

FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC CO-OPERATION
BETWEEN THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS AND THE PEOPLE'S
REPUBLIC OF CHINA

PREAMBLE

WE, the Heads of Government/State of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic ("Lao PDR"), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State"), and the People's Republic of China ("China"):

RECALLING our decision made at the ASEAN-China Summit held on 6 November 2001 in Bandar Seri Begawan, Brunei Darussalam, regarding a Framework on Economic Co-operation and to establish an ASEAN-China Free Trade Area ("ASEAN-China FTA") within ten years with special and differential treatment and flexibility for the newer ASEAN Member States of Cambodia, Lao PDR, Myanmar and Viet Nam ("the newer ASEAN Member States") and with provision for an early harvest in which the list of products and services will be determined by mutual consultation;

DESIRING to adopt a Framework Agreement on Comprehensive Economic Co-operation ("this Agreement") between ASEAN and China (collectively, "the Parties", or individually referring to an ASEAN Member State or to China as a "Party") that is forward-looking in order to forge closer economic relations in the 21st century;

DESIRING to minimise barriers and deepen economic linkages between the Parties; lower costs; increase intra-regional trade and investment; increase economic efficiency; create a larger market with greater opportunities and larger economies of scale for the businesses of the Parties; and enhance the attractiveness of the Parties to capital and talent;

BEING confident that the establishment of an ASEAN-China FTA will create a partnership between the Parties, and provide an important mechanism for strengthening co-operation and supporting economic stability in East Asia; RECOGNISING the important role and contribution of the business sector in enhancing trade and investment between the Parties and the need to further promote and facilitate their co-operation and utilisation of greater business opportunities provided by the ASEAN-China FTA;

RECOGNISING the different stages of economic development among ASEAN Member States and the need for flexibility, in particular the need to facilitate the increasing participation of the newer ASEAN Member States in the ASEAN-China economic co-operation and the expansion of their exports, including, inter alia, through the strengthening of their domestic capacity, efficiency and competitiveness;

REAFFIRMING the rights, obligations and undertakings of the respective parties under the World Trade Organisation (WTO), and other multilateral, regional and bilateral agreements and arrangements;

东南亚国家联盟与中华人民共和国关于全面经济合作的框架协议

序言

我们，文莱达鲁萨兰国、柬埔寨王国、印度尼西亚共和国、老挝人民民主共和国（“老挝人民民主共和国”）、马来西亚、缅甸联邦、菲律宾共和国、新加坡共和国、泰国王国和越南社会主义共和国的政府首脑/国家元首，东南亚国家联盟（东盟）成员国（以下统称“东盟”或“东盟成员国”，或单独称“东盟成员国”），以及中华人民共和国（以下称“中国”）：

回顾我们在2001年11月6日在文莱斯里巴加湾市举行的东盟-中国峰会上的决定，关于建立经济合作框架并建立东盟-中国自由贸易区（“东盟-中国自由贸易区”），在十年内给予柬埔寨、老挝人民民主共和国、缅甸和越南社会主义共和国（“新东盟成员国”）特殊和差别待遇及灵活性，并规定早期收获条款，其中产品和服务的清单将由相互协商确定；

渴望缔结一项关于全面经济合作框架协议（“本协议”）的协议，以东南亚国家联盟和中国（统称“缔约方”，或单独指代一个东南亚国家联盟成员国或中国为一个“缔约方”）之间建立面向未来的经济关系，以在21世纪中建立更紧密的经济关系；

渴望尽量减少壁垒，深化缔约方之间的经济联系；降低成本；增加区域内部贸易和投资；提高经济效率；为缔约方的企业提供更大的市场、更多的机会和更大的规模经济；并增强缔约方对资本和人才的吸引力；

相信建立东盟-中国自由贸易协定将创建缔约方之间的伙伴关系，并提供一个重要的机制，以加强合作和支持东亚的经济稳定；承认商业部门在增强缔约方之间贸易和投资方面的重要作用 and 贡献，以及进一步促进和便利其合作和利用东盟-中国自由贸易协定提供的更大商业机会的需要；

认识到东盟成员国之间经济发展阶段不同，需要灵活性，特别是需要促进新东盟成员国参与东盟—中国经济合作以及扩大其出口，包括，例如，通过加强其国内能力、效率和竞争力；

重申世界贸易组织（WTO）下各缔约方的权利、义务和承诺，以及其他多边、区域和双边协议和安排；

RECOGNISING the catalytic role that regional trade arrangements can contribute towards accelerating regional and global liberalisation and as building blocks in the framework of the multilateral trading system;
HAVE AGREED AS FOLLOWS:

ARTICLE 1
Objectives

The objectives of this Agreement are to:

- (a) strengthen and enhance economic, trade and investment co-operation between the Parties;
- (b) progressively liberalise and promote trade in goods and services as well as create a transparent, liberal and facilitative investment regime;
- (c) explore new areas and develop appropriate measures for closer economic co-operation between the Parties; and
- (d) facilitate the more effective economic integration of the newer ASEAN Member States and bridge the development gap among the Parties.

