

**အာဆီယံ - တရုတ်ဘက်စုံစီးပွားရေး ပူးပေါင်းဆောင်ရွက်မှုဘောင်သဘောတူစာချုပ်၏ ကုန်စည် ကုန်သွယ်ရေး သဘောတူစာချုပ်ကို ၂၀၀၄ခုနှစ်၊ နိုဝင်ဘာလ တွင် လက်မှတ်ရေးထိုးခဲ့**

၁။ အာဆီယံ - တရုတ်ကုန်စည်ကုန်သွယ်ရေးသဘောတူစာချုပ်ကို ၂၀၀၄ခုနှစ်၊ နိုဝင်ဘာလတွင် အာဆီယံ အဖွဲ့ဝင်နိုင်ငံများနှင့် တရုတ်ပြည်သူ့သမ္မတနိုင်ငံတို့မှ သဘောတူလက်မှတ်ရေးထိုးခဲ့ကြပါသည်။ အဆိုပါစာချုပ်တွင် စည်းမျဉ်း (၂၃) ခုပါဝင်ပြီး၊ ကမ္ဘာ့ကုန်သွယ်ရေးအဖွဲ့ ( WTO ) နှင့် အာဆီယံ လွတ်လပ်သောကုန်သွယ်မှုဒေသစည်းမျဉ်း၊ စည်းကမ်းများ၊ အချိန်နှင့်အညီလိုက်နာ ဆောင်ရွက်ရမည့် ကိစ္စ ရပ်များ၊ တာဝန်များနှင့် ခံစားခွင့်များကို သတ်မှတ်ပြဋ္ဌာန်း ထားပါသည်။ စာချုပ်ပါအဓိကအချက်များမှာ အောက်ပါအတိုင်းဖြစ်ပါသည် -

- (က) သာမန်လမ်းကြောင်းပါကုန်စည်များ၊ အရေးကြီးလမ်းကြောင်းပါကုန်စည်များ အပေါ် အကောက်ခွန်လျှော့ချ၊ ဖယ်ရှားခြင်း ဆောင်ရွက်ရာတွင် လိုက်နာရမည့် အကောက်ခွန် လျှော့ချ၊ ဖယ်ရှားမှု ပုံစံများ။
- (ခ) အခက်အခဲရှိနိုင်သည့် သာမန်လမ်းကြောင်းကုန်စည်များအတွက် ကန့်သတ်ချိန်ကို ပို၍ပေးပါသည်။ အာဆီယံနိုင်ငံဟောင်း ၆နိုင်ငံနှင့် တရုတ်ပြည်သူ့သမ္မတနိုင်ငံအတွက် ၂၀၁၂ ခုနှစ်၊ အဖွဲ့ဝင်သစ် လေးနိုင်ငံအတွက် ၂၀၁၈ ခုနှစ် အထိသတ်မှတ်ထားပါသည်။ ယင်းကုန်စည်စာရင်းကို စာချုပ်အဖွဲ့ဝင် နိုင်ငံများအနေနှင့် စာချုပ်တွင် နောက်ဆက်တွဲ အဖြစ်ဖော်ပြရပါမည်။ ( မြန်မာနိုင်ငံ အနေနှင့် အကောက်ခွန်စည်းဝါးညှိကုန်စည် ၆ဆင့် အရ ကုန်စည်အမယ်ပေါင်း ၁၇၂ ရှိပါမည်။)
- (ဂ) အရေးကြီးကုန်စည်ပါ ကုန်စည်များအနေနှင့် အကောက်ခွန်အခွင့်အရေး ခံစားရာတွင် အပြန်အလှန် အကျိုးခံစားခွင့်မူ ရှိပါသည်။ အရေးကြီးကုန်စည်စာရင်းကို အဖွဲ့ဝင်နိုင်ငံများ သည်စာချုပ်တွင် နောက်ဆက်တွဲအဖြစ် ဖော်ပြရပါမည်။ (မြန်မာနိုင်ငံအနေ နှင့် အကောက်ခွန်စည်းဝါးညှိကုန်စည် ၆ဆင့်အရ ကုန်စည်အမယ်ပေါင်း ၂၇၁ ရှိပါမည်။)
- (ဃ) အာဆီယံ - တရုတ် အကောက်ခွန်အခွင့်အရေးခံစားရာတွင် သတ်မှတ်ပြဋ္ဌာန်းထားသည့် ပင်ရင်း ဒေသစည်းမျဉ်းနှင့် ကိုက်ညီ၊ ပြည့်စုံမှုရှိရန်လိုအပ်ခြင်း။
- (င) ကတိကဝတ်ပြုထားသည့် အကောက်ခွန်အခွင့်အရေးများကို လိုက်လျောရန် အခက်အခဲ ရှိပါက ပြုပြင်နိုင်ခြင်းနှင့် ယင်းသို့ဆောင်ရွက်ရာတွင် လိုက်နာရမည့် စည်းကမ်း၊ သတ်မှတ်ချက်များနှင့် ပေးလျှော်မှုများ။

