

CHAPTER IX: SAFEGUARD CLAUSES

Article 107

A Member Country, that has adopted measures to correct a disequilibrium in its overall balance of payments, may extend such measures, when previously authorized by the General Secretariat in a transitory and nondiscriminatory manner, to intrasubregional trade of products incorporated to the Tariff Reduction Program.

The Member Countries shall seek to ensure that the application of restrictions due to a balance of payments situation does not affect, within the Subregion, trade in products incorporated to the Tariff Reduction Program.

When the situation provided for in this Article requires an immediate response, the interested Member Country may apply, on an emergency basis, the foreseen measures, having in that regard to immediately notify them to the General Secretariat, which shall express its views within the following thirty days, either authorizing, modifying, or suspending them.

If the application of the measures provided for in this Article lasts more than one year, the General Secretariat, on its own initiative or upon the request of any of the Member Countries, shall propose to the Commission that negotiations be immediately initiated in order to seek the elimination of the adopted restrictions.

Article 108

If the execution of the Tariff Reduction Program of the Agreement causes or threatens to cause serious damage to the economy of a Member Country or to one of its significant economic sectors, that country may, with the prior permission of the General Secretariat, apply temporary corrective steps in a nondiscriminatory manner. When necessary, the General Secretariat may propose to the Commission collective cooperation measures for the purpose of surmounting the problems that arise.

The General Secretariat shall periodically study the evolution of the situation to keep the restrictive measures from lasting any longer than is strictly necessary or to consider new formulas for cooperation, if appropriate.

When the injuries dealt with in this Article are so serious that they require immediate steps, the Member Country adversely affected may apply corrective measures temporarily, on an emergency basis, subject to the subsequent pronouncement of the General Secretariat.

Those measures shall do the least damage possible to the Tariff Reduction Program, and so long as they are implemented unilaterally, they may not involve a decrease in the importation of the product or products in question in terms of the average for the twelve preceding months.

The Member Country which adopts those measures shall immediately inform the General Secretariat thereof and the latter shall issue its views on them within the thirty following days, either to authorize, modify, or suspend them.

第九章：保障条款

第107条

成员国若已采取纠正其国际收支总体失衡的措施，在事先获得总秘书处授权的情况下，可以临时性及非歧视性方式将此类措施延伸至已纳入关税减免计划的次区域内贸易产品。

各成员国应确保因国际收支状况实施的限制措施不影响次区域内已纳入关税减免计划产品的贸易。

当本条所述情形需要立即采取应对措施时，相关成员国可在紧急情况下实施预定措施，但须立即通知总秘书处。总秘书处应在随后三十天内表明立场，决定授权、修改或中止该等措施。

若本条所规定措施的实施持续时间超过一年，总秘书处应主动或应任一成员国请求，立即向委员会提议启动谈判，以寻求取消已采取的限制措施。

第108条

若本协定《关税减免计划》的执行对某成员国或其重要经济部门造成或可能造成严重损害，该国可在获得总秘书处事先许可后，以非歧视性方式采取临时纠正措施。必要时，总秘书处可向委员会提议采取集体合作措施，以克服所出现的问题。

总秘书处应定期研究形势演变，以防止限制性措施的实施时间超出严格必要的期限，或在适当时考虑新的合作方案。

当本条所述损害严重到需要立即采取措施时，受不利影响的成员国可在紧急情况下临时采取纠正措施，但须事后获得总秘书处的批准。

这些措施应尽可能减少对关税减免计划的损害，且只要它们是单方面实施的，就不得导致相关产品在前十二个月平均值基础上的进口量下降。

采取此类措施的成员国应立即通知总秘书处，后者应在随后的三十天内就其发表意见，或授权、修改或暂停这些措施。

Article 109

When a product originating in the Subregion is being imported in such quantities or conditions as to cause a disturbance in the domestic production of specific products of a Member Country, it may apply corrective measures, that are nondiscriminatory and of a temporary nature, subject to the subsequent pronouncement of the General Secretariat.

The Member Country that applies the corrective measures, within no more than sixty days, must notify the General Secretariat and present a report regarding the underlying grounds for their application. The General Secretariat, within sixty days after receiving the aforementioned report, shall verify the disturbance and the origin of the imports causing it, and shall issue its pronouncement, either to suspend, modify, or authorize said measures, which may only be applied to the products of the Member Country where the disturbance originated. The corrective measures that are applied shall guarantee access for a volume of trade not inferior to the average for the last three years.

Article 110

If a currency devaluation made by one of the Member Countries alters the normal conditions of competition, the country which considers itself to be adversely affected may bring the case before the General Secretariat, which should hand down its opinion briefly and summarily. Once the General Secretariat has verified, the existence of the disturbance, the adversely affected country may take temporary corrective measures so long as the condition exists, while abiding by the General Secretariat’s recommendations.

In any case, those measures may not involve a reduction in the levels of imports existing prior to the devaluation.

Without prejudice for the application of the temporary measures referred to, any of the Member Countries may request that the Commission give a final decision on the matter.

The Member Country which devalued its currency may request at any time that the General Secretariat review the situation, in order to ease or eliminate the cited corrective measures. The General Secretariat’s opinion may be amended by the Commission.

In the situation referred to in this Article, the country which considers itself to be adversely affected may, in presenting the case to the General Secretariat, propose protective measures that are commensurate with the magnitude of the alleged disturbance, accompanied by the technical grounds for its proposal. The General Secretariat may request any supplementary information it considers advisable.