ARTICLE 2
Measures For Comprehensive Economic Co-operation

The Parties agree to negotiate expeditiously in order to establish an ASEAN-China FTA within 10 years, and to strengthen and enhance economic co-operation through the following:

- (a) progressive elimination of tariffs and non-tariff barriers in substantially all trade in goods;
- (b) progressive liberalisation of trade in services with substantial sectoral coverage;
- (c) establishment of an open and competitive investment regime that facilitates and promotes investment within the ASEAN-China FTA;
- (d) provision of special and differential treatment and flexibility to the newer ASEAN Member States;
- (e) provision of flexibility to the Parties in the ASEAN-China FTA negotiations to address their sensitive areas in the goods, services and investment sectors with such flexibility to be negotiated and mutually agreed based on the principle of reciprocity and mutual benefits;
- (f) establishment of effective trade and investment facilitation measures, including, but not limited to, simplification of customs procedures and development of mutual recognition arrangements;
- (g) expansion of economic co-operation in areas as may be mutually agreed between the Parties that will complement the deepening of trade and investment links between the Parties and formulation of

认识到区域贸易安排在加速区域和全球自由化以及作为多边贸易体系框架中的基石方面可以发挥的催化作用；同意如下：

第一条 目
的

本协议的目的是：(a) 加强和促进缔约方之间的经济、贸易和投资合作；(b) 逐步自由化并促进货物和服务贸易，以及创建透明、自由和便利的投资制度；(c) 探索新的领域和发展适当的措施，以加强缔约方之间的经济合作；以及 (d) 促进新东盟成员国更有效的经济一体化，并缩小缔约方之间的发展差距。

第二条
全面经济合作措施

缔约方同意迅速谈判，以在10年内建立东盟-中国自由贸易协定，并通过以下措施加强和促进经济合作：

- (a) 逐步消除货物贸易中绝大部分的关税和非关税壁垒；(b) 逐步放宽具有重大部门覆盖的服务贸易自由化；(c) 建立开放和竞争的投资制度，促进和便利化东盟-中国自由贸易协定内的投资；(d) 向新东盟成员国提供特殊和差别待遇及灵活性；(e) 为缔约方在东盟-中国自由贸易协定谈判中提供灵活性，以解决货物、服务和投资部门中的敏感领域，此类灵活性应根据互惠和互利原则进行谈判和相互同意；(f) 建立有效的贸易和投资便利化措施，包括但不限于简化海关程序和发展相互承认安排；(g) 扩大在缔约方相互同意的领域内的经济合作，以补充缔约方之间贸易和投资联系的深化，并制定

- action plans and programmes in order to implement the agreed sectors/areas of co-operation; and
- (h) establishment of appropriate mechanisms for the purposes of effective implementation of this Agreement.

PART 1

ARTICLE 3
Trade In Goods

1. In addition to the Early Harvest Programme under Article 6 of this Agreement, and with a view to expediting the expansion of trade in goods, the Parties agree to enter into negotiations in which duties and other restrictive regulations of commerce (except, where necessary, those permitted under Article XXIV (8)(b) of the WTO General Agreement on Tariffs and Trade (GATT)) shall be eliminated on substantially all trade in goods between the Parties.
2. For the purposes of this Article, the following definitions shall apply unless the context otherwise requires:
- (a) “ASEAN 6” refers to Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand;
- (b) “applied MFN tariff rates” shall include in-quota rates, and shall:
- (i) in the case of ASEAN Member States (which are WTO members as of 1 July 2003) and China, refer to their respective applied rates as of 1 July 2003; and
- (ii) in the case of ASEAN Member States (which are non-WTO members as of 1 July 2003), refer to the rates as applied to China as of 1 July 2003
- (c) “non-tariff measures” shall include non-tariff barriers.
3. The tariff reduction or elimination programme of the Parties shall require tariffs on listed products to be gradually reduced and where applicable, eliminated, in accordance with this Article.
4. The products which are subject to the tariff reduction or elimination programme under this Article shall include all products not covered by the Early Harvest Programme under Article 6 of this Agreement, and such products shall be categorised into 2 Tracks as follows:
- (a) Normal Track: Products listed in the Normal Track by a Party on its own accord shall:
- (i) have their respective applied MFN tariff rates gradually reduced or eliminated in accordance with specified schedules and rates (to be mutually agreed by the Parties) over a period from 1 January 2005 to 2010 for ASEAN 6 and China, and in the case of the newer ASEAN Member States, the period shall be from 1 January 2005 to 2015 with higher starting tariff rates and different staging; and
- (ii) in respect of those tariffs which have been reduced but have not been eliminated under paragraph 4(a)(i) above,

