

Seminary	Baccalaureate or Licenciatura Degree
University	Baccalaureate or Licenciatura Degree

神学院	学士学位或硕士学位
大学	学士学位或硕士学位

Appendix K-03.IV.4

Notwithstanding Annex K-03.IV.4, for the purposes of this Agreement, neither Party shall establish an annual numerical limit regarding temporary entry of business persons of the other Party seeking to engage in business activities at a professional level set out in Appendix K-03.IV.1.

附录K-03.IV.4

尽管有附件K-03.IV.4，根据本协议，任何一方均不得就另一方寻求从事附录K-03.IV.1中规定的专业水平商业活动而临时入境的商业人士设立年度数量限制。

PART SEVEN:

ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS

CHAPTER L: PUBLICATION, NOTIFICATION AND ADMINISTRATION OF LAWS

Article L-01:

Contact Points

Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement. On the request of the other Party, the contact point shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.

Article L-02:

Publication

1. Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons and the other Party to become acquainted with them.
2. To the extent possible, each Party shall:

(a) publish in advance any such measure that it proposes to adopt; and

(b) provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures.

第七部分：

行政和机构条款

第L章：法律的公布、通知和管理

第L-01条：

联系点

每一方应指定一个联系点，以便就本协议所涵盖的任何事项促进双方之间的沟通。在另一方的要求下，联系点应确定负责该事项的办公室或官员，并在必要时协助促进与请求方的沟通。

文章L-02：

发布

1. 每一方应确保其关于本协议所涵盖的任何事项的法律、法规、程序和普遍适用的行政裁决及时发布或以其他方式提供，以便利害关系人和另一方能够熟悉它们。
2. 在可能的情况下，每一方应：

(a) 提前公布其拟议采取的任何此类措施；以及 (b) 为利害关系人和另一方提供合理机会对拟议的措施提出意见。

Article L-03:

Notification and Provision of Information

1. To the maximum extent possible, each Party shall notify the other Party of any proposed or actual measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement.
2. On request of the other Party, a Party shall promptly provide information and respond to questions pertaining to any actual or proposed measure, whether or not the other Party has been previously notified of that measure.
3. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.

Article L-04:

Administrative Proceedings

With a view to administering in a consistent, impartial and reasonable manner all measures of general application affecting matters covered by this Agreement, each Party shall ensure that in its administrative proceedings applying measures referred to in Article L-02 to particular persons, goods or services of the other Party in specific cases that:

- (a) wherever possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy;
- (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and
- (c) its procedures are in accordance with domestic law.

Article L-05:

Review and Appeal

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by this Agreement. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.
2. Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceeding are provided with the right to:
 - (a) a reasonable opportunity to support or defend their respective positions; and

本条 L-03:

通知和信息提供

1. 在最大程度上，每一方应通知另一方其认为可能实质性影响本协议运作或否则实质性影响另一方在本协议项下利益的任何拟议或实际措施。
2. 应另一方的要求，一方应及时提供与任何实际或拟议措施相关的信息并答复有关问题，无论另一方是否已事先被通知该措施。
3. 根据本条提供的任何通知或信息不应影响该措施是否符合本协议。

第L-04条:

行政程序

为了一致、公正和合理地管理影响本协议所涵盖事项的普遍适用措施，每一方应确保在其适用第L-02条所述措施于另一方的特定个人、货物或服务的行政程序中，应确保：

- (a) 在可能的情况下，受程序直接影响的另一方个人在程序启动时根据国内程序获得合理通知，包括对程序性质的描述、启动程序的授权依据的说明以及任何争议事项的一般描述；(b) 在时间、程序性质和公共利益允许的情况下，此类个人在最终行政行为作出前有合理机会陈述支持其立场的事实和论点；以及(c) 其程序符合国内法律。

第L-05条:

审查和上诉

1. 每一方应建立或维持司法、准司法或行政法庭或程序，以对与本协议所涵盖事项相关的最终行政行为进行及时审查，并在必要时进行纠正。此类法庭应公正且独立于负责行政执行的办公室或机构，且不得对该事项的结果有任何重大利益。
2. 每一方应确保，在任何此类法庭或程序中，诉讼当事人有权：
 - (a) 合理的机会来支持或辩护其各自立场；以及

- (b) a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority.
3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decisions shall be implemented by, and shall govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article L-06:

Definitions

For purposes of this Chapter:

administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit and that establishes a norm of conduct but does not include:

- (a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

CHAPTER M: ANTI-DUMPING AND COUNTERVAILING DUTY MATTERS

Article M-01:

Reciprocal Exemption from the Application of Anti-dumping Duty Laws

1. Subject to Article M-03, as of the date of entry into force of this Agreement each Party agrees not to apply its domestic anti-dumping law to goods of the other Party. Specifically:
- (a) neither Party shall initiate any anti-dumping investigations or reviews with respect to goods of the other Party;
 - (b) each Party shall terminate any ongoing anti-dumping investigations or inquiries in respect of such goods;
 - (c) neither Party shall impose new anti-dumping duties or other measures in respect of such goods; and
 - (d) each Party shall revoke all existing orders levying anti-dumping duties in respect of such goods.
2. Each Party shall amend, and publish as appropriate, its relevant domestic anti-dumping law in relation to goods of the other Party to ensure that the objectives of this Article are achieved.

- (b) 基于记录中的证据和提交的材料作出的决定，或在需要时根据国内法律由行政机关编制的记录。

3. 各方应确保，根据其国内法律规定的上诉或进一步审查程序，此类决定应由相关办公室或机构执行，并应规范涉及行政行为的实践。

本条L-06:

定义

本章规定如下:

普遍适用行政裁决是指适用于所有落入其范围的个人和事实情况，并建立行为规范但不包括:

- (a) 在行政或准司法程序中作出的、适用于另一方特定个人、货物或服务的决定或裁决；或 (b) 对特定行为或做法作出裁决的裁决。

章节 M：反倾销和反补贴税事项

第M-01条:

相互豁免反倾销税法的适用

1. 根据第M-03条，自本协议生效之日起，每一方同意不将其国内反倾销法适用于另一方的货物。具体而言：
- (a) 任何一方均不得就另一方的货物发起任何反倾销调查或审查； (b) 每一方均应终止就此类货物进行的任何正在进行的反倾销调查或调查； (c) 任何一方均不得就此类货物征收新的反倾销税或其他措施； 以及 (d) 每一方均应撤销所有就此类货物征收反倾销税的现有命令。
2. 每一方应当修订其与另一方货物相关的国内反倾销法，并适时公布， 以确保实现本条的目标。

Article M-02:

Rules of Origin

Article M-01 applies only to goods that the competent investigating authority of the importing Party, applying the importing Party's anti-dumping law to the facts of a specific case, determines are goods of the other Party.

