

**Bali Ministerial Declaration  
and decisions**

**巴厘部长宣言及决定**



世界贸易组织第9届部长级会议

2013年12月3日至6日

印度尼西亚巴厘岛

**Bali Ministerial Declaration  
and decisions**

**巴厘部长宣言及决定**

(中英文对照)

商务部世界贸易组织司编译

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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **BALI MINISTERIAL DECLARATION**

**ADOPTED ON 7 DECEMBER 2013**

1.1. We, the Ministers, have met in Bali, Indonesia, from 3 to 6 December 2013 at our Ninth Session. As we conclude our Session, we would like to express our deep appreciation to the Government and people of Indonesia for the excellent organization and the warm hospitality we have received in Bali.

1.2. We reaffirm the principles and objectives set out in the Marrakesh Agreement Establishing the World Trade Organization. We also recall the Declarations and Decisions we adopted at Doha and at the Ministerial Conferences we have held since then and reaffirm our full commitment to give effect to them.

1.3. To this effect, we take note of the reports from the General Council and its subsidiary bodies. We welcome the progress that these reports, and the Decisions stemming from them, show in the work of the WTO, thereby strengthening its effectiveness and the multilateral trading system as a whole.

1.4. We particularly welcome the advances made in the Doha Development Agenda (DDA), as represented by the Decisions and Declarations we have adopted at our present session. These Decisions and Declarations signify that we have taken a major step forward in the negotiations and attest to our strong resolve to complete the DDA.

### **PART I – REGULAR WORK UNDER THE GENERAL COUNCIL**

1.5. We welcome the progress in the regular work under the General Council, including under the mandates that we gave at our Eighth Session, and the following decisions we have adopted at our Ninth Session:

- TRIPS Non-violation and Situation Complaints – Ministerial Decision - WT/MIN(13)/31 - WT/L/906
- Work Programme on Electronic Commerce – Ministerial Decision - WT/MIN(13)/32 - WT/L/907
- Work Programme on Small Economies - Ministerial Decision - WT/MIN(13)/33 - WT/L/908
- Aid for Trade - Ministerial Decision - WT/MIN(13)/34 - WT/L/909
- Trade and Transfer of Technology - Ministerial Decision - WT/MIN(13)/35 - WT/L/910

1.6. We further welcome the following decisions taken in Geneva in response to the relevant mandates from our Eighth Session:

- Decision adopted by the TRIPS Council concerning the extension of the transition period under Article 66.1 for Least-Developed Country Members in document IP/C/64;
- Decision adopted by the General Council in July 2012 on the Accession of LDCs in document WT/L/508/Add.1.



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 巴厘部长宣言

2013 年 12 月 7 日通过

1.1. 我们作为 WTO 各成员部长，于 2013 年 12 月 3 日至 6 日在印度尼西亚巴厘岛举行第 9 届部长级会议。在本届部长级会议结束之时，我们对印度尼西亚政府及人民所做的出色组织工作和所给予的热情款待表示衷心感谢。

1.2. 我们重申《马拉喀什建立世界贸易组织协定》所列原则和目标。我们忆及我们在多哈及在之后举行的历届部长级会议上通过的宣言和决定，并重申我们全力致力于实施上述宣言和决定。

1.3. 为此，我们注意到总理事会及其下属机构的报告。我们欢迎上述报告及由此产生的决定所表明的 WTO 工作所取得的进展，从而增强了 WTO 的有效性和整个多边贸易体制。

1.4. 我们特别欢迎多哈发展议程所取得的进展，这些进展体现在我们在本届部长级会议上通过的决定和宣言中。这些决定和宣言象征着我们在谈判中向前迈进了重要一步，也表明了我们结束多哈发展议程的坚定决心。

#### 第一部分—总理事会下的日常工作

1.5. 我们欢迎总理事会日常工作所取得的进展，包括根据我们在第 8 届部长级会议所给予的授权开展的工作，我们同时欢迎我们在第 9 届部长级会议通过的下列决定：

- TRIPS 非违反和情势之诉—部长决定—WT/MIN(13)/31—WT/L/906
- 关于电子商务的工作计划—部长决定—WT/MIN(13)/32—WT/L/907
- 关于小经济体的工作计划—部长决定—WT/MIN(13)/33—WT/L/908
- 促贸援助—部长决定—WT/MIN(13)/34—WT/L/909
- 贸易与技术转让—部长决定—WT/MIN(13)/35—WT/L/910

1.6. 我们还欢迎为响应第 8 届部长级会议授权，在日内瓦所做的下列决定：

- TRIPS 理事会通过的关于根据第 66.1 款延长最不发达国家成员过渡期的决定 IP/C/64;
- 总理事会于 2012 年 7 月通过的关于最不发达国家加入的决定 WT/L/508/Add.1。

1.7. We welcome those new Members who have completed their accession processes since our last Session. In particular, we note with satisfaction that, at our present Session, we have adopted the Decision on the Accession of the Republic of Yemen (WT/MIN(13)/24- WT/L/905). We recognize the contribution of accession to strengthening the multilateral trading system and remain committed to efforts to facilitate accessions.

## **PART II – DOHA DEVELOPMENT AGENDA**

1.8. We welcome the progress in the DDA, which is embodied in the following Decisions and Declarations we have adopted at our Ninth Session:

### **Trade Facilitation**

- Agreement on Trade Facilitation – Ministerial Decision – WT/MIN(13)/36 - WT/L/911

In this regard, we reaffirm that the non-discrimination principle of Article V of GATT 1994 remains valid.

### **Agriculture**

- General Services – Ministerial Decision – WT/MIN(13)/37 - WT/L/912
- Public Stockholding for Food Security Purposes – Ministerial Decision – WT/MIN(13)/38 - WT/L/913
- Understanding on Tariff Rate Quota Administration Provisions of Agricultural Products, as Defined in Article 2 of the Agreement on Agriculture – Ministerial Decision – WT/MIN(13)/39 - WT/L/914
- Export Competition – Ministerial Declaration – WT/MIN(13)/40 - WT/L/915

### **Cotton**

- Cotton – Ministerial Decision – WT/MIN(13)/41 - WT/L/916

### **Development and LDC issues**

- Preferential Rules of Origin for Least-Developed Countries – Ministerial Decision – WT/MIN(13)/42 - WT/L/917
- Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries – Ministerial Decision – WT/MIN(13)/43 - WT/L/918
- Duty-Free and Quota-Free (DFQF) Market Access for Least-Developed Countries – Ministerial Decision – WT/MIN(13)/44 - WT/L/919
- Monitoring Mechanism on Special and Differential Treatment – Ministerial Decision – WT/MIN(13)/45 - WT/L/920

## **PART III - POST-BALI WORK**

1.9. We reaffirm our commitment to the WTO as the pre-eminent global forum for trade, including negotiating and implementing trade rules, settling disputes and supporting development through the integration of developing countries into the global trading system. In this regard, we reaffirm our commitment to the Doha Development Agenda, as well as to the regular work of the WTO.

1.10. We take note of the progress that has been made towards carrying out the Doha Work Programme, including the decisions we have taken on the Bali Package during this Ministerial Conference. These decisions are an important stepping stone towards the completion of the Doha Round. We reaffirm our commitment to the development objectives set out in the Doha Declaration, as well as to all our subsequent decisions and declarations and the Marrakesh Agreement Establishing the WTO.



1.7. 我们欢迎自上届部长级会议后已经完成加入程序的新成员。特别地，我们满意地注意到在本届会议上我们通过了《关于也门共和国加入的决定》(WT/MIN(13)/24-WT/L/905)。我们认识到加入对加强多边贸易体制的重要贡献，并致力于做出努力以便利加入进程。

## 第二部分—多哈发展议程

1.8. 我们欢迎多哈发展议程所取得的进展，这些进展包含我们在第 9 届部长级会议上通过的下列决定和宣言中：

### 贸易便利化

- 贸易便利化协定—部长决定—WT/MIN(13)/36—WT/L/911

在此方面，我们重申 GATT 1994 第 5 条的非歧视原则仍然有效。

### 农业

- 一般服务—部长决定—WT/MIN(13)/37—WT/L/912
- 用于粮食安全目的的公共储备—部长决定—WT/MIN(13)/38—WT/L/913
- 关于《农业协定》第 2 条所定义农产品的关税配额管理规定的谅解—部长决定—WT/MIN(13)/39—WT/L/914
- 出口竞争—部长宣言—WT/MIN(13)/40—WT/L/915

### 棉花

- 棉花—部长决定—WT/MIN(13)/41—WT/L/916

### 发展与最不发达国家问题

- 最不发达国家优惠原产地规则—部长决定—WT/MIN(13)/42—WT/L/917
- 给予最不发达国家服务和服务提供者优惠待遇豁免的实施问题—部长决定—WT/MIN(13)/43—WT/L/918
- 最不发达国家“免关税和免配额”市场准入—部长决定—WT/MIN(13)/44—WT/L/919
- 特殊和差别待遇监督机制—部长决定—WT/MIN(13)/45—WT/L/920

## 第三部分—后巴厘工作

1.9. 我们重申致力于使 WTO 成为最重要的全球贸易场所，包括开展谈判、实施贸易规则、解决争端以及通过使发展中国家融入全球贸易体制以促进发展。在此方面，我们重申致力于多哈发展议程以及 WTO 的日常工作。

1.10. 我们注意到在开展多哈工作计划方面已经取得的进展，包括我们在本届部长级会议上就巴厘一揽子协议所做决定。这些决定是完成多哈回合的重要基石。我们重申致力于多哈宣言、我们随后做出的决定和宣言以及《马拉喀什建立世界贸易组织协定》中所列发展目标。

1.11. To further demonstrate this commitment, we instruct the Trade Negotiations Committee to prepare within the next 12 months a clearly defined work program on the remaining Doha Development Agenda issues. This will build on the decisions taken at this Ministerial Conference, particularly on agriculture, development and LDC issues, as well as all other issues under the Doha mandate that are central to concluding the Round. Issues in the Bali Package where legally binding outcomes could not be achieved will be prioritised. Work on issues in the package that have not been fully addressed at this Conference will resume in the relevant Committees or Negotiating Groups of the WTO.

1.12. The work program will be developed in a way that is consistent with the guidance we provided at the Eighth Ministerial Conference, including the need to look at ways that may allow Members to overcome the most critical and fundamental stumbling blocks.

1.13. As we prepare the work program, we will remain available for further contacts amongst ourselves and with the Director-General on these matters as we move forward in 2014.

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1.11. 为显示上述承诺，我们指示贸易谈判委员会在今后 12 个月内，制定一份关于多哈发展议程遗留问题的明确工作计划。这一工作计划将以在本届部长级会议上所做决定为基础，特别是关于农业、发展和最不发达国家问题的决定，以及多哈授权中对结束本轮谈判至关重要的所有其他问题。对于巴厘一揽子协议中不能达成具有法律约束力结果的问题应给予优先处理。对于在本届部长级会议上一揽子协议中未予充分处理的问题将在相关委员会或谈判组中予以重新处理。

1.12. 工作计划将与我们在第 8 届部长级会议所提供的指导相一致的方式制定，包括寻求可使各成员克服最关键和最根本困难问题途径的需要。

1.13. 在制定工作计划时，我们将在 2014 年向前推进过程中就上述事项在相互间并与总干事保持进一步接触。

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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **TRIPS NON-VIOLATION AND SITUATION COMPLAINTS**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference *decides* as follows:

We take note of the work done by the Council for Trade-Related Aspects of Intellectual Property Rights pursuant to our Decision of 17 December 2011 on "TRIPS Non-Violation and Situation Complaints" (WT/L/842), and direct it to continue its examination of the scope and modalities for complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994 and make recommendations to our next Session, which we have decided to hold in 2015. It is agreed that, in the meantime, Members will not initiate such complaints under the TRIPS Agreement.



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**第 9 届部长级会议**

**2013 年 12 月 3 日至 6 日，巴厘岛**

**TRIPS 非违反和情势之诉**

2013 年 12 月 7 日部长决定

部长级会议决定如下：

我们注意到与贸易有关的知识产权理事会根据我们在 2011 年 12 月 17 日做出的《关于 TRIPS 非违反和情势之诉的决定》(WT/L/842)所开展的工作，并指示该理事会继续审查 GATT 1994 第 23 条第 1 款(b)项和(c)项所规定类型的起诉的范围和模式，并向我们决定于 2015 年召开的下届部长级会议提出建议。各方同意，各成员在此期间不根据《与贸易有关的知识产权协定》提出此类起诉。



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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **WORK PROGRAMME ON ELECTRONIC COMMERCE**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

Recalling the "Work Programme on Electronic Commerce" adopted on 25 September 1998 (WT/L/274), and pursuant to the mandate assigned by Members in the Eighth Session of the Ministerial Conference (WT/L/843) to continue the reinvigoration of that work with a view to the adoption of decisions on that subject at its session in 2013,

#### *Decides:*

To continue with the positive work under the Work Programme on Electronic Commerce since our last session, based on its existing mandate and guidelines and on the basis of proposals submitted by Members in the respective WTO bodies. In that regard, we instruct the General Council and its relevant bodies to continue substantially invigorating this work, especially under the initiatives taken in relation to commercial issues, development and evolving technology addressed in the discussions and the two complementary workshops held under the auspices of the CTD and CTS on electronic commerce. Any relevant body of the Work Programme may explore appropriate mechanisms to address the relationship between electronic commerce and development in a focused and comprehensive manner,

To reiterate the importance of adhering to WTO's basic principles in the on-going discussion on e-commerce including non-discrimination, predictability and transparency. In that regard, the Work Programme should continue to examine the trade related aspects of, *inter alia*, enhancing internet connectivity and access to information and telecommunications technologies and public internet sites, the growth of mobile telephony, electronically delivered software, cloud computing, the protection of confidential data, privacy and consumer protection,

To further reiterate that the Work Programme shall take forward the issues emerging in the discussions and the evolving application of e-commerce to enhance economic/development opportunities, with special consideration of the situation in developing countries, particularly in least-developed country Members and least connected countries. It shall continue to examine opportunities and challenges for access to electronic commerce by micro, small and medium sized enterprises, including small producers and suppliers,

To instruct the General Council to hold periodic reviews in its sessions of July and December 2014 and July 2015, based on the reports submitted by the WTO bodies entrusted with the implementation of the Work Programme, to assess its progress and consider any recommendations on possible measures related to electronic commerce in the next session of the Ministerial Conference,

That Members will maintain the current practice of not imposing customs duties on electronic transmissions until our next session, which we have decided to hold in 2015.



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 关于电子商务的工作计划

2013 年 12 月 7 日部长决定

部长级会议，

忆及 1998 年 9 月 25 日通过的《电子商务工作计划》(WT/L/274)，并根据各成员在第 8 届部长级会议上关于继续重振此项工作以期在 2013 年部长级会议上通过关于该议题的决定的授权(WT/L/843)，

决定：

根据现有授权和指南，并以各成员在相关 WTO 机构中提交的建议为基础，继续开展自上届部长级会议以来根据《电子商务工作计划》所开展的积极工作。在此方面，我们指示总理事会及其相关机构继续实质性重振此项工作，特别是根据与商务问题、发展和不断发展的技术方面有关的倡议，上述问题已在贸易与发展委员会和服务贸易理事会的讨论中及两机构主持的关于电子商务的两次补充性讲习班中得以处理。工作计划的任何相关机构可以探索适当的机制，以集中和全面的方式处理电子商务与发展的关系；

重申在正在进行的讨论中坚持包括非歧视、可预见性和透明度在内的 WTO 基本原则的重要性。在此方面，工作计划应继续审查与贸易有关的方面，特别包括：增强互联网连接、获得信息和通讯技术、公共互联网地址、移动电话增长、电子方式交付的软件、云计算、机密信息保护、隐私及消费者保护；

进一步强调工作计划应推进讨论中及电子商务的不断应用中出现的问题，以增强经济/发展机会，并特别考虑发展中国家的情况，特别是最不发达国家成员和最少连接国家。工作计划应继续审查包括小生产者和供应商在内的中小微企业在利用电子商务方面的机遇和挑战；

指示总理事会根据负责实施工作计划的 WTO 机构所提交的报告，在 2014 年 7 月和 12 月以及 2015 年 7 月举行定期审议，评估工作计划的进展，并考虑在下届部长级会议中就与电子商务相关的可能措施提出任何建议；

各成员将维持不对电子交易征收关税的现行做法，直至我们决定在 2015 年召开的下届部长级会议。



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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **WORK PROGRAMME ON SMALL ECONOMIES**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference *decides* as follows:

We reaffirm our commitment to the Work Programme on Small Economies and take note of all the work conducted to date. In particular we note that document WT/COMTD/SE/W/22/Rev.6 and its previous revisions reflect the work of the Committee on Trade and Development (CTD) up to the Eighth Ministerial. We take note of the work carried out since 2011 including that on the effects of non-tariff measures on Small Economies and instruct the CTD to continue its work in Dedicated Sessions under the overall responsibility of the General Council.

Furthermore, we instruct the Dedicated Session to consider in further detail the proposals contained in the various submissions that have been received to date, to examine any additional proposals that Members might wish to submit and, where possible, and within its mandate, to make recommendations to the General Council on any of these proposals.

We instruct the General Council to direct relevant subsidiary bodies to frame responses to the trade-related issues identified by the CTD with a view to making recommendations for action. We instruct the WTO Secretariat to provide relevant information and factual analysis for discussion among Members in the CTD's Dedicated Session, *inter alia*, in the areas identified in item (k) of paragraph 2 of the Work Programme on Small Economies and, in particular, the challenges and opportunities experienced by small economies when linking into global value chains in trade in goods and services.





## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 关于小经济体的工作计划

2013 年 12 月 7 日部长决定

部长级会议决定如下：

我们重申致力于《关于小经济体的工作计划》，并注意到迄今开展的所有工作。我们特别注意到 WT/COMTD/SE/W/22/Rev.6 号文件及其此往版本所反映的贸易与发展委员会截止第 8 届部长级会议所开展的工作。我们注意到自 2011 年以来开展的工作，包括关于非关税措施对小经济体影响的工作，并指示贸易与发展理事会根据总理事会的总体职责，继续其在专门会议中的工作。

此外，我们指示专门会议进一步详细考虑迄今收到的以往提案中所含建议，以审查成员可能希望提交的任何其他建议，并在可能的情况下，在其授权内，就任何此类提案向总理事会提出建议。

我们指示总理事会要求相关附属机构对贸易与发展委员会确定的与贸易有关的问题做出回应，以期提出采取行动的建議。我们指示 WTO 秘书处提供相关信息和事实分析，供各成员在贸易与发展委员会专门会议中进行讨论，特别是《关于小经济体的工作计划》第 2 段(k)项所确定的领域，特别包括小经济体在融入货物和服务贸易全球价值链时所面临的挑战和机遇。



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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

**AID FOR TRADE**

**MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference *decides* as follows:

We welcome progress on Aid for Trade and take note of the deliberations and outcomes of the 4th Global Review of Aid for Trade held on 8-10 July 2013. We recognize the continuing need of Aid for Trade for developing countries, and in particular of LDCs.

We reaffirm our commitment to Aid for Trade and reiterate the mandate given to the Director-General to pursue actions in support of Aid for Trade. The new Aid-for-Trade Work Programme should be framed by the post-2015 development agenda.

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**第 9 届部长级会议**

**2013 年 12 月 3 日至 6 日，巴厘岛**

**促贸援助**

2013 年 12 月 7 日部长决定

部长级会议决定如下：

我们欢迎关于“促贸援助”的进展，并注意到 2013 年 7 月 8 日至 10 日举行的第四次“促贸援助”全球审议的讨论情况和结果。我们认识到发展中国家、特别是最不发达国家对“促贸援助”的持续需求。

我们重申致力于“促贸援助”，并重申给予总干事的关于采取行动以支持“促贸援助”的授权。新的“促贸援助”工作计划应由后 2015 年发展议程制定。



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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **TRADE AND TRANSFER OF TECHNOLOGY**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference *decides* as follows:

Pursuant to the mandate contained in paragraph 37 of the Doha Ministerial Declaration, and subsequent affirmation, in paragraph 43, by Ministers in the Hong Kong Declaration, Members have examined the relationship between trade and transfer of technology and have also considered possible recommendations on steps that might be made within the mandate of the WTO to increase flows of technology to developing countries.

The ongoing work, on the basis of submissions by Members and contributions by various intergovernmental organizations has covered a number of issues and has helped to enhance Members' understanding of the complex issues that encompass the nexus between trade and transfer of technology.

Although progress has been made, more work remains to be done. In view of this, we direct that the Working Group should continue its work in order to fully achieve the mandate of the Doha Ministerial Declaration.

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## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 贸易与技术转让

2013 年 12 月 7 日部长决定

部长级会议决定如下：

根据《多哈部长宣言》第 37 段所含授权，以及部长们在《香港宣言》第 43 段重申的授权，各成员已经审查贸易与技术转让的关系，且已经考虑在 WTO 授权范围内为增加对发展中国家的技术转让所可能采取步骤的建议。

现行工作系在各成员提案和各政府间组织贡献的基础上开展的，已经涵盖许多议题，且有助于各成员增强对贸易与技术转让关系这一复杂问题的理解。

尽管已经取得进展，但仍有更多工作需要完成。鉴此，我们指示工作小组继续开展工作以完全实现《多哈部长宣言》的授权。



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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **AGREEMENT ON TRADE FACILITATION**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement");

*Decides* as follows:

1. We hereby conclude the negotiation of an Agreement on Trade Facilitation (the "Agreement"), which is annexed hereto, subject to legal review for rectifications of a purely formal character that do not affect the substance of the Agreement.
2. We hereby establish a Preparatory Committee on Trade Facilitation (the "Preparatory Committee") under the General Council, open to all Members, to perform such functions as may be necessary to ensure the expeditious entry into force of the Agreement and to prepare for the efficient operation of the Agreement upon its entry into force. In particular, the Preparatory Committee shall conduct the legal review of the Agreement referred to in paragraph 1 above, receive notifications of Category A commitments, and draw up a Protocol of Amendment (the "Protocol") to insert the Agreement into Annex 1A of the WTO Agreement.
3. The General Council shall meet no later than 31 July 2014 to annex to the Agreement notifications of Category A commitments, to adopt the Protocol drawn up by the Preparatory Committee, and to open the Protocol for acceptance until 31 July 2015. The Protocol shall enter into force in accordance with Article X:3 of the WTO Agreement.



**第 9 届部长级会议**

**2013 年 12 月 3 日至 6 日，巴厘岛**

**贸易便利化协定**

2013 年 12 月 7 日部长决定

部长级会议，

考虑到《马拉喀什建立世界贸易组织协定》（“《WTO 协定》”）第 9 条第 1 款；

决定如下：

1. 我们特此结束关于《贸易便利化协定》（“本协定”）的谈判，本协定附在本决定之后，需经法律审议予以校正，该校正纯属形式性质，并不影响本协定的实质内容。
2. 我们特此在总理事会下设立贸易便利化筹备委员会（“筹备委员会”），对所有成员开放，履行为保证本协定快速生效及为准备本协定生效后有效运用所必需的职能。特别地，筹备委员会应开展上述第 1 款所指的对本协定的法律审议、接收 C 类条款通知并起草将本协定纳入《WTO 协定》附件 1A 的修正议定书。
3. 总理事会应不迟于 2014 年 7 月 31 日召开会议将 A 类条款列入本协定附件、通过筹备委员会起草的议定书并开放议定书供在 2015 年 7 月 31 日前接受。议定书将依照《WTO 协定》第 10 条第 3 款生效。

**ANNEX****AGREEMENT ON TRADE FACILITATION****Preamble**

*Members,*

*Having regard to* the Doha Round of Multilateral Trade Negotiations;

*Recalling and reaffirming* the mandate and principles contained in paragraph 27 of the Doha Ministerial Declaration and Annex D of the Decision of the Doha Work Programme adopted by the General Council on 1 August 2004, as well as paragraph 33 and Annex E of the Hong Kong Ministerial Declaration;

*Desiring to* clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 with a view to further expediting the movement, release and clearance of goods, including goods in transit;

*Recognizing* the particular needs of developing and especially least-developed country Members and desiring to enhance assistance and support for capacity building in this area;

*Recognizing* the need for effective cooperation among Members on trade facilitation and customs compliance issues:

Hereby *agree* as follows:

**SECTION I****ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION****1 Publication**

1.1. Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders and other interested parties to become acquainted with them:

- a. Importation, exportation and transit procedures (including port, airport, and other entry-point procedures) and required forms and documents;
- b. Applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
- c. Fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
- d. Rules for the classification or valuation of products for customs purposes;
- e. Laws, regulations and administrative rulings of general application relating to rules of origin;
- f. Import, export or transit restrictions or prohibitions;
- g. Penalty provisions against breaches of import, export or transit formalities;
- h. Appeal procedures;
- i. Agreements or parts thereof with any country or countries relating to importation, exportation or transit;
- j. Procedures relating to the administration of tariff quotas.