行动计划和项目，以实施商定的合作领域；和 (h) 建立适当的机制，以有效实施本协议。

第一部分

第3条 货物贸易

1. 除本协议第6条项下的早期收获计划外，为加快货物贸易扩张，缔约方同意进行谈判，在谈判中，除必要时应允许根据世界贸易组织关税及贸易总协定（GATT）第24条（8）（b）款允许的关税和其他贸易限制措施外，缔约方之间实质上所有货物贸易的关税和其他贸易限制措施应予以消除。
2. 就本条而言，除非上下文另有要求，下列定义应适用：
- (a) “东盟6国”指文莱、印度尼西亚、马来西亚、菲律宾、新加坡和泰国；(b) “适用最惠国关税税率”应包括配额内税率，并应：(i) 在东盟成员国（截至2003年7月1日为世界贸易组织成员）和中国的情况下，指截至2003年7月1日的各自适用税率；以及(ii) 在东盟成员国（截至2003年7月1日非世界贸易组织成员）的情况下，指截至2003年7月1日适用于中国的税率
- (c) “非关税措施”应包括非关税壁垒。
3. 缔约方的关税减让或取消计划应要求列名产品的关税逐步减让，并在适用的情况下予以消除，根据本条的规定。
4. 根据本条规定的关税减让或取消计划所适用的产品应包括本协议第6条规定的早期收获计划所未涵盖的所有产品，此类产品应按如下方式分为2个轨道：
- (a) 普通轨道：缔约方自行列名的普通轨道产品应当：(i) 根据规定的进度和税率（由缔约方相互同意），逐步降低或取消其各自适用的最惠国关税税率（东盟6国和中国为2005年1月1日至2010年，新东盟成员国为2005年1月1日至2015年，起始关税税率较高且分阶段不同）；以及(ii)对于根据上述第4(a)(i)款已降低但尚未取消的关税，

- they shall be progressively eliminated within timeframes to be mutually agreed between the Parties.
- (b) Sensitive Track: Products listed in the Sensitive Track by a Party on its own accord shall:
- (i) have their respective applied MFN tariff rates reduced in accordance with the mutually agreed end rates and end dates; and
 - (ii) where applicable, have their respective applied MFN tariff rates progressively eliminated within timeframes to be mutually agreed between the Parties
5. The number of products listed in the Sensitive Track shall be subject to a maximum ceiling to be mutually agreed among the Parties.
6. The commitments undertaken by the Parties under this Article and Article 6 of this Agreement shall fulfil the WTO requirements to eliminate tariffs on substantially all the trade between the Parties.
7. The specified tariff rates to be mutually agreed between the Parties pursuant to this Article shall set out only the limits of the applicable tariff rates or range for the specified year of implementation by the Parties and shall not prevent any Party from accelerating its tariff reduction or elimination if it so wishes to.
8. The negotiations between the Parties to establish the ASEAN-China FTA covering trade in goods shall also include, but not be limited to the following:
- (a) other detailed rules governing the tariff reduction or elimination programme for the Normal Track and the Sensitive Track as well as any other related matters, including principles governing reciprocal commitments, not provided for in the preceding paragraphs of this Article;
 - (b) Rules of Origin;
 - (c) treatment of out-of-quota rates;
 - (d) modification of a Party's commitments under the agreement on trade in goods based on Article XXVIII of the GATT;
 - (e) non-tariff measures imposed on any products covered under this Article or Article 6 of this Agreement, including, but not limited to quantitative restrictions or prohibition on the importation of any product or on the export or sale for export of any product, as well as scientifically unjustifiable sanitary and phytosanitary measures and technical barriers to trade;
 - (f) safeguards based on the GATT principles, including, but not limited to the following elements: transparency, coverage, objective criteria for action, including the concept of serious injury or threat thereof, and temporary nature;
 - (g) disciplines on subsidies and countervailing measures and anti-dumping measures based on the existing GATT disciplines; and
 - (h) facilitation and promotion of effective and adequate protection of trade-related aspects of intellectual property rights based on existing WTO, World Intellectual Property Organization (WIPO) and

它们应当在缔约方相互同意的时间框架内逐步取消。(b) 敏感轨道：缔约方自行列名的敏感轨道产品应当：(i)根据相互同意的最终税率和最终日期降低其各自适用的最惠国关税税率；以及(ii)在适用的情况下，应当在缔约方相互同意的时间框架内逐步取消其各自适用的最惠国关税税率

