

CHAPTER V
CUSTOMS UNION AND LIBERALISATION OF TRADE

Article 29

Customs Union

Member States of each regional economic community agree to progressively establish among them during a transitional period specified in Article 6 of this Treaty, a Customs Union involving:

- (a) The elimination, among Members States of each regional economic community, of customs duties, quota restrictions, other restrictions or prohibitions and administrative trade barriers, as well as all other non-tariff barriers; and
- (b) The adoption by Member States of a common external customs tariff.

Article 30

Elimination of Customs Duties Among Member States of Regional Economic Communities

- During the second stage, Member States of each regional economic community shall refrain from establishing among themselves any new customs duties and from increasing those that apply in their mutual trade relations.
- During the third stage, Member States shall progressively reduce and eliminate finally among themselves, at the level of each regional economic community, customs duties in accordance with such programme and modalities as shall be determined by each regional economic community.
- During each stage, the Assembly, on the recommendation of the Council, shall take the necessary measures with a view to co-ordinating and harmonising the activities of the regional economic communities relating to the elimination of customs duties among Member States.

Article 31

第五章 关税同盟与贸易自由化

第二十九条

关税同盟

各区域经济共同体成员国同意根据本条约第六条规定的过渡期，逐步在彼此之间建立关税同盟，内容包括：

- (a) 在各区域经济共同体成员国之间取消关税、配额限制、其他限制或禁令及行政性贸易壁垒，以及所有其他非关税壁垒；及 (b) 成员国采用共同对外关税。

第三十条

区域经济共同体成员国间关税的消除

1. 在第二阶段，各区域经济共同体的成员国应避免在彼此之间设立新的关税，并避免提高适用于其相互贸易关系的关税。2. 在第三阶段，成员国应在各区域经济共同体层面，根据各区域经济共同体确定的计划和方式，逐步减少并最终消除彼此之间的关税。3. 在每个阶段，大会应根据理事会的建议，采取必要措施，以协调和统一区域经济共同体在消除成员国之间关税方面的活动。

第三十一条

Elimination of Non-Tariff Barriers to Intra-Community Trade

- At the level of each regional economic community and subject to the provisions of the Treaty, each Member State shall, upon the entry into force of this Treaty, progressively relax and ultimately remove quota restrictions, and all other non-tariff barriers and prohibitions which apply to exports to that State, of goods originating in the other Member States, at the latest, by the end of the third stage and in accordance with paragraph (2) of this Article. Except as otherwise provided or permitted by this Treaty, each Member State shall thereafter refrain from imposing any further restrictions or prohibitions on such goods.**
- Subject to the provisions of this Treaty, each regional economic community shall adopt a programme for the progressive relaxation and ultimate elimination, at the latest by the end of the third stage, of all quota restrictions and prohibitions and all other non-tariff barriers that apply in a Member State, to imports originating in the other Member States; it being understood that each regional economic community may subsequently decide that all quota restrictions, other restrictions and prohibitions be relaxed or removed within a shorter period than that prescribed in this paragraph.**
- The arrangements governing restrictions, prohibitions, quota restrictions, dumping subsidies and discriminatory practices shall be the subject of a Protocol concerning Non-Tariff Trade Barriers.**

Article 32

Establishment of a Common External Customs Tariff

- During the third stage, Member States shall, at the level of each regional economic community, agree to the gradual establishment of a common external customs tariff applicable to goods originating from third States and imported into Member States.**
- During the fourth stage, regional economic communities shall, in accordance with a programme drawn up by them, eliminate differences between their respective external customs tariffs.**
- During the fourth stage the Council shall propose to the Assembly the adoption, at Community level, of a common customs and statistical nomenclature for all Member States.**

Article 33

System of Intra-Community Trade

- At the end of the third stage, no Member State shall, at the level of each**

消除共同体内部贸易的非关税壁垒

- 在各区域经济共同体层面并根据《条约》规定，各成员国应自本《条约》生效之日起，最迟于第三阶段结束前并按照本条(2)款规定，逐步放宽并最终取消适用于原产于其他成员国的商品对该国出口的配额限制及所有其他非关税壁垒和禁令。除本《条约》另有规定或允许外，各成员国此后不得对此类商品实施任何新的限制或禁令。
- 根据本《条约》规定，各区域经济共同体应制定一项计划，最迟于第三阶段结束前逐步放宽并最终取消成员国对原产于其他成员国的进口商品实施的所有配额限制、禁令及其他非关税壁垒；各区域经济共同体可随后决定在比本款规定更短的期限内放宽或取消所有配额限制、其他限制及禁令。
- 关于限制、禁令、配额限制、倾销补贴及歧视性做法的安排应成为《非关税贸易壁垒议定书》的议题。

