

Chapter 2
Trade in Goods

Article 13
Definitions

For the purposes of this Chapter:

- (a) “bilateral safeguard measure” means a bilateral safeguard measure provided for in paragraph 2 of Article 21;
- (b) “customs duty” means any customs or import duty and a charge of any kind, including any form of surtax or surcharge, imposed in connection with the importation of a good, but does not include any:
 - (i) charge equivalent to an internal tax imposed consistently with the provisions of paragraph 2 of Article III of the GATT 1994, in respect of the like goods or, directly competitive or substitutable goods of the Party or in respect of goods from which the imported goods have been manufactured or produced in whole or in part;
 - (ii) anti-dumping or countervailing duty applied pursuant to a Party’s law and applied consistently with the provisions of Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, as may be amended, and the Agreement on Subsidies and Countervailing Measures in Annex 1A to the WTO Agreement, as may be amended; or
 - (iii) fees or other charges commensurate with the cost of services rendered;
- (c) “customs value of goods” means the value of goods for the purposes of levying ad valorem customs duties on imported goods;
- (d) “domestic industry” means the producers as a whole of the like or directly competitive goods operating in a Party, or those whose collective output of the like or directly competitive goods constitutes a major proportion of the total domestic production of those goods;

第2章 商品贸易
第 13 条 定义

本章规定如下:

(a) “双边保障措施”是指第21条第2款规定的双边保障措施; (b) “关税”是指与商品进口相关的任何关税或进口税以及任何种类的费用, 包括任何形式的附加税或附加费, 但不包括任何: (

i) 与1994年关税及贸易总协定第3条第2款的规定一致而征收的、相当于内部税的费用, 针对同类商品或该方直接竞争或可替代的商品, 或针对进口商品已全部或部分制造或生产的商品;

(ii) 根据一方法律规定并按照1994年关税及贸易总协定第6条、1994年关税及贸易总协定第六条实施协定(可修订)、以及世界贸易组织协定附件1A中的补贴与反补贴措施协定(可修订)的规定一致而征收的反倾销税或反补贴税; 或

(iii) 与所提供服务的成本相当的费用或其他收费;

(c) “货物海关估价”是指为对进口货物征收从价关税而确定货物的价值;

(d) “国内产业”是指在一方境内生产同类或直接竞争商品的整个生产者, 或其同类或直接竞争商品的总产量构成该类商品国内总产量主要部分的生产者;

- (e) “export subsidies” means export subsidies listed in subparagraphs 1(a), (b), (c), (d), (e) and (f) of Article 9 of the Agreement on Agriculture in Annex 1A to the WTO Agreement, as may be amended (hereinafter referred to in this Chapter as “the Agreement on Agriculture”);
- (f) “originating good” means a good which qualifies as an originating good under the provisions of Chapter 3;
- (g) “provisional bilateral safeguard measure” means a provisional bilateral safeguard measure provided for in subparagraph 9(a) of Article 21;
- (h) “serious injury” means a significant overall impairment in the position of a domestic industry; and
- (i) “threat of serious injury” means serious injury that, on the basis of facts and not merely on allegation, conjecture or remote possibility, is clearly imminent.

Article 14 Classification of Goods

The classification of goods in trade between the Parties shall be in conformity with the Harmonized System.

Article 15 National Treatment

Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994 which, to this end, is incorporated into and forms part of this Agreement, *mutatis mutandis*.

Article 16 Elimination of Customs Duties

1. Except as otherwise provided for in this Agreement, each Party shall eliminate its customs duties on originating goods of the other Party in accordance with its Schedule in Annex 1.
2. Except as otherwise provided for in this Agreement, neither Party shall increase any customs duty on originating goods of the other Party from the rate to be applied in accordance with its Schedule in Annex 1.

(e) “出口补贴”是指附件1A《世界贸易组织协定》中第9条1(a)、(b)、(c)、(d)、(e)和(f)项所列的出口补贴，该协定可能进行修订（在本章中以下简称“农业协定”）；(f) “原产地商品”是指符合第3章规定原产地商品资格的商品；(g) “临时双边保障措施”是指第21条9(a)项所规定的临时双边保障措施；(h) “严重损害”是指国内产业地位的重大整体损害；以及(i) “严重损害威胁”是指基于事实而非仅仅是指控、推测或可能性极小的情况，明显即将发生的严重损害。

条款14 商品分类

缔约方之间贸易的商品分类应符合协调制度。

条款15 国民待遇

每一缔约方应根据1994年关税及贸易总协定第III条给予另一方商品以国民待遇，为此，该协定已纳入并构成本协定的一部分，作相应修改。

条款16 消除关税

1. 除本协定另有规定外，每一缔约方应依据附件1中的其计划，消除其对另一方原产地商品征收的关税。
2. 除本协定另有规定外，任何一方不得提高根据附件1中其附件所规定应适用的税率，对另一方原产地商品征收任何关税。

3. Upon the request of either Party, the Parties shall negotiate on issues such as improving market access conditions on originating goods designated for negotiation in the Schedules in Annex 1, in accordance with the terms and conditions set out in such Schedules.

