

CHAPTER 20

ENVIRONMENT

Article 20.1: Definitions

For the purposes of this Chapter:

environmental law means a statute or regulation of a Party, or provision thereof, including any that implements the Party's obligations under a multilateral environmental agreement, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health, through:

- (a) the prevention, abatement or control of: the release, discharge or emission of pollutants or environmental contaminants;
- (b) the control of environmentally hazardous or toxic chemicals, substances, materials or wastes, and the dissemination of information related thereto; or
- (c) the protection or conservation of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas^{1,2}

but does not include a statute or regulation, or provision thereof, directly related to worker safety or health, nor any statute or regulation, or provision thereof, the primary purpose of which is managing the subsistence or aboriginal harvesting of natural resources; and

statute or regulation means:

- (a) for Australia, an Act of the Commonwealth Parliament, or a regulation made by the Governor-General in Council under delegated authority under an Act of the Commonwealth Parliament, that is enforceable at the central level of government;

¹ For the purposes of this Chapter, the term "specially protected natural areas" means those areas as defined by the Party in its legislation.

² The Parties recognise that such protection or conservation may include the protection or conservation of biological diversity.

第 20 章

环境

第 20.1 条 定义

就本章而言：

环境法律指一缔约方的法律或法规或其中的条款，包括履行该缔约方在多边环境协定项下义务的任何法律、法规或条款，其首要目的为通过下列措施保护环境或预防对人类生命或健康的危险：

- (a) 预防、削减或控制污染物或环境污染物的释放、排出或排放；
- (b) 控制具有危害环境或有毒的化学品、物质、材料或废物及与此相关的信息的传播；或
- (c) 保护或保育野生动植物，包括濒危物种、其栖息地和特殊自然保护区^{1,2}

但不包括与劳工安全或健康直接相关的法律或法规或其中的条款，也不包括首要目的为管理自给自足或土著居民收获自然资源的法律或法规或其中的条款；及

法律或法规指：

- (a) 对于澳大利亚，联邦议会法案，或总督根据联邦议会法案所给予的授权制定的可在中央一级政府执行的法规；

¹ 就本章而言，“特殊自然保护区”一词指缔约方在其立法中定义的区域。

² 缔约方认识到，此种保护或保育可包括对生物多样性的保护或保育。

- (b) for Brunei Darussalam, an Act, Order or a Regulation promulgated pursuant to the Constitution of Brunei Darussalam, enforceable by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam;
- (c) for Canada, an Act of the Parliament of Canada or regulation made under an Act of the Parliament of Canada that is enforceable by action of the central level of government;
- (d) for Chile, a law of National Congress or decree of the President of the Republic, enacted as indicated by the Political Constitution of the Republic of Chile;
- (e) for Japan, a Law of the Diet, a Cabinet Order, or a Ministerial Ordinance and other Orders established pursuant to a Law of the Diet, that is enforceable by action of the central level of government;
- (f) for Malaysia, an Act of Parliament or regulation promulgated pursuant to an Act of Parliament that is enforceable by action of the federal government;
- (g) for Mexico, an Act of Congress or regulation promulgated pursuant to an Act of Congress that is enforceable by action of the federal level of government;
- (h) for New Zealand, an Act of the Parliament of New Zealand or a regulation made under an Act of the Parliament of New Zealand by the Governor-General in Council, which is enforceable by action of the central level of government;
- (i) for Peru, a law of Congress, Decree or Resolution promulgated by the central level of government to implement a law of Congress that is enforceable by action of the central level of government;
- (j) for Singapore, an Act of the Parliament of Singapore, or a Regulation promulgated pursuant to an Act of the Parliament of Singapore, which is enforceable by action of the Government of Singapore;
- (k) for the United States, an Act of Congress or regulation promulgated pursuant to an Act of Congress that is enforceable by action of the central level of government; and
- (l) for Viet Nam, a law of the National Assembly, an ordinance of the Standing Committee of the National Assembly, or a regulation promulgated by the central level of government to implement a law

- (b) 对于文莱达鲁萨兰国，可由文莱达鲁萨兰苏丹陛下政府执行的根据文莱达鲁萨兰国宪法颁布的法案、法令或法规；
- (c) 对于加拿大，加拿大议会法案或根据加拿大议会法案制定的、可通过中央一级政府的行动执行的法规；
- (d) 对于智利，根据智利共和国政治宪法制定的国民议会法案或共和国总统法令；
- (e) 对于日本，国会法律、内阁命令或可通过中央一级政府的行动执行的部门条例或根据国会法律制定的其他命令；
- (f) 对于马来西亚，议会法案或根据议会法颁布的可通过联邦政府的行动执行的法规；
- (g) 对于墨西哥，国会法案或根据国会法案颁布的可通过联邦政府的行动执行的法规；
- (h) 对于新西兰，新西兰议会法案或由总督根据新西兰议会法案制定的可通过中央一级政府的行动执行的法规；
- (i) 对于秘鲁，国会法律、中央一级政府为实施国会法律而制定的可通过中央政府的行动执行的法令或决议；
- (j) 对于新加坡，新加坡议会法案或根据新加坡议会法案颁布的可通过新加坡政府的行动执行的法规；
- (k) 对于美国，国会法案或根据国会法案颁布的可通过中央一级政府的行动执行的法规；以及
- (l) 对于越南，国会法律、国会常设委员会法令或中央一级政府为实施国会法律或国会常设委员会法令所

of the National Assembly or an ordinance of the Standing Committee of the National Assembly that is enforceable by action of the central level of government.

Article 20.2: Objectives

1. The objectives of this Chapter are to promote mutually supportive trade and environmental policies; promote high levels of environmental protection and effective enforcement of environmental laws; and enhance the capacities of the Parties to address trade-related environmental issues, including through cooperation.
2. Taking account of their respective national priorities and circumstances, the Parties recognise that enhanced cooperation to protect and conserve the environment and sustainably manage their natural resources brings benefits that can contribute to sustainable development, strengthen their environmental governance and complement the objectives of this Agreement.
3. The Parties further recognise that it is inappropriate to establish or use their environmental laws or other measures in a manner which would constitute a disguised restriction on trade or investment between the Parties.

Article 20.3: General Commitments

1. The Parties recognise the importance of mutually supportive trade and environmental policies and practices to improve environmental protection in the furtherance of sustainable development.
2. The Parties recognise the sovereign right of each Party to establish its own levels of domestic environmental protection and its own environmental priorities, and to establish, adopt or modify its environmental laws and policies accordingly.
3. Each Party shall strive to ensure that its environmental laws and policies provide for, and encourage, high levels of environmental protection and to continue to improve its respective levels of environmental protection.
4. No Party shall fail to effectively enforce its environmental laws through a sustained or recurring course of action or inaction in a manner affecting trade or investment between the Parties, after the date of entry into force of this Agreement for that Party.
5. The Parties recognise that each Party retains the right to exercise discretion and to make decisions regarding: (a) investigatory, prosecutorial, regulatory and compliance matters; and (b) the allocation of environmental enforcement resources with respect to other environmental laws determined to

颁布的可通过中央一级政府的行动执行的法规。

第 20.2 条 目标

1. 本章的目标为促进相互支持的贸易和环境政策；促进高水平的环境保护和环境法律的有效执行；以及通过合作等方式提高缔约方处理与贸易相关的环境问题的能力。
2. 考虑到其各自国家优先事项和情况，缔约方认识到，加强合作以保护和保育环境并对其自然资源进行可持续管理益处良多，可有助于可持续发展、加强环境治理并对本协定的目标形成补充。
3. 缔约方进一步认识到，以对缔约方之间的贸易或投资构成变相限制的方式制定或使用其环境法律或其他措施是不适当的。

第 20.3 条 一般承诺

1. 缔约方认识到，相互支持的贸易和环境政策与实践对于加强环境保护和促进可持续发展的重要性。
2. 缔约方认识到每一缔约方所拥有的设定各自国内环境保护水平和环境优先事项的主权权利，以及为此制定、采取或修改其环境法律和政策的主权权利。
3. 每一缔约方应努力保证其环境法律和政策规定和鼓励高水平环境保护，并继续提高各自环境保护水平。
4. 在本协定对缔约方生效之日后，任何缔约方不得以影响缔约方之间贸易或投资的方式，通过持续或反复的作为或不作为，导致其环境法律未能有效执行。
5. 缔约方认识到，每一缔约方保留对如下事项行使自由裁量权和决定权的权利：(a)调查、检控、监管和遵守事项；及(b)对于被确定具有更高优先级的其他环境法律分配环境执行的资源。为

have higher priorities. Accordingly, the Parties understand that with respect to the enforcement of environmental laws a Party is in compliance with paragraph 4 if a course of action or inaction reflects a reasonable exercise of that discretion, or results from a *bona fide* decision regarding the allocation of those resources in accordance with priorities for enforcement of its environmental laws.

6. Without prejudice to paragraph 2, the Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the protection afforded in their respective environmental laws. Accordingly, a Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental laws in a manner that weakens or reduces the protection afforded in those laws in order to encourage trade or investment between the Parties.

7. Nothing in this Chapter shall be construed to empower a Party's authorities to undertake environmental law enforcement activities in the territory of another Party.

Article 20.4: Multilateral Environmental Agreements

1. The Parties recognise that multilateral environmental agreements to which they are party play an important role, globally and domestically, in protecting the environment and that their respective implementation of these agreements is critical to achieving the environmental objectives of these agreements. Accordingly, each Party affirms its commitment to implement the multilateral environmental agreements to which it is a party.

2. The Parties emphasise the need to enhance the mutual supportiveness between trade and environmental law and policies, through dialogue between the Parties on trade and environmental issues of mutual interest, particularly with respect to the negotiation and implementation of relevant multilateral environmental agreements and trade agreements.

Article 20.5: Protection of the Ozone Layer

1. The Parties recognise that emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment. Accordingly, each Party shall take measures to control the production and consumption of, and trade in, such substances.^{3, 4, 5}

³ For greater certainty, for each Party, this provision pertains to substances controlled by the *Montreal Protocol on Substances that Deplete the Ozone Layer*, done at Montreal, September 16, 1987 (Montreal Protocol), including any future amendments thereto, as applicable to it.

