

Article 8
Quantitative Restrictions and Non-Tariff Barriers and
Sanitary and Phytosanitary Measures

1. Each Party undertakes not to adopt or maintain any prohibition or quantitative restriction on the importation of any goods of the other Parties or on the exportation of any goods destined for the territory of the other Parties, except in accordance with its WTO rights and obligations or other provisions in this Agreement.
2. Each Party shall ensure the transparency of its non-tariff measures that they are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to trade among the Parties. The Parties shall identify non-tariff barriers other than quantitative restrictions for elimination as soon as possible after the entry into force of this Agreement. The timeframe for elimination of these non-tariff barriers shall be mutually agreed upon by all the Parties.
3. The Parties recognises the importance of transparency of TBT and SPS regulations as in the WTO Agreements on TBT and SPS, including notification procedures on preparation for regulations and standards on TBT and on any occurrences of SPS incident to reduce their negative effect on trade as well as to protect human, animal or plant life or health. Each Party shall designate its contact point for the purpose of responding queries related to this Article.
4. A working group on TBT and SPS (hereinafter referred to as the “WG on TBT and SPS”) under the Implementing Committee shall be established to deal with issues relating to the implementation of this Article and to facilitate trade and protect human, animal or plant life or health through mutual cooperation and bilateral consultations. The WG on TBT and SPS shall comprise of government officials from agriculture, fisheries, livestock and industry agencies and other related agencies. The WG on TBT and SPS shall develop its scope of work and meet at least once a year or as mutually agreed upon by the Parties.

Article 9
Safeguard Measures

1. Each Party which is a WTO member retains its rights and obligations under Article XIX of GATT 1994 and the WTO Agreement on Safeguards. Actions taken pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards shall not be subject to the Agreement on Dispute Settlement Mechanism under the Framework Agreement.

第8条 数量限制和非关税壁垒以及卫生与植物卫生措施

1. 各一方应不采取或维持对另一方任何商品的进口的禁止或数量限制，或对运往另一方领土的任何商品的出口的禁止或数量限制，除非根据其世界贸易组织权利和义务或本协定其他规定。
2. 各一方应确保其非关税措施的透明度，使其不是为了或旨在对一方之间的贸易造成不必要的障碍而准备、采纳或应用的。各方应在本协定生效后尽快确定非关税壁垒以供消除。这些非关税壁垒的消除时间表应由所有各方共同商定。
3. 各方承认透明度对于技术性贸易壁垒和卫生与植物卫生措施法规的重要性，如世界贸易组织关于技术性贸易壁垒和卫生与植物卫生措施协定中所规定的，包括法规和标准的准备、采纳通知程序以及任何卫生与植物卫生事件的发生通知，以减少其对贸易的负面影响，并保护人类、动物或植物的生命或健康。每一方应指定其联系点，以便就与本条相关的查询作出答复。
4. 执行委员会下属设立一个关于技术性贸易壁垒（TBT）和卫生与植物卫生措施（SPS）（以下简称“TBT和SPS工作组”）的工作组，以处理与本文实施相关的问题，并通过相互合作和双边磋商促进贸易和保护人类、动物或植物的生命或健康。TBT和SPS工作组应包括来自农业、渔业、畜牧业和工业机构及其他相关机构的政府官员。TBT和SPS工作组应制定其工作范围，并至少每年召开一次会议或由缔约方相互同意的其他时间召开。

第9条 保障措施

1. 每个是世界贸易组织成员的一方保留其根据1994年关税及贸易总协定第十九条和世界贸易组织保障措施协定享有的权利和应尽的义务。根据1994年关税及贸易总协定第十九条和世界贸易组织保障措施协定采取的行动不应受框架协定下的争端解决机制协定约束。

2. With regard to ASEAN-Korea FTA safeguard measures, a Party shall have the right to initiate such a measure on a good within the transition period for that good. The transition period for a good shall begin from the date of entry into force of this Agreement and end seven (7) years from the date of completion of tariff reduction/elimination for that good.

3. Subject to the following paragraphs of this Article, a Party shall be free to take ASEAN-Korea FTA safeguard measures if as an effect of the obligations incurred by the Party under this Agreement, including tariff concessions, or, if as a result of unforeseen developments and of the effects of the obligations incurred by the Party, a good is being imported from the other Parties to which tariff concession was made for that good in such increased quantities, absolute or relative to domestic production, and under such conditions so as to substantially cause or threaten to cause serious injury to the domestic industry of the importing Party that produces like or directly competitive goods in its territory.