1.2. Nothing in these provisions shall be construed as requiring the publication or provision of information other than in the language of the Member except as stated in paragraph 2.2.



## 附件

### 贸易便利化协定

#### 序言

各成员，

考虑到多哈回合多边贸易谈判；

忆及并重申《多哈部长宣言》第 27 段、总理事会于 2004 年 8 月 1 日通过的《关于多哈工作计划的决定》附件 D 以及《香港部长宣言》第 33 段和附件 E 所含授权和原则；

期望澄清和改善 GATT 1994 第 5、8 和 10 条相关方面，以期进一步加快货物、包括过境货物的流动、放行和结关；

认识到发展中、特别是最不发达成员的特殊需要及期望增强在此领域能力建设方面的援助和支持；

认识到成员间需要在贸易便利和海关守法问题上的有效合作；

特此协议如下：

#### 第一部分

#### 第 1 条：信息的公布与获得

##### 1 公布

1.1. 每一成员应以非歧视和易获取的方式迅速公布下列信息，以便政府、贸易商和其他利益关系方能够知晓：

- a. 进口、出口和过境程序(包括港口、机场和其他入境点的程序)及需要的表格和单证；
- b. 对进口或出口征收的或与进口或出口相关的任何种类的关税和国内税实施税率；
- c. 政府部门或代表政府部门对进口、出口或过境征收的或与之相关的规费和费用；
- d. 用于海关目的的产品归类或估价规定；
- e. 与原产地规则相关的普遍适用的法律、法规及行政裁决；
- f. 进口、出口或过境的限制或禁止；
- g. 针对违反进口、出口或过境手续行为的惩罚规定；
- h. 申诉程序；
- i. 与任何一国或多国缔结的与进口、出口或过境有关的协定或协定部分内容；
- j. 与关税配额管理有关的程序。

1.2. 上述条款均不得解释为要求成员以本国语文之外的语文公布或提供信息，但第 2.2 款规定除外。

## 2 Information Available Through Internet

2.1. Each Member shall make available, and update to the extent possible and as appropriate, the following through the internet:

- a. A description<sup>1</sup> of its importation, exportation and transit procedures, including appeal procedures, that informs governments, traders and other interested parties of the practical steps needed to import and export, and for transit;
- b. The forms and documents required for importation into, exportation from, or transit through the territory of that Member;
- c. Contact information on enquiry points.

2.2. Whenever practicable, the description referred to in subparagraph 2.1 a. shall also be made available in one of the official languages of the WTO.

2.3. Members are encouraged to make available further trade related information through the internet, including relevant trade-related legislation and other items referred to in paragraph 1.1.

## 3 Enquiry Points

3.1. Each Member shall, within its available resources, establish or maintain one or more enquiry points to answer reasonable enquiries of governments, traders and other interested parties on matters covered by paragraph 1.1 as well as to provide the required forms and documents referred to in subparagraph 1.1 a.

3.2. Members of a customs union or involved in regional integration may establish or maintain common enquiry points at the regional level to satisfy the requirement of paragraph 3.1 for common procedures.

3.3. Members are encouraged not to require the payment of a fee for answering enquiries and providing required forms and documents. If any, Members shall limit the amount of its fees and charges to the approximate cost of services rendered.

3.4. The enquiry points shall answer enquiries and provide the forms and documents within a reasonable time period set by each Member, which may vary depending on the nature or complexity of the request.

## 4 Notification

4.1. Each Member shall notify the Committee of:

- a. The official place(s) where the items in subparagraphs 1.1 a. to j. have been published; and
- b. The URLs of website(s) referred to in paragraph 2.1, as well as the contact information of the enquiry points referred to in paragraph 3.1.

## ARTICLE 2: OPPORTUNITY TO COMMENT, INFORMATION BEFORE ENTRY INTO FORCE AND CONSULTATION

### 1 Opportunity to Comment and Information before Entry into Force

1.1. Each Member shall, to the extent practicable and in a manner consistent with its domestic law and legal system, provide opportunities and an appropriate time period to traders and other interested parties to comment on the proposed introduction or amendment of laws and regulations of general application related to the movement, release and clearance of goods, including goods in transit.

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<sup>1</sup> Each Member has the discretion to state on its website the legal limitations of this description.

## 2 通过互联网提供的信息

2.1. 每一成员应在可行的限度内并酌情通过互联网提供和更新下列信息：

- a. 关于其进口、出口和过境的说明<sup>1</sup>，包括申诉程序，从而使政府、贸易商和其他利益关系方获悉进口、出口和过境所需的实际步骤；
- b. 对该成员进口、自该成员出口和经该成员过境所需的表格和单证；
- c. 咨询点的联络信息。

2.2. 在可行的情况下，第 2.1 a.项所指的说明还应以 WTO 正式语文之一提供。

2.3. 鼓励各成员通过互联网提供更多与贸易有关的信息，包括与贸易有关的立法以及第 1.1 款所指的其他项目。

## 3 咨询点

3.1. 每一成员应在其可获资源内，建立或设立一个或多个咨询点，以回答政府、贸易商和其他利益关系方就第 1.1 款所涵盖事项提出的合理咨询，并提供第 1.1a.项中所指需要的表格和单证。

3.2. 一关税同盟的成员或参与区域一体化的成员可在区域一级建立或设立共同咨询点，以满足第 3.1 款中关于共同程序的要求。

3.3. 鼓励各成员不对答复咨询和提供所需表格和单证收取费用。如收费，成员应将其规费和费用限制在所提供服务的近似成本以内。

3.4. 咨询点应在每一成员设定的合理时间范围内答复咨询和提供表格和单证，该时限可因请求的性质或复杂程度而不同。

## 4 通知

4.1. 每一成员应向委员会通知下列事项：

- a. 公布第 1.1 a.至 j.项中各项目的官方地点；及
- b. 第 2.1 款所指的网站链接地址，以及第 3.1 款所指的咨询点联络信息。

## 第 2 条：评论机会、生效前信息及磋商

### 1 评论机会和生效前信息

1.1. 每一成员应在可行的范围内并以与其国内法律和法律体系相一致的方式，向贸易商及其他利益关系方提供机会和适当时限，就与货物、包括过境货物的流动、放行和结关相关的拟议或修正的普遍适用的法律法规进行评论。

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<sup>1</sup> 每一成员可决定在其网站上发布关于这一说明的法律限制。

1.2. Each Member shall, to the extent practicable, and in a manner consistent with its domestic law and legal system, ensure that new or amended laws and regulations of general application related to the movement, release and clearance of goods, including goods in transit are published, or information on them made otherwise publicly available, as early as possible before their entry into force, in order to enable traders and other interested parties to become acquainted with them.

1.3. Changes to duty rates or tariff rates, as well as measures that have a relieving effect or whose effectiveness would be undermined by prior publication, measures applied in urgent circumstances, or minor changes to domestic law and legal system are excluded from paragraphs 1.1 and 1.2 above.

## 2 Consultations

Each Member shall, as appropriate, provide for regular consultations between border agencies and traders or other stakeholders within its territory.

## ARTICLE 3: ADVANCE RULINGS

1. Each Member shall issue an advance ruling in a reasonable, time bound manner to an applicant that has submitted a written request containing all necessary information. If a Member declines to issue an advance ruling it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.

2. A Member may decline to issue an advance ruling to an applicant where the question raised in the application:

- a. is already pending in the applicant's case before any governmental agency, appellate tribunal or court; or
- b. has already been decided by any appellate tribunal or court.

3. The advance ruling shall be valid for a reasonable period of time after its issuance unless the law, facts or circumstances supporting the original advance ruling have changed.

4. Where the Member revokes, modifies or invalidates the advance ruling, it shall provide written notice to the applicant setting out the relevant facts and the basis for its decision. Where a Member revokes, modifies or invalidates advance rulings with retroactive effect, it may only do so where the ruling was based on incomplete, incorrect, false or misleading information.

5. An advance ruling issued by a Member shall be binding on that Member in respect of the applicant that sought it. The Member may provide that the advance ruling be binding on the applicant.

6. Each Member shall publish, at a minimum:

- a. the requirements for the application for an advance ruling, including the information to be provided and the format;
- b. the time period by which it will issue an advance ruling; and
- c. the length of time for which the advance ruling is valid.

7. Each Member shall provide, upon written request of an applicant, a review of the advance ruling or the decision to revoke, modify or invalidate the advance ruling.<sup>2</sup>

8. Each Member shall endeavour to make publicly available any information on advance rulings which it considers to be of significant interest to other interested parties, taking into account the need to protect commercially confidential information.

<sup>2</sup> Under this paragraph: a) a review may, before or after the ruling has been acted upon, be provided by the official, office or authority that issued the ruling, a higher or independent administrative authority, or a judicial authority; and b) a Member is not required to provide the applicant with recourse to Article 4.1.1 of this Agreement.

1.2. 每一成员应在可行的范围内并以与其国内法律和法律体系相一致的方式，保证与货物、包括过境货物的流动、放行和结关相关的新立或修正的普遍适用的法律法规在生效前尽早公布或使相关信息可公开获得，以便贸易商和其他利益关系方能够知晓。

1.3. 关税税率的变更以及具有免除效力的措施的变更或提前公布会影响效力的措施、在紧急情况下适用的措施、或国内法律和法律体系的微小变更，不在上述第 1.1 和 1.2 款适用范围内。

## 2 磋商

每一成员应酌情规定边境机构与贸易商或其领土内的其他利害关系方之间进行定期磋商。

## 第 3 条：预裁定

1. 每一成员应以合理和有时限的方式向已提交包括所有必要信息的书面请求的申请人作出预裁定。如一成员拒绝作出预裁定，则应立即书面通知申请人，列出相关事实和作决定的依据。

2. 如申请中所提供问题出现下列情形，则一成员可拒绝对一申请人作出预裁定：

- a. 所提问题已包含在申请人提请任何政府部门、上诉法庭或法院审理的案件中；或
- b. 所提问题已由任何上诉法庭或法庭作出裁决。

3. 预裁定在作出后应在一合理时间内有效，除非证明原预裁定的法律、事实或情形已变化。

4. 如一成员撤销、修改或废止该预裁定，应书面通知申请人，列出相关事实和作出决定的依据。如一成员撤销、修改或废止一具有追溯效力的预裁定，该成员仅可在预裁定依据不完整、不正确、错误或误导性信息作出的情况下方可采取上述行动。

5. 一成员所做预裁定对于寻求作出该项裁定的申请人而言对该成员具有约束力。该成员可规定预裁定对申请人具有约束力。

6. 每一成员应至少公布：

- a. 申请预裁定的要求，包括应提供的信息和格式；
- b. 作出预先裁定的时限；以及
- c. 预裁定的有效期。

7. 每一成员应申请人书面请求，应提供对预裁定或对撤销、修改或废止预裁定的复审<sup>2</sup>。

8. 每一成员应努力使其认为对其他利益关系方具有实质利益的预裁定的任何信息予以公开，同时考虑保护商业秘密信息的需要。

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<sup>2</sup> 此款项下：a)在裁定执行前后，复审可由作出裁定的官员、机构或主管机关、上级或独立行政机关或司法机关进行；及 b)一成员无需向申请人提供使用本协定第 4.1.1 项的权利。

## 9. Definitions and scope:

- a. An advance ruling is a written decision provided by a Member to an applicant prior to the importation of a good covered by the application that sets forth the treatment that the Member shall provide to the good at the time of importation with regard to:
  - i. the good's tariff classification, and
  - ii. the origin of the good;<sup>3</sup>
- b. In addition to the advance rulings defined in subparagraph 3.9 a., Members are encouraged to provide advance rulings on:
  - i. the appropriate method or criteria, and the application thereof, to be used for determining the customs value under a particular set of facts;
  - ii. the applicability of the Member's requirements for relief or exemption from customs duties;
  - iii. the application of the Member's requirements for quotas, including tariff quotas; and
  - iv. any additional matters for which a Member considers it appropriate to issue an advance ruling.
- c. An applicant is an exporter, importer or any person with a justifiable cause or a representative thereof.
- d. A Member may require that an applicant have legal representation or registration in its territory. To the extent possible, such requirements shall not restrict the categories of persons eligible to apply for advance rulings, with particular consideration for the specific needs of small and medium sized enterprises. These requirements shall be clear and transparent and not constitute a means of arbitrary or unjustifiable discrimination.

## ARTICLE 4: APPEAL OR REVIEW PROCEDURES

### 1 Right to Appeal or Review

1.1. Each Member shall provide that any person to whom customs issues an administrative decision<sup>4</sup> has the right, within its territory to:

- a. administrative appeal to or review by an administrative authority higher than or independent of the official or office that issued the decision;  
and/or
- b. judicial appeal or review of the decision.

1.2. The legislation of each Member may require administrative appeal or review to be initiated prior to judicial appeal or review.

1.3. Members shall ensure that their appeal or review procedures are carried out in a non-discriminatory manner.

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<sup>3</sup> It is understood that an advance ruling on the origin of a good may be an assessment of origin for the purposes of the Agreement on Rules of Origin where the ruling meets the requirements of this Agreement and the Agreement on the Rules of Origin. Likewise, an assessment of origin under the Agreement on Rules of Origin may be an advance ruling on the origin of a good for the purposes of this Agreement where the ruling meets the requirements of both agreements. Members are not required to establish separate arrangements under this provision in addition to those established pursuant to the Rules of Origin Agreement in relation to the assessment of origin provided that the requirements of this Article are fulfilled.

<sup>4</sup> An administrative decision in this Article means a decision with a legal effect that affects rights and obligations of a specific person in an individual case. It shall be understood that an administrative decision in this Article covers an administrative action within the meaning of Article X of the GATT 1994 or failure to take an administrative action or decision as provided for in a Member's domestic law and legal system. For addressing such failure, Members may maintain an alternative administrative mechanism or judicial recourse to direct the customs authority to promptly issue an administrative decision in place of the right to appeal or review under subparagraph 1.1 a.

## 9. 定义和范围：

- a. 预裁定指一成员在申请所涵盖的货物进口之前向申请人提供的书面决定，其中规定该成员在货物进口时有关下列事项的待遇：
  - i. 货物的税则归类，及
  - ii. 货物的原产地；<sup>3</sup>
- b. 除第 3.9a.项中所定义的预裁定外，鼓励各成员提供关于下列事项的预裁定：
  - i. 根据一组特定事实用于确定完税价格的适当方法或标准及其适用情况；
  - ii. 成员对申请海关关税减免要求的适用性；
  - iii. 成员关于配额要求的适用情况，包括关税配额；以及
  - iv. 成员认为适合作出预裁定的任何其他事项。
- c. 申请人指出口商、进口商或任何具有合理理由的人员或其代表。
- d. 一成员可要求申请人在其领土内拥有法人代表或进行注册。在可行的限度内，此类要求不得限制有权申请预裁定的人员类别，特殊考虑中小企业具体需要。这些要求应明确、透明且不构成任意的或不合理的歧视。

## 第 4 条：上诉或审查程序

### 1 上诉权或审查权

- 1.1. 每一成员应规定海关所做行政决定<sup>4</sup>针对的任何人在该成员领土内有权：
  - a. 提出由级别高于或独立于作出行政决定的官员或机构的行政机构进行行政申诉或复议；  
及/或
  - b. 提出司法上诉或审查。
- 1.2. 每一成员的立法可要求在司法上诉或审查前进行行政申诉或复议。
- 1.3. 各成员应保证其上诉和审查程序以非歧视的方式进行。

<sup>3</sup> 各方理解，如满足本协定和《原产地规则协定》的要求，关于货物原产地的预裁定可成为《原产地规则协定》意义内的对原产地的判定。同样，如预裁定满足两协定的要求，根据《原产地规则协定》所做原产地的判定可作为本协定意义内的对原产地的预裁定。在满足本条要求的情况下，不要求各成员针对原产地判定根据本条规定在已根据《原产地规则协定》所做安排之外另行作出安排。

<sup>4</sup> 本条中的行政决定指影响一案件中特定人员权利和义务的具有法律效力的决定。各方理解，本条中的行政决定应涵盖 GATT 1994 第 10 条范围内的行政行为或一成员国内法律和法律制度中所规定的行政行为或决定未予履行的情形。为处理此类未予履行的情形，成员可设立替代行政机制或司法权，指示海关迅速作出行政决定以代替第 1.1a 项下的上诉权或审查权。

1.4. Each Member shall ensure that, in a case where the decision on appeal or review under subparagraph 1.1 a. is not given either i. within set periods as specified in its laws or regulations or ii. without undue delay, the petitioner has the right to either further appeal to or further review by the administrative authority or the judicial authority or any other recourse to the judicial authority.<sup>5</sup>

1.5. Each Member shall ensure that the person referred to in paragraph 1.1 is provided with the reasons for the administrative decision so as to enable such a person to have recourse to appeal or review procedures where necessary.

1.6. Each Member is encouraged to make the provisions of this Article applicable to an administrative decision issued by a relevant border agency other than customs.

## **ARTICLE 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY**

### **1 Notifications for enhanced controls or inspections**

Where a Member adopts or maintains a system of issuing notifications or guidance to its concerned authorities for enhancing the level of controls or inspections at the border in respect of foods, beverages or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply to the manner of their issuance, termination or suspension:

- a. each Member may, as appropriate, issue the notification or guidance based on risk.
- b. each Member may issue the notification or guidance so that it applies uniformly only to those points of entry where the sanitary and phytosanitary conditions on which the notification or guidance are based apply.
- c. each Member shall promptly terminate or suspend the notification or guidance when circumstances giving rise to it no longer exist, or if changed circumstances can be addressed in a less trade restrictive manner.
- d. when a Member decides to terminate or suspend the notification or guidance, it shall, as appropriate, promptly publish the announcement of its termination or suspension in a non-discriminatory and easily accessible manner, or inform the exporting Member or the importer.

### **2 Detention**

A Member shall inform the carrier or importer promptly in case of detention of goods declared for importation, for inspection by Customs or any other competent authority.

### **3 Test Procedures**

3.1. A Member may, upon request, grant an opportunity for a second test in case the first test result of a sample taken upon arrival of goods declared for importation shows an adverse finding.

3.2. A Member shall either publish, in a non-discriminatory and easily accessible manner, the name and address of any laboratory where the test can be carried out or provide this information to the importer when it is granted the opportunity under paragraph 3.1.

3.3. A Member shall consider the result of the second test in the release and clearance of goods, and, if appropriate, may accept the results of such test.

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<sup>5</sup> Nothing in this paragraph shall prevent Members from recognizing administrative silence on appeal or review as a decision in favour of the petitioner in accordance with its laws and regulations.



1.4. 每一成员应保证，根据第 1.1.a 项作出的上诉或审查决定 i.未在其法律法规所规定的期限内作出或 ii.未不当拖延，申诉人有权向行政机关或司法机关提出进一步上诉或审查或向司法机关寻求其他救济。<sup>5</sup>

1.5. 每一成员应保证向第 1.1 款所指人员提供作出行政决定的理由，以便使其在必要时提出上诉或审查。

1.6. 应鼓励每一成员将本条规定应用于海关以外的相关边境机构所作出的行政决定。

## 第 5 条：增强公正性、非歧视性及透明度的其他措施

### 1 增强监管或检查的通知

如一成员采用或设立对其有关主管机关发布通知或指南的系统，为保护其领土内的人类、动物或植物的生命或健康，而增强对通知或指南所涵盖的食品、饮料或饲料的边境监管或检查水平，则通知或指南的发布、终止或中止的方式应适用以下纪律：

- a. 每一成员可酌情根据风险评估发布通知或指南。
- b. 每一成员可发布通知或指南，从而使其仅统一适用于据以作出通知或指南的卫生和植物卫生条件适用的入境地点。
- c. 如据以作出通知或指南的情形不复存在或变化后的情形可以贸易限制程序较低的方式处理，则每一成员应迅速终止或中止该通知或指南。
- d. 如一成员决定终止或中止通知或指南，则应酌情以非歧视和易获取的方式，迅速公布终止或中止声明，或通知出口成员或进口商。

### 2 扣留

如申报进口货物因需海关或任何其他主管机关检查而予以扣留，则成员应迅速通知承运商或进口商。

### 3 检验程序

3.1. 一成员应请求，在对取自申报进口货物的样品首次检验为不利结果的情况下，可给予第二次检验的机会。

3.2. 一成员应以非歧视和易获取的方式公布可进行检验的实验室的名称和地址，或在其根据第 3.1 款提供检验机会的情况下，向进口商提供这一信息。

3.3. 一成员在货物放行和结关时应考虑第二次检验的结果，并可酌情接受此次检验的结果。

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<sup>5</sup> 本款中任何内容不得妨碍成员依照其法律法规认为对上诉或审查保证行政沉默属赞同申请人的决定。

## **ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION**

### **1 General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation**

1.1. The provisions of paragraph 6.1 shall apply to all fees and charges other than import and export duties and other than taxes within the purview of Article III of GATT 1994 imposed by Members on or in connection with importation or exportation of goods.

1.2. Information on fees and charges shall be published in accordance with Article 1 of this Agreement. This information shall include the fees and charges that will be applied, the reason for such fees and charges, the responsible authority and when and how payment is to be made.

1.3. An adequate time period shall be accorded between the publication of new or amended fees and charges and their entry into force except in urgent circumstances. Such fees and charges shall not be applied until information on them has been published.

1.4. Each Member shall periodically review its fees and charges with a view to reducing their number and diversity, where practicable.

### **2 Specific disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation**

2.1. Fees and charges for customs processing:

- i. shall be limited in amount to the approximate cost of the services rendered on or in connection with the specific import or export operation in question; and
- ii. are not required to be linked to a specific import or export operation provided they are levied for services that are closely connected to the customs processing of goods.

### **3 Penalty Disciplines**

3.1. For the purpose of Article 6.3, the term "penalties" shall mean those imposed by a Member's customs administration for a breach of the Member's customs law, regulation, or procedural requirement.

3.2. Each Member shall ensure that penalties for a breach of a customs law, regulation, or procedural requirement are imposed only on the person(s) responsible for the breach under its laws.

3.3. The penalty imposed shall depend on the facts and circumstances of the case and shall be commensurate with the degree and severity of the breach.

3.4. Each Member shall ensure that it maintains measures to avoid:

- i. conflicts of interest in the assessment and collection of penalties and duties; and
- ii. creating an incentive for the assessment or collection of a penalty that is inconsistent with paragraph 3.3.

3.5. Each Member shall ensure that when a penalty is imposed for a breach of customs laws, regulations, or procedural requirements, an explanation in writing is provided to the person(s) upon whom the penalty is imposed specifying the nature of the breach and the applicable law, regulation or procedure under which the amount or range of penalty for the breach has been prescribed.

3.6. When a person voluntarily discloses to a Member's customs administration the circumstances of a breach of a customs law, regulation, or procedural requirement prior to the discovery of the breach by the customs administration, the Member is encouraged to, where appropriate, consider this fact as a potential mitigating factor when establishing a penalty for that person.

## 第 6 条: 关于对进出口征收或与进出口相关的规费和费用的纪律

### 1 对进出口征收或与进出口相关的规费和费用的一般纪律

1.1. 第 6.1 款的规定应适用于除进出口关税和 GATT 1994 第 3 条范围内的国内税外的、成员对进出口征收或与进出口相关的所有规费和费用。

1.2. 有关规费和费用的信息应依照本协定第 1 条予以公布。该信息应包括将适用的规费和费用、征收此类规费和费用的原因、主管机关以及支付时间和方式。

1.3. 在新增或修订的规费和费用的公布与生效之间应给予足够的时间, 紧急情况除外。此类规费和费用在有关信息公布前不得适用。

1.4. 每一成员应定期审查其规费和费用, 以期在可行的范围内减少数量和种类。

### 2 对进出口征收或与进出口相关的规费和费用的特定纪律

2.1. 与海关处理有关的规费和费用:

- i. 应限定在对所涉特定进口或出口操作提供服务或与之相关服务的近似成本以内; 且
- ii. 不得要求与特定进口或出口操作相关联, 但条件是规费和费用针对与海关处理货物直接相关的服务收取。

### 3 处罚纪律

3.1. 就第 6.3 款而言, “处罚”应指一成员的海关针对违反其海关法律、法规或程序性要求而作出的处罚。

3.2. 每一成员应保证对违反海关法律、法规或程序性要求行为的处罚仅针对其法律所规定的违法行为责任人实施。

3.3. 处罚应根据案件的事实和情节实施, 并应与违反程度和严重性相符。

3.4. 每一成员应保证采取措施以避免:

- i. 在处罚和关税的判定和收取方面出现利益冲突; 及
- ii. 形成与第 3.3 款不符合的、对判定或收取处罚的一种激励。

3.5. 每一成员应保证对违反海关法律、法规或程序性要求进行处罚时, 应向被处罚人提供书面说明, 列明违法性质和据以规定处罚金额或幅度所适用的法律、法规或程序。

3.6. 如一人在一成员海关发现其违反行为前自愿向海关披露其违反海关法律、法规或程序性要求的行为, 则鼓励该成员在确定对其的处罚时, 在适当时, 考虑将此事作为一种可能的减轻因素。

3.7. The provisions of this paragraph shall apply to the penalties on traffic in transit referred to in paragraph 3.1.

## **ARTICLE 7: RELEASE AND CLEARANCE OF GOODS**

### **1 Pre-arrival Processing**

1.1. Each Member shall adopt or maintain procedures allowing for the submission of import documentation and other required information, including manifests, in order to begin processing prior to the arrival of goods with a view to expediting the release of goods upon arrival.