- (စ) ကုန်သွယ်ရေးကို ဟန့်တားသည့် အကောက်ခွန်မဟုတ်သော စည်းမျဉ်းများနှင့် နည်းပညာ ဆိုင်ရာ ကုန်သွယ်ရေး ကန့်သတ်ချက်အဟန့်အတားများ အပါအဝင်ကိစ္စရပ် များ၌ ကမ္ဘာ့ ကုန်သွယ်ရေးအဖွဲ့၏ စည်းမျဉ်းများကို လိုက်နာခြင်း။
- (ဆ) အရေအတွက်ဆိုင်ရာကန့်သတ်ချက်များကို ကမ္ဘာ့ကုန်သွယ်ရေးအဖွဲ့စည်းမျဉ်းနှင့် အညီ လိုက်နာ ဖယ်ရှားခြင်းနှင့် အကောက်ခွန်မဟုတ်သော ကုန်သွယ်ရေးအတားအဆီး များကို အဖွဲ့ဝင်နိုင်ငံများ အချင်းချင်း အပြန်အလှန် အသိပေးခြင်း။
- (ဇ) အကောက်ခွန်အခွင့်အရေးပေးခြင်းကြောင့် ပြည်တွင်းရှိ အလားတူကုန်စည်ထုတ်လုပ်သည့် လုပ်ငန်း တွင် နှစ်နာမှုရှိပါက ကာကွယ်နိုင်ခွင့်ရှိခြင်း။
- (ဈ) အကောက်ခွန်လျှော့ချဖယ်ရှားမှုကို အရှိန်မြှင့်၍ ဆောင်ရွက်လိုပါက ဆောင်ရွက်နိုင်ခြင်းနှင့် ယင်းသို့ ဆောင်ရွက်ရာတွင် လိုက်နာရမည့်စည်းကမ်းများ။
- (ည) နိုင်ငံလုံခြုံရေးဆိုင်ရာကုန်စည်များ၊ လူ၊ တိရိစ္ဆာန်နှင့်အပင်တို့၏ အသက်၊ ကျန်းမာရေးကို ထိပါးမည့်ကုန်စည်များ၊ လူတို့၏အကျင့်စာရိတ္တကိုထိပါးမည့်ကုန်စည်များ စသည့်တို့ကို ပြည်တွင်း တည်ဆဲဥပဒေကို အသုံးပြု၍ လွတ်လပ်သော ကုန်သွယ်ရေးဒေသ ၏ အကောက်ခွန်လျှော့ချ ဖယ်ရှားမှုအစီအစဉ်မှ ကင်းလွတ်ခွင့်ရှိခြင်း။
- (ဋ) တရုတ်ပြည်သူ့သမ္မတနိုင်ငံအား ဈေးကွက်စီးပွားရေးနိုင်ငံအဖြစ် အသိအမှတ်ပြုခြင်းနှင့် ယင်း၏ ကမ္ဘာ့ကုန်သွယ်ရေးအဖွဲ့ဝင်စဉ်က လက်မှတ်ရေးထိုးခဲ့သော အဖွဲ့ဝင်စာချုပ်အခန်း (၁၅)၊ (၁၆)နှင့် လုပ်ငန်းအဖွဲ့အစီအရင်ခံစာအပိုဒ် ၂၄၂ ကို မကျင့်သုံးခြင်း၊
- (ဌ) စာချုပ်ကို ပြန်လည်သုံးသပ်ခြင်းနှင့်
- (ဍ) စာချုပ်သည် ၁-၁-၂၀၀၅မှ စတင်သက်ဝင်ခြင်းတို့ဖြစ်ကြပါတယ်။

