

(e) carrying out other functions as may be delegated by the CCA, SEOM and the AFTA Council.

3. The Sub-Committee on Rules of Origin shall be composed of representatives of the Governments of Member States, and may invite representatives of relevant entities other than the Governments of the Member States with necessary expertise relevant to the issues to be discussed, upon agreement of all Member States.

**CHAPTER 4
NON-TARIFF MEASURES**

**Article 40
Application of Non-Tariff Measures**

1. Each Member State shall not adopt or maintain any non-tariff measure on the importation of any good of any other Member State or on the exportation of any good destined for the territory of any other Member State, except in accordance with its WTO rights and obligations or in accordance with this Agreement.
2. Each Member State shall ensure the transparency of its non-tariff measures permitted in paragraph 1 of this Article in accordance with Article 12 and shall ensure that any such measures are not prepared, adopted or applied with the view to, or with the effect of, creating unnecessary obstacles in trade among the Member States.
3. Any new measure or modification to the existing measure shall be duly notified in accordance with Article 11.
4. The database on non-tariff measures applied in Member States shall be further developed and included in the ASEAN Trade Repository as referred in Article 13.

**Article 41
General Elimination of Quantitative Restrictions**

(e) 履行东盟货物贸易协定实施协调委员会、东盟经济高官会议和东盟自由贸易区理事会可能委派的其他职能。

3. 原产地规则分委会应由成员国政府代表组成, 并经全体成员国同意, 可邀请具备相关议题必要专业知识的非成员国政府实体代表参与讨论。

第四章 非关税措施

第40条 非关税措施的实施

1. 各成员国不得对任何其他成员国任何货物的进口或运往任何其他成员国领土的任何货物的出口采取或维持任何非关税措施, 除非符合其世贸组织权利与义务或本协定的规定。
2. 各成员国应根据第12条确保本条第一款允许的非关税措施的透明度, 并确保此类措施的制定、采用或实施不以制造成员国间贸易不必要障碍为目的或不产生此类效果。
3. 任何新措施或对现有措施的修改均应按照第11条予以适当通知。
4. 成员国实施的非关税措施数据库应进一步开发并纳入第13条所述的东盟贸易资料库。

第41条 数量限制的普遍取消

Each Member State undertakes not to adopt or maintain any prohibition or quantitative restriction on the importation of any goods of the other Member States or on the exportation of any goods destined for the territory of the other Member States, except in accordance with its WTO rights and obligations or other provisions in this Agreement. To this end, Article XI of GATT 1994, shall be incorporated into and form part of this Agreement, *mutatis mutandis*.

Article 42
Elimination of Other Non-Tariff Barriers

1. Member States shall review the non-tariff measures in the database referred to in paragraph 4 of Article 40 with a view to identifying non-tariff barriers (NTBs) other than quantitative restrictions for elimination. The elimination of the identified NTBs shall be dealt with by the Co-ordinating Committee for the Implementation of the ATIGA (CCA), the ASEAN Consultative Committee on Standards and Quality (ACCSQ), the ASEAN Committee on Sanitary and Phytosanitary (AC-SPS), the working bodies under ASEAN Directors-General of Customs and other relevant ASEAN bodies, as appropriate, in accordance with the provisions of this Agreement, which shall submit their recommendations on the identified non-tariff barriers to the AFTA Council through SEOM.
2. Unless otherwise agreed by the AFTA Council, the identified NTBs shall be eliminated in three (3) tranches as follows:
 - (a) Brunei, Indonesia, Malaysia, Singapore and Thailand shall eliminate in three (3) tranches by 1 January of 2008, 2009 and 2010;
 - (b) The Philippines shall eliminate in three (3) tranches by 1 January of 2010, 2011 and 2012;
 - (c) Cambodia, Lao PDR, Myanmar and Viet Nam shall eliminate in three (3) tranches by 1 January of 2013, 2014 and 2015 with flexibilities up to 2018.
3. The list of identified NTBs to be eliminated in each tranche shall be agreed upon by the AFTA Council meeting in the year before the effective elimination date of such NTBs.
4. Notwithstanding paragraphs 1 to 3 of this Article, the CCA, in consultation with the relevant ASEAN bodies, shall review any non-tariff measure notified or reported by any other Member State or by the private sector with a view to determining whether the measure constitutes as a NTB. If such review results in an identification of a

各成员国承诺不对其他成员国任何货物的进口或运往其他成员国领土的任何货物的出口采取或维持任何禁止或数量限制，除非符合其世贸组织权利与义务或本协定其他条款。为此目的，《1994年关税与贸易总协定》第十一条应经必要修改后纳入本协定并成为其组成部分。

第四十二条 其他非关税壁垒的消除

1. 成员国应审查第四十条第四款所述数据库中的非关税措施，以确定除数量限制外需消除的非关税壁垒（NTBs）。所确定的非关税壁垒的消除工作应由东盟货物贸易协定实施协调委员会（CCA）、东盟标准与质量咨询委员会（ACCSQ）、东盟卫生与植物卫生委员会（AC-SPS）、东盟海关司长会议下属工作组及其他相关东盟机构根据本协定条款酌情处理，这些机构应通过东盟经济高官会议（SEOM）向东盟自由贸易区理事会提交关于所确定非关税壁垒的建议。
2. 除非东盟自由贸易区理事会另有约定，所确定的非关税壁垒应按以下三个分期予以消除：
 - (a) 文莱、印度尼西亚、马来西亚、新加坡和泰国应分三期于2008年1月1日、2009年1月1日和2010年1月1日前完成消除；
 - (b) 菲律宾应分三期于2010年1月1日、2011年1月1日和2012年1月1日前完成消除；
 - (c) 柬埔寨、老挝、缅甸和越南应分三期于2013年1月1日、2014年1月1日和2015年1月1日前完成消除，并享有灵活性直至2018年。
3. 每批待消除的非关税壁垒清单应由东盟自由贸易区理事会在该非关税壁垒生效消除日期前一年的会议上商定。
4. 尽管有本条第一至第三款的规定，东盟货物贸易协定实施协调委员会（CCA）应与相关东盟机构协商，审查任何其他成员国或私营部门通知或报告的非关税措施，以确定该措施是否构成非关税壁垒（NTB）。若审查结果认定该措施为

NTB, the NTB shall be eliminated by the Member State applying such NTB in accordance with this Agreement.

