

No. 2 New Zealand ANZCERTA - Trade

DEPARTMENT OF FOREIGN AFFAIRS CANBERRA  
Australia New Zealand Closer Economic Relations Trade Agreement, and Exchange of Letters  
(Canberra, 28 March 1983)  
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AUSTRALIA NEW ZEALAND CLOSER ECONOMIC RELATIONS TRADE AGREEMENT

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2号新西兰ANZCERTA - 贸易

澳大利亚外交部 堪培拉 澳新更紧密经济关系贸易协定，及换文（堪培拉，1983年3月28日）  
生效：1983 年 1 月 1 日

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澳新更紧密经济关系贸易协定

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AUSTRALIA NEW ZEALAND CLOSER ECONOMIC RELATIONS TRADE AGREEMENT AUSTRALIA AND NEW ZEALAND (hereinafter in this Agreement called the "Member States"),

CONSCIOUS of their longstanding and close historic, political, economic and geographic relationship;

RECOGNISING that the further development of this relationship will be served by the expansion of trade and the strengthening and fostering of links and co-operation in such fields as investment, marketing, movement of people, tourism and transport;

RECOGNISING also that an appropriately structured closer economic relationship will bring economic and social benefits and improve the living standards of their people;

MINDFUL that a substantive and mutually beneficial expansion of trade will be central to such a relationship;

RECOGNISING that a clearly established and secure trading framework will best give their industries the confidence to take investment and planning decisions having regard to the wider trans-Tasman market;

BEARING IN MIND their commitment to an outward looking approach to trade;

BELIEVING that a closer economic relationship will lead to a more effective use of resources and an increased capacity to contribute to the development of the region through closer economic and trading links with other countries, particularly those of the South Pacific and South East Asia;

HAVING REGARD to the development of trade which has already taken place under the New Zealand-Australia Free Trade Agreement, done at Wellington on 31 August 1965,i1 and associated agreements; and

CONSCIOUS of their rights and obligations under the General Agreement on Tariffs and Trade, other multilateral and bilateral trade agreements and under bilateral arrangements with developing countries of the South Pacific region;

HAVE AGREED as follows:

Article 1  
Objectives

The objectives of the Member States in concluding this Agreement are:  
(a) to strengthen the broader relationship between Australia and New Zealand;  
(b) to develop closer economic relations between the Member States through a mutually beneficial expansion of free trade between New Zealand and Australia;

附件： 第F附件第12段提到的文件

澳大利亚新西兰更紧密经济关系贸易协定 澳大利亚和新西兰（以下简称本协议定称“成员国”），

意识到他们长期且紧密的历史、政治、经济和地理关系；

认识到这一关系的进一步发展将通过贸易的扩大以及投资、营销、人员流动、旅游业和运输等领域联系和合作的加强和培养来得到促进；

认识到一个结构适当更紧密的经济关系将带来经济和社会效益，并提高他们人民的生活水平；

铭记实质性和互利的贸易扩展将是这种关系中的核心；

认识到一个明确建立和安全的贸易框架将最好地给予他们的产业信心，以考虑更广泛的跨塔斯曼市场进行投资和规划决策；

鉴于其对开放贸易方式的承诺；

相信更紧密的经济关系将促进资源的更有效利用，并通过与其他国家，特别是南太平洋和东南亚国家建立更紧密的经济和贸易联系，从而增加对该地区发展的贡献能力；

鉴于新西兰-澳大利亚自由贸易协定已于1965年8月31日在惠灵顿签订， i1 及其相关协议下已进行的贸易发展； 和

意识到其根据关税及贸易总协定、其他多边和双边贸易协定以及与南太平洋地区发展中国家双边安排所享有的权利和义务；

协议如下：

第1条 目的

成员国缔结本协议的目标是：（a）加强澳大利亚和新西兰之间更广泛的关系；（b）通过新西兰和澳大利亚之间互利扩大的自由贸易，发展成员国之间更紧密的经济关系；

(c) to eliminate barriers to trade between Australia and New Zealand in a gradual and progressive manner under an agreed timetable and with a minimum of disruption; and  
(d) to develop trade between New Zealand and Australia under conditions of fair competition.

Article 2  
Free Trade Area

1. The Free Trade Area (hereinafter in this Agreement called "the Area") to which this Agreement applies consists of Australia and New Zealand.
2. In this context New Zealand means the territory of New Zealand but does not include the Cook Islands, Niue and Tokelau unless this Agreement is applied to them under Article 23 and Australia means those parts of Australia to which this Agreement applies under Article 23.
3. "Goods traded in the Area" or similar expressions used in this Agreement shall mean goods exported from the territory of one Member State and imported into the territory of the other Member State.

Article 3  
Rules of origin

1. Goods exported from the territory of a Member State directly into the territory of the other Member State or which, if not exported directly, were at the time of their export from the territory of a Member State destined for the territory of the other Member State and were subsequently imported into the territory of that other Member State, shall be treated as goods originating in the territory of the first Member State if those goods are:
- (a) wholly the unmanufactured raw products of the territory of that Member State;  
(b) wholly manufactured in the territory of that Member State from one or more of the following:
- (i) unmanufactured raw products;  
(ii) materials wholly manufactured in the territory of one or both Member States;  
(iii) materials imported from outside the Area that the other Member State has determined for the purposes of this Agreement to be manufactured raw materials; or  
(c) partly manufactured in the territory of that Member State, subject to the following conditions:
- (i) the process last performed in the manufacture of the goods was performed in the territory of that Member State; and  
(ii) the expenditure on one or more of the items set out below is not less than onehalf of the factory or works cost of such goods in their finished state:
- A. material that originates in the territory of one or both Member States;  
B. labour and factory overheads incurred in the territory of one or both Member States;  
C. inner containers that originate in the territory of one or both Member States.

2. The factory or works cost referred to in paragraph 1(c)(ii) of this Article shall be the sum of costs of materials (excluding customs, excise or other duties), labour,

(c) 在商定的期限内以渐进和渐进的方式逐步消除澳大利亚和新西兰之间的贸易壁垒，并尽量减少干扰；以及（d）在公平竞争的条件下发展新西兰和澳大利亚之间的贸易。

第2条 自由贸易区

1. 本协议适用的自由贸易区（以下简称本协议中称为“区域”）包括澳大利亚和新西兰。
2. 在本协议的语境中，新西兰是指新西兰的领土，但不包括库克群岛、纽埃和托克劳，除非本协议根据第23条适用于它们；澳大利亚是指根据第23条适用于本协议的澳大利亚的部分。
3. 本协议中使用的“区域内贸易商品”或类似表述应指从一个成员国领土出口并进口到另一成员国领土的商品。

第3条 原产地  
规则

1. 从一个成员国领土直接出口到另一成员国领土的商品，或者如果未直接出口，则在从成员国领土出口时运往另一成员国领土并在随后进口到该另一成员国领土的商品，如果这些商品是：
- (a) 该成员国领土上全部的未加工原材料；(b) 全部在该成员国领土上用下列一种或多种制造：
- (i) 未加工原材料；  
(ii) 在一个或两个成员国领土上完全制造的材料；  
(iii) 从该成员国已根据本协议确定为制造原材料的区域以外进口的材料；或 (c) 在该成员国领土上部分制造，并符合以下条件：
- (i) 商品制造过程中最后执行的生产工序在该成员国领土上完成；并且  
(ii) 下列各项中的一项或多项支出不低于该商品在其成品状态下的工厂或工场成本的一半：
- A. 原产于一个或两个成员国领土的材料； B. 在一个或两个成员国领土内发生的劳动和工厂间接费用； C. 原产于一个或两个成员国领土的内包装容器。

2. 本条款第1款(c)(ii)项所述工厂或工场成本应为材料成本（不包括关税、消费税或其他税费）、劳动成本、

factory overheads, and inner containers.

3. Where a Member State considers that in relation to particular goods partly manufactured in its territory the application of paragraph 1(c)(ii) of this Article is inappropriate, then that Member State may request in writing consultations with the other Member State to determine a suitable proportion of the factory or works cost different from that provided in paragraph 1(c)(ii) of this Article. The Member States shall consult promptly and may mutually determine for such goods a proportion of the factory or works cost different to that provided in paragraph 1(c)(ii) of this Article.

Article 4  
Tariffs

1. Goods originating in the territory of a Member State which in the territory of the other Member State were free of tariffs on the day immediately before the day on which this Agreement enters into force or which subsequently become free of tariffs shall remain free of tariffs.

2. No tariff shall be increased on any goods originating in the territory of the other Member State.

3. Tariffs on all goods originating in the territory of the other Member State shall be reduced in accordance with paragraph 4 of this Article and eliminated within five years from the day on which this Agreement enters into force.

4. If, on the day immediately before the day on which this Agreement enters into force, goods originating in the territory of the other Member State are:  
(a) subject to tariffs not exceeding 5 per cent ad valorem or tariffs of equivalent effect, they shall be free of tariffs from the day on which this Agreement enters into force;  
(b) subject to tariffs of more than 5 per cent but not exceeding 30 per cent ad valorem or tariffs of equivalent effect, tariffs on those goods shall be reduced on the day on which this Agreement enters into force by 5 percentage points and rounded down to the nearest whole number where fractional rates are involved. Thereafter, tariffs shall be reduced by 5 percentage points per annum; or  
(c) subject to tariffs of more than 30 per cent ad valorem or tariffs of equivalent effect, tariffs on those goods shall be reduced on the day on which this Agreement enters into force and annually thereafter by an amount calculated by dividing by six the tariff applying to the goods on the day immediately before the day on which this Agreement enters into force and rounding to the nearest whole number, with an additional deduction being made, where necessary, at the time of the first reduction so that tariffs are eliminated over a five-year period. A fraction of exactly one-half per cent shall be rounded to the higher whole number.

