

AGREEMENT BETWEEN THE AMERICAN INSTITUTE IN TAIWAN AND THE
COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS
CONCERNING A FRAMEWORK OF PRINCIPLES AND PROCEDURES
FOR CONSULTATIONS REGARDING TRADE AND INVESTMENT

The American Institute in Taiwan (AIT) and the Coordination Council For North American Affairs (CCNAA) (individually a "Party" and collectively the "Parties"):

- 1) Desiring to enhance the friendship and spirit of cooperation between the territories the Parties represent,
- 2) Desiring to develop further the international trade and economic interrelationship between the territories the Parties represent,
- 3) Taking into account the participation of the territories represented by both Parties in trade agreements, and noting that this Agreement is without prejudice to the rights and obligations of the Parties under such agreements,
- 4) Taking into account their commitment to greater trade and investment liberalization on a multilateral basis,
- 5) Recognizing the importance of fostering an open and predictable environment for international trade and investment,
- 6) Recognizing the benefits to the territory represented by each Party that may result from increased international trade and investment, and agreeing that trade-distorting investment measures and protectionism may deprive the territories represented by the Parties of such benefits,
- 7) Recognizing the essential role of private investment, both domestic and foreign, in furthering growth, creating jobs, expanding trade, improving technology and enhancing economic development,
- 8) Recognizing that foreign direct investment confers positive benefits on the territory represented by each Party,
- 9) Recognizing the increased importance of services in their economies and in bilateral and international trade,
- 10) Taking into account the need to eliminate non-tariff barriers in order to facilitate greater access to the markets of the territories represented by the Parties,
- 11) Recognizing the importance of providing adequate and effective protection and enforcement of intellectual property rights, and taking account of their commitments undertaken and to be undertaken with respect to intellectual property rights,

12) Noting the common objective of both Parties to improve worker's welfare and provide for better terms and conditions of employment,

13) Recognizing the desirability of resolving trade and investment problems in a timely manner,

14) Considering that it would be in their mutual interest to establish a mechanism between the Parties for encouraging the liberalization of trade and investment between the territories represented by them as well as for consulting on bilateral trade and investment issues,

Have agreed as follows:

ARTICLE ONE

There shall be established between the Parties the AIT-CCNAA Council on Trade and Investment (the "Council").

ARTICLE TWO

The Council shall be composed of representatives of both Parties and their advisors. Each side will be chaired by a representative of AIT and CCNAA, respectively. The senior advisor to AIT from the Office of the U.S. Trade Representative will be AIT's chief negotiator. The senior advisor to CCNAA from the Ministry of Economic Affairs (or another designee) will be CCNAA's chief negotiator.

ARTICLE THREE

The Council will meet at such times as agreed by the two Parties.

ARTICLE FOUR

The Parties will seek the advice of the private sector in their respective territories on matters related to the work of the Council. Private sector representatives may be asked to participate in Council meetings whenever both Parties agree it is appropriate.

ARTICLE FIVE

The objectives of the Council are as follows:

- 1) To review trade and investment flows, to identify opportunities for expanding trade and investment.
- 2) To hold consultations on specific trade and investment matters of interest to the Parties and to negotiate agreements where appropriate.
- 3) To identify and work toward the removal of measures that

distort bilateral trade and investment flows.

ARTICLE SIX

1) Either Party may raise for consultation any trade or investment matter between the Parties. Requests for consultation shall be accompanied by a written explanation of the subject to be discussed and consultations shall be held within 30 days of the request, unless the requesting Party agrees to a later date, or unless both Parties subsequently agree that consultations on the matter are unnecessary.

2) Consultations will take place initially in the territory whose measure or practice is the subject of discussion or other places as both Parties mutually agree upon.

3) This Article shall be without prejudice to the rights of either Party under the law of the territory it represents or under instruments to which both are parties.

ARTICLE SEVEN

1) The Council will commence its work by addressing the "Immediate Action Agenda" of trade and investment issues set forth as an Annex to this Agreement.

2) The Council may establish joint, ad hoc working groups in order to facilitate the work of the Council.

ARTICLE EIGHT

This Agreement shall enter into force on the date of its signature by both Parties which shall occur after their respective necessary procedures have been completed.

ARTICLE NINE

1) This Agreement shall remain in force unless terminated by mutual consent of the Parties or by either Party upon six months written notice to the other Party.

2) In the event that the Parties decide by mutual consent to amend the Agreement, such amendments may be done by an exchange of letters.

3) The Parties agree to prepare a mutually acceptable record of any agreements reached between them concerning any specific trade or investment issues.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective authorities, have signed this Agreement.

DONE (at Washington, D.C.) this 19 day of September, one thousand nine hundred and ninety-four, in duplicate in the English and Chinese languages, each being equally authentic.



For the American Institute
in Taiwan

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For the Coordination Council
for North American Affairs

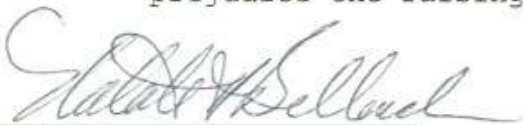
ANNEX

IMMEDIATE ACTION AGENDA

In relation to the Agreement Between the American Institute in Taiwan and the Coordination Council for North American Affairs Concerning a Framework of Principles and Procedures For Consultations Regarding Trade and Investment, AIT and CCNAA confirm the following:

- 1) They are prepared to commence the work of the Council within 180 days with an "Immediate Action Agenda" composed of the following topics:
 - o Trade-related environmental issues
 - o Multilateral and regional trade issues of mutual interest
 - o Trade dispute settlement mechanism
 - o Intellectual Property Rights
 - o GATT Accession
 - o ATA Carnet
 - o Anti-dumping issues

- 2) The inclusion of topics on this "Immediate Action Agenda" does not limit the ability of either Party to raise for consultations under Article 6 of the Agreement any other issue relating to trade or investment which might arise in the near term and requires immediate bilateral consultations, nor prejudice the raising of new issues in the future.