5. 敏感轨道中列出的产品数量应受缔约方协商确定的最高上限约束。6. 缔约方根据本条和本协议第6条作出的承诺应满足世界贸易组织（WTO）要求，取消实质上所有缔约方之间贸易的关税。7. 根据本条由缔约方相互商定的特定关税税率应仅列明适用关税税率或范围的上限，并不得阻止任何一方如希望加速其关税减让或消除。8. 为建立涵盖货物贸易的东盟-中国自由贸易协定（ASEAN-China FTA），缔约方之间的谈判还应包括但不限于以下内容：(a) 其他详细规则，用于管理普通轨道和敏感轨道的关税减让或取消计划以及任何其他相关事项，包括本协议第6条前几段未规定的相互承诺原则；(b) 原产地规则；(c) 配额外税率的处理；(d) 根据关税及贸易总协定（GATT）第XXVIII条修改协议项下货物贸易承诺；(e) 对根据本条或本协议第6条涵盖的任何产品实行的非关税措施，包括但不限于数量限制或禁止进口任何产品，或禁止出口或出口销售任何产品，以及科学上无根据的卫生与植物卫生措施和技术性贸易壁垒；(f) 基于关税及贸易总协定（GATT）原则的保障措施，包括但不限于以下要素：透明度、覆盖范围、采取行动的客观标准，包括严重损害或威胁的概念，以及临时性质；(g) 基于现有关税及贸易总协定（GATT）纪律的补贴和反补贴措施以及反倾销措施的纪律；以及(h) 基于现有世界贸易组织（WTO）、世界知识产权组织（WIPO）和

other relevant disciplines.

ARTICLE 4
Trade In Services

With a view to expediting the expansion of trade in services, the Parties agree to enter into negotiations to progressively liberalise trade in services with substantial sectoral coverage. Such negotiations shall be directed to:

- (a) progressive elimination of substantially all discrimination between or among the Parties and/or prohibition of new or more discriminatory measures with respect to trade in services between the Parties, except for measures permitted under Article V(1)(b) of the WTO General Agreement on Trade in Services (GATS);
- (b) expansion in the depth and scope of liberalisation of trade in services beyond those undertaken by ASEAN Member States and China under the GATS; and
- (c) enhanced co-operation in services between the Parties in order to improve efficiency and competitiveness, as well as to diversify the supply and distribution of services of the respective service suppliers of the Parties.

ARTICLE 5
Investment

To promote investments and to create a liberal, facilitative, transparent and competitive investment regime, the Parties agree to:

- (a) enter into negotiations in order to progressively liberalise the investment regime;
- (b) strengthen co-operation in investment, facilitate investment and improve transparency of investment rules and regulations; and
- (c) provide for the protection of investments.

ARTICLE 6
Early Harvest

With a view to accelerating the implementation of this Agreement, the Parties agree to implement an Early Harvest Programme (which is an integral part of the ASEAN-China FTA) for products covered under paragraph 3(a) below and which will commence and end in accordance with the timeframes set out in this Article.

For the purposes of this Article, the following definitions shall apply unless the context otherwise requires:

- (a) “ASEAN 6” refers to Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand;
- (b) “applied MFN tariff rates” shall include in-quota rates, and shall:

其他相关学科。

第四条 服务贸易

为加快服务贸易扩张，缔约方同意进行谈判，逐步自由化服务贸易，实现重大部门覆盖。此类谈判应旨在：

- (a) 逐步消除缔约方之间或相互之间的实质性所有歧视，或禁止缔约方之间就服务贸易采取新的或更歧视性措施，但世界贸易组织服务贸易总协定（GATS）第五条(1)(b)款允许的措施除外；(b) 扩大服务贸易自由化的深度和广度，超出东盟成员国和中国在GATS项下的承诺；以及(c) 加强缔约方之间的服务合作，以提高效率和竞争力，以及多样化缔约方各自服务供应商的服务供应和分配。

第五条 投资

为促进投资，并创造自由、便利、透明和有竞争力的投资制度，缔约方同意：

- (a) 进行谈判，以逐步自由化投资制度；(b) 加强投资合作，促进投资，并提高投资规则和法规的透明度；以及(c) 提供投资保护。

第6条 早期收获

为加速本协定实施，缔约方同意对第3(a)段涵盖的产品实施一项早期收获计划（该计划是东盟-中国自由贸易协定的组成部分），该计划将根据本协定规定的时间框架开始和结束。

就本条而言，除非上下文另有要求，下列定义应适用：

- (a) “东盟6国”指文莱、印度尼西亚、马来西亚、菲律宾、新加坡和泰国；
- (b) “适用最惠国关税税率”应包括配额内税率，并应：

- (i) in the case of ASEAN Member States (which are WTO members as of 1 July 2003) and China, refer to their respective applied rates as of 1 July 2003; and
- (ii) in the case of ASEAN Member States (which are non-WTO members as of 1 July 2003), refer to the tariff rates as applied to China as of 1 July 2003.