5. For the purposes of paragraph 4 of this Article, the term "tariffs of equivalent effect" shall mean tariffs which are not expressed solely in ad valorem terms. Where goods are subject to such tariffs, for the purposes of determining which of the subparagraphs (a), (b) or (c) of paragraph 4 of this Article shall apply to those goods, those tariffs shall be deemed to be equivalent to the ad valorem rates obtained by expressing the tariff as a

工厂间接费用和内包装容器的总和。

3. 当某成员国认为，对于部分在其领土内制造的特定货物，本条第1款(c)(ii)项的规定不适用时，该成员国可以书面请求与其他成员国磋商，以确定一个不同于本条第1款(c)(ii)项规定的工厂或工场成本的适当比例。成员国应迅速磋商，并可能就此类货物相互确定一个不同于本条第1款(c)(ii)项规定的工厂或工场成本的比例。

第4条 关  
税

1. 源自某成员国领土的货物，在另一成员国领土内于本协议生效前一日免费关税之日或其后成为免费关税的，应继续免费关税。

2. 不得对源自另一成员国领土的任何货物提高关税。

3. 对源自另一成员国领土的所有货物的关税，应根据本条第4款的规定进行削减，并在本协议生效之日起五年内予以消除。

4. 如果，在本协议生效前一日，源自另一成员国领土的商品是：

(a) 适用的关税不超过5%从价关税或具有等效效果，则这些商品自本协议生效之日起将无关税；  
(b) 适用的关税超过5%但不超过30%从价关税或具有等效效果，则这些商品的关税在本协议生效之日起将减少5个百分点，并在涉及分数税率时向下取整至最接近的整数。此后，关税每年将减少5个百分点；或

(c) 适用的关税超过30%从价关税或具有等效效果，则这些商品的关税在本协议生效之日起及之后每年将减少一个金额，该金额为在本协议生效前一日适用于这些商品的关税除以六后的结果，并四舍五入至最接近的整数，必要时，在首次减少时进行额外扣除，以便在五年内消除关税。精确为半百分之一的分数将四舍五入至较高的整数。

5. 为了本条第四段的目的，“具有等效的关税”一词应指并非完全以从价方式表示的关税。当货物适用此类关税时，为了确定本条第四段下的小段（a）、（b）或（c）中哪一条应适用于这些货物，这些关税应被视为等同于将关税表示为从其他成员国进口的货物的评估单位价值在1982年6月30日结束年度的百分比所获得的从价税率。如果在该年度没有从其他成员国进口这些货物，或者，如果进行调整关税的成员国认为这些货物的进口不代表成员国之间在这些货物中通常和普通的贸易情况，则进行调整的成员国应考虑前一年度从其他成员国的进口。如果这不足以代表成员国之间在这些货物中通常和普通的贸易情况，则应使用全球进口来确定调整，并以相同的方式确定调整。

percentage of the assessed unit value of the goods imported from the other Member State in the year ending 30 June 1982. If in that year there have been no imports of those goods from the other Member State or, if in the opinion of the Member State which is making adjustments to its tariffs the imports of those goods were not representative of the usual and ordinary course of trade between the Member States in those goods, the Member State making the adjustment shall take account of the imports from the other Member State in the previous year. If this is insufficient to represent the usual and ordinary course of trade between the Member States in those goods then global imports shall be used to determine the adjustment on the same basis.

6. Where in this Article reference is made to goods being subject to a tariff on the day immediately before the day on which this Agreement enters into force, it shall in relation to the Australian Tariff mean the simplified Tariff that would have been effective from 1 January 1983 in the absence of this Agreement.

7. Where in this Agreement reference is made to:

(a) a Tariff Heading, it shall in relation to the Australian Tariff mean an Item; and

(b) a Tariff Item, it shall in relation to the Australian Tariff mean a Sub-Item, Paragraph or Sub-Paragraph as the case may be.

8. A Member State may reduce or eliminate tariffs more rapidly than is provided in paragraph 4 of this Article.

9. Tariffs on goods originating in New Zealand and imported into Australia shall in no case be higher than the lowest tariff applicable to the same goods if imported from any third country other than Papua New Guinea or countries eligible for any concessional tariff treatment accorded to less developed countries.

10. Tariffs on goods originating in Australia and imported into New Zealand shall in no case be higher than the lowest tariff applicable to the same goods if imported from any third country other than the Cook Islands, Niue, Tokelau and Western Samoa or countries eligible for any concessional tariff treatment accorded to less developed countries.

11. In any consideration of assistance and protection for industry a Member State:

(a) shall set the tariff at the lowest tariff which:

(i) is consistent with the need to protect its own producers or manufacturers of like or directly competitive goods; and

(ii) will permit reasonable competition in its market between goods produced or manufactured in its own territory and like goods or directly competitive goods imported from the territory of the other Member State;

(b) in forwarding a reference to an industry advisory body, shall request that body to take account of sub-paragraph (a) of this paragraph in framing its recommendations;

(c) wherever practicable, shall not reduce the margins of preference accorded the other Member State; and

(d) shall give sympathetic consideration to maintaining a margin of preference of at least 5 per cent for the other Member State when reducing normal or general tariffs either substantively or by by-law or concession on goods of significant trade interest to that Member State.

如果在该年度没有从其他成员国进口这些货物，或者，如果进行调整关税的成员国认为这些货物的进口不代表成员国之间在这些货物中通常和普通的贸易情况，则进行调整的成员国应考虑前一年度从其他成员国的进口。如果这不足以代表成员国之间在这些货物中通常和普通的贸易情况，则应使用全球进口来确定调整，并以相同的方式确定调整。

6. 本条款中，若提及货物在《协议》生效前一日适用关税，则就澳大利亚关税而言，应指在无本《协议》情况下1983年1月1日有效的简化关税。

7. 本《协议》中，若提及：

(a) 关税标题，则就澳大利亚关税而言，应指关税项目；以及 (b) 关税项目，则就澳大利亚关税而言，应指子项目、段落或子段落，视情况而定。

8. 成员国可按本条款第4段规定更快地降低或消除关税。

9. 来自新西兰并在澳大利亚进口的货物的关税，在任何情况下均不得高于从巴布亚新几内亚或符合给予欠发达国家任何优惠关税待遇资格的任何第三国进口的同类货物适用的最低关税。

10. 源自澳大利亚并进口至新西兰的货物关税在任何情况下均不得高于从库克群岛、纽埃、托克劳和西萨摩亚以外的任何第三国进口相同货物时适用的最低关税，或从获得给予欠发达国家任何优惠关税待遇的国家进口相同货物时适用的关税。

11. 在考虑对行业的援助和保护时，成员国应： (a) 将关税设定为最低关税，该关税： (i) 与保护其自身生产者或同类或直接竞争商品制造商的需要相一致；以及 (ii) 将允许其市场内由其自身领土生产或制造的货物与从另一成员国领土进口的同类商品或直接竞争商品之间进行合理竞争； (b) 在将参考转交给行业咨询机构时，应要求该机构在制定其建议时考虑本段第 (a) 款； (c) 在切实可行的情况下，不得减少给予另一成员国的优惠幅度；以及 (d) 在实质性降低或通过法规或特许权降低对另一成员国具有重大贸易利益的商品的一般或普通关税时，应给予同情的考虑以维持至少 5% 的优惠幅度。

12. For the purpose of paragraph 11 of this Article "Margin of Preference" means:  
(i) in the case of Australia, the difference between the General tariff imposed on goods and the tariff imposed on the same goods originating in New Zealand; and  
(ii) in the case of New Zealand, the difference between the Normal tariff imposed on goods and the tariff imposed on the same goods originating in Australia.

13. In this Article "Tariff" shall include any customs or import duty and charge of any kind imposed in connection with the importation of goods, including any form of primage duty, surtax or surcharge on imports, with the exception of:  
(a) fees or charges connected with importation which approximate the cost of services rendered and do not represent an indirect form of protection or a taxation for fiscal purposes;  
(b) duties, taxes or other charges on goods, ingredients and components, or those portions of such duties, taxes or other charges, which are levied at rates not higher than those duties, taxes or other charges applied to like goods, ingredients and components produced or manufactured in the country of importation;  
(c) premiums offered or collected on imported goods in connection with any tendering system in respect of the administration of quantitative import restrictions or tariff quotas;  
(d) duties applying to imports outside the established quota levels of goods subject to tariff quota, provided that paragraphs 9 and 10 and sub-paragraph 11(c) of this Article shall apply to such duties;  
(e) sales or like taxes or those portions of such taxes which do not exceed the taxes applied to like goods produced or manufactured in the country of importation;  
(f) charges imposed pursuant to Articles 14, 15, 16 or 17 of this Agreement; and  
(g) those by-law or concessionary rates which are mutually determined by the Member States.

Article 5  
Quantitative import restrictions and tariff quotas

1. Goods originating in the territory of a Member State which in the territory of the other Member State were free of quantitative import restrictions or tariff quotas on the day immediately before the day on which this Agreement enters into force or which subsequently become free of such measures shall remain free.
2. No quantitative import restrictions or tariff quotas shall be intensified on goods originating in the territory of the other Member State.
3. Quantitative import restrictions and tariff quotas on all goods originating in the territory of the other Member State shall be progressively liberalised and eliminated.
4. Each Member State shall establish a base level of access for each grouping of goods subject to quantitative import restrictions or tariff quotas. This shall be the average annual level of imports of goods in each such grouping from the other Member State in the three year period ending 30 June 1981, except for those groupings of goods listed

12. 为本条第 11 款的目的,“优惠幅度”是指: (i) 在澳大利亚的情况下, 对货物征收的一般关税与对原产于新西兰的相同货物征收的关税之间的差额; 以及 (ii) 在新西兰的情况下, 对货物征收的普通关税与对原产于澳大利亚的相同货物征收的关税之间的差额。

13. 在本条款中,“关税”应包括与货物进口相关的任何海关或进口税及任何种类的费用, 包括进口的任何形式的预付款关税、附加税或附加费, 但除外:

- (a) 与进口相关的费用或收费, 其大致相当于提供的服务成本, 且不构成间接保护形式或财政目的的税收;
- (b) 对货物、成分和部件的税费或其他收费, 或此类税费或其他收费的一部分, 其征收税率不超过适用于进口国生产的同类商品、成分和部件的税费或其他收费;
- (c) 在与数量性进口限制或关税配额管理相关的任何招标系统中提供的或收取的进口货物保险费;
- (d) 适用于超出关税配额已建立水平的商品进口的税费, 前提是本条款第9段和第10段以及第11(c)款子段应适用于此类税费;
- (e) 销售税或类似税, 或不超过对进口国生产的同类商品所征收的税款的税款部分;
- (f) 根据本协议第14条、第15条、第16条或第17条征收的费用; 和
- (g) 成员国相互确定的法规或优惠税率。

第5条  
数量性进口限制和关税配额

1. 在本协议生效前一日, 在另一成员国领土上不受数量性进口限制或关税配额的原产于成员国领土的商品, 或其后不再受此类措施限制的商品, 应继续不受限制。
2. 不得对源自另一成员国领土的商品实施数量性进口限制或关税配额。
3. 对源自另一成员国领土的所有商品实施的数量性进口限制和关税配额应逐步自由化并消除。
4. 每个成员国应当为每个实施数量性进口限制或关税配额的商品分组设立准入基础水平。该水平应为1981年6月30日结束的三年期内, 该商品分组中从其他成员国进口货物的平均年度水平, 但附件A中列出的商品分组除外。

in Annex A of this Agreement where the level of access specified in that Annex shall constitute the base level of access.

5. In respect of liberalisation to come into effect in 1983 each Member State shall:

(a) where the base level of access is less than \$NZ400,000 cif, establish an increase in access for goods originating in the territory of the other Member State which shall be the greater of the following two figures on an annual basis:

(i) \$NZ60,000 cif; or

(ii) the difference between \$NZ400,000 cif and the base level of access;

(b) where the base level of access equals or exceeds \$NZ400,000 cif but is less than \$NZ 1 million cif, establish an increase in access for goods originating in the territory of the other Member State of 15 per cent per annum in real terms above the base level of access; and

(c) where the base level of access equals or exceeds \$NZ 1 million cif, establish an increase in access for goods originating in the territory of the other Member State of 10 per cent per annum in real terms above the base level of access.