此，缔约方理解，对于环境法律的执行，如作为或不作为所反映的是自由裁量权的合理行使，或由依照其环境法律的执行优先级而作出关于资源分配的善意决定所导致，则一缔约方已遵守第 4 款。

6. 在不损害第 2 款的情况下，缔约方认识到，通过弱化或减少各自环境法律所提供的保护以鼓励贸易或投资是不适当的。因此，一缔约方不得为鼓励缔约方之间的贸易或投资，而弱化或减少此类法律所提供保护的方式，豁免或减损或提议豁免或减损其环境法律。

7. 本章中任何内容不得解释为授予一缔约方主管机关在另一缔约方领土内开展环境执法活动的权力。

第 20.4 条 多边环境协定

1. 缔约方认识到，其参加的多边环境协定在全球和缔约方国内保护环境方面发挥着重要作用，同时认识到缔约方各自实施这些协定对于实现这些协定的环境目标至关重要。因此，每一缔约方确认履行其参加的多边环境协定的承诺。

2. 缔约方强调通过缔约方之间就具有共同利益的贸易和环境问题，特别是对于相关多边环境协定和贸易协定的谈判和实施开展对话以促进贸易与环境法律和政策之间相互支持的必要性。

第 20.5 条 臭氧层保护

1. 缔约方认识到，某些物质的排放能够大量消耗并以其他方式改变臭氧层，有可能对人类健康和环境造成不利影响。因此，每一缔约方应采取措施控制此类物质的生产和消费及贸易。^{3,4,5}

³ 为进一步明确，对于每一缔约方，这一规定与其所适用的、1987 年 9 月 16 日订于蒙特利尔的《蒙特利尔破坏臭氧层物质管制议定书》（《蒙特利尔议定书》）及对该议定书的未来任何修正所控制的物质有关。

2. The Parties also recognise the importance of public participation and consultation, in accordance with their respective law or policy, in the development and implementation of measures concerning the protection of the ozone layer. Each Party shall make publicly available appropriate information about its programmes and activities, including cooperative programmes, that are related to ozone layer protection.

3. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest related to ozone-depleting substances. Cooperation may include, but is not limited to exchanging information and experiences in areas related to:

- (a) environmentally friendly alternatives to ozone-depleting substances;
- (b) refrigerant management practices, policies and programmes;
- (c) methodologies for stratospheric ozone measurements; and
- (d) combating illegal trade in ozone-depleting substances.

⁴ A Party shall be deemed in compliance with this provision if it maintains the measure or measures listed in Annex 20-A implementing its obligations under the Montreal Protocol or any subsequent measure or measures that provide an equivalent or higher level of environmental protection as the measure or measures listed.

⁵ If compliance with this provision is not established pursuant to footnote 4, to establish a violation of this provision, a Party must demonstrate that the other Party has failed to take measures to control the production and consumption of, and trade in, certain substances that can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment, in a manner affecting trade or investment between the Parties.

2. 缔约方还认识到，依照其各自法律或政策，在制定和实施有关臭氧层保护措施的过程中，公众参与和协商的重要性。每一缔约方应公开提供关于其与臭氧层保护相关的计划和活动，包括合作计划的适当信息。

3. 在与第 20.12 条(合作框架)相一致的情况下，缔约方应合作以处理与臭氧消耗物质相关的具有共同利益的问题。合作可包括但不限于与下列领域相关的信息和经验交流：

- (a) 臭氧消耗物质的环境友好型替代选择；
- (b) 制冷剂管理实践、政策和计划；
- (c) 平流层臭氧测量方法；以及
- (d) 打击臭氧消耗物质的非法贸易。

⁴ 如一缔约方维持附件 20-A 中所列用以履行其在《蒙特利尔议定书》项下义务的一项或多项措施或维持与所列一项或多项措施相比较提供同等或更高水平环境保护的一项或多项任何后续措施，则该缔约方应被视为遵守这一规定。

⁵ 如根据脚注 4 未能证明遵守这一规定，则为证明违反这一规定的情况，一缔约方必须证明另一缔约方未能采取措施控制某些能够大量消耗并以其他方式改变臭氧层物质的生产和消费及贸易，有可能导致对人类健康和环境造成不利影响并影响缔约方之间的贸易或投资。

Article 20.6: Protection of the Marine Environment from Ship Pollution

1. The Parties recognise the importance of protecting and preserving the marine environment. To that end, each Party shall take measures to prevent the pollution of the marine environment from ships.^{6, 7, 8}
2. The Parties also recognise the importance of public participation and consultation, in accordance with their respective law or policy, in the development and implementation of measures to prevent the pollution of the marine environment from ships. Each Party shall make publicly available appropriate information about its programmes and activities, including cooperative programmes, that are related to the prevention of pollution of the marine environment from ships.
3. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest with respect to pollution of the marine environment from ships. Areas of cooperation may include:
 - (a) accidental pollution from ships;
 - (b) pollution from routine operations of ships;
 - (c) deliberate pollution from ships;
 - (d) development of technologies to minimise ship-generated waste;
 - (e) emissions from ships;
 - (f) adequacy of port waste reception facilities;
 - (g) increased protection in special geographic areas; and

⁶ For greater certainty, for each Party, this provision pertains to pollution regulated by *the International Convention for the Prevention of Pollution from Ships*, done at London, November 2, 1973, as modified by the *Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships*, done at London, February 17, 1978, and the *Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973 as Modified by the Protocol of 1978 relating thereto*, done at London, September 26, 1997 (MARPOL), including any future amendments thereto, as applicable to it.

⁷ A Party shall be deemed in compliance with this provision if it maintains the measure or measures listed in Annex 20-B implementing its obligations under MARPOL, or any subsequent measure or measures that provide an equivalent or higher level of environmental protection as the measure or measures listed.

⁸ If compliance with this provision is not established pursuant to footnote 7, to establish a violation of this provision, a Party must demonstrate that the other Party has failed to take measures to prevent the pollution of the marine environment from ships in a manner affecting trade or investment between the Parties.

第 20.6 条 保护海洋环境免于船舶污染

1. 缔约方认识到保护和维持海洋环境的重要性。为此，每一缔约方应采取措施防止船舶对海洋环境造成污染。^{6,7,8}
2. 缔约方还认识到依照其各自法律或政策进行的公众参与和协商在制定和实施防止船舶对海洋环境造成污染的措施过程中的重要性。每一缔约方应公开提供其与防止船舶对海洋环境造成污染相关的计划和活动的适当信息，包括合作方案的适当信息。
3. 在与第 20.12 条(合作框架)相一致的情况下，缔约方应合作以处理与船舶对海洋环境造成污染相关的具有共同利益的问题。合作领域可包括：
 - (a) 船舶造成的偶然性污染；
 - (b) 船舶例行操作造成的污染；
 - (c) 船舶的故意污染；
 - (d) 将船舶产生的废物降至最小程度的技术的开发；
 - (e) 船舶排放；
 - (f) 港口废物接收设施的充足性；
 - (g) 在特殊地理区域提高保护；以及

⁶ 为进一步明确，对于每一缔约方，这一规定与 1973 年 11 月 2 日订于伦敦的《国际防止船舶造成污染公约》所监管的污染有关，该公约经 1978 年 2 月 17 日订于伦敦的《关于 1973 年国际防止船舶造成污染公约的 1978 年议定书》和 1997 年 9 月 26 日订于伦敦的《关于修正 1973 年国际防止船舶造成污染公约及其 1978 年议定书的 1997 年议定书》(MARPOL)修改，包括未来对该公约的任何修正。

⁷ 如一缔约方维持附件 20-B 中所列的用以履行其在 MARPOL 下义务的一项或多项措施或维持与所列一项或多项措施相比较提供同等或更高水平环境保护的一项或多项任何后续措施，则该缔约方应被视为遵守这一规定。

⁸ 如根据脚注 7 未能证明遵守这一规定，则为证明违反这一规定的情况，一缔约方必须证明另一缔约方未能采取措施防止船舶对海洋环境的污染从而影响缔约方之间的贸易或投资。

- (h) enforcement measures including notifications to flag States and, as appropriate, by port States.

Article 20.7: Procedural Matters

1. Each Party shall promote public awareness of its environmental laws and policies, including enforcement and compliance procedures, by ensuring that relevant information is available to the public.

2. Each Party shall ensure that an interested person residing or established in its territory may request that the Party's competent authorities investigate alleged violations of its environmental laws, and that the competent authorities give those requests due consideration, in accordance with the Party's law.

3. Each Party shall ensure that judicial, quasi-judicial or administrative proceedings for the enforcement of its environmental laws are available under its law and that those proceedings are fair, equitable, transparent and comply with due process of law. Any hearings in these proceedings shall be open to the public, except when the administration of justice otherwise requires, and in accordance with its applicable laws.

4. Each Party shall ensure that persons with a recognised interest under its law in a particular matter have appropriate access to proceedings referred to in paragraph 3.

5. Each Party shall provide appropriate sanctions or remedies for violations of its environmental laws for the effective enforcement of those laws. Those sanctions or remedies may include a right to bring an action directly against the violator to seek damages or injunctive relief, or a right to seek governmental action.

6. Each Party shall ensure that it takes appropriate account of relevant factors in the establishment of the sanctions or remedies referred to in paragraph 5. Those factors may include the nature and gravity of the violation, damage to the environment and any economic benefit the violator derived from the violation.

Article 20.8: Opportunities for Public Participation

1. Each Party shall seek to accommodate requests for information regarding the Party's implementation of this Chapter.

2. Each Party shall make use of existing, or establish new, consultative mechanisms, for example national advisory committees, to seek views on matters related to the implementation of this Chapter. These mechanisms may include

- (h) 执行措施，包括向船旗国发出通知及酌情由港口国发出此类通知。

第 20.7 条 程序事项

1. 每一缔约方应通过保证相关信息向公众公开，提高公众对其环境法律和政策的认识，包括关于执行和遵守的程序。
2. 每一缔约方应保证在其领土内居住或设立的利害关系人可请求该缔约方的主管机关对涉嫌违反其环境法律的行为进行调查，并保证主管机关依照该缔约方的法律对此类请求给予适当审议。
3. 每一缔约方应保证在其法律项下可获得环境法律执行的司法、准司法或行政程序，且这些程序公平、公正、透明并符合正当法律程序。这些程序中的任何听证会应依照其适用法律向公众开放，除非执法机关另有要求。
4. 每一缔约方应保证，根据其法律对一特定事项拥有公认利益的人可适当利用第 3 款中提到的程序。
5. 每一缔约方应对违反其环境法律的行为提供适当制裁或救济，以有效执行这些法律。这些制裁或救济可包括直接对违反者提出诉讼以寻求损害赔偿或禁令救济的权利，或寻求政府行动的权利。
6. 每一缔约方应保证其在设定第 5 款中所指的制裁或救济时适当考虑相关因素。这些因素可包括违反行为的性质和严重程度、对环境的损害以及违反者从违反行为中所获任何经济利益。

第 20.8 条 公众参与机会

1. 每一缔约方应寻求满足关于提供该缔约方实施本章的信息的请求。
2. 每一缔约方应利用现有的或建立新的咨询机制，例如国家咨询委员会，寻求关于与本章实施相关事项的意见。这些机制可

persons with relevant experience, as appropriate, including experience in business, natural resource conservation and management, or other environmental matters.

