

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，以逐步自由化服务贸易，并实现重大部门覆盖。此类谈判应旨在：

- (a) 逐步消除缔约方之间或缔约方之间的实质性所有歧视，或禁止缔约方之间在服务贸易方面的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) 在东盟成员国和中国根据GATS所进行的自由化服务贸易的深度和广度之外，扩大服务贸易自由化的深度和广度；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，并创建自由、便利、透明和有竞争力的投资制度，缔约方同意：

- (a) 为逐步自由化投资制度进行谈判；
- (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。

ARTICLE 6 早期收获

为加速本协定实施，缔约方同意为第3(a)段涵盖的产品实施早期收获计划（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。

就本协定而言，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：

- (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，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日适用于中国的关税税率。

3. The 产品覆盖范围、关税减让和取消、实施时间表、原产地规则、适用于早期收获计划的可适用贸易救济措施和紧急措施如下：

- (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，除非一方根据本协议附件1中列出的排除清单将其排除，在这种情况下，这些产品对该方应予豁免：

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) 一个已将产品列入排除清单的缔约方，可以随时修改排除清单，将其中一种或多种产品列入早期收获计划。(iii) 本协议附件2中列明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。这些缔约方必须将这些产品的关税减免相互给予。

- (iv) 对于无法在附件1或附件2中完成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。

- (b) 关税减让和取消
 - (i) 所有在早期收获计划下涵盖的产品应当按照附件3中规定的时限，划分为3个产品类别以进行关税减让和取消，具体定义和实施方式如本协议附件3所述。本款不应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。

- (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) 所有适用最惠国关税税率为0%的产品应保持为0%。(iii) 已实施的关税税率降至0%后, 应保持为0%。(iv) 一方应享受其他所有方为上述第3(a)(i)款所述涵盖的产品所提供的关税减免, 只要该方的同款产品仍按照上述第3(a)(i)款所述处于早期收获计划下。

(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由各方于2003年7月前谈判并完成。临时原产地规则应被本协定第3(8)(b)条下由各方谈判并实施的原产地规则所取代。(d) WTO条款的适用 本协定第3(8)条下由各方谈判并同意的与承诺的修改、保障措施、紧急措施及其他贸易救济措施 (包括反倾销、补贴和反补贴措施) 相关的WTO条款, 在过渡期内应适用于早期收获计划项下产品, 一旦这些纪律得到实施, 应被相关纪律所取代。

4. 除本协定前几段规定的货物早期收获计划外, 双方将在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, 本协定附件4中规定的工作应加速开展或实施, 视情况而定。

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 . 合作应扩展到其他领域, 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