第三十二条

共同对外关税的设立

- 在第三阶段，各成员国应在区域经济共同体层面，同意逐步设立适用于来自第三国并进口至成员国的商品的共同对外关税。
- 在第四阶段，各区域经济共同体应根据其制定的计划，消除彼此间对外关税的差异。
- 在第四阶段，理事会应向大会提议在共同体层面为所有成员国通过一项共同海关和统计命名法。

第三十三条

共同体内部贸易体系

- 在第三阶段结束时，任何成员国均不得在各

regional economic community, levy customs duties on goods originating in one Member State and imported into another Member State. The same prohibition shall apply to goods originating from third States which are in free circulation in Member States and are imported from one Member State into another.

- 2. The definition of the notion of products originating in Member States and the rules governing goods originating in a third States and which are in free circulation in Member States shall be governed by a Protocol concerning the Rules of Origin.
- 3. Goods originating from third States shall be considered to be in free circulation in a Member State if (i) the import formalities relating thereto have been complied with, (ii) customs duties have been paid thereon in that Member State, and (iii) they have not benefited from a partial or total exemption from such customs duties.
- 4. Member States undertake not to adopt legislation implying direct or indirect discrimination against identical or similar products originating from another Member State.

Article 34

Internal Taxes

- 1. During the third stage, Member States shall not levy, directly or indirectly on goods originating from Member State and imported into any Member State, internal taxes in excess of those levied on similar domestic products.
- 2. Member States, at the level of each regional economic community, shall progressively eliminate any internal taxes levied for the protection of domestic products. Whereby virtue of obligations assumed under a prior agreement signed by a Member State, that Member State is unable to comply with this Article, it shall notify the Council of this fact and shall not extend or renew such agreement when it expires.

Article 35

Exceptions and Safeguard Clauses

- 1. Notwithstanding the provisions of Articles 30 and 31 of this Treaty, any Member State, having made its intention known to the Secretariat of the Community which shall inform Member States thereof, may impose or continue to impose restrictions or prohibitions affecting:

区域经济共同体层面，对原产于该地区的商品征收关税自一成员国出口并进口至另一成员国。此项禁令同样适用于原产于第三国、在成员国内自由流通且自一成员国进口至另一成员国的商品。

- 2. 关于原产于成员国的产品定义及原产于第三国并在成员国内自由流通的商品规则，应由《原产地规则议定书》予以规范。3. 符合下列条件时，原产于第三国的商品可视为在某成员国内自由流通：(i) 已完成相关进口手续；(ii) 已在该成员国缴纳关税；(iii) 未享受此类关税的部分或全部减免。4. 成员国承诺不制定对原产于其他成员国的相同或类似商品构成直接或间接歧视的立法。

第三十四条

国内税

- 1. 在第三阶段，成员国不得对原产于成员国并进口至任何成员国的商品直接或间接征收高于类似国内产品的国内税。2. 成员国应在各区域经济共同体层面逐步取消所有为保护国内产品而征收的国内税。若某成员国因先前签署协议所承担义务而无法遵守本条，应就此事实通知理事会，且不得在协议到期时予以展期或续签。