Article 20.9: Public Submissions

1. Each Party shall provide for the receipt and consideration of written submissions from persons of that Party regarding its implementation of this Chapter.⁹ Each Party shall respond in a timely manner to such submissions in writing and in accordance with domestic procedures, and make the submissions and its responses available to the public, for example by posting on an appropriate public website.

2. Each Party shall make its procedures for the receipt and consideration of written submissions readily accessible and publicly available, for example by posting on an appropriate public website. These procedures may provide that to be eligible for consideration the submission should:

- (a) be in writing in one of the official languages of the Party receiving the submission;
- (b) clearly identify the person making the submission;
- (c) provide sufficient information to allow for the review of the submission including any documentary evidence on which the submission may be based;
- (d) explain how, and to what extent, the issue raised affects trade or investment between the Parties;
- (e) not raise issues that are the subject of ongoing judicial or administrative proceedings; and
- (f) indicate whether the matter has been communicated in writing to the relevant authorities of the Party and the Party's response, if any.

3. Each Party shall notify the other Parties of the entity or entities responsible for receiving and responding to any written submissions referred to in paragraph 1 within 180 days of the date of entry into force of this Agreement for that Party.

4. If a submission asserts that a Party is failing to effectively enforce its environmental laws and following the written response to the submission by that Party, any other Party may request that the Committee on Environment

⁹ If available and appropriate, a Party may use an existing institutional body or mechanism for this purpose.

包括具有相关经验的人，并酌情包括在商业、自然资源保护与管理或其他环境事项方面具有经验的人。

第 20.9 条 公开意见

1. 每一缔约方应规定接收和审议该缔约方的人就实施本章情况提交的书面意见。⁹每一缔约方应以书面形式并依照国内程序及时答复此类意见，并将意见及答复向公众提供，例如发布在适当公共网站上。

2. 每一缔约方应使其接收和审议书面意见的程序可随时获得并向公众提供，例如公布在适当公共网站上。这些程序可规定，有资格获得审议的书面意见应：

- (a) 以接收该书面意见的缔约方的一种官方语文书就；
- (b) 明确确认提出意见的人；
- (c) 提供充分信息以便于对书面意见进行审议，包括该书面意见可能根据的任何证明文件；
- (d) 说明所提事项如何及在何种程度上影响缔约方之间的贸易或投资；
- (e) 未提出属于正在进行的司法或行政程序对象的问题；以及
- (f) 表明是否已就该事项与该缔约方相关机关进行书面沟通和该缔约方的答复(如有)。

3. 每一缔约方应在本协定对其生效之日起 180 天内，将负责接收和答复第 1 款中所指书面意见的一个或多个实体通知其他缔约方。

4. 如一书面意见认为一缔约方未能有效执行其环境法律，则在该缔约方对该书面意见作出书面答复后，任何其他缔约方可请求环境委员会(委员会)对该书面意见和答复进行讨论，以期进一

⁹ 如可获得且适当，一缔约方可使用现有机构或机制实现此目的。

(Committee) discuss that submission and written response with a view to further understanding the matter raised in the submission and, as appropriate, to consider whether the matter could benefit from cooperative activities.

5. At its first meeting, the Committee shall establish procedures for discussing submissions and responses that are referred to it by a Party. These procedures may provide for the use of experts or existing institutional bodies to develop a report for the Committee comprised of information based on facts relevant to the matter.

6. No later than three years after the date of entry into force of this Agreement, and thereafter as decided by the Parties, the Committee shall prepare a written report for the Commission on the implementation of this Article. For the purposes of preparing this report, each Party shall provide a written summary regarding its implementation activities under this Article.

Article 20.10: Corporate Social Responsibility

Each Party should encourage enterprises operating within its territory or jurisdiction, to adopt voluntarily, into their policies and practices, principles of corporate social responsibility that are related to the environment, consistent with internationally recognised standards and guidelines that have been endorsed or are supported by that Party.

Article 20.11: Voluntary Mechanisms to Enhance Environmental Performance

1. The Parties recognise that flexible, voluntary mechanisms, for example, voluntary auditing and reporting, market-based incentives, voluntary sharing of information and expertise, and public-private partnerships, can contribute to the achievement and maintenance of high levels of environmental protection and complement domestic regulatory measures. The Parties also recognise that those mechanisms should be designed in a manner that maximises their environmental benefits and avoids the creation of unnecessary barriers to trade.

2. Therefore, in accordance with its laws, regulations or policies and to the extent it considers appropriate, each Party shall encourage:

- (a) the use of flexible and voluntary mechanisms to protect natural resources and the environment in its territory; and
- (b) its relevant authorities, businesses and business organisations, non-governmental organisations and other interested persons involved in the development of criteria used to evaluate environmental performance, with respect to these voluntary mechanisms, to continue to develop and improve such criteria.

步理解该书面意见中所提事项，并酌情考虑该事项能否得益于合作活动。

5. 在其首次会议上，委员会应制定对一缔约方提交其书面意见和答复进行讨论的程序。这些程序可规定使用专家或现行制度性机构向委员会提交一份报告，报告由与该事项相关事实的信息组成。

6. 不迟于本协定生效之日后 3 年，及此后按缔约方所决定的，委员会应就本条的实施情况向自贸协定委员会提交一份书面报告。为起草该报告，每一缔约方应提交关于其在本条下实施活动的书面摘要。

第 20.10 条 企业社会责任

每一缔约方应鼓励在其领土或管辖权范围内开展经营的企业在其政策和实践中自愿采取与环境相关的企业社会责任原则，并与该缔约方赞成或支持的国际公认标准和指南相一致。

第 20.11 条 提高环境绩效的自愿性机制

1. 缔约方认识到，灵活的自愿性机制，例如自愿审计和报告、基于市场的激励措施、自愿分享信息和专门知识以及公私合作关系，可有助于实现和维持高水平的环境保护，并对国内监管措施形成补充。缔约方还认识到，这些机制的设计应使其环境收益最大化，同时避免对贸易构成不必要的障碍。

2. 因此，依照其法律、法规或政策并在其认为适当的限度内，每一缔约方应鼓励：

- (a) 使用灵活的自愿性机制以保护其领土内的自然资源和环境；及
- (b) 参与制定用于评估这些自愿性机制环境绩效标准的该缔约方相关主管机关、企业和商业组织、非政府组织和其他利害关系人继续制定和改善此类标准。

3. Further, if private sector entities or non-governmental organisations develop voluntary mechanisms for the promotion of products based on their environmental qualities, each Party should encourage those entities and organisations to develop voluntary mechanisms that, among other things:

- (a) are truthful, are not misleading and take into account scientific and technical information;
- (b) if applicable and available, are based on relevant international standards, recommendations or guidelines, and best practices;
- (c) promote competition and innovation; and
- (d) do not treat a product less favourably on the basis of origin.

Article 20.12: Cooperation Frameworks

1. The Parties recognise the importance of cooperation as a mechanism to implement this Chapter, to enhance its benefits and to strengthen the Parties' joint and individual capacities to protect the environment and to promote sustainable development as they strengthen their trade and investment relations.

2. Taking account of their national priorities and circumstances, and available resources, the Parties shall cooperate to address matters of joint or common interest among the participating Parties related to the implementation of this Chapter, when there is mutual benefit from that cooperation. This cooperation may be carried out on a bilateral or plurilateral basis between Parties and, subject to consensus by the participating Parties, may include non-governmental bodies or organisations and non-Parties to this Agreement.

3. Each Party shall designate the authority or authorities responsible for cooperation related to the implementation of this Chapter to serve as its national contact point on matters that relate to coordination of cooperation activities and shall notify the other Parties in writing within 90 days of the date of entry into force of this Agreement for that Party of its contact point. On notifying the other Parties of its contact point, or at any time thereafter through the contact points, a Party may:

- (a) share its priorities for cooperation with the other Parties, including the objectives of that cooperation; and
- (b) propose cooperation activities related to the implementation of this Chapter to another Party or Parties.

3. 此外，如私营实体或非政府组织制定基于环境质量进行产品推广的自愿性机制，则每一缔约方应鼓励这些实体和组织制定具有下列特点的自愿性机制：

- (a) 真实、不具误导性并考虑科技信息；
- (b) 如适用且可获得，根据相关国际标准、建议或指南以及最佳实践；
- (c) 促进竞争和创新；以及
- (d) 不根据原产地而给予一产品不利待遇。

第 20.12 条 合作框架

1. 缔约方认识到合作作为一项机制对实施本章、提高本章的利益以及增强缔约方共同和各自保护环境、促进可持续发展能力的重要性，如同增强其贸易和投资关系一样。

2. 考虑到各自国家的优先事项和情况以及可获得的资源，如可从合作中获益，则缔约方应合作处理参与合作的缔约方与本章实施相关的具有共同利益的事项。这一合作可在缔约方之间的双边或诸边基础上进行，经参与合作的缔约方协商一致，可包括非政府机构或组织以及非本协定缔约方。

3. 每一缔约方应指定负责与本章实施相关的合作的一个或多个主管机关作为协调合作活动相关事项的国家联络点，并应在本协定对该缔约方生效之日起 90 天内以书面形式将其联络点通知其他缔约方。在将其联络点通知其他缔约方时，或在此后任意时间通过该联络点，一缔约方可：

- (a) 与其他缔约方分享其合作优先事项，包括该合作的目标；及
- (b) 向另一个或多个缔约方提议与本章实施相关的合作活动。

4. When possible and appropriate, the Parties shall seek to complement and use their existing cooperation mechanisms and take into account relevant work of regional and international organisations.

5. Cooperation may be undertaken through various means including: dialogues, workshops, seminars, conferences, collaborative programmes and projects; technical assistance to promote and facilitate cooperation and training; the sharing of best practices on policies and procedures; and the exchange of experts.

6. In developing cooperative activities and programmes, a Party shall, if relevant, identify performance measures and indicators to assist in examining and evaluating the efficiency, effectiveness and progress of specific cooperative activities and programmes and share those measures and indicators, as well as the outcome of any evaluation during or following the completion of a cooperative activity or programme, with the other Parties.

7. The Parties, through their contact points for cooperation, shall periodically review the implementation and operation of this Article and report their findings, which may include recommendations, to the Committee to inform its review under Article 20.19(3)(c) (Environment Committee and Contact Points). The Parties, through the Committee, may periodically evaluate the necessity of designating an entity to provide administrative and operational support for cooperative activities. If the Parties decide to establish such an entity, the Parties shall agree on the funding of the entity on a voluntary basis to support the entity's operation.

8. Each Party shall promote public participation in the development and implementation of cooperative activities, as appropriate. This may include activities such as encouraging and facilitating direct contacts and cooperation among relevant entities and the conclusion of arrangements among them for the conduct of cooperative activities under this Chapter.