4. If an ASEAN-Korea FTA safeguard measure is taken, a Party taking such a measure may:

- (a) suspend the further reduction of any rate of tariff provided for under this Agreement for the good; or
- (b) increase the tariff rate on the good concerned to a level not to exceed the lesser of:
 - (i) the applied MFN tariff rate on the good in effect at the time the action is taken; and
 - (ii) the applied MFN tariff rate on the good in effect on the day immediately preceding the date of entry into force of this Agreement.

5. Any ASEAN-Korea FTA safeguard measure may be maintained for an initial period of up to three (3) years and may be extended for a period not exceeding one year if it is determined pursuant to the procedures referred to in paragraph 6 that the measure continues to be necessary to prevent or remedy serious injury and to facilitate adjustment and that there is evidence that the domestic industry is adjusting. Notwithstanding the duration of an ASEAN-Korea FTA safeguard measure on the good, such a measure shall terminate at the end of the transition period for that good.

6. In applying ASEAN-Korea FTA safeguard measures, the Parties shall adopt the rules for the application of safeguard measures, including provisional measures, as provided under the WTO Agreement on Safeguards, with the exception of the quantitative restriction measures set out in Article 5,

2. 关于东盟-韩国自由贸易协定的保障措施，一方应在该商品的过渡期内有权发起该措施。商品的过渡期应从本协定生效之日起开始，并应于该商品关税减让/消除完成之日起七（7）年后结束。

3. 根据本条以下各段的规定，一方如因本协定项下所承担的义务，包括关税让步，而受到影响，或如因不可预见的发展以及本协定项下所承担的义务的效果，某商品从给予该商品关税让步的其他方进口的数量增加，绝对或相对于国内生产而言，且在进口方领土内生产的同类或直接竞争商品的生产业受到实质损害或威胁受到实质损害，一方可自由采取东盟-韩国自由贸易协定保障措施。

4. 如采取东盟-韩国自由贸易协定保障措施，采取该措施的一方可以：

- (a) 停止进一步降低本协定对该商品规定的任何关税税率；或 (b) 将有关商品的关税税率提高至不超过以下较低者：(i) 采取行动时该商品适用的最惠国关税税率；以及 (ii) 本协定生效日前一天该商品适用的最惠国关税税率。

5. 任何东盟-韩国自由贸易协定保障措施可维持最长三年（3）的初始期限，并在根据第6段所述程序确定该措施继续有必要防止或纠正严重损害、促进调整且存在国内产业正在调整的证据时，可延长不超过一年的期限。尽管对商品实施的东盟-韩国自由贸易协定保障措施的期限如何，此类措施应在该商品的过渡期结束时终止。

6. 在适用东盟-韩国自由贸易协定保障措施时，缔约方应当采用世界贸易组织保障措施协定规定的保障措施适用规则，包括临时措施，但除外第5条规定的数量限制措施，

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

以及世界贸易组织保障措施协定第9条、第13条和第14条。因此，世界贸易组织保障措施协定的所有其他规定，应作相应调整，成为本协定不可分割的组成部分。

7. 东盟-韩国自由贸易协定保障措施不得针对源自一方领土的产品，只要该产品在进口方中占有关产品的进口份额不超过3%的总进口量。

8. 在根据世界贸易组织保障措施协定第8条寻求对东盟-韩国自由贸易协定保障措施的补偿时，有关各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一方与受该措施影响的出口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）天内完成。

9. 在一方终止对某产品的东盟-韩国自由贸易协定保障措施时，该产品的关税税率应根据该方附件1和2中提供的关税减让和消除计划，在未采取该措施的情况下本应生效的税率。

10. 不论本条有何规定，任何一方不得对正在根据1994年关税及贸易总协定第十九条和世界贸易组织保障措施协定采取行动的货物实施东盟-韩国自由贸易协定保障措施。当一方打算根据1994年关税及贸易总协定第十九条和世界贸易组织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货物采取行动时，它应在根据1994年关税及贸易总协定第十九条和世界贸易组织保障措施协定将采取的行动实施之前终止东盟-韩国自由贸易协定保障措施。

11. 所有各方之间以及向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信和文件都应采用书面形式，并使用英语。

第10条 维护国际收支的措施

当一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，根据1994年关税及贸易总协定，包括GATT国际收支条款谅解，它可以...