4. If, as a result of the elimination or reduction of its most-favoured-nation applied rate of customs duty on a particular good, the most-favoured-nation applied rate becomes equal to, or lower than, the rate of customs duty to be applied in accordance with paragraph 1 on the originating good which is classified under the same tariff line as that particular good, each Party shall notify the other Party of such elimination or reduction without delay.

5. In cases where its most-favoured-nation applied rate of customs duty on a particular good is lower than the rate of customs duty to be applied in accordance with paragraph 1 on the originating good which is classified under the same tariff line as that particular good, each Party shall apply the lower rate with respect to that originating good.

Article 17 Customs Valuation

For the purposes of determining the customs value of goods traded between the Parties, provisions of Part I of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement, as may be amended (hereinafter referred to in this Agreement as "the Agreement on Customs Valuation"), shall apply *mutatis mutandis*.

Article 18 Export Duties

Neither Party shall introduce any export duties on goods exported from the Party to the other Party.

Article 19 Export Subsidies

Neither Party shall introduce any export subsidies on any agricultural good which is listed in Annex 1 to the Agreement on Agriculture.

3. 应任何一方的要求，双方应根据附件1中附件中指定的谈判原产地商品的条款和条件，就改善市场准入条件等问题进行谈判。

4. 如果，由于对某项特定商品的最惠国关税税率被消除或降低，导致该最惠国关税税率等于或低于根据第1段适用于同一关税税号的原产地商品的海关估价税率，每一缔约方应立即将此种消除或降低通知另一方。

5. 在其某项特定商品的最惠国关税税率低于根据第1段适用于同一关税税号的原产地商品的海关估价税率的情况下，每一缔约方应就该项原产地商品适用较低的税率。

Article 17 Customs Valuation

为确定缔约方之间交易的货物的海关估价，应适用世界贸易组织协定附件1A中1994年关税及贸易总协定第七条实施协定的第一部分的规定，该协定可能已修订（在本协定中以下简称“海关估价协定”），并作相应修改。

条款 18 出口关税

任何一方不得对从一方出口至另一方方的货物征收任何出口关税。

条款 19 出口补贴

任何一方不得对附件1中列出的任何农产品引入出口补贴。

Article 20
Non-tariff Measures

1. Each Party shall not introduce or maintain any non-tariff measures on the importation of any good of the other Party or on the exportation or sale for export of any good destined for the other Party which are inconsistent with its obligations under the WTO Agreement.
2. Each Party shall promote the transparency of its non-tariff measures which are not inconsistent with its obligations under the WTO Agreement.

Article 21
Bilateral Safeguard Measures

1. Subject to the provisions of this Article, each Party may take a bilateral safeguard measure, to the minimum extent necessary to prevent or remedy the serious injury to a domestic industry of that Party and to facilitate adjustment, if an originating good of the other Party, as a result of the elimination or reduction of a customs duty in accordance with Article 16, is being imported into the former Party in such increased quantities, in absolute terms, and under such conditions that the imports of that originating good constitute a substantial cause of serious injury, or threat of serious injury, to a domestic industry of the former Party.
2. A Party may, as a bilateral safeguard measure:
 - (a) suspend the further reduction of any rate of customs duty on the originating good provided for in this Chapter; or
 - (b) increase the rate of customs duty on the originating good to a level not to exceed the lesser of:
 - (i) the most-favoured-nation applied rate of customs duty in effect at the time when the bilateral safeguard measure is taken; and
 - (ii) the most-favoured-nation applied rate of customs duty in effect on the day immediately preceding the date of entry into force of this Agreement.