9. Where a Party has defined the environmental laws under Article 20.1 (Definitions) to include only laws at the central level of government (first Party), and where another Party (second Party) considers that an environmental law at the sub-central level of government of the first Party is not being effectively enforced by the relevant sub-central government through a sustained or recurring course of action or inaction in a manner affecting trade or investment between the Parties, the second Party may request a dialogue with the first Party. The request shall contain information that is specific and sufficient to enable the first Party to evaluate the matter at issue and an indication of how the matter is negatively affecting trade or investment of the second Party.

10. All cooperative activities under this Chapter are subject to the availability of funds and of human and other resources, and to the applicable laws and regulations

4. 在可能且适当时，缔约方应寻求补充和使用其现有合作机制，并考虑区域和国际组织的相关工作。
5. 合作可通过多种方式开展，包括：对话、讲习班、研讨会、会议、合作计划和项目；促进和便利合作和培训的技术援助；政策和程序最佳实践共享；以及专家交流。
6. 在制定合作活动和计划时，一缔约方应，如相关，确定绩效衡量和指标以帮助审查和评估具体合作活动和计划的效率、效果和进展，并在合作活动或计划进行过程中或结束后与其他缔约方分享此类衡量和指标以及任何评估的结果。
7. 缔约方通过其合作联络点，应定期审议本条的实施和运用，并向委员会报告可包括建议在内的调查结果，为委员会开展第 20.19.3 条(c)项(环境委员会和联络点)下的审议提供信息。缔约方通过委员会，可定期评估指定一实体为合作活动提供管理和运营支持的必要性。如缔约方决定设立此种实体，则缔约方应就该实体的资金在自愿基础上达成一致以支持该实体的运营。
8. 每一缔约方应酌情促进公众参与合作活动的制定和实施。这可包括鼓励和便利相关实体之间直接联系和合作及在相关实体之间为开展本章下的合作活动达成有关安排。
9. 如一缔约方已将第 20.1 条(定义)下的环境法律定义为仅包含中央政府的环境法律(第一缔约方)，而如另一缔约方(第二缔约方)认为，第一缔约方次中央政府的一环境法律通过一种持续或反复的作为或不作为未能由相关次中央政府有效执行且影响缔约方之间的贸易或投资，则第二缔约方可请求与第一缔约方进行对话。该请求应包含具体而充分的信息，使第一缔约方能够评估争议事项，还应表明该事项如何消极影响第二缔约方的贸易或投资。
10. 本章下的所有合作活动取决于资金、人力和其他资源的可获得性，并应遵守参与合作的缔约方的适用法律法规。参与合作的

of the participating Parties. The participating Parties shall decide, on a case-by-case basis, the funding of cooperative activities.

Article 20.13: Trade and Biodiversity

1. The Parties recognise the importance of conservation and sustainable use of biological diversity and their key role in achieving sustainable development.
2. Accordingly, each Party shall promote and encourage the conservation and sustainable use of biological diversity, in accordance with its law or policy.
3. The Parties recognise the importance of respecting, preserving and maintaining knowledge and practices of indigenous and local communities embodying traditional lifestyles that contribute to the conservation and sustainable use of biological diversity.
4. The Parties recognise the importance of facilitating access to genetic resources within their respective national jurisdictions, consistent with each Party's international obligations. The Parties further recognise that some Parties require, through national measures, prior informed consent to access such genetic resources in accordance with national measures and, where such access is granted, the establishment of mutually agreed terms, including with respect to sharing of benefits from the use of such genetic resources, between users and providers.
5. The Parties also recognise the importance of public participation and consultation, in accordance with their respective law or policy, in the development and implementation of measures concerning the conservation and sustainable use of biological diversity. Each Party shall make publicly available information about its programmes and activities, including cooperative programmes, related to the conservation and sustainable use of biological diversity.
6. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest. Cooperation may include, but is not limited to, exchanging information and experiences in areas related to:
 - (a) the conservation and sustainable use of biological diversity;
 - (b) the protection and maintenance of ecosystems and ecosystem services; and
 - (c) access to genetic resources and the sharing of benefits arising from their utilisation.

Article 20.14: Invasive Alien Species

1. The Parties recognise that the movement of terrestrial and aquatic invasive alien species across borders through trade-related pathways can adversely affect

缔约方应逐案决定合作活动的资金。

第 20.13 条 贸易和生物多样性

1. 缔约方认识到保护和可持续利用生物多样性的重要性及其在实现可持续发展中的关键作用。
2. 因此，每一缔约方应依照其法律或政策，促进和鼓励生物多样性的保护和可持续利用。
3. 缔约方认识到尊重、保留和维持土著和本地群落的知识和惯例的重要性，其体现的传统生活方式有助于生物多样性的保护和可持续利用。
4. 缔约方认识到在与每一缔约方的国际义务相一致的情况下，便利其各自国家管辖权内遗传资源的获取的重要性。缔约方进一步认识到，一些缔约方通过国家措施，要求获取此类遗传资源应依照国家措施取得事先知情同意，且如此项获取获得批准，要求确定双方同意的条件，包括关于在使用者和提供者之间分享利用该类遗传资源所获利益。
5. 缔约方还认识到，依照其各自法律或政策进行的公众参与和协商在制定和实施有关生物多样性保护和可持续利用措施过程中的重要性。每一缔约方应公开提供与生物多样性保护和可持续利用相关的计划和活动，包括合作计划的信息。
6. 在与第 20.12 条(合作框架)相一致的情况下，缔约方应合作以处理具有共同利益的问题。合作可包括但不限于与下列各项相关领域的信息和经验交流：
 - (a) 生物多样性保护和可持续利用；
 - (b) 生态系统的保护和维护及生态系统服务；以及
 - (c) 遗传资源的获取及分享自其利用中所产生的利益。

第 20.14 条 外来入侵物种

1. 缔约方认识到，陆生和水生的外来入侵物种通过与贸易有关的途径跨越边界迁移，会对环境、经济活动和发展以及人类健

the environment, economic activities and development, and human health. The Parties also recognise that the prevention, detection, control and, when possible, eradication, of invasive alien species are critical strategies for managing those adverse impacts.

2. Accordingly, the Committee shall coordinate with the Committee on Sanitary and Phytosanitary Measures established under Article 7.5 (Committee on Sanitary and Phytosanitary Measures) to identify cooperative opportunities to share information and management experiences on the movement, prevention, detection, control and eradication of invasive alien species, with a view to enhancing efforts to assess and address the risks and adverse impacts of invasive alien species.

Article 20.15: Transition to a Low Emissions and Resilient Economy

1. The Parties acknowledge that transition to a low emissions economy requires collective action.

2. The Parties recognise that each Party's actions to transition to a low emissions economy should reflect domestic circumstances and capabilities and, consistent with Article 20.12 (Cooperation Frameworks), Parties shall cooperate to address matters of joint or common interest. Areas of cooperation may include, but are not limited to: energy efficiency; development of cost-effective, low emissions technologies and alternative, clean and renewable energy sources; sustainable transport and sustainable urban infrastructure development; addressing deforestation and forest degradation; emissions monitoring; market and non-market mechanisms; low emissions, resilient development and sharing of information and experiences in addressing this issue. Further, the Parties shall, as appropriate, engage in cooperative and capacity-building activities related to transitioning to a low emissions economy.

Article 20.16: Marine Capture Fisheries¹⁰

1. The Parties acknowledge their role as major consumers, producers and traders of fisheries products and the importance of the marine fisheries sector to their development and to the livelihoods of their fishing communities, including artisanal or small-scale fisheries. The Parties also acknowledge that the fate of marine capture fisheries is an urgent resource problem facing the international community. Accordingly, the Parties recognise the importance of taking measures aimed at the conservation and the sustainable management of fisheries.

¹⁰ For greater certainty, this Article does not apply with respect to aquaculture.

康造成不利影响。缔约方还认识到，预防、检测、控制以及在可能时根除外来入侵物种是管理此类不利影响的关键策略。

2. 因此，委员会应与根据第 7.5 条(卫生与植物卫生措施委员会)设立的卫生与植物卫生措施委员会进行协调，确定合作机会以分享与外来入侵物种的迁移、预防、检测、控制和根除相关的信息和管理经验，以期加强努力以评估和处理外来入侵物种的风险和不利影响。

第 20.15 条 向低排放和具有韧性的经济转变

1. 缔约方承认向低排放经济转变需要集体行动。

2. 缔约方认识到每一缔约方向低排放经济转变的行动应反映国内情况和能力，并与第 20.12 条(合作框架)相一致，缔约方应合作以处理具有共同利益的事项。合作领域可包括但不限于：能源效率；具有成本效益的低排放技术及替代性清洁和可再生能源资源的开发；可持续交通和可持续城市基础设施的发展；森林砍伐和森林退化问题的处理；排放监测；市场和非市场机制；低排放、适应型发展并就该问题的处理分享信息和经验。此外，缔约方应酌情开展与向低排放经济转变相关的合作和能力建设活动。

第 20.16 条 海洋捕捞渔业¹⁰

1. 缔约方承认其作为渔业产品主要消费者、生产者和贸易者的作用，并承认海洋渔业部门对其发展及对包括个体或小规模渔业在内的捕鱼业者生计的重要性。缔约方还承认海洋捕捞渔业的命运是国际社会面临的紧迫资源问题。因此，缔约方认识到采取旨在渔业保护和实现渔业可持续管理的措施的重要性。

¹⁰ 为进一步明确，本条不适用于水产养殖。

2. In this regard, the Parties acknowledge that inadequate fisheries management, fisheries subsidies that contribute to overfishing and overcapacity, and illegal, unreported and unregulated (IUU) fishing¹¹ can have significant negative impacts on trade, development and the environment and recognise the need for individual and collective action to address the problems of overfishing and unsustainable utilisation of fisheries resources.

3. Accordingly, each Party shall seek to operate a fisheries management system that regulates marine wild capture fishing and that is designed to:

- (a) prevent overfishing and overcapacity;
- (b) reduce bycatch of non-target species and juveniles, including through the regulation of fishing gear that results in bycatch and the regulation of fishing in areas where bycatch is likely to occur; and
- (c) promote the recovery of overfished stocks for all marine fisheries in which that Party's persons conduct fishing activities.

Such a management system shall be based on the best scientific evidence available and on internationally recognised best practices for fisheries management and conservation as reflected in the relevant provisions of international instruments aimed at ensuring the sustainable use and conservation of marine species.¹²

4. Each Party shall promote the long-term conservation of sharks, marine turtles, seabirds, and marine mammals, through the implementation and effective enforcement of conservation and management measures. Such measures should include, as appropriate:

- (a) for sharks: the collection of species specific data, fisheries bycatch mitigation measures, catch limits, and finning prohibitions; and

¹¹ The term "illegal, unreported and unregulated fishing" is to be understood to have the same meaning as paragraph 3 of the *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (2001 IUU Fishing Plan of Action) of the UN Food and Agricultural Organisation (FAO), adopted in Rome, 2001.