1.2. Members shall, as appropriate, provide for advance lodging of documents in electronic format for pre-arrival processing of such documents.

### **2 Electronic Payment**

Each Member shall, to the extent practicable, adopt or maintain procedures allowing the option of electronic payment for duties, taxes, fees and charges collected by customs incurred upon importation and exportation.

### **3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges**

3.1. Each Member shall adopt or maintain procedures allowing the release of goods prior to the final determination of customs duties, taxes, fees and charges, if such a determination is not done prior to, or upon arrival, or as rapidly as possible after arrival and provided that all other regulatory requirements have been met.

3.2. As a condition for such release, a Member may require:

- a. payment of customs duties, taxes, fees and charges determined prior to or upon arrival of goods and a guarantee for any amount not yet determined in the form of a surety, a deposit or another appropriate instrument provided for in its laws and regulations; or
- b. a guarantee in the form of a surety, a deposit or other appropriate instrument provided for in its laws and regulations.

3.3. Such guarantee shall not be greater than the amount the Member requires to ensure payment of customs duties, taxes, fees and charges ultimately due for the goods covered by the guarantee.

3.4. In cases where an offence requiring imposition of monetary penalties or fines has been detected, a guarantee may be required for the penalties and fines that may be imposed.

3.5. The guarantee as set out in paragraphs 3.2 and 3.4 shall be discharged when it is no longer required.

3.6. Nothing in these provisions shall affect the right of a Member to examine, detain, seize or confiscate or deal with the goods in any manner not otherwise inconsistent with the Member's WTO rights and obligations.

### **4 Risk Management**

4.1. Each Member shall, to the extent possible, adopt or maintain a risk management system for customs control.

4.2. Each Member shall design and apply risk management in a manner as to avoid arbitrary or unjustifiable discrimination, or disguised restrictions to international trade.

4.3. Each Member shall concentrate customs control and, to the extent possible other relevant border controls, on high risk consignments and expedite the release of low risk consignments.

3.7. 本款规定应适用于对第 3.1 款所指的对过境运输的处罚。

## 第 7 条：货物放行与结关

### 1 抵达前处理

1.1. 每一成员都应采用或设立程序，允许提交包括舱单在内的进口单证和其他必要信息，以便在货物抵达前开始处理，以期在货物抵达后加快放行。

1.2. 各成员应酌情规定以电子格式提交单证，以便在货物抵达前处理此类单证。

### 2 电子支付

每一成员应在可行的限度内，采用或设立程序，允许选择以电子方式支付海关对进口和出口收取的关税、国内税、规费和费用。

### 3 将货物放行与关税、国内税、规费和费用的最终确定相分离

3.1. 每一成员应采用或设立程序，允许在关税、国内税、规费和费用的最终确定前放行货物，如此种确定不在货物抵达前或抵达时作出，或不能在货物抵达后尽快作出，条件是所有其他管理要求均已满足。

3.2. 作为此种放行的条件，一成员可要求：

a. 支付在货物抵达前或抵达时确定的关税、国内税、规费及费用，对尚未确定的任何数额以保证金、押金等形式或其法律法规规定的另一适当形式提供担保。或

b. 以保证金、押金等形式或其法律法规规定的其他形式提供担保。

3.3. 此类担保不得高于该成员所要求的担保所涵盖货物最终应支付的关税、国内税、规费和费用的金额。

3.4. 如已发现应予以货币处罚或罚金的违法行为，则可要求对可能实施处罚和罚金提供担保。

3.5. 第 3.2 和 3.4 款所列担保应不再需要时予以退还。

3.6. 本条规定不得影响一成员对货物进行审查、扣留、扣押或没收或以任何与其 WTO 权利和义务不相冲突的方式处理货物的权利。

### 4 风险管理

4.1. 每一成员应尽可能采用或设立为海关监管目的风险管理制度。

4.2. 每一成员应设计和运用风险管理时应以避免任意或不合理的歧视或形成对国际贸易变相限制的方式进行。

4.3. 每一成员应将海关监管及在可能的限度内将其他相关边境监管集中在高风险货物上，对低风险货物加快放行。作为其风险管理的一部分，每一成员还可随

Each Member may also select, on a random basis, consignments for such controls as part of its risk management.

4.4. Each Member shall base risk management on assessment of risk through appropriate selectivity criteria. Such selectivity criteria may include, *inter alia*, HS code, nature and description of the goods, country of origin, country from which the goods were shipped, value of the goods, compliance record of traders, and type of means of transport.

## **5 Post-clearance Audit**

5.1. With a view to expediting the release of goods, each Member shall adopt or maintain post-clearance audit to ensure compliance with customs and other related laws and regulations.

5.2. Each Member shall select a person or a consignment for post-clearance audit in a risk-based manner, which may include appropriate selectivity criteria. Each Member shall conduct post-clearance audits in a transparent manner. Where the person is involved in the audit process and conclusive results have been achieved the Member shall, without delay, notify the person whose record is audited of the results, the person's rights and obligations and the reasons for the results.

5.3. Members acknowledge that the information obtained in post-clearance audit may be used in further administrative or judicial proceedings.

5.4. Members shall, wherever practicable, use the result of post-clearance audit in applying risk management.

## **6 Establishment and Publication of Average Release Times**

6.1. Members are encouraged to measure and publish their average release time of goods periodically and in a consistent manner, using tools such as, *inter alia*, the WCO Time Release Study.<sup>6</sup>

6.2. Members are encouraged to share with the Committee their experiences in measuring average release times, including methodologies used, bottlenecks identified, and any resulting effects on efficiency.

## **7 Trade Facilitation Measures for Authorized Operators**

7.1. Each Member shall provide additional trade facilitation measures related to import, export or transit formalities and procedures, pursuant to paragraph 7.3, to operators who meet specified criteria, hereinafter called authorized operators. Alternatively, a Member may offer such facilitation measures through customs procedures generally available to all operators and not be required to establish a separate scheme.

7.2. The specified criteria shall be related to compliance, or the risk of non-compliance, with requirements specified in a Member's laws, regulations or procedures. The specified criteria, which shall be published, may include:

- a. an appropriate record of compliance with customs and other related laws and regulations;
- b. a system of managing records to allow for necessary internal controls;
- c. financial solvency, including, where appropriate, provision of a sufficient security/guarantee; and
- d. supply chain security.

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<sup>6</sup> Each Member may determine the scope and methodology of such average release time measurement in accordance with its needs and capacity.

机选择货物进行此类监管。

4.4. 每一成员可将通过选择性标准进行的风险评估作为风险管理的依据。此类选择性标准可特别包括 HS 编码、货物性质与描述、原产国、货物装运国、货值、贸易商守法记录以及运输工具类型。

## 5 后续稽查

5.1. 为加快货物放行，每一成员应采用或设立后续稽查以保证海关及其他相关法律法规得以遵守。

5.2. 每一成员应选择一人或货物进行以风险为基础的后续稽查，可包括适当的选择标准。每一成员应以透明的方式进行后续稽查。如该人员参与后续稽查且已得出结果，则该成员应立即将稽查结果、权利和义务以及得到结果的理由告知被稽查人。

5.3. 各成员承认，在后续稽查中获得的信息可用于进一步的行政或司法诉讼。

5.4. 各成员在可行的情况下，应在实施风险管理时使用后续稽查结果。

## 6 确定和公布平均放行时间

6.1. 鼓励各成员定期并以一致的方式测算和公布其货物平均放行时间，使用特别包括《世界海关组织放行时间研究》等工具。<sup>6</sup>

6.2. 鼓励各成员与委员会分享其在测算平均放行时间方面的经验，包括所使用的方法、发现的瓶颈问题及对效率产生的任何影响。

## 7 对授权经营者的贸易便利化措施

7.1. 每一成员应根据第 7.3 款给予满足特定标准的经营者，下称授权经营者，提供与进口、出口或过境手续相关的额外的贸易便利化措施。或者，一成员可通过所有经营者均可获得的海关程序提供此类便利措施，而无需制定单独计划。

7.2. 特定标准应与遵守一成员的法律、法规或程序所列要求或未遵守的风险相关。特定标准应予以公布，可包括：

- a. 遵守海关和其他相关法律、法规的适当记录；
- b. 允许进行必要内部控制的记录管理系统；
- c. 财政偿付能力，在适当时，包括提供足够的担保/保证；及
- d. 供应链安全。

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<sup>6</sup> 每一成员可依照其需要和能力确定此种平均放行时间测算的范围和方法。

The specified criteria to qualify as an operator shall not:

- a. be designed or applied so as to afford or create arbitrary or unjustifiable discrimination between operators where the same conditions prevail; and
- b. to the extent possible, restrict the participation of small and medium-sized enterprises.

7.3. The trade facilitation measures provided pursuant to paragraph 7.1 shall include at least 3 of the following measures:<sup>7</sup>

- a. low documentary and data requirements as appropriate;
- b. low rate of physical inspections and examinations as appropriate;
- c. rapid release time as appropriate;
- d. deferred payment of duties, taxes, fees and charges;
- e. use of comprehensive guarantees or reduced guarantees;
- f. a single customs declaration for all imports or exports in a given period; and
- g. clearance of goods at the premises of the authorized operator or another place authorized by customs.

7.4. Members are encouraged to develop authorized operator schemes on the basis of international standards, where such standards exist, except when such standards would be an inappropriate or ineffective means for the fulfillment of the legitimate objectives pursued.

7.5. In order to enhance the facilitation measures provided to operators, Members shall afford to other Members the possibility to negotiate mutual recognition of authorized operator schemes.

7.6. Members shall exchange relevant information within the Committee about authorized operator schemes in force.

## 8 Expedited Shipments

8.1. Each Member shall adopt or maintain procedures allowing for expedited release of at least those goods entered through air cargo facilities to persons that apply for such treatment, while maintaining customs control.<sup>8</sup> If a Member employs criteria<sup>9</sup> limiting who may apply, the Member may, in published criteria, require that the applicant shall, as conditions for qualifying for the application of the treatment described in paragraphs 8.2 a. – d. to its expedited shipments:

- a. provide adequate infrastructure and payment of customs expenses related to processing of expedited shipments, in cases where the applicant fulfills the Member's requirements for such processing to be performed at a dedicated facility;
- b. submit in advance of the arrival of an expedited shipment the information necessary for release;
- c. be assessed fees limited in amount to the approximate cost of services rendered in providing the treatment described in paragraph 8.2 a. – d.;
- d. maintain a high degree of control over expedited shipments through the use of internal security, logistics, and tracking technology from pick-up to delivery;
- e. provide expedited shipment from pick-up to delivery;
- f. assume liability for payment of all customs duties, taxes, and fees and charges to the customs authority for the goods;
- g. have a good record of compliance with customs and other related laws and regulations;

<sup>7</sup> A measure listed in sub-paragraphs a.-g. will be deemed to be provided to authorized operators if it is generally available to all operators.

<sup>8</sup> In cases where a Member has an existing procedure that provides the treatment in paragraph 8.2, this provision would not require that Member to introduce separate expedited release procedures.

<sup>9</sup> Such application criteria, if any, shall be in addition to the Member's requirements for operating with respect to all goods or shipments entered through air cargo facilities.



授予经营者资格的特定标准不得：

- a. 设计或实施从而在适用相同条件的经营者之间给予或造成任意或不合理的歧视；
- b. 在可能的限度内，限制中小企业的参与。

7.3. 根据第 7.1 款提供的贸易便利化措施应至少包括以下措施中的 3 条措施：<sup>7</sup>

- a. 酌情降低单证和数据要求；
- b. 酌情降低实体检查和审查的比例；
- c. 酌情加快放行时间；
- d. 延迟支付关税、国内税、规费和费用；
- e. 使用总担保或减少担保；
- f. 在特定时间内对所有进口或出口进行一次性海关申报；及
- g. 在授权经营者的场所或经海关批准的另外地点办理货物结关。

7.4. 鼓励各成员根据国际标准制定授权经营者计划，如存在此类标准，除非此类标准对实现所追求的合法目标不适当或无效果。

7.5. 为加强向经营者提供的便利措施，各成员应向其他成员提供通过谈判互认授权经营者计划的可能性。

7.6. 各成员应在委员会范围内就有效的授权经营者计划交流相关信息。

## 8 快运货物

8.1. 每一成员应采用或设立程序，以至少允许对申请此种待遇的人员快速放行通过航空货运设施入境的货物，同时维持海关监管。<sup>8</sup>如一成员采用限制申请人的标准<sup>9</sup>，则该成员可在公布的标准中要求申请人作为其快运货物申请获得第 8.2 a.-d.项所述待遇的条件，要求申请人应：

- a. 提供与处理快运货物相关的充足基础设施并支付海关费用，如申请人满足该成员关于此类处理在一特定设施中进行的要求。
- b. 在快运货物抵达前，提交放行所需的信息；
- c. 所确定的费用限于为提供第 8.2 a.-d.项所述待遇所提供服务的近似成本之内；
- d. 通过使用内部安保、物流和自提取到送达的追踪技术，对快运货物保持高度控制；
- e. 提供自提取到送达的快速运输；
- f. 承担向海关支付货物全部关税、国内税、费用和规费的责任；
- g. 在遵守海关和其他有关法律法规方面拥有良好记录；

<sup>7</sup> a—g 项所列措施如可使所有经营者普遍获得，则将视为已向授权经营者提供。

<sup>8</sup> 如一成员已设立提供第 8.2 款中待遇的程序，则本规定不再要求成员再采用单独的快速放行程序。

<sup>9</sup> 此类申请标准，如存在，应增至该成员关于所有通过航空运输设施入境货物的要求中。

- h. comply with other conditions directly related to the effective enforcement of the Member's laws, regulations and procedural requirements, that specifically relate to providing the treatment described in paragraph 8.2.

8.2. Subject to paragraphs 8.1 and 8.3, Members shall:

- a. minimize the documentation required for the release of expedited shipments in accordance with Article 10.1, and to the extent possible, provide for release based on a single submission of information on certain shipments;
- b. provide for expedited shipments to be released under normal circumstances as rapidly as possible after arrival, provided the information required for release has been submitted;
- c. endeavour to apply the treatment in sub-paragraphs 8.2 a. and b. to shipments of any weight or value recognizing that a Member is permitted to require additional entry procedures, including declarations and supporting documentation and payment of duties and taxes, and to limit such treatment based on the type of good, provided the treatment is not limited to low value goods, such as documents; and
- d. provide, to the extent possible, for a *de minimis* shipment value or dutiable amount for which customs duties and taxes will not be collected, aside from certain prescribed goods. Internal taxes, such as value added taxes and excise taxes, applied to imports consistently with Article III of the GATT 1994 are not subject to this provision.

8.3. Nothing in paragraphs 8.1 and 8.2 shall affect the right of a Member to examine, detain, seize, confiscate or refuse entry to goods, or to carry out post-clearance audits, including in connection with the use of risk management systems. Further, nothing in paragraphs 8.1 and 8.2 shall prevent a Member from requiring, as a condition for release, the submission of additional information and the fulfillment of non-automatic licensing requirements.

## 9 Perishable Goods<sup>10</sup>

9.1. With a view to preventing avoidable loss or deterioration of perishable goods, and provided all regulatory requirements have been met, each Member shall:

- a. provide for the release of perishable goods under normal circumstances within the shortest possible time; and
- b. provide for the release of perishable goods, in exceptional circumstances where it would be appropriate to do so, outside the business hours of customs and other relevant authorities.

9.2. Each Member shall give appropriate priority to perishable goods when scheduling any examinations that may be required.

9.3. Each Member shall either arrange, or allow an importer to arrange, for the proper storage of perishable goods pending their release. The Member may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorizations for the operator moving the goods, may be subject to the approval, where required, of the relevant authorities. The Member shall, where practicable and consistent with domestic legislation, upon the request of the importer, provide for any procedures necessary for release to take place at those storage facilities.

9.4. In cases of significant delay in the release of perishable goods, and upon written request, the importing Member shall, to the extent practicable, provide a communication on the reasons for the delay.

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<sup>10</sup> For the purposes of this provision, perishable goods are goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions.

- h. 遵守与有效执行成员法律法规和程序性要求直接相关的、特别与第 8.2 款中所述待遇相关的其他条件

8.2. 在符合第 8.1 和 8.3 款的前提下，各成员应：

- a. 最大限度减少依照第 10.1 款放行快运货物所需的单证，并在可能的情况下，规定对某些货物根据一次性提交的信息予以放行；
- b. 规定在正常情况下当快运货物抵达后尽快放行，但条件是放行所需信息已提交；
- c. 努力将第 8.2a.和 b.项中的待遇适用于任何重量或价值的货物，同时认可允许一成员要求额外入境程序，包括申报、证明单证及支付关税和国内税，并根据货物种类限制此种待遇，但条件是此种待遇不仅限于如文件等低值货物；及
- d. 在可能的情况下，在某此规定货物之外，规定免于征收关税和国内税的微量货值或应纳税额。与以 GATT 1994 第 3 条一致的方式适用于进口的国内税，如增值税和消费税等，不受本条约束。

8.3. 第 8.1 和 8.2 款不得影响一成员对货物进行审查、扣留、扣押、没收或拒绝入境或实施后续稽查的权利，包括使用风险管理系统相关的权利。此外，第 8.1 和 8.2 款不得妨碍一成员作为放行的条件，要求提交额外信息和满足非自动进口许可程序要求的权利。

## 9 易腐货物<sup>10</sup>

9.1. 为防止易腐货物可避免的损失或变质，在满足所有法规要求的前提下，每一成员应：

- a. 规定通常情况下在可能的最短时间内对易腐货物予以放行；及
- b. 规定在适当的例外情况下，允许易腐货物在海关和其他相关主管机关工作时间之外予以放行。

9.2. 每一成员应安排任何可能要求的审查时，应适当优先考虑易腐货物。

9.3. 每一成员安排或允许一进口商安排在易腐货物放行前予以正确储藏。该成员可要求进口商安排的任何储存设施均已经相关主管机关批准或指定。货物运至该储藏设施，包括授权经营者运输该货物，可能需获得相关主管机关的批准。该成员应进口商请求，在可行情况下并符合根据国内法律，规定在此类储藏设施予以放行的任何必要程序。

9.4. 如易腐货物的放行受到严重延迟，应书面请求，进口成员应尽可能提供关于延迟原因的信函。

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<sup>10</sup>就本规定而言，易腐货物指由于其自然特点，特别是在缺乏适当的储藏条件下迅速变质的货物。

## **ARTICLE 8: BORDER AGENCY COOPERATION**

1. A Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.

2. Members shall, to the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom they share a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:

- i. alignment of working days and hours;
- ii. alignment of procedures and formalities;
- iii. development and sharing of common facilities;
- iv. joint controls;
- v. establishment of one stop border post control.

## **ARTICLE 9: MOVEMENT OF GOODS UNDER CUSTOMS CONTROL INTENDED FOR IMPORT**

Each Member shall, to the extent practicable, and provided all regulatory requirements are met, allow goods intended for import to be moved within its territory under customs control from a customs office of entry to another customs office in its territory from where the goods would be released or cleared.

## **ARTICLE 10: FORMALITIES CONNECTED WITH IMPORTATION AND EXPORTATION AND TRANSIT**

### **1 Formalities and Documentation Requirements**

1.1. With a view to minimizing the incidence and complexity of import, export, and transit formalities and of decreasing and simplifying import, export and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information and business practices, availability of techniques and technology, international best practices and inputs from interested parties, each Member shall review such formalities and documentation requirements, and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements:

- a. are adopted and/or applied with a view to a rapid release and clearance of goods, particularly perishable goods;
- b. are adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;
- c. are the least trade restrictive measure chosen, where two or more alternative measures are reasonably available for fulfilling the policy objective or objectives in question; and
- d. are not maintained, including parts thereof, if no longer required.

1.2. The Committee shall develop procedures for sharing relevant information and best practices as appropriate.

### **2 Acceptance of Copies**

2.1. Each Member shall, where appropriate, endeavour to accept paper or electronic copies of supporting documents required for import, export or transit formalities.

2.2. Where a government agency of a Member already holds the original of such a document, any other agency of that Member shall accept a paper or electronic copy, where applicable, from the agency holding the original in lieu of the original document.

## 第 8 条：边境机构合作

1. 一成员应保证其负责边境管制和货物进口、出口及过程序的主管机关和机构相互合作并协调行动，以便利贸易。

2. 各成员应在可能和可行的范围内，与拥有共同边界的其他成员根据共同议定的条款进行合作，以期协调跨境程序，从而便利跨境贸易。此类合作和协调可包括：

- i. 工作日和工作时间的协调；
- ii. 程序和手续的协调；
- iii. 共用设施的建设与共享；
- iv. 联合监管；
- v. 一站式边境检验站监管的设立。

## 第 9 条：受海关监管的进境货物的移动

每一成员应在可行的范围内，并在所有管理要求得到满足的前提下，允许进境货物在其领土内在海关的监管下进行移动，从入境地海关移至予以放行或结关的其领土内另一海关。

## 第 10 条：与进口、出口和过境相关的手续

### 1 手续和单证要求

1.1. 为使进口、出口和过境手续的发生率和复杂度降到最低程度，并减少和简化进口、出口和过境的单证要求，同时考虑到合法政策目标及情形变化、相关新信息和商业惯例、方法和技术的可获性、国际最佳实践及利益关系方的意见，每一成员应审议此类手续和单证要求，并根据审议结果，酌情保证此类手续和单证要求：

- a. 以货物、特别是易腐货物的快速放行和结关为目的而通过和/或适用；
- b. 以旨在减少贸易商和经营者的守法时间和成本的方式而通过和/或适用；
- c. 如存在两种或两种以上为实现政策目标或有关目标的可合理获得的措施，则选择对贸易限制最小的措施；且
- d. 发不再要求，则不再维持，包括不再维持其中部分要求。

1.2. 委员会应酌情制定分享相关信息和最佳实践的程序。

### 2 副本的接受

2.1. 每一成员应酌情努力接受进口、出口或过境手续所要求的证明单证的纸质或电子副本。

2.2. 如一成员的政府机构已持有此单证的正本，该成员的任何其他机构应接受来自持有单证正本部门的纸质或电子副本以替代正本。

2.3. A Member shall not require an original or copy of export declarations submitted to the customs authorities of the exporting Member as a requirement for importation.<sup>11</sup>

### **3 Use of International Standards**

3.1. Members are encouraged to use relevant international standards or parts thereof as a basis for their importation, exportation or transit formalities and procedures except as otherwise provided for in this Agreement.

3.2. Members are encouraged to take part, within the limits of their resources, in the preparation and periodic review of relevant international standards by appropriate international organizations.

3.3. The Committee shall develop procedures for the sharing by Members of relevant information, and best practices, on the implementation of international standards, as appropriate. The Committee may also invite relevant international organizations to discuss their work on international standards. As appropriate, the Committee may identify specific standards that are of particular value to Members.

### **4 Single Window**

4.1. Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.

4.2. In cases where documentation and/or data requirements have already been received through the single window, the same documentation and/or data requirements shall not be requested by participating authorities or agencies except in urgent circumstances and other limited exceptions which are made public.

4.3. Members shall notify to the Committee the details of operation of the single window.

4.4. Members shall, to the extent possible and practical, use information technology to support the single window.

### **5 Pre-shipment Inspection**

5.1. Members shall not require the use of pre-shipment inspections in relation to tariff classification and customs valuation.