Article M-03:

Phase-in Provisions

1. Article M-01 applies to all goods of the other Party as of:
- (a) the date on which the tariff of both Parties is eliminated at the subheading level; or

(b) January 1, 2003, whichever comes first.
2. For the purpose of paragraph 1, elimination at the subheading level occurs when the tariff for each eight-digit tariff line under the six-digit subheading is zero under this Agreement.

Article M-04:

Exceptional Circumstances

1. Either Party may request, in writing, consultations with the other Party regarding exceptional circumstances that may arise with respect to the operation of this Chapter.
2. Exceptional circumstances may include significant changes in recent trading conditions.
3. The Parties shall enter into consultations within 10 days of receipt of a request and shall conclude such consultations within 30 days of such receipt, except where the matter involves perishable goods, in which case the consultations shall be concluded within 20 days.
4. In the consultations, the Parties shall make every attempt to arrive at a mutually satisfactory resolution of the particular matter, with a view to promptly restoring recent trading conditions. To this end, the Parties shall:

(a) provide sufficient information to enable a full examination of the exceptional circumstances; and

(b) treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information.
5. These consultations shall be without prejudice to a Party's right to invoke any applicable government-to-government dispute settlement procedures available under this Agreement or the WTO Agreement.

M-02: 本条

原产地规则

第M-01条仅适用于进口方主管调查机关，依据进口方反倾销法对特定案件的事实认定，认定为另一方货物的货物。

第M-03条：

逐步实施条款

1. 第M-01条适用于另一方自以下日期起的所有货物：

(a) 双方在子目层面的关税消除日期；或 (b) 2003年1月1日，以较早者为准。
2. 根据第1款，当本协议规定的六位子目下的每个八位关税项目的关税为零时，该子目层面的消除发生。

第M-04条：

例外情况

1. 任何一方均可书面请求与另一方就本章的运作可能出现的例外情况进行磋商。
2. E例外情况可能包括近期交易条件的重大变化 .
3. 当事人应在收到请求后10天内进行磋商，并在收到请求后30天内完成磋商，但若事项涉及易腐商品，则磋商应在20天内完成。
4. 在磋商中，当事人应尽一切努力就特定事项达成相互满意的解决方案，旨在及时恢复近期交易条件。为此，当事人应：

(a) 提供足够的信息以进行对例外情况的全面审查；以及 (b) 对磋商过程中交换的任何机密或专有信息，应以提供信息的一方相同的方式进行处理。
5. 这些磋商不应损害一方援引本协议或世界贸易组织协定项下可用的任何适用的政府间争端解决程序的权利。

Article M-05:

Committee on Anti-dumping and Countervailing Measures

The Parties hereby establish a Committee on Anti-dumping and Countervailing Measures to:

- (a) consult with a view to defining subsidy disciplines further and eliminating the need for domestic countervailing duty measures on trade between them;
- (b) work together in multilateral fora, including the World Trade Organization, and in the context of negotiating Chile's full accession to the NAFTA and the establishment of a Free Trade Area of the Americas, with a view to improving trade remedy regimes to minimize their potential to impede trade;
- (c) consult on opportunities for working together with other like-minded countries with a view to expanding agreement on the elimination of the application of anti-dumping measures within free trade areas;
- (d) facilitate Chile's full accession to the NAFTA, and in particular Chapter Nineteen, by examining the current domestic anti-dumping and countervailing duty regimes and the operation of the Parties' legal systems, including judicial review of administrative agency decisions; and
- (e) meet annually, and on the request of either Party, to review the operation of this Chapter and other related matters including competition laws and policies.

Article M-06:

Review

The Parties shall, not later than 5 years after the coming into force of this Agreement, meet to review this Chapter and to determine whether any changes should be made to its provisions.

Article M-07:

Dispute Resolution

1. The dispute settlement provisions of Chapter N (Institutional Arrangements and Dispute Settlement Procedures) shall apply with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of Articles M-01, M-02, M-03 or M-04 and paragraphs 7 through 9 of this Article.
2. Apart from this Chapter, no provision of this Agreement shall be construed as imposing obligations on a Party with respect to either Party's anti-dumping or countervailing duty law.
3. Except as otherwise provided in paragraph 1, all disputes between the Parties arising in respect of the application of anti-dumping measures or countervailing duty measures by either Party shall be settled in accordance with the WTO Agreement.

本条M-05:

反倾销和反补贴措施委员会

当事人 hereby 设立反倾销和反补贴措施委员会 to:

- (a) 协商以进一步界定补贴纪律并消除其之间贸易中需要国内反补贴措施的需要；
- (b) 在包括世界贸易组织在内的多边场合以及智利全面加入北美自由贸易协定和建立美洲自由贸易区的谈判背景下共同工作，以改善贸易救济制度，最大限度地减少其可能阻碍贸易的潜力；
- (c) 就与其他志同道合国家合作的机会进行协商，以扩大协议消除自由贸易区内反倾销措施应用的范围；
- (d) 促进智利全面加入北美自由贸易协定，特别是第十九章，通过审查当前的国内反倾销和反补贴措施制度以及各方的法律制度（包括行政机构决定的司法审查）；
- 以及 (e) 每年举行会议，并在任何一方提出要求时，审查本章及其他相关事项，包括竞争法律和政策。

Article M-06:

Review

当事人应当在协议生效之日起5年内召开会议，审查本章并确定是否应对其条款进行任何修改。

Article M-07:

争端解决

1. 第N章（机构安排和争端解决程序）的争议解决条款应适用于当事人之间就M-01、M-02、M-03或M-04条的解释或适用，以及本章第7至9段的任何争端的避免或解决。
2. 除本章外，本协议的任何条款均不得解释为对一方就另一方反倾销或反补贴法律施加义务。
3. 除第1段另有规定外，任何一方当事人就任何一方适用反倾销措施或反补贴措施所引发的争端，均应根据世界贸易组织协定解决。

4. Where a dispute referred to in paragraph 3 involves, as disputing Parties, Canada and Chile exclusively, the Parties shall act in accordance with the following procedures consistent with the DSU:

- (a) if a request for consultations under Article 4 of the DSU is made, the Parties shall enter into consultations within 10 days of receipt of the request and shall conclude such consultations within 30 days of such receipt, except where the matter involves perishable goods, in which case consultations shall be concluded within 20 days;
- (b) a Party shall not object to the establishment of a panel that has been requested by the other Party under Article 6(1) of the DSU at the first meeting of the DSB at which the request is examined; and
- (c) unless the Parties otherwise agree, the terms of reference of the panel shall be to determine whether the imposition of an anti-dumping measure or a countervailing duty measure against a good of the complaining Party by the Party complained against is in accordance with Article VI of the GATT 1994, or the Agreement on Subsidies and Countervailing Measures or the Agreement on Implementation of Article VI of the GATT 1994.

