

- 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；以及（h）为有效实施本协议而建立适当的机制。

PART 1

ARTICLE 3 货物
贸易

1. 除本协议第6条下的早期收获计划外，并旨在加快货物贸易扩张，各方同意进行谈判，在谈判中，关税和其他贸易限制措施（除必要时根据世界贸易组织关税及贸易总协定（GATT）第24条（8）（b）款允许的措施外）应予消除，适用于各方之间实质上全部的货物贸易。
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2003年应用于中国的税率
- (c) “非关税措施”应包括非关税壁垒。
3. 各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取消，依据本条执行。
4. 根据本条，适用关税减让或取消计划的产品应包括本协议第6条项下的早期收获计划未涵盖的所有产品，此类产品应按如下分为2个轨道：
- (a) 常规轨道：各方自行列名的常规轨道产品应：(i) 根据规定的进度和税率（由各方协商一致），在其各自适用的最惠国关税税率上逐步降低或取消（东盟6国和中国为2005年1月1日至2010年，较新的东盟成员国为2005年1月1日至2015年，起始关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

它们应在各方协商一致的时间框架内逐步取消。(b) 敏感轨道: 各方自行列名的敏感轨道产品应: (i) 根据协商一致的最后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) 如适用, 应在各方协商一致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一个由各方共同商定的最高上限约束。6. 各方根据本条和本协议第6条所做的承诺应满足WTO要求, 以消除各方之间实质上所有贸易的关税。7. 根据本条由各方相互商定的特定关税率应仅列明适用关税率或范围的上限, 并不得阻止任何一方加速其关税减让或取消, 如果其希望这样做的话。8. 为建立涵盖货物贸易的东盟-中国自由贸易协定, 各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, 用于管理常规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第XXVIII条修改一方在货物贸易协议下的承诺; (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, 或出口或出口销售任何产品, 以及科学上站不住脚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原则的保障措施, 包括但不限于以下要素: 透明度、覆盖范围、行动的客观标准, 包括严重损害或威胁该概念, 以及临时性质; (g) 基于现有关税及贸易总协定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，各方同意进行谈判，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) 逐步消除各方之间或各方之间实质性所有歧视，或禁止针对各方之间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项下所采取的措施；以及(c) 加强各方之间的服务合作，以改善各方的服务供应商的效率、竞争力和多样化服务供应与分配。

第五条 投资

为促进投资并创建自由、便利、透明和有竞争力的投资制度，各方同意：

- (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，各方同意对第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，否则应适用以下定义：

- (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：