5. The CCA shall serve as a focal point for the notification and review referred to in paragraph 4 of this Article.

6. Exceptions to this Article shall be allowed for the reasons provided in Article 8.

7. Nothing in this Agreement shall be construed to prevent a Member State, which is a party to the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal* or other relevant international agreements, from adopting or enforcing any measure in relation to hazardous wastes or substances based on its laws and regulations, in accordance with such international agreements.

Article 43
Foreign Exchange Restrictions

Member States shall make exceptions to their foreign exchange restrictions relating to payments for the products under this Agreement, as well as repatriation of such payments without prejudice to their rights under Article XVIII of GATT 1994 and relevant provisions of the *Articles of Agreement of the International Monetary Fund (IMF)*.

Article 44
Import Licensing Procedures

1. Each Member State shall ensure that all automatic and non-automatic import licensing procedures are implemented in a transparent and predictable manner, and applied in accordance with the *Agreement on Import Licensing Procedures* as contained in Annex 1A to the WTO Agreement.

2. Promptly after entry into force of this Agreement, each Member State shall notify the other Member States of any existing import licensing procedures. Thereafter, each Member State shall notify the other Member States of any new import licensing procedure and any modification to its existing import licensing procedures, to the extent possible sixty (60) days before it takes effect, but in any case no later than the effective date of the licensing requirement. A notification provided under this Article shall include the information specified in Article 5 of the *Agreement on Import Licensing Procedures* as contained in Annex 1A to the WTO Agreement.

非关税壁垒（NTB），则实施该非关税壁垒的成员应国按照本协定予以消除。

5. 东盟货物贸易协定实施协调委员会（CCA）应作为本条第4款所述通知与审议的联络点。

6. 本条规定可根据第8条列明的理由予以豁免。

7. 本协定任何条款不得解释为阻止作为《巴塞尔公约》或其他相关国际协议缔约方的成员，依据其法律法规并根据此类国际协议，就危险废物或物质采取或实施任何措施。

第43条 外汇限制

成员国应对本协定项下产品支付相关的外汇限制及此类款项的汇回作出例外安排，且不影响其根据《1994年关税与贸易总协定》第18条及国际货币基金组织（IMF）协定相关条款享有的权利。

第44条 进口许可程序

1. 各成员国应确保所有自动和非自动进口许可程序均以透明和可预测的方式实施，并按照《WTO协定》附件1A所载的《进口许可程序协议》执行。

2. 本协定生效后，各成员国应立即通知其他成员国任何现有的进口许可程序。此后，各成员国应在可能的情况下，于任何新的进口许可程序或其现有进口许可程序的修改生效前六十（60）天通知其他成员国，但无论如何不得迟于许可要求生效之日。根据本条提供的通知应包括《WTO协定》附件1A所含《进口许可程序协议》第5条规定的信息。

3. Each Member State shall answer within sixty (60) days all reasonable enquiries from another Member State with regard to the criteria employed by its respective licensing authorities in granting or denying import licences. The importing Member State shall also consider publication of such criteria.
4. Elements in non-automatic import licensing procedures that are found to be impeding trade shall be identified, with a view to remove such barriers, and to the extent possible work towards automatic import licensing procedures.

CHAPTER 5
TRADE FACILITATION

Article 45
Work Programme on Trade Facilitation and its Objectives

1. Member States shall develop and implement a comprehensive ASEAN Trade Facilitation Work Programme, which sets out all concrete actions and measures with clear targets and timelines of implementation necessary for creating a consistent, transparent, and predictable environment for international trade transactions that increases trading opportunities and help businesses, including small and medium sized enterprises (SMEs), to save time and reduce costs.
2. The ASEAN Trade Facilitation Work Programme shall set out actions and measures to be implemented at both ASEAN and national levels.

Article 46
Scope of the ASEAN Trade Facilitation Work Programme

The ASEAN Trade Facilitation Work Programme referred to in Article 45 shall cover the areas of customs procedures, trade regulations and procedures, standards and conformance, sanitary and phytosanitary measures, ASEAN Single Window and other areas as identified by the AFTA Council.

3. 各成员国应在六十（60）天内答复另一成员国就其许可机构在批准或拒绝进口许可证时所采用标准提出的所有合理询问。进口成员国还应考虑公布此类标准。
4. 应识别非自动进口许可程序中阻碍贸易的要素，以期消除此类壁垒，并尽可能推动向自动进口许可程序过渡。

第五章 贸易便利化

第45条 贸易便利化工作计划及其目标

1. 成员国应制定并实施全面的东盟贸易便利化工作计划，该计划需列明所有具体行动和措施，并设定明确的实施目标与时间表，旨在为国际贸易交易创造一致、透明且可预测的环境，从而增加贸易机会，并帮助企业（包括中小型企业（SMEs））节省时间、降低成本。
2. 东盟贸易便利化工作计划应规定需在东盟层面和国家层面实施的行动与措施。

第46条 东盟贸易便利化工作计划的范围

第45条所述的东盟贸易便利化工作计划应涵盖海关程序、贸易法规和程序、标准与合规、卫生与植物检疫措施、东盟单一窗口以及东盟自由贸易区理事会确定的其他领域。