6. Notwithstanding sub-paragraph (a) of paragraph 5 of this Article, a Member State may limit the increase in access for goods originating in the territory of the other Member State to be established in 1983 to an annual level equal to:

(a) in respect of groupings of goods other than those listed in Annex B of this Agreement, the greater of:

(i) \$NZ60,000 cif; or

(ii) the difference between 5 per cent of the domestic market or \$NZ200,000 cif whichever is the higher and the base level of access;

(b) in respect of the groupings of goods listed in Annex B of this Agreement, the greater of:

(i) \$NZ30,000 cif; or

(ii) the difference between 5 per cent of the domestic market and the base level of access.

7. In respect of liberalisation to come into effect in 1984 and each subsequent year, each Member State shall establish an annual increase in access for goods originating in the territory of the other Member State above the level of access available in the previous year of:

(a) 15 per cent in real terms in respect of groupings of goods for which the level of access is less than \$NZ 1 million cif in that previous year; or

(b) 10 per cent in real terms in respect of groupings of goods for which the level of access equals or exceeds \$NZ 1 million cif in that previous year.

8. A Member State may establish an initial increase in the level of access for goods originating in the territory of the other Member State for a period longer than one year provided that the increase in the level of access is consistent with paragraphs 5, 6 and 7 of this Article.

9. A Member State may liberalise more rapidly or eliminate earlier than is provided in paragraphs 5, 6 and 7 of this Article quantitative import restrictions or tariff quotas on goods originating in the territory of the other Member State.

在该协议的附件A中列出的商品分组，其中附件A中规定的准入水平应构成准入基础水平。

5. 关于1983年生效的自由化，每个成员国应：(a) 当准入基础水平低于新西兰400,000美元CIF时，应建立对源自另一成员国领土的商品的准入增加，该增加应为以下两个数字中较大的一个，按年度计算：

(i) 新西兰60,000美元CIF；或 (ii) 新西兰400,000美元CIF与准入基础水平之间的差额；

(b) 当准入基础水平等于或超过新西兰400,000美元CIF但低于100万美元CIF时，应建立对源自另一成员国领土的商品的准入增加，按实际计算，每年在准入基础水平之上提高15%；和

(c) 当准入基础水平等于或超过100万美元CIF时，应建立对源自另一成员国领土的商品的准入增加，按实际计算，每年在准入基础水平之上提高10%。

6. 不论本条第5段（a）项子段的规定如何，成员国可限制源自另一成员国领土的商品在1983年建立的准入增加，使其达到等于下列较高者的年度水平：（a）对于本协议附件B中未列出的商品分组，为：（i）新西兰60,000美元CIF；或（ii）5%的国内市场或新西兰200,000美元CIF中较高者与准入基础水平的差额；（b）对于本协议附件B中列出的商品分组，为：（i）新西兰30,000美元CIF；或（ii）5%的国内市场与准入基础水平的差额。

7. 对于1984年生效及以后的自由化，每个成员国应建立源自另一成员国领土的商品的年度准入增加，使其高于前一年可获得的准入水平：

(a) 15% 以实际 terms 计算的商品分组准入，其在该前一年中低于新西兰100万美元CIF水平；或 (b) 10% 以实际 terms 计算的商品分组准入，其在该前一年中等于或超过新西兰100万美元CIF水平。

8. 成员国可针对源自另一成员国领土的商品设立为期超过一年的准入水平初始增加，前提是该准入水平增加与本文第5、6和7段一致。

9. 成员国可以比本条第5、6和7段规定的更快速地放宽或更早地消除源自另一成员国领土的商品的数量性进口限制或关税配额。

10. The increases in access to be established under paragraphs 5, 6 and 7 of this Article shall be achieved through the provision by each Member State of access applicable exclusively to goods originating in the territory of the other Member State (hereinafter in this Agreement called "exclusive access") except as provided in paragraphs 20 and 21 of this Article.

11. Where access is expressed in terms of value, in order to achieve the annual increases in access levels in real terms pursuant to paragraphs 5 and 7 of this Article, each Member State shall adjust access levels to reflect changes in prices in the importing country in the previous year in a manner mutually determined by the Member States.

12. The access provided pursuant to this Article shall relate as far as practicable to the same groupings of goods that are used for the purpose of applying quantitative import restrictions or tariff quotas on a global basis. Where a Member State applies quantitative import restrictions or tariff quotas on a global basis measured in terms of quantity rather than value, an equivalent figure in terms of quantity as mutually determined by the Member States shall be substituted for the levels of access specified in paragraphs 5, 6 and 7 of this Article.

13. Where as part of a system of quantitative import restrictions or tariff quotas a Member State accords licence on demand treatment, replacement licensing treatment or similar liberal treatment to goods originating in the territory of the other Member State and such treatment does not result in constraints on imports from the other Member State:

- (a) it may maintain such treatment for general monitoring purposes; and
- (b) paragraphs 4 to 12 of this Article shall not apply to such goods.

14. Quantitative import restrictions and tariff quotas on all goods originating in the territory of the other Member State shall be eliminated by 30 June 1995.

15. Levels of access into New Zealand for goods originating in Australia shall be referred to in New Zealand currency on a cif basis as set out in this Article. Levels of access into Australia for goods originating in New Zealand shall be expressed in Australian currency on an fob basis and in applying this Article to such goods the following shall apply:

- (a) for \$NZ60,000 cif substitute \$A41,000 fob;
- (b) for \$NZ200,000 cif substitute \$A136,000 fob;
- (c) for \$NZ400,000 cif substitute \$A272,000 fob; and
- (d) for \$NZ 1 million cif substitute \$A680,000 fob.

16. Where, in the opinion of a Member State, the application of this Article does not provide a level of exclusive access for any goods or an allocation for any importer of those goods which is commercially viable, that Member State may give written notice to the other Member State. The Member States shall consult to determine within 30 days of such notice whether the level of exclusive access or allocation in respect of those goods is commercially viable and, if not, the increase in the level of exclusive access or allocation necessary to render the importation of those goods commercially viable.

10. 根据本条第5、6和7段应建立的准入增加，应通过每个成员国提供仅适用于源自另一成员国领土的商品的准入（在本协议中以下简称“专属准入”）来实现，但本条第20和21段另有规定的除外。

11. 当准入以价值表示时，为根据本条款第5段和第7段实现准入水平的实际年度增加，每个成员国应调整准入水平，以反映进口国上一年度的价格变化，具体方式由成员国共同确定。

12. 根据本条款提供的准入应尽可能与用于实施全球范围内数量性进口限制或关税配额的商品分组相同。当某个成员国以数量而非价值衡量全球范围内的数量性进口限制或关税配额时，应将本条款第5段、第6段和第7段规定的准入水平替换为成员国共同确定的对等数量值。

13. 当数量性进口限制或关税配额制度的一部分时，如果某个成员国对源自另一成员国领土的商品给予按需处理、替代许可证处理或类似的自由化待遇，且该待遇未对从另一成员国进口造成限制，则：

- (a) 它可以出于一般监控目的维持这种待遇；以及
- (b) 本条款第4至12段不适用于此类货物。

14. 对源自其他成员国领土的所有货物实施的定量进口限制和关税配额应于1995年6月30日以前取消。

15. 源自澳大利亚的货物进入新西兰的准入水平应以本文所述的CIF基础，以新西兰货币表示。源自新西兰的货物进入澳大利亚的准入水平应以离岸价（FOB）为基础，并以澳大利亚货币表示，在将本文适用于此类货物时，应适用以下规定：

- (a) 对于新西兰60,000美元CIF，替换为澳大利亚41,000美元FOB；
- (b) 对于新西兰200,000美元CIF，替换为澳大利亚136,000美元FOB；
- (c) 对于新西兰400,000美元CIF，替换为澳大利亚272,000美元FOB；以及
- (d) 对于新西兰100万美元CIF，替换为澳大利亚680,000美元FOB。

16. 在某成员国认为，本条款的适用并未为任何货物提供专属准入水平，或为任何这些货物的进口商提供商业上可行的配额的情况下，该成员国可以书面通知其他成员国。成员国应当磋商，在收到该通知后的30天内确定，针对这些货物的专属准入水平或配额是否商业上可行，如果不是，则增加必要的专属准入水平或配额，以使这些货物的进口商业上可行。

17. A Member State shall, at any time during which quantitative import restrictions or tariff quotas are being liberalised pursuant to this Article, more rapidly liberalise or eliminate such measures on particular goods where:

- (a) such measures are no longer effective or necessary; or
- (b) for a period of two consecutive years those goods are free of tariffs within the meaning of Article 4 of this Agreement and:
  - (i) the total successful tender premium bid for exclusive access represents less than 5 per cent of the value of the exclusive access allocated by tender for the grouping relevant to those goods; or
  - (ii) less than 75 per cent of the exclusive access allocated for the grouping relevant to those goods has been utilised.

18. Each Member State shall ensure that the annual level of exclusive access established for any goods under the New Zealand-Australia Free Trade Agreement, done at Wellington on 31 August 1965, applicable on the day immediately before the day on which this Agreement enters into force shall be maintained under this Agreement in addition to the exclusive access otherwise provided pursuant to this Article.

19. In providing access on a global basis, each Member State shall ensure that such access is available for goods originating in the territory of the other Member State.

20. In calculating the exclusive access necessary to achieve the annual increases in access in real terms required under this Article for goods originating in the territory of the other Member State, a Member State shall take into account any increases or decreases in the level of global access available.

21. A Member State may at any time convert exclusive access to global access provided that it gives at the earliest possible date prior written notice to the other Member State of the proposed conversion, and provided also that the conversion is effected in a manner which to the maximum extent possible is predictable, not too abrupt in its impact and consistent with the progressive liberalisation of quantitative import restrictions and tariff quotas pursuant to this Article. Where a Member State receives notice under this paragraph it may request consultations with the other Member State. The Member States shall thereupon promptly enter into consultations.

22. In allocating exclusive access in respect of goods originating in the territory of the other Member State, a Member State shall have regard to:

- (a) the need to provide genuine access opportunity for those goods;
- (b) import performance in respect of those goods; and
- (c) the need to publish the names of licence or quota holders.

Article 6  
Modified application of this Agreement

Because of special circumstances a number of the provisions of this Agreement shall be applied to certain goods in a modified manner to the extent specified in Annexes C, E and F of this Agreement.