Article 20 非关税措施

1. 每一方不得引入或维持任何与另一方进口的任何商品或出口或销售供出口的任何商品（该商品预定供另一方）不一致的非关税措施，这些措施与其在世界贸易组织协定项下的义务不符。
2. 每一方应促进其与《世界贸易组织协定》项下义务不一致的非关税措施的透明度。

Article 21 双边保障措施

1. 依照本条款的规定，如果另一方的原产地商品由于根据第16条消除或减少关税而进口到前一方，且进口数量绝对值增加，条件使得该原产地商品的进口构成对前一方国内产业严重损害或严重损害威胁的实质性原因，前一方每一方可以采取双边保障措施，以最低程度防止或纠正对前一方国内产业的严重损害，并促进调整。
2. 一方可以采取双边保障措施：
 - (a) 停止进一步降低本章规定的原产地商品的任何关税税率；或 (b) 将原产地商品的关税税率提高至不超过以下较低者：(i) 双边保障措施采取时有效的最惠国关税税率；以及 (ii) 本协定生效日前一天有效的最惠国关税税率。

3. (a) A Party may take a bilateral safeguard measure only after an investigation has been carried out by the competent authorities of that Party in accordance with the same procedures as those provided for in Article 3 and subparagraph 2(c) of Article 4 of the Agreement on Safeguards in Annex 1A to the WTO Agreement, as may be amended (hereinafter referred to in this Article as “the Agreement on Safeguards”).
- (b) The investigation referred to in subparagraph (a) shall in all cases be completed within one year following its date of initiation.
- (c) In the investigation referred to in subparagraph (a) to determine whether increased imports of an originating good have caused or are threatening to cause serious injury to a domestic industry under the terms of this Article, the competent authorities of a Party who carry out the investigation shall evaluate all relevant factors of an objective and quantifiable nature having a bearing on the situation of that domestic industry, in particular, the rate and amount of the increase in imports of the originating good in absolute terms, the share of the domestic market taken by the increased imports of the originating good, and the changes in the level of sales, production, productivity, capacity utilisation, profits and losses, and employment.
- (d) The determination that increased imports of an originating good have caused or are threatening to cause serious injury to a domestic industry shall not be made unless the investigation referred to in subparagraph (a) demonstrates, on the basis of objective evidence, the existence of the causal link between increased imports of the originating good and serious injury or threat of serious injury. When factors other than the increased imports of the originating good are causing injury to the domestic industry at the same time, such injury shall not be attributed to the increased imports of the originating good.
4. The following conditions and limitations shall apply with regard to a bilateral safeguard measure:
- (a) A Party shall immediately deliver a written notice to the other Party upon:

3. (a) 一方只有在根据世界贸易组织协定附件1A中保障协定第3条和第4条第2(c)款规定的相同程序，由该方主管当局进行调查后，才能采取双边保障措施（以下简称本协定为“保障协定”）。

(b) 上述第(a)款所述调查在任何情况下都应在启动之日起一年内完成。

(c) 在上述第(a)款所述调查中，为确定原产地商品的进口增加是否已对或威胁对根据本条款的国内产业造成严重损害，执行调查的一方主管当局应评估所有与该国内产业状况相关的客观和可量化的相关因素，特别是原产地商品进口增加的绝对速率和数量、原产地商品进口增加占国内市场的份额，以及销售额、生产、生产力、生产能力利用率、利润和亏损以及就业的变化。

(d) 除非上述第(a)款所述调查基于客观证据证明原产地商品进口增加与严重损害或严重损害威胁之间存在因果关系，否则不得作出原产地商品进口增加已对或威胁对国内产业造成严重损害的认定。当除原产地商品进口增加以外的因素同时导致国内产业受损时，该损害不应归因于原产地商品进口增加。

4. 双边保障措施应适用以下条件和限制：

(a) 一方应当立即向另一方送达书面通知，在以下情况发生时：

- (i) initiating an investigation referred to in subparagraph 3(a) relating to serious injury, or threat of serious injury, and the reasons for it; and
 - (ii) taking a decision to apply or extend a bilateral safeguard measure.
- (b) The Party making the written notice referred to in subparagraph (a), shall provide the other Party with all pertinent information, which shall include:
- (i) in the written notice referred to in subparagraph (a)(i), the reason for the initiation of the investigation, a precise description of the originating good subject to the investigation and its subheading of the Harmonized System, the period subject to the investigation and the date of initiation of the investigation; and
 - (ii) in the written notice referred to in subparagraph (a)(ii), evidence of serious injury or threat of serious injury caused by the increased imports of the originating good, a precise description of the originating good subject to the proposed bilateral safeguard measure and its subheading of the Harmonized System, a precise description of the bilateral safeguard measure, and the proposed date of the introduction and expected duration of the bilateral safeguard measure.
- (c) A Party proposing to apply or extend a bilateral safeguard measure shall provide adequate opportunity for prior consultation with the other Party with a view to reviewing the information arising from the investigation referred to in subparagraph 3(a), exchanging views on the bilateral safeguard measure and reaching an agreement on compensation set out in paragraph 5.

