

CHAPTER 16 EXCEPTIONS

ARTICLE 16.1: GENERAL EXCEPTIONS

1. For the purposes of Chapter 2 (Trade in Goods), 3 (Rules of Origin and Origin Implementation Procedures), 4 (Sanitary and Phytosanitary Measures), 5 (Technical Barriers to Trade) and 6 (Trade Remedies) and 11 (Electronic Commerce), Article XX of the GATT 1994, including its interpretative notes, is incorporated into and made part of this Agreement, *mutatis mutandis*.
2. For the purposes of Chapter 7 (Trade in Services) and 11 (Electronic Commerce), Article XIV of the GATS, including the footnotes, is incorporated into and made part of this Agreement, *mutatis mutandis*.

ARTICLE 16.2: ESSENTIAL SECURITY

1. Nothing in this Agreement shall be construed to:
 - (a) require a Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests; or
 - (b) preclude a Party from applying measures that it considers in good faith necessary for the fulfillment of its obligations under the United Nations Charter with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests.

ARTICLE 16.3: TAXATION

1. For the purposes of this Article:
 - (a) **tax convention** means a convention for the avoidance of double taxation or other international taxation agreement or arrangement to which both Parties are party.
 - (b) taxation measures do not include:
 - (i) a customs duty defined in Article 1.4 (General Definition); or
 - (ii) the measures listed in subparagraphs (b) and (c) of the definition of customs duty set out in Article 1.4 (General Definition).

2. Except as otherwise provided for in this Article, nothing in this Agreement shall apply to taxation measures.
3.
 - (a) Nothing in this Agreement shall affect the rights and obligations of the Parties under any tax convention to which both Parties are party. In the event of any inconsistency relating to a taxation measure between this Agreement and any such convention, that convention shall prevail to the extent of the inconsistency.
 - (b) In the case of a tax convention between the Parties, the competent authorities under that convention shall have sole responsibility for determining whether any inconsistency exists between this Agreement and that convention.
4. Notwithstanding paragraph 3, this Agreement shall only grant rights or impose obligations with respect to taxation measures:
 - (a) where corresponding rights or obligations are also granted or imposed under the WTO Agreement; or
 - (b) under Article 8.20 (Taxation) of this Agreement.
5. For the purposes of this Article, **competent authorities** means:
 - (a) for China, the Ministry of Finance and the State Taxation Administration; and
 - (b) for Mauritius, the Ministry of Finance and Economic Development.

ARTICLE 16.4: DISCLOSURE OF INFORMATION

Nothing in this Agreement shall be construed to require a Party to furnish or allow access to confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice the legitimate commercial interests of particular enterprises, public or private.

ARTICLE 16.5: MEASURES TO SAFEGUARD THE BALANCE OF PAYMENTS

Where a Party is in serious balance of payments and external financial difficulties or threat thereof, it may, in accordance with the WTO Agreement and consistent with the Articles of Agreement of the International Monetary Fund, adopt measures deemed necessary.