17. 在本条款规定的数量性进口限制或关税配额自由化过程中，任何成员国应当，在任何时间，对特定货物更迅速地自由化或消除此类措施，其中：

- (a)此类措施已不再有效或不再必要；或
- (b)在连续两个年度内，这些货物根据本协定第4条的规定在自由贸易区域内无关税，并：
  - (i)专有准入的总额成功投标溢价低于专有准入分配总额的5%；或
  - (ii)专有准入中，与这些货物相关的组别所分配的专有准入利用率不足75%。

18. 每个成员国应确保，根据1965年8月31日在惠灵顿签署的新西兰-澳大利亚自由贸易协定（以下简称“本协定”）为任何货物设立的专有准入年度水平，在本协定生效前立即适用，除根据本条提供的专有准入外，在本协定下应予以维持。

19. 在全球范围内提供准入时，每个成员国应确保此类准入适用于源自其他成员国领土的货物。

20. 在计算为达到本条款第5条要求的、源自另一成员国领土的商品的年度实际 **terms** 准入增加所必需的专属准入时，成员国应考虑全球准入水平的任何增加或减少。

21. 成员国可随时将专属准入转换为全球准入，前提是其必须尽早向另一成员国发出书面通知，告知拟进行的转换，并且转换以尽可能可预测的方式进行，其影响不是过于突然，并与本条款规定的数量性进口限制和关税配额的逐步自由化保持一致。根据本条款第5条，如果成员国收到根据本条款第5条发出的通知，它可以要求与另一成员国磋商。成员国应立即进行磋商。

22. 在分配源自另一成员国领土的商品的专属准入时，成员国应考虑：

- (a) 为这些商品提供真实准入机会的需要；
- (b) 这些商品的进口表现；以及
- (c) 发布许可证或配额持有者名称的需要。

第6条  
本协定的修正适用

由于特殊情况，本协议的若干条款将以附件C、E和F中规定的程度，以修改的方式适用于某些货物。

Article 7  
Revenue duties

1. A Member State may levy for revenue purposes duties on goods, ingredients or components contained in those goods, originating in and imported from the territory of the other Member State, at rates not higher than those that apply to like goods, ingredients or components produced or manufactured in the territory of the first Member State.
2. A Member State shall not levy on goods, ingredients or components contained in those goods, originating in and imported from the territory of the other Member State, any internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic goods, ingredients or components.

Article 8  
Quantitative export restrictions

1. The Member States shall take steps to reduce and eliminate quantitative export restrictions on trade in the Area in a manner to be mutually determined.
2. A Member State shall not impose new quantitative export restrictions or intensify existing quantitative export restrictions on the export of goods to the territory of the other Member State.
3. The provisions of this Article shall not prevent a Member State from taking such measures as may be necessary to prevent evasion, by means of re-export, of quantitative export restrictions which it applies in respect of goods exported to countries outside the Area.

Article 9  
Export subsidies and incentives

1. The Member States shall work towards the elimination of all export subsidies and export incentives on goods traded in the Area.
2. Where a Member State effects a general elimination of or reduction in any export subsidy or export incentive such elimination or reduction shall apply to goods traded in the Area.
3. In respect of goods traded in the Area, neither Member State shall:
- (a) introduce any export subsidy, export incentive or other assistance measure having similar trade distorting effects to any of the performance-based export incentives listed in Annex D of this Agreement;
  - (b) extend any of the performance-based export incentives listed in Annex D of this Agreement to any industry or sector of industry, or to any class of goods which was ineligible to receive assistance under such incentive on the day immediately before the day on which this Agreement enters into force; or
  - (c) increase the basic rate of assistance available under any of the performancebased

第7条 收入税

1. 成员国可以针对从其他成员国领土原产地进口并包含在其中的货物、成分或部件征收以财政收入为目的的税费，其税率不得超过第一成员国领土内生产的同类商品、成分或部件适用的税率。
2. 成员国不得对从其他成员国领土原产地进口并包含在其中的货物、成分或部件征收任何超过直接或间接适用于同类国内商品、成分或部件的内税或其他内部费用。

第8条 数量性出口限制

1. 成员国应采取措施，以相互商定的方式减少并消除区域内贸易的数量性出口限制。
2. 成员国不得对向其他成员国领土出口的货物实施新的数量性出口限制或强化现有的数量性出口限制。
3. 本条款的规定不得阻止成员国为防止通过再出口逃避其适用于向区域内以外国家出口货物的数量性出口限制而采取必要措施。

第9条  
出口补贴和激励

1. 成员国应努力消除区域内贸易商品的出口补贴和出口激励。
2. 当一个成员国对任何出口补贴或出口激励实施普遍消除或减少时，该消除或减少应适用于区域内贸易商品。
3. 对于区域内贸易商品，任何成员国均不得：
- (a) 引入任何具有与本协议附件D中列出的基于绩效的出口激励相似的贸易扭曲效应的出口补贴、出口激励或其他援助措施；
  - (b) 将本协议附件D中列出的任何基于绩效的出口激励扩展到任何行业或行业部门，或扩展到任何商品类别，该商品类别在协议生效前立即日不符合根据该激励获得援助的资格；或
  - (c) 提高在基于绩效的任何援助下可用的基本率

export incentives listed in Annex D of this Agreement.

4. In respect of goods traded in the Area the performance-based export incentives listed in Annex D of this Agreement shall be progressively reduced and eliminated in accordance with the following provisions and Annex D of this Agreement:  
(a) assistance in 1985 shall not exceed 50 per cent of the entitlement to benefit which would otherwise have been available under such export incentives;  
(b) assistance in 1986 shall not exceed 25 per cent of the entitlement to benefit which would otherwise have been available under such export incentives; and  
(c) there shall be no entitlement to benefit under such export incentives in 1987 or thereafter.

5. Before a Member State implements in any export subsidy or export incentive not listed in Annex D of this Agreement a change that may have a significant effect on trade in the Area, it shall consult with the other Member State.

Article 10  
Agricultural stabilisation and support

1. The provisions set out in Annex E of this Agreement shall apply to the agricultural goods listed therein.
2. Before introducing new measures for the stabilisation or support of any agricultural goods or the amendment of any measures in operation on the day on which this Agreement enters into force, including any new or amended measures applying to the goods listed in Annex E of this Agreement, a Member State shall satisfy itself that the consequences for trade in the Area shall be consistent with the objectives of this Agreement.
3. If a Member State gives written notice to the other Member State that, in its opinion, the consequences for trade in the Area of measures taken or to be taken by the other Member State for the stabilisation or support of agricultural goods are inconsistent with the objectives of this Agreement, the Member States shall promptly enter into consultations.
4. The Member States shall, as appropriate, co-operate in respect of trade in agricultural goods in third country markets and to this end shall encourage co-operation between Australian and New Zealand marketing authorities.

Article 11  
Government purchasing

1. In government purchasing the maintenance of preferences for domestic suppliers over suppliers from the other Member State is inconsistent with the objectives of this Agreement, and the Member States shall actively and on a reciprocal basis work towards the elimination of such preferences.
2. In pursuance of this aim:

本协议附件D中列出的出口激励。

4. 关于区域内贸易商品，本协议附件D中列出的基于绩效的出口激励应根据以下条款和本协议附件D逐步减少并消除：(a) 1985年的援助不得超过根据此类出口激励本应可获得的受益权的50%；(b) 1986年的援助不得超过根据此类出口激励本应可获得的受益权的25%；以及(c) 1987年或以后年份不得根据此类出口激励获得受益权。

5. 在一个成员国实施本协议附件D中未列出的任何出口补贴或出口激励，且该变化可能对区域内贸易产生重大影响之前，该成员国应与其他成员国磋商。

条款 10  
农业稳定和支持

1. 本协议附件E中规定的条款应适用于其中列出的农产品。
2. 在引入新的稳定或支持任何农产品措施，或修订在本协议生效之日正在实施的任何措施之前，包括适用于本协议附件E中列出的货物的任何新或修订的措施，成员国应确保该区域贸易的后果与本协议的目标一致。
3. 如果一个成员国向其他成员国发出书面通知，认为其他成员国为稳定或支持农产品而采取或拟采取的措施对该区域贸易的后果与本协议的目标不一致，成员国应迅速进行磋商。
4. 成员国应根据适当情况，就第三国市场的农产品贸易进行合作，为此应鼓励澳大利亚和新西兰的市场机构之间的合作。

条款11 政府采购

1. 在政府采购中，对来自其他成员国的供应商保持对国内供应商的偏好与本协议的目标不一致，成员国应积极并在互惠基础上努力消除此类优惠。
2. 为了实现这一目标：

(a) the Government of the Commonwealth of Australia shall in relation to purchasing undertaken by those departments, authorities and other bodies subject to the purchasing policy of that Government:

(i) continue to treat any New Zealand content in offers received from Australian or New Zealand tenderers as equivalent to Australian content;

(ii) accord to New Zealand tenderers the benefits of any relevant tariff preferences; and

(iii) not require offsets in relation to the New Zealand content of such purchases;

(b) the Government of New Zealand, in relation to purchasing undertaken by departments, authorities and other bodies controlled by that Government shall:

(i) accord to Australian tenderers the benefits of any relevant tariff preferences; and

(ii) not require offsets in relation to the Australian content of such purchases; and

(c) the Member States shall take further steps towards the elimination of such preferences on a reciprocal basis.

3. The Member States shall reconsider the provisions of this Article in 1988 in the general review of the operation of this Agreement pursuant to paragraph 3 of Article 22 with a view to ensuring full reciprocity in the elimination of preferences in a manner consistent with the objectives of this Agreement.

Article 12  
Other trade distorting factors

1. The Member States shall:

(a) examine the scope for taking action to harmonise requirements relating to such matters as standards, technical specifications and testing procedures, domestic labeling and restrictive trade practices; and

(b) where appropriate, encourage government bodies and other organisations and institutions to work towards the harmonisation of such requirements.

2. The Member States shall consult at the written request of either with a view to resolving any problems which arise from differences between their two countries in requirements such as those referred to in paragraph 1 of this Article where such differences impede or distort trade in the Area.

Article 13  
Rationalisation of industry

1. Where, as a result of representations made to it by an industry, a Member State is of the opinion that measures additional to those specified in other provisions of this Agreement are needed to encourage or support rationalisation of industries situated in the Area, it may in writing request consultations with the other Member State.

2. Where consultations have been requested pursuant to paragraph 1 of this Article, the Member States shall consult promptly regarding possible additional measures and shall take into account:

(a) the extent to which the rationalisation in question is likely to lead to more efficient use of resources and improvements in competitive ability in third country

(a) 澳大利亚联邦政府应就由那些受该政府采购政策约束的部门、当局和其他机构进行的采购，采取以下措施：

(i) 继续将来自澳大利亚或新西兰投标人的任何新西兰内容在投标中视为等同于澳大利亚内容；

(ii) 向新西兰投标人提供任何相关关税优惠的惠益；并

(iii) 不要求就此类采购的新西兰内容进行抵消；(b) 新西兰政府，就由该政府控制的部门、当局和其他机构进行的采购，应：(i) 向澳大利亚投标人提供任何相关关税优惠的惠益；并(ii) 不要求就此类采购的澳大利亚内容进行抵消；和(c) 成员国应采取进一步措施，在互惠基础上消除此类优惠。

3. 成员国应于1988年根据第2条第3段的规定，在本协定运作的一般审查中重新考虑本条款的规定，以确保在符合本协定目标的方式下，在消除优惠方面实现完全互惠。

条款 1 2  
其他贸易扭曲因素

1. 成员国应当：

(a) 审查采取行动协调与标准、技术规范、测试程序、国内标签和限制性贸易做法等事项相关的要求的范围；以及

(b) 在适当情况下，鼓励政府机构和其他组织及机构为实现此类要求的协调而努力。

2. 成员国应当应任何一方书面请求磋商，以解决其两国在第一段本文所述的要求方面的差异所产生的问题，其中此类差异妨碍或扭曲了区域内的贸易。

条款 1 3 行业合理化

1. 当某一行业向其提出陈述后，如果某成员国认为需要采取本协定其他规定中规定的措施之外的措施来鼓励或支持位于该地区的行业合理化，它可以在书面形式下请求与其他成员国进行磋商。

2. 当根据本条款第1段请求进行磋商时，成员国应迅速就可能的额外措施进行磋商，并应考虑：

(a)所涉及的合理化可能导致资源更有效利用和第三国竞争力提高的程度

markets; and  
(b) the views of appropriate industries and authorities.

