任何实体，无论是否以营利为目的，以及是否为私有或国有，包括任何公司、信托、合伙企业、个体工商户、合资企业或其他协会；

一方企业是指根据一方法律成立或组织的企业；

现有是指在本协议生效之日生效；

GATS是指服务贸易总协定，它是世界贸易组织协定的一部分；

GATT 1994是指1994年关税及贸易总协定，它是世界贸易组织协定的一部分；

公认会计原则是指一方领土内关于收入、费用、成本、资产和负债的记录、信息披露以及财务报表编制的公认共识或重大权威支持。这些标准可以是具有普遍适用性的广泛指南，也可以是详细的标准、实践和程序；

一方货物是指根据GATT 1994所理解的国内产品，或双方同意的此类货物，包括该方原产地货物¹；

协调制度（HS）是指协调商品描述和编码系统，包括其解释通则、章节注释和章节注释，由各方在其各自的关税法中采纳和实施；

措施包括任何法律、法规、程序、要求或实践；

NAFTA是指北美自由贸易协定，于1992年12月17日签署；

国民是指任何一方的一名公民或永久居民的自然人，以及附件B-01.1中提到的任何其他自然人；

originating means qualifying under the rules of origin set out in Chapter D (Rules of Origin);

person means a natural person or an enterprise;

person of a Party means a national, or an enterprise of a Party;

province means a province of Canada, and includes the Yukon Territory and the Northwest Territories and their successors,

Secretariat means the Secretariat established under Article N-02(1) (The Secretariat);

state enterprise means an enterprise that is owned, or controlled through ownership interests, by a Party;

territory means for a Party the territory of that Party as set out in Annex B-01.1;

TRIPS Agreement means the Agreement on Trade-Related Aspects of Intellectual Property Rights, which is part of the WTO Agreement; and

WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organization, done on April 15, 1994.

2. For purposes of this Agreement, unless otherwise specified, a reference to a province includes local governments of that province.
3. Country-specific definitions of national government are set out in Annex B-01.1.

Annex B-01.1

Country-Specific Definitions

For purposes of this Agreement, unless otherwise specified:

citizen means:

- (a) with respect to Canada, a natural person who is a citizen of Canada under the Citizenship Act, R.S.C. 1985, c. C-29, as amended from time to time or under any successor legislation; and
- (b) with respect to Chile, a Chilean as defined in Article 10 of the Political Constitution of the Republic of Chile ("Constitución Política de la República de Chile");

national also includes, with respect to Chile, a Chilean as defined in Article 10 of the Political Constitution of the Republic of Chile ("Constitución Política de la República de Chile"); and

national government means:

- (a) with respect to Canada, the Government of Canada; and

原产地是指符合在D章（原产地规则）中规定的原产地规则；

自然人是指自然人或企业；

一方自然人是指国民或一方企业；

省份是指加拿大省份，包括育空地区和西北地区及其继承者，

秘书处是指根据第N-02(1)条设立的秘密处（秘书处）；

国有企业是指由一方拥有或通过所有权权益控制的企业；

领土是指对于一个方而言，附件B-01.1中规定的该方的领土；

与贸易有关的知识产权协定是指作为世界贸易组织协定的组成部分的与贸易有关的知识产权协定；和

世界贸易组织协定是指于1994年4月15日签署的马拉喀什建立世界贸易组织的协定。

2. 根据本协议的目的，除非另有规定，对省的提及包括该省的地方政府。
3. 国民政府的特定国家定义在附件B-01.1中规定。

附件B-01.1

国家特定定义

根据本协议，除非另有规定：

公民是指：

- (a) 就加拿大而言，根据1985年公民法，加拿大法典， C-29（不时修订或根据任何后续立法）的加拿大公民的自然人；以及 (b) 就智利而言，根据智利共和国政治宪法第10条定义的智利人（“智利共和国政治宪法”）；

国民还包括，就智利而言，根据智利共和国政治宪法第10条定义的智利人（“智利共和国政治宪法”）；和

中央政府是指：

- (a) 关于加拿大，加拿大政府；和

(b) with respect to Chile, the Government of the Republic of Chile;

territory means:

- (a) with respect to Canada, the territory to which its customs laws apply, including any areas beyond the territorial seas of Canada within which, in accordance with international law and its domestic law, Canada may exercise rights with respect to the seabed and subsoil and their natural resources; and
- (b) with respect to Chile, the land, maritime, and air space under its sovereignty, and the exclusive economic zone and the continental shelf over which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law.

PART TWO:

TRADE IN GOODS

CHAPTER C: NATIONAL TREATMENT AND MARKET ACCESS FOR GOODS

Article C-00:

Scope and Coverage

This Chapter applies to trade in goods of a Party, including:

- (a) goods covered by Annex C-00-A (Trade and Investment in the Automotive Sector); and
- (b) goods covered by Annex C-00-B (Textile and Apparel Goods), except as provided in such Annex.

Section I – National Treatment

Article C-01:

National Treatment

- Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994, including its interpretative notes, and to this end Article III of the GATT 1994 and its interpretative notes, or any equivalent provision of a successor agreement to which both Parties are party, are incorporated into and made part of this Agreement.
- The provisions of paragraph 1 regarding national treatment shall mean, with respect to a province, treatment no less favourable than the most favourable treatment accorded by such province to any like, directly competitive or substitutable goods, as the case may be, of the Party of which it forms a part¹.
- Paragraphs 1 and 2 do not apply to the measures set out in Annex C-01.3.

(b) 关于智利，智利共和国政府；

领土是指：

(a) 就加拿大而言，其海关法适用的领土，包括任何位于加拿大领海之外的地区，根据国际法和其国内法，加拿大可以在这些地区行使与海底和底土及其自然资源有关的权利；以及(b) 就智利而言，其主权下的陆地、海洋和空中空间，以及专属经济区和大陆架，根据国际法和其国内法，智利在这些地区行使主权权利和管辖权。

第二部分：

货物贸易

章节C：货物的国民待遇和市场准入

文章C-00：

范围和覆盖

本章适用于一方的货物贸易，包括：

(a) 附件C-00-A（汽车行业的贸易和投资）所涵盖的货物；以及 (b) 附件C-00-B（纺织品和服装）所涵盖的货物，但根据该附件的规定除外该附件。

第一部分 – 国民待遇

Article C-01:

国民待遇

- 每一方应根据1994年关税及贸易总协定（GATT 1994）第三条及其解释性注释，给予另一方货物国民待遇，为此目的，1994年关税及贸易总协定第三条及其解释性注释，或任何一方均为缔约方的后续协定的等效条款，均应纳入本协议并成为本协议的一部分。
- 第1段关于国民待遇的规定，就一个省而言，应指不低于该省给予其所属一方同类、直接竞争或可替代货物的最优惠待遇¹。
- 第1段和第2段不适用于附件C-01.3中规定措施。