5. Unless the Parties otherwise agree, where a DSU panel issues a final report concluding that the imposition by either Canada or Chile of an anti-dumping measure or a countervailing duty measure against a good of the other Party is not in accordance with Article VI of the GATT 1994, or the Agreement on Subsidies and Countervailing Measures or the Agreement on Implementation of Article VI of the GATT 1994, the Party complained against shall direct its competent authorities to take action not inconsistent with the panel report with respect to the goods of the complaining Party, including, where appropriate, the refund, with interest, of the whole or part of the duty paid.

6. The final report of the DSU panel shall be deemed to be a final report of a panel under Article N-16.

7. The Party complained against shall not be required to take action pursuant to paragraph 5 until:

- (a) the time period for notification to the DSB of a decision to appeal under Article 16(4) of the DSU has expired; or
- (b) the panel report is adopted following completion of the appeal procedure under Article 17 of the DSU.

8. Following the expiration of the time period referred to in subparagraph 7(a) or the adoption of the panel report referred to in subparagraph 7(b), if the Party complained against fails to comply with the final report of a DSU panel pursuant to paragraph 4 within a reasonable period of time, and no compensation has been offered in lieu thereof and no other mutually satisfactory resolution of the matter has been reached, the complaining Party may suspend the application to the Party complained against of benefits of equivalent effect under Article N-18 until such time as the matter is resolved.

4. 如第3段所述争端涉及加拿大和智利作为争端当事方，当事人应按照与争端解决谅解一致的下列程序行事：

(a)如果根据DSU第4条提出磋商请求，双方应在收到请求后10天内开始磋商，并在收到请求后30天内结束磋商，但涉及易腐商品的案件除外，此类磋商应在20天内结束；(b)一方不得反对另一方根据DSU第6(1)条在DSB首次会议审议该请求时提出的设立专家组的要求；以及(c)除非双方另有约定，专家组的参考事项应为确定被投诉方对申诉方某项货物实施反倾销措施或反补贴措施是否符合1994年关税及贸易总协定第6条、补贴与反补贴措施协定或1994年关税及贸易总协定第6条实施协定。

5. 除非当事人另有约定，当争端解决谅解（DSU）专家组发布最终报告，认定加拿大或智利对另一方货物采取的反倾销措施或反补贴措施与1994年关税及贸易总协定第6条、补贴与反补贴措施协定或1994年关税及贸易总协定第6条实施协定不符时，被投诉方应指示其主管当局采取与专家组报告不一致的措施，针对投诉方货物，包括在适当情况下，就全部或部分已缴纳的关税进行退税并支付利息。

6. 争端解决谅解（DSU）专家组的最终报告应被视为第N-16条项下专家组的最终报告。

7. 被投诉方在以下情况之前无需根据第5段采取行动：

(a) 根据《争端解决谅解》（DSU）第16(4)条提起上诉的决定通知争端解决机构（DSB）的期限已届满；或 (b) 在《争端解决谅解》（DSU）第17条项下的上诉程序完成后，专家组报告被通过。

8. 在第7(a)项所述期限届满或第7(b)项所述专家组报告通过后，若被投诉方未在合理期限内依照第4段的规定遵守争端解决谅解专家组作出的最终报告，且未提供替代补偿，也未就相关事项达成其他相互满意的解决方案，则申诉方可暂停第N-18条规定的具有同等效力的利益之适用，直至相关事项得到解决。

9. If a Party chooses to suspend benefits in accordance with Article N-18 as well as under the DSU, the combined effect of such suspension of benefits may not be greater than the effect of the violation.

Article M-08:

Definitions

For purposes of this Chapter:

Agreement on Implementation of Article VI of the GATT 1994 means the *Agreement on Implementation of Article VI of the General Agreement on Tariff and Trade 1994*, which forms part of the WTO Agreement;

Agreement on Subsidies and Countervailing Measures means the *Agreement on Subsidies and Countervailing Measures*, which forms part of the WTO Agreement;

Competent investigating authority means:

- (a) in the case of Canada
 - (i) the Canadian International Trade Tribunal or its successor; or
 - (ii) the Deputy Minister of National Revenue as defined in the Special Import Measures Act, as amended, or the Deputy Minister's successor; and
- (b) in the case of Chile, the National Commission for the Investigation of the Existence of Price Distortions in Imported Goods ("Comisión Nacional Encargada de Investigar la Existencia de Distorsiones en el Precio de las Mercaderías Importadas"), or its successor;

domestic anti-dumping law means a Party's relevant statutes, regulations and administrative guidelines;

DSB means the Dispute Settlement Body established in Article 2 of the DSU; and

reasonable period of time means the period necessary for review and the taking of action not inconsistent with the panel report, taking into account the factual and legal issues involved. In no event shall the reasonable period of time exceed an amount of time equal to the maximum permitted for investigation (from initiation to final order) to be carried out under the relevant WTO Agreements.

CHAPTER N: INSTITUTIONAL ARRANGEMENTS AND DISPUTE SETTLEMENT PROCEDURES

Section I: Institutions

9. 若一方根据第N-18条以及争端解决谅解选择暂停利益，则此种暂停利益的综合效果不得大于违反行为的效力。

第M-08条：

定义_____

本章规定如下：

1994年关税及贸易总协定第6条实施协定是指1994年关税及贸易总协定第6条实施协定，该协定是世界贸易组织协定的一部分；

补贴与反补贴措施协定是指补贴与反补贴措施协定，该协定是世界贸易组织协定的一部分；

主管调查机关是指：

- (a) 在加拿大的情况下 (i) 加拿大国际贸易法庭或其继任者；或 (ii) 根据《特别进口措施法案》（修正案）定义的国家税务副部长或其继任者；以及 (b) 在智利的情况下，进口商品价格扭曲存在调查国家委员会（“负责调查进口商品价格扭曲的国家委员会”），或其继任者；

国内反倾销法是指一方的相关法规、条例和行政指南；

DSB是指根据DSU第2条设立的争端解决机构；以及

合理期限是指审查和采取与专家组报告不一致的行动所需的期限，并考虑所涉及的事实和法律问题。在任何情况下，合理期限不得超过根据相关世界贸易组织协定允许进行调查（从启动到最终裁决）的最大时间量。

第N章：机构安排和争端解决程序

第一部分：机构

Article N-01:

The Free Trade Commission

1. The Parties hereby establish the Free Trade Commission, comprising cabinet-level representatives of the Parties or their designees.
2. The Commission shall:
 - (a) supervise the implementation of this Agreement;
 - (b) oversee its further elaboration;
 - (c) resolve disputes that may arise regarding its interpretation or application;
 - (d) supervise the work of all committees and working groups established under this Agreement, referred to in Annex N-01.2; and
 - (e) consider any other matter that may affect the operation of this Agreement.
3. The Commission may:
 - (a) establish, and delegate responsibilities to, ad hoc or standing committees, working groups or expert groups;
 - (b) seek the advice of nongovernmental persons or groups; and
 - (c) take such other action in the exercise of its functions as the Parties may agree.
4. The Commission shall establish its rules and procedures. All decisions of the Commission shall be taken by mutual agreement.
5. The Commission shall convene at least once a year in regular session. Regular sessions of the Commission shall be chaired alternately by each Party.