第35条

例外与保障条款

- 1. 尽管有本条约第30条和第31条的规定，任何成员国在将其意图通知共同体秘书处（秘书处应告知其他成员国）后，可实施或继续实施影响以下方面的限制或禁令：

- (a) The application of security laws and regulations;
 - (b) The control of arms, ammunitions and other military items and equipment;
 - (c) The protection of human, animal or plant health or life, or the protection of public morality;
 - (d) Export of strategic minerals and precious stones;
 - (e) The protection of national treasures of artistic or archaeological value or the protection of industrial, commercial and intellectual property;
 - (f) The control of hazardous wastes, nuclear materials, radio-active products or any other material used in the development or exploitation of nuclear energy;
 - (g) Protection of infant industries;
 - (h) The control of strategic product; and
 - (i) Goods imported from a third country to which a Member State applies total prohibition relating to country of origin.
2. The prohibitions or restrictions referred to in paragraph 1 of this Article shall in no case be used as a means of arbitrary discrimination or a disguised restriction on trade between Member States.
3. Where a Member State encounters balance-of-payments difficulties arising from the application of the provisions of this Chapter, that Member State may be allowed by the competent organ of the Community, provided that it has taken all appropriate reasonable steps to overcome the difficulties, to impose, for the sole purpose of overcoming such difficulties, quantitative or similar restrictions or prohibitions on goods originating in the other Member States for such period as shall be determined by the competent organ of the Community.
4. For the purpose of protecting an infant or strategic industry, a Member State may be allowed by the competent organ of the Community, provided it has taken all appropriate reasonable steps to protect such industry, to impose, for the sole purpose of protecting such industry, quantitative or similar restrictions or prohibitions, on similar goods originating in the other Member States for such period as shall be determined by the competent organ of the Community.
5. Where the imports of a particular product by a Member State from another Member State increase in a way that causes, or is likely to cause, serious damage to the economy of the importing states. The latter may be allowed by the competent organ of the Community to apply safeguard measures for a specified period.
6. The Council shall keep under regular review the operation of any quantitative or similar restrictions or prohibitions imposed pursuant to paragraphs 13, and 4 of this Article and shall take appropriate action in this

(a) 安全法律法规的适用; (b) 武器、弹药及其他军事物品和设备的管制; (c) 人类、动物或植物健康或生命的保护, 或公共道德的保护; (d) 战略矿物和宝石的出口; (e) 具有艺术或考古价值的国家宝藏的保护, 或工业、商业和知识产权的保护; (f) 危险废物、核材料、放射性产品或任何其他用于核能开发或利用的材料的管制; (g) 幼稚产业的保护; (h) 战略产品的管制; 以及(i) 成员国对原产国实施全面禁止的从第三国进口的货物。

2. 本条第一款所述的禁令或限制在任何情况下均不得用作对成员国之间贸易实施任意歧视或变相贸易限制的手段。
3. 当一成员国因适用本章规定而遭遇国际收支困难时, 且该成员国已采取一切适当合理措施克服困难, 则共同体的主管机构可允许该成员国仅为克服此类困难之目的, 在共同体的主管机构确定的期限内, 对原产于其他成员国的商品实施数量或类似限制或禁止。
4. 为保护幼稚或战略产业之目的, 若一成员国已采取一切适当合理措施保护该产业, 则共同体的主管机构可允许该成员国仅为保护该产业之目的, 在共同体的主管机构确定的期限内, 对原产于其他成员国的同类商品实施数量或类似限制或禁止。
5. 当一成员国从另一成员国进口的特定产品数量增加, 以致对进口国的经济造成或可能造成严重损害时, 后者可获共同体的主管机构准许在特定期限内实施保障措施。
6. 理事会应定期审查根据本条第13段和第4段实施的任何数量或类似限制或禁止的运作情况, 并就此采取适当行动。

connection. It shall submit, each year, to the Assembly, a report on the aforementioned matters.

Article 36

Dumping

1. Member States shall prohibit the practice of “dumping” within the Community.
2. For the purposes of this Article, “dumping” shall mean the transfer of goods originating from a Member State to another Member State for them to be sold:
 - (a) At a price lower than the usual price offered for similar goods in the Member State from which those goods originate, due account being taken of the differences in conditions of sale, taxation, transport expenses and any other factor affecting the comparison of prices;
 - (b) In conditions likely to prejudice the manufacture of similar goods in the Member State.

Article 37

Most Favoured Nation Treatment

1. Member States shall accord one another, in relation to intra-community trade, the most-favoured-nation treatment. In no case shall tariff concessions granted to a third State pursuant to an agreement with a Member State be more favourable than those applicable pursuant of this Treaty.
2. The text of the agreements referred to in paragraph 1 of this Article shall be forwarded by the Member States parties thereto, through the Secretary-General, to all the other Member States for their information.
3. No agreement between a Member State and a third State, under which tariff concessions are granted, shall be incompatible with the obligations arising out of this Treaty.

