

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. 为本协定第11段之目的, “优惠幅度”是指: (i) 在澳大利亚的情况下, 对原产于新西兰的相同货物征收的一般关税与对澳大利亚征收的相同货物关税之间的差额; 以及 (ii) 在新西兰的情况下, 对原产于澳大利亚的相同货物征收的普通关税与对新西兰征收的相同货物关税之间的差额。

13. 在本协定中, “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, 其近似于提供的服务成本, 且不构成间接保护形式或财政目的的税收;
- (b) 对货物、原料和组件或此类关税、税收或其他收费的一部分所征收的税收、关税或其他收费, 其征收税率不高于适用于进口国生产的类似货物、原料和组件所征收的此类税收、关税或其他收费;
- (c) 对进口货物提供的或收取的与任何招标系统相关的保费, 该招标系统涉及对数量进口限制或关税配额的管理;
- (d) 适用于超出已建立关税配额水平进口货物的关税, 前提是该条款第9条和第10条以及本协定第11条(c)款应适用于此类关税;
- (e) 销售税或类似税, 或此类税中不超过进口国类似货物生产或制造所适用税款的税额;
- (f) 根据本协定第14条、第15条、第16条或第17条征收的费用; 以及
- (g) 成员国相互确定的法规或优惠税率。

本协定第5条
数量进口限制和关税配额

原产于成员国领土的货物, 在另一成员国的领土上不受数量进口限制或关税配额, 且在协定生效日前一天或之后不再受此类措施限制的, 应继续保持自由状态。

2. 不得对源自另一成员国领土的商品施加数量进口限制或关税配额。
3. 对源自另一成员国领土的所有货物实行的数量进口限制和关税配额应逐步自由化并取消。
4. 每个成员国应当为每种受数量进口限制或关税配额约束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, 该商品分组中来自其他成员国的货物的平均年度进口水平, 但除外那些列在

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.

在本协定附件A中的商品分组，其中附件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但低于新西兰1百万美元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 terms 每年比准入基础水平高出15%；和

(c) 当准入基础水平等于或超过新西兰1百万美元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 terms 每年比准入基础水平高出10%。

6. 不论本协定第5段第(a)项，成员国可限制原产于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：(a) 对于本协定附件B中未列出的商品组，为：(i) 新西兰60,000美元CIF；或 (ii) 国内市场5%或新西兰200,000美元CIF中较高者与准入基础水平的差额；(b) 对于本协定附件B中列出的商品组，为：(i) 新西兰30,000美元CIF；或 (ii) 国内市场5%与准入基础水平的差额。

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

(a) 15% 实际 terms 适用于源自另一成员国领土的商品组，其在该前一年度的准入水平低于新西兰100万美元CIF；或 (b) 10% 实际 terms 适用于源自另一成员国领土的商品组，其在该前一年度的准入水平等于或超过新西兰100万美元CIF。

8. 成员国可对源自另一成员国领土的商品设立为期超过一年的初始准入水平增加，前提是该准入水平增加与本文第5、6和7条的规定一致。

9. 成员国可以比本协定第5、6和7条规定的更快速地自由化，或更早地消除源自另一成员国领土的商品的数量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. 根据本协定第5、6和7条规定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（在本协定中以下简称“专属准入”）来实现，但本协定第20和21条另有规定的除外。

11. 如果准入以价值表示，为了实现本协定第5条和第7条规定的实际 **terms** 准入水平的年度增加，每个成员国应调整准入水平，以反映进口国上一年价格的变化，具体方式由成员国共同确定。

12. 根据本协定提供的准入应尽可能与用于实施全球范围内数量进口限制或关税配额的商品分组相关。如果一个成员国以数量而非价值为单位在全球范围内实施数量进口限制或关税配额，则应由成员国共同确定的相当于本协定第5条、第6条和第7条规定的准入水平的数量应予以替代。

13. 如果作为数量进口限制或关税配额制度的一部分，一个成员国对源自另一成员国领土的原产于该国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，并且这种待遇未对从另一成员国进口造成限制：

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

14. 对源自另一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日以前消除。

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、以成本加保险费加运费（CIF）为基础的新西兰货币表示。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）为基础的澳大利亚货币表示，并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. 当某成员国认为本协定之适用未为任何货物提供专属准入水平，或未为任何此类货物的进口商提供商业上可行的配额时，该成员国可向另一成员国发出书面通知。成员国应协商，并在收到通知后30天内确定，针对该等货物的专属准入水平或配额是否商业上可行；若不可行，则确定提高该等货物的专属准入水平或配额至何种程度才能使该等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. 在本协定规定根据本协定自由化数量进口限制或关税配额的期间内，任何成员国均应在任何时候对特定货物更迅速地自由化或消除此类措施，条件是：

- (a) 此类措施不再有效或不再必要；或
- (b) 在连续两年内，这些货物根据本协定第4条的规定在无关税情况下：

(i) 专有准入的总额成功投标溢价低于专有准入分配给相关货物的价值的5%；或

(ii) 专有准入中分配给相关货物的75%以下已被利用。

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”）建立的任何货物的专有准入年度水平，在本协定生效前立即适用，除根据本协定本文提供的专有准入外，本协定应维持该年度水平。

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原产于其他成员国领土的货物。

20. 在计算为达到本协定第5条要求的原产于另一成员国领土的商品所必需的专属准入，以实现实际意义上的年度准入增加时，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，前提是其必须在尽可能早的日期前向另一成员国发出书面通知，说明拟进行的转换，并且转换的方式应尽可能可预测，其影响不应过于突然，并应与本协定规定的数量进口限制和关税配额的逐步自由化保持一致。当一成员国收到本段规定的通知时，它可以要求与另一成员国磋商。成员国应随即迅速进行磋商。

22. 在分配原产于另一成员国领土的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) 公布许可证或配额持有者名称的需要。

Article 6
本协定的修改适用

由于特殊情况，本协定的若干条款应按照附件C、E和F的规定，以修改的方式适用于某些货物。