5.2. Without prejudice to the rights of Members to use other types of pre-shipment inspection not covered by paragraph 5.1, Members are encouraged not to introduce or apply new requirements regarding their use.<sup>12</sup>

### **6 Use of Customs Brokers**

6.1. Without prejudice to the important policy concerns of some Members that currently maintain a special role for customs brokers, from the entry into force of this agreement Members shall not introduce the mandatory use of customs brokers.

6.2. Each Member shall notify and publish its measures on the use of customs brokers. Any subsequent modifications thereof shall be notified to the Committee and published promptly.

6.3. With regard to the licensing of customs brokers, Members shall apply rules that are transparent and objective.

<sup>11</sup> Nothing in this paragraph precludes a Member from requiring documents such as certificates, permits or licenses as a requirement for the importation of controlled or regulated goods.

<sup>12</sup> This sub-paragraph refers to pre-shipment inspections covered by the Pre-shipment Inspection Agreement, and does not preclude pre-shipment inspections for SPS purposes.

2.3. 一成员不得要求将提交出口成员海关的出口报关单正本或副本作为进口的一项要求。<sup>11</sup>

### 3 国际标准的使用

3.1. 鼓励各成员使用或部分使用相关国际标准作为其进口、出口或过境的手续和程序的依据，除非本协定另有规定。

3.2. 鼓励各成员在其资源限度内，参加适当国际组织对相关国际标准的制定和定期审议。

3.3. 委员会应酌情制定供各成员分享实施国际标准的相关信息和最佳实践的程序。委员会还可邀请相关国际组织讨论其关于国际标准的工作。委员会可酌情确定对成员具有特殊价值的特定标准。

### 4 单一窗口

4.1. 各成员应努力建立或设立一单一窗口，使贸易商通过与参与的主管机关或机构的一单一接入点提交货物进口、出口或过境的单证和/或数据要求。待主管机关或机构审查单证和/或数据后，审查结果应通过该单一窗口及时通知申请人。

4.2. 如单证和/或数据要求已通过单一窗口接收，参与的主管机关或机构不得提出提交相同单证和/或数据的要求，除非在紧急情况或其他已公开的有限例外情况下。

4.3. 各成员应将单一窗口的运行细节通知委员会。

4.4. 各成员应，在可能和可行的限度内，使用信息技术支持单一窗口。

### 5 装运前检验

5.1. 成员不得要求使用与税则归类和海关估价有关的装运前检验。

5.2. 在不损害各成员使用第 5.1 款所涵盖范围外的其他形式的装运前检验权利的前提下，鼓励各成员对装运前检验的使用不再采用或适用新的要求。<sup>12</sup>

### 6 报关代理的使用

6.1. 在不影响一些成员目前对报关代理维持特殊作用的重要政策关注的前提下，自本协定生效时起，各成员不得采用强制使用报关代理。

6.2. 每一成员应通知和公布其关于报关代理的使用的措施。任何后续修改均应迅速通知委员会并予以公布。

6.3. 对于报关代理的许可程序，各成员应适用透明和客观的规定。

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<sup>11</sup> 本款不妨碍一成员要求针对监管或管制货物的进口提供证书、许可或执照等文件。

<sup>12</sup> 此项指《装运前检验协定》所涵盖的装运前检验，且不排除为 SPS 目的所进行的装运前检验。

## 7 Common Border Procedures and Uniform Documentation Requirements

7.1. Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.

7.2. Nothing in this Article shall prevent a Member from:

- a. differentiating its procedures and documentation requirements based on the nature and type of goods, or their means of transport;
- b. differentiating its procedures and documentation requirements for goods based on risk management;
- c. differentiating its procedures and documentation requirements to provide total or partial exemption from import duties or taxes;
- d. applying electronic filing or processing; or
- e. differentiating its procedures and documentation requirements in a manner consistent with the Agreement on Sanitary and Phytosanitary Measures.

## 8 Rejected Goods

8.1. Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.

When such an option is given and the importer fails to exercise it within a reasonable period of time, the competent authority may take a different course of action to deal with such non-compliant goods.

## 9 Temporary Admission of Goods/Inward and Outward Processing

### a. Temporary Admission of Goods

Each Member shall allow, as provided for in its laws and regulations, goods to be brought into a customs territory conditionally relieved, totally or partially, from payment of import duties and taxes if such goods are brought into a customs territory for a specific purpose, are intended for re-exportation within a specific period, and have not undergone any change except normal depreciation and wastage due to the use made of them.

### b. Inward and Outward Processing

- i. Each Member shall allow, as provided for in its laws and regulations, inward and outward processing of goods. Goods allowed for outward processing may be re-imported with total or partial exemption from import duties and taxes in accordance with the Member's laws and regulations in force.
- ii. For the purposes of this Article, the term "inward processing" means the Customs procedure under which certain goods can be brought into a Customs territory conditionally relieved totally or partially from payment of import duties and taxes, or eligible for duty drawback, on the basis that such goods are intended for manufacturing, processing or repair and subsequent exportation.
- iii. For the purposes of this Article, the term "outward processing" means the Customs procedure under which goods which are in free circulation in a Customs territory may be temporarily exported for manufacturing, processing or repair abroad and then reimported.



## 7 共同边境程序和统一单证要求

7.1. 每一成员应，在符合第 7.2 款的前提下，在其全部领土内对货物放行和结关适用共同海关程序和统一单证要求。

7.2. 本条不得妨碍一成员：

- a. 根据货物的性质和类型或其运输方式区分程序和单证要求；
- b. 根据风险管理区分货物的程序和单证要求；
- c. 区分程序和单证要求以提供进口关税和国内税的全部或部分免除；
- d. 适用电子提交或处理；或
- e. 以与《实施卫生与植物卫生措施协定》相一致的方式区分其程序和单证要求。

## 8 拒收货物

8.1. 如拟进境货物因未能满足规定的卫生或植物卫生法规或技术法规而被一成员主管机关拒绝，则该成员应在遵守和符合其法律法规的前提下，允许进口商将退运货物重新托运或退运至出口商或出口商指定的另一人。

如给出此种选择权而进口商未能在合理时间内行使该权利，则主管机关可采取另一种方法以处理此种违规货物。

## 9 货物暂准进口/进口和出口加工

### a. 货物暂准进口

如货物为特定目的运入关税区，并计划在特定期限内复出口，且除因该货物的用途所造成的正常折旧和磨损外未发生任何变化，则每一成员应按其法律法规规定，允许该货物运入其关税区，并有条件全部或部分免于支付进口关税和国内税。

### b. 进口和出口加工

- i. 每一成员应，按其法律法规规定，允许货物进口和出口加工。允许出口加工的货物可依照该成员有效法律法规全部或部分免除进口关税和国内税后复进口。
- ii. 就本条而言，“进口加工”一词指用于制造、加工或修理并随后出口的货物据以有条件运入一关税区并有条件全部或部分免于支付进口关税和国内税或有资格获得退税的海关程序。
- iii. 就本条而言，“出口加工”一词指在一关税区内自由流通的货物据以暂时出口至国外用于制造、加工或修理并随后复进口的海关程序。

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**ARTICLE 11: FREEDOM OF TRANSIT**

1. Any regulations or formalities in connection with traffic in transit imposed by a Member shall not:
  - a. be maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a reasonably available less trade restrictive manner,
  - b. be applied in a manner that would constitute a disguised restriction on traffic in transit.
2. Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.
3. Members shall not seek, take or maintain any voluntary restraints or any other similar measures on traffic in transit. This is without prejudice to existing and future national regulations, bilateral or multilateral arrangements related to regulating transport consistent with WTO rules.
4. Each Member shall accord to products which will be in transit through the territory of any other Member treatment no less favourable than that which would be accorded to such products if they were being transported from their place of origin to their destination without going through the territory of such other Member.
5. Members are encouraged to make available, where practicable, physically separate infrastructure (such as lanes, berths and similar) for traffic in transit.
6. Formalities, documentation requirements and customs controls, in connection with traffic in transit, shall not be more burdensome than necessary to:
  - a. identify the goods; and
  - b. ensure fulfillment of transit requirements.
7. Once goods have been put under a transit procedure and have been authorized to proceed from the point of origination in a Member's territory, they will not be subject to any customs charges nor unnecessary delays or restrictions until they conclude their transit at the point of destination within the Member's territory.
8. Members shall not apply technical regulations and conformity assessment procedures within the meaning of the Agreement on Technical Barriers to Trade on goods in transit.
9. Members shall allow and provide for advance filing and processing of transit documentation and data prior to the arrival of goods.
10. Once traffic in transit has reached the customs office where it exits the territory of the Member, that office shall promptly terminate the transit operation if transit requirements have been met.
- 11.1. Where a Member requires a guarantee in the form of a surety, deposit or other appropriate monetary or non-monetary<sup>13</sup> instrument for traffic in transit, such guarantee shall be limited to ensuring that requirements arising from such traffic in transit are fulfilled.
- 11.2. Once the Member has determined that its transit requirements have been satisfied, the guarantee shall be discharged without delay.
- 11.3. Each Member shall, in a manner consistent with its laws and regulations, allow comprehensive guarantees which include multiple transactions for same operators or renewal of guarantees without discharge for subsequent consignments.

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<sup>13</sup> Nothing in this provision shall preclude a Member from maintaining existing procedures whereby the mean of transport can be used as a guarantee for traffic in transit.

## 第 11 条：过境自由

1. 一成员实施的与过境运输有关的任何法规或程序：
  - a. 如导致其采用的情形或目标已不复存在或如变化的情形或目标可以使用可合理获得的贸易限制程度更低的方式处理，则不得维持，
  - b. 不得以对境运输构成变相限制的方式适用。
2. 过境运输不得以收取对过境征收的规费或费用为条件，但运输费用或过境所产生的行政费用或与所提供服务的成本相当的费用除外。
3. 各成员不得对寻求、采取或设立对过境运输的任何自愿限制或任何其他类似措施。此规定不损害与管理过境相关的且与 WTO 规则相一致的现行或未来国内法规、双边或多边安排。
4. 每一成员应给予自任何其他成员领土过境的产品不低于给予此类产品在不经其他成员领土而自原产地运输至目的地所应享受的待遇。
5. 鼓励各成员在可行的情况下为过境运输提供实际分开的基础设施(如通道、泊位及类似设施)。
6. 与过境运输相关的手续和单证要求及海关监管不得比为达到以下目的更难以负担：
  - a. 确定货物；及
  - b. 保证符合过境要求。
7. 一旦货物被送入过境程序并被获准自一成员领土内始发地启运，货物即不必支付任何海关费用或受到不必要的延迟或限制，直至货物在该成员领土内的目的地结束过境过程。
8. 各成员不得对过境货物适用《技术性贸易壁垒协定》范围内的技术法规和合格评定程序。
9. 成员应允许并规定货物抵达前过境单证和数据的提前提交和处理。
10. 一旦过境运输抵达该成员领土内出境地点海关，如符合过境要求，则该海关应立即结束过境操作。
- 11.1. 如一成员对过境运输要求以保证金、押金或其他适当货币或非货币<sup>13</sup>手段提供担保，则此种担保应仅限于为保证过境运输所产生的要求得以满足。
- 11.2. 一旦该成员确定其过境要求已满足，担保应立即予以解除。
- 11.3. 每一成员应以符合其法律法规的形式允许为同一经营者的多笔交易提供总担保或为后续货物对担保予以展期而不解除。

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<sup>13</sup> 本规定不阻止一成员维持以运输方式作为过境运输担保的现行程序。

11.4 Each Member shall make available to the public the relevant information it uses to set the guarantee, including single transaction and, where applicable, multiple transaction guarantee.

11.5 Each Member may require the use of customs convoys or customs escorts for traffic in transit only in circumstances presenting high risks or when compliance with customs laws and regulations cannot be ensured through the use of guarantees. General rules applicable to customs convoys or customs escorts shall be published in accordance with Article 1.

12. Members shall endeavour to cooperate and coordinate with one another with a view to enhance freedom of transit. Such cooperation and coordination may include, but is not limited to an understanding on:

- i. charges;
- ii. formalities and legal requirements; and
- iii. the practical operation of transit regimes.

13. Each Member shall endeavour to appoint a national transit coordinator to which all enquiries and proposals by other Members relating to the good functioning of transit operations can be addressed.

## **ARTICLE 12: CUSTOMS COOPERATION**

### **1 Measures Promoting Compliance and Cooperation**

1.1. Members agree on the importance of ensuring that traders are aware of their compliance obligations, encouraging voluntary compliance to allow importers to self-correct without penalty in appropriate circumstances, and applying compliance measures to initiate stronger measures for non-compliant traders.<sup>14</sup>

1.2. Members are encouraged to share information on best practices in managing customs compliance, including through the Committee on Trade Facilitation. Members are encouraged to cooperate in technical guidance or assistance in building capacity for the purposes of administering compliance measures, and enhancing their effectiveness.

### **2 Exchange of Information**

2.1. Upon request, and subject to the provisions of this Article, Members shall exchange the information set out in paragraph 6 b. and/or c. for the purpose of verifying an import or export declaration in identified cases where there are reasonable grounds to doubt the truth or accuracy of the declaration.

2.2. Each Member shall notify to the Committee the details of its contact point for the exchange of this information.

### **3 Verification**

A Member shall make a request for information only after it has conducted appropriate verification procedures of an import or export declaration and after it has inspected the available relevant documentation.

### **4 Request**

4.1. The requesting Member shall provide the requested Member with a written request, through paper or electronic means in a mutually agreed WTO or other language, including:

- a. the matter at issue including, where appropriate and available, the serial number of the export declaration corresponding to the import declaration in question;

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<sup>14</sup> Such activity has the overall objective of lowering the frequency of non-compliance, and consequently reducing the need for exchange of information in pursuit of enforcement.

11.4. 每一成员应使公众获得其用以设定担保的相关信息，包括单笔交易担保，以及在可行的情况下，包括多笔交易担保。

11.5. 在存在高风险的情况下或在使用担保不能保证海关法律法规得以遵守的情况下，成员可要求对过境运输使用海关押运或海关护送。适用于海关押运或海关护送的一般规定应依照第 1 条予以公布。

12. 各成员应努力相互合作和协调以增强过境自由。此类合作和协调可包括但不限于关于下列内容的谅解：

- i. 费用；
- ii. 手续和法律要求；以及
- iii. 过境体制的实际运行。

13. 每一成员应努力指定一国家过境协调机构，其他成员提出的有关过境操作良好运行的所有咨询和建议均可向该机构提出。

## 第 12 条：海关合作

### 1 促进守法和合作的措施

1.1. 各成员同意保证下列事项具有重要意义，贸易商知晓守法义务、鼓励自愿守法以允许进口商在适当情况下自我纠正而免于处罚以及对违法贸易商适用守法措施以实施严厉措施。<sup>14</sup>

1.2. 鼓励各成员分享遵守海关规定方面最佳实践的信息，包括通过贸易便利化委员会。鼓励各成员为管理守法措施并提高此类措施的有效性，在能力建设方面的技术指导或援助中开展合作。

### 2 信息交换

2.1. 应请求，并在符合本条规定的前提下，各成员在有合理理由怀疑的确认案件中进口或出口申报的真实性或准确性时，为核实该申报，应交换 6 b.或 c.项所列信息。

2.2. 每一成员应将其用于信息交换的联络点的详细信息通知委员会。

### 3 核实

一成员仅在其对一进口或出口申报已采取适当验证程序并已检查可获得的相关单证后，方可提出提供信息的请求。

### 4 请求

4.1. 提出请求成员应向被请求成员以纸质或电子形式以共同议定的 WTO 或其他语文提出书面请求，包括：

- a. 所涉事项，在适当和可行的情况下，包括与有关进口申报相对应的出口申报的序列号；

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<sup>14</sup> 此种行为的总体目的在于降低违法行为的频率，从而减少为执法而交换信息的需要。

- b. the purpose for which the requesting Member is seeking the information or documents, along with the names and contact details of the persons about which the request relates, if known;
- c. where required by the requested Member, provide confirmation<sup>15</sup> of the verification where appropriate.
- d. the specific information or documents requested;
- e. the identity of the originating office making the request;
- f. reference to provisions of the requesting Member's domestic law and legal system that govern the collection, protection, use, disclosure, retention and disposal of confidential information and personal data;

4.2. If the requesting Member is not in a position to comply with any of the sub-paragraphs of 4.1, it shall specify this in the request.

## 5 Protection and confidentiality

5.1. The requesting Member shall, subject to paragraph 5.2:

- a. hold all information or documents provided by the requested Member strictly in confidence and grant at least the same level of such protection and confidentiality as that provided under the domestic law and legal system of the requested Member as described by it under paragraphs 6.1 b. and 6.1 c.;
- b. provide the information or documents only to the customs authorities dealing with the matter at issue and use the information or documents solely for the purpose stated in the request unless the requested Member agrees otherwise in writing;
- c. not disclose the information or documents without the specific written permission of the requested Member;
- d. not use any unverified information or documents from the requested Member as the deciding factor towards alleviating the doubt in any given circumstance;
- e. respect any case-specific conditions set out by the requested Member regarding retention and disposal of confidential information or documents and personal data; and
- f. upon request, inform the requested Member of any decisions and actions taken on the matter as a result of the information or documents provided.

5.2. A requesting Member may be unable under its domestic law and legal system to comply with any of the sub-paragraphs of 5.1. If so, the requesting Member shall specify this in the request.

5.3. The Requested Member shall treat any request, and verification information, received under paragraph 4 with at least the same level of protection and confidentiality accorded by the requested member to its own similar information.

## 6 Provision of information

6.1. Subject to the provisions of this article, the requested Member shall promptly:

- a. respond in writing, through paper or electronic means;
- b. provide the specific information as set out in the import or export declaration, or the declaration, to the extent it is available, along with a description of the level of protection and confidentiality required of the requesting Member;
- c. if requested, provide the specific information as set out in the following documents, or the documents, submitted in support of the import or export declaration, to the extent it is available: commercial invoice, packing list, certificate of origin and bill of lading, in the

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<sup>15</sup> This may include pertinent information on the verification conducted under paragraph 12.3. Such information shall be subject to the level of protection and confidentiality specified by the Member conducting the verification.

- b. 提出请求成员寻求信息或单证的目的，并附与请求相关人员的姓名和联系方式，如可知；
- c. 如被请求成员要求，在适当时，提供对核实的确认<sup>15</sup>。
- d. 请求提供的具体信息或单证；
- e. 提出请求机构的身份认证；
- f. 提出请求成员管辖保密信息和个人数据收集、保护、使用、披露、保留及处置的国内法律和法律制度规定的引文；

4.2. 如提出请求成员无法满足第 4.1 款的任何规定，则其应在请求中说明。

## 5 保护和保密性

5.1. 在符合第 5.2 款的前提下，提出请求成员应：

- a. 对被请求成员提供的所有信息或单证严格保密，并至少给予与被请求成员按第 6.1b.和 6.1c.项所描述的其国内法律和法律制度规定的同等水平的保护和保密性；
- b. 仅向处理所涉事项的海关提供信息或单证，并仅为请求中所列明的目的而使用该信息或单证，除非被请求成员书面同意用于其他目的；
- c. 未经被请求成员明确书面许可，不得披露信息或单证；
- d. 不得将未经被请求成员验证的信息或单证用作在任何指定情况下减轻疑问的决定性因素；
- e. 尊重被请求成员列出的针对特定案件关于保留和处置保密信息或单证和个人数据的任何条件；以及
- f. 应请求，将根据所提供的信息或单证就相关事项作出的任何决定或行动通知被请求成员。

5.2. 如提出请求成员根据其国内法律和法律制度可能无法遵守第 5.1 款的任何规定，则提出请求成员应在请求中予以说明。

5.3. 被请求成员对于根据第 4 款收到的任何请求及核实信息，应给予至少与本身类似信息相同水平的保护和保密性。

## 6 信息的提供

6.1. 在遵守本条的前提下，被请求成员应迅速：

- a. 通过纸质或电子形式书面答复；
- b. 提供进口或出口申报中所列具体信息，或在可获得的情况下提供申报本身，并附要求提出请求成员给予的保护和保密性水平的描述；
- c. 如提出请求，提供下列用于证明进口或出口申报的单证中所列具体信息，或在可获得的情况下提供单证本身：商业发票、装箱单、原产地

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<sup>15</sup> 可包括根据第 12.3 款进行核实的相关信息。此类信息应适用进行核实成员确定的保护和保密性水平。

form in which these were filed, whether paper or electronic, along with a description of the level of protection and confidentiality required of the requesting Member;

- d. confirm that the documents provided are true copies;
- e. provide the information or otherwise respond to the request, to the extent possible, within 90 days from the date of the request.

6.2. The requested Member may require, under its domestic law and legal system, an assurance prior to the provision of information that the specific information will not be used as evidence in criminal investigations, judicial proceedings, or in non-customs proceedings without the specific written permission of the requested Member. If the requesting Member is not in a position to comply with this requirement it should specify this to the requested Member.

## **7 Postponement or refusal of a request**

7.1. A requested Member may postpone or refuse part or all of a request to provide information, and shall so inform the requesting Member of the reasons for doing so, where:

- a. it would be contrary to the public interest as reflected in the domestic law and legal system of the requested Member.
- b. its domestic law and legal system prevents the release of the information. In such case it shall provide the requesting Member with a copy of the relevant, specific reference.
- c. the provision of the information would impede law enforcement or otherwise interfere with an on-going administrative or judicial investigation, prosecution or proceeding.
- d. the consent of the importer or exporter is required by domestic law and legal system that govern the collection, protection, use, disclosure, retention and disposal of confidential information or personal data and that consent is not given.
- e. the request for information is received after the expiration of the legal requirement of the requested Member for the retention of documents.

7.2. In the circumstances of paragraph 4.2, 5.2 or 6.2 execution of such a request shall be at the discretion of the requested Member.

## **8 Reciprocity**

If the requesting Member is of the opinion that it would be unable to comply with a similar request in case such a request was made by the requested Member, or if it has not yet implemented this Article, it shall state that fact in its request. Execution of such a request shall be at the discretion of the requested Member.

## **9 Administrative burden**

9.1. The requesting Member shall take into account the associated resource and cost implications for the requested Member's administration in responding to requests for information. The requesting Member shall consider the proportionality between its fiscal interest in pursuing its request and the efforts to be made by the requested Member in providing the information.

9.2. If a requested Member receives an unmanageable number of requests for information, or a request for information of unmanageable scope from one or more requesting Member(s), and is unable to meet such requests within a reasonable time it may request one or more of the requesting Member(s) to prioritize with a view to agreeing on a practical limit within its resource constraints. In the absence of a mutually-agreed approach, the execution of such requests shall be at the discretion of the requested Member based on the results of its own prioritization.

## **10 Limitations**

Requested Members shall not be required to:

- a. modify the format of their import or export declarations or procedures;



证书以及提单，以单证提交的形式提供，无论纸质或电子形式，并附要求提出请求成员给予的保护和保密性水平的描述。

- d. 确认所提供单证为准确的副本；
- e. 在可能的情况下，在提出请求之日起 90 天内提供信息或对请求作出答复。

6.2. 被请求成员可根据其国内法律和法律制度，在提供信息之前要求得到以下保证，即未经被请求成员明确书面许可，特定信息不被用作刑事调查或司法诉讼以及非海关诉讼的证据。如提出请求成员无法满足这一要求，则应向被请求成员予以说明。

## 7 对请求的迟复或拒绝

7.1. 在下列情况下，被请求成员可迟复或全部或部分拒绝提供信息的请求，并应通知提出请求成员迟复或拒绝的原因：

- a. 与被请求成员国内法律和法律制度所反映的公共利益相抵触。
- b. 其国内法律和法律制度禁止发布该信息。在此种情况下，应向提出请求成员提供相关具体引文的副本；
- c. 提供信息将妨碍执法或者干扰正在进行的行政或司法调查、起诉或诉讼；
- d. 管辖保密信息或个人数据的收集、保护、使用、披露、保留和处理的国内法律和法律制度要求必须获得进口商或出口商同意，而未获同意；
- e. 提供信息请求在被请求成员关于保留单证的法律规定失效后收到。

7.2. 在第 4.2、5.2 或 6.2 款规定的情形下，是否执行此请求应由被请求成员自行决定。

## 8 对等

如提出请求成员认为，如被请求成员提出类似请求，其本身无法满足，或其尚未实施本条，则应在请求中说明该事实。是否执行此请求应由被请求成员自行决定。

## 9 行政负担

9.1. 提出请求成员应考虑与答复信息请求相关的对被请求成员资源和成本的影响。提出请求成员应考虑寻求请求获得答复的财政利益与被请求成员为提供信息所付出努力之间的均衡性。

9.2. 如一被请求成员自一个或多个提出请求成员处收到数量庞大的提供信息请求，或信息请求范围过大，无法在合理时间内满足此类请求，则该成员可要求一个或多个提出请求成员列出优先顺序，以期在其资源限度内议定一可行的限额。如未能达成共同议定的方式，则此类请求的执行应由被请求成员根据其自身优先排序结果自行决定。

## 10 限制

不得要求被请求成员：

- a. 修改其进口或出口申报的格式或程序；

- b. call for documents other than those submitted with the import or export declaration as specified in paragraph 6 c.;
- c. initiate enquiries to obtain the information;
- d. modify the period of retention of such information;
- e. introduce paper documentation where electronic format has already been introduced;
- f. translate the information;
- g. verify the accuracy of the information;
- h. provide information that would prejudice the legitimate commercial interests of particular enterprises, public or private.