¹² These instruments include, among others, and as they may apply, UNCLOS, the *United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*, done at New York, December 4, 1995 (UN Fish Stocks Agreement), the *FAO Code of Conduct for Responsible Fisheries*, the 1993 *FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas*, (Compliance Agreement) done at Rome, November 24, 1993 and the 2001 IUU Fishing Plan of Action.

2. 在此方面，缔约方承认，渔业管理不足、造成过度捕捞和捕捞能力过剩的渔业补贴以及非法、不报告和不管制(IUU)捕捞¹¹会对贸易、发展和环境造成重大消极影响，并认识到有必要采取单独和集体行动，以处理过度捕捞和渔业资源不可持续利用的问题。

3. 因此，每一缔约方应寻求实施一套规范海洋野生鱼类捕捞的渔业管理系统，此系统旨在：

- (a) 防止过度捕捞和捕捞能力过剩；
- (b) 减少对非目标物种和幼鱼的兼捕，包括通过管制会造成兼捕的渔具和管制在容易发生兼捕的区域的捕捞行为；以及
- (c) 促进缔约方的人从事捕捞活动的所有海洋渔业中被过度捕捞种群的恢复。

此管理系统应根据可获得的最佳科学证据及国际公认的渔业管理和保护最佳实践，此类实践反映在旨在保证对海洋物种可持续利用和保护的国际文件相关条款中。¹²

4. 每一缔约方应通过执行和有效实施保护和管理措施，促进对鲨鱼、海龟、海鸟和海洋哺乳类动物的长期保护。此类措施应酌情包括：

- (a) 对于鲨鱼：收集物种特异性数据、减少渔业兼捕的措施、捕捉限额以及禁止活体割取鱼鳍；及

¹¹ “非法、不报告和不管制捕捞”一词应理解为具有与联合国粮食及农业组织(FAO)2001年在罗马通过的《关于预防、制止和消除非法、不报告和不管制捕捞的国际行动计划》(《2001非法、不报告和不管制捕捞行动计划》)第3款相同的含义。

¹² 这些文件除其他外特别包括，且在可能适用的情况下，《联合国海洋法公约》、1995年12月4日订于纽约的《执行1982年12月联合国海洋法公约有关养护和管理跨界鱼类种群和高度洄游鱼类种群的规定的协定》(《联合国鱼类种群协定》)、联合国粮食及农业组织《负责任渔业行为守则》、1993年11月24日订于罗马的联合国粮食及农业组织《促进公海渔船遵守国际养护和管理措施的协定》(遵守协定)以及《2011非法、不报告和不管制捕捞行动计划》。

- (b) for marine turtles, seabirds, and marine mammals: fisheries bycatch mitigation measures, conservation and relevant management measures, prohibitions, and other measures in accordance with relevant international agreements to which the Party is party.

5. The Parties recognise that the implementation of a fisheries management system that is designed to prevent overfishing and overcapacity and to promote the recovery of overfished stocks must include the control, reduction and eventual elimination of all subsidies that contribute to overfishing and overcapacity. To that end, no Party shall grant or maintain any of the following subsidies¹³ within the meaning of Article 1.1 of the SCM Agreement that are specific within the meaning of Article 2 of the SCM Agreement:

- (a) subsidies for fishing¹⁴ that negatively affect¹⁵ fish stocks that are in an overfished¹⁶ condition; and
- (b) subsidies provided to any fishing vessel¹⁷ while listed by the flag State or a relevant Regional Fisheries Management Organisation or Arrangement for IUU fishing in accordance with the rules and procedures of that organisation or arrangement and in conformity with international law.

6. Subsidy programmes that are established by a Party before the date of entry into force of this Agreement for that Party and which are inconsistent with paragraph 5(a) shall be brought into conformity with that paragraph as soon as

¹³ For the purposes of this Article, a subsidy shall be attributable to the Party conferring it, regardless of the flag of the vessel involved or the application of rules of origin to the fish involved.

¹⁴ For the purposes of this paragraph, “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.

¹⁵ The negative effect of such subsidies shall be determined based on the best scientific evidence available.

¹⁶ For the purposes of this Article, a fish stock is overfished if the stock is at such a low level that mortality from fishing needs to be restricted to allow the stock to rebuild to a level that produces maximum sustainable yield or alternative reference points based on the best scientific evidence available. Fish stocks that are recognised as overfished by the national jurisdiction where the fishing is taking place or by a relevant Regional Fisheries Management Organisation shall also be considered overfished for the purposes of this paragraph.

¹⁷ The term “fishing vessels” refers to any vessel, ship or other type of boat used for, equipped to be used for, or intended to be used for fishing or fishing related activities.

- (b) 对于海龟、海鸟和海洋哺乳动物：减少渔业兼捕的措施、保护和相关管理措施、禁止性措施以及依照缔约方参加的相关国际协定采取的其他措施。

5. 缔约方认识到，旨在防止过度捕捞和捕捞能力过剩及促进被过度捕捞物种恢复的渔业管理系统的实施，必须包括控制、减少和最终消除所有造成过度捕捞和捕捞能力过剩的补贴。为此，任何缔约方不得发放或维持下列属《补贴与反补贴措施协定》第1条第1款范围内且具有该协定第2条范围内专向性的补贴¹³：

- (a) 向对处于过度捕捞¹⁶状况的鱼类种群造成消极影响¹⁵的捕捞¹⁴所提供的补贴；及
- (b) 向被船旗国或管理 IUU 捕捞的区域性渔业管理组织或安排依照该组织或安排的规则和程序并在符合国际法的情况下予以登录的任何渔船¹⁷提供的补贴。

6. 一缔约方在本协定对该缔约方生效之日前设立的不符合第5款(a)项的补贴，应尽快且在不迟于本协定对该缔约方生效

¹³ 就本条而言，一补贴应归于给予补贴的缔约方，与所涉船旗或所涉鱼类的原产地规则适用无关。

¹⁴ 就本款而言，“捕捞”指搜寻、诱集、定位、捕捉、获取或收获鱼类或可被合理预期导致诱集、定位、捕捉、获取或收获鱼类的任何活动。

¹⁵ 此类补贴的消极影响应根据最佳可获科学证据确定。

¹⁶ 就本款而言，鱼类种群过度捕捞指鱼类种群处在一很低水平因此应限制捕捞造成的死亡率，以允许鱼类种群恢复至可产生最大持续产量或根据最佳可获科学证据的其他替代参照点。由捕捞发生地的国内管辖权认定的或由相关区域性渔业管理组织认定的鱼类种群过度捕捞也应被视为就本款而言的过度捕捞。

¹⁷ “渔船”一词指用于、装备好以用于、有意用于从事捕捞或与捕捞相关的活动的任何轮船、大船或其他类型的小船。

possible and no later than three years¹⁸ of the date of entry into force of this Agreement for that Party.

7. In relation to subsidies that are not prohibited by paragraph 5(a) or 5(b), and taking into consideration a Party's social and developmental priorities, including food security concerns, each Party shall make best efforts to refrain from introducing new, or extending or enhancing existing, subsidies within the meaning of Article 1.1 of the SCM Agreement, to the extent they are specific within the meaning of Article 2 of the SCM Agreement, that contribute to overfishing or overcapacity.

8. With a view to achieving the objective of eliminating subsidies that contribute to overfishing and overcapacity, the Parties shall review the disciplines in paragraph 5 at regular meetings of the Committee.

9. Each Party shall notify the other Parties, within one year of the date of entry into force of this Agreement for it and every two years thereafter, of any subsidy within the meaning of Article 1.1 of the SCM Agreement that is specific within the meaning of Article 2 of the SCM Agreement, that the Party grants or maintains to persons engaged in fishing or fishing related activities.

10. These notifications shall cover subsidies provided within the previous two-year period and shall include the information required under Article 25.3 of the SCM Agreement and, to the extent possible, the following information:¹⁹

- (a) programme name;
- (b) legal authority for the programme;
- (c) catch data by species in the fishery for which the subsidy is provided;

¹⁸ Notwithstanding this paragraph, and solely for the purpose of completing a stock assessment that it has already initiated, Viet Nam may request an extension of two additional years to bring any subsidy programmes into conformity with Article 20.16.5(a) (Marine Capture Fisheries) by providing a written request to the Committee no later than six months before the expiry of the three-year period provided for in this paragraph. Viet Nam's request shall include the reason for the requested extension and the information about its subsidy programmes as provided for in Article 20.16.10. Viet Nam may avail itself of this one-time extension upon providing a request in accordance with this footnote unless the Committee decides otherwise within 60 days of receiving the request. No later than the date on which the additional two-year period expires, Viet Nam shall provide to the Committee in writing a report on the measures it has taken to fulfil its obligation under Article 20.16.5(a).

¹⁹ Sharing information and data on existing fisheries subsidy programmes does not prejudice their legal status, effects or nature under the GATT 1994 or the SCM Agreement and is intended to complement WTO data reporting requirements.

之日后 3 年¹⁸使其符合该款。

7. 对于未被第 5 款(a)项或第 5 款(b)项禁止的补贴，考虑到一缔约方的社会和发展优先事项，包括粮食安全关注，每一缔约方应尽最大努力避免引入新的或延长或加强现行导致过度捕捞或捕捞能力过剩的属《补贴与反补贴措施协定》第 1 条第 1 款范围内且具有该协定第 2 条范围内专向性的补贴。

8. 为实现消除导致过度捕捞和捕捞能力过剩的补贴这一目标，缔约方应在委员会的例会中对第 5 款中的纪律进行审议。

9. 每一缔约方应在本协定对其生效之日后 1 年内及此后每 2 年，向其他缔约方通知其对渔业或渔业相关活动从业者发放或维的属《补贴与反补贴措施协定》第 1 条第 1 款范围内且具有该协定第 2 条范围内专向性的补贴。

10. 这些通知应涵盖前两年期内给予的补贴，且应包括《补贴与反补贴措施协定》第 25 条第 3 款下要求的信息，并在可能的限度内提供下列信息：¹⁹

- (a) 计划名称；
- (b) 计划的法定主管机关；
- (c) 给予补贴的渔场分品种捕捞数据；

¹⁸ 尽管有本款，但是仅为完成其已启动的种群评估的目的，越南可通过在不迟于本款中所规定的 3 年期限期满前 6 个月向委员会提出书面请求申请额外 2 年将任何补贴计划符合第 20.16.5 条(a)项(海洋捕捞渔业)。越南的请求应包含提出请求延期的理由和按第 20.16.10 条所规定的关于其补贴计划的信息。越南可依照本脚注通过提交请求而使用该一次性延期，除非委员会在收到该请求 60 天内作出其他决定。不迟于该额外 2 年期限期满之日，越南应向委员会提交一份关于其为履行其在第 20.16.5 条(a)项下的义务而采取措施的报告。

¹⁹ 分享关于现行渔业补贴计划的信息和数据不预判其在《1994 年关税与贸易总协定》或《补贴与反补贴措施协定》项下的法律地位、影响或性质，而旨在补充 WTO 的数据报告要求。

- (d) status of the fish stocks in the fishery for which the subsidy is provided (for example, overexploited, depleted, fully exploited, recovering or underexploited);
- (e) fleet capacity in the fishery for which the subsidy is provided;
- (f) conservation and management measures in place for the relevant fish stock; and
- (g) total imports and exports per species.

