

and Articles 9, 13, and 14 of the WTO Agreement on Safeguards. As such, all other provisions of the WTO Agreement on Safeguards shall, *mutatis mutandis*, be incorporated into and form an integral part of this Agreement.

7. An ASEAN-Korea FTA safeguard measure shall not be applied against a good originating in the territory of a Party, so long as its share of imports of the good concerned in the importing Party does not exceed 3% of the total imports from the Parties.

8. In seeking compensation under Article 8 of the WTO Agreement on Safeguards for an ASEAN-Korea FTA safeguard measure, the Parties concerned shall seek the good offices of the Implementing Committee to determine the substantially equivalent level of concessions to that existing under this Agreement between the Party taking the safeguard measure and the exporting Parties which would be affected by such a measure prior to any suspension of equivalent concessions. Any proceedings arising from such good offices shall be completed within ninety (90) days from the date on which the ASEAN-Korea FTA safeguard measure was applied.

9. On a Party's termination of an ASEAN-Korea FTA safeguard measure on a good, the tariff rate for that good shall be the rate that, according to that Party's tariff reduction and elimination programme as provided in Annexes 1 and 2, would have been in effect but for the measure.

10. Notwithstanding the provisions of this Article, no Party may impose an ASEAN-Korea FTA safeguard measure on a good to which actions are being applied pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards. When a Party intends to apply, pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards, an action on a good to which ASEAN-Korea FTA safeguard measure is being applied, it shall terminate the ASEAN-Korea FTA safeguard measure prior to the imposition of the action to be applied pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards.

11. All official communications and documentations exchanged among the Parties and to the Implementing Committee relating to any ASEAN-Korea FTA safeguard measures shall be in writing and shall be in the English language.

Article 10
Measures to Safeguard the Balance of Payments

Where a Party is in serious balance of payments and external financial difficulties or threat thereof, it may, in accordance with GATT 1994, which includes the Understanding on Balance-of-Payments Provisions of GATT

以及保障措施协定第9条、第13条和第14条。因此，保障措施协定的所有其他规定均应在不改变其内容的前提下，并入本协议并成为其不可分割的一部分。

7. 东盟-韩国自由贸易协定保障措施不得针对源自缔约方领土的产品，只要该产品在进口方中的进口份额不超过从各缔约方进口总额的3%。

8. 在根据保障措施协定第8条寻求东盟-韩国自由贸易协定保障措施的补偿时，有关缔约方应寻求执行委员会的斡旋，以确定在本协定下采取保障措施的缔约方与受此类措施影响的出口缔约方之间存在的实质等效的让步水平。由此产生的斡旋程序应在东盟-韩国自由贸易协定保障措施实施之日起九十（90）日内完成。

9. 在缔约方终止对某项商品实施的东盟-韩国自由贸易协定保障措施时，该商品的关税税率应为根据附件1和2中该缔约方提供的关税减让和消除计划，在未实施该措施的情况下本应适用的税率。

10. 不论本条的规定如何，任何缔约方均不得对正在根据GATT 1994第十九条和保障措施协定采取行动的商品实施东盟-韩国自由贸易协定保障措施。当缔约方打算根据GATT 1994第十九条和保障措施协定对正在实施东盟-韩国自由贸易协定保障措施的商品采取行动时，它应在采取GATT 1994第十九条和保障措施协定规定的行动之前终止东盟-韩国自由贸易协定保障措施。

11. 所有缔约方之间以及与执行委员会就任何东盟-韩国自由贸易协定保障措施交换的官方通讯和文件都应采用书面形式，并使用英语。

第10条 维护国际收支平衡的措施

当一个缔约方处于严重的国际收支和外部金融困难或面临此类困难时，它可以根据包括GATT国际收支条款谅解在内的GATT 1994，采取限制性进口措施。在采取此类措施时，该缔约方应立即与其他缔约方磋商。

1994, adopt restrictive import measures. In adopting such measures, the Party shall immediately consult with the other Parties.

Article 11
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 among the Parties where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (c) relating to the importations or exportations of gold or silver;
- (d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of GATT 1994, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices;
- (e) relating to the products of prison labour;
- (f) imposed for the protection of national treasures of artistic, historic or archaeological value;
- (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- (h) undertaken in pursuance of the obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the WTO and not disapproved by it or which is itself so submitted and not so disapproved;
- (i) involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilisation plan, provided that such restrictions shall not operate to increase the exports of or the

1994, 采取限制性进口措施。在采取此类措施时, 该缔约方应立即与其他缔约方磋商。

第11条 一般例外

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination among the Parties where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) 保护公共道德所必需的; (b) 保护人类、动物或植物的生命或健康所必需的; (c) 与黄金或白银的进出口有关; (d) 为确保遵守与本协议规定不一致的法律或法规而采取的必要措施, 包括与海关执法、第II条第4款和GATT 1994第XVII条项下的垄断实施、专利、商标和版权的保护以及防止欺骗性做法相关的措施; (e) 与囚犯劳动产品有关; (f) 为保护具有艺术、历史或考古价值的国家宝藏而征收; (g) 与不可再生自然资源的保护有关, 前提是此类措施与国内生产或消费的限制相结合而有效实施; (h) 为履行符合提交给世界贸易组织并经其批准的标准且未被其否决的政府间商品协定项下的义务而采取; (i) 涉及对国内材料的出口限制, 以确保在材料国内价格被维持在低于世界价格期间的国内加工工业所必需的基本数量, 作为政府稳定计划的一部分, 前提是此类限制不得增加出口或