## **11 Unauthorized use or disclosure**

11.1. In the event of any breach of the conditions of use or disclosure of information exchanged under this Article, the requesting Member that received the information shall promptly communicate the details of such unauthorized use or disclosure to the requested Member that provided the information, and:

- a. take necessary measures to remedy the breach;
- b. take necessary measures to prevent any future breach; and
- c. notify the requested Member of the measures taken under sub-paragraphs a. and b. above.

11.2. The requested Member may suspend its obligations to the requesting Member under this Article until the measures set out in paragraph 11.1 have been taken.

## **12 Bilateral and regional agreements**

12.1. Nothing in this Article shall prevent a Member from entering into or maintaining a bilateral, plurilateral, or regional agreement for sharing or exchange of customs information and data, including on a secure and rapid basis such as on an automatic basis or in advance of the arrival of the consignment.

12.2. Nothing in this Article shall be construed to alter or affect Members' rights or obligations under such bilateral, plurilateral or regional agreements or to govern the exchange of customs information and data under such other agreements.

## **ARTICLE 13: INSTITUTIONAL ARRANGEMENTS**

### **1 COMMITTEE ON TRADE FACILITATION**

1.1. A Committee on Trade Facilitation is hereby established.

1.2. The Committee shall be open for participation by all Members and shall elect its own Chairperson. The Committee shall meet as needed and envisaged by the relevant provisions of this Agreement, but no less than once a year, for the purpose of affording Members the opportunity to consult on any matters related to the operation of this Agreement or the furtherance of its objectives. The Committee shall carry out such responsibilities as assigned to it under this Agreement or by the Members. The Committee shall establish its own rules of procedure.

1.3. The Committee may establish such subsidiary bodies as may be required. All such bodies shall report to the Committee.

1.4. The Committee shall develop procedures for sharing by Members of relevant information and best practices as appropriate.

1.5. The Committee shall maintain close contact with other international organizations in the field of trade facilitation, such as the World Customs Organization, with the objective of securing the

- b. 要求提供第 6 c.款所列随进口或出口申请提交单证以外的单证；
- c. 为获得信息而发起咨询；
- d. 修改保留此类信息的期限；
- e. 要求对已采用电子格式的单证提供纸质单证；
- f. 翻译信息；
- g. 核实信息的准确性；
- h. 提供可能损害特定公私企业合法商业利益的信息。

## 11 未经授权的使用或披露

11.1. 如发生任何违反本条款项下关于交换信息的使用或披露条件的情形，收到信息的提出请求成员应迅速将此类未经授权的使用或披露的详细情况通知提供信息的被请求成员，同时：

- a. 采取必要措施弥补违反行为；
- b. 采取必要措施防止未来的任何违反行为；以及
- c. 将上述 a.和 b.项采取的措施通知被请求成员。

11.2. 被请求成员可暂停履行本条项下对提出请求成员的义务，直至第 11.1 款中所列措施已被采取。

## 12 双边和区域协定

12.1. 本条任何规定不得禁止一成员达成或维持关于海关信息和数据共享或交换的双边、诸边或区域协定，包括自动或在货物抵达前等以安全快速为基础的此类协定。

12.2. 本条任何规定不得解释为改变或影响各成员在此类双边、诸边或区域协定项下的权利或义务，也不管辖根据其他此类协定项下的海关信息和数据交换。

## 第 13 条：机构安排

### 1 贸易便利化委员会

1.1. 特此设立贸易便利化委员会。

1.2. 委员会应向所有成员开放参加，并选举自己的主席。委员会应根据本协定有关条款的需要或设想举行会议，但每年不能少于一次，以给予成员机会就有关本协定的运用或促进其目标实现的任何事项进行磋商。委员会应承担由本协定或成员赋予其的各项职责。委员会应制定自己的议事规则。

1.3. 委员会可按要求设立附属机构。所有此类机构应向委员会报告。

1.4. 委员会应制定供成员酌情分享相关信息和最佳实践的程序。

1.5. 委员会应与贸易便利化领域中的其他国际组织，如世界海关组织，保持密

best available advice for the implementation and administration of this Agreement and in order to ensure that unnecessary duplication of effort is avoided. To this end, the Committee may invite representatives of such organizations or their subsidiary bodies to:

- a. attend meetings of the Committee; and
- b. discuss specific matters related to the implementation of this Agreement.

1.6. The Committee shall review the operation and implementation of this Agreement 4 years from its entry into force, and periodically thereafter.

1.7. Members are encouraged to raise before the Committee questions relating to issues on the implementation and application of this Agreement.

1.8. The Committee shall encourage and facilitate ad hoc discussions among Members on specific issues under this Agreement, with a view to reaching a mutually satisfactory solution promptly.

## **2 NATIONAL COMMITTEE ON TRADE FACILITATION**

Each Member shall establish and/or maintain a national committee on trade facilitation or designate an existing mechanism to facilitate both domestic coordination and implementation of provisions of this Agreement.

切联系，旨在获得关于实施和管理本协定的最佳建议，并保证避免不必要的重复工作。为此，委员会可邀请此类组织或其附属机构的代表：

- a. 出席委员会会议；并
- b. 讨论与本协定实施相关的具体事项。

1.6. 委员会应在自本协定生效起 4 年内并在此后定期审议本协定的运用和实施情况。

1.7. 鼓励各成员向委员会提出与本协定实施和适用相关的问题。

1.8. 委员会应鼓励和协助成员之间就本协定项下的特定问题进行专门讨论，以期尽快达成双方满意的解决方案。

## **2 国家贸易便利化委员会**

每一成员应建立并/或设立一国家贸易便利化委员会或指定一现有机制以促进国内协调和本协定条款的实施。

## SECTION II

### SPECIAL AND DIFFERENTIAL TREATMENT PROVISIONS FOR DEVELOPING COUNTRY MEMBERS AND LEAST DEVELOPED COUNTRY MEMBERS

#### 1 General Principles

1.1. The provisions contained in Articles 1 to 12 of this Agreement shall be implemented by developing and least developed country Members in accordance with this Section, which is based on the modalities agreed in Annex D of the July 2004 Framework Agreement (WT/L/579) and paragraph 33 and Annex E of the Hong Kong Ministerial Declaration (WT/MIN(05)/DEC).

1.2. Assistance and support for capacity building<sup>16</sup> should be provided to help developing and least-developed country Members implement the provisions of this agreement, in accordance with their nature and scope. The extent and the timing of implementing the provisions of this Agreement shall be related to the implementation capacities of developing and least developed country Members. Where a developing or least developed country Member continues to lack the necessary capacity, implementation of the provision(s) concerned will not be required until implementation capacity has been acquired.

1.3. Least developed country Members will only be required to undertake commitments to the extent consistent with their individual development, financial and trade needs or their administrative and institutional capabilities.

1.4. These principles shall be applied through the provisions set out in Section II.

#### 2 CATEGORIES OF PROVISIONS

2.1. There are three categories of provisions:

- a. Category A contains provisions that a developing country Member or a least developed country Member designates for implementation upon entry into force of this Agreement, or in the case of a least developed country Member within one year after entry into force, as provided in paragraph 3.
- b. Category B contains provisions that a developing country Member or a least developed country Member designates for implementation on a date after a transitional period of time following the entry into force of this Agreement, as provided in paragraph 4.
- c. Category C contains provisions that a developing country Member or a least developed country Member designates for implementation on a date after a transitional period of time following the entry into force of this Agreement and requiring the acquisition of implementation capacity through the provision of assistance and support for capacity building, as provided for in paragraph 4.

2.2. Each developing country and least developed country Member shall self-designate, on an individual basis, the provisions it is including under each of the Categories A, B and C.

#### 3 Notification and Implementation of Category A

3.1. Upon entry into force of this Agreement, each developing country Member shall implement its Category A commitments. Those commitments designated under Category A will thereby be made an integral part of this Agreement.

3.2. A least developed country Member may notify the Committee of the provisions it has designated in Category A for up to one year after entry into force of this Agreement. Each least developed country Member's commitments designated under Category A will thereby be made an integral part of this Agreement.

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<sup>16</sup> For the purposes of this Agreement, "assistance and support for capacity building" may take the form of technical, financial, or any other mutually agreed form of assistance provided.

## 第二部分

### 给予发展中国家成员和最不发达国家成员的特殊和差别待遇条款

#### 1 总则

1.1. 本协定第 1 至 12 条应由发展中和最不发达国家成员依照本部分实施, 本部分根据 2004 年 7 月框架协议(WT/L/579)附件 D 及《香港部长宣言》(WT/MIN(05)/DEC)第 33 段和附件 E 中议定的模式制定。

1.2. 应向发展中和最不发达国家成员提供能力建设援助和支持<sup>16</sup>以帮助其依照本协定条款的性质和范围予以实施这些条款。实施本协定条款的程度和时限应与发展中和最不发达国家成员的 implementation 能力相关联。如一发展中或最不发达国家成员仍然缺乏必要能力, 则在获得实施能力前, 不要求实施相关条款。

1.3. 仅要求最不发达国家成员作出与其各自发展、财政和贸易需求或其管理和机构能力相一致的承诺。

1.4. 这些原则应适用于本部分所列全部条款。

#### 2 条款类别

2.1. 条款共分 3 类:

- a. A 类包含一发展中或最不发达国家成员指定的自本协定生效时起即实施的条款, 或对于最不发达国家成员在生效后 1 年内实施的条款, 如第 3 款所规定。
- b. B 类包含一发展中或最不发达国家成员指定的在本协定生效后的一过渡期结束后的日期起实施的条款, 如第 4 款所规定。
- c. C 类包含一发展中或最不发达国家成员指定的在本协定生效后的一过渡期结束后的日期起实施的、同时要求通过提供能力建设援助和支持以获得实施能力的条款, 如第 4 款所规定。

2.2. 每一发展中国家和最不发达国家成员应各自自行指定 A、B、C 类分别包含的条款。

#### 3 A 类的条款通知和实施

3.1 自本协定生效时起, 每一发展中国家成员应实施其 A 类条款。A 类项下所指定的承诺将因此成为本协定组成部分。

3.2 一最不发达国家成员可在本协定生效后 1 年内向委员会通知其所指定的 A 类条款。每一最不发达国家成员在 A 类项下所指定的承诺将成为本协定组成部分。

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<sup>16</sup> 就本协定而言, “能力建设援助和支持”可采取技术、资金或其他双方议定的任何其他援助形式。

#### 4 Notification of Definitive Dates for Implementation of Category B and Category C

4.1. With respect to the provisions that a developing country Member has not designated in Category A, the Member may delay implementation in accordance with the process set out in this paragraph.

##### Developing Country Member Category B

- a. Upon entry into force of this Agreement, each developing country Member shall notify to the Committee the provisions that it has designated in Category B and corresponding indicative dates for implementation.<sup>17</sup>
- b. No later than one year after entry into force of this Agreement, each developing country Member shall notify to the Committee its definitive dates for implementation of the provisions it has designated in Category B. If a developing country Member, before this deadline, believes it requires additional time to notify its definitive dates, the Member may request that the Committee extend the period sufficient to notify its dates.

##### Developing Country Member Category C

- c. Upon entry into force of this Agreement, each developing country Member shall notify to the Committee the provisions that it has designated in Category C and corresponding indicative dates for implementation. For transparency purposes, notifications submitted shall include information on the assistance and support for capacity building that the Member requires in order to implement<sup>18</sup>.
- d. Within one year after entry into force of this Agreement, developing country Members and relevant donor Members, taking into account any existing arrangements already in place, notifications pursuant to paragraph 10.1 and information submitted pursuant to sub-paragraph c. above, shall provide information to the Committee on the arrangements maintained or entered into that are necessary to provide assistance and support for capacity building to enable implementation of Category C.<sup>19</sup> The participating developing country Member shall promptly inform the Committee of such arrangements. The Committee shall also invite non-Member donors to provide information on existing or concluded arrangements.
- e. Within 18 months from the date of the provision of the information stipulated in sub-paragraph 4.1 d., donor Members and respective developing country Members shall inform the Committee on progress in the provision of assistance and support. Each developing country Member shall, at the same time, notify its list of definitive dates for implementation.

4.2. With respect to those provisions that a least developed country Member has not designated under Category A, least developed country Members may delay implementation in accordance with the process set forth in this paragraph.

##### Least Developed Country Member Category B

- a. No later than one year after entry into force of this Agreement, a least developed country Member shall notify the Committee its Category B provisions and may notify corresponding indicative dates for implementation of these provisions, taking into account maximum flexibilities for least developed country Members.
- b. No later than two years after the notification date stipulated under sub-paragraph a. above, each least developed country Member shall notify the Committee to confirm designations of provisions and notify its dates for implementation. If a least developed country Member, before this deadline, believes it requires additional time to notify its

<sup>17</sup> Notifications submitted may also include such further information as the notifying Member deems appropriate. Members are encouraged to provide information on the domestic agency/entity responsible for implementation.

<sup>18</sup> Members may also include information on national trade facilitation implementation plans or projects; the domestic agency/entity responsible for implementation; and the donors with which the Member may have an arrangement in place to provide assistance.

<sup>19</sup> Such arrangements will be on mutually agreed terms, either bilaterally or through appropriate international organizations, consistent with paragraph 9.3.



#### 4 B 类和 C 类条款最终实施日期的通知

4.1. 对于一发展中国家成员未在 A 类中指定的条款，该成员可依照本款所列程序推迟实施。

##### 发展中国家成员 B 类条款

- a. 自本协定生效时，每一发展中国家成员应将 B 类中指定的条款及相应的指示性实施日期通知委员会。<sup>17</sup>
- b. 不迟于本协定生效后 1 年，每一发展中国家成员应将其实施 B 类中指定条款的最终日期通知委员会。如一发展中国家成员在截止日期前，认为需要额外时间通知其最终日期，则该成员可请求委员会延长作出通知的足够期限。

##### 发展中国家成员 C 类条款

- c. 自本协定生效时起，每一发展中国家成员应将 C 类中指定的条款及相应的指示性实施日期通知委员会。为透明度目的，提交的通知应包括该成员为实施目的而要求的能力建设援助和支持的信息<sup>18</sup>。
- d. 自本协定生效后 1 年，发展中国家成员及相关捐助成员，应在考虑任何已达成的现行安排、根据第 10.1 款作出的通知以及根据上述 c. 项提供的信息的情况下，向委员会提供关于为使其能够实施 C 类条款而提供能力建设援助和支持所必需的现行或已达成安排的信息<sup>19</sup>。参与的发展中国家成员应将此类安排迅速通知委员会。委员会还应邀请非成员捐助方提供关于现行或已完成安排的信息。
- e. 在第 4.1 d 项规定的提交信息日期起 18 个月内，捐助成员和相应发展中国家成员应将提供援助和支持方面的进展通知委员会。每一发展中国家成员应同时通知其最终实施日期清单。

4.2. 对于最不发达国家成员未在 A 类项下指定的条款，最不发达国家成员可依照本款所列程序推迟实施。

##### 最不发达国家成员 B 类条款

- a. 不迟于本协定生效后 1 年，一最不发达国家成员应将其 B 类条款通知委员会，还可通知这些条款相应的指示性实施日期，同时考虑最不发达国家成员的最大灵活性。
- b. 在不迟于 a 项规定的通知日期后 2 年，每一最不发达国家成员应向委员会作出通知，确认条款的指定情况，并通知其实施日期。如一最不发达国家成员在截止日期前，认为需要额外时间通知其最终日

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<sup>17</sup> 提交的通知还可包括作出通知成员认为适当的进一步信息。鼓励各成员提供关于负责实施的国内机构/实体的信息。

<sup>18</sup> 各成员还可包括关于国家贸易便利化实施计划或方案的信息；负责实施的国内机构/实体；以及已与该成员达成提供援助安排的援助方。

<sup>19</sup> 此类安排将依据双方议定的条件，通过双边或适当国际组织达成，并符合第 9.3 款的规定。

definitive dates, the Member may request that the Committee extend the period sufficiently to notify its dates.

#### Least Developed Country Member Category C

- c. For transparency purposes and to facilitate arrangements with donors, one year after entry into force of this Agreement each least developed country Member shall notify the Committee of the provisions it has designated in Category C, taking into account maximum flexibilities for least developed country Members.
- d. One year after the date stipulated in sub-paragraph c. above, least developed country Members shall notify information on assistance and support for capacity building that the Member requires in order to implement.<sup>20</sup>
- e. Within two years after the notification under sub-paragraph d. above, least developed country Members and relevant donor Members, taking into account information submitted pursuant to sub-paragraph d. above, shall provide information to the Committee on the arrangements maintained or entered into that are necessary to provide assistance and support for capacity building to enable implementation of Category C.<sup>21</sup> The participating least developed country Member shall promptly inform the Committee of such arrangements. The least developed country Member shall, at the same time, notify indicative dates for implementation of corresponding Category C commitments covered by the assistance arrangements. The Committee shall also invite non-Member donors to provide information on existing and concluded arrangements.
- f. Within 18 months from the date of the provision of the information stipulated in sub-paragraph 4.2 e., relevant donor Members and respective least developed country Members shall inform the Committee on progress in the provision of assistance and support. Each least-developed country Member shall, at the same time, notify its list of definitive dates for implementation.

4.3. Developing country Members and least developed country Members experiencing difficulties in submitting definitive dates for implementation within the deadlines set out in paragraphs 4.1 and 4.2 because of the lack of donor support or lack of progress in the provision of assistance and support should notify the Committee as early as possible prior to the expiration of those deadlines. Members agree to cooperate to assist in addressing such difficulties, taking into account the particular circumstances and special problems facing the Member concerned. The Committee shall, as appropriate, take action to address the difficulties including, where necessary, by extending the deadlines for the Member concerned to notify its definitive dates.

4.4. Three months before the deadline stipulated in paragraph 4.1 b. or 4.1 e., or in the case of a least developed country Member paragraph 4.2 b. or 4.2 f., the Secretariat shall remind a Member if that Member has not notified a definitive date for implementation of provisions that it has designated in Category B or C. If the Member does not invoke paragraph 4.3 or paragraph 4.1 b., or in the case of a least developed country Member paragraph 4.2 b., to extend the deadline and still does not notify a definitive date for implementation, the Member shall implement the provisions within one year after the deadline stipulated in paragraph 4.1 b. or 4.1 e., or in the case of a least developed country Member paragraph 4.2 b. or 4.2 f., or extended by paragraph 4.3.

4.5. No later than 60 days after the dates for notification of definitive dates for implementation of Category B and Category C in accordance with paragraphs 4.1, 4.2 or 4.3, the Committee shall take note of the annexes containing each Member's definitive dates for implementation of Category B and Category C provisions, including any dates set under paragraph 4.4, thereby making these annexes an integral part of this Agreement.

<sup>20</sup> Members may also include information on national trade facilitation implementation plans and projects and information on the domestic agency/entity responsible for implementation, and the donors with which the Member may have an arrangement in place to provide assistance.

<sup>21</sup> Such arrangements will be on mutually agreed terms, either bilaterally or through appropriate international organizations, consistent with subparagraph 9.3.

期，则该成员可请求委员会延长作出通知的足够期限。

#### 最不发达国家成员 C 类条款

- c. 为透明度目的并为便利与援助方订立安排，本协定生效 1 年后，每一最不发达国家成员应将其指定的 C 类条款通知委员会，同时考虑给予最不发达国家成员的最大灵活性。
- d. 在 c 项规定的日期后 1 年，最不发达国家成员应通知其为实施目的所要求的能力建设援助和支持的信息。<sup>20</sup>
- e. 在根据以上 d. 项作出通知后 2 年内，最不发达国家成员及相关援助成员应在考虑根据上述 d. 项提供的信息的情况下，向委员会提供关于使其能够执行 C 类条款而提供能力建设援助和支持所必需的现行或已达成安排的信息<sup>21</sup>。参与的最不发达国家成员应将此类安排迅速通知委员会。委员会还应邀请非成员捐助方提供关于现行或已完成安排的信息。
- f. 在第 4.2 e 项规定的提交信息日期起 18 个月内，相关捐助成员和相应发展中国家成员应将提供援助和支持方面的进展通知委员会。每一最不发达国家成员应同时通知其最终实施日期清单。

4.3. 发展中国家成员和最不发达国家成员如因缺乏捐助支持或在提供援助和支持方面缺乏进展，致使其在第 4.1 和第 4.2 款规定的截止日期内提交最终实施日期方面遇到困难，则应在截止日期期满前尽早通知委员会。各成员同意开展合作以在处理此类困难方面提供协助，同时考虑有关成员所面临的具体情况和特殊问题。委员会应酌情采取行动处理此类困难，包括如必要，延长有关成员通知其最终实施日期的截止日期。

4.4. 在第 4.1.b 或 4.1.e 项或对于最不发达国家成员在第 4.2.b 项或 4.2 f 项所规定的截止日期前 3 个月，秘书处应提醒尚未通知 B 或 C 类条款最终实施日期的成员。如该成员未援引第 4.3 款或 4.1b 项或对于最不发达成员第 4.2b 项以延长其截止日期，且尚未通知最终实施日期，则该成员应在第 4.1b 项或 4.1e 项或对于最不发达国家成员第 4.2.b 项或 4.2 f 项所规定的截止日期后 1 年内实施该条款，或根据第 4.3 款予以延长。

4.5 不迟于根据第 4.1、4.2 或 4.3 款作出关于履行 B 类和 C 类条款的最终实施日期通知后 60 天，委员会应注意到包含每一成员 B 类和 C 类条款最终实施日期的附件，包括第 4.4 款设定的任何日期，并因此使这些附件成为本协定组成部分。

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<sup>20</sup> 各成员还可包括关于国家贸易便利化实施计划或方案的信息；负责实施的国内机构/实体；以及已与该成员达成提供援助安排的援助方。

<sup>21</sup> 此类安排将依据双方议定的条件，通过双边或适当国际组织达成，并符合第 9.3 款的规定。

## **5 Early Warning Mechanism: Extension of Implementation Dates for Provisions in Categories B and C**

### **5.1.**

- a. A developing country Member or least developed country Member that considers itself to be experiencing difficulty in implementing a provision that it has designated in Category B or Category C by the definitive date established under paragraph 4.1 b. or 4.1 e., or in the case of a least-developed country Member paragraph 4.2 b. or 4.2 f., and should notify the Committee. Developing countries shall notify the Committee no later than 120 days before the expiration of the implementation date. Least developed countries shall notify the Committee no later than 90 days before such date.
- b. The notification to the Committee shall indicate the new date by which the developing country Member or least developed country Member expects to be able to implement the provision concerned. The notification shall also indicate the reasons for the expected delay in implementation. Such reasons may include the need for assistance not earlier anticipated or additional assistance to help build capacity.

5.2. Where a developing country Member's request for additional time for implementation does not exceed 18 months or a least developed country Member's request for additional time does not exceed 3 years, the requesting Member is entitled to such additional time without any further action by the Committee.

5.3. Where a developing country or least developed country Member considers that it requires a first extension longer than that provided for in paragraph 5.2 or a second or any subsequent extension, it shall submit to the Committee a request for an extension containing the information described in 5.1 b. no later than 120 days in respect of a developing country and 90 days in respect of a least developed country before the expiration of the original definitive implementation date or that date as subsequently extended.

5.4. The Committee shall give sympathetic consideration to granting requests for extension taking into account the specific circumstances of the Member submitting the request. These circumstances may include difficulties and delays in obtaining assistance.

## **6 Implementation of Category B and Category C**

6.1. In accordance with paragraph 1.2, if a developing country Member or a least developed country Member, having fulfilled the procedures set forth in sub-paragraph 4.1 or 4.2 and in paragraph 5, and where an extension requested has not been granted or where the developing country Member or least developed country Member otherwise experiences unforeseen circumstances that prevents an extension being granted under paragraph 5, self-assesses that its capacity to implement a provision under Category C continues to be lacking, that Member shall notify the Committee of its inability to implement the relevant provision.

