

2. Member States affirm their rights and obligations with respect to each other relating to subsidies and countervailing measures under Article XVI of GATT 1994 and the *Agreement on Subsidies and Countervailing Measures* as contained in Annex 1A to the WTO Agreement.

CHAPTER 10
INSTITUTIONAL PROVISIONS

Article 88
Advisory and Consultative Mechanism

The ASEAN Consultations to Solve Trade and Investment Issues (ACT) and the ASEAN Compliance Monitoring Body (ACB) as contained in the *Declaration on ASEAN Concord II (Bali Concord II)* may be invoked to settle disputes that may arise from this Agreement. Any Member State who does not wish to avail of the ACT/ACB may resort to the mechanism provided in the *ASEAN Protocol on Enhanced Dispute Settlement Mechanism*.

Article 89
Dispute Settlement

The *ASEAN Protocol on Enhanced Dispute Settlement Mechanism*, signed on 29 November 2004 in Vientiane, Lao PDR and amendments thereto, shall apply in relation to any dispute arising from, or any difference between Member States concerning the interpretation or application of this Agreement.

Article 90
Institutional Arrangements

1. The ASEAN Economic Ministers (AEM) shall, for the purposes of this Agreement, establish an ASEAN Free Trade Area (AFTA) Council comprising one (1) ministerial-level nominee from each Member State and the Secretary-General of ASEAN. In the performance of its functions, the AFTA Council shall also be supported by the Senior Economic Officials' Meeting (SEOM). In the fulfilment of its functions, the SEOM may establish bodies, as appropriate, to assist them such as the Coordinating Committee on the implementation of ATIGA (CCA). The SEOM, assisted by the CCA, shall ensure the effective implementation of this Agreement and, shall coordinate and be supported by technical bodies and committees under this Agreement.

2. 成员国确认彼此之间根据1994年关贸总协定第十六条及WTO协定附件1A所载《补贴与反补贴措施协定》关于补贴与反补贴措施的权利和义务。

第十章 机构条款

第八十八条 咨询与协商机制

成员国可援引《东盟协调一致宣言II（巴厘协定II）》中规定的东盟解决贸易与投资问题协商机制（ACT）及东盟合规监督机构（ACB）来解决本协定可能产生的争端。不愿采用ACT/ACB机制的成员 国，可诉诸《东盟加强争端解决机制议定书》提供的机制。

第八十九条 争端解
决

2004年11月29日于老挝万象签署的《东盟加强争端解决机制议定书》及其修正案，适用于因本协定产生的任何争端或成员国之间关于本协定解释或适用的任何分歧。

第九十条 机构安排

1. 为本协定之目的，东盟经济部长会议（AEM）应设立一个东盟自由贸易区（AFTA）理事会，由各成员国一名部长级提名人及东盟秘书长组成。AFTA理事会在履行其职能时，还应得到高级经济官员会议（SEOM）的支持。SEOM为履行其职能，可酌情设立相关机构予以协助，例如东盟货物贸易协定实施协调委员会（CCA）。SEOM在CCA的协助下，应确保本协定的有效实施，并应协调本协定下的技术机构和委员会且获得其支持。

2. Each Member State shall establish a National AFTA Unit, which shall serve a national focal point for the coordination of the implementation of this Agreement.
3. The ASEAN Secretariat shall:
- (a) provide support to the AEM and AFTA Council in supervising, co-ordinating and reviewing the implementation of this Agreement as well as assistance in all related matters; and
 - (b) monitor and regularly report to the AFTA Council on the progress in the implementation of this Agreement.

**CHAPTER 11
FINAL PROVISIONS**

**Article 91
Relation to Other Agreements**

1. Subject to paragraph 2 of this Article, all ASEAN economic agreements that exist before the entry into force of ATIGA shall continue to be valid.
2. Member States shall agree on the list of agreements to be superseded within six (6) months from the date of entry into force and such list shall be administratively annexed to this Agreement and serve as an integral part of this Agreement.
3. In case of inconsistency between this Agreement and any ASEAN economic agreements that are not superseded under paragraph 2 of this Article, this Agreement shall prevail.

**Article 92
Amended or Successor International Agreements**

If any international agreement or a provision therein referred to, or incorporated into, this Agreement, and such agreement or provision is amended, the Member States shall consult on whether it is necessary to amend this Agreement, unless this Agreement provides otherwise.

**Article 93
Annexes, Attachments and Future Instruments**

2. 各成员国应设立一个国家AFTA单位，作为协调本协定实施的国家联络点。
3. 东盟秘书处应：
- (a) 为东盟经济部长会议和AFTA理事会在监督、协调和审查本协定实施情况以及所有相关事项的协助方面提供支持；以及(b) 监测并向AFTA理事会定期报告本协定的实施进展。

第十一章 最终条款

第九十一条 与其他协议的关系

1. 在本条第二款的约束下，所有在《东盟货物贸易协定》生效前已存在的东盟经济协议应继续有效。
2. 成员国应在协定生效之日起六(6)个月内商定将被取代的协议清单，该清单应作为本协定的行政附件并构成本协定的组成部分。
3. 若本协议与未被本条第2款取代的任何东盟经济协议存在不一致之处，应以本协议为准。

第九十二条 经修订或替代的国际协议

若本协议提及或纳入的任何国际协议或其条款发生修订，成员国应协商是否需对本协议进行相应修订，除非本协议另有规定。

第九十三条 附件、附录及未来文件