Article N-02:

The Secretariat

1. The Commission shall establish and oversee a Secretariat comprising national Sections.
2. Each Party shall:
 - (a) establish a permanent office of its Section;
 - (b) be responsible for
 - (i) the operation and costs of its Section, and

本条:

自由贸易委员会

1. 各方 hereby 建立自由贸易委员会，由各方的内阁级代表或其指定代表组成。
2. 委员会应当：
 - (a) 监督本协议的实施； (b) 监督其进一步制定； (c) 解决可能出现的关于其解释或适用的争端； (d) 监督根据本协议在附件 N-01.2 中建立的各委员会和工作组的运作； 以及 (e) 考虑任何可能影响本协议运作的其他事项。
3. 委员会可以：
 - (a) 建立，并将职责委托给临时或常设委员会、工作组或专家组； (b) 征求非政府人士或团体的建议； 以及(c) 在行使其职能时采取其他行动，这些行动由当事人协商一致。
4. 委员会应制定其规则和程序。委员会的所有决定均应协商一致作出。
5. 委员会应每年至少召开一次定期会议。委员会的定期会议应由每一方轮流主持。

本条N-02:

秘书处

1. T委员会应建立并监督一个由国家部门组成的秘书处。
2. 每一方应当：
 - (a)为其部门设立常设办公室； (b)负责 (i) 其部门的运作和费用， 以及

- (ii) the remuneration and payment of expenses of panelists and members of committees and scientific review boards established under this Agreement, as set out in Annex N-02.2;
 - (c) designate an individual to serve as Secretary for its Section, who shall be responsible for its administration and management; and
 - (d) notify the Commission of the location of its Section's office.
3. The Secretariat shall:
- (a) provide assistance to the Commission;
 - (b) provide administrative assistance to panels established under this Chapter, in accordance with procedures established pursuant to Article N-12; and
 - (c) as the Commission may direct
 - (i) support the work of other committees and groups established under this Agreement, and
 - (ii) otherwise facilitate the operation of this Agreement.

Section II: Dispute Settlement

Article N-03:

Cooperation

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

Article N-04:

Recourse to Dispute Settlement Procedures

Except as otherwise provided in this Agreement, the dispute settlement provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of this Agreement or wherever a Party considers that an actual or proposed measure of the other Party is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Annex N-04.

Article N-05:

WTO Dispute Settlement

1. Subject to paragraph 2, disputes regarding any matter arising under both this Agreement and the WTO Agreement, any agreement negotiated thereunder, or any successor agreement, may be settled in either forum at the discretion of the complaining Party.

(ii)根据本协议附件N-02.2中规定的专家小组成员、委员会和科学审查委员会成员的报酬和费用支付；

(c) 指定一名个人担任其部门的秘书，该秘书应负责其行政和管理；以及

(d) 通知委员会其部门办公室的位置。

3. 秘书处应：

(a) 向委员会提供协助；(b) 根据第N-12条规定的程序，向根据本章设立的专家组提供行政协助；以及 (c) 根据委员会的指示 (i) 支持根据本协议设立的其它委员会和小组的工作，以及 (ii) 以其它方式促进本协议的运作。

第二部分：争议解决

本条N-03：

合作_____

当事人应始终努力就本协议的解释和适用达成一致，并通过合作和磋商尽一切努力就任何可能影响其运作的事项达成相互满意的解决方案。

本条N-04：

采取争议解决程序_____

除本协议另有规定外，本章的争议解决条款应适用于所有关于本协议解释或适用的争端，或当一方认为另一方实际或拟议的措施与本协议的义务不一致，或根据附件N-04的规定造成取消或损害时，有关争端的避免或解决。

本条N-05：

WTO争端解决_____

1. 除第 2 段规定外，关于本协议和世界贸易组织协定项下事项、根据该协定谈判的任何协议或任何后续协议项下事项的任何争端，申诉方可以自行选择在任一论坛解决。

2. In any dispute referred to in paragraph 1 where the responding Party claims that its action is subject to Article A-04 (Relation to Environmental and Conservation Agreements) and requests in writing that the matter be considered under this Agreement, the complaining Party may, in respect of that matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.
3. The responding Party shall deliver a copy of a request made pursuant to paragraph 2 to its Section of the Secretariat and the other Party. Where the complaining Party has initiated dispute settlement proceedings regarding any matter subject to paragraph 2, the responding Party shall deliver its request no later than 15 days thereafter. On receipt of such request, the complaining Party shall promptly withdraw from participation in those proceedings and may initiate dispute settlement procedures under Article N-07.
4. Once dispute settlement procedures have been initiated under Article N-07 or dispute settlement proceedings have been initiated under the WTO Agreement, the forum selected shall be used to the exclusion of the other, unless a Party makes a request pursuant to paragraph 2.
5. For purposes of this Article, dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party's request for a panel, such as under Article 6 of the DSU.

Consultations

Article N-06:

Consultations

1. A Party may request in writing consultations with the other Party regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Agreement.
2. The requesting Party shall deliver the request to its Section of the Secretariat and the other Party.
3. Consultations on matters regarding perishable agricultural goods shall commence within 15 days of the date of delivery of the request.
4. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of any matter through consultations under this Article or other consultative provisions of this Agreement. To this end, the Parties shall:
- (a) provide sufficient information to enable a full examination of how the actual or proposed measure or other matter might affect the operation of this Agreement; and
 - (b) treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information.

2. 在第 1 段所述的任何争端中，如果被诉方声称其行为属于第 A-04 条（与环境 and 保护协议的关系）项下，并书面请求在本协议项下考虑该事项，申诉方可以就该事项此后仅依据本协议采取争端解决程序。
3. 被诉方应将其根据第 2 段提出的请求副本提交至秘书处部门和其他一方。当申诉方就第 2 段规定的事项启动争端解决程序时，被诉方应在之后 15 天内提交其请求。收到此类请求后，申诉方应及时退出该等程序，并可根据第 N-07 条启动争端解决程序。
4. 一旦根据第 N-07 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，所选的论坛应被唯一使用，除非一方根据第 2 段提出请求。
5. 根据本条，世界贸易组织协定下的争端解决程序被视为由一方请求专家组启动，例如根据争端解决谅解第 6 条。

磋商

第 N-06 条:

磋商

1. 一方可以书面请求另一方就任何实际或拟议措施或任何其他其认为可能影响本协议运作的事项进行磋商。
2. 请求方应将其请求提交至其秘书处部门和其他一方。
3. 关于易腐农产品的磋商应在请求提交之日起15天内开始。
4. 当事方应尽一切努力通过本条下的磋商或本协议其他协商条款就任何事项达成相互满意的解决方案。为此，当事人应：
- (a) 提供充分的信息，以便全面审查实际或拟议措施或其他事项可能如何影响本协议的运作；以及 (b) 将在磋商过程中交换的任何机密或专有信息与提供信息的方相同对待。