၂။ အထက်ဖော်ပြပါ ကိစ္စရပ်များကို အသေးစိတ်လေ့လာနိုင်စေဖို့ အာဆီယံ နိုင်ငံများ နဲ့ တရုတ်ပြည်သူ့သမ္မတ နိုင်ငံတို့ အကြားချုပ်ဆိုခဲ့တဲ့ **Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China** ကို ပူးတွဲဖော်ပြအပ်ပါတယ်။

## **Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic ("Lao PDR"), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State"), and the People's Republic of China ("China");

**RECALLING** the Framework Agreement on Comprehensive Economic Co-operation ("the Framework Agreement") between ASEAN and China (collectively, "the Parties", or individually referring to an ASEAN Member State or to China as a "Party") signed by the Heads of Government/State of ASEAN Member States and China in Phnom Penh, Cambodia on the 4th day of November 2002 and the Protocol to Amend the Framework Agreement on Comprehensive Economic Co-operation on the Early Harvest Programme signed by the Economic Ministers of the Parties in Bali, Indonesia on the 6th day of October 2003;

**RECALLING** further Articles 2(a), 3(1) and 8(1) of the Framework Agreement, which reflect the Parties' commitment to establish the ASEAN-China Free Trade Area (ACFTA) covering trade in goods by 2010 for ASEAN 6 and China and by 2015 for the newer ASEAN Member States;

**REAFFIRMING** the Parties' commitment to establish the ASEAN-China Free Trade Area within the specified timeframes, while allowing flexibility to the Parties to address their sensitive areas as provided in the Framework Agreement,

**HAVE AGREED AS FOLLOWS:**

**ARTICLE 1  
Definitions**

**For the purposes of this Agreement, the following definitions shall apply unless the context otherwise requires:**

- (a) “WTO” means the World Trade Organization;
- (b) “the GATT 1994” means the General Agreement on Tariffs and Trade 1994, including [Annex I](#) (Notes and Supplementary Provisions);
- (c) “ASEAN 6” refers to Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand;
- (d) “newer ASEAN Member States” refers to Cambodia, Lao PDR, Myanmar and Viet Nam;
- (e) “applied MFN tariff rates” shall include in-quota rates, and shall:
  - (i) in the case of ASEAN Member States (which are WTO members as of 1 July 2003) and China, refer to their respective applied rates as of 1 July 2003; and
  - (ii) in the case of ASEAN Member States (which are non-WTO members as of 1 July 2003), refer to the rates as applied to China as of 1 July 2003;
- (f) “non-tariff measures” shall include non-tariff barriers;
- (g) “AEM” means ASEAN Economic Ministers;
- (h) “MOFCOM” means Ministry of Commerce of China;
- (i) “SEOM” means ASEAN Senior Economic Officials Meeting.

## **ARTICLE 2**

### **National Treatment on Internal Taxation and Regulation**

Each Party shall accord national treatment to the products of all the other Parties covered by this Agreement and the Framework Agreement in accordance with Article III of the GATT 1994. To this end, the provisions of Article III of the GATT 1994 shall, *mutatis mutandis*, be incorporated into and form an integral part of this Agreement.

## **ARTICLE 3**

### **Tariff Reduction and Elimination**

1. The tariff reduction or elimination programme of the Parties shall require the applied MFN tariff rates on listed tariff lines to be gradually reduced and where applicable, eliminated, in accordance with this Article.

2. The tariff lines which are subject to the tariff reduction or elimination programme under this Agreement shall include all tariff lines not covered by the Early Harvest Programme under Article 6 of the Framework Agreement, and such tariff lines shall be categorised for tariff reduction and elimination as follows:

- (a) Normal Track: Tariff lines placed in the Normal Track by each Party on its own accord shall have their respective applied MFN tariff rates gradually reduced and eliminated in accordance with the modalities set out in [Annex 1](#) of this Agreement with the objective of achieving the targets prescribed in the thresholds therein.

- (b) Sensitive Track: Tariff lines placed in the Sensitive Track by each Party on its own accord shall have their respective applied MFN tariff rates reduced or eliminated in accordance with the modalities set out in [Annex 2](#) of this Agreement.

3. Subject to [Annex 1](#) and [Annex 2](#) of this Agreement, all commitments undertaken by each Party under this Article shall be applied to all the other Parties.

#### **ARTICLE 4**

##### **Transparency**

Article X of the GATT 1994 shall, *mutatis mutandis*, be incorporated into and form an integral part of this Agreement.

#### **ARTICLE 5**

##### **Rules of Origin**

The Rules of Origin and the Operational Certification Procedures applicable to the products covered under this Agreement and the Early Harvest Programme of the Framework Agreement are set out in [Annex 3](#) of this Agreement.