Article 38

Re-export of Goods and Intra-Community Transit Facilities

1. During the third stage, Member States shall facilitate the re-export of goods among them in accordance with the Protocol concerning the Re-export of

理事会应每年就上述事项向大会提交一份报告。

第36条

倾销

1. 成员国应禁止在共同体内部实施“倾销”行为。2. 就本条而言，“倾销”系指将原产于某一成员国的商品转移至另一成员国进行销售，且符合以下情形：(a) 销售价格低于原产成员国对同类商品通常提供的价格，同时充分考虑销售条件、税收、运输费用及其他影响价格比较的因素；(b) 销售条件可能损害成员国境内同类商品的生产。

第37条

最惠国待遇

1. 成员国应在共同体内部贸易中相互给予最惠国待遇。根据成员国与第三国签订的协议所授予的关税优惠，在任何情况下均不得优于依据本条约适用的优惠。2. 本条第1款所述协议的文本应由协议签署成员国通过秘书长转交所有其他成员国知悉。3. 成员国与第三国之间授予关税优惠的任何协议，均不得违背本条约所规定的义务。

第38条

货物再出口与共同体内部过境便利

1. 在第三阶段，成员国应根据关于货物再出口的议定书，便利成员国之间的商品再出口。

- Goods.
2. Member States shall grant one another freedom of transit through their territories to goods proceeding to or coming from another Member State in accordance with the Protocol concerning Intra-Community Transit and Transit Facilities and in accordance with the provisions of any Intra-Community Agreements to be concluded.

Article 39

Customs Co-operation and Administration

Member States shall, in accordance with the Protocol concerning Customs Co-operation, take all necessary measures for harmonising and standardising their customs regulations and procedures in such a manner as shall be appropriate for ensuring the effective implementation of the provisions of this Chapter and facilitating the movement of goods and services across their frontiers.

Article 40

Trade Documents and Procedures

For the purpose of facilitating intra-community trade in goods and services, Member States shall simplify and harmonize their trade documents and procedures in accordance with the Protocol the concerning Simplification and Harmonisation of Trade documents and Procedures.

Article 41

Diversion of Trade Arising from Barter or Compensatory Exchange Agreement

1. If, as a result of a barter or compensatory exchange agreement relating to a specific category of goods concluded between a Member State or a person of the said Member Sate, on the one hand, and a third State or person of the said third State, on the other, there is substantial diversion of trade in favour of goods imported under such agreement and to the detriment of similar goods of the same category imported from and manufactured in any other Member State, the Member State importing such goods shall take effective steps to correct the diversion.
2. In order to determine whether a diversion of trade has occurred in a specific category of goods within the meaning of this Article, consideration shall be given to all the relevant trade statistics and other data available on such

- 商品。
2. 成员国应根据《关于共同体内部过境和过境设施的议定书》及将要缔结的任何共同体内部协定的规定，相互给予来自或前往另一成员国的商品过境自由。

第三十九条

海关合作与管理

成员国应根据《海关合作议定书》，采取一切必要措施协调和统一其海关法规和程序，以确保本章规定的有效实施并促进货物和服务跨境流动。

第四十条

贸易文件和程序

为促进共同体内部商品和服务贸易，各成员国应根据《关于简化和统一贸易文件和程序的议定书》，简化并协调其贸易文件和程序。

第41条

易货或补偿性交换协议引发的贸易转移

1. 如果因涉及一项易货或补偿性交换协议而导致当某一成员国或其国民与某一第三国或其国民就特定商品类别达成的协议，导致贸易显著转移，即协议项下进口商品受益，而其他成员国同类同类别商品的进口与生产受损时，进口此类商品的成员国应采取有效措施纠正此类贸易转移。
2. 为判定特定情况下是否发生贸易转移，本条所述商品类别时，应参考所有相关的贸易统计数据 and 此类商品的其他可用数据

category of goods for the six-month period preceding a complaint from an affected Member State concerning diversion of trade, and for an average of two comparable six-month periods during the twenty-four (24) months preceding the first importation of goods under the barter agreement or compensatory exchange agreement.

3. The Secretary-General shall refer the matter to the Council for consideration and submission to the Assembly for decision.