Initiation of Procedures

Article N-07:

Commission - Good Offices, Conciliation and Mediation

1. If the Parties fail to resolve a matter pursuant to Article N-06 within:

(a) 30 days of delivery of a request for consultations;

(b) 15 days of delivery of a request for consultations in matters regarding perishable agricultural goods; or

(c) such other period as they may agree, either Party may request in writing a meeting of the Commission.
2. A Party may also request in writing a meeting of the Commission where:

(a) it has initiated dispute settlement proceedings under the WTO Agreement regarding any matter subject to Article N-05(2), and has received a request pursuant to Article N-05(3) for recourse to dispute settlement procedures under this Chapter; or

(b) consultations have been held in the Committee on Trade in Goods and Rules of Origin pursuant to Article C-15.
3. The requesting Party shall state in the request the measure or other matter complained of and indicate the provisions of this Agreement that it considers relevant, and shall deliver the request to its Section of the Secretariat and the other Party.
4. Unless it decides otherwise, the Commission shall convene within 10 days of delivery of the request and shall endeavour to resolve the dispute promptly.
5. The Commission may:

(a) call on such technical advisers or create such working groups or expert groups as it deems necessary;

(b) have recourse to good offices, conciliation, mediation or such other dispute resolution procedures; or

(c) make recommendations, as may assist the Parties to reach a mutually satisfactory resolution of the dispute.
6. Unless it decides otherwise, the Commission shall consolidate two or more proceedings before it pursuant to this Article regarding the same measure. The Commission may consolidate two or more proceedings regarding other matters before it pursuant to this Article that it determines are appropriate to be considered jointly.

程序的启动

第 N-07 条:

委员会 - 翰旋、调解和调解

1. 如果一方未能根据第 N-06 条在本条规定的期限内解决事项:

(a) 交付磋商请求之日起 30 天内; (b) 交付关于易腐农产品的磋商请求之日起 15 天内; 或 (c) 双方商定的任何其他期限, 任何一方均可书面请求委员会举行会议。
2. 一方也可以书面请求委员会举行会议, 其中:

(a) 它已根据世界贸易组织协定启动争端解决程序, 涉及第N-05(2)条所涵盖的任何事项, 并且已收到根据第N-05(3)条提出的采取本章节争端解决程序的请求; 或

(b) 已在货物贸易和原产地规则委员会根据第C-15条举行磋商。
3. 请求方应在请求中说明所投诉的措施或其他事项, 并指出其认为相关的本协议条款, 并将请求提交至其秘书处部门和其他一方。
4. 除非委员会决定否则, 应在收到请求后10天内召开会议, 并努力及时解决争端。
5. 委员会可以:

(a) 要求其认为必要的此类技术顾问或创建此类工作组或专家组; (b) 采取翰旋、调解或此类其他争端解决程序; 或 (c) 提出建议, 以协助当事人就争端达成相互满意的解决方案。
6. 除非委员会决定 otherwise, 否则应根据本条的规定, 将其受理的关于同一措施的两个或多个程序予以合并。委员会可以根据本条, 将其受理的关于其他事项的两个或多个程序予以合并, 前提是它认为这些程序适合一并审议。

Panel Proceedings

Article N-08:

Request for an Arbitral Panel

1. If the Commission has convened pursuant to Article N-07(4), and the matter has not been resolved within:
 - (a) 30 days thereafter;
 - (b) 30 days after the Commission has convened in respect of the matter most recently referred to it, where proceedings have been consolidated pursuant to Article N-07(6); or
 - (c) such other period as the Parties may agree, a Party may request in writing the establishment of an arbitral panel. The requesting Party shall deliver the request to its Section of the Secretariat and the other Party.
2. On delivery of the request, the Commission shall establish an arbitral panel.
3. Unless otherwise agreed by the Parties, the panel shall be established and perform its functions in a manner consistent with the provisions of this Chapter.

Article N-09:

Roster

1. The Parties shall establish by January 1, 1998 at the latest and maintain a roster of up to 20 individuals, 4 of whom must not be citizens of either of the Parties, who are willing and able to serve as panelists. The roster members shall be appointed by agreement of the Parties for terms of three years, and may be reappointed.
2. Roster members shall:
 - (a) have expertise or experience in law, international trade, other matters covered by this Agreement or the resolution of disputes arising under international trade agreements, and shall be chosen strictly on the basis of objectivity, reliability and sound judgment;
 - (b) be independent of, and not be affiliated with or take instructions from, any Party; and
 - (c) comply with a code of conduct to be established by the Commission.

Article N-10:

Qualifications of Panelists

1. All panelists shall meet the qualifications set out in Article N-09(2).

专家小组程序

第N-08条:

请求组建仲裁小组

1. 如果委员会根据第 N-07(4)条召集，并且事项未在以下期限内解决：
 - (a) 30 天之后；(b) 委员会就最近提交给它的该事项召集后 30 天，如果根据第 N-07(6)条将程序合并；或 (c) 当事人同意的任何其他期限，一方可以书面请求组建仲裁小组。请求方应将其请求提交给秘书处部门和另一方。
2. 在收到请求后，委员会应组建仲裁小组。
3. 除非当事人另有约定，专家组应以与本章节规定一致的方式设立并履行其职能。

第N-09条:

名册

1. 当事人应最迟于1998年1月1日建立并维持一个由最多20名个人组成的名册，其中4名不得是任何一方国家的公民，他们愿意并有能力担任专家组成员。名册成员应由当事人协议任命，任期为三年，并可连任。
2. 名册成员应：
 - (a) 具有法律、国际贸易、本协议或其他事项所涵盖事项或国际贸易协定项下的争议解决方面的专业知识或经验，并应严格基于客观性、可靠性和健全的判断进行选择；(b) 与任何一方独立，不得与任何一方有任何关联或接受任何一方的指示；以及(c) 遵守委员会设立的行为准则。第N-10条：专家组成员的资格

1. 所有专家小组成员均应满足第N-09(2)条中规定的资格要求。

2. Individuals may not serve as panelists for a dispute in which they have participated pursuant to Article N-07(5).

Article N-11:

Panel Selection

1. The following procedures shall apply to panel selection:
 - (a) The panel shall comprise five members;
 - (b) The Parties shall endeavour to agree on the chair of the panel within 15 days of the delivery of the request for the establishment of the panel. If the Parties are unable to agree on the chair within this period, the Party chosen by lot shall select within five days as chair an individual who is not a citizen of a Party;
 - (c) Within 15 days of selection of the chair, each Party shall select two panelists who are citizens of the other Party; and
 - (d) If a Party fails to select its panelists within such period, such panelists shall be selected by lot from among the roster members who are citizens of the other Party.
2. Panelists shall normally be selected from the roster. A Party may exercise a peremptory challenge against any individual not on the roster who is proposed as a panelist by the other Party within 15 days after the individual has been proposed.
3. If a Party believes that a panelist is in violation of the code of conduct, the Parties shall consult and if they agree, the panelist shall be removed and a new panelist shall be selected in accordance with this Article.

