

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措施实施依据相关的信息。

8. 如果一个成员国（以下简称“第一成员国”）认为，从区域外进口到其他成员国领土的货物存在倾销，且这种倾销对该位于第一成员国境内的产业造成实质性损害或构成实质性损害威胁，则其他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。

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）根据其《关税及贸易总协定》和《关于解释和适用关税及贸易总协定第六条、第十六条和第二十三条的协定》（1979年4月12日在日内瓦签署，以下简称“补贴守则”）项下的国际义务；（b）根据本协定；以及（c）当成员国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定之目的以及本协定第9条的规定。

3. 除非根据补贴守则，某成员国已发现从其他成员国的领土进口的货物存在补贴，并且该补贴货物对国内产业造成实质性损害或威胁造成实质性损害，或实质性阻碍在第一成员国领土上建立该产业，否则该成员国不得采取反补贴措施。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）产业建立的实质性阻碍。

(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) 产业建立的实质性阻碍。

4. 在接受发起任何反补贴措施的请求后立即，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所有非保密证据的全面访问，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) 为其他成员国提供充分的机会进行磋商，涉及任何调查或可能随之采取的进一步行动所产生的事项，包括对可能征收的反倾销税水平的评估。

5. 不论本条款第4款的规定如何，成员国在满足所有以下条件的情况下，可以采取临时措施，包括根据补贴守则采取担保品措施：

(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) 采取临时措施的期限尽可能短，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通知。

6. 对于根据本条款前几段采取的任何反补贴措施，每个成员国应当合作：

(a) 采取一切切实可行的措施以加快程序，以达成双方均满意的解决方案；(b) 在最大程度上向相关非保密信息提供访问权限；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. 为了促进本条款的实施，成员国应当，在任一方提出书面请求时，就确定其应当在对反补贴措施中应用的通用程序进行磋商。

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受到第三国的补贴，并且这种补贴正在造成或威胁要对其领土内位于第一成员国领土内的一个行业造成实质性损害，则其他成员国应当，在第一成员国的书面请求下，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段所述的协议之一或另一协议停止适用于任何成员国，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。