

programmes for Standards, Technical Regulations and Conformity Assessment Procedures Chapters in such ASEAN FTAs.

5. The ACCSQ shall take the necessary actions to ensure effective implementation of the ASEAN Sectoral Mutual Recognition Arrangements and ASEAN Harmonised Regulatory Regimes.

CHAPTER 8
SANITARY AND PHYTOSANITARY MEASURES

Article 79
Objectives

The objectives of this Chapter are to:

- (a) facilitate trade between and among Member States while protecting human, animal or plant life or health in each Member State;
- (b) provide a framework and guidelines on requirements in the application of sanitary and phytosanitary measures among Member States, particularly to achieve commitments set forth in the ASEAN Economic Community Blueprint;
- (c) strengthen co-operation among Member States in protecting human, animal or plant life or health; and
- (d) facilitate and strengthen implementation of this Chapter in accordance with the principles and disciplines in the *Agreement on the Application of Sanitary and Phytosanitary Measures* contained in Annex 1A to the WTO Agreement and this Agreement.

Article 80
Definitions

For the purposes of this Chapter:

- (a) **international standards, guidelines and recommendations** shall have the same meaning as in Annex A of paragraph 3 to the *SPS Agreement*;

东盟自由贸易协定中关于标准、技术法规和合格评定程序章节的计划。

5. 东盟标准与质量咨询委员会应采取必要行动，确保东盟部门互认安排和东盟协调监管制度的有效实施。

第八章 卫生与植物检疫措施

第七十
九条 目标

本章的目标是：

- (a) 在保护各成员国人类、动物或植物的生命或健康的同时，促进成员国之间的贸易；
- (b) 为成员国间实施卫生与植物检疫措施的要求提供框架和指南，特别是实现东盟经济共同体蓝图中规定的承诺；
- (c) 加强成员国在保护人类、动物或植物的生命或健康方面的合作；以及
- (d) 根据世界贸易组织协定附件1A中的《实施卫生与植物检疫措施协定》及本协定的原则和纪律，促进和加强本章的实施。

第80条
定义

就本章而言：

- (a) 国际标准、指南和建议应具有与《实施卫生与植物检疫措施协定》附件A第3款中相同的含义；

- (b) **sanitary or phytosanitary measures** shall have the same meaning as in Annex A of paragraph 1 to the *SPS Agreement*; and
- (c) **SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures* contained in Annex 1A to the WTO Agreement.

Article 81
General Provisions and Obligations

- 1. The provisions of this Chapter apply to all sanitary and phytosanitary measures of a Member State that may, directly or indirectly, affect trade between and among Member States.
- 2. Member States affirm their rights and obligations with respect to each other under the *SPS Agreement*.
- 3. Each Member State commits to apply the principles of the *SPS Agreement* in the development, application or recognition of any sanitary or phytosanitary measures with the intent to facilitate trade between and among Member States while protecting human, animal or plant life or health in each Member State.
- 4. In the implementation of their sanitary or phytosanitary measures, Member States agree to be guided, where applicable, by relevant international standards, guidelines and recommendations developed by international organisations such as, the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE), the International Plant Protection Convention (IPPC) and ASEAN.
- 5. Member States hereby agree that the laws, regulations, and procedures for application of SPS measures in their respective territories shall be listed in Annex 9, which form an integral part of this Agreement. Member States hereby agree to ensure that their respective national sanitary and phytosanitary laws, regulations and procedures as listed in Annex 9 are readily available and accessible to any interested Member States.
- 6. Any change to national sanitary and phytosanitary laws, regulations and procedures shall be subject to Article 11.

- (b) 卫生或植物检疫措施应具有
与《实施卫生与植物检疫措施协定》第1段附件A中的含义相同；且
- (c) 实施卫生与植物检疫措施协定 指《实施卫生与植物卫生措施协定》
《世界贸易组织协定》附件1A中所包含的《实施卫生与植物检疫措施协定》。