11. Each Party shall also provide, to the extent possible, information in relation to other fisheries subsidies that the Party grants or maintains that are not covered by paragraph 5, in particular fuel subsidies.

12. A Party may request additional information from the notifying Party regarding the notifications under paragraphs 9 and 10. The notifying Party shall respond to that request as quickly as possible and in a comprehensive manner.

13. The Parties recognise the importance of concerted international action to address IUU fishing as reflected in regional and international instruments²⁰ and shall endeavour to improve cooperation internationally in this regard, including with and through competent international organisations.

14. In support of efforts to combat IUU fishing practices and to help deter trade in products from species harvested from those practices, each Party shall:

- (a) cooperate with other Parties to identify needs and to build capacity to support the implementation of this Article;
- (b) support monitoring, control, surveillance, compliance and enforcement systems, including by adopting, reviewing, or revising, as appropriate measures to:
 - (i) deter vessels that are flying its flag and its nationals from engaging in IUU fishing activities; and
 - (ii) address the transshipment at sea of fish or fish products caught through IUU fishing activities;

²⁰ Regional and international instruments include, among others, and as they may apply, the 2001 IUU Fishing Plan of Action, the *2005 Rome Declaration on IUU Fishing*, adopted in Rome on March 12, 2005, the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, done at Rome, November 22, 2009, as well as instruments establishing and adopted by Regional Fisheries Management Organisations, which are defined as intergovernmental fisheries organisations or arrangements, as appropriate, that have the competence to establish conservation and management measures.

- (d) 给予补贴的渔场的鱼类种群状况(例如过度开发、耗尽、完全开发、恢复中或开发不足);
- (e) 给予补贴的渔场的船队捕捞能力;
- (f) 对相关鱼类种群采取的保护和管理措施; 以及
- (g) 每一物种的总进口和总出口。

11. 每一缔约方还应在可能的限度内提供其发放或维持的第 5 款未涵盖的其他渔业补贴信息, 特别是燃油补贴。

12. 一缔约方可请求作出通报的缔约方提供与第 9 款和第 10 款下通知相关的额外信息。作出通知的缔约方应尽快全面答复此要求。

13. 缔约方认识到国际协同行动对处理 IUU 捕捞的重要性, 此点也反映在区域和国际文件²⁰中, 同时应努力加强在此方面的国际合作, 包括与相关国际组织或通过此类国际组织开展合作。

14. 为支持打击 IUU 捕捞行为的努力, 并有助于遏制来自此类行为所捕获物种的产品贸易, 每一缔约方应:

- (a) 与其他缔约方合作, 以确定需求并为支持本条的实施进行能力建设;
- (b) 支持监测、控制、监督、遵守和执行体系, 包括通过酌情采取、审议或修改措施以:
 - (i) 制止悬挂其国旗的船只和国民从事 IUU 捕捞行为; 及
 - (ii) 处理 IUU 捕捞所获鱼类或鱼类产品的海上转运;

²⁰ 区域和国际文件除其他外特别包括, 且在可适用的情况下, 《2011 非法、不报告和不管制捕捞行动计划》、2005 年 3 月 12 日在罗马通过的《2005 非法、不报告和不管制捕捞罗马宣言》、2009 年 11 月 22 日订于罗马的《关于预防、制止和消除非法、不报告、不管制捕捞的港口国措施协定》以及区域性渔业管理组织制定和采用的文件, 区域性渔业管理组织酌情定义为具有制定保护和管理措施职能的政府间渔业组织或安排。

- (c) implement port State measures;
- (d) strive to act consistently with relevant conservation and management measures adopted by Regional Fisheries Management Organisations of which it is not a member so as not to undermine those measures; and
- (e) endeavour not to undermine catch or trade documentation schemes operated by Regional Fisheries Management Organisations or Arrangements or an intergovernmental organisation whose scope includes the management of shared fisheries resources, including straddling and highly migratory species, where that Party is not a member of those organisations or arrangements.

15. Consistent with Article 26.2.2 (Publication), a Party shall, to the extent possible, provide other Parties the opportunity to comment on proposed measures that are designed to prevent trade in fisheries products that results from IUU fishing.

Article 20.17: Conservation and Trade

1. The Parties affirm the importance of combating the illegal take²¹ of, and illegal trade in, wild fauna and flora, and acknowledge that this trade undermines efforts to conserve and sustainably manage those natural resources, has social consequences, distorts legal trade in wild fauna and flora, and reduces the economic and environmental value of these natural resources.

2. Accordingly, each Party shall adopt, maintain and implement laws, regulations and any other measures to fulfil its obligations under the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES).^{22, 23, 24}

²¹ The term “take” means captured, killed or collected and with respect to a plant, also means harvested, cut, logged or removed.

²² For the purposes of this Article, a Party’s CITES obligations include existing and future amendments to which it is a Party and any existing and future reservations, exemptions, and exceptions applicable to it.

²³ To establish a violation of this paragraph, a Party must demonstrate that the other Party has failed to adopt, maintain or implement laws, regulations or other measures to fulfil its obligations under CITES in a manner affecting trade or investment between the Parties.

²⁴ If a Party considers that another Party is failing to comply with its obligations under this paragraph, it shall endeavour, in the first instance, to address the matter through a consultative or other procedure under CITES.

- (c) 实施港口国措施；
- (d) 尽力按照与其不是成员的区域性渔业管理组织所通过的相关保护和管理措施相一致的方式行事，从而不削弱这些措施；以及
- (e) 在该缔约方不属区域性渔业管理组织或安排的成员或不属管理范围涵盖包括跨界和高度洄游鱼类种群在内的共享渔业资源的国际政府间组织成员的情况下，努力不破坏上述组织或安排实施的捕捞或贸易证书机制。

15. 在与第 26.2.2 条(公布)相一致的情况下，一缔约方在可能的限度内向其他缔约方提供机会，以便对防止 IUU 捕捞所获渔业产品贸易的拟议措施进行评论。

第 20.17 条 保护和贸易

1. 缔约方确认打击野生动植物非法获取²¹和非法贸易的重要性，并承认此类贸易会破坏对这些自然资源进行保护和可持续管理的努力，产生社会后果，扭曲野生动植物的合法贸易，并降低这些自然资源的经济和环境价值。

2. 因此，每一缔约方应采取、维持并实施法律、法规和任何其他措施以履行其在《濒危野生动植物种国际贸易公约》(CITES) 项下的义务。^{22,23,24}

²¹ “获取”一词指捕获、杀死或收集，对于植物还指收割、切割、采伐或移除。

²² 就本条而言，一缔约方的 CITES 义务包括其作为参加方的对该公约现行或未来修正及任何现行和未来对该公约的保留、豁免和例外。

²³ 为证明对本款的违反，一缔约方必须证明另一缔约方未能采取、维持或实施法律、法规或其他措施以履行其在 CITES 项下的义务，从而影响缔约方之间的贸易或投资。

²⁴ 如一缔约方认为另一缔约方未能遵守其在本款下的义务，则该缔约方应首先努力通过 CITES 项下的磋商或其他程序处理该事项。

3. The Parties commit to promote conservation and to combat the illegal take of, and illegal trade in, wild fauna and flora. To that end, the Parties shall:

- (a) exchange information and experiences on issues of mutual interest related to combating the illegal take of, and illegal trade in, wild fauna and flora, including combating illegal logging and associated illegal trade, and promoting the legal trade in associated products;
- (b) undertake, as appropriate, joint activities on conservation issues of mutual interest, including through relevant regional and international fora; and
- (c) endeavour to implement, as appropriate, CITES resolutions that aim to protect and conserve species whose survival is threatened by international trade.

4. Each Party further commits to:

- (a) take appropriate measures to protect and conserve wild fauna and flora that it has identified to be at risk within its territory, including measures to conserve the ecological integrity of specially protected natural areas, for example wetlands;
- (b) maintain or strengthen government capacity and institutional frameworks to promote sustainable forest management and wild fauna and flora conservation, and endeavour to enhance public participation and transparency in these institutional frameworks; and
- (c) endeavour to develop and strengthen cooperation and consultation with interested non-governmental entities in order to enhance implementation of measures to combat the illegal take of, and illegal trade in, wild fauna and flora.

5. In a further effort to address the illegal take of, and illegal trade in, wild fauna and flora, including parts and products thereof, each Party shall take measures to combat, and cooperate to prevent, the trade of wild fauna and flora that, based on credible evidence²⁵, were taken or traded in violation of that Party's law or another applicable law²⁶, the primary purpose of which is to conserve,

²⁵ For greater certainty, for the purposes of this paragraph, each Party retains the right to determine what constitutes "credible evidence".

²⁶ For greater certainty, "another applicable law" means a law of the jurisdiction where the take or trade occurred and is only relevant to the question of whether the wild fauna and flora has been taken or traded in violation of that law.

3. 缔约方致力于促进野生动植物保护和打击野生动植物的非法获取和非法贸易。为此，缔约方应：

- (a) 就与打击野生动植物的非法获取和非法贸易，包括打击非法采伐及有关非法交易，及促进有关产品的合法贸易相关的具有共同利益的问题交流信息和经验；
- (b) 酌情就具有共同利益的保护问题采取联合行动，包括通过相关区域或国际场合；以及
- (c) 酌情努力实施旨在保护和保育生存受到国际贸易威胁的物种的 CITES 决议。

4. 每一缔约方进一步承诺：

- (a) 采取适当措施以保护和保育在其领土内被认定为面临危险的野生动植物，包括保护湿地等特殊自然保护区的生态完整性的措施；
- (b) 维持或增强政府能力和组织机构以促进可持续森林管理和野生动植物保护，并努力增强这些组织机构的公众参与和透明度；以及
- (c) 努力开展和加强与利害相关的非政府实体之间的合作和协商，以增强打击野生动植物非法获取和非法贸易措施的实施力度。

5. 为进一步处理野生动植物，包括其部分和产品的非法获取和非法贸易问题，每一缔约方应采取措施打击并合作阻止野生动植物贸易，如据可靠证据²⁵此类野生动植物的获取或贸易违反该缔约方旨在保育、保护或管理野生动植物的法律或另一适用法律²⁶。

²⁵ 为进一步明确，就本条而言，每一缔约方保留确定构成“可靠证据”内容的权利。

²⁶ 为进一步明确，“另一适用法律”指获取或贸易发生地的法律，且仅与野生动植物的获取或贸易是否违反该法律的情况相关。

protect, or manage wild fauna or flora. Such measures shall include sanctions, penalties, or other effective measures, including administrative measures, that can act as a deterrent to such trade. In addition, each Party shall endeavour to take measures to combat the trade of wild fauna and flora transhipped through its territory that, based on credible evidence, were illegally taken or traded.