- (i) 启动根据所述的调查时：
与严重损害或严重损害威胁相关的第3(a)款，以及其原因；和
 - (ii) 做出适用或延长
双边保障措施的决定。
- (b) 根据第(a)款提交书面通知的一方，应当向另一方提供所有相关信息，包括：
- (i) 根据第(a)(i)款提交的书面通知中，调查启动的原因、受调查的原产地商品的精确描述及其协调制度的子目、调查期和调查启动日期；和
 - (ii) 根据第(a)(ii)款提交的书面通知中，由原产地商品进口增加造成的严重损害或严重损害威胁的证据、受拟议双边保障措施影响的原产地商品的精确描述及其协调制度的子目、双边保障措施的精确描述、以及拟议的实施日期和预期期限。
- (c) 一方提出采取或延长双边保障措施时，应与其他方进行事先磋商，以便审查第3(a)款所述调查产生的信息，就双边保障措施交换意见，并就第5款规定的补偿达成协议。

- (d) No bilateral safeguard measure shall be maintained except to the extent and for such time as may be necessary to prevent or remedy serious injury and to facilitate adjustment, provided that such time shall not exceed a period of three years. However, in very exceptional circumstances, a bilateral safeguard measure may be extended, provided that the total period of the bilateral safeguard measure, including such extensions, shall not exceed four years. In order to facilitate adjustment in a situation where the expected duration of a bilateral safeguard measure is over one year, the Party maintaining the bilateral safeguard measure shall progressively liberalise the bilateral safeguard measure at regular intervals during the period of application.
- (e) No bilateral safeguard measure shall be applied again to the import of a particular originating good which has been subject to such a bilateral safeguard measure, for a period of time equal to the duration of the previous bilateral safeguard measure or one year, whichever is longer.
- (f) Upon the termination of a bilateral safeguard measure, the rate of customs duty shall be the rate which would have been in effect but for the bilateral safeguard measure.
5. (a) A Party proposing to apply or extend a bilateral safeguard measure shall provide to the other Party mutually agreed adequate means of trade compensation in the form of concessions of customs duties whose levels are substantially equivalent to the value of the additional customs duties expected to result from the bilateral safeguard measure.
- (b) If the Parties are unable to agree on the compensation within 30 days after the commencement of the consultation pursuant to subparagraph 4(c), the Party against whose originating good the bilateral safeguard measure is taken shall be free to suspend the application of concessions of customs duties under this Agreement, which are substantially equivalent to the bilateral safeguard measure. The Party exercising the right of suspension may suspend the application of concessions of customs duties only for the minimum period necessary to achieve the substantially equivalent effects.

(d) 除非必要以防止或补救严重损害并促进调整，否则不得维持任何双边保障措施。但该期限不得超过三年。然而，在非常特殊的情况下，双边保障措施可以延长，但包括此类延长的双边保障措施的总期限不得超过四年。为了在双边保障措施的预期期限超过一年时促进调整，维持双边保障措施的一方应在适用期间定期逐步放宽双边保障措施。

(e) 不得再次对已受双边保障措施影响的特定原产地商品适用双边保障措施，适用期限应等于先前双边保障措施的期限或一年，以较长者为准。

(f) 在双边保障措施终止时，关税税率应为若无该双边保障措施则应适用的税率。

5. (a) 提出适用或延长双边保障措施的一方应向另一方提供双方同意的、以关税豁免形式存在的贸易补偿，其水平应与双边保障措施预期产生的额外关税的价值实质性相当。

(b) 如果缔约方未能就补偿问题在根据第4(c)段启动磋商之日起30天内达成一致，则对其实质性相当的原产地商品采取双边保障措施的一方，可以自由暂停适用本协定下与该双边保障措施实质相当的关税豁免。行使暂停权的一方，仅可将关税豁免的适用暂停至实现实质相当效果所必需的最短期限。

6. Nothing in this Chapter shall prevent a Party from applying safeguard measures to an originating good of the other Party in accordance with:

(a) Article XIX of the GATT 1994 and the Agreement on Safeguards; or

(b) Article 5 of the Agreement on Agriculture.

7. Each Party shall ensure the consistent, impartial and reasonable administration of its laws and regulations relating to bilateral safeguard measure.

8. Each Party shall adopt or maintain equitable, timely, transparent and effective procedures relating to bilateral safeguard measure.