3. Additional measures which may be implemented by the Member States may include any of the following:  
(a) acceleration of measures taken to liberalise trade pursuant to other provisions of this Agreement;  
(b) adoption of a common external tariff;  
(c) adoption of common by-law or concessionary tariff action;  
(d) exemption from the operation of anti-dumping action;  
(e) joint anti-dumping action against third countries.

4. In any consideration of the need to provide assistance to an industry, a Member State shall have regard to any rationalisation which has occurred or is expected to occur in that industry in the Area. In forwarding a reference to an industry advisory body on the need to provide assistance to an industry, a Member State shall request that body to take into account such rationalisation in making its recommendations.

Article 14  
Intermediate goods

1. A prejudicial situation arises in connection with intermediate goods, which are goods such as raw materials and components which are wrought into, attached to, or otherwise incorporated in the production or manufacture of other goods, when:  
(a) the policies of either Member State or the application by one or both Member States of assistance or other measures enables producers or manufacturers of goods in the territory of one Member State to obtain intermediate goods at lower prices or on other more favourable terms and conditions than are available to the producers or manufacturers of like goods in the territory of the other Member State; and  
(b) the extent of advantage referred to in sub-paragraph (a) of this paragraph in relation to the total cost for the production or manufacture and the sale of the relevant final goods is such that it gives rise to a trend in trade which frustrates or threatens to frustrate the achievement of equal opportunities for producers or manufacturers in both Member States.

2. Where as a result of a complaint from a domestic producer or manufacturer a Member State (hereinafter in this Article called "the first Member State") is of the opinion that a prejudicial intermediate goods situation has arisen, it shall give written notice to the other Member State.

3. The first Member State, having given notice under paragraph 2 of this Article and having quantified the disadvantage arising from the prejudicial intermediate goods situation, may within 45 days of such notice request consultations. The Member States shall thereupon commence consultations that shall include a joint examination of the situation with a view to finding a solution involving the alteration of the assistance or other measures which gave rise to the situation.

市场；以及  
(b) 相关产业和当局的想法。

3. 成员国可以采取的额外措施可能包括以下任何一项：(a) 加速根据本协议其他条款采取的贸易自由化措施；(b) 采用共同外部关税；(c) 采用共同法规或优惠关税措施；(d) 免除反倾销行动的适用；(e) 对第三国采取联合反倾销行动。

4. 在考虑向某一产业提供援助的必要性时，成员国应当考虑在该区域发生的或预计将发生的该产业的合理化。在将向某一产业提供援助的必要性提交行业咨询机构时，成员国应当要求该机构在提出建议时考虑这种合理化。

Article 14 中间品

1. 在与中间品有关的情况下出现不利情况，这些中间品是原材料和部件等，它们被锻造、附着或以其他方式结合到其他商品的生产或制造中，当：(a) 任何成员国的政策或一个或两个成员国对援助或其他措施的适用，使一个成员国领土内的商品生产者或制造商能够以低于其他成员国领土内同类商品生产者或制造商可获得的更低价格或其他更有利的条件获得中间品；以及(b) 第(a)款所述的优势程度与本段所述与相关最终商品的生产或制造和销售的总体成本相关的优势程度，是如此之大，以至于它导致了一种贸易趋势，这种趋势挫败或威胁要挫败在两个成员国中实现生产者或制造商平等机会的成就。

2. 当由于国内生产者或制造商的投诉，某成员国（以下简称本条称为“第一成员国”）认为已出现损害性中间品情况时，应当向其他成员国发出书面通知。

3. 第一成员国根据本条款第2段发出通知，并量化了损害性中间品情况产生的不利条件后，可在该通知发出之日起45日内请求磋商。成员国应随即开始磋商，磋商内容包括共同审查该情况，以寻求通过改变产生该情况的援助或其他措施来解决问题。

4. If the Member States do not reach a mutually acceptable solution involving the alteration of the assistance or other measures which gave rise to the prejudicial intermediate goods situation the Member States shall seek another solution that may include any one or more of the following:

- (a) adoption of a common external tariff or reduction of the difference between the tariffs which the Member States apply to imports of intermediate goods from third countries, associated with the adoption of co-ordinated measures relating to by-law or concessionary entry and drawback of duty;
- (b) variation of the proportion of applicable factory or works cost in determining under Article 3 of this Agreement whether the final goods originated in the territory of a Member State;
- (c) cancellation of any one or more measures relating to by-law entry, concessionary entry and drawback of duty granted for export purposes in connection with trade in the Area;
- (d) initiation by the other Member State of anti-dumping or countervailing action in respect of goods imported from third countries in so far as this action would be consistent with other international obligations of the other Member State and in so far as the first Member State had taken such action itself or would have taken such action had the goods from the third countries been imported in similar circumstances into its territory;
- (e) provision of production or export subsidies to the producers or manufacturers in the territory of the first Member State;
- (f) acceleration of measures taken to liberalise trade pursuant to other provisions of this Agreement;
- (g) imposition of import charges by the first Member State;
- (h) imposition of export charges by the other Member State.

5. The other Member State may at any time take action to remove or reduce the advantage enjoyed by producers or manufacturers located in its territory.

6. If, within 45 days of the request for consultations referred to in paragraph 3 of this Article, the Member States have not reached a mutually satisfactory solution and if any action taken by the other Member State to reduce the advantage enjoyed by producers or manufacturers located in its territory has failed to remove that advantage, the first Member State may take action to remove the advantage, provided that:

- (a) it shall take account of such steps as may have been taken by the other Member State to reduce the advantage; and
- (b) the action taken shall not exceed the level of disadvantage remaining at the time the action is taken.

7. Any measures applied by either Member State pursuant to this Article shall be kept under review by the Member States and shall be adjusted in the event of any relevant change of circumstances.

Article 15  
Anti-dumping action

4. 如果成员国未能就涉及改变导致损害性中间品情况的援助或其他措施而达成的相互可接受的解决方案，成员国应当寻求另一种解决方案，该解决方案可能包括以下一项或多项：

- (a) 采用共同外部关税或减少成员国对从第三国进口中间品的关税差异，与采用与法规或优惠准入和退税相关的协调措施相关联；
- (b) 最终产品源自某成员国领土，根据本协议第3条确定适用工厂或工场成本比例的变更；
- (c) 取消为出口目的而与区域贸易相关的与法规准入、优惠准入和退税措施中的一项或多项；
- (d) 由其他成员国在从第三国进口商品方面发起反倾销或反补贴措施，只要该行动与其他成员国其他国际义务一致，并且只要第一成员国本身已采取此类行动或如果从第三国进口商品在类似情况下进口到其领土，本应采取此类行动；
- (e) 向第一成员国领土内的生产者或制造商提供生产或出口补贴；
- (f) 加速根据本协议其他条款采取的贸易自由化措施；
- (g) 由第一成员国征收进口费；
- (h) 由其他成员国征收出口费。

5. 其他成员国可以随时采取行动，消除或减少位于其领土内的生产者或制造商所享受的优势。

6. 如果在本协议第3段提到的磋商请求之日起45天内，成员国未能达成相互满意的解决方案，并且任何其他成员国为减少其领土内生产者或制造商所享受的优势而采取的行动未能消除该优势，则第一成员国可以采取行动消除该优势，但前提是：

- (a) 应考虑其他成员国为减少优势所采取的步骤；和
- (b) 采取的行动不得超过采取行动时剩余的不利条件水平。

7. 各成员国根据本条款采取的任何措施均应接受成员国审查，并在相关情况发生任何变化时进行调整。

第 15 条 反倾销行动

1. Dumping, by which goods are exported from the territory of a Member State into the territory of the other Member State at less than their normal value, that causes material injury or threatens to cause material injury to an established industry or materially retards the establishment of an industry in the territory of the other Member State, is inconsistent with the objectives of this Agreement. Hereinafter in this Article except in paragraph 8 the term "injury" shall mean:

- (a) material injury to an established industry;
- (b) the threat of material injury to an established industry; or
- (c) material retardation of the establishment of an industry.

2. A Member State may levy anti-dumping duties in respect of goods imported from the territory of the other Member State provided it has:

- (a) determined that there exists dumping, injury, and a causal link between the dumped goods and the injury; and
- (b) afforded the other Member State the opportunity for consultations pursuant to paragraph 4 of this Article.

3. Immediately following the acceptance of a request from an industry for the initiation of anti-dumping action in respect of goods imported from the territory of the other Member State, a Member State shall inform the other Member State.

4. Where a Member State considers that there exists sufficient evidence of dumping, injury and a causal link between the dumped goods and the injury, and is initiating formal investigations, it shall give prompt written notice to the other Member State and shall afford the other Member State the opportunity for consultations.

5. Immediately upon giving such notice, and thereafter on request of the other Member State, a Member State shall provide to the other Member State:

- (a) the tariff classification and a complete description of the relevant goods;
- (b) a list of all known exporters of those goods and an indication of the element of dumping occurring in respect of each exporter; and
- (c) full access to all non-confidential evidence relating to those goods, the volume, degree and effect of dumping, the nature and degree of the injury, and the causal link between the dumped goods and the injury.

6. A Member State may impose provisional measures including the taking of securities provided all the following conditions are met:

- (a) a preliminary affirmative finding has been made that there is dumping and that there is sufficient evidence of injury and a causal link between the dumped goods and the injury;
- (b) the imposition of such measures is judged necessary in order to prevent further injury being caused during the period of investigation;
- (c) the imposition of provisional measures is limited to as short a period as possible, not exceeding six months;
- (d) the provisional measures do not exceed the provisionally calculated amount of dumping; and
- (e) prior written notice of an imposition of provisional measures has been provided to the other Member State at least 24 hours before such measures are imposed.