6. The Parties recognise that each Party retains the right to exercise administrative, investigatory and enforcement discretion in its implementation of paragraph 5, including by taking into account in relation to each situation the strength of the available evidence and the seriousness of the suspected violation. In addition, the Parties recognise that in implementing paragraph 5, each Party retains the right to make decisions regarding the allocation of administrative, investigatory and enforcement resources.

7. In order to promote the widest measure of law enforcement cooperation and information sharing between the Parties to combat the illegal take of, and illegal trade in, wild fauna and flora, the Parties shall endeavour to identify opportunities, consistent with their respective law and in accordance with applicable international agreements, to enhance law enforcement cooperation and information sharing, for example by creating and participating in law enforcement networks.

Article 20.18: Environmental Goods and Services

1. The Parties recognise the importance of trade and investment in environmental goods and services as a means of improving environmental and economic performance and addressing global environmental challenges.

2. The Parties further recognise the importance of this Agreement to promoting trade and investment in environmental goods and services in the free trade area.

3. Accordingly, the Committee shall consider issues identified by a Party or Parties related to trade in environmental goods and services, including issues identified as potential non-tariff barriers to that trade. The Parties shall endeavour to address any potential barriers to trade in environmental goods and services that may be identified by a Party, including by working through the Committee and in conjunction with other relevant committees established under this Agreement, as appropriate.

4. The Parties may develop bilateral and plurilateral cooperative projects on environmental goods and services to address current and future global trade-related environmental challenges.

此类措施应包括制裁、处罚或其他能够阻止此种贸易的有效措施，包括行政措施。此外，每一缔约方应努力采取措施打击经过其领土转运的、据可靠证据属非法获取或非法贸易的野生动植物贸易。

6. 缔约方认识到每一缔约方在实施第 5 款时保留行使行政、调查和执行自由裁量权的权利，包括考虑与每种情况相关的可获证据的强度和涉嫌违法行为的严重程度。此外，缔约方认识到在实施第 5 款时，每一缔约方保留作出关于行政、调查和执行资源分配决定的权利。

7. 为促进缔约方之间关于打击野生动植物非法获取和非法贸易的最广泛的执法合作和信息共享，缔约方应努力确定符合各自法律和适用的国际协定的机会，以加强执法合作和信息共享，例如创建和参与执法网络。

第 20.18 条 环境产品和服务

1. 缔约方认识到环境产品和服务的贸易和投资作为改善环境和经济表现及应对全球环境挑战的方法的重要性。

2. 缔约方进一步认识到本协定对于促进本自由贸易区内的环境产品和服务的贸易和投资的重要性。

3. 因此，委员会应考虑一个或多个缔约方确定的与环境产品贸易和服务贸易相关的问题，包括被确定为对该贸易形成潜在非关税壁垒的问题。缔约方应努力处理一缔约方可能确定的环境产品和服务的任何潜在贸易壁垒，包括通过委员会开展工作或酌情与本协定项下设立的其他相关委员会协作。

4. 缔约方可制定与环境产品和服务相关的双边和诸边合作项目，以应对当前和未来与贸易相关的全球环境挑战。

Article 20.19: Environment Committee and Contact Points

1. Each Party shall designate and notify a contact point from its relevant authorities within 90 days of the date of entry into force of this Agreement for it, in order to facilitate communication between the Parties in the implementation of this Chapter. Each Party shall promptly notify the other Parties in the event of any change to its contact point.

2. The Parties establish an Environment Committee (Committee) composed of senior government representatives, or their designees, of the relevant trade and environment national authorities of each Party responsible for the implementation of this Chapter.

3. The purpose of the Committee is to oversee the implementation of this Chapter and its functions shall be to:

- (a) provide a forum to discuss and review the implementation of this Chapter;
- (b) provide periodic reports to the Commission regarding the implementation of this Chapter;
- (c) provide a forum to discuss and review cooperative activities under this Chapter;
- (d) consider and endeavour to resolve matters referred to it under Article 20.21 (Senior Representative Consultations);
- (e) coordinate with other committees established under this Agreement as appropriate; and
- (f) perform any other functions as the Parties may decide.

4. The Committee shall meet within one year of the date of entry into force of this Agreement. Thereafter, the Committee shall meet every two years unless the Committee agrees otherwise. The Chair of the Committee and the venue of its meetings shall rotate among each of the Parties in English alphabetical order, unless the Committee agrees otherwise.

5. All decisions and reports of the Committee shall be made by consensus, unless the Committee agrees otherwise or unless otherwise provided in this Chapter.

6. All decisions and reports of the Committee shall be made available to the public, unless the Committee agrees otherwise.

7. During the fifth year after the date of entry into force of this Agreement, the Committee shall:

第 20.19 条 环境委员会和联络点

1. 每一缔约方应在本协定对其生效之日起 90 天内，从其相关主管机关中指定一联络点并作出通知，以期便利缔约方之间就本章实施问题进行交流。如联络点发生变更，则每一缔约方应迅速通知其他缔约方。
2. 缔约方设立环境委员会(委员会)，由每一缔约方负责本章实施的相关贸易和环境国家主管机关的高级政府代表或其指定人员组成。
3. 委员会的目的为监督本章的实施，其职能应为：
 - (a) 提供讨论和审议本章实施情况的场所；
 - (b) 定期向自贸协定委员会提交关于本章实施情况的报告；
 - (c) 提供讨论和审议在本章下合作活动的场所；
 - (d) 审议并努力解决根据第 20.21 条(高级代表磋商)提交的事项；
 - (e) 酌情与本协定项下设立的其他委员会进行协调；以及
 - (f) 履行缔约方可能决定的任何其他职能。
4. 委员会应在本协定生效之日起 1 年内召开会议。此后，委员会应每 2 年召开 1 次会议，除非委员会另有议定。委员会主席和会议召开地点应按英文字母顺序在每一缔约方之间轮换，除非委员会另有议定。
5. 委员会的所有决定和报告应经协商一致作出，除非委员会另有议定或除非本章中另有规定。
6. 委员会的所有决定和报告应向公众提供，除非委员会另有议定。
7. 在本协定生效之日后第 5 年内，委员会应：

- (a) review the implementation and operation of this Chapter;
- (b) report its findings, which may include recommendations, to the Parties and the Commission; and
- (c) undertake subsequent reviews at intervals to be decided by the Parties.

8. The Committee shall provide for public input on matters relevant to the Committee's work, as appropriate, and shall hold a public session at each meeting.

9. The Parties recognise the importance of resource efficiency in the implementation of this Chapter and the desirability of using new technologies to facilitate communication and interaction between the Parties and with the public.

Article 20.20: Environment Consultations

1. The Parties shall at all times endeavour to agree on the interpretation and application of this Chapter, and shall make every effort through dialogue, consultation, exchange of information and, if appropriate, cooperation to address any matter that might affect the operation of this Chapter.

2. A Party (the requesting Party) may request consultations with any other Party (the responding Party) regarding any matter arising under this Chapter by delivering a written request to the responding Party's contact point. The requesting Party shall include information that is specific and sufficient to enable the responding Party to respond, including identification of the matter at issue and an indication of the legal basis for the request. The requesting Party shall circulate its request for consultations to the other Parties through their respective contact points.

3. A Party other than the requesting or the responding Party that considers it has a substantial interest in the matter (a participating Party) may participate in the consultations by delivering a written notice to the contact point of the requesting and responding Parties no later than seven days after the date of circulation of the request for consultations. The participating Party shall include in its notice an explanation of its substantial interest in the matter.

4. Unless the requesting and the responding Parties (the consulting Parties) agree otherwise, the consulting Parties shall enter into consultations promptly, and no later than 30 days after the date of receipt by the responding Party of the request.

- (a) 审议本章的实施和运用情况；
 - (b) 向缔约方和自贸协定委员会报告其调查结果，其中可包括建议；以及
 - (c) 按照缔约方将决定的时间间隔开展后续审议。
8. 委员会应酌情允许公众就与委员会工作相关的事项提供建议，并应在每次会议中召开一次公开会议。
9. 缔约方认识到在本章实施中资源效率的重要性及宜采用新技术以便利缔约方之间及与公众之间的交流和互动。

第 20.20 条 环境磋商

1. 缔约方应始终努力就本章的解释和适用问题达成一致，且应尽最大努力通过对话、磋商、信息交流，且如适当，通过合作以处理可能影响本章运用的任何事项。
2. 一缔约方(请求方)可通过向对方联络点递送书面请求的方式，请求与任何其他缔约方(回应方)就本章下产生的任何事项进行磋商。请求方应在其请求中包含能够使回应方作出回应的具体而充分的信息，包括确定争议事项，并表明提出请求的法律根据。请求方应通过各自联络点将其磋商请求散发其他缔约方。
3. 不属请求方或回应方的一缔约方如认为其在该事项上具有实质利益(参与缔约方)，可通过不迟于在该磋商请求散发之日起 7 天内向请求方和回应方的联络点递送书面通知以参加该磋商。参与缔约方应在其通知中包括关于其在该事项上的实质利益的说明。
4. 除非请求方和回应方(磋商方)另有议定，否则磋商方应迅速进行磋商，且不迟于回应方收到请求之日后 30 天。

5. The consulting Parties shall make every effort to arrive at a mutually satisfactory resolution to the matter, which may include appropriate cooperative activities. The consulting Parties may seek advice or assistance from any person or body they deem appropriate in order to examine the matter.

Article 20.21: Senior Representative Consultations

1. If the consulting Parties have failed to resolve the matter under Article 20.20 (Environment Consultations), a consulting Party may request that the Committee representatives from the consulting Parties convene to consider the matter by delivering a written request to the contact point of the other consulting Party or Parties. At the same time, the consulting Party making the request shall circulate the request to the contact points of other Parties.

2. The Committee representatives from the consulting Parties shall promptly convene following the delivery of the request, and shall seek to resolve the matter including, if appropriate, by gathering relevant scientific and technical information from governmental or non-governmental experts. Committee representatives from any other Party that considers it has a substantial interest in the matter may participate in the consultations.

Article 20.22: Ministerial Consultations

1. If the consulting Parties have failed to resolve the matter under Article 20.21 (Senior Representative Consultations), a consulting Party may refer the matter to the relevant Ministers of the consulting Parties who shall seek to resolve the matter.

2. Consultations pursuant to Article 20.20 (Environment Consultations), Article 20.21 (Senior Representative Consultations) and this Article may be held in person or by any technological means available as agreed by the consulting Parties. If in person, consultations shall be held in the capital of the responding Party, unless the consulting Parties agree otherwise.