Article N-12:

Rules of Procedure

1. The Commission shall establish, by the date of entry into force of this Agreement, Model Rules of Procedure, in accordance with the following principles:
 - (a) the procedures shall assure a right to at least one hearing before the panel as well as the opportunity to provide initial and rebuttal written submissions; and
 - (b) the panel's hearings, deliberations and initial report, and all written submissions to and communications with the panel shall be confidential.
2. The Commission may amend from time to time the Model Rules of Procedure referred to in paragraph 1.
3. Unless the Parties otherwise agree, the panel shall conduct its proceedings in accordance with the Model Rules of Procedure.

2. 根据第N-07(5)条，个人不得作为其已参与处理的争端中的专家小组成员。

第N-11条：

专家组选定

1. 下列程序适用于专家组选定：
 - (a) 专家组应包括五名成员；(b) 当事人应在专家组成立请求送达之日起15日内努力就专家组的主席达成一致。如果当事人在此期间内无法就主席达成一致，则抽签选定的当事人应在五日内选定一名非任何一方公民的个人担任主席；(c) 在选定主席之日起15日内，每一方应选定两名对方公民的专家小组成员；以及(d) 如果一方在此期间内未能选定其专家小组成员，则应从名册成员中抽签选定对方公民的专家小组成员。
2. 专家小组成员通常应从名册中选定。一方可以对另一方在15日内提出的、不在名册中的任何个人行使绝对异议。
3. 如果一方认为专家小组成员违反了行为准则，各方应当协商；如果达成一致，该专家小组成员应当被移除，并应根据本条选出新的专家小组成员。

第N-12条：

程序规则

1. 委员会应当在本协议生效之日起，根据下列原则制定示范程序规则：
 - (a) 程序应当保证当事人有权在专家组面前至少举行一次听证，并有机会提供初步报告和反驳书面陈述；以及 (b) 专家组的听证、审议、初步报告，以及向专家组提交的所有书面陈述和与专家组的所有通讯均应保密。
2. 委员会可以不时修改第1段所述的示范程序规则。
3. 除非当事人另行同意，专家组应按照示范程序规则开展程序。

4. Unless the Parties otherwise agree within 20 days from the date of the delivery of the request for the establishment of the panel, the terms of reference shall be:

"To examine, in the light of the relevant provisions of the Agreement, the matter referred to the Commission (as set out in the request for a Commission meeting) and to make findings, determinations and recommendations as provided in Article N-15(2)."

5. If the complaining Party wishes to argue that a matter has nullified or impaired benefits, the terms of reference shall so indicate.

6. If a Party wishes the panel to make findings as to the degree of adverse trade effects on a Party of any measure found not to conform with the obligations of the Agreement or to have caused nullification or impairment in the sense of Annex N-04, the terms of reference shall so indicate.

Article N-13:

Role of Experts

On request of a Party, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the Parties so agree and subject to such terms and conditions as the Parties may agree.

Article N-14:

Scientific Review Boards

1. On request of a Party or, unless the Parties disapprove, on its own initiative, the panel may request a written report of a scientific review board on any factual issue concerning environmental, health, safety or other scientific matters raised by a Party in a proceeding, subject to such terms and conditions as the Parties may agree.

2. The board shall be selected by the panel from among highly qualified, independent experts in the scientific matters, after consultations with the Parties and the scientific bodies set out in the Model Rules of Procedure established pursuant to Article N-12(1).

3. The Parties shall be provided:

- (a) advance notice of, and an opportunity to provide comments to the panel on, the proposed factual issues to be referred to the board; and
- (b) a copy of the board's report and an opportunity to provide comments on the report to the panel.

4. The panel shall take the board's report and any comments by the Parties on the report into account in the preparation of its report.

4. 除非当事人自专家组设立请求送达之日起20日内另行同意，工作范围应为：

"根据协议的相关规定，审查提交给委员会的事项（如请求召开委员会会议中所述），并作出第N-15(2)条规定的调查结果、认定和建议。"

5. 如果申诉方希望论证某事项取消了或损害了利益，工作范围应予以说明。

6. 如果一方希望专家组就某一被认定不符合协议义务或导致取消或损害（如附件N-04所述）的措施对一方产生的不利贸易影响程度作出认定，工作范围应予以说明。

第N-13条：

专家的作用

应一方请求，或由其自行发起，专家组可从其认为适当的人员或机构获取信息和技术建议，但需经双方同意，并遵守双方商定的条款和条件。

第N-14条：

科学审查委员会

1. 应一方请求，或除非双方反对，由其自行发起，专家组可就一方在程序中提出的涉及环境、健康、安全或其他科学事项的事实问题，请求科学审查委员会提交书面报告，但需遵守双方商定的条款和条件。

2. 委员会应由专家组从根据第N-12(1)条建立的示范程序规则中列出的科学事项领域内的高资历、独立专家中选定，并与双方及科学机构进行磋商。

3. 双方应获得：

- (a) 对拟议的事实问题提前通知，并给专家组提供意见的机会，这些事实问题将提交给委员会；以及 (b) 委员会的报告副本，并给专家组提供对报告的意见的机会。

4. 专家组应当在其报告的准备中，考虑委员会的报告以及当事人对报告的意见。

Article N-15:

Initial Report

1. Unless the Parties otherwise agree, the panel shall base its report on the submissions and arguments of the Parties and on any information before it pursuant to Article N-13 or N-14.
2. Unless the Parties otherwise agree, the panel shall, within 90 days after the last panellist is selected or such other period as the Model Rules of Procedure established pursuant to Article N-12(1) may provide, present to the Parties an initial report containing:

(a) findings of fact, including any findings pursuant to a request under Article N-12(6);

(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 in the sense of Annex N-04, or any other determination requested in the terms of reference; and

(c) its recommendations, if any, for resolution of the dispute.
3. Panelists may furnish separate opinions on matters not unanimously agreed.
4. A Party may submit written comments to the panel on its initial report within 14 days of presentation of the report.
5. In such an event, and after considering such written comments, the panel, on its own initiative or on the request of a Party, may:

(a) request the views of a Party;

(b) reconsider its report; and

(c) make any further examination that it considers appropriate.

Article N-16:

Final Report

1. The panel shall present to the Parties a final report, including any separate opinions on matters not unanimously agreed, within 30 days of presentation of the initial report, unless the Parties otherwise agree.
2. No panel may, either in its initial report or its final report, disclose which panelists are associated with majority or minority opinions.
3. The Parties shall transmit to the Commission the final report of the panel, including any report of a scientific review board established under Article N-14, as well as any written views that a Party desires to be appended, on a confidential basis within a reasonable period of time after it is presented to them.