1. 倾销，即某成员国将其货物以低于正常价值的价格出口至另一成员国领土，从而对该成员国已建立产业造成实质性损害或威胁造成实质性损害，或实质性阻碍在另一成员国领土上产业的建立，与本协议的目标不一致。在本条除第 8 段外，术语“损害”应指：

- (a) 对已建立产业的实质性损害； (b) 对已建立产业的实质性损害的威胁；或 (c) 已建立产业设立的实质性延缓。

2. 成员国可对从另一成员国领土进口的货物征收反倾销税，前提是其已：

- (a) 确定存在倾销、损害以及倾销货物与损害之间的因果关系；以及

- (b) 给予另一成员国根据本条款第4段进行磋商的机会。

3. 在收到产业关于对从另一成员国领土进口的货物发起反倾销行动的请求后，成员国应立即通知另一成员国。

4. 当成员国认为存在充分证据表明倾销、损害以及倾销货物与损害之间存在因果关系，并且正在发起正式调查时，应立即向另一成员国发出书面通知，并给予另一成员国进行磋商的机会。

5. 在发出此类通知后立即，并在其他成员国的要求下，成员国应向其他成员国提供：(a) 相关货物的关税分类和完整描述；(b) 所有已知出口商的清单，并指明每个出口商的倾销要素；以及(c) 与这些货物有关的所有非保密证据的完全准入，包括倾销的数量、程度和影响，损害的性质和程度，以及倾销货物与损害之间的因果关系。

6. 成员国可以采取临时措施，包括收取保证金，但须满足所有以下条件：（a）已作出初步肯定性认定，认定存在倾销，并且有充分证据证明损害以及倾销货物与损害之间存在因果关系；

- （b）在调查期间，采取此类措施被认为是必要的，以防止进一步损害；（c）临时措施的采取应尽可能短，不超过六个月；（d）临时措施不得超过初步计算的倾销额；以及（e）在临时措施实施前至少24小时，已向其他成员国提供采取临时措施的书面通知。

7. Immediately after the imposition of provisional measures the Member State imposing the measures shall provide the other Member State with the information relevant to the grounds on which the measures were imposed.

8. If a Member State (hereinafter in this paragraph called "the first Member State") is of the opinion that goods imported into the territory of the other Member State from outside the Area are being dumped and that this dumping is causing material injury or threatening to cause material injury to an industry located in the first Member State, the other Member State shall, at the written request of the first Member State examine the possibility of taking action, consistent with its international obligations, to prevent material injury.

Article 16  
Countervailing action

1. Neither Member State shall levy countervailing duties on goods imported from the territory of the other Member State, except:  
(a) in accordance with its international obligations under the General Agreement on Tariffs and Trade and the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade, done at Geneva on 12 April 1979 (hereinafter in this Article called the "Subsidies Code");  
(b) in accordance with this Article; and  
(c) when no mutually acceptable alternative course of action has been determined by the Member States.

2. In any action pursuant to this Article, the Member States shall have regard to the objectives of this Agreement and to Article 9 of this Agreement.

3. A Member State shall not take countervailing action unless, as provided in the Subsidies Code, it has found in respect of goods imported from the territory of the other Member State that there exists a subsidy on those goods and that such subsidized goods are causing material injury or threatening to cause material injury to a domestic industry or are materially retarding the establishment of such an industry in the territory of the first Member State. Hereinafter in this Article except in paragraph 8 the term "injury" shall mean:  
(a) material injury to a domestic industry;  
(b) the threat of material injury to a domestic industry; or  
(c) material retardation of the establishment of an industry.

4. Immediately following the acceptance of a request for the initiation of any countervailing action and throughout any investigations or further action which it may take in respect of such a request, a Member State shall:  
(a) provide advice to the other Member State of the acceptance of a request and give due and proper notice of the taking of any subsequent step or steps in the action, including the making of a decision that there is sufficient evidence to warrant initiating a formal investigation;

7. 临时措施实施后，采取措施的成员国应向其他成员国提供与采取措施所依据的理由相关的信息。

8. 如果一个成员国（在本段中称为“第一成员国”）认为从区域外进口到另一成员国领土的货物存在倾销，并且这种倾销对该位于第一成员国境内的行业造成了实质性损害或威胁造成实质性损害，则另一成员国应当应第一成员国的书面请求，审查采取与其国际义务一致的行动以防止实质性损害的可能性。

第16条 反补贴措施

1. 任何成员国均不得对从另一成员国领土进口的货物征收反补贴税，但除：（a）根据关税及贸易总协定和1979年4月12日在日内瓦签订的《关税及贸易总协定第六、十六和二十三条款的解释和适用协定》（在本条中称为“补贴守则”）项下的国际义务；（b）根据本条；以及（c）当成员国尚未确定可相互接受的替代行动方案时。

2. 在根据本条款采取的任何行动中，成员国应当考虑本协议的目标和本协议第9条。

3. 成员国不得采取反补贴措施，除非，根据补贴守则的规定，它在关于从另一成员国领土进口的货物方面发现存在对这些货物的补贴，并且这些受补贴的货物正在对国内产业造成实质性损害或威胁要对国内产业造成实质性损害，或者严重阻碍在第一成员国领土上建立该产业。在本条款中，除第8段外，术语“损害”应指：

(a) 对国内产业的实质性损害；(b) 对国内产业的实质性损害的威胁；或(c) 产业建立的严重阻碍。

4. 在接受发起任何反补贴措施的请求后立即，并在就该项请求采取任何调查或进一步行动期间，成员国应当：（a）向其他成员国提供关于接受请求的建议，并就采取任何后续步骤或行动给予充分和适当的通知，包括作出有足够证据支持发起正式调查的决定；

(b) offer full access to all non-confidential evidence relating to the goods which are the subject of the request, the existence and amount of any subsidy in respect of those goods, the nature and degree of the alleged injury, and the causal link between the subsidised goods and the alleged injury; and  
(c) afford to the other Member State full opportunity for consultations in respect of any matter arising from any investigations or further action which may ensue including the assessment of the level of any countervailing duty which may be levied.

5. Notwithstanding paragraph 4 of this Article, a Member State may impose provisional measures, including the taking of securities in accordance with the Subsidies Code, provided all the following conditions are met:  
(a) a finding has been made by that Member State that a subsidy exists, that there is sufficient evidence of injury to a domestic industry, and that a causal link exists between the subsidised goods and the injury;  
(b) the imposition of provisional measures is judged necessary in order to prevent further injury during the period of the investigation;  
(c) the imposition of provisional measures is limited to as short a period as possible, not exceeding four months;  
(d) the provisional measures do not exceed the provisionally calculated amount of subsidisation; and  
(e) prior written notice of an imposition of provisional measures has been provided to the other Member State at least 24 hours before such measures are imposed.

6. In respect of any countervailing action taken pursuant to previous paragraphs of this Article, each Member State shall co-operate:  
(a) to take all practicable steps to expedite procedures in order to reach a mutually satisfactory solution;  
(b) to give access to relevant non-confidential information to the fullest extent possible; and  
(c) subject to the Subsidies Code, to facilitate investigations within its territory.

7. In order to facilitate the implementation of this Article the Member States shall, at any time upon the written request of either, consult for the purpose of determining general procedures which they shall apply in countervailing actions.

8. If a Member State (hereinafter in this paragraph called "the first Member State") is of the opinion that goods imported into the territory of the other Member State from outside the Area are being subsidised by a third country and that this subsidisation is causing or is threatening to cause material injury to an industry located in the territory of the first Member State the other Member State shall, at the written request of the first Member State, examine the possibility of taking action, consistent with its international obligations, to prevent material injury.

9. Should one or other of the agreements referred to in paragraph 1 of this Article cease to apply to either Member State, the Member States shall promptly enter into consultations at the written request of either in order to establish alternative arrangements to this Article.

(b) 提供与请求所涉及的货物有关的全部非保密证据，包括这些货物存在的任何补贴的存在和金额、所声称损害的性质和程度，以及补贴的货物与所声称损害之间的因果关系；和

(c) 有充分的机会与其他成员国磋商任何调查或可能随之采取的进一步行动所涉及的任何事项，包括评估可能征收的反倾销税的水平。

5. 不论本条款第4段的规定如何，成员国可以采取临时措施，包括根据补贴守则提供保证金，但须满足所有下列条件：

(a) 该成员国已作出认定，存在补贴，有充分证据表明对国内产业造成损害，并且补贴的货物与损害之间存在因果关系；

(b) 采取临时措施被认为是必要的，以防止在调查期间进一步造成损害；

(c) 采取临时措施的时间限制在尽可能短的期间内，不超过四个月；

(d) 临时措施不超过临时计算的补贴金额；以及 (e) 在采取临时措施之前至少24小时，已向其他成员国提供采取临时措施的书面通知。

6. 对于根据本条前几款采取的任何反补贴措施，每个成员国应合作：

(a) 采取一切切实可行的措施以加快程序，以达成令人满意的解决方案；(b) 在最大程度上向有关非保密信息提供准入；以及(c)

在不违反补贴守则的前提下，在其领土内促进调查

7. 为了促进本条的实施，成员国应根据任何一方的书面请求进行磋商，以确定它们在反补贴措施中应适用的通用程序。

8. 如果一个成员国（在本款中称为“第一成员国”）认为，从区域外进口到另一成员国领土的货物受到第三国的补贴，并且这种补贴正在造成或威胁对位于第一成员国领土内的一个行业造成实质性损害，则另一成员国应根据第一成员国的书面请求，审查采取与其国际义务一致的行动以防止实质性损害的可能性。

9. 如果本条款第1段所述的协议之一对任何成员国停止适用，成员国应根据任何一方的书面请求迅速进行磋商，以建立本条款的替代安排。

Article 17  
Safeguard measures during the transition period

1. Safeguard measures referred to in this Article may be introduced in respect of goods traded in the Area which originate in the territory of a Member State:

- (a) as a last resort when no other solution can be found; and
- (b) only during the transition period being the period in which for such goods any of the following measures imposed other than under this Article remain in force in either Member State:
  - (i) tariffs within the meaning of Article 4 of this Agreement;
  - (ii) quantitative import restrictions or tariff quotas within the meaning of Article 5 of this Agreement;
  - (iii) the performance-based export incentives listed in Annex D of this Agreement; or
  - (iv) measures for stabilisation or support which hinder the development of trading opportunities between the Member States on an equitable basis.

2. A Member State may in writing request consultations with the other Member State if, in its opinion, following the entry into force of this Agreement goods originating in the territory of the other Member State:

- (a) are being imported in such increased quantities and under such conditions as to cause, or to pose an imminent and demonstrable threat to cause, severe material injury to a domestic industry producing like goods; and
- (b) such increased imports are occurring as a result of:
  - (i) government measures taken to liberalise tariffs pursuant to Article 4 of this Agreement or quantitative import restrictions or tariff quotas pursuant to Article 5 of this Agreement; or
  - (ii) other government measures affecting trade in the Area such as encouragement to export by reason of measures for stabilisation or support in the territory of the exporting Member State or differences in measures for stabilisation or support between the Member States.

3. Should either Member State request consultations under paragraph 2 of this Article, the Member States shall consult immediately to seek a mutually acceptable solution which would avoid the application of safeguard measures under this Article. If the Member States do not promptly reach a solution, the Member State into whose territory the goods are being imported shall refer the matter to an industry advisory body for investigation, report and recommendation for appropriate action, consistent with paragraphs 4 and 6 of this Article.

4. The Member States shall consult at the written request of the Member State into whose territory the goods are being imported if its industry advisory body has:

- (a) provided an opportunity for evidence to be presented to it from the other Member State; and
- (b) reported that severe material injury has been caused on an industry-wide basis or that there exists an imminent and demonstrable threat thereof occasioned by increased quantities of goods imported from the territory of the other Member State under the operation of this Agreement in one or more of the circumstances listed in paragraph 2(b) of this Article.