#### **ARTICLE 6**

##### **Modification of Concessions**

1. Any Party to this Agreement may, by negotiation and agreement with any Party to which it has made a concession under this Agreement, modify or withdraw such concession made under this Agreement.
2. In such negotiations and agreement, which may include provision for compensatory adjustment with respect to other products, the Parties concerned shall maintain a

general level of reciprocal and mutually advantageous concessions not less favourable to trade than that provided for in this Agreement prior to such negotiations and agreement.

## **ARTICLE 7**

### **WTO Disciplines**

1. Subject to the provisions of this Agreement and any future agreements as may be agreed pursuant to reviews of this Agreement by the Parties under Article 17 of this Agreement, the Parties<sup>[1]</sup> hereby agree and reaffirm their commitments to abide by the provisions of the WTO disciplines on, among others, non-tariff measures, technical barriers to trade, sanitary and phytosanitary measures, subsidies and countervailing measures, anti-dumping measures and intellectual property rights.
2. The provisions of the WTO Multilateral Agreements on Trade in Goods, which are not specifically mentioned in or modified by this Agreement, shall apply, *mutatis mutandis*, to this Agreement unless the context otherwise requires.

## **ARTICLE 8**

### **Quantitative Restrictions and Non-Tariff Barriers**

1. Each Party undertakes not to maintain any quantitative restrictions at any time unless otherwise permitted under the WTO disciplines.<sup>[2]</sup>
2. The Parties shall identify non-tariff barriers (other than quantitative restrictions) for elimination as soon as possible after the entry into force of this Agreement. The time frame for elimination of these non-tariff barriers shall be mutually agreed upon by all Parties.

3. The Parties shall make information on their respective quantitative restrictions available and accessible upon implementation of this Agreement.

## **ARTICLE 9**

### **Safeguard Measures**

1. Each Party, which is a WTO member, retains its rights and obligations under Article XIX of the GATT 1994 and the WTO Agreement on Safeguards.
2. With regard to ACFTA safeguard measures, a Party shall have the right to initiate such a measure on a product within the transition period for that product. The transition period for a product shall begin from the date of entry into force of this Agreement and end five years from the date of completion of tariff elimination/reduction for that product.
3. A Party shall be free to take ACFTA safeguard measures if as an effect of the obligations incurred by that Party, including tariff concessions under the Early Harvest Programme of the Framework Agreement or this Agreement, or, if as a result of unforeseen developments and of the effects of the obligations incurred by that Party, including tariff concessions under the Early Harvest Programme of the Framework Agreement or this Agreement, imports of any particular product from the other Parties increase in such quantities, absolute or relative to domestic production, and under such conditions so as to cause or threaten to cause serious injury to the domestic industry of the importing Party that produces like or directly competitive products.

4. If an ACFTA safeguard measure is taken, a Party taking such a measure may increase the tariff rate applicable to the product concerned to the WTO MFN tariff rate applied to such product at the time when the measure is taken.
5. Any ACFTA safeguard measure may be maintained for an initial period of up to 3 years and may be extended for a period not exceeding 1 year. Notwithstanding the duration of an ACFTA safeguard measure on a product, such measure shall terminate at the end of the transition period for that product.
6. In applying ACFTA safeguard measures, the Parties shall adopt the rules for the application of safeguard measures as provided under the WTO Agreement on Safeguards, with the exception of the quantitative restriction measures set out in Article 5, and Articles 9, 13 and 14 of the WTO Agreement on Safeguards. As such, all other provisions of the WTO Agreement on Safeguards shall, *mutatis mutandis*, be incorporated into and form an integral part of this Agreement.
7. An ACFTA safeguard measure shall not be applied against a product originating in a Party, so long as its share of imports of the product concerned in the importing Party does not exceed 3% of the total imports from the Parties.
8. In seeking compensation under Article 8 of the WTO Agreement on Safeguards for an ACFTA safeguard measure, the Parties shall seek the good offices of the body referred to in paragraph 12 to determine the substantially equivalent level of concessions prior to any suspension of equivalent concessions. Any proceedings arising from such good offices shall be completed within 90 days from the date on which the ACFTA safeguard measure was applied.