第81条 一般规定与义务

- 1. 本章规定适用于成员国可能直接或间接影响成员国间贸易的所有卫生与植物检疫措施。
- 2. 成员国重申根据《实施卫生与植物检疫措施协定》彼此享有的权利和承担的义务。
- 3. 各成员国承诺在制定、实施或认可任何卫生或植物检疫措施时遵循《实施卫生与植物检疫措施协定》的原则，旨在促进成员国之间的贸易，同时保护各成员国境内人类、动物或植物的生命或健康。
- 4. 在实施卫生或植物检疫措施时，成员国同意在适用情况下参考相关国际标准、指南和建议，这些标准、指南和建议由食品法典委员会（Codex）、世界动物卫生组织（OIE）、国际植物保护公约（IPPC）和东盟等国际组织制定。
- 5. 成员国特此同意，其各自领土内实施卫生与植物检疫措施的法律、法规和程序应列于附件9，该附件构成本协定不可分割的一部分。成员国特此同意确保附件9所列的各自国家卫生与植物检疫法律、法规和程序易于获取，并向任何感兴趣的成员国开放查阅。
- 6. 成员国对本国卫生与植物检疫法律、法规及程序的任何修改均须遵守第11条规定。

Article 82
Implementation and Institutional Arrangements

1. For effective implementation of this Chapter, an ASEAN Committee on Sanitary and Phytosanitary Measures (AC-SPS) shall be established to conduct committee meetings at least once a year among Member States.
2. The functions of the AC-SPS shall be to:
 - (a) facilitate exchange of information on such matters as occurrences of sanitary or phytosanitary incidents in the Member States and non-Member States, and change or introduction of sanitary and phytosanitary-related regulations and standards of the Member States , which may, directly or indirectly, affect trade between and among Member States;
 - (b) facilitate co-operation in the area of sanitary or phytosanitary measures including capacity building, technical assistance and exchange of experts, subject to the availability of appropriated funds and the applicable laws and regulations of each Member State;
 - (c) endeavour to resolve sanitary and phytosanitary matters with a view to facilitate trade between and among Member States. The AC-SPS may establish *ad hoc* task force to undertake science-based consultations to identify and address specific issues that may arise from the application of sanitary or phytosanitary measures; and
 - (d) submit regular reports of developments and recommendations in the implementation of this Chapter to the AFTA Council, through SEOM for further action.
3. Each Member State shall establish a contact point for effective communication and co-operation. The list of respective designated contact points appears in Annex 10.
4. Each Member State shall ensure the information in Annex 10 is updated.

Article 83
Notification under Emergency Situation

第八十二条 实施与制度安排

1. 为有效实施本章，东盟将成立东盟卫生与植物卫生措施委员会（AC-SPS），每年至少召开一次成员国间的委员会会议。
2. AC-SPS的职能应包括：
 - (a) 促进成员国与非成员国之间关于卫生或植物卫生事件发生情况的信息交流，以及成员国卫生与植物卫生相关法规和标准的变更或引入，这些可能直接或间接影响成员国之间的贸易；(b) 在卫生或植物检疫措施领域促进合作，包括能力建设、技术援助和专家交流，前提是有适当的资金以及各成员国适用的法律法规；(c) 努力解决卫生与植物卫生事务，以促进成员国之间的贸易。AC-SPS可设立特设工作组，开展基于科学的磋商，以识别和解决因实施卫生或植物检疫措施可能产生的具体问题；(d) 通过SEOM向东盟自由贸易区理事会提交关于本章实施进展和建议的定期报告，以供进一步行动。
3. 各成员国应设立一个联络点以确保有效沟通与合作。相关指定联络点清单见附件10。
4. 各成员国应确保附件10中的信息得到更新。

第八十三条 紧急情况下的通知

1. Each Member State acknowledges the value of exchanging information, particularly in an emergency situation on food safety crisis, interception, control of pests and/or disease outbreaks and its sanitary or phytosanitary measures.
2. Member States shall immediately notify all contact points and the ASEAN Secretariat should the following situations occur:
- (a) in case of food safety crisis, pest or disease outbreaks; and
 - (b) provisional sanitary or phytosanitary measures against or affecting the exports of the other Member States are considered necessary to protect the human, animal or plant life or health of the importing Member State.
3. The exporting Member State should, to the extent possible, endeavour to provide information to the importing Member State if the exporting Member State identifies that an export consignment which may be associated with a significant sanitary or phytosanitary risk has been exported.

Article 84
Equivalence

1. Each Member State shall initiate and further strengthen co-operation on equivalence in accordance with the *SPS Agreement* and relevant international standards, guidelines and recommendations, in order to facilitate trade between and among the Member States.
2. To facilitate trade, Member States may develop equivalence arrangements and recommend equivalence decisions, in particular in accordance with Article 4 of the *SPS Agreement* and with the guidance provided by the relevant international and regional standard setting bodies namely Codex, OIE, IPPC and ASEAN and by the Committee on Sanitary and Phytosanitary Measures established in accordance with Article 12 of the *SPS Agreement*.
3. Each Member State shall, upon request, enter into consultations with the aim of achieving bilateral and/or regional recognition arrangements of the equivalence of specified sanitary or phytosanitary measures.