3. Consultations shall be confidential and without prejudice to the rights of any Party in any future proceedings.

Article 20.23: Dispute Resolution

1. If the consulting Parties have failed to resolve the matter under Article 20.20 (Environment Consultations), Article 20.21 (Senior Representative Consultations) and Article 20.22 (Ministerial Consultations) within 60 days after the date of receipt of a request under Article 20.20, or any other period as the consulting Parties may agree, the requesting Party may request consultations

5. 磋商方应尽最大努力就该事项达成双方满意的解决办法，其中可包括适当的合作活动。磋商方可向其认为适当的任何人或组织寻求建议或援助以审查该事项。

第 20.21 条 高级代表磋商

1. 如磋商方未能根据第 20.20 条(环境磋商)解决该事项，则一磋商方可通过向其他一个或多个磋商方的联络点递送书面请求以要求磋商方的委员会代表召开会议审议该事项。同时，提出请求的磋商方应将该请求散发其他缔约方的联络点。

2. 磋商方的委员会代表应在该请求递送后迅速召开会议，并应寻求解决该事项，包括如适当，自政府或非政府专家处收集相关科学和技术信息。认为其在本事项中具有实质利益任何其他缔约方可派其委员会代表参加磋商。

第 20.22 条 部长级磋商

1. 如磋商方未能根据第 20.21 条(高级代表磋商)解决该事项，则一磋商方可将该事项提交磋商方相关部长，该相关部长应寻求解决该事项。

2. 根据第 20.20 条(环境磋商)、第 20.21 条(高级代表磋商)和本条进行的磋商可面对面进行，或通过磋商方同意并可获得的任何技术手段进行。如面对面进行，磋商应在回应方的首都进行，除非磋商方另有议定。

3. 磋商应秘密进行且不损害任何缔约方在任何未来程序中的权利。

第 20.23 条 争端解决

1. 如磋商方在收到第 20.20 条(环境磋商)下的请求之日后 60 天内或磋商方可能议定的任何其他期限内，未能根据第 20.20 条、第 20.21 条(高级代表磋商)和第 20.22 条(部长级磋商)解决该

under Article 28.5 (Consultations) or request the establishment of a panel under Article 28.7 (Establishment of a Panel).

2. Notwithstanding Article 28.15 (Role of Experts), in a dispute arising under Article 20.17.2 (Conservation and Trade) a panel convened under Chapter 28 (Dispute Settlement) shall:

- (a) seek technical advice or assistance, if appropriate, from an entity authorised under CITES to address the particular matter, and provide the consulting Parties with an opportunity to comment on any such technical advice or assistance received; and
- (b) provide due consideration to any interpretive guidance received pursuant to subparagraph (a) on the matter to the extent appropriate in light of its nature and status in making its findings and determinations under Article 28.17.4 (Initial Report).

3. Before a Party initiates dispute settlement under this Agreement for a matter arising under Article 20.3.4 (General Commitments) or Article 20.3.6, that Party shall consider whether it maintains environmental laws that are substantially equivalent in scope to the environmental laws that would be the subject of the dispute.

4. If a Party requests consultations with another Party under Article 20.20 (Environment Consultations) for a matter arising under Article 20.3.4 (General Commitments) or Article 20.3.6, and the responding Party considers that the requesting Party does not maintain environmental laws that are substantially equivalent in scope to the environmental laws that would be the subject of the dispute, the Parties shall discuss the issue during the consultations.

ANNEX 20-A

For Australia, the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

For Brunei Darussalam, the *Customs (Prohibition and Restriction on Imports and Exports), Order*.

For Canada, the *Ozone-depleting Substances Regulations, 1998* of the *Canadian Environmental Protection Act, 1999* (CEPA).

For Chile, *Supreme Decree N° 238* (1990) of the Ministry of Foreign Affairs and *Law N° 20.096*.

事项，则请求方可请求根据第 28.5 条(磋商)进行磋商，或根据第 28.7 条(专家组的设立)设立专家组。

2. 尽管有第 28.15 条(专家的作用)，但是在第 20.17.2 条(保护和贸易)下产生的争端中，根据第 28 章(争端解决)设立的专家组应：

- (a) 如适当，向 CITES 授权的一实体寻求技术建议或援助以处理该特定事项，并向磋商方提供就任何此种技术建议或援助进行评论的机会；及
- (b) 在根据第 28.17.4 条(最初报告)形成调查结果和确定时，按照该事项的性质和状况，在适当的限度内，适当考虑根据(a)项收到的对该事项的任何解释性指导意见。

3. 在一缔约方就第 20.3.4 条(一般承诺)或第 20.3.6 条下产生的一事项启动本协定项下的争端解决前，该缔约方应考虑其是否维持在范围方面与将作为争端主题的环境法律实质相同的环境法律。

4. 如一缔约方根据第 20.20 条(环境磋商)请求与另一缔约方就第 20.3.4 条(一般承诺)或第 20.3.6 条下产生的一事项进行磋商，且回应方认为请求方未维持在范围方面与将作为争端主题的环境法律实质相同的环境法律，则缔约方应在磋商中就该问题进行讨论。

附件 20-A

对于澳大利亚，《1989 年臭氧保护与温室气体管理法》。

对于文莱达鲁萨兰国，《(进出口的禁止和限制)海关法令》。

对于加拿大，《1999 年加拿大环境保护法》(CEPA)中的《1998 年消耗臭氧物质法规》。

对于智利，外交部 1990 年第 238 号最高法令和第 20.096 号法律。

For Japan, the *Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures* (Law No. 53, 1988).

For Malaysia, the *Environmental Quality Act 1974*.

For Mexico, the *General Law on Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente – LGEEPA)*, under Title IV Environmental Protection, Chapter I and II regarding federal enforcement of atmospheric provisions.

For New Zealand, the *Ozone Layer Protection Act 1996*.

For Peru, the *Supreme Decree No. 033-2000-ITINCI*.

For Singapore, the *Environmental Protection and Management Act*, including regulations made thereunder.

For the United States, 42 U.S.C §§ 7671-7671q (*Stratospheric Ozone Protection*).

For Viet Nam, the *Law on Environmental Protection 2014*; Joint Circular No. 47/2011/TTLT-BCT-BTNMT dated 30 December 2011 of the Ministry of Industry and Trade and the Ministry of Natural Resources and Environment, regulating the management of import, export and temporary import for re-export of ozone depleting substances according to the Montreal Protocol; Decision No. 15/2006/QĐ-BTNMT dated 08 September 2006 of the Ministry of Natural Resources and Environment, issuing a list of refrigeration equipment using chlorofluorocarbons prohibited for import.

对于日本，《关于通过控制特定物质及其他措施保护臭氧层法》(1988年第53号法律)。

对于马来西亚，《1974年环境质量法案》。

对于墨西哥，《生态平衡和环境保护一般法》，在第4编环境保护下，第1章和第2章中关于大气条款的联邦执行。

对于新西兰，《1996年臭氧层保护法》。

对于秘鲁，第033-2000-ITINCI号最高法令。

对于新加坡，《环境保护和管理法案》，包括根据该法案制定的法规。

对于美国，美国法典第42编第7671至7671q节(平流层臭氧保护)。

对于越南，《2014年环境保护法》；工业和贸易部及自然资源与环境部于2011年12月30日发布的第47/2011/TTLT-BCT-BTNMT号联合通知，规定根据《蒙特利尔议定书》监管有关消耗臭氧层物质的进口、出口和为复出口的临时进口的管理；自然资源与环境部于2006年9月8日发布的第15/2006/QĐ-BTNMT号决定，公布禁止进口的使用氟利昂的制冷设备清单。

ANNEX 20-B

For Australia, the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*.

For Brunei Darussalam, the *Prevention of Pollution of the Sea Order 2005*; the *Prevention of Pollution of the Sea (Oil) Regulations 2008*; and the *Prevention of the Pollution of the Seas (Noxious Liquid Substances in Bulk) Regulations, 2008*.

For Canada, the *Canada Shipping Act, 2001* and its related regulations.

For Chile, the *Decree N°1.689 (1995)* of the Ministry of Foreign Affairs.

For Japan, the *Law Relating to the Prevention of Marine Pollution and Maritime Disasters (Law No. 136, 1970)*.

For Malaysia, the *Act 515 Merchant Shipping (Oil Pollution) Act 1994*; *Merchant Shipping Ordinance 1952* (amended in 2007 by *Act A1316*); and the *Environmental Quality Act 1974*.

For Mexico, Article 132 of the *General Law on Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente – LGEEPA)*.

For New Zealand, the *Maritime Transport Act 1994*.

For Peru, the *Decree Law No. 22703*; and the *1978 Protocol by Decree Law No. 22954 (March 26, 1980)*.

For Singapore, the *Prevention of Pollution of the Sea Act*, including regulations made thereunder.

For the United States, the *Act to Prevent Pollution from Ships*, 33 U.S.C §§ 1901-1915.

For Viet Nam, the *Law on Environmental Protection 2014*; the *Maritime Code 2005*; Circular 50/2012/TT-BGTVT dated 19 December 2012 of the Ministry of Transport, regulating the management of receiving and processing oil-containing liquid waste from sea vessels at Viet Nam's sea ports; the *National Technical Regulation on Marine Pollution Prevention Systems of Ships QCVN 26: 2014/BGTVT*.

附件 20-B

对于澳大利亚，《1983 年海洋保护(防止船舶污染)法》和《2012 年航海法》。

对于文莱达鲁萨兰国，《2005 年海洋污染防治法令》、《2008 年海洋污染(油)防治条例》以及《2008 年海洋污染(大量有毒液体物质)防治条例》。

对于加拿大，《2001 年加拿大船舶法》及其相关法规。

对于智利，外交部 1995 年第 1.689 号令。

对于日本，《预防海洋污染与海洋灾害法》(1970 年第 136 号法律)。

对于马来西亚，《515 号法案 1994 年商船(油污染)案》、《1952 年商船法令》(2007 年经 A1316 号法案修正)以及《1974 年环境质量法案》。

对于墨西哥，《生态平衡和环境保护一般法》第 132 条。

对于新西兰，《1994 年海上运输法》。

对于秘鲁，第 22703 号法令以及《第 22954 号法令 1978 年议定书》(1980 年 3 月 26 日)。

对于新加坡，《海洋污染防治法》，包括据该法案制定的法规。

对于美国，《防止船舶污染法》，美国法典第 33 编第 1901 至 1915 节。

对于越南，《2014 年环境保护法》、《2005 年海商法》；运输部于 2012 年 12 月 19 日发布的第 50/2012/TT-BGTVT 号通知，规定监管越南海港接收和处理来自海洋船舶的含油废弃液体的管理；《船舶海洋污染预防系统国家技术法规》QCVN 26:2014/BGTVT。