第1条 7  
过渡期保障措施

1. 本条款所述的保护措施可针对源自成员国领土的区域内贸易商品采取：(a) 仅在无法找到其他解决方案时作为最后手段；以及 (b) 仅在过渡期内，即对于此类商品存在任何

在本条款之外实施的以下措施在任何成员国仍然有效：(i) 本协议第4条定义的关税；(ii) 本协议第5条定义的数量性进口限制或关税配额；(iii) 本协议附件D中列出的基于绩效的出口激励；或 (iv) 阻碍成员国在公平基础上发展贸易机会的稳定或支持措施。

2. 如果一个成员国认为，在本协议生效后，源自另一成员国领土的商品：

(a) 正在以增加的数量和条件进口，以致对生产同类商品的国内产业造成严重物质损害，或构成迫在眉睫且可证明的威胁；和

(b) 这种增加的进口是作为以下原因的结果：  
(i) 为执行本协议第4条而采取的放宽关税的政府措施，或为执行本协议第5条而采取的数量性进口限制或关税配额；或

(ii) 影响该区域贸易的其他政府措施，例如，由于出口成员国领土内的稳定或支持措施而鼓励出口，或成员国之间稳定或支持措施的差异。

3. 如果任何成员国根据本条第2款请求磋商，成员国应立即磋商，寻求相互可接受的解决方案，以避免根据本条应用保护措施。如果成员国未能迅速达成解决方案，则正在进口货物的成员国应将此事提交行业咨询机构进行调查、报告和建议采取适当行动，与本条第4款和第6款一致。

4. 成员国应当应进口货物所在其他成员国的书面请求进行磋商，如果其行业咨询机构已经：

(a) 为其他成员国提供了提交证据的机会；和

(b) 报告称，在本条2(b)款中列出的情况之一下，由于根据本协定从另一成员国领土进口的商品数量增加，已造成全行业范围的严重物质损害，或存在迫在眉睫且可证明的威胁。

5. The Member State which requested the consultations referred to in paragraph 4 of this Article may apply such safeguard measures as it considers most appropriate if:

(a) there has been opportunity for consultation pursuant to paragraph 4 of this Article; and

(b) the Member States did not reach a mutually satisfactory solution after 90 days from the date of request for the consultations referred to in paragraph 3 of this Article.

6. Wherever possible, safeguard measures shall be sought that do not restrict trade. However, notwithstanding Articles 4, 5 and 8 of this Agreement, safeguard measures that restrict trade may be applied provided that:

(a) they shall be the minimum necessary to allow the fullest possible opportunity for trade to continue consistent with amelioration of the problem; and

(b) if involving quantitative import restrictions or tariff quotas they shall be applied only in the most extreme circumstances and where other safeguard measures would provide insufficient amelioration of the problem and shall not be regarded as a means of extending the date for the elimination of quantitative import restrictions or tariff quotas pursuant to paragraph 14 of Article 5 of this Agreement.

7. Where safeguard measures involving the imposition, increase, intensification or retardation of the removal of tariffs within the meaning of Article 4 of this Agreement or quantitative import restrictions or tariff quotas within the meaning of Article 5 of this Agreement are applied in respect of the circumstances described in paragraph 2(b)(i) of this Article, the Member State applying those measures shall:

(a) apply those measures for a period specified at the time of applying those measures which period shall not exceed two years;

(b) at the conclusion of the specified period in respect of the safeguard measures that have been applied, set the same level of tariff and intensity of quantitative import restrictions or tariff quotas as existed on the goods on the day immediately before the day on which the safeguard measures were applied; and

(c) thereafter resume the liberalisation of trade pursuant to paragraph 4 of Article 4 or paragraphs 3 to 7 of Article 5 of this Agreement as appropriate and wherever practicable shall accelerate such liberalisation.

8. Where a Member State has applied safeguard measures in respect of the circumstances described in paragraph 2(b)(i) of this Article, the other Member State may apply measures having equivalent effect in respect of the same industry to achieve conditions of fair competition. Such measures shall be of no longer duration than the safeguard measures themselves.

9. Where safeguard measures are applied in respect of the circumstances described in paragraph 2(b)(ii) of this Article the Member State applying those measures shall:

(a) apply those measures only for so long as the conditions which led to the severe material injury or demonstrable threat thereof persist; and

(b) while those measures apply review annually with the other Member State the need for the continuation of such measures.

5. 请求本条4款所述磋商的成员国，如果：(a) 已有机会根据本条4款进行磋商；则可采取其认为最适当的保护措施。

(b) 成员国在收到本条第3段所述磋商请求之日起90天内未能达成令人满意的解决方案。

6. 尽可能地，应寻求不限制贸易的保护措施。然而，尽管本协议第4条、第5条和第8条的规定，如需采取限制贸易的保护措施，则必须满足以下条件：

(a) 其应为允许贸易在符合问题改善的前提下继续进行的最低必要措施；以及 (b) 如涉及数量性进口限制或关税配额，则仅在以下极端情况下方可适用：其他保护措施不足以改善问题，且不得被视为延长本协议第5条第14段所述消除数量性进口限制或关税配额期限的手段。

7. 如对本条第2(b)(i)段所述情况采取本协议第4条所述关税消除（定义见本协议第4条）或本协议第5条所述数量性进口限制或关税配额（定义见本协议第5条）的征收、增加、强化或延缓措施，则采取该措施的成员国有：

(a) 适用这些措施，其期限不得超过自适用这些措施之日起两年；

(b) 在已适用的保护措施规定的期限届满时，将关税和数量性进口限制或关税配额的同一水平设定为保护措施适用日前立即对货物适用的水平；和

(c) 此后根据第4条第4段或本协议第5条第3至7段的规定，适当恢复贸易自由化，并在切实可行的情况下应加速此类自由化。

8. 如果一个成员国已根据本条第2(b)(i)段所述情况适用保护措施，则其他成员国可以对同一行业采取具有等效效果的措施，以实现公平竞争条件。此类措施的有效期限不得超过保护措施本身。

9. 当根据本条第2(b)(ii)款所述情况采取保护措施时，采取该措施的成员国应当：(a) 仅在导致严重物质损害或明显威胁的条件持续存在期间采取这些措施；以及 (b) 在这些措施适用期间，每年与其他成员国审查继续采取此类措施的必要性。

10. Measures applied by a Member State pursuant to this Article to goods originating in the territory of the other Member State shall be no more restrictive than measures of the same nature that apply to imports of the same goods from third countries in the usual and ordinary course of trade.

11. In the event of severe material injury or demonstrable threat thereof arising from the operation of this Agreement in respect of any goods and occurring after the transition period applicable to those goods, the Member States shall, pursuant to paragraph 2 of Article 22 of this Agreement, consult promptly upon the written request of either to determine jointly whether remedial action is appropriate.

Article 18  
Exceptions

Provided that such measures are not used as a means of arbitrary or unjustified discrimination or as a disguised restriction on trade in the Area, nothing in this Agreement shall preclude the adoption by either Member State of measures necessary:

- (a) to protect its essential security interests;
- (b) to protect public morals and to prevent disorder or crime;
- (c) to protect human, animal or plant life or health, including the protection of indigenous or endangered animal or plant life;
- (d) to protect intellectual or industrial property rights or to prevent unfair, deceptive, or misleading practices;
- (e) to protect national treasures of artistic, historical, anthropological, archaeological, palaeontological or geological value;
- (f) to prevent or relieve critical shortages of foodstuffs or other essential goods;
- (g) to conserve limited natural resources;
- (h) in pursuance of obligations under international commodity agreements;
- (i) to secure compliance with laws and regulations relating to customs enforcement, to tax avoidance or evasion and to foreign exchange control;
- (j) to regulate the importation or exportation of gold or silver;
- (k) for the application of standards or of regulations for the classification, grading or marketing of goods; or
- (l) in connection with the products of prison labour.

Article 19  
Termination of earlier Agreements

In so far as they were in force on the day immediately before the day on which this Agreement enters into force, the following Agreements shall terminate on the day of entry into force of this Agreement:

- (a) Trade Agreement between the Commonwealth of Australia and the Dominion of New Zealand, dated 5 September 1933 as amended;ii2
- (b) Exchange of Notes at Canberra on 30 September 1952 constituting an Agreement between the Government of New Zealand and the Government of Australia amending Article X of the Trade Agreement between the Dominion of New Zealand and the Commonwealth of Australia, dated 5 September 1933;

10. 根据本条由成员国对源自另一成员国领土的商品采取的措施，不得比在通常和正常的贸易过程中适用于从第三国进口相同商品的同类性质措施更为限制。

11. 在本协定适用于任何货物的情况下，若因本协定之运作而对该货物造成严重物质损害或出现明显威胁，且该威胁发生在适用于该货物的过渡期内，成员国应根据本协定第22条2款的规定，应任何一方书面请求，迅速磋商以共同确定是否采取补救措施。

第18条 例  
外

只要此类措施不被用作任意或不正当歧视的手段，或用作区域内的伪装贸易限制手段，本协定任何规定均不得妨碍任何成员国采取必要的措施：

- (a) 保护其基本安全利益；
- (b) 保护公共道德，防止混乱或犯罪；
- (c) 保护人类、动物或植物的生命或健康，包括保护土著或濒危动物或植物生命；
- (d) 保护知识产权或工业产权，或防止不公平、欺骗性或误导性做法；
- (e) 保护具有艺术、历史、人类学、考古学、古生物学或地质学价值的国家宝藏；
- (f) 防止或缓解食品或其他必需品的严重短缺；
- (g) 保护有限的自然资源；
- (h) 履行国际商品协定的义务；
- (i) 确保遵守与海关执法、逃税和外汇管制相关的法律和法规；
- (j) 规范黄金或白银的进口或出口；
- (k) 应用标准或商品分类、分级或营销的法规；或
- (l) 与囚犯劳动产品有关。

条款 19  
早期协定的终止

在它们于本协定生效之日立即之前的日期仍然有效的情况下，以下协定应于本协定生效之日终止：

- (a) 澳大利亚联邦与新西兰自治领之间的贸易协定，日期为1933年9月5日，经修订；ii2
- (b) 1952年9月30日在堪培拉进行的换文，构成新西兰政府与澳大利亚政府之间的一项协议，修改了1933年9月5日签订的新西兰自治领与澳大利亚联邦之间的贸易协定中的第X条款；

(c) New Zealand-Australia Free Trade Agreement, done at Wellington on 31 August 1965 and the accompanying Exchanges of Letters of the same date relating to:

(i) Articles 3, 4, 5, 8 and 10 and Schedule A of that Agreement;

(ii) import duties levied on New Zealand goods imported into Australia and on Australian goods imported into New Zealand; and

(iii) the inclusion of raw sugar within the scope of that Agreement;

(d) Exchange of Letters at Canberra on 27 April 1970 constituting an Agreement between the Government of the Commonwealth of Australia and the Government of New Zealand amending paragraphs 1 and 2 of Article IV of the Trade Agreement between the Commonwealth of Australia and the Dominion of New Zealand, dated 5 September 1933 as amended;

(e) Exchange of Letters at Canberra and Wellington on 11 April 1975 constituting an Agreement between the Government of New Zealand and the Government of Australia concerning the rules of origin applying to admission to each country, under preferential tariff arrangements, of goods produced or manufactured in the other country;iii3

(f) Exchange of Letters at Canberra and Wellington on 29 June 1977 constituting an Agreement between the Government of Australia and the Government of New Zealand concerning the extension of the assured duration of the New Zealand-Australia Free Trade Agreement, done at Wellington on 31 August 1965;iv4

(g) Exchange of Letters at Canberra and Wellington on 25 November 1977 constituting an Agreement between the Government of New Zealand and the Government of Australia on tariffs and tariff preferences;v5 and

(h) Exchange of Letters at Wellington and Canberra on 18 November 1981 constituting an Agreement between the Government of Australia and the Government of New Zealand further extending the Agreement of 25 November 1977vi6.