6.2. The Trade Facilitation Committee shall immediately establish an Expert Group, and in any case no later than 60 days after the Committee receives the notification from the relevant developing country Member or least developed country Member. The Expert Group will examine the issue and make a recommendation to the Committee within 120 days of its composition.

6.3. The Expert Group shall be composed of five independent persons, highly qualified in the fields of trade facilitation and assistance and support for capacity building. The composition of the Expert Group shall ensure balance between nationals from developing and developed country Members. Where a least developed country Member is involved, the Expert Group shall include at least one national from a least developed country. If the Committee cannot agree on the composition of the Expert Group within 20 days of its establishment, the Director-General, in consultation with the chair of the Committee, shall determine the composition of the Expert Group in accordance with the terms of this paragraph.

## 5 预警机制：B 类和 C 类条款实施日期的延长

### 5.1.

- a. 一发展中国家成员或最不发达国家成员认为在第 4.1 b 或 4.1 e 项或对于最不发达国家成员在第 4.2 b 项或 4.2 f 项所规定的截止日期前，在实施其指定的 B 类和 C 类条款中一条款方面遇到困难，则应通知委员会。发展中国家成员应不迟于实施日期期满前 120 天通知委员会。最不发达国家成员应不迟于 90 天通知委员会。
- b. 向委员会作出的通知应列明发展中国家成员或最不发达国家成员预计能够实施有关规定的新日期。通知还应详细说明推迟实施的原因。此类原因可包含有助于增加能力的事先未预计到的或额外的援助需求。

5.2. 如一发展中国家成员请求的额外实施时间不超过 18 个月或一最不发达国家成员请求的额外实施时间不超过 3 年，则提出请求成员有权获得此额外时间而无需委员会采取任何进一步行动。

5.3. 如一发展中国家或最不发达国家成员认为其所需第 1 次延期长于第 5.2 款所规定期限或需要第 2 次或后续延期，则该成员应向委员会提交包含第 5.1 b 项所述信息的延期请求，发展中国家成员应不迟于原定最终实施日期或后续延长日期期满前 120 天提交，最不发达国家成员应不迟于 90 天提交。

5.4. 委员会应对延期请求给予同情考虑，同时考虑提交请求成员的具体情况。这些情况可包括获得援助方面的困难和延迟。

## 6 B 类和 C 类条款的实施

6.1. 依照第 1.2 款，如一发展中国家成员或最不发达国家成员，在履行第 4.1 款或第 4.2 款和第 5 款所列程序后，且如延期请求未获批准或如该发展中国家或最不发达国家成员遇到未预见的情况导致无法根据第 5 款获得延期，且自我评估认为自身仍然缺乏实施 C 类项下一条款的能力，则该成员应向委员通知其无能力执行相关条款的情况。

6.2. 贸易便利化委员会应立即设立一专家小组，无论如何不迟于委员会自相关发展中国家成员或最不发达国家成员处收到通知后 60 天。专家小组将在组成后 120 天内，审查该事项并向委员会提出建议。

6.3. 专家小组应由 5 位在贸易便利化及能力建设援助和支持领域的资深独立人员组成。专家小组的组成应保证来自发展中和发达国家成员国民的平衡。如涉及最不发达国家成员，则专家小组应至少包含一位来自最不发达国家的国民。如在专家小组设立后 20 天内无法就组成达成一致，则总干事在与委员会主席磋商后，应依照本款所列条款决定专家小组的组成。

6.4. The Expert Group shall consider the Member's self-assessment of lack of capacity and shall make a recommendation to the Trade Facilitation Committee. When considering the Expert Group's recommendation concerning a least developed country Member, the Committee shall, as appropriate, take action that will facilitate the acquisition of sustainable implementation capacity.

6.5. The Member shall not be subject to proceedings under the Dispute Settlement Understanding on this issue from the time the developing country Member notifies the Committee of its inability to implement the relevant provision until the first meeting of the Committee after it receives the recommendation of the Expert Group. At that meeting, the Committee shall consider the recommendation of the Expert Group. For the least developed country Member, the proceedings under the Dispute Settlement Understanding shall not apply on the respective provision from the date of notification to the Committee of its inability to implement the provision until the Committee makes a decision on the issue, or within 24 months after the first Committee meeting set out above, whichever is the earlier.

6.6. Where a least developed country Member loses its ability to implement a Category C commitment, it may inform the Committee and follow the procedures set out in paragraph 6.

## **7 Shifting between Categories B and C**

7.1. Developing Country Members and least developed country Members who have notified provisions under Categories B and C may shift provisions between such categories through the submission of a notification to the Committee. Where a Member proposes to shift a provision from Category B to C, the Member shall provide information on the assistance and support required to build capacity.

7.2. In the event that additional time is required to implement a provision as a result of it having been shifted from Category B to Category C, the Member may:

- a. use the provisions of paragraph 5, including the opportunity for an automatic extension; or
- b. request an examination by the Committee of the Member's request for extra time to implement the provision and, if necessary, for assistance and support for capacity building, including the possibility of a review and recommendation by the Expert Group under paragraph 6; or
- c. in the case of a least developed country Member, any new implementation date of more than four years after the original date notified under Category B shall require approval by the Committee. In addition, a least developed country continues to have recourse to paragraph 5. It is understood that assistance and support for capacity building is required for a least developed country Member so shifting.

## **8 Grace Period for the Application of the Understanding on Rules and Procedures Governing the Settlement of Disputes**

8.1. For a period of 2 years after entry into force of this Agreement, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against a developing country Member concerning any provision that the Member has designated in Category A.

8.2. For a period of 6 years after entry into force of this Agreement, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against a least developed country Member concerning any provision that the Member has designated in Category A.

8.3. For a period of 8 years after implementation of a provision under Category B and C by a least developed country Member, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against that least developed country Member concerning those provisions.

6.4. 专家小组应考虑该成员关于缺乏能力的自我评估，并应向贸易便利化委员会提出建议。在考虑专家小组有关一最不发达国家成员的建议时，委员会应酌情采取行动，以便利可持续发展的实施能力的获得。

6.5. 自该发展中国家成员向委员会通知其无能力实施相关条款时起至委员会收到专家小组建议后的第一次会议时止，该成员在此事项上不受《争端解决谅解》诉讼的管辖。在第一次会议上，委员会应考虑专家小组的建议。对于最不发达国家成员，自其向委员会通知其无能力实施相关条款时起至委员会就此事项作出决定或在委员会上述会议后 24 个月内，以较早者为准，《争端解决谅解》诉讼不适用于相关条款。

6.6. 如一最不发达国家失去实施 C 类条款的能力，则应通知委员会，并遵循第 6 款所列程序。

## 7 B 类和 C 类条款之间的转换

7.1. 已对 B 类和 C 类条款作出通知的发展中国家成员和最不发达国家成员，可通过向委员会提交通知，在此类别之间对条款进行转换。如一成员提出将一条款自 B 类转换至 C 类，则该成员应提供关于能力建设所需的技术援助和支持的信息。

7.2. 如因一条款自 B 类转换至 C 类而需要额外时间实施该条款，则该成员可：

- a. 使用第 5 款的规定，包括自动延期的机会；或
- b. 请求委员会审查该成员关于为实施该条款的额外时间请求，如必要，审查能力建设援助和支持请求，包括由第 6 款项下的专家小组进行审议并提出建议；或
- c. 对于最不发达国家成员，在 B 类条款项下作出通知的原定日期后超过 4 年的新实施日期应获得委员会批准。各方理解对于作出此类转换的最不发达国家成员需要能力建设援助和支持。

## 8 适用《关于争端解决规则与程序的谅解》的宽限期

8.1. 本协定生效后 2 年内，经《关于争端解决规则与程序的谅解》详述和适用的《1994 年关税与贸易总协定》第 22 条和第 23 条的规定不得适用于针对发展中国家成员的、涉及该成员指定列入 A 类条款的任何条款的争端解决。

8.2. 本协定生效后 6 年内，经《关于争端解决规则与程序的谅解》详述和适用的《1994 年关税与贸易总协定》第 22 条和第 23 条的规定不得适用于针对最不发达国家成员的、涉及该成员指定列入 A 类条款的任何条款的争端解决。

8.3. 最不发达国家成员实施 B 类和 C 类条款后 8 年内，经《关于争端解决规则与程序的谅解》用的《1994 年关税与贸易总协定》第 22 条和第 23 条的规定不得适用于针对最不发达国家成员的、涉及此类条款的争端解决。

8.4. Notwithstanding the grace period for the application of the Understanding on Rules and Procedures Governing the Settlement of Disputes, before making a request for consultations pursuant to Articles XXII or XXIII, and at all stages of dispute settlement procedures with regard to a measure of a least developed country Member, a Member shall give particular consideration to the special situation of least developed country Members. In this regard, Members shall exercise due restraint in raising matters under the Understanding on Rules and Procedures Governing the Settlement of Disputes involving least developed country Members.

8.5. Each Member shall, upon request, during the grace period allowed under this paragraph, provide adequate opportunity to other Members for discussion with respect to any issue relating to the implementation of this Agreement.

## **9 Provision of Assistance for Capacity Building**

9.1. Donor Members agree to facilitate the provision of assistance and support for capacity building to developing country and least developed country Members, on mutually agreed terms and either bilaterally or through the appropriate international organizations. The objective is to assist developing country and least developed country Members to implement the provisions of Section I of this Agreement.

9.2. Given the special needs of least developed country Members, targeted assistance and support should be provided to the least developed country Members so as to help them build sustainable capacity to implement their commitments. Through the relevant development cooperation mechanisms and in coherence with the principles of technical assistance and capacity building as referred to in paragraph 9.3, development partners shall endeavour to provide assistance and support in this area in a way that does not compromise existing development priorities.

9.3. Members shall endeavour to apply the following principles for providing assistance and support for capacity building with regard to the implementation of this Agreement:

- a. take account of the overall developmental framework of recipient countries and regions and, where relevant and appropriate, ongoing reform and technical assistance programs;
- b. include, where relevant and appropriate, activities to address regional and sub-regional challenges and promote regional and sub-regional integration;
- c. ensure that ongoing trade facilitation reform activities of the private sector are factored into assistance activities;
- d. promote coordination between and among Members and other relevant institutions, including regional economic communities, to ensure maximum effectiveness of and results from this assistance. To this end:
  - i. coordination, primarily in the country or region where the assistance is to be provided, between partner Members and donors, and among bilateral and multilateral donors, should aim to avoid overlap and duplication in assistance programs and inconsistencies in reform activities through close coordination of technical assistance and capacity building interventions;
  - ii. for least developed country Members, the Enhanced Integrated Framework should be a part of this coordination process; and
  - iii. Members should also promote internal coordination between their trade and development officials, both in capitals and Geneva, in the implementation of the Agreement and technical assistance.
- e. encourage use of existing in-country and regional coordination structures such as roundtables and consultative groups to coordinate and monitor implementation activities; and
- f. encourage developing countries Members to provide capacity building to other developing and least developed country and consider supporting such activities, where possible.



8.4. 尽管存在适用《关于争端解决规则与程序的谅解》的宽限期，但是针对最不发达国家成员一措施，在按照第 22 条或第 23 条提出磋商请求前及在争端解决程序各阶段，一成员应对最不发达国家成员的特殊情况给予特别考虑。在此方面，各成员应在《关于争端解决的规则与程序的谅解》项下提出涉及最不发达国家成员的事项保持适当的克制。

8.5. 每一成员应请求，在本款允许的宽限期内，应向其他成员提供充分机会，以讨论与实施本协定相关的任何问题。

## 9 能力建设援助的提供

9.1. 捐助成员同意依据共同议定的条款，通过双边或适当国际组织，便利向发展中国家和最不发达国家成员提供能力建设援助和支持。目标旨在援助必发展中国家和最不发达国家成员实施本协定第一部分条款。

9.2. 考虑到最不发达国家成员的特殊需要，定向援助和支持应向最不发达国家成员提供，以帮助其增加实施承诺的可持续能力。通过相关发展合作机制，并在与第 9.3 款所指的技术援助和能力建设原则相一致的前提下，发展伙伴应努力以不妥协现有发展优先事项的方式对此领域提供援助和支持。

9.3. 各成员应努力在提供实施本协定的能力建设援助和支持方面适用下列原则：

- a. 考虑接受国和地区的整体发展框架及在相关和适当时，考虑正在开展的改革和技术援助项目；
- b. 在相关和适当时，包括用以处理区域和次区域挑战并促进区域和次区域一体化的活动；
- c. 保证将正在开展的私营部门贸易便利化改革活动纳入援助活动；
- d. 促进各成员间及与包括区域经济共同体在内的其他相关机构之间的合作，以保证自援助中获得最大效益和结果。为此：
  - i. 主要在提供援助的对象国家和地区中开展的、在合作伙伴成员和援助方之间及在双边和多边援助方之间的协调，应旨在通过技术援助与能力建设干预的紧密协调，避免在援助项目的重叠和重复及改革中的不一致性；
  - ii. 对于最不发达国家成员，增强一体化框架应成为该协调过程的一部分；以及
  - iii. 各成员在实施本协定和技术援助时，还应促进其在首都和日内瓦的贸易和发展官员之间的内部协调。
- e. 鼓励使用现有的如圆桌会议和协商小组等国内和区域协调构架，以协调和监督实施活动；以及
- f. 在可能的情况下，鼓励发展中国家成员向其他发展中和最不发达国家提供能力建设，并考虑支持此类活动。

9.4. The Committee shall hold at least one dedicated session per year to:

- a. discuss any problems regarding implementation of provisions or sub-parts of provisions;
- b. review progress in the provision of technical assistance and capacity building to support the implementation of the Agreement, including any developing or least developed country Members not receiving adequate technical assistance and capacity building;
- c. share experiences and information on ongoing assistance and implementation programs, including challenges and successes;
- d. review donor notifications as set forth in paragraph 10; and
- e. review the operation of paragraph 9.2.

## 10 Information on Assistance to be Submitted to the Committee

10.1. To provide transparency to developing and least developed Members on the provision of assistance and support for implementation of Section I, each donor Member assisting developing country and least developed country Members with the implementation of this Agreement shall submit to the Committee, at entry into force of the Agreement and annually thereafter, the following information on its assistance and support for capacity building that was disbursed in the preceding twelve months and, where available, that is committed in the next twelve months<sup>22</sup>:

- a. a description of the assistance and support for capacity building;
- b. the status and amount committed/disbursed;
- c. procedures for disbursement of the assistance and support;
- d. the beneficiary country, or, where necessary, the region; and
- e. the implementing agency in the Member providing assistance and support.

The information shall be provided in the format specified in Annex 1. In the case of OECD members, the information submitted can be based on relevant information from the OECD Creditor Reporting System. Developing country Members declaring themselves in a position to provide assistance and support are encouraged to provide the information above.

10.2. Donor Members assisting developing country and least developed country Members shall submit to the Committee:

- a. contact points of their agencies responsible for providing assistance and support for capacity building related to the implementation of the provisions of Section I of this Agreement including, where practicable, information on such contact points within the country or region where the assistance and support is to be provided; and
- b. information on the process and mechanisms for requesting assistance and support.

Developing country Members declaring themselves in a position to provide assistance and support are encouraged to provide the information above.

10.3. Developing country and least developed country Members intending to avail themselves of trade facilitation-related assistance and support shall submit to the Committee information on contact point(s) of the office(s) responsible for coordinating and prioritizing such assistance and support.

10.4. Members may provide the information in paragraphs 10.2 and 10.3 through internet references and shall update the submitted information as necessary. The Secretariat shall make all such information publicly available.

10.5. The Committee shall invite relevant international and regional organizations (such as the IMF, OECD, UNCTAD, WCO, UN Regional Commissions, the World Bank, or their subsidiary bodies, and regional development banks) and other agencies of cooperation to provide information referred to in paragraphs 10.1, 10.2 and 10.4.

<sup>22</sup> The information provided will reflect the demand driven nature of the provision of technical assistance.

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9.4. 委员会应至少每年举行一次专门会议：

- a. 讨论关于实施条款或条款某部分的任何问题；
- b. 审议在为支持本协定实施所提供技术援助和能力建设方面的进展，包括任何未得到充足技术援助和能力建设的发展中或最不发达国家成员；
- c. 分享关于正在开展的援助和实施项目的经验和信息，包括挑战和成就；
- d. 审议第 10 款所列捐助通知；以及
- e. 审议第 9.2 款的运用情况。

**10 向委员会提交的援助信息**

10.1. 为向发展中和最不发达国家成员提供关于实施第一部分的援助和支持的透明度，援助发展中国家和最不发达国家成员实施本协定的每一捐助成员应在本协定生效时及随后每年，向委员会提交其此前 12 个月中支付的能力建设援助的信息，及在可获得的情况下，今后 12 个月中承诺提供的能力建设援助的信息<sup>22</sup>：

- a. 能力建设援助和支持的描述；
- b. 承诺/支付状态和金额；
- c. 援助和支持支付的程序；
- d. 受惠国，或在必要的情况下，受惠地区；以及
- e. 提供援助和支持成员的实施机构。

信息应按附件 1 规定的格式提供。对于 OECD 成员，提交的信息可根据《OECD 债权人报告系统》中的相关信息。鼓励宣布有能力提供援助和支持的发展中成员提供上述信息。

10.2. 援助发展中国家和最不发达国家成员的捐助成员应向委员会提交：

- a. 负责提供与实施本协定第一部分条款相关的能力建设援助和支持的机构的联络点，如可行，其国内或区域内提供援助和支持的联络点的信息；
- b. 关于请求获得援助和支持的程序和机制的信息。

鼓励宣布有能力提供援助和支持的发展中成员提供上述信息。

10.3. 旨在获得与贸易便利化相关的援助和支持的发展中国家和最不发达国家成员，应向委员会提交关于负责协调和确定此类援助和支持优先次序机构的联络点信息。

10.4. 各成员可通过互联网参考提交第 10.2 和第 10.3 款中的信息，并应在必要时更新所提交信息。秘书处应可使所有此类信息可公开获得。

10.5. 委员会应邀请相关国际和区域组织(如 IMF、OECD、UNCTAD、WCO、联合国各区域委员会、世界银行及其附属机构以及各区域开发银行)及其他合作机构提供第 10.1、10.2 和 10.4 款中所指的信息。

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<sup>22</sup> 提供的信息将反映提供技术援助方面的需求驱动性质。

**FINAL PROVISIONS**

1. For the purpose of this Agreement, the term "Member" is deemed to include the competent authority of that Member.
2. All provisions of this Agreement are binding on all Members.
3. Members shall implement this Agreement from the date of its entry into force. Developing country Members and least developed country Members that choose to use the provisions of Section II shall implement this Agreement in accordance with Section II.
4. A Member which accepts this Agreement after its entry into force shall implement its Category B and C commitments counting the relevant periods from the date this Agreement enters into force.
5. Members of a customs union or a regional economic arrangement may adopt regional approaches to assist in the implementation of their obligations under the Agreement on Trade Facilitation including through the establishment and use of regional bodies.
6. Notwithstanding the General interpretative note to Annex 1A, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.
7. All exceptions and exemptions<sup>23</sup> under the General Agreement on Tariffs and Trade 1994 shall apply to the provisions of this Agreement. Waivers applicable to the GATT 1994 or any part thereof, granted according to Article IX:3 and Article IX:4 of the Marrakesh Agreement establishing the WTO and any amendments thereto as of the date of entry into force of this Agreement, shall apply to the provisions of this Agreement.
8. The provisions of Articles XXII and XXIII of the General Agreement on Tariffs and Trade 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall apply to consultations and the settlement of disputes under this Agreement, except as otherwise specifically provided for in this Agreement.
9. Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.
10. The Category A commitments of developing and least developed country Members annexed to this Agreement in accordance with paragraphs 3.1 and 3.2 of Section II shall constitute an integral part of this Agreement.
11. The Category B and C commitments of developing and least developed country Members taken note of by the Committee and annexed to this Agreement pursuant to paragraph 4.5 of Section II shall constitute an integral part of this Agreement.

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<sup>23</sup> This includes Articles V:7 and X:1 of the GATT 1994 and the Ad note to Article VIII of the GATT 1994.

## 最后条款

1. 就本协定而言，“成员”一词应理解为包含该成员有关主管机关。
2. 本协定全部条款对所有成员具有约束力。
3. 各成员应自本协定生效之日起实施本协定。选择使用第二部分规定的发展中国家成员和最不发达国家成员应依照第二部分实施本协定。
4. 在本协定生效后接受本协定的成员应在实施其 B 类和 C 类承诺时计入自本协定生效之日起的时间。
5. 关税同盟或区域经济安排的成员可采用区域方式支持其实施《贸易便利化协定》项下义务，包括通过建立和使用区域机构。
6. 尽管有附件 1A 的总体解释性说明，但是本协定任何条款不得解释为减损各成员在 GATT 1994 项下的义务。此外，本协定任何条款不得解释为减损各成员在《技术性贸易壁垒协定》和《实施卫生与植物卫生措施协定》项下的权利和义务。
7. 《1994 年关税与贸易总协定》项下所有例外和免除<sup>23</sup>应适用于本协定。根据《马拉喀什建立世界贸易组织协定》第 9.3 和第 9.4 款及截止本协定生效之日的任何修正给予的、适用于 GATT 1994 或其一部分的豁免，应适用于本协定的规定。
8. 经《关于争端解决规则与程序的谅解》详述和适用的《1994 年关税与贸易总协定》第 22 条和第 23 条的规定应适用于本协定项下的磋商和争端解决，除非本协定另有具体规定。
9. 未经其他成员同意不可对本协定的任何条款提出保留。
10. 依照第二部分第 3.1 和第 3.2 款、附在本协定之后的发展中和最不发达国家成员的 A 类承诺应构成本协定组成部分。
11. 依照第二部分第 4.5 款、附在本协定之后的发展中和最不发达国家成员的 B 类和 C 类承诺应构成本协定组成部分。

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<sup>23</sup> 包括 GATT 1994 第 5 条第 7 款和第 10 条第 1 款及对 GATT 1994 年第 8 条的补充注释。

**ANNEX 1: FORMAT FOR NOTIFICATION UNDER ARTICLE 10.1**

Donor Member:

Period covered by the notification:

Description of the technical and financial assistance and capacity building resources	Status and amount committed/disbursed	Beneficiary country/ Region (where necessary)	The implementing agency in the Member providing assistance	Procedures for disbursement of the assistance

附件 1：第 10.1 款项下的通知样式

捐助成员：

通知涵盖期限：

技术和财政援助及能力建设资源描述	承诺/支付状态和金额	受惠国/地区(如必要)	提供援助成员的实施机构	援助支付程序

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11 December 2013

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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## GENERAL SERVICES

### MINISTERIAL DECISION OF 7 DECEMBER 2013

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Decides* as follows:

Members recognize the contribution that General Services programmes can make to rural development, food security and poverty alleviation, particularly in developing countries. This includes a range of General Services programmes relating to land reform and rural livelihood security that a number of developing countries have highlighted as particularly important in advancing these objectives. Accordingly, Members note that, subject to Annex 2 of the Agreement on Agriculture, the types of programmes listed below could be considered as falling within the scope of the non-exhaustive list of general services programmes in Annex 2, paragraph 2 of the AoA.

General Services programmes related to land reform and rural livelihood security, such as:

- i. land rehabilitation;
- ii. soil conservation and resource management;
- iii. drought management and flood control;
- iv. rural employment programmes;
- v. issuance of property titles; and
- vi. farmer settlement programmes

in order to promote rural development and poverty alleviation.





## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 一般服务

2013 年 12 月 7 日部长决定

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

决定如下：

各成员认识到一般服务项目可对农村发展、粮食安全和减少贫困做出贡献，特别是在发展中国家中。此类服务包括与土地改革和农村生计安全有关的一系列服务项目，发展中国家强调此类服务对实现上述目标非常重要。为此，各成员注意到，在符合《农业协定》附件 2 的前提下，下列项目类型可认为属于《农业协定》附件 2 第 2 款中一般服务项目的未穷尽清单范围。

与土地改革和农村生计安排有关的一般服务，例如：

- i. 土地复垦；
- ii. 土壤保持和资源管理；
- iii. 干旱管理和洪水控制；
- iv. 农村就业项目；
- v. 产权证发放；以及
- vi. 农民安置项目

旨在促进农村发展和减少贫困。



11 December 2013

(13-6827)

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Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013

## PUBLIC STOCKHOLDING FOR FOOD SECURITY PURPOSES

### MINISTERIAL DECISION OF 7 DECEMBER 2013

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Decides* as follows:

1. Members agree to put in place an interim mechanism as set out below, and to negotiate on an agreement for a permanent solution<sup>1</sup>, for the issue of public stockholding for food security purposes for adoption by the 11<sup>th</sup> Ministerial Conference.
2. In the interim, until a permanent solution is found, and provided that the conditions set out below are met, Members shall refrain from challenging through the WTO Dispute Settlement Mechanism, compliance of a developing Member with its obligations under Articles 6.3 and 7.2 (b) of the Agreement on Agriculture (AoA) in relation to support provided for traditional staple food crops<sup>2</sup> in pursuance of public stockholding programmes for food security purposes existing as of the date of this Decision, that are consistent with the criteria of paragraph 3, footnote 5, and footnote 5&6 of Annex 2 to the AoA when the developing Member complies with the terms of this Decision.<sup>3</sup>

### NOTIFICATION AND TRANSPARENCY

3. A developing Member benefiting from this Decision must:
  - a. have notified the Committee on Agriculture that it is exceeding or is at risk of exceeding either or both of its Aggregate Measurement of Support (AMS) limits (the Member's Bound Total AMS or the *de minimis* level) as result of its programmes mentioned above;
  - b. have fulfilled and continue to fulfil its domestic support notification requirements under the AoA in accordance with document G/AG/2 of 30 June 1995, as specified in the Annex;
  - c. have provided, and continue to provide on an annual basis, additional information by completing the template contained in the Annex, for each public stockholding programme that it maintains for food security purposes; and
  - d. provide any additional relevant statistical information described in the Statistical Appendix to the Annex as soon as possible after it becomes available, as well as any information updating or correcting any information earlier submitted.

<sup>1</sup> The permanent solution will be applicable to all developing Members.

<sup>2</sup> This term refers to primary agricultural products that are predominant staples in the traditional diet of a developing Member.

<sup>3</sup> This Decision does not preclude developing Members from introducing programmes of public stockholding for food security purposes in accordance with the relevant provisions of the Agreement on Agriculture.



第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

用于粮食安全为目的的公共储备

2013 年 12 月 7 日部长决定

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

决定如下：

1. 各成员同意就用于粮食安全为目的的公共储备问题实施如下临时机制，并谈判一项关于永久解决办法的协定<sup>1</sup>，提交第 11 届部长级会议通过。
2. 在此期间，直至找到永久解决办法前，并在满足下列条件的前提下，对于在本协定通过之日已存在的、为实施用于粮食安全目的的公共储备项目而对传统主粮作物<sup>2</sup>提供的、且符合《农业协定》附件 2 第 3 款、脚注 5 及脚注 5&6 的支持，各成员应克制通过 WTO 争端解决机制对发展中成员是否遵守其在《农业协定》第 6.3 款和 7.2(b)项下的义务提出质疑。<sup>3</sup>

通报和透明度

3. 从本决定获益的一发展中成员必须：
  - a. 已向农业委员会通报因实施上述项目而超过或可能超过其综合支持总量 (AMS) 上限之一或全部上限(即该成员约束的总 AMS 或微量允许水平)；
  - b. 依照 1995 年 6 月 30 日 G/AG/2 号文件已经履行并将继续履行《农业协定》项下的国内支持通报要求，按附件中所列；
  - c. 对于其为粮食安全目的而维持的每一公共储备项目，已经提供并将每年继续通过填写附件中模板提供额外信息；以及
  - d. 在可获得的情况下，尽早提供附件中统计附录所述任何额外统计信息，以及提供任何更新信息或对较早提供的任何信息进行更正。

<sup>1</sup> 永久解决方案将适用于所有发展中成员。

<sup>2</sup> 这一术语指属一发展中成员传统饮食中主粮的初级农产品。

<sup>3</sup> 本决定不得妨碍发展中成员依照《农业协定》相关条款采用为粮食安全目的的公共储备项目。

**ANTI-CIRCUMVENTION/SAFEGUARDS**

4. Any developing Member seeking coverage of programmes under paragraph 2 shall ensure that stocks procured under such programmes do not distort trade or adversely affect the food security of other Members.

5. This Decision shall not be used in a manner that results in an increase of the support subject to the Member's Bound Total AMS or the *de minimis* limits provided under programmes other than those notified under paragraph 3.a.

**CONSULTATIONS**

6. A developing Member benefiting from this Decision shall upon request hold consultations with other Members on the operation of its public stockholding programmes notified under paragraph 3.a.

**MONITORING**

7. The Committee on Agriculture shall monitor the information submitted under this Decision.

**WORK PROGRAMME**

8. Members agree to establish a work programme to be undertaken in the Committee on Agriculture to pursue this issue with the aim of making recommendations for a permanent solution. This work programme shall take into account Members' existing and future submissions.

9. In the context of the broader post-Bali agenda, Members commit to the work programme mentioned in the previous paragraph with the aim of concluding it no later than the 11<sup>th</sup> Ministerial Conference.

10. The General Council shall report to the 10<sup>th</sup> Ministerial Conference for an evaluation of the operation of this Decision, particularly on the progress made on the work programme.

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**反规避/保障措施**

4. 寻求将项目纳入第 2 款涵盖范围的任何发展中成员应保证此类项目下采购的储备不扭曲贸易或对其他成员的粮食安全造成不利影响。

5. 本决定的使用不得导致增加对受该成员约束的综合支持总量或微量允许上限约束的根据第 3. a.项通报项目之外的其他项目的支持。

**磋商**

6. 从本决定获益的一发展中成员应请求，应与其他成员就根据第 3. a.项通报的公共储备项目的运行情况进行磋商。

**监督**

7. 农业委员会应监督根据本决定提交的信息。

**工作计划**

8. 各成员同意制定一项在农业委员会中开展的工作计划以探讨此问题，旨在就永久解决办法提出建议。该工作计划应考虑各成员现有和未来提案。

9. 在范围更广的后巴厘议程框架下，各成员致力于开展前款所提及的工作计划，以期不迟于第 11 届部长级会议完成该工作计划。

10. 总理事会将向第 10 届部长级会议报告对本决定运用情况的评估，特别是关于工作计划的进展情况。

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**ANNEX****Template****[Developing Member's name]****General information**

<b>1. Factual information confirming that DS:1 notifications and relevant supporting tables for the preceding 5 years are up-to-date (e.g. date and document details)</b>
<b>2. Details of the programme sufficient to identify food security objective and scale of the programme, including:</b>
<b>a. Name of the programme</b>
<b>b. Traditional staple food crop(s) covered</b>
<b>c. Agency in charge of implementation</b>
<b>d. Relevant laws and regulations</b>
<b>e. Date of commencement of the programme</b>
<b>f. Officially published objective criteria or guidelines</b>
<b>3. Practical description of how the programme operates, including:</b>
<b>a. Provisions relating to the purchase of stocks, including the way the administered acquisition price is determined</b>
<b>b. Provisions related to volume and accumulation of stocks, including any provisions related to pre-determined targets and quantitative limits</b>
<b>c. Provisions related to the release of stocks, including the determination of the release price and targeting (eligibility to receive procured stocks)</b>
<b>4. A description of any measures aimed at minimising production or trade distortive effects of the programme</b>
<b>5. Statistical information (as per the Statistical Appendix below)</b>
<b>6. Any other information considered relevant, including website references</b>

## 附件

## 模板

[发展中成员名称]

## 一般信息

1. 确认过去 5 年的国内支持(DS):1 通报及相关支持表格是最新的事实信息(如日期和文件细节)
2. 可充分确定粮食安全目的的项目细节和项目规模, 包括:
a. 项目名称
b. 涵盖的传统主粮
c. 实施机构
d. 相关法律法规
e. 项目开始日期
f. 官方公布的客观标准或指南
3. 项目实施的具体描述, 包括:
a. 与采购储备相关的规定, 包括确定管制收购价格的途径
b. 与储备的数量和累积相关的规定, 包括与预定目标和数量上限相关的任何规定
c. 与储备释放相关的规定, 包括释放价格和目标人群(有资格获得采购的储备)的确定
4. 对减少生产或贸易扭曲影响的任何措施的描述
5. 统计信息(按下列统计信息附录)
6. 任何其他相关信息, 包括网站参考

**Statistical Appendix (per crop) (data for the latest three years)**

	Unit	[Year 1]	[Year 2]	[Year 3]
<b>[Name of the crop]</b>				
a. Opening balance of stocks				
b. Annual purchases under the programme (value)				
c. Annual purchases under the programme (quantity)				
d. Annual releases under the programme (value)				
e. Annual releases under the programme (quantity)				
f. Purchase prices				
g. Release prices				
h. End-year stocks				
i. Total production (quantity)				
j. Total production (value)				
k. Information on population benefiting from the release of this crop and quantities released:				
- Estimated number of beneficiaries at national level and, if possible, at sub-national level				
- Quantity released to the beneficiaries at the national level and, if possible, at the sub-national level				
- Other				
l. In the case of government aid to private storage, statistics on the support granted and any updated statistics				
m. Total imports (value)				
n. Total imports (quantity)				
o. Total exports (value)				
p. Total exports (quantity)				



## 统计附录(按作物)(最近三年数据)

	单位	[第 1 年]	[第 2 年]	[第 3 年]
[作物名称]				
a. 储备初始存量				
b. 项目下年度采购值				
c. 项目下年度采购量				
d. 项目下年度发放值				
e. 项目下年度发放量				
f. 购买价格				
g. 发放价格				
h. 年末存量				
i. 总产量				
j. 总产值				
k. 关于从该作物发放中受益人群的信息 及发放量:				
- 国家一级受益人数估算, 如可能, 包括次国家级				
- 国家一级向受益人发放的储备量, 如可能, 包括次国家级				
- 其他				
l. 如政府对私人储备提供帮助, 给予支 持的数据及任何更新数据				
m. 总进口值				
n. 总进口量				
o. 总出口值				
p. 总出口量				



11 December 2013

(13-6828)

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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

**UNDERSTANDING ON TARIFF RATE QUOTA ADMINISTRATION PROVISIONS  
OF AGRICULTURAL PRODUCTS, AS DEFINED IN ARTICLE 2  
OF THE AGREEMENT ON AGRICULTURE**

**MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Decides* as follows:

Without prejudice to the overall conclusion of the Doha Round negotiations based on the single undertaking and to the continuation of the reform process enshrined in Article 20 of the Agreement on Agriculture and agreed in the Doha Development Agenda for negotiations in agriculture<sup>1</sup>, Members hereby agree as follows:

1. Tariff quota administration of scheduled tariff quotas shall be deemed to be an instance of "import licensing" within the meaning of the Uruguay Round Agreement on Import Licensing Procedures and, accordingly, that Agreement shall apply in full, subject to the Agreement on Agriculture and to the following more specific and additional obligations.
2. As regards the matters referred to in paragraph 4(a) of Article 1 of that Agreement, as these agricultural tariff quotas are negotiated and scheduled commitments, publication of the relevant information shall be effected no later than 90 days prior to the opening date of the tariff quota concerned. Where applications are involved, this shall also be the minimum advance date for the opening of applications.
3. As regards paragraph 6 of Article 1 of that Agreement, applicants for scheduled tariff quotas shall apply to one administrative body only.
4. As regards the matters referred to in paragraph 5(f) of Article 3 of that Agreement, the period for processing applications shall be, unqualifiedly, no longer than 30 days for "as and when received" cases and no longer than 60 days for "simultaneous" consideration cases. The issuance of licences shall, therefore, take place no later than the effective opening date of the tariff quota concerned, except where, for the latter category, there has been an extension for applications allowed for under Article 1.6 of that Agreement.
5. As regards Article 3.5(i), licences for scheduled tariff quotas shall be issued in economic quantities.
6. Tariff quota "fill rates" shall be notified.
7. In order to ensure that their administrative procedures are consistent with Article 3.2 of that Agreement, "no more administratively burdensome than absolutely necessary to administer the measure", importing Members shall ensure that unfilled tariff quota access is not attributable to

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<sup>1</sup> Paragraph 13 of the Doha Ministerial Declaration (Document WT/MIN(01)/DEC/1).



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 关于《农业协定》第 2 条所定义农产品的 关税配额管理规定的谅解

2013 年 12 月 7 日部长决定

部长级会议，

注意到《马拉喀什建立世界贸易组织决定》第 9 条第 1 款；

决定如下：

在不损害以一揽子为基础全面结束多哈回合谈判及不损害《农业协定》第 20 条所包含的并在多哈发展议程农业谈判中议定的继续开展改革进程的前提下<sup>1</sup>，各成员在此决定如下：

1. 对列入减让表的关税配额实施的关税配额管理应视为乌拉圭回合《进口许可程序协定》含义内的一种“进口许可程序”，因此在符合《农业协定》及下列更为具体和额外义务的前提下，应全面适用该协定。
2. 对该协定第 1 条第 4 款(a)项所提及的事项，由于这些农产品关税配额系经谈判确定并列入减让表的承诺，相关信息的公布应不迟于有关关税配额开启日前 90 天做出。如包含申请，此点也应成为申请开启的最少提前日期。
3. 对于该协定第 1 条第 6 款，对列入减让表的关税配额的申请者应仅需向一个管理机构提出申请。
4. 对于该协定第 3 条第 5 款(f)项提及的事项，处理申请的期限，在无附加条件的情况下，对于“即收即予考虑”的情况不得超过 30 天，对于“同时考虑”的情况不得超过 60 天。许可证的发放因此不得迟于有关关税配额有效开启日，除非在后一种情况下，按照该协定第 1.6 款对申请进行延期。
5. 对于第 3.5(i)项，对于列入减让表的关税配额的许可证应以经济可行数量发放。
6. 关税配额“完成率”应予通报。
7. 为保证各成员的管理程序符合该协定第 3.2 款，“行政负担不得超过为管理该措施所绝对必要的限度”，进口成员应保证导致关税配额准入未完成的原因不是

<sup>1</sup> 《多哈部长宣言》第 13 段(WT/MIN(01)/DEC/1 号文)。

administrative procedures that are more constraining than an "absolute necessity" test would demand.

8. Where licences held by private operators exhibit a pattern of being less than fully utilized for reasons other than those that would be expected to be followed by a normal commercial operator in the circumstances, the Member allocating the licences shall give this due weight when examining the reasons for under utilization and considering the allocation of new licences as provided for under Article 3.5 (j).

9. Where it is manifest that a tariff quota is under filled but there would appear to be no reasonable commercial reason for this to be the case, an importing Member shall request those private operators holding unused entitlements whether they would be prepared to make them available to other potential users. Where the tariff quota is held by a private operator in a third country, e.g. as a result of country-specific allocation arrangements, the importing Member shall transmit the request to the holder of the allocation concerned.

10. As regards Article 3.5(a)(ii) of that Agreement, Members shall make available the contact details of those importers holding licences for access to scheduled agricultural tariff quotas, where, subject to the terms of Article 1.11, this is possible and/or with their consent.

11. The Committee on Agriculture shall review and monitor the implementation of Members' obligations established under this Understanding.

12. Members shall provide for an effective re-allocation mechanism in accordance with the procedures outlined in the Annex A.

13. A review of the operation of the Decision shall commence no later than four years following the adoption of the Decision, taking into account experience gained up to that time. The objective of this review will be to promote a continuing process of improvement in the utilization of tariff rate quotas. In the context of this review the General Council shall make recommendations to the 12<sup>th</sup> Ministerial Conference<sup>2</sup>, including on whether, and if so how, paragraph 4 of Annex A should be re-affirmed or modified for future operation.

14. The General Council recommendations in relation to paragraph 4 shall provide for special and differential treatment. Unless the 12<sup>th</sup> Ministerial Conference decides to extend paragraph 4 of Annex A in its current or a modified form, it shall, subject to paragraph 15, no longer apply.

15. Notwithstanding paragraph 14, Members shall continue to apply the provisions of paragraph 4 of Annex A in the absence of a decision to extend that paragraph, except for those Members who wish to reserve their rights not to continue the application of paragraph 4 of Annex A and who are listed in Annex B.

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<sup>2</sup> In the event the 12<sup>th</sup> Ministerial Conference does not take place by 31 December 2019, the General Council will take decisions on the recommendations arising from the review no later than 31 December 2019 unless Members agree otherwise.

由于管理程序的限制性超过“绝对必要的限度”。

8. 如持有许可的私人经营者显示出不能完全使用配额的趋势，其原因并非在相同情况下的一正常商业经营者所能理解的原因，则发放许可的程序应充分考虑并审查配额使用率低的原因，并考虑根据第 3.5 条(j)款的规定进行新的许可证分配。
9. 如证明关税配额未完成、但似乎缺乏合理的商业原因可以解释，则一进口成员应要求持有未使用配额的私人经营者是否愿意将配额提供给其他潜在用户。如关税配额由在第三国的私人经营者持有，如因国别配额分配安排，则该进口成员应将此请求转至有关关税配额分配持有者。
10. 对于该协定第 3.5(a)(ii)目，各成员应使持有列入减让表的关税配额许可的进口商的联络信息可获得，条件是符合第 1.11 款且此做法是可能的并/或经进口商同意。
11. 农业委员会应审议并监督各成员在本谅解下所规定义务的履行情况。
12. 各成员应依照附件 A 所列程序规定有效的再分配机制。
13. 对本决定的审议将不迟于本决定通过后 4 年开始，同时考虑届时积累的经验。审议的目的是继续改进关税配额的使用。在审议的过程中，总理事会应向第 12 届部长级会议<sup>2</sup>提出建议，包括是否重申或修改附件 A 第 4 款以及如何重申和修改。
14. 总理事会关于第 4 款的建议应规定特殊和差别待遇。除非第 12 届部长级会议决定以现有或修改形式延长附件 A 第 4 款，否则该款在符合第 15 款的情况下不再适用。
15. 尽管有第 14 条的规定，但是各成员应在未就延长该款做出决定的情况下继续适用该款规定，但希望保留不继续适用附件 A 第 4 款的权利且列入附件 B 的成员除外。

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<sup>2</sup> 如第 12 届部长级会议未在 2019 年 12 月 31 日前召开，总理事会将不迟于 2019 年 12 月 31 日就审议所产生的建议作出决定，除非各成员另有议定。

## ANNEX A

1. During the first monitoring year, where an importing Member does not notify the fill rate, or where the fill rate is below 65 per cent, a Member may raise a specific concern regarding a tariff quota commitment in the Committee on Agriculture and place this concern on a tracking register maintained by the Secretariat. The importing Member shall discuss the administration of the tariff quota with all interested Members, with the aim of understanding the concerns raised, improving the membership's understanding of the market circumstances<sup>1</sup> and of the manner in which the tariff quota is administered and whether elements of the administration contribute to underfill. This shall take place on the basis of provision of objective and relevant data bearing on the matter, in particular as regards the market circumstances. The interested Members shall fully consider all documentation submitted by the importing Member.<sup>2</sup> The importing Member shall provide to the Committee on Agriculture a summary of any documentation submitted to interested Members. The Members involved shall advise the Committee on Agriculture whether the matter has been resolved. The interested Members shall, if the matter remains unresolved, provide to the Committee on Agriculture, a clear statement of the reasons, based on the discussions and documentation provided, why the matter requires further consideration. Such documentation and information may also be provided and considered in the same manner during the second and third stages of the underfill mechanism, as a means of addressing and resolving Members' concerns.

2. Once the underfill mechanism has been initiated, where the fill rate remains below 65 per cent for two consecutive years, or no notification has been submitted for that period, a Member may request, through the Committee on Agriculture, that the importing Member take specific action(s)<sup>3</sup> to modify the administration of the tariff quota concerned. The importing Member shall take either the specific action(s) requested or, drawing on the discussions previously held with the interested Members, such other action(s) which it considers will effectively improve the fill rate of the tariff quota. If the action(s) of the importing Member lead to a fill rate above 65 per cent or interested Members are otherwise satisfied that lesser fill rates are indeed attributable to market circumstances based on the data-based discussions that have taken place, this will be noted and the concern marked "resolved" on the Secretariat's tracking register and will be no longer subject to monitoring (unless at some future point the process is restarted but, if so, it will be a new three year cycle). If the fill rate remains below 65 per cent, a Member may continue to request additional modifications to the administration of the tariff quota.

3. During the third and subsequent monitoring years, where:

- a. the fill rate has remained below 65 per cent for three consecutive years or no notification has been submitted for that period; and
- b. the fill rate has not increased, for each of the preceding three years, by annual increments of
  - i. at least 8 percentage points when the fill rate is more than 40 per cent;
  - ii. at least 12 percentage points when the fill rate equals or is less than 40 per cent<sup>4</sup>; and

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<sup>1</sup> The market circumstances considered may include, inter alia, elements of prices, production and other factors affecting demand and supply in the domestic and international markets, as well as other relevant factors affecting trade such as the existence of SPS measures taken by an importing Member in accordance with the Agreement on Sanitary and Phytosanitary Measures.

<sup>2</sup> Such documentation may include information on the administration of the tariff quota, as well as data supporting the Member's explanation of the market circumstances of the tariff quota in question and/or of the existence of any SPS measures for the product in question.

<sup>3</sup> The actions and remedies taken by the importing Member pursuant to the underfill mechanism shall not modify or impede the rights of a Member holding a country-specific allocation for that tariff quota with respect to their country-specific allocation.

<sup>4</sup> If the fill rate in any year increases beyond the level specified in 3(b)(ii) the annual increment shall be the one specified in 3(b)(i) in the following year.

## 附件 A

1. 在监督期第 1 年，如一进口成员未通报完成率，或完成率低于 65%，一成员可就关税配额承诺向农业委员会提出具体关注，并将此关注列入秘书处保存的查询记录中。进口成员应就关税配额管理与所有感兴趣的成员进行讨论，以期理解所提关注、增进全体成员对市场情况<sup>1</sup>、关税配额管理方式以及管理要素是否造成未完成情况的理解。讨论应在提供影响此事项的客观和相关数据基础上进行，特别是关于市场条件的数据。感兴趣的成员应充分考虑进口成员提供的所有文件。<sup>2</sup> 进口成员应向农业委员会提交一份已向感兴趣成员提供的任何文件的摘要。所涉成员应告知农业委员会该事项是否得到解决。如该事项仍未决，感兴趣的成员应根据讨论情况和已提供的文件，向农业委员会提交一份明确声明，列出该事项需进一步考虑的原因。作为处理和解决成员关切的一种方式，此类文件和信息也可在未完成机制的第二和第三阶段提交和考虑。

2. 一旦启动未完成机制，如配额完成率连续两年低于 65%，或在此期间未提交通报，一成员可通过农业委员会请求该进口成员采取具体行动<sup>3</sup>修改有关关税配额的管理方法。该进口成员应采取被请求采取的具体措施，或在考虑此前与感兴趣的成员进行的讨论情况，采取其认为将有效提高关税配额完成率的其他行动。如进口成员采取的行动使完成率高于 65%，或感兴趣的成员根据已经进行的以数据为基础的讨论，认为低完成率确因市场情况所致，此点应予记录在案，秘书处查询记录中将把此事项标为“已解决”，并将不再监督(除非未来某时重启这一过程，但如重启，将为一新的三年周期)。如完成率仍低于 65%，则一成员可继续请求修改关税配额管理办法。

3. 在监督期第 3 年及随后各年，如

- a. 完成率连续三年低于 65%，或在此期间未提交通报；且
- b. 完成率在此前三年中的每一年均未按以下年度增量水平增长
  - i. 如完成率高于 40%，则至少增加 8 个百分点；
  - ii. 如完成率低于 40%，则至少增加 12 个百分点<sup>4</sup>；以及

<sup>1</sup> 供考虑的市场情况可特别包括价格因素、生产及其他影响国内和国际市场供求的因素，以及其他影响贸易的相关因素，如进口成员根据《实施卫生与植物卫生措施协定》采取的 SPS 措施。

<sup>2</sup> 此类文件应包含关于关税配额管理的信息，以及可对该成员关于所涉关税配额市场情况及/或所涉产品存在任何 SPS 措施的说明的支持数据。

<sup>3</sup> 进口成员根据未完成机制采取的行动和补救不得修改或阻碍对该配额持有国别配额的成员针对国别配额分配的权利。

<sup>4</sup> 如任何一年完成率增长超过 3(b)(ii)目所规定的水平，则下一年年度增量应为 3(b)(i)目所规定的水平。

- c. the data-based discussions regarding market circumstances have not led to the conclusion among all interested parties these are in fact the reason for underfill; and
- d. an interested Member makes a statement in the Committee on Agriculture, that it wishes to initiate the final stage of the underfill mechanism.