9. (a) In critical circumstances, where delay would cause damage which it would be difficult to repair, a Party may take a provisional bilateral safeguard measure, which shall take the form of the measure set out in subparagraph 2(a) or (b) pursuant to a preliminary determination that there is clear evidence that increased imports of an originating good of the other Party have caused or are threatening to cause serious injury to a domestic industry.

(b) A Party shall deliver a written notice to the other Party prior to applying a provisional bilateral safeguard measure. Consultations between the Parties on the application of the provisional bilateral safeguard measure shall be initiated immediately after the provisional bilateral safeguard measure is taken.

(c) The duration of a provisional bilateral safeguard measure shall not exceed 200 days. During that period, the pertinent requirements of paragraph 3 shall be met. The duration of the provisional bilateral safeguard measure shall be counted as a part of the period referred to in subparagraph 4(d).

6. 本章的规定不得阻止一方根据以下规定对另一方的原产地商品采取保障措施:

(a) 1994年关税及贸易总协定第十九条和保障协定; 或 (b) 农业协定第五条。

7. 每一方应确保其关于双边保障措施的相关法律和法规得到一致、公正和合理的执行。

8. 每一方应采取或维持与双边保障措施相关的公平、及时、透明和有效的程序。

9. (a) 在紧急情况下, 如果延迟会造成难以修复的损害, 一方可以采取临时双边保障措施, 该措施应采取第2(a)或(b)段规定的措施形式, 根据初步认定有明确证据表明另一方原产地商品的增加进口已造成或威胁造成对国内产业的严重损害。

(b) 一方在采取临时双边保障措施前应向另一方发送书面通知。在临时双边保障措施采取后, 双方应立即就临时双边保障措施的应用进行磋商。

(c) 临时双边保障措施的期限不得超过200天。在该期间内, 应满足第3款的有关规定。临时双边保障措施的期限应计入第4款(d)所述期限的一部分。

(d) Subparagraph 4(f) and paragraphs 7 and 8 shall be applied *mutatis mutandis* to a provisional bilateral safeguard measure. The customs duty imposed as a result of a provisional bilateral safeguard measure shall be refunded if the subsequent investigation referred to in subparagraph 3(a) does not determine that increased imports of an originating good of the other Party have caused or threatened to cause serious injury to a domestic industry.

10. A written notice referred to in subparagraphs 4(a) and 9(b) and any other communication between the Parties shall be done in the English language.

11. The Parties shall review the provisions of this Article, if necessary, after five years of the date of entry into force of this Agreement.

Article 22
Restrictions to Safeguard the Balance of Payments

1. Nothing in this Chapter shall be construed to prevent a Party from taking any measure for balance-of-payments purposes. A Party taking such measure shall do so in accordance with the conditions established under Article XII of the GATT 1994 and the Understanding on the Balance-of-Payments Provisions of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement, as may be amended.

2. Nothing in this Chapter shall preclude the use by a Party of exchange controls or exchange restrictions in accordance with the Articles of Agreement of the International Monetary Fund, as may be amended.

Chapter 3
Rules of Origin

Article 23
Definitions

For the purposes of this Chapter:

(a) “competent governmental authority” means the authority that is responsible for the issuing of a certificate of origin or for the designation of certification entities or bodies. In the case of Japan, the Ministry of Economy, Trade and Industry, and in the case of Brunei Darussalam, the Ministry of Foreign Affairs and Trade;

(d) 第4款(f)款和第七款及第八款应适用于临时双边保障措施。因临时双边保障措施而征收的关税，如果第3款(a)款所述的后续调查未认定另一方的原产地商品进口增加已对或威胁对国内产业造成严重损害，则应予以退还。

10. 第4(a)项和第9(b)项中提到的书面通知以及缔约方之间的任何其他通信应以英语进行。

11. 缔约方应在本协定生效之日起五年后，如有必要，审查本条的规定。

第22条
限制以保护 保障国际收支 国际收支

1. 本章任何规定均不得解释为禁止一方采取为平衡国际收支目的而采取的任何措施。采取此类措施的一方应按照1994年关税及贸易总协定第十二条规定的条件以及世界贸易组织协定附件1A中关于1994年关税及贸易总协定国际收支条款的谅解（该谅解可能已修订）所规定的条件行事。

2. 本章任何规定均不得妨碍一方根据国际货币基金组织协定条款的规定使用外汇管制或外汇限制，该协定条款可能已修订。

第三章 原产地规则 第23条 定义

本章规定适用于：

(a) “主管当局”是指负责签发原产地证书或指定认证机构或实体的当局。在日本，是指经济、贸易和工业部；在文莱达鲁萨兰，是指外交和贸易部；