3. The product coverage, tariff reduction and elimination, implementation timeframes, rules of origin, trade remedies and emergency measures applicable to the Early Harvest Programme shall be as follows:

- (a) Product Coverage
 - (i) All products in the following chapters at the 8/9 digit level (HS Code) shall be covered by the Early Harvest Programme, unless otherwise excluded by a Party in its Exclusion List as set out in Annex 1 of this Agreement, in which case these products shall be exempted for that Party:

Chapter	Description
01	Live Animals
02	Meat and Edible Meat Offal
03	Fish
04	Dairy Produce
05	Other Animals Products
06	Live Trees
07	Edible Vegetables
08	Edible Fruits and Nuts

- (ii) A Party which has placed products in the Exclusion List may, at any time, amend the Exclusion List to place one or more of these products under the Early Harvest Programme.
- (iii) The specific products set out in Annex 2 of this Agreement shall be covered by the Early Harvest Programme and the tariff concessions shall apply only to the parties indicated in Annex 2. These parties must have extended the tariff concessions on these products to each other.
- (iv) For those parties which are unable to complete the appropriate product lists in Annex 1 or Annex 2, the lists may still be drawn up no later than 1 March 2003 by mutual agreement.

- (b) Tariff Reduction and Elimination
 - (i) All products covered under the Early Harvest Programme shall be divided into 3 product categories for tariff reduction and elimination as defined and to be implemented in accordance with the timeframes set out in Annex 3 to this Agreement. This paragraph shall not prevent any Party from accelerating its tariff reduction or elimination if it so wishes.

- (i) 在东盟成员国（截至2003年7月1日为世界贸易组织成员）和中国的情况下，应参考其截至2003年7月1日的各自适用税率；和 (ii) 在东盟成员国（截至2003年7月1日非世界贸易组织成员）的情况下，应参考截至2003年7月1日适用于中国的关税税率。

3. The 产品覆盖范围、关税减让和消除、实施时间框架、原产地规则、贸易救济措施和适用于早期收获计划的紧急措施应如下所示：

- (a) 产品覆盖范围 (i) 所有在以下章节中按8/9位编码（协调制度编码）列出的产品均应被早期收获计划覆盖，除非一方在其附件1中列出的排除清单中另有排除，在这种情况下，这些产品应被该方豁免：

章节	描述
01	活动物
02	肉类和可食用肉杂碎
03	Fish
04	乳制品
05	其他动物产品
06	活树
07	可食用蔬菜
08	可食用水果和坚果

- (ii) 已将产品列入排除清单的一方，可随时修改排除清单，将其中一种或多种产品纳入早期收获计划。(iii) 本协议附件2中列出的具体产品应受早期收获计划覆盖，关税减免仅适用于附件2中指明的缔约方。这些缔约方必须已将这些产品的关税减免扩展至对方。

- (iv) 对于未能完成附件1或附件2中适当产品清单的缔约方，经相互协商，清单仍可最迟于2003年3月1日编制完毕。

- (b) 关税减让
 - (i) 根据本协议附件3中规定的时间框架，早期收获计划涵盖的所有产品应划分为3个产品类别以进行关税减让或消除，具体定义和实施方式如附件3所述。本款不应阻止任何缔约方加速其关税减让或消除，如其希望如此。

- (ii) All products where the applied MFN tariff rates are at 0%, shall remain at 0%.
 - (iii) Where the implemented tariff rates are reduced to 0%, they shall remain at 0%.
 - (iv) A Party shall enjoy the tariff concessions of all the other parties for a product covered under paragraph 3(a)(i) above so long as the same product of that Party remains in the Early Harvest Programme under paragraph 3(a)(i) above.
 - (c) Interim Rules of Origin
The Interim Rules of Origin applicable to the products covered under the Early Harvest Programme shall be negotiated and completed by July 2003. The Interim Rules of Origin shall be superseded and replaced by the Rules of Origin to be negotiated and implemented by the Parties under Article 3(8)(b) of this Agreement.
 - (d) Application of WTO provisions
The WTO provisions governing modification of commitments, safeguard actions, emergency measures and other trade remedies, including anti-dumping and subsidies and countervailing measures, shall, in the interim, be applicable to the products covered under the Early Harvest Programme and shall be superseded and replaced by the relevant disciplines negotiated and agreed to by the Parties under Article 3(8) of this Agreement once these disciplines are implemented.
4. In addition to the Early Harvest Programme for trade in goods as provided for in the preceding paragraphs of this Article, the Parties will explore the feasibility of an early harvest programme for trade in services in early 2003.
5. With a view to promoting economic co-operation between the Parties, the activities set out in Annex 4 of this Agreement shall be undertaken or implemented on an accelerated basis, as the case may be.