第N-15条:

初步报告

1. 除非当事人另有约定，专家组应基于当事人的提交材料和论点，以及根据第N-13条或第N-14条提交给其的任何信息，撰写报告。
2. 除非当事人另有约定，自最后一名专家组成员选定之日起**90**日内，或示范程序规则根据第N-12(1)条规定的其他期限届满前，专家组应向当事人提交初步报告，内容包括：

(a) 事实认定，包括根据第N-12(6)条提出的任何事实认定；(b) 关于相关措施是否符合本协议义务或是否会导致附件N-04意义上的取消或损害，或根据工作范围请求的任何其他认定；以及(c) 如有的话，专家组为解决争端提出的建议。
3. 专家组成员可以对未达成一致的事项提供不同意见。
4. 一方可以在报告提交后的**14**天内，向专家组提交其初步报告的书面意见。
5. 在这种情况下，并经考虑书面意见后，专家组可以应一方请求或自行决定：

(a) 征求一方的意见；(b) 重新审议其报告；以及(c) 进行其认为适当的任何进一步审查。

第N-16条：最终报告

1. 专家组应在初步报告提交后的**30**天内，向各方提交最终报告，包括对未达成一致事项的不同意见，除非各方另有约定。
2. 任何专家组在其初步报告或最终报告中均不得披露与多数或少数意见相关联的专家小组成员。
3. 当事人应当自收到之日起合理期限内以保密方式向委员会提交专家组的最终报告，包括根据第N-14条设立的任何科学审查委员会的报告，以及一方希望附加的任何书面意见。

4. Unless the Commission decides otherwise, the final report of the panel shall be published 15 days after it is transmitted to the Commission.

Implementation of Panel Reports

Article N-17:

Implementation of Final Report

1. On receipt of the final report of a panel, the Parties shall agree on the resolution of the dispute, which normally shall conform with the determinations and recommendations of the panel, and shall notify their Sections of the Secretariat of any agreed resolution of any dispute.
2. Wherever possible, the resolution shall be nonimplementation or removal of a measure not conforming with this Agreement or causing nullification or impairment in the sense of Annex N-04 or, failing such a resolution, compensation.

Article N-18:

Non-Implementation - Suspension of Benefits

1. If in its final report a panel has determined that a measure is inconsistent with the obligations of this Agreement or causes nullification or impairment in the sense of Annex N-04 and the Party complained against has not reached agreement with the complaining Party on a mutually satisfactory resolution pursuant to Article N-17(1) within 30 days of receiving the final report, the complaining Party may suspend the application to the Party complained against of benefits of equivalent effect until such time as they have reached agreement on a resolution of the dispute.
2. In considering what benefits to suspend pursuant to paragraph 1:
 - (a) the complaining Party should first seek to suspend benefits in the same sector or sectors as that affected by the measure or other matter that the panel has found to be inconsistent with the obligations of this Agreement or to have caused nullification or impairment in the sense of Annex N-04; and
 - (b) if the complaining Party considers that it is not practicable or effective to suspend benefits in the same sector or sectors, it may suspend benefits in other sectors.
3. On the written request of a Party delivered to its Section of the Secretariat and the other Party, the Commission shall establish a panel to determine whether the level of benefits suspended by a Party pursuant to paragraph 1 is manifestly excessive.
4. The panel proceedings shall be conducted in accordance with the Model Rules of Procedure. The panel shall present its determination within 60 days after the last panelist is selected or such other period as the Parties may agree.

4. 除非委员会决定 otherwise，专家组的最终报告在提交给委员会后15天应予公布。

专家组的报告实施

第N-17条：

最终报告的实施

1. 收到专家组最终报告后，当事人应就争端的解决达成一致，通常应与专家组的认定和建议相符，并应通知秘书处各部门就任何争端达成的解决方案。
2. 在可能的情况下，解决方案应为非实施或移除与本协议不符的措施，或导致附件N-04中所述取消或损害的措施，或在没有此类解决方案的情况下进行补偿。

第N-18条：

未实施 - 暂停利益

1. 如果在其最终报告中，专家组已认定一项措施与本协议的义务不一致，或根据附件N-04的规定造成取消或损害，且被投诉方在收到最终报告后30天内未与申诉方就第N-17(1)条规定的相互满意的解决方案达成一致，则申诉方可以暂停向被投诉方适用具有同等效力的利益，直至双方就争端解决方案达成一致为止。
2. 在考虑根据第1段暂停哪些利益时：
 - (a) 申诉方应首先尝试暂停受该措施或其他被专家组认定与本协议的义务不一致或根据附件N-04的规定造成取消或损害的事项影响的同一部门或部门的利益；以及
 - (b) 如果申诉方认为在同一部门或部门暂停利益不切实际或无效，则可以暂停其他部门的利益。
3. 根据一方提交给秘书处部门及另一方的书面请求，委员会应成立专家组，以确定一方根据第1段暂停的利益水平是否明显过度。
4. 专家小组程序应根据示范程序规则进行。专家组应在最后一名专家小组成员选定之日起60日内提出其决定，或当事人另有约定的除外。

Section III: Domestic Proceedings and Private Commercial Dispute Settlement

Article N-19:

Referrals of Matters from Judicial or Administrative Proceedings

- 1. If an issue of interpretation or application of this Agreement arises, in any domestic judicial or administrative proceeding of a Party, that either Party considers would merit its intervention, or if a court or administrative body solicits the views of a Party, that Party shall notify its Section of the Secretariat and the other Party. The Commission shall endeavour to agree on an appropriate response as expeditiously as possible.
- 2. The Party in whose territory the court or administrative body is located shall submit any agreed interpretation of the Commission to the court or administrative body in accordance with the rules of that forum.
- 3. If the Commission is unable to agree, each Party may submit its own views to the court or administrative body in accordance with the rules of that forum.

Article N-20:

Private Rights

Neither Party may provide for a right of action under its domestic law against the other Party on the ground that a measure of the other Party is inconsistent with this Agreement.

Article N-21:

Alternative Dispute Resolution

- 1. Each Party shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties in the free trade area.
- 2. To this end, each Party shall provide appropriate procedures to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.
- 3. A Party shall be deemed to be in compliance with paragraph 2 if it is a party to and is in compliance with the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the 1975

Inter-American Convention on International Commercial Arbitration.

- 4. The Commission shall establish an Advisory Committee on Private Commercial Disputes comprising persons with expertise or experience in the resolution of private international commercial disputes. The Committee shall report and provide recommendations to the Commission on general issues referred to it by the Commission respecting the availability, use and effectiveness of arbitration and other procedures for the resolution of such disputes in the free trade area.

