

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

企业（中小企业）、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的贸易、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计划和技术援助, 特别是针对较新的东盟成员国, 以调整其经济结构并扩大其与中国之间的贸易和投资。

PART 3

ARTICLE 8
Timeframes

1. 对于货物贸易, 本协定第3条所述的关于关税减让或消除及其他事项的协议谈判应于2003年初开始, 并在2004年6月30日之前完成, 以便在2010年为文莱、中国、印度尼西亚、马来西亚、菲律宾、新加坡和泰国建立涵盖货物贸易的东盟-中国自由贸易协定, 并在2015年为较新的东盟成员国建立。
- 2 . 本协议第3条关于货物贸易原产地规则谈判应不迟于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, 并尽快完成, 以便根据双方同意的时间框架实施: (a) 考虑缔约方的敏感领域; 以及 (b) 为较新的东盟成员国提供特殊与差别待遇和灵活性。
4. 对于本协定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定第七条规定的现有或约定的方案, 开发新的经济合作方案, 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。协议应包括有关承诺的实施时间表。

ARTICLE 9

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

中国应在本协定签署之日起，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。

ARTICLE 10 一般
例外

在要求此类措施不得以构成对缔约方之间在相同条件下存在任意或不合理的歧视手段，或构成对东盟-中国自由贸易协定内贸易的伪装限制为前提的情况下，本协定任何条款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。

ARTICLE 11
争端解决机制

- 1 . 缔约方应在本协定生效之日起1年内建立适当的正式争端解决程序和机制，以用于本协定之目的。2 . 在根据第1款建立正式争端解决程序和机制之前，与本协定解释、实施或适用有关的任何争端应通过磋商和/或调解友好解决。

ARTICLE 12
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）应继续执行本协定中规定的谈判计划。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定进行的任何经济合作活动。3. 东盟-中国TNC及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应随时在谈判举行地点联合为东盟-中国TNC提供必要的秘书处支持。

ARTICLE 13