

Article 85
Co-operation

- 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.
- 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.
- 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.
- 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

- 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
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- 各成员国应探索机会，在符合本章目标和《东盟经济共同体蓝图》所载承诺的前提下，就共同关心的卫生与植物卫生事务与其他成员国进一步加强合作、技术援助、协作和信息交流。
- 成员国应进一步加强合作，以控制和根除病虫害爆发及与卫生或植物卫生措施相关的其他紧急情况，并协助其他成员国遵守SPS要求。
- 在执行本条第一款规定时，成员国应协调其行动与区域和多边背景下开展的活动，以避免不必要的重复并最大限度地提高成员国在该领域努力的效率。
- 任何两个（2）成员国可经双方同意，根据SPS协定和相关国际标准、准则和建议，就适应区域条件进行合作，包括病虫害非疫区和低度流行区的概念，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WTO成员的每个成员国保留其在1994年关贸总协定第19条、《保障措施协定》或《农业协定第5条》下的权利和义务。

第87条 反倾销和反补贴税

- 成员国确认彼此之间在适用1994年关贸总协定第6条及WTO协定附件1A所载《1994年关税与贸易总协定第6条执行协定》项下反倾销措施方面的权利和义务。

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在适用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》项下补贴与反补贴措施方面的权利和义务。

第十章 机构条款

第八十八条 咨询与协商机制

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。任何不愿采用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
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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，该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，并协调本协定下的技术机构和委员会工作，同时获得其支持。