第三部分：国内诉讼和私人商业纠纷解决

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第N-19条：

司法或行政程序的事项转介

- 1. 如果在本协议的解释或适用方面出现任何问题，在任何一方的国内司法或行政程序中，任何一方认为值得其干预，或者如果法院或行政机关征求一方意见，该方应通知其秘书处部门和其他方。委员会应尽快就适当的回应达成一致。
- 2. 位于法院或行政机关所在领土的一方应按照该论坛的规则，将委员会达成的解释提交给法院或行政机关。
- 3. 如果委员会无法达成一致，每一方可根据该论坛的规则，将其自己的观点提交给法院或行政机关。

第N-20条：

私人权利

任何一方均不得以另一方采取的措施与本协议不一致为由，依据其国内法律向另一方行使诉讼权利。

第N-21条：

替代性纠纷解决

- 1. 各方应尽最大可能鼓励和促进在自由贸易区内，私人当事人之间通过仲裁及其他替代性纠纷解决方式解决国际商业纠纷。
- 2. 为此，每一方应提供适当的程序，以确保遵守仲裁协议，并对此类争端中的仲裁裁决进行承认和执行。
- 3. 如果一方参与并遵守1958年联合国关于承认和执行外国仲裁裁决公约或1975年

美洲国家国际商业仲裁公约，则应视为其遵守了第2段。

- 4. 委员会应当设立一个私人商业纠纷咨询委员会，该委员会由在私人国际商业纠纷解决方面具有专业知识或经验的人员组成。该委员会应向委员会报告，并就委员会提交给它的关于自由贸易区内解决此类争端所使用的仲裁和其他程序的可获得性、使用和有效性的普遍问题提出建议。

Annex N-01.2:

Committees and Working Groups

A. Committees:

- 1. Committee on Trade in Goods and Rules of Origin (Article C-15)
* Sub-Committee on Agriculture (Article C-15(4))
* Customs Sub-Committee (Article E-13)
- 2. Committee on Telecommunications Standards (Article I-04(7))
- 3. Committee on Anti-dumping and Countervailing Measures (Article M-05)
- 4. Advisory Committee on Private Commercial Disputes (Article N-21(4))

B. Working Group:

Temporary Entry Working Group (Article K-05)

Annex N-02.2:

Remuneration and Payment of Expenses

- 1. The Commission shall establish the amounts of remuneration and expenses that will be paid to the panelists, committee members and members of scientific review boards.
- 2. The remuneration of panelists or committee members and their assistants, members of scientific review boards, their travel and lodging expenses, and all general expenses of panels, committees or scientific review boards shall be borne equally by the Parties.
- 3. Each panelist or committee member shall keep a record and render a final account of the person's time and expenses, and the panel, committee or scientific review board shall keep a record and render a final account of all general expenses.

Annex N-04:

Nullification and Impairment

- 1. If a Party considers that any benefit it could reasonably have expected to accrue to it under any provision of:
 - (a) Part Two (Trade in Goods), except for those provisions of Annex C-00-A (Trade and Investment in the Automotive Sector) relating to investment; or
 - (b) Chapter H (Cross-Border Trade in Services), is being nullified or impaired as a result of the application of any measure that is not inconsistent with this Agreement, the Party may have recourse to dispute settlement under this Chapter.
- 2. A Party may not invoke:

附录 N-01.2:

委员会和工作组

A. 委员会:

- 1. 货物贸易和原产地规则委员会（第C-15条） * 农业分委员会（第C-15(4)条） * 海关分委员会（第E-13条） 2. 电信标准委员会（第I-04(7)条） 3. 反倾销和反补贴措施委员会（第M-05条） 4. 私人商业纠纷咨询委员会（第N-21(4)条）

B. 工作组:

临时入境工作组（第K-05条） 附件N-02.2: 报酬和费用支付

- 1. 委员会应当确定将支付给专家小组成员、委员会成员和科学审查委员会成员的报酬和费用。
- 2. 专家小组成员或委员会成员及其助手、科学审查委员会成员的差旅和住宿费用，以及小组、委员会或科学审查委员会的所有一般费用，应当由当事人平均承担。
- 3. 每个专家小组成员或委员会成员应当记录并提交个人的时间和费用报告，小组、委员会或科学审查委员会应当记录并提交所有一般费用报告。

附件N-04:

无效和损害

- 1. 如果一方认为，根据以下任何规定，它本可以合理预期获得任何利益：
 - (a) 第二部分（货物贸易），除附件C-00-A（汽车行业贸易与投资）中关于投资的规定外；或 (b) 第H章（跨境服务贸易），由于与本协定不一致的任何措施的应用而被取消或损害，一方可以依据本章的规定寻求争端解决。
- 2. 一方不得援引:

- (a) paragraph 1(a), to the extent that the benefit arises from any cross-border trade in services provision of Part Two or Three; or
- (b) paragraph 1(b), with respect to any measure subject to an exception under Article O-01 (General Exceptions).

PART FIVE:

OTHER PROVISIONS

CHAPTER O: EXCEPTIONS

Article O-01:

General Exceptions

1. For purposes of Part Two (Trade in Goods), except to the extent that a provision of that Part applies to services or investment, Article XX 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 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.
2. Provided that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on trade between the Parties, nothing in:

- (a) Part Two (Trade in Goods), to the extent that a provision of that Part applies to services;
- (b) Chapter H (Cross-Border Trade in Services); and
- (c) Chapter I (Telecommunications),

shall be construed to prevent the adoption or enforcement by either Party of measures necessary to secure compliance with laws or regulations that are not inconsistent with the provisions of this Agreement, including those relating to health and safety and consumer protection.

Article O-02:

National Security

1. Nothing in this Agreement shall be construed:
- (a) to require either Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests;
 - (b) to prevent either Party from taking any actions that it considers necessary for the

- (a) 段落1(a)，在受益源于第二部分或第三部分跨境服务贸易提供的情况下；或
- (b) 段落1(b)，关于根据第O-01条（一般例外）受例外规定约束的任何措施。

第五部分：

其他规定

第O-01章：例外

第O-01条：

一般例外

1. 为第二部分（货物贸易）之目的，除该部分规定适用于服务或投资之外，1994年关税及贸易总协定第XX条及其解释性注释，或任何一方均为缔约方的后续协议中的等效规定，均应纳入本协议并成为本协议的一部分。双方理解，1994年关税及贸易总协定第XX(b)条所述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，并且1994年关税及贸易总协定第XX(g)条适用于与保护可再生自然资源相关的措施。
2. 只要此类措施不构成对相同条件下存在国家之间任意或不公正的歧视或对缔约方之间贸易的隐蔽限制的方式，则以下内容：

- (a) 第二部分（货物贸易），就其规定适用于服务而言；
- (b) 第H章（跨境服务贸易）；以及
- (c) 第I章（电信），

应被解释为防止任何一方采纳或执行确保遵守与本协议规定不一致的法律或法规的措施，包括与健康和安全以及消费者保护相关的措施。

第O-02条：

国家安全

1. 本协议任何条款均不得被解释为：
- (a) 要求任何一方提供或允许访问其认定与其基本安全利益相悖的任何信息；
 - (b) 阻止任何一方采取其认为必要的行动