PART 2

ARTICLE 7
Other Areas Of Economic Co-operation

1. The Parties agree to strengthen their co-operation in 5 priority sectors as follows:
- (a) agriculture;
 - (b) information and communications technology;
 - (c) human resources development;
 - (d) investment; and
 - (e) Mekong River basin development.
2. Co-operation shall be extended to other areas, including, but not limited to, banking, finance, tourism, industrial co-operation, transport, telecommunications, intellectual property rights, small and medium

(ii) 对于适用最惠国关税税率为0%的所有产品，应保持为0%。(iii) 对于已实施的关税税率为0%的情况，应保持为0%。(iv) 只要该缔约方在上述第3(a)(i)款涵盖的早期收获计划中继续包含相同产品，该缔约方应享受其他所有缔约方为上述第3(a)(i)款涵盖的产品提供的关税减免。

(c) 临时原产地规则 适用于《早期收获计划》项下产品的临时原产地规则应于2003年7月前谈判并完成。临时原产地规则应被第3(8)(b)条本协议下缔约方谈判并实施的《原产地规则》所取代。(d) 世界贸易组织条款 关于承诺的修改、保障措施、紧急措施及其他贸易救济措施（包括反倾销和补贴及反补贴措施）的世界贸易组织条款，在过渡期内应适用于《早期收获计划》项下的产品，并应于这些纪律实施后，被第3(8)条本协议下缔约方谈判并同意的相关纪律所取代。

4. 除本条前段规定的货物贸易早期收获计划外，缔约方将在2003年初探讨服务贸易早期收获计划的可行性。

5. 为促进缔约方之间的经济合作，本协议附件4中列出的活动应根据情况加速开展或实施。

第二部分

第七条
其他经济合作领域

1 . 缔约方同意在以下5个优先领域加强合作：(a) 农业；(b) 信息和通信技术；(c) 人力资源开发；(d) 投资；以及 (e) 湄公河流域发展。 2 . 合作将扩展到其他领域，包括但不限于银行业、金融、旅游业、工业合作、交通、电信、知识产权、中小企业

- enterprises (SMEs), environment, bio-technology, fishery, forestry and forestry products, mining, energy and sub-regional development.
3. Measures to strengthen co-operation shall include, but shall not be limited to:
- (a) promotion and facilitation of trade in goods and services, and investment, such as:
 - (i) standards and conformity assessment;
 - (ii) technical barriers to trade/non-tariff measures; and
 - (iii) customs co-operation;
 - (b) increasing the competitiveness of SMEs;
 - (c) promotion of electronic commerce;
 - (d) capacity building; and
 - (e) technology transfer.
4. The Parties agree to implement capacity building programmes and technical assistance, particularly for the newer ASEAN Member States, in order to adjust their economic structure and expand their trade and investment with China.

PART 3

ARTICLE 8
Timeframes

1. For trade in goods, the negotiations on the agreement for tariff reduction or elimination and other matters as set out in Article 3 of this Agreement shall commence in early 2003 and be concluded by 30 June 2004 in order to establish the ASEAN-China FTA covering trade in goods by 2010 for Brunei, China, Indonesia, Malaysia, the Philippines, Singapore and Thailand, and by 2015 for the newer ASEAN Member States.
2. The negotiations on the Rules of Origin for trade in goods under Article 3 of this Agreement shall be completed no later than December 2003.
3. For trade in services and investments, the negotiations on the respective agreements shall commence in 2003 and be concluded as expeditiously as possible for implementation in accordance with the timeframes to be mutually agreed: (a) taking into account the sensitive sectors of the Parties; and (b) with special and differential treatment and flexibility for the newer ASEAN Member States.
4. For other areas of economic co-operation under Part 2 of this Agreement, the Parties shall continue to build upon existing or agreed programmes set out in Article 7 of this Agreement, develop new economic co-operation programmes and conclude agreements on the various areas of economic co-operation. The Parties shall do so expeditiously for early implementation in a manner and at a pace acceptable to all the parties concerned. The agreements shall include timeframes for the implementation of the commitments therein.