Article 20

Transitional measures relating to earlier agreements

1. Any arrangement concerning trade between individual firms which had applied under Article 3:7 of the New Zealand-Australia Free Trade Agreement, done at Wellington on 31 August 1965, and which was in effect on the day immediately before the day on which this Agreement enters into force may continue to apply under this Agreement subject to the following:

(a) when the arrangement is submitted for renewal, it remains acceptable to both Member States under the normal criteria mutually determined by the Member States for such arrangements;

(b) either tariffs within the meaning of Article 4 of this Agreement or quantitative import restrictions or tariff quotas within the meaning of Article 5 of this Agreement would in the absence of the arrangement apply to the goods which are imported under the arrangement; and

(c) the level of trade under any such arrangement shall not be increased above the level of trade specified in that arrangement which was valid on 14 December 1982 except where the Member States mutually determine that such an increase is justified because it would result in significant acceleration of the liberalisation provisions of this\ Agreement or a rationalisation proposal is involved.

(c) 新西兰-澳大利亚自由贸易协定，于1965年8月31日在惠灵顿签订，以及同日相关的换文，涉及：(i) 该协定第3、4、5、8和10条以及附件A；(ii) 对进口到澳大利亚的新西兰货物和进口到新西兰的澳大利亚货物征收的进口税费；(iii) 将原糖纳入该协定范围；(d) 1970年4月27日在堪培拉进行的换文，构成澳大利亚联邦政府与新西兰政府之间的协议。

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新西兰修订澳大利亚联邦与新西兰自治领之间贸易协定第IV条的第1和第2段，该协定日期为1933年9月5日，并经修订；(e) 1975年4月11日在堪培拉和惠灵顿交换的信函构成一项协议，该协议由新西兰政府和澳大利亚政府签署，涉及适用于在对方国家生产的或制造的货物进入各国的原产地规则，在优惠关税安排下；iii3 (f) 1977年6月29日在堪培拉和惠灵顿交换的信函构成一项协议，该协议由澳大利亚政府和新西兰政府签署，涉及新西兰-澳大利亚自由贸易协定的保证期限的延长，该协定于1965年8月31日在惠灵顿签署；iv4

(g) 1977年11月25日在堪培拉和惠灵顿交换的信函构成一项协议，该协议由新西兰政府和澳大利亚政府就关税和关税优惠签署；v5和

(h) 1981年11月18日在惠灵顿和堪培拉交换的信函，构成澳大利亚政府和新西兰政府之间的一项协议，进一步延长了1977年11月25日的协议vi6。

第2条 0 与早期协定相关的过渡措施

1. 任何根据新西兰-澳大利亚自由贸易协定第3:7条申请的涉及个别公司之间贸易的安排，该安排于1965年8月31日在惠灵顿达成，并在本协定生效前有效，可根据以下条件继续适用：

(a) 当该安排提交续签时，它仍根据成员国共同确定的此类安排的正常标准被两个成员国接受；

(b) 如果没有该安排，根据本协定第4条定义的关税或根据本协定第5条定义的数量性进口限制或关税配额将适用于根据该安排进口的货物；和

(c) 任何此类安排下的贸易水平不得高于该安排中于1982年12月14日有效的贸易水平，除非成员国相互决定此类增加是合理的，因为它将导致本协议自由化条款的显著加速，或涉及合理化提案。

2. Where provision had been made for exclusive access for goods pursuant to the New Zealand-Australia Free Trade Agreement, done at Wellington on 31 August 1965 in connection with Schedule A of that Agreement, a Member State shall, notwithstanding paragraph 22 of Article 5 of this Agreement, continue to allocate such access as determined by the exporting Member State provided that:

- (a) allocations are for licensing periods commencing before 1 January 1985;
- (b) more than one exporter wishes to utilise the access available; and
- (c) the availability of such access is insufficient to satisfy the requirements of interested exporters.

3. The Member States, noting that arrangements relating to certain forest products had existed under the New Zealand-Australia Free Trade Agreement, done at Wellington on 31 August 1965, and related agreements, agree that the provisions set out in Annex F of this Agreement shall apply to the goods referred to in that Annex.

Article 21  
Customs harmonisation

The Member States recognise that the objectives of this Agreement may be promoted by harmonisation of customs policies and procedures in particular cases. Accordingly the Member States shall consult at the written request of either to determine any harmonisation which may be appropriate.

Article 22  
Consultation and review

1. In addition to the provisions for consultations elsewhere in this Agreement, Ministers of the Member States shall meet annually or otherwise as appropriate to review the operation of the Agreement.
2. The Member States shall, at the written request of either, promptly enter into consultations with a view to seeking an equitable and mutually satisfactory solution if the Member State which requested the consultations considers that:
  - (a) an obligation under this Agreement has not been or is not being fulfilled;
  - (b) a benefit conferred upon it by this Agreement is being denied;
  - (c) the achievement of any objective of this Agreement is being or may be frustrated; or
  - (d) a case of difficulty has arisen or may arise.
3. The Member States shall undertake a general review of the operation of this Agreement in 1988. Under the general review the Member States shall consider:
  - (a) whether the Agreement is bringing benefits to Australia and New Zealand on a reasonably equitable basis having regard to factors such as the impact on trade in the Area of standards, economic policies and practices, co-operation between industries, and Government (including State Government) purchasing policies;
  - (b) the need for additional measures in furtherance of the objectives of the Agreement to facilitate adjustment to the new relationship;

2. 如根据在惠灵顿于1965年8月31日签署的新西兰-澳大利亚自由贸易协定（该协定与该协定的附件A有关）为货物提供了专属准入，成员国应，不顾本协议第5条第22段的规定，继续分配由出口成员国确定的此类准入，前提是：
  - (a) 配额适用于1985年1月1日前开始的许可期；
  - (b) 超过一名出口商希望利用可用的准入；以及
  - (c) 该准入的可用性不足以满足相关出口商的要求。

3. 成员国注意到，某些森林产品的安排曾存在于1965年8月31日在惠灵顿签订的新西兰-澳大利亚自由贸易协定1以及相关协议下，同意本协定附件F中规定的条款应适用于该附件中提到的货物。

第2条 1 海关协调

成员国认识到，本协议的目标可以通过在特定情况下协调海关政策和程序来促进。因此，成员国应根据任何一方提出的书面请求进行磋商，以确定任何适当的协调。

第2条 2 磋商和审查

1. 除了本协定其他地方规定的磋商条款外，成员国部长应每年或根据需要举行会议，以审查本协定的执行情况。
2. 成员国应根据任何一方的书面请求，迅速进行磋商，以期寻求公平且相互满意的解决方案，如果请求磋商的成员国认为：
  - (a) 本协定项下的义务未得到履行或正在被不履行；
  - (b) 本协定授予其的利益正在被拒绝；
  - (c) 本协定的任何目标正在被或可能被阻碍；或
  - (d) 出现了困难情况或可能出现困难情况。
3. 各成员国应于1988年对本协定的运作进行一般审查。在一般审查中，各成员国应考虑：
  - (a) 本协定是否在考虑到对区域贸易中标准、经济政策和实践、产业间合作以及政府（包括州政府）采购政策的影响等因素的情况下，对澳大利亚和新西兰带来合理公平的利益；
  - (b) 为促进本协议的目标，采取额外措施以便利调整至新关系的必要性；

(c) the need for changes in Government economic policies and practices, in such fields as taxation, company law and standards and for changes in policies and practices affecting the other Member State concerning such factors as foreign investment, movement of people, tourism, and transport, to reflect the stage reached in the closer economic relationship;

(d) such modification of the operation of this Agreement as may be necessary to ensure that quantitative import restrictions and tariff quotas within the meaning of Article 5 of this Agreement on goods traded in the Area are eliminated by 30 June, 1995; and

(e) any other matter relating to this Agreement.

4. For the purpose of this Agreement, consultations between the Member States shall be deemed to have commenced on the day on which written notice requesting the consultations is given.

Article 23  
Territorial application

This Agreement shall not apply to the Cook Islands, Niue and Tokelau, nor to any Australian territory other than internal territories unless the Member States have exchanged notes agreeing the terms on which this Agreement shall so apply.

Article 24  
Association with the Agreement

1. The Member States may agree to the association of any other State with this Agreement.
2. The terms of such association shall be negotiated between the Member States and the other State.

Article 25  
Status of Annexes

The Annexes of this Agreement are an integral part of this Agreement.

Article 26  
Entry into force

This Agreement shall be deemed to have entered into force on 1 January 1983.  
IN WITNESS WHEREOF the undersigned, duly authorised, have signed this Agreement.

DONE in duplicate at Canberra this twenty-eighth day of March One thousand nine hundred and eighty-three.

FOR AUSTRALIA: FOR NEW ZEALAND:  
[Signed] [Signed]

LIONEL BOWEN L. J. FRANCIS

(c) 政府经济政策和实践的必要性，在税收、公司法、标准等领域进行改变，以及影响其他成员国关于外国投资、人员流动、旅游业和运输的政策和实践的必要性，以反映更紧密经济关系所达到的阶段；

(d) 对本协定之运作进行的必要修改，以确保根据本协定第5条所定义的区域内贸易商品的数量性进口限制和关税配额于1995年6月30日消除；以及 (e) 与本协定相关的任何其他事项。

4. 根据本协定，成员国之间的磋商应自书面通知要求磋商之日起视为已经开始。

第2条 3 地域适用

本协定不适用于库克群岛、纽埃和托克劳，也不适用于澳大利亚的内部领土以外的任何澳大利亚领土，除非成员国已交换备忘录，就本协定应以此方式适用达成协议。

第2条 4 与协定关联

1. 成员国可以同意任何其他国家加入本协定。
2. 该加入的条款应由成员国与其他国家之间进行谈判。

第2条 5 附件的地位

本协议的附件是本协议的组成部分。

第2条 6 生效

本协议应视为于1983年1月1日生效。 为此，签署本协议的各方已正式授权签署本协议。

1983年三月二十八日于堪培拉签署于两份。

FOR 澳大利亚: FOR 新西兰:[签署] [签署]

利奥内尔·鲍恩 L. J. 弗朗西斯