9. On a Party's termination of an ACFTA safeguard measure on a product, the tariff rate for that product shall be the rate that, according to that Party's tariff reduction and elimination schedule, as provided in [Annex 1](#) and [Annex 2](#) of this Agreement, would have been in effect commencing on 1 January of the year in which the safeguard measure is terminated.
10. All official communications and documentations exchanged among the Parties and to the body referred to in paragraph 12 relating to any ACFTA safeguard measures shall be in writing and shall be in the English language.
11. When applying ACFTA safeguard measures, a Party shall not have simultaneous recourse to the WTO safeguard measures referred to in paragraph 1.
12. For the purpose of this Article, any reference to "Council for Trade in Goods" or the "Committee on Safeguards" in the incorporated provisions of the WTO Agreement on Safeguards shall, pending the establishment of a permanent body under paragraph 1 of Article 16, refer to the AEM-MOFCOM, or the SEOM-MOFCOM, as appropriate, which shall be replaced by the permanent body once it is established.

## **ARTICLE 10**

### **Acceleration of Commitments**

Nothing in this Agreement shall preclude the Parties from negotiating and entering into arrangements to accelerate the implementation of commitments made under this Agreement, provided that such arrangements are mutually agreed to and implemented by all the Parties.

## **ARTICLE 11**

### **Measures to Safeguard the Balance of Payments**

Where a Party is in serious balance of payments and external financial difficulties or threat thereof, it may, in accordance with the GATT 1994 and the Understanding on Balance-of-Payments Provisions of the GATT 1994, adopt restrictive import measures.

## **ARTICLE 12**

### **General Exceptions**

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (c) relating to the importations or exportations of gold or silver;
- (d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of the GATT 1994, the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
- (e) relating to the products of prison labour;
- (f) imposed for the protection of national treasures of artistic, historic or archaeological value;

- (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- (h) undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the WTO and not disapproved by it or which is itself so submitted and not so disapproved;
- (i) involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan; *Provided* that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to non-discrimination;
- (j) essential to the acquisition or distribution of products in general or local short supply; *Provided* that any such measures shall be consistent with the principle that all Parties are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with the other provisions of this Agreement shall be discontinued as soon as the conditions giving rise to them have ceased to exist.

### **ARTICLE 13**

#### **Security Exceptions**

Nothing in this Agreement shall be construed:

- (a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests;

- (b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to:
  - (i) action relating to fissionable materials or the materials from which they are derived;
  - (ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
  - (iii) action taken so as to protect critical communications infrastructure from deliberate attempts intended to disable or degrade such infrastructure;
  - (iv) action taken in time of war or other emergency in domestic or international relations; or
  
- (c) to prevent any Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

## **ARTICLE 14**

### **Recognition of China's Market Economy Status**

Each of the ten ASEAN Member States agrees to recognise China as a full market economy and shall not apply, from the date of the signature of this Agreement, Sections 15 and 16 of the Protocol of Accession of the People's Republic of China to the WTO and Paragraph 242 of the Report of the Working Party on the Accession of China to WTO in relation to the trade between China and each of the ten ASEAN Member States.

## **ARTICLE 15**

### **State, Regional and Local Government**

In fulfilling its obligations and commitments under this Agreement, each Party shall ensure their observance by regional and local governments and authorities in its territory as well as their observance by non-governmental bodies (in the exercise of powers delegated by central, state, regional or local governments or authorities) within its territory.

## **ARTICLE 16**

### **Institutional Arrangements**

1. Pending the establishment of a permanent body, the AEM-MOFCOM, supported and assisted by the SEOM-MOFCOM, shall oversee, supervise, coordinate and review the implementation of this Agreement.
2. The ASEAN Secretariat shall monitor and report to the SEOM-MOFCOM on the implementation of this Agreement. All Parties shall cooperate with the ASEAN Secretariat in the performance of its duties.
3. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement. On the request of a Party, the contact point of the requested Party shall identify the office or official responsible for the matter and assist in facilitating communication with the requesting Party.

## **ARTICLE 17**

### **Review**

1. The AEM-MOFCOM or their designated representatives shall meet within a year of the date of entry into force of this Agreement and then biennially or otherwise as appropriate to review this Agreement for the purpose of considering further measures to liberalise trade in goods as well as develop disciplines and negotiate agreements on matters referred to in Article 7 of this Agreement or any other relevant matters as may be agreed.

2. The Parties shall, taking into account their respective experience in the implementation of this Agreement, review the Sensitive Track in 2008 with a view to improving the market access condition of sensitive products, including the further possible reduction of the number of products in the Sensitive Track and the conditions governing the reciprocal tariff rate treatment of products placed by a Party in the Sensitive Track.