ARTICLE 9

(中小型企业)、环境、生物技术、渔业、林业和林产品、采矿、能源和次区域发展。

3. 加强合作的措施应包括, 但不限于:

(a) 促进和便利货物和服务贸易以及投资, 例如: (i) 标准和合格评定; (ii) 技术性贸易壁垒/非关税措施; 以及(iii) 海关合作; (b) 提高中小企业的竞争力; (c) 促进电子商务; (d) 能力建设; 以及(e) 技术转让。 4. 各方同意实施能力建设项目和技术援助, 特别是针对新东盟成员国, 以调整其经济结构并扩大其与中国之间的贸易和投资。

第三部分

第八条 时间
框架

1. 对于货物贸易, 本协定第三条所述关税减让或消除协议及其他事项的谈判应于2003年初开始, 并在2004年6月30日之前完成, 以建立涵盖文莱、中国、印度尼西亚、马来西亚、菲律宾、新加坡和泰国的东盟-中国自由贸易协定, 覆盖货物贸易, 并于2010年生效, 以及涵盖新东盟成员国的自由贸易协定, 并于2015年生效。
2. 本协议第3条关于货物原产地规则的市场谈判应不迟于2003年12月完成。
3. 对于服务贸易和投资, 相应的协议谈判应于2003年启动, 并尽可能迅速地完成, 以便根据双方同意的时间框架实施: (a) 考虑各方的敏感领域; 以及 (b) 为新东盟成员国提供特殊和差别待遇以及灵活性。
4. 对于本协议第二部分规定的其他经济合作领域, 缔约方应继续基于本协议第七条规定的现有或约定的项目, 开发新的经济合作项目, 并就各种经济合作领域达成协议。缔约方应迅速采取行动, 以所有有关缔约方均可接受的方式和速度, 尽早实施。协议应包括其中承诺的实施时间框架。

第九条

Most-Favoured Nation Treatment

China shall accord Most-Favoured Nation (MFN) Treatment consistent with WTO rules and disciplines to all the non-WTO ASEAN Member States upon the date of signature of this Agreement.

ARTICLE 10
General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between or among the Parties where the same conditions prevail, or a disguised restriction on trade within the ASEAN-China FTA, nothing in this Agreement shall prevent any Party from taking and adopting measures for the protection of its national security or the protection of articles of artistic, historic and archaeological value, or such other measures which it deems necessary for the protection of public morals, or for the protection of human, animal or plant life and health.

ARTICLE 11
Dispute Settlement Mechanism

1. The Parties shall, within 1 year after the date of entry into force of this Agreement, establish appropriate formal dispute settlement procedures and mechanism for the purposes of this Agreement.
2. Pending the establishment of the formal dispute settlement procedures and mechanism under paragraph 1 above, any disputes concerning the interpretation, implementation or application of this Agreement shall be settled amicably by consultations and/or mediation.

ARTICLE 12
Institutional Arrangements For The Negotiations

1. The ASEAN-China Trade Negotiation Committee (ASEAN-China TNC) that has been established shall continue to carry out the programme of negotiations set out in this Agreement.
2. The Parties may establish other bodies as may be necessary to co-ordinate and implement any economic co-operation activities undertaken pursuant to this Agreement.
3. The ASEAN-China TNC and any aforesaid bodies shall report regularly to the ASEAN Economic Ministers (AEM) and the Minister of the Ministry of Foreign Trade and Economic Co-operation (MOFTEC) of China, through the meetings of the ASEAN Senior Economic Officials (SEOM) and MOFTEC, on the progress and outcome of its negotiations.
4. The ASEAN Secretariat and MOFTEC shall jointly provide the necessary secretariat support to the ASEAN-China TNC whenever and wherever negotiations are held.

ARTICLE 13

最惠国待遇

中国应在本协议签署之日起，对所有非世界贸易组织东盟成员国给予与世界贸易组织规则和纪律一致的优惠待遇。

第1条 0 一般例外

在要求此类措施不得以任何或不合理的歧视方式在缔约方之间或缔约方之间构成贸易限制手段，且在相同条件下适用的情况下，本协议的任何规定均不得阻止任何一方采取和采纳保护其国家安全的措施，或保护具有艺术、历史和考古价值的物品的措施，或其认为为保护公共道德所必需的其他措施，或为保护人类、动物或植物的生命和健康所必需的措施。

第1条 1
争端解决机制

- 1 . 缔约方应在本协议生效之日起1年内建立适当的正式争端解决程序和机制，以用于本协议的目的。2 . 在根据上述第1款建立正式争端解决程序和机制之前，与本协议的解释、实施或适用有关的任何争端均应通过磋商和/或调解友好解决。

ARTICLE 1 2
谈判机构安排

1. 已建立的东盟-中国贸易谈判委员会（东盟-中国TNC）应继续执行本协议中规定的谈判计划。2. 缔约方可以设立其他必要的机构，以协调和实施根据本协议进行的任何经济合作活动。3. 东盟-中国TNC和上述任何机构应通过东盟高级经济官员（SEOM）和对外贸易和经济合作部（MOFTEC）的会议，定期向东盟经济部长（AEM）和中国对外贸易和经济合作部（MOFTEC）部长报告其谈判的进展和结果。4. 东盟秘书处和MOFTEC应随时在谈判举行时和举行地，共同为东盟-中国TNC提供必要的秘书处支持。

ARTICLE 1 3

Miscellaneous Provisions

- 1. This Agreement shall include the Annexes and the contents therein, and all future legal instruments agreed pursuant to this Agreement.
- 2. Except as otherwise provided in this Agreement, this Agreement or any action taken under it shall not affect or nullify the rights and obligations of a Party under existing agreements to which it is a party.
- 3. The Parties shall endeavour to refrain from increasing restrictions or limitations that would affect the application of this Agreement.

