

## CHAPTER 22

### COMPETITIVENESS AND BUSINESS FACILITATION

#### Article 22.1: Definitions

For the purposes of this Chapter:

**supply chain** means a cross-border network of enterprises operating together as an integrated system to design, develop, produce, market, distribute, transport, and deliver products and services to customers.

#### Article 22.2: Committee on Competitiveness and Business Facilitation

1. The Parties recognise that, in order to enhance the domestic, regional and global competitiveness of their economies, and to promote economic integration and development within the free trade area, their business environments must be responsive to market developments.

2. Accordingly, the Parties hereby establish a Committee on Competitiveness and Business Facilitation (Committee), composed of government representatives of each Party.

3. The Committee shall:

- (a) discuss effective approaches and develop information sharing activities to support efforts to establish a competitive environment that is conducive to the establishment of businesses, facilitates trade and investment between the Parties, and promotes economic integration and development within the free trade area;
- (b) explore ways to take advantage of the trade and investment opportunities that this Agreement creates;
- (c) provide advice and recommendations to the Commission on ways to further enhance the competitiveness of the Parties' economies, including recommendations aimed at enhancing the participation of SMEs in regional supply chains;
- (d) explore ways to promote the development and strengthening of supply chains within the free trade area in accordance with Article 22.3 (Supply Chains); and
- (e) engage in other activities as the Parties may decide.

## 第 22 章

### 竞争力和商务便利化

#### 第 22.1 条 定义

就本章而言：

**供应链**指以系统集成方式共同经营为顾客设计、开发、生产、销售、分销、运输、交付产品和服务的一跨境企业网络。

#### 第 22.2 条 竞争力和商务便利化委员会

1. 缔约方认识到，为加强各自经济在国内、区域和全球的竞争力及促进本自由贸易区内经济一体化和经济发展，缔约方的商业环境必须能够对市场发展作出回应。
2. 为此，缔约方特此设立竞争力和商务便利化委员会(委员会)，由每一缔约方的政府代表组成。
3. 委员会应：
  - (a) 讨论有效方式并举办信息共享活动，支持建立具有竞争力环境的努力，以有利于商业设立、便利缔约方之间的贸易和投资以及促进本自由贸易区内经济一体化和发展；
  - (b) 探索利用本协定所创造的贸易和投资机会的途径；
  - (c) 向自贸协定委员会提供进一步增强缔约方经济竞争力的意见和建议，包括旨在提高中小企业区域供应链参与程度的建议；
  - (d) 探索依照第 22.3 条(供应链)促进本自由贸易区内供应链的发展和增强的途径；以及
  - (e) 参与缔约方可能决定的其他活动。

4. The Committee shall meet within one year of the date of entry into force of this Agreement, and thereafter as necessary.

5. In carrying out its functions, the Committee may work with other committees, working groups and any other subsidiary body established under this Agreement. The Committee may also seek advice from, and consider the work of, appropriate experts, such as international donor institutions, enterprises and non-governmental organisations.

### **Article 22.3: Supply Chains**

1. The Committee shall explore ways in which this Agreement may be implemented so as to promote the development and strengthening of supply chains in order to integrate production, facilitate trade and reduce the costs of doing business within the free trade area.

2. The Committee shall develop recommendations and promote seminars, workshops or other capacity building activities with appropriate experts, including private sector and international donor organisations, to assist participation by SMEs in supply chains in the free trade area.

3. The Committee shall, as appropriate, work with other committees, working groups and any other subsidiary body established under this Agreement, including through joint meetings, to identify and discuss measures affecting the development and strengthening of supply chains. The Committee shall ensure that it does not duplicate the activities of these other bodies.

4. The Committee shall identify and explore best practices and experiences relevant to the development and strengthening of supply chains between the Parties.

5. The Committee shall commence a review of the extent to which this Agreement has facilitated the development, strengthening and operation of supply chains in the free trade area during the fourth year after the date of entry into force of this Agreement. Unless the Parties agree otherwise, the Committee shall conduct further reviews every five years thereafter.

6. In conducting its review, the Committee shall consider the views of interested persons that a Party has received pursuant to Article 22.4 (Engagement with Interested Persons) and provided to the Committee.

7. No later than two years after the commencement of a review under paragraph 5, the Committee shall submit a report to the Commission containing the Committee's findings and recommendations on ways in which the Parties can promote and strengthen the development of supply chains in the free trade area.

4. 委员会应自本协定生效之日起 1 年内召开会议，并在此后必要时召开会议。
5. 在履行其职能时，委员会可与本协定项下设立的其他委员会、工作组和任何其他下属机构共同工作。委员会也可寻求适当专家的建议，例如国际捐助机构、企业和非政府组织，并考虑上述机构和组织的工作。

### 第 22.3 条 供应链

1. 委员会应探索执行本协定的途径，以促进供应链的发展和增强，从而在本自由贸易区内整合生产、便利贸易并降低商业经营成本。
2. 委员会应酝酿形成建议，并促进与私营部门和国际捐助组织在内的适当专家召开的研讨会、讲习班或其他能力建设活动，以帮助中小企业参与本自由贸易区内的供应链。
3. 委员会应酌情通过联席会议等方式，与本协定项下设立的其他委员会、工作组和任何其他下属机构共同工作，确定和讨论影响供应链发展和增强的措施。委员会应保证不重复这些其他机构的活动。
4. 委员会应确定并探索与缔约方之间供应链发展和增强相关的最佳实践和经验。
5. 委员会应于本协定生效之日后第 4 年内，就本协定对本自由贸易区内供应链发展、增强和运转的促进程度开展审议。除非缔约方另有议定，否则委员会应在此后每 5 年进行进一步审议。
6. 在开展审议时，委员会应考虑一缔约方根据第 22.4 条(利害关系人的参与)收到并提交委员会的利害关系人的观点。
7. 不迟于根据本条第 5 款开展审议后 2 年，委员会应向自贸协定委员会提交报告，其中包含关于缔约方能够促进和增强本自由贸易区内供应链发展的途径的调查结果和建议。

8. Following the Commission's consideration of the report, the Committee shall make the report publicly available, unless the Parties agree otherwise.

**Article 22.4: Engagement with Interested Persons**

The Committee shall establish mechanisms appropriate to provide continuing opportunities for interested persons of the Parties to provide input on matters relevant to enhancing competitiveness and business facilitation.

**Article 22.5: Non-Application of Dispute Settlement**

No Party shall have recourse to dispute settlement under Chapter 28 (Dispute Settlement) for any matter arising under this Chapter.

8. 在自贸协定委员会审议该报告后，委员会应使该报告可公开获得，除非缔约方另有议定。

#### **第 22.4 条 利害关系人的参与**

委员会应建立适当机制，为缔约方的利害关系人持续提供机会，就与增强竞争力和商务便利化相关的事项提供建议。

#### **第 22.5 条 争端解决的不适用**

任何缔约方不得就本章下产生的任何事项援用第 28 章(争端解决)下的争端解决。