## **ARTICLE 18**

### **Annexes and Future Instruments**

This Agreement shall include:

- (a) the Annexes and the contents therein which shall form an integral part of this Agreement: and
- (b) all future legal instruments agreed pursuant to this Agreement.

## **ARTICLE 19**

### **Amendments**

This Agreement may be amended by the mutual written consent of the Parties.

## **ARTICLE 20**

### **Miscellaneous Provisions**

Except as otherwise provided in this Agreement, this Agreement or any action taken under it shall not affect or nullify the rights and obligations of a Party under existing agreements to which it is a party.

## **ARTICLE 21**

### **Dispute Settlement**

The Agreement on Dispute Settlement Mechanism between ASEAN and China shall apply to this Agreement.

## **ARTICLE 22**

### **Depositary**

For the ASEAN Member States, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.

## **ARTICLE 23**

### **Entry Into Force**

1. This Agreement shall enter into force on 1 January 2005.

2. The Parties undertake to complete their internal procedures for the entry into force of this Agreement prior to 1 January 2005.

3. Where a Party is unable to complete its internal procedures for the entry into force of this Agreement by 1 January 2005, the rights and obligations of that Party under this Agreement shall commence on the date of the completion of such internal procedures.

4. A Party shall upon the completion of its internal procedures for the entry into force of this Agreement notify all the other Parties in writing.

**IN WITNESS WHEREOF**, the undersigned being duly authorised by their respective Governments, have signed this Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China.

**DONE** at, Vientiane, Lao PDR this Twenty Ninth Day of November in the Year Two Thousand and Four, in duplicate copies in the English Language.

***For Brunei Darussalam***

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**PEHIN DATO ABDUL RAHMAN TAIB**  
Minister of Industry and Primary Resources

***For the Kingdom of Cambodia***

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**CHAM PRASIDH**  
Senior Minister and Minister of Commerce

***For the Republic of Indonesia***

---

**MARI ELKA PANGESTU**  
Minister of Trade

***For the Lao People's Democratic Republic***

---

**SOULIVONG DARAVONG**  
Minister of Commerce

***For Malaysia***

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**RAFIDAH AZIZ**  
Minister of International Trade and Industry

***For the Union of Myanmar***

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**SOE THA**  
Minister of National Planning and  
Economic Development

***For the Republic of the Philippines***

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**CESAR V. PURISIMA**  
Secretary of Trade and Industry

***For the Republic of Singapore***

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**LIM HNG KIANG**  
Minister for Trade and Industry

*For the Kingdom of Thailand*

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**WATANA MUANGSOOK**  
Minister of Commerce

*For the Socialist Republic of Viet Nam*

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**TRUONG DINH TUYEN**  
Minister of Trade

**MODALITY FOR TARIFF REDUCTION AND ELIMINATION FOR TARIFF LINES PLACED IN THE NORMAL TRACK**

1. Tariff lines placed by each Party in the Normal Track on its own accord shall have their respective applied MFN tariff rates gradually reduced and eliminated according to the following Schedules:

**(i) ASEAN 6 and China**

X = Applied MFN Tariff Rate	ACFTA Preferential Tariff Rate (Not later than 1 January)			
	2005*	2007	2009	2010
$X \geq 20\%$	20	12	5	0
$15\% \leq x < 20\%$	15	8	5	0
$10\% \leq x < 15\%$	10	8	5	0
$5\% < x < 10\%$	5	5	0	0
$X \leq 5\%$	Standstill		0	0

\* The first date of implementation shall be 1 July 2005.

**(ii) Viet Nam**

X = Applied MFN Tariff Rate	ACFTA Preferential Tariff Rate (Not later than 1 January)							
	2005*	2006	2007	2008	2009	2011	2013	2015
$X \geq 60\%$	60	50	40	30	25	15	10	0
$45\% \leq X < 60\%$	40	35	35	30	25	15	10	0
$35\% \leq X < 45\%$	35	30	30	25	20	15	5	0
$30\% \leq X < 35\%$	30	25	25	20	17	10	5	0
$25\% \leq X < 30\%$	25	20	20	15	15	10	5	0
$20\% \leq X < 25\%$	20	20	15	15	15	10	0-5	0
$15\% \leq X < 20\%$	15	15	10	10	10	5	0-5	0
$10\% \leq X < 15\%$	10	10	10	10	8	5	0-5	0
$7\% \leq X < 10\%$	7	7	7	7	5	5	0-5	0
$5\% \leq X < 7\%$	5	5	5	5	5	5	0-5	0
$X < 5\%$	Standstill							0

\* The first date of implementation shall be 1 July 2005.

