

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变更导致损害性中间品情况的援助或其他措施达成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所适用的关税之间的差额, 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) 变更在根据本协议第3条确定最终产品是否源自成员国领土时适用的工厂或工场成本的比例;
- (c) 取消与在区域贸易中为出口目的而授予的与法规准入、优惠准入和退税相关的一项或多项措施;
- (d) 由其他成员国针对从第三国进口的货物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的货物在类似情况下进口到其领土, 该成员国本会采取此类行动;
- (e) 向第一成员国境内的生产者或制造商提供生产或出口补贴;
- (f) 加快根据本协议其他规定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, 消除或减少其境内生产者或制造商所享受的优势。

6. 如果在本协议第3段所述磋商请求之日起45天内, 成员国未能达成相互令人满意的解决方案, 并且其他成员国为减少其境内生产者或制造商所享受的优势而采取的任何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可能已采取的措施; 以及
- (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. 各成员国根据本条规定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1条第5款 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，即货物从一个成员国领土出口到另一个成员国领土，其价格低于正常价值，导致对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个成员国领土上产业的建立，与本协定目标不一致。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威胁；或
- (c) 已建立产业设立的实质性延缓。

2. 成员国可对从其他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；并
- (b) 给予其他成员国根据本条第四段进行磋商的机会。

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

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的因果关系，并正在发起正式调查时，应立即书面通知其他成员国，并给予其他成员国进行磋商的机会。

5. 在给予此类通知后立即，并在其他成员国的要求下，成员国应当向其他成员国提供：(a) 关税分类和有关货物的完整描述；(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) 与有关货物、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等所有非机密证据的完全访问权。

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，确认存在倾销，并有充分证据证明损害及倾销货物与损害之间存在因果关系；(b) 判定采取此类措施是必要的，以防止在调查期间造成进一步损害；(c) 临时措施的采取应尽可能缩短期限，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，采取措施的成员应向其他成员国提供与临时措施实施依据相关的信息。

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其他成员国领土的货物正在倾销，并且这种倾销对该位于第一成员国境内的产业造成了实质性损害或威胁造成实质性损害，则其他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其他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条、第十六条和第二十三条的解释与适用协定》（以下简称本协议称“补贴守则”）项下的国际义务；(b) 根据本协议；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. 在根据本条文的任何行动中，成员国应当考虑本协议的目标以及本协议的第9条。

3. 成员国不得采取反补贴措施，除非根据补贴守则，它在关于从其他成员国领土进口的货物方面发现存在对那些货物的补贴，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。在本条文中，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) 对建立产业的严重阻碍。

(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) 对建立产业的严重阻碍。

4. 在接受采取任何反补贴措施请求后立即，并在就此类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，并给予适当和适当的关于采取行动中任何后续步骤或步骤的通知，包括作出有充分证据证明值得启动正式调查的决定；