ARTICLE 14
Amendments

The provisions of this Agreement may be modified through amendments mutually agreed upon in writing by the Parties.

ARTICLE 15
Depositary

For the ASEAN Member States, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.

ARTICLE 16
Entry Into Force

- 1. This Agreement shall enter into force on 1 July 2003.
- 2. The Parties undertake to complete their internal procedures for the entry into force of this Agreement prior to 1 July 2003.
- 3. Where a Party is unable to complete its internal procedures for the entry into force of this Agreement by 1 July 2003, the rights and obligations of that Party under this Agreement shall commence on the date of the completion of such internal procedures.
- 4. A Party shall upon the completion of its internal procedures for the entry into force of this Agreement notify all the other parties in writing.

IN WITNESS WHEREOF, WE have signed this Framework Agreement on Comprehensive Economic Co-operation between the Association of South East Asian Nations and the People's Republic of China.

DONE at Phnom Penh, this 4th day of November, 2002 in duplicate copies in the English Language.

杂项条款

- 1 . 本协议应包括附件及其内容， 以及根据本协议达成的所有未来法律文件。
- 2 . 除本协议另有规定外， 本协议或根据其采取的任何行动不得影响或使任何一方根据其作为缔约方的现有协议所享有的权利和义务失效。
- 3 . 缔约方应努力避免增加会影响本协议适用性的限制或限制。

ARTICLE 1 4
修正案

本协议的条款可通过缔约方书面共同同意的修正案进行修改。

ARTICLE 1
5 保管机构

对于东盟成员国， 本协议应存放于东盟秘书长处， 该秘书长应迅速向每个东盟成员国提供其经认证的副本。

ARTICLE 1 4 生
效

- 1 . 本协议应于2003年7月1日生效。
- 2 . 各缔约方应在2003年7月1日之前完成其对本协议生效的内部程序。
- 3 . 如某缔约方未能于2003年7月1日之前完成其对本协议生效的内部程序， 则该缔约方在本协议项下的权利和义务应自其完成此类内部程序之日起开始。
- 4 . 各缔约方应在其完成本协议生效的内部程序后， 以书面形式通知所有其他缔约方。

为证明本协议， 我们已签署东南亚国家联盟和中华人民共和国之间的全面经济合作框架协议。

在金边完成， 于2002年11月4日以英语文本， 一式两份。

For Brunei Darussalam

For the People's Republic of China

For 文莱

中华人民共和国

H A J I H A S S A N A L
Sultan of Brunei Darussalam

BOLKIAH ZHU RONGJI
Premier

H A J I H A S S A N A L
文莱苏丹

BOLKIAH 朱镕基
总理

For the Kingdom of Cambodia

For 柬埔寨王国

H U N
Prime Minister

SEN

H U N
总理

SEN

For the Republic of Indonesia

MEGAWATI SOEKARNOPUTRI
President

For the Lao People's Democratic Republic

BOUNNHANG VORACHITH
Prime Minister

For Malaysia

MAHATHIR BIN MOHAMAD
Prime Minister

For the Union of Myanmar

SENIOR GENERAL THAN SHWE
Chairman of the State Peace and Development
Council And Prime Minister

对于印度尼西亚共和国

梅加瓦蒂·苏卡诺普特里 总统

对于老挝人民民主共和国

本南·沃拉查ith 总理

对于马来西亚

马哈蒂尔·宾·穆罕默德 总理

For the Union of Myanmar

Than 舍温上将 国家和平与发展委员会主席 和 总理

For the Republic of the Philippines

GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore

GOH CHOK TONG
Prime Minister

For the Kingdom of Thailand

POL. LT. COL. THAKSIN SHINAWATRA
Prime Minister

For the Socialist Republic of Viet Nam

PHAN VAN KHAI
Prime Minister

For the Republic of the Philippines

格洛丽亚·马卡帕加尔-阿罗约 总统

For the Republic of Singapore

吴作栋 总理

For the Kingdom of Thailand

POL. LT. COL. 他信·辛哈瓦塔纳 总理

For the Socialist Republic of Viet Nam

潘文凯 总理