For the American Institute
in Taiwan



For the Coordination
Council for North
American Affairs

美國在臺協會與北美事務協調委員會關於貿易暨投資之諮商原則與程序架構協定

美國在臺協會與北美事務協調委員會：

- 一、欲促進雙方所代表領域間之友誼及合作精神，
- 二、欲進一步發展雙方所代表領域間之國際貿易及相互之經濟關係，
- 三、願及雙方所代表領域皆參與之貿易協定，並注意到本協定並不損及雙方於前述貿易協定中之權利與義務，

四、願及雙方在多邊基礎上擴大貿易及投資自由化之承諾，

五、了解培養一個開放且可預測的國際貿易及投資環境之重要性，

六、了解因增進國際貿易及投資所可能帶給各方所代表領域之利益，並同意扭曲貿易之投資措施及保護主義將可能剝奪雙方所代表領域之前述利益，

七、了解國內及國外之私人投資，在促進成長、創造就業、擴張貿易、改善技術及促進經濟發展上的重要角色，

八、了解外人直接投資帶給各方之正面利益，

九、了解服務業對雙方經濟及雙邊貿易與國際貿易益趨重要，

十、願及消除非關稅障礙以更易進入雙方所代表領域內市場之需要，

十一、了解對智慧財產權提供足夠而有效的保護及執行之重要，並願及雙方關於智慧財產權所承擔及將

承擔之承諾，

十二、注意到雙方改善勞工福祉，並提供較佳僱傭條件之共同目標，

十三、了解雙方適時解決貿易及投資問題之願望，

十四、願及設立一雙邊機構以促進雙方所代表領域間貿易及投資之自由化，並就雙邊貿易及投資事項進行諮商，對雙方有相互利益，

雙方茲同意如下：

第一條：雙方應設立「美國在臺協會與北美事務協調委員會貿易暨投資委員會」（簡稱「委員會」）。

第二條：委員會由雙方代表及其顧問組成。雙方各由美國在臺協會與北美事務協調委員會之代表擔任主席。來自美國貿易代表署之美國在臺協會資深顧問擔任美國在臺協會主談人。來自經濟部（或其他指定人員）之北美事務協調委員會資深顧問擔任北美事務協調委員會主談人。

第三條：委員會會議於雙方同意之時間召開。

第四條：與委員工作有關事宜，雙方將尋求各自領域內民間部門之意見。民間部門之代表在雙方同意為適當的情況下得應邀出席委員會會議。

第五條：委員會之目標如下：

（一）檢視雙方貿易投資進行，並發掘擴張貿易投資機會。

（二）就雙方關切之特定貿易投資事項舉行諮商，並在適當情形下協商協定。

（三）發掘並致力去除扭曲雙邊貿易暨投資流通之措施。

第六條：（一）任一方得就雙方間任何貿易或投資事宜提請諮商。諮商之請求須檢附擬討論議題之書面

說明，此項諮商須在要求提出後三十天內舉行，除非要求之一方同意在其後之日期舉行，或雙方其後同意該項諮商並無必要。

(二) 初次諮商應在其措施或實踐為討論主題之領域內或雙方同意之其他地點舉行。

(三) 本條不應損及各方所代表領域內之法律或雙方皆為締約者之協定中所規定之權利。

第七條：(一) 委員會將以解決本協定附錄「立即行動議程」中所載議題，展開其工作。

(二) 委員會得成立聯合專案工作小組，以利委員會工作之推行。

第八條：本協定經雙方正式簽署後生效，正式簽署應於雙方各自完成必要程序後為之。

第九條：(一) 本協定在經雙方同意或一方於六個月前以書面通知他方時終止。

(二) 如雙方同意決定修改本協定，得以換文方式修正之。

(三) 雙方同意就任何特定之貿易或投資事項所達成之任何協議準備雙方均可接受之協議記錄。

為此，雙方各經其主管當局充分授權之簽字人爰於本協定簽字，以昭信守。

本協定以中文及英文各分繕兩份，兩種文字約本同一作準。

公元一九九五年九月十九日訂於美國華盛頓哥倫比亞特區

美國在台協會代表



白樂崎

北美事務協調委員會代表



附錄

立即行動議程

依據美國在台協會與北美事務協調委員會關於貿易暨投資之諮商原則與程序架構協定，雙方同意下

列事項：

一、雙方準備在一百八十天內依包括下列主題之「立即行動議程」開始委員會之工作：

(一) 與貿易有關之環境問題

(二) 有相互關切之多邊和地區性貿易問題

(三) 貿易爭端解決制度

(四) 智慧財產權

(五) 關稅貿易總協定加入事宜

(六) 暫准通關證制度 (ATA Carnet)

(七) 反傾銷問題

二、包含在本「立即行動議程」內之主題，並不限制任一方依本協定第六條之規定，就可能於近期發生且需立即舉行雙邊諮商之任何其他有關貿易或投資議題，提出諮商要求，亦不損及未來新議題之提出。

美國在台協會代表

白樂奇

北美事務協調委員會代表

丁維特