(iii) Cambodia, Lao PDR and Myanmar

X = Applied MFN Tariff Rate	ACFTA Preferential Tariff Rate (Not later than 1 January)							
	2005*	2006	2007	2008	2009	2011	2013	2015
$X \geq 60\%$	60	50	40	30	25	15	10	0
$45\% \leq X < 60\%$	40	35	35	30	25	15	10	0
$35\% \leq X < 45\%$	35	35	30	30	20	15	5	0
$30\% \leq X < 35\%$	30	25	25	20	20	10	5	0
$25\% \leq X < 30\%$	25	25	25	20	20	10	5	0
$20\% \leq X < 25\%$	20	20	15	15	15	10	0-5	0
$15\% \leq X < 20\%$	15	15	15	15	15	5	0-5	0
$10\% \leq X < 15\%$	10	10	10	10	8	5	0-5	0
$7\% \leq X < 10\%$	7**	7**	7**	7**	7**	5	0-5	0
$5\% \leq X < 7\%$	5	5	5	5	5	5	0-5	0
$X < 5\%$	Standstill							0

\* The first date of implementation shall be 1 July 2005.

\*\* Myanmar shall be allowed to maintain ACFTA Rates at no more than 7.5% until 2010.

2. If a Party places a tariff line in the Normal Track, that Party shall enjoy the tariff concessions other Parties have made for that tariff line as specified in and applied pursuant to the relevant Schedules either in Annex 1 or Annex 2 together with the undertakings and conditions set out therein. This right shall be enjoyed for so long as that Party adheres to its own commitments for tariff reduction and elimination for that tariff line.

3. The tariff rates specified in the relevant Schedules in paragraph 1 only set out the level of the applicable ACFTA preferential tariff rates to be applied by each Party for the tariff lines concerned in the specified year of implementation and shall not prevent any Party from unilaterally accelerating its tariff reduction or elimination at any time if it so wishes.

4. Tariff lines in the Normal Track, which are subject to specific tariff rates, shall have such tariffs reduced to zero, in equal proportions in accordance with the timeframes provided in the Schedules set out in paragraph 1 of this Annex.

5. For all tariff lines placed in the Normal Track where the applied MFN tariff rates are at 0%, they shall remain at 0%. Where they have been reduced to 0%, they shall remain at 0%. No Party shall be permitted to increase the tariff rates for any tariff line, except as otherwise provided by the Agreement.

6. As an integral part of its commitments to reduce and/or eliminate the applied MFN tariff rates in accordance with the relevant Schedules in paragraph 1, each Party hereby commits to undertake further tariff reduction and/or elimination in accordance with the following thresholds:

**(a) ASEAN 6 and China**

- (i) Each Party shall reduce to 0-5% not later than 1 July 2005 the tariff rates for at least 40% of its tariff lines placed in the Normal Track.
- (ii) Each Party shall reduce to 0-5% not later than 1 January 2007 the tariff rates for at least 60% of its tariff lines placed in the Normal Track.
- (iii) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2010, with flexibility to have tariffs on some tariff lines, not exceeding 150 tariff lines, eliminated not later than 1 January 2012.
- (iv) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2012.

**(b) Newer ASEAN Member States**

- (i) Each Party shall reduce to 0-5% not later than 1 January 2009 for Viet Nam; 1 January 2010 for Lao PDR and Myanmar; and 1 January 2012 for Cambodia the tariff rates for at least 50% of its tariff lines placed in the Normal Track.
- (ii) Cambodia, Lao PDR and Myanmar shall eliminate their respective tariffs not later than 1 January 2013 on 40% of its tariff lines placed in the Normal Track.
- (iii) For Viet Nam, the percentage of Normal Track tariff lines to have their tariffs eliminated not later than 1 January 2013 shall be determined not later than 31 December 2004.
- (iv) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2015, with flexibility to have tariffs on some tariff lines, not exceeding 250 tariff lines, eliminated not later than 1 January 2018.

- (v) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2018.

7. The tariff lines listed by the Parties in Appendix 1 shall have their respective ACFTA tariffs eliminated not later than 1 January 2012 for ASEAN 6 and China, and 1 January 2018 for CLMV.