Article 42

Trade Promotion

1. In order to attain the objectives of the Community set out in sub-paragraph 2 (m) Article 4 of this Treaty, Member States agree to undertake the trade promotion activities stated below in the following areas:
- (a) Intra-Community Trade
- (i) Promote the use of the Community's local materials, intermediate goods and inputs, as well as finished products originating within the Community;
 - (ii) Adopt the “All-Africa Trade Fair of the OAU”, as an instrument of the Community trade promotion;
 - (iii) Participate in the periodic fairs organised under the auspices of the “All-Africa Trade Fair of the OAU”, sectoral trade fairs, regional trade fairs and other trade promotion activities of the Community;
 - (iv) Develop an intra-community trade information network, linking the computerised trade information systems of existing and future regional economic communities and individual Member States of the Community; and
 - (v) With the assistance of the Secretariat, study the supply and demand patterns in Member States and disseminate the findings thereon within the Community.
- (b) South-South Trade
- (i) Promote the diversification of Africa's markets, and the marketing of Community products;
 - (ii) Participate in extra-community trade fairs, in particular, within the context of South-South Co-operation; and
 - (iii) Participate in extra-community trade and investment fora.
- (c) North-South Trade

在受影响成员国提出贸易转移投诉前的六个月期间，以及在易货协议或补偿性交换协议下首次进口商品前二十四（24）个月内两个可比六个月期间的平均值，均需考虑该商品类别。

3. 秘书长应将此事提交理事会审议，并由理事会提交大会作出决定。

第42条

贸易促进

1. 为实现本条约第4条第2款(m)项所述的共同体目标，成员国同意在以下领域开展下述贸易促进活动：
- (a) 共同体内部贸易
- (i) 促进使用共同体的本地材料、中间产品及投入品，以及源自共同体内部的成品；(ii) 采用“非统组织全非贸易博览会”作为共同体贸易促进的工具；(iii) 参加在“非统组织全非贸易博览会”支持下举办的定期博览会、行业贸易博览会、区域贸易博览会及共同体的其他贸易促进活动；(iv) 建立共同体内部贸易信息网络，连接现有及未来区域经济共同体和共同体各成员国的计算机化贸易信息系统；(v) 在秘书处的协助下，研究成员国的供需模式，并将研究结果在共同体内传播。
- (b) 南南贸易
- (i) 促进非洲市场多元化，以及共同体产品营销；(ii) 参与共同体外部贸易博览会，特别是在南南合作框架内；以及(iii) 参与共同体外部贸易和投资论坛。
- (c) 南北贸易

- (i) Promote better terms of trade for African commodities and improve market access for Community products;
 - (ii) Participate as a group in international negotiations within the framework of GATT and UNCTAD and other trade-related negotiating fora.
- 2. The modalities of organising trade promotion activities and trade information systems of the Community shall be governed by a Protocol concerning Trade Promotion.

CHAPTER VI
FREE MOVEMENT OF PERSONS, RIGHTS OF RESIDENCE AND
ESTABLISHMENT

Article 43

General Provisions

- 1. Member States agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community.
- 2. For this purpose, Member States agree to conclude a Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment.

CHAPTER VII
MONEY, FINANCE AND PAYMENTS

Article 44

Monetary, Financial and Payment Policies

- 1. In accordance with the relevant Protocols, Member States shall, within a time-table to be determined by the Assembly, harmonize their monetary, financial and payments policies, in order to boost intra-community trade in goods and services, to further the attainment of objectives of the Community and to enhance monetary and financial co-operation among Member States.
- 2. To this end, Member States shall:
 - (a) Use their national currencies in the settlement of commercial and

- (i) 为非洲商品争取更有利的贸易条件，并改善共同体产品的市场准入；(ii) 以集团形式参与关贸总协定和联合国贸易和发展会议框架下的国际谈判及其他贸易相关谈判论坛。

- 2. 共同体组织贸易促进活动和贸易信息系统的模式应受《贸易促进议定书》管辖。

第六章 人员自由流动、居留权和设立权

第四十三条

一般规定

- 1. 成员国同意在双边或区域层面单独采取必要措施，以逐步实现人员自由流动，并确保其国民在共同体内享有居留权和设立权。2. 为此目的，成员国同意缔结一项《人员自由流动、居留权和设立权议定书》。

第七章 货币、金融和支付

第44条

货币、金融和支付政策

- 1. 根据相关议定书，成员国应按照大会确定的时间表，协调其货币、金融和支付政策，以促进共同体内部商品和服务贸易，推动实现共同体目标，并加强成员国之间的货币和金融合作。
- 2. 为此，成员国应：
 - (a) 在商业结算中使用本国货币，并