The brief and summary pronouncement of the General Secretariat shall be given within a period of one month after the request is received. If the General Secretariat does not hand down its opinion within that period and the requesting country feels that said delay may be harmful to its interests, it may adopt the initial measures which it proposed; it shall immediately inform the General Secretariat thereof and the latter, in its subsequent opinion, shall decide whether the measures taken should be maintained, modified, or eliminated.

In its pronouncement, the General Secretariat shall bear in mind, among other criteria, the economic indicators on the conditions of competition in the Subregion which the Commission may have adopted generally, at the General Secretariat’s proposal, the individual characteristics

第109条

当源自次区域的产品进口数量或条件导致成员国特定产品的国内生产受到干扰时，该国可采取非歧视性且具有临时性质的纠正措施，但须经总秘书处后续裁定。

采取纠正措施的成员国应在不超过六十天内通知总秘书处，并提交一份关于其适用依据的报告。总秘书处在收到上述报告后的六十天内，应核实干扰及导致该干扰的进口来源，并作出其声明，以暂停、修改或授权所述措施，这些措施只能适用于产生干扰的成员国的产品。所采取的纠正措施应保证贸易量不低于过去三年的平均值。

第110条

如果某一成员国实施的货币贬值改变了正常竞争条件，认为自身受到不利影响的国家可将案件提交总秘书处，总秘书处应简要迅速地作出意见。一旦总秘书处核实干扰的存在，受影响国家可在该条件存续期间采取临时纠正措施，同时遵守总秘书处的建议。

在任何情况下，这些措施均不得导致进口水平低于货币贬值前的现有规模。

在不影响适用所述临时措施的前提下，任何成员国均可要求委员会就该事项作出最终决定。

实施货币贬值的成员国可随时要求总秘书处重新评估形势，以减轻或取消前述纠正措施。总秘书处的意见可由委员会进行修正。

在本条款所述情况下，自认受到不利影响的国家在向总秘书处提交案件时，可提出与所称扰乱程度相称的保护措施，并附技术依据说明。总秘书处可要求其认为必要的补充信息。

总秘书处应在收到请求后一个月内作出简要裁定。若总秘书处未在该期限内出具意见且请求国认为延迟可能损害其利益，则可实施其最初提议的措施；该国应立即将此事通知总秘书处，后者将在后续意见中裁定已采取的措施应维持、修改还是取消。

总秘书处在发布声明时，除其他标准外，还应考虑委员会可能普遍采纳的关于次区域内竞争条件的经济指标（这些指标通常由总秘书处提议），以及各成员国的外汇体系的个体特征

of the foreign exchange systems of the Member Countries and any studies which the Monetary and Foreign Exchange Council carries out on the matter.

Until the system of economic indicators has been adopted by the Commission, the General Secretariat shall proceed according to its own criteria.

Notwithstanding the foregoing, if, during the period between the presentation in question and the General Secretariat’s pronouncement, in the opinion of the applicant Member Country, there are background factors which give reasonable grounds to fear that, as a result of the devaluation, there shall be immediate harmful effects which may have serious implications for its economy and thus call for the adoption of protective measures on an emergency basis, it may bring the situation before the General Secretariat; the latter, if it finds the request to be well grounded may authorize the implementation of suitable measures, for which purpose it shall be given a period of seven continuous days. The General Secretariat’s final pronouncement on the alteration of the normal conditions of competition shall, in any case, determine whether the authorized emergency measures shall be maintained, modified, or suspended.

The measures that are adopted in keeping with this Article may not involve a decrease in the levels of trade which existed prior to the devaluation.

The second and third subsections of this Article shall be fully applicable to these measures.

Article 111

No safeguard clauses of any kind shall be applied to the importation of products originating in the Subregion and included in the Programs and Projects of Industrial Integration.

CHAPTER X: ORIGIN

Article 112

The Commission shall, at the General Secretariat’s proposal, adopt any special rules necessary for determining the origin of goods. Such rules shall constitute a dynamic instrument for the development of the Subregion and shall appropriately contribute to the attainment the Agreement’s objectives.

Article 113

It shall be the General Secretariat’s responsibility to establish the specific requirements of origin for the products requiring so. When an Industrial Integration Program calls for setting specific requirements, the General Secretariat shall decide on them as the corresponding program is being approved.

Within the year following the establishment of a specific requirement, the Member Countries may request its review by the General Secretariat, which must give its opinion summarily

以及货币和外汇委员会就此问题进行的任何研究。

在委员会通过经济指标体系之前，总秘书处应依据其自身标准行事。

尽管如此，若在相关申请提交至总秘书处裁决期间，申请成员国认为存在背景因素，有合理理由担心贬值将立即产生有害影响，可能对其经济造成严重冲击，因而需要紧急情况下采取保护措施，该国可将此情况提交总秘书处；若总秘书处认为请求依据充分，可授权实施适当措施，并为此给予连续七天的期限。无论如何，总秘书处关于正常竞争条件变更的最终裁决，将决定已授权的紧急措施是否维持、修改或中止。

根据本条采取的措施不得导致贬值前存在的贸易水平下降。

本条第二款和第三款应完全适用于这些措施。

第111条

不得对原产于次区域且纳入工业一体化计划和项目的产品进口实施任何形式的保障条款。

第十章：原产地

第112条

委员会应根据总秘书处的提议，通过确定货物原产地所需的任何特殊规则。此类规则应成为促进次区域发展的动态工具，并应适当助力实现协议目标。

第113条

总秘书处应负责为需要原产地特定要求的产品制定相关要求。当工业一体化计划要求设定特定要求时，总秘书处应在批准相应计划时作出决定。

在特定要求确立后的一年内，成员国可请求总秘书处对其进行审查，总秘书处须简要提出意见。