1. 各成员国承认信息交流的价值，特别是在食品安全危机、拦截、害虫控制和/或疾病爆发及其卫生或植物检疫措施的紧急情况下。
2. 若发生下列情形，成员国应立即通知所有联络点及东盟秘书处：
- (a) 出现食品安全危机、有害生物或疾病爆发；及 (b) 为保护进口成员国人类、动物或植物的生命或健康，认为有必要针对或影响其他成员国出口采取临时卫生或植物检疫措施。
3. 若出口成员国发现可能具有重大卫生或植物检疫风险的出口货物已运出，应尽可能向进口成员国提供相关信息。

第84条 等
效性

1. 各成员国应根据《实施卫生与植物检疫措施协定》及相关国际标准、指南和建议，启动并进一步加强等效性合作，以促进成员国间贸易。
2. 为促进贸易，成员国可制定等效性安排并建议等效性决定，尤其应遵循《实施卫生与植物检疫措施协定》第4条规定，并参考食品法典委员会、世界动物卫生组织、国际植物保护公约、东盟等国际和区域标准制定机构以及根据《实施卫生与植物检疫措施协定》第12条设立的卫生和植物检疫措施委员会提供的指导。
3. 各成员国应应请求进行磋商，旨在达成关于特定卫生或植物检疫措施等效性的双边和/或区域认可安排。

Article 85
Co-operation

1. Each Member State shall explore opportunities for further co-operation, technical assistance, collaboration and information exchange with other Member States on sanitary and phytosanitary matters of mutual interest consistent with the objectives of this Chapter and the commitments set forth in the ASEAN Economic Community Blueprint.
2. Member States shall further strengthen co-operation for the control and eradication of pests and disease outbreaks, and other emergency cases related to sanitary or phytosanitary measures as well as to assist other Member States to comply with SPS requirements.
3. In implementing the provisions of paragraph 1 of this Article, Member States shall co-ordinate their undertakings with the activities conducted in the regional and multilateral context, with the objectives of avoiding unnecessary duplication and maximising efficiency of efforts of the Member States in this field.
4. Any two (2) Member States may, by mutual agreement, co-operate on adaptation to regional conditions including the concept of pests and disease free areas and areas of low pests or disease prevalence, in accordance with the *SPS Agreement* and relevant international standards, guidelines and recommendations, in order to facilitate trade between the Member States.

CHAPTER 9
TRADE REMEDY MEASURES

Article 86
Safeguard Measures

Each Member State which is a WTO member retains its rights and obligations under Article XIX of GATT 1994, and the *Agreement on Safeguards* or Article 5 of the *Agreement on Agriculture*.

Article 87
Anti-dumping and Countervailing Duties

1. Member States affirm their rights and obligations with respect to each other relating to the application of anti-dumping under Article VI of GATT 1994 and the *Agreement on Implementation of Article VI of General Agreement on Tariffs and Trade 1994* as contained in Annex 1A to the WTO Agreement.

第85条 合
作

1. 各成员国应探索与其他成员国在共同关心的卫生与植物卫生事务上进一步合作、技术援助、协作及信息交流的机会，此举须符合本章目标及《东盟经济共同体蓝图》所载承诺。
2. 成员国应进一步加强合作，以控制和根除病虫害爆发，以及其他与卫生或植物检疫措施相关的紧急情况，并协助其他成员国遵守卫生与植物卫生措施要求。
3. 在执行本条第一款规定时，成员国应将其行动与区域和多边背景下开展的活动相协调，以避免不必要的重复并最大化成员国在该领域努力的效率。
4. 任何两个（2）成员国可经双方同意，根据《实施卫生与植物检疫措施协定》及相关国际标准、指南和建议，就适应区域条件（包括无病虫害区域和低病虫害流行区域的概念）开展合作，以促进成员国之间的贸易。

第九章 贸易救济措施

第86条 保障措施

作为世贸组织成员的每个成员国，均保留其在1994年关贸总协定第19条、《保障措施协定》或《农业协定》第5条项下的权利和义务。

第87条 反倾销和反补贴税

1. 成员国确认彼此之间在适用1994年关贸总协定第6条及《世界贸易组织协定》附件1A所含《1994年关税与贸易总协定第6条执行协定》规定的反倾销措施方面的权利和义务。