**MODALITY FOR TARIFF REDUCTION/ELIMINATION FOR TARIFF LINES  
PLACED IN THE SENSITIVE TRACK**

1. The number of tariff lines which each Party can place in the Sensitive Track shall be subject to a maximum ceiling of:

(i) ASEAN 6 and China:

400 tariff lines at the HS 6-digit level and 10% of the total import value, based on 2001 trade statistics;

(ii) Cambodia, Lao PDR and Myanmar:

500 tariff lines at the HS 6-digit level; and

(iii) Viet Nam:

500 tariff lines at the HS 6-digit level, and the ceiling of import value shall be determined not later than 31 December 2004.

2. Tariff lines placed by each Party in the Sensitive Track shall be further classified into Sensitive List and Highly Sensitive List. However, tariff lines placed by each Party in the Highly Sensitive List shall be subject to the following ceilings:

(i) ASEAN 6 and China:

not more than 40% of the total number of tariff lines in the Sensitive Track or 100 tariff lines at the HS 6-digit level, whichever is lower;

(ii) Cambodia, Lao PDR and Myanmar:

not more than 40% of the total number of tariff lines in the Sensitive Track or 150 tariff lines at the HS 6-digit level, whichever is lower; and

(iii) Viet Nam:

shall be determined not later than 31 December 2004.

3. The Parties shall reduce and, where applicable, eliminate the applied MFN tariff rates of tariff lines placed in the Sensitive Track according to the following Schedules:

(i) ASEAN 6 and China shall reduce the applied MFN tariff rates of tariff lines placed in their respective Sensitive Lists to 20% not later than 1 January 2012. These tariff rates shall be subsequently reduced to 0-5% not later than 1 January 2018.

- (ii) Cambodia, Lao PDR and Myanmar shall reduce the applied MFN tariff rates of tariff lines placed in their respective Sensitive Lists to 20% not later than 1 January 2015. These tariff rates shall be subsequently reduced to 0-5% not later than 1 January 2020.  
Viet Nam shall reduce the applied MFN tariff rates of tariff lines placed in its Sensitive Lists not later than 1 January 2015 to a rate to be determined not later than 31 December 2004. These tariff rates shall be subsequently reduced to 0-5% not later than 1 January 2020.
- (iii) The Parties shall reduce the applied MFN tariff rates of tariff lines placed in their respective Highly Sensitive Lists to not more than 50% not later than 1 January 2015 for ASEAN 6 and China, and 1 January 2018 for the newer ASEAN Member States.

4. Tariff lines in the Sensitive Track, which are subject to specific tariff rates, shall have such tariffs reduced in accordance with the timeframes provided in paragraph 3 of this Annex. The proportion of tariff reduction for these tariff lines shall be equal to the average margin of tariff reduction of the tariff lines with ad-valorem tariff rates under the Sensitive Track, which are subject to tariff reduction in the same year.

5. Notwithstanding the Schedules in paragraph 3, any Party may unilaterally accelerate the tariff reduction and/or elimination for its tariff lines placed in the Sensitive Track at any time if it so wishes. Nothing in this Agreement shall prevent any Party from unilaterally transferring any tariff line from the Sensitive Track into the Normal Track at any time if it so wishes.

6. The reciprocal tariff rate treatment of tariff lines placed by a Party in the Sensitive Track shall be governed by the following conditions:

- (i) the tariff rate for a tariff line placed by a Party in the Sensitive Track must be at 10% or below in order for that Party to enjoy reciprocity;
- (ii) the reciprocal tariff rate to be applied to a tariff line placed by a Party in the Sensitive Track shall be either the tariff rate of that Party's tariff line, or the Normal Track tariff rate of the same tariff line of the other Party or Parties from whom reciprocity is sought, whichever is higher; and
- (iii) the reciprocal tariff rate to be applied to a tariff line placed by a Party in the Sensitive Track shall in no case exceed the applied MFN rate of the same tariff line of the Party or Parties from whom reciprocity is sought.

7. The treatment of tariff lines of the Parties subject to in-quota and out-quota rates, including the modalities for tariff reduction/elimination, shall be discussed and mutually agreed by the Parties not later than 31 March 2005. The discussions shall include, but not be limited to, the in-quota and out-quota rates.

8. The tariff lines listed by each Party in the Sensitive List and Highly Sensitive List under the Sensitive Track are respectively set out in Appendix 1 and Appendix 2 of this Annex.