4. The importing Member shall then promptly provide unencumbered access via one of the following tariff quota administration methods<sup>5</sup>: a first-come, first-served only basis (at the border); or an automatic, unconditional license on demand system within the tariff quota. In taking a decision on which of these two options to implement, the importing Member will consult with interested exporting Members. The method selected shall be maintained by the importing Member for a minimum of two years, after which time – provided that timely notifications for the two years have been submitted – it will be noted on the Secretariat's tracking register and the concern marked "closed". Developing country Members may choose an alternative tariff quota administration method or maintain the current method in place. This choice of an alternative tariff quota administration method shall be notified to the Committee on Agriculture under the provisions of this mechanism. The method selected shall be maintained by the importing Member for a minimum of two years, after which time, if the fill rate has increased by two-thirds of the annual increments described in paragraph 3(b), it will be noted on the Secretariat's tracking register and the concern marked "closed".

5. The availability of this mechanism and resort to it by any Member is without prejudice to Members' rights and obligations under the covered Agreements in respect of any matter dealt with under the mechanism and, in the event of any conflict, the provisions of the covered agreements shall prevail.

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<sup>5</sup> The actions and remedies taken by the importing Member shall not modify or impede the rights of a Member holding a country-specific allocation for that tariff quota with respect to their country-specific allocation.



- c. 以数据为基础的关于市场情况的讨论未能在所有感兴趣的成员间形成关于此点实际上是未完成原因的结论；以及
  - d. 一感兴趣的成员在农业委员会发表声明，表示希望启动未完成机制的最后阶段。
4. 进口成员应随即迅速通过下列关税配额管理方式<sup>5</sup>之一提供无障碍准入：单一的(边境)先来先领机制；或配额内按需自动无条件许可制度。在决定实施两项选择中的一项时，进口成员将与感兴趣的出口成员进行磋商。进口成员应维持所选方法至少 2 年，并在 2 年后、并在及时提交 2 年通报前提下，此事项将记入秘书处查询记录，该关注将注明“结案”。发展中国家成员可选择其他关税配额管理方法或维持现行方法。选择其他关税配额管理方法应根据本机制条款向农业委员会通报。所选方法应由该进口成员至少实施 2 年，之后，如完成率增长达 3(b)项所述年度增量的三分之二，则此事项将记入秘书处查询记录，该关注将注明“结案”。
5. 本机制的可获性及任何成员对本机制的使用不得损害任何成员根据涵盖协定针对根据本机制所处理的任何事项的权利和义务，如出现任何冲突，应以涵盖协定的条款为准。
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<sup>5</sup> 进口成员采取的行动和补救不得修改或阻碍对该配额持有国别配额的成员针对国别配额分配的权利。

**ANNEX B**

Barbados  
Dominican Republic  
El Salvador  
Guatemala  
United States of America

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## 附件 B

巴巴多斯  
多米尼加共和国  
萨尔瓦多  
危地马拉  
美国

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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

**EXPORT COMPETITION**

**MINISTERIAL DECLARATION OF 7 DECEMBER 2013**

1. We recognize that all forms of export subsidies and all export measures with equivalent effect are a highly trade distorting and protectionist form of support, and that, accordingly, export competition remains a key priority of the agriculture negotiations in the context of the continuation of the ongoing reform process set out in Article 20 of the Agreement on Agriculture, in accordance with the Doha work programme on agriculture and the 2005 Hong Kong Ministerial Declaration.

2. In this context, we therefore reaffirm our commitment, as an outcome of the negotiations, to the parallel elimination of all forms of export subsidies and disciplines on all export measures with equivalent effect, as set out in the 2005 Hong Kong Ministerial Declaration. We regret that it has not been possible to achieve this objective in 2013 as envisaged in that Declaration.

3. We consider that the revised draft modalities for agriculture (doc. TN/AG/W/4/Rev.4 dated 6 December 2008) remain an important basis for an ambitious final agreement in the export competition pillar, including with regard to special and differential treatment for LDCs and NFIDCs.

4. We recognize the decrease in recent years in the use of export subsidies subject to reduction commitments under the Agreement on Agriculture, as indicated by information contained in Members' notifications to the WTO, and the positive developments that have also taken place in other areas of the export competition pillar.

5. We recognize that the reforms undertaken by some Members have contributed to this positive trend. We emphasize however that this generally positive trend is not a substitute for the attainment of the final objective on export competition in the Doha negotiations.

6. We emphasize the importance of consolidating progress in this area within the Doha negotiations so as to achieve as soon as possible the final objective set out in the 2005 Hong Kong Ministerial Declaration and we underscore the importance of further engagement among Members to this end.

7. We therefore reaffirm the importance of Members maintaining and advancing their domestic reform processes in the field of export competition. We strongly encourage those Members who have engaged in reforms to continue in that direction and Members yet to undertake reforms to do so, given the positive impact that such reforms can have and the significant negative consequences that failure to reform would generate.

8. With the objective on export competition set out in the 2005 Hong Kong Ministerial Declaration in mind and with a view to maintaining the positive trend noted previously, we shall exercise utmost restraint with regard to any recourse to all forms of export subsidies and all export measures with equivalent effect. To this end, we undertake to ensure to the maximum extent possible that:

- The progress towards the parallel elimination of all forms of export subsidies and disciplines on all export measures with equivalent effect will be maintained;



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 出口竞争

2013 年 12 月 7 日部长宣言

1. 我们认识到各种形式的出口补贴和所有具有同等效力的出口措施均严重扭曲贸易且属保护主义性质的支持，我们认识到出口竞争因此在继续开展《农业协定》第 20 条所包含的改革进程的背景下、在依照关于农业议题的多哈工作计划和 2005 年《香港部长宣言》开展的农业谈判中，出口竞争仍是重点优先领域之一。
2. 在此背景下，我们因此重申作为谈判结果，我们承诺平行取消所有形式的出口补贴并规范所有具有同等效力的出口措施，上述承诺已列入 2005 年《香港部长宣言》。我们很遗憾未能按宣言规定在 2013 年实现这一目标。
3. 我们认为农业模式修改案文(2008 年 12 月 6 日 TN/AG/W/4/Rev.4 号文件)仍是在出口竞争支柱达成具有雄心水平的最终协定的重要基础之一，包括对于给予最不发达国家和粮食净进口发展中成员的特殊和差别待遇。
4. 我们认识到如各成员提交 WTO 的通报所示，近年来受《农业协定》削减承诺约束的出口补贴的使用频率在下降，且在出口竞争支柱的其他领域也出现了积极进展。
5. 我们注意到一些成员进行的改革有助于这一积极趋势。但是，我们强调这一普遍的积极趋势并不能代替实现多哈回合谈判中关于出口竞争方面的最终目标。
6. 我们强调在多哈谈判中巩固这一领域进展的重要性，从而尽快实现 2005 年《香港部长宣言》所列最终目标。我们强调成员间为此进一步接触的重要性。
7. 我们因此重申各成员在出口竞争领域维持并推进国内改革进程的重要性。考虑到此类改革能够带来的积极影响及改革失败将产生的巨大负面影响，我们特别鼓励已经实施改革的成员继续向着这一方向努力，还未改革的成员同样这样做。
8. 牢记 2005 年《香港部长宣言》所列出口竞争的目标，并为保持前述积极趋势，我们应最大限度地克制采用各种形式的出口补贴和所有具有同等效力的出口措施。为此，我们承诺在最大程度内：
  - 保持在平行取消各种形式的出口补贴和规范所有具有同等效力的出口措施方面所取得的进展；

- The level of export subsidies will remain significantly below the Members' export subsidy commitments ;
- A similar level of discipline will be maintained on the use of all export measures with equivalent effect.

9. We agree that fulfilling the objective set out in the 2005 Hong Kong Ministerial Declaration on export competition remains a priority issue for the post Bali work programme. We agree to continue to work actively for further concrete progress in this area as early as feasible.

10. Accordingly, we commit to enhance transparency and to improve monitoring in relation to all forms of export subsidies and all export measures with equivalent effect, in order to support the reform process.

11. We therefore agree to hold dedicated discussions on an annual basis in the Committee on Agriculture to examine developments in the field of export competition. This examination process shall provide an opportunity for Members to raise any matter relevant to the export competition pillar, in furtherance of the final objective set out in the 2005 Hong Kong Ministerial Declaration.

12. This examination process shall be undertaken on the basis of timely notifications under the relevant provisions of the Agreement on Agriculture and related decisions, complemented by information compiled by the WTO Secretariat, consistent with the practice followed in 2013<sup>1</sup>, on the basis of Members' responses to a questionnaire, as illustrated in the Annex.

13. We agree to review the situation regarding export competition at the 10th Ministerial Conference. We also agree that the terms of this declaration do not affect the rights and obligations of Members under the covered agreements nor shall they be used to interpret those rights and obligations.

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<sup>1</sup> TN/AG/S/27 and TN/AG/S/27/Rev.1.

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- 保持出口补贴水平明显低于各成员出口补贴承诺水平；
  - 维持对与出口补贴具有同等效力的所有出口措施的类似纪律水平。

9. 我们同意实现 2005 年《香港部长宣言》所列出口竞争的目标是后巴厘工作计划的优先议题之一。我们同意继续积极工作，以尽早在此领域取得具体进展。

10. 为此，我们承诺针对各种形式的出口补贴和所有具有同等效力的出口措施，增强透明度并改善监督，以支持改革进程。

11. 我们因此同意每年在农业委员会中举行专门会议，以审查在出口竞争领域的进展情况。审查过程应给各成员提供提出与出口竞争支柱相关的任何事项的机会，以推动实现 2005 年《香港部长宣言》所列最终目标。

12. 审查过程将根据按照《农业协定》相关条款及相关决定做出的及时通报为基础，辅以 WTO 秘书处按照 2013 年遵循的做法<sup>1</sup>、根据各成员对附件所列问题的答复所汇总的信息。

13. 我们同意在第 10 届部长级会议上审议出口竞争的现状。我们还同意，本宣言的条款不影响各成员在涵盖协定项下的权利和义务，也不得用于解释上述权利和义务。

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<sup>1</sup> TN/AG/S/27 and TN/AG/S/27/Rev.1.

## ANNEX

### *Elements for Enhanced Transparency on Export Competition*

This Annex is intended to illustrate the types of information that would be requested by the Secretariat in the questionnaire mentioned in paragraph 12. It is understood that this questionnaire, which does not change Members' notification obligations, may be revised in the light of experience and of Members' further views.

#### **Export Subsidies**

1. Provide information on operational changes in measures

#### **Export Credit, Export Credit Guarantees or Insurance Programs (Export financing)**

1. Description of the program (classification within the following categories: direct financing support, risk cover, government to government credit agreements or any other form of governmental export credit support) and relevant legislation
2. Description of Export Financing Entity
3. Total value of export of agricultural products covered by export credits, export credit guarantees or insurance programs and use per program
4. Annual average premium rates/fees per program
5. Maximum repayment terms per program
6. Annual average repayment periods per program
7. Export destination or group of destinations per program
8. Program use by product or product group

#### **Food Aid**

1. Product description
2. Quantity and/or value of food aid provided
3. Description of whether food aid is provided on in-kind, untied cash-based basis and whether monetisation was permitted
4. Description of whether in fully grant form or concessional terms
5. Description of relevant needs assessment (and by whom) and whether food aid is responding to a declaration of emergency or an emergency appeal (and by whom)
6. Description of whether re-export of food aid is an option under the terms of the provision of food aid

#### **Agriculture Exporting State Trading Enterprises**

1. Enumeration of State Trading Enterprises
  - Identification of state trading enterprises
  - Description of products affected (*Including tariff item number(s) encompassed in product description*)
2. Reason and purpose
  - Reason or purpose for establishing and/or maintaining state trading enterprise
  - Summary of legal basis for granting the relevant exclusive or special rights or privileges, including legal provisions and summary of statutory or constitutional powers
3. Description of the functioning of the State Trading Enterprise
  - Summary statement providing overview of operations of the state trading enterprise
  - Specification of exclusive or special rights or privileges enjoyed by the state trading enterprise

#### *Additional information subject to normal commercial confidentiality considerations*

1. Exports (value/volume)
2. Export prices
3. Export destination

#### **Information on policies no longer in operation due to significant policy reforms**



## 附件

### 增强出口竞争透明度的要素

本附件旨在例示第 12 款中提及的秘书处调查问卷中要求提供的信息类型。各方理解，该问卷不改变各成员的通报义务，并可参照经验和成员的进一步观点加以修改。

#### 出口补贴

1. 提供措施操作变更情况的信息

#### 出口信贷、出口信贷担保或保险项目(出口融资)

1. 对项目的描述(按以下类别分类：直接融资支持、风险担保、政府间信贷协议或任何其他形式的政府出口信贷支持)及相关法律
2. 出口融资实体的描述
3. 出口信贷、出口信贷担保或保险项目所涵盖的农产品出口总值及每一项目的使用情况
4. 每一项目年平均保险费率/保险费
5. 每一项目最长还款期
6. 每一项目年平均还款期
7. 每一项目出口目的地或目的地组
8. 按产品或产品组划分的项目使用

#### 粮食援助

1. 产品描述
2. 所提供的粮食援助量和/或援助值
3. 关于粮食援助是否以实物提供、是否属不附带条件的现金援助以及是否允许货币化的描述
4. 关于是否属完全捐赠形式或基于优惠条件的描述；
5. 关于相关需求评估(及由谁评估)及粮食援助是否为应紧急事态或紧急需求提供(及由谁提出)的描述
6. 关于粮食复出口是否根据提供粮食援助的条件属一种选择的描述

#### 农业出口国营贸易企业

1. 列举国营贸易企业
  - 国营贸易企业的确定
  - 关于受影响产品的描述(包括产品描述所含关税税目)
2. 原因和目的
  - 设立和/或维持国营贸易企业的原因或目的
  - 授予相关专有权、特殊权利或特权的法律基础摘要，包括法律条款及法令或宪法权力摘要
3. 关于国营贸易职能的描述
  - 关于国营贸易企业整体运营情况的摘要说明
  - 国营贸易企业所获专有权、特殊权利或特权的具体情况

需要考虑正常商业保密因素的额外信息

1. 出口(值/量)
2. 出口价格
3. 出口目的地

#### 关于因重要政策改革而不再实施的政策的信息



11 December 2013

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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## COTTON

### MINISTERIAL DECISION OF 7 DECEMBER 2013

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Decides* as follows:

1. We stress the vital importance of cotton to a number of developing country economies and particularly the least-developed amongst them.
2. We reaffirm the Decision adopted by the General Council on 1 August 2004, the 2005 Hong Kong Ministerial Declaration, and our commitment, expressed at the 2011 Geneva WTO Ministerial Conference, to on-going dialogue and engagement to progress the mandate in paragraph 11 of the 2005 Hong Kong Ministerial Declaration to address cotton "ambitiously, expeditiously and specifically", within the agriculture negotiations.
3. We regret that we are yet to deliver on the trade-related components of the 2005 Hong Kong Ministerial Declaration, but agree on the importance of pursuing progress in this area.
4. In that regard, we consider that the Decision adopted by the General Council on 1 August 2004 and the 2005 Hong Kong Ministerial Declaration, remain a useful basis for our future work. We acknowledge the work on cotton that has been done in the Committee on Agriculture in Special Session in connection with the revised draft agriculture modalities contained in document TN/AG/W/4/Rev.4 dated 6 December 2008, which provides a reference point for further work.
5. In this context, we therefore undertake to enhance transparency and monitoring in relation to the trade-related aspects of cotton. To this end, we agree to hold a dedicated discussion on a bi-annual basis in the context of the Committee on Agriculture in Special Session to examine relevant trade-related developments across the three pillars of Market Access, Domestic Support and Export Competition in relation to cotton.
6. The dedicated discussions shall be undertaken on the basis of factual information and data compiled by the WTO Secretariat from Members' notifications, complemented, as appropriate, by relevant information provided by Members to the WTO Secretariat.
7. The dedicated discussions shall in particular consider all forms of export subsidies for cotton and all export measures with equivalent effect, domestic support for cotton and tariff measures and non-tariff measures applied to cotton exports from LDCs in markets of interest to them.
8. We reaffirm the importance of the development assistance aspects of cotton and in particular highlight the work of the Director-General's Consultative Framework Mechanism on Cotton in reviewing and tracking of cotton-specific assistance as well as infrastructure support programmes or other assistance related to the cotton sector. We commit to continued engagement in the Director-General's Consultative Framework Mechanism on Cotton to strengthen the cotton sector in the LDCs.



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 棉花

2013 年 12 月 7 日部长决定

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

决定如下：

1. 我们强调棉花对于许多发展中成员经济体、特别是其中的最不发达国家经济体极为重要。
2. 我们重申总理事于 2004 年 8 月 1 日通过的决定、2005 年《香港部长宣言》以及我们在 2011 年日内瓦 WTO 部长级会议上致力于正在进行的对话和努力，以便在农业谈判中推进 2005 年《香港部长宣言》第 11 段中关于“以具有抱负水平、快速和有针对性的方式”处理棉花问题的授权。
3. 我们很遗憾还未实现 2005 年《香港部长宣言》中与贸易有关的内容，但同意在此领域获得进展的重要性。
4. 在此方面，我们认为，总理事会于 2004 年 8 月 1 日通过的决定和 2005 年《香港部长宣言》仍然是我们未来工作的有益基础。我们注意到农业委员会特别会议就棉花问题已经开展的工作，这些工作与 2008 年 12 月 6 日 TN/AG/W/4/Rev.4 号文件中所含农业模式案文修改草案相关，该案文提供了未来工作的参照点。
5. 在此背景下，我们因此承诺加强棉花问题与贸易有关方面的透明度和监督。为此，我们同意在农业委员会特别会议下每两年举行一次专题讨论，以审查与棉花相关的市场准入、国内支持和出口竞争三大支柱中与贸易有关的进展情况。
6. 该专题讨论将以 WTO 秘书处编写的各成员通报中的事实信息和数据为基础，酌情辅以各成员向 WTO 秘书处提供的相关信息。
7. 该专题讨论应特别考虑对棉花的所有形式的出口补贴和具有同等效果的所有出口措施、棉花的国内支持以及适用于棉花自最不发达国家出口至其具有实质利益市场的关税和非关税措施。
8. 我们重申棉花问题发展援助方面的重要性，特别强调总干事关于棉花问题的磋商框架机制的工作在审议和追溯针对棉花的援助以及基础设施支持项目或与棉花部门相关的其他援助方面的作用。我们致力于继续参与总干事关于棉花问题的磋商框架机制，以增强最不发达国家中的棉花部门。

9. We welcome the positive trend in growth and improved performance in the cotton sector, particularly in Africa.

10. In this context, we underline the importance of effective assistance provided to LDCs by Members and multilateral agencies. We invite the LDCs to continue identifying their needs linked to cotton or related sectors, including on a regional basis, through their respective dialogues with development partners and national development strategies. We urge the development partners to accord special focus to such needs within the existing aid-for-trade mechanisms/channels such as the EIF and the technical assistance and capacity building work of relevant international institutions.

11. We invite the Director General to continue to provide periodic reports on the development assistance aspects of cotton, and to report on the progress that has been made in implementing the trade-related components of the 2005 Hong Kong Ministerial Declaration, at each WTO Ministerial Conference.

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9. 我们欢迎棉花部门的积极增长趋势和改进表现，特别是在非洲。
  10. 在此背景下，我们强调各成员和多边机构对最不发达国家提供的有效援助的重要性。我们请最不发达国家通过与其发展伙伴的相应对话和国家发展战略，继续确定其与棉花或相关部门相关联的需求，包括在区域基础上的需求。我们敦促发展伙伴在增强综合框架和相关国际机构的技术援助与能力建设等工作等现有促贸援助机制/渠道下对此类需求给予特别关注。
  11. 我们请总干事在每届 WTO 部长级会议上，继续提供关于棉花问题援助方面的定期报告，并报告 2005 年《香港部长宣言》中与贸易有关内容的实施情况。
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Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013

## PREFERENTIAL RULES OF ORIGIN FOR LEAST-DEVELOPED COUNTRIES

### MINISTERIAL DECISION OF 7 DECEMBER 2013

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Recalling* the "Decision on Measures in Favour of Least-Developed Countries" (Annex F of the Hong Kong Ministerial Declaration) which states that: "Developed country Members shall, and developing country Members declaring themselves in a position to do so should: ensure that preferential rules of origin applicable to imports from LDCs are transparent and simple, and contribute to facilitating market access";

*Considering* that duty-free and quota-free market access for LDCs can be effectively utilized if accompanied by simple and transparent rules of origin;

*Recognizing* that simple and transparent rules of origin may take into account the capacities and levels of development of LDCs;

*Recognizing* that the purpose of rules of origin for preference programmes benefiting LDCs is to ensure that only preference-receiving LDCs and not others benefit from the market access opportunities that have been afforded to them under such arrangements;

*Recognizing* that lower costs of compliance with rules of origin requirements will encourage LDC exporters to avail of market access opportunities provided to them;

*Recognizing* that the objectives of transparent and simple rules of origin that contribute to facilitating market access of LDC products can be achieved in a variety of ways, and that no one method is preferred to another;

*Decides* as follows:

1.1. With a view to facilitating market access for LDCs provided under non-reciprocal preferential trade arrangements for LDCs, Members should endeavour to develop or build on their individual rules of origin arrangements applicable to imports from LDCs in accordance with the following guidelines. These guidelines do not stipulate a single set of rules of origin criteria. Rather, they provide elements upon which Members may wish to draw for preferential rules of origin applicable to imports from LDCs under such arrangements.

#### A. ELEMENTS FOR PREFERENTIAL RULES OF ORIGIN

1.2. Preferential rules of origin should be as transparent, simple and objective as possible. It is recognized that other than wholly obtained products, origin may be conferred by substantial or sufficient transformation, which can be defined in a number of ways, including through: (a) *ad valorem* percentage criterion; (b) change of tariff classification; and (c) specific manufacturing or



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 最不发达国家优惠原产地规则

2013 年 12 月 7 日部长宣言

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

忆及《关于有利于最不发达国家措施的决定》（《香港部长宣言》附件 F）中规定“发达成员和宣布有能力的发展中成员应：保证适用于自最不发达国家的进口产品的原产地规则应透明和简单，且有助于便利市场准入”；

考虑到透明和简单的原产地规则有助于有效利用向最不发达国家提供的“免关税和免配额”市场准入；

认识到透明和简单的原产地规则可考虑最不发达国家的能力和发展水平；

认识到适用于使最不发达国家受益的优惠计划的原产地规则的目的在于保证只有受惠最不发达国家而非其他国家可从根据此类安排给予其的市场准入机会中获益；

认识到降低符合原产地规则的成本将鼓励最不发达国家出口商利用向其提供的市场准入机会；

认识到便利最不发达国家产品市场准入的透明和简单的原产地规则可通过多种方式实现，并不存在一种优于他法的方法；

决定如下：

1.1. 为便利最不发达国家根据给予其的非互惠贸易安排所提供的市场准入，各成员应依照如下指南，努力制定或设立各自适用于最不发达国家的进口产品的原产地安排。这些指南未规定一套单一的原产地规则标准，而是提供了各成员在制定适用于最不发达国家的进口产品的原产地规则时可利用的要素。

#### A. 优惠原产地规则的要素

1.2. 优惠原产地规则应尽可能透明、简单和客观。各方认识到，除完全获得的产品外，原产地可经实质性改变授予，实质改变可以多种方式定义，包括通过：(a)增值百分比标准；(b)税则归类改变；以及(c)特定制造或加工工序。各方同时

processing operation. It is also recognized that these methods in certain cases may be used in combination.<sup>1</sup>

1.3. In the case of rules based on the *ad valorem* percentage criterion, given the limited productive capacity in the LDCs, it is desirable to keep the level of value addition threshold as low as possible, while ensuring that it is the LDCs that receive the benefit of the preferential trade arrangements. It is noted that the LDCs seek consideration of allowing foreign inputs to a maximum of 75% of value in order for a good to qualify for benefits under LDC preferential trade arrangements.<sup>2</sup>

1.4. The methods for the calculation of value should be as simple as possible. It is recognized that different methodologies are used to calculate the *ad valorem* percentage of value addition. This percentage may be determined on the basis of the principles of simplicity and transparency. For example, in case of methods used for calculation of foreign inputs, Members may exclude costs related to freight and insurance as well as international transportation costs.<sup>3</sup> In case of methods used for calculation of local/domestic content, Members may include national or regional inland transportation costs.

1.5. In the case of rules based on the change of tariff classification criterion, a substantial or sufficient transformation should generally allow the use of non-originating inputs as long as an article of a different heading or sub-heading was created from those inputs in an LDC, notwithstanding that product specific rules with different requirements may also be more appropriate.

1.6. In the case of rules that allow a specific manufacturing or processing operation for the purpose of conferring origin, such rules should, as far as possible, take into account the productive capacity in LDCs. For example, in a number of cases the use of process-based rules for chemical products has made such rules more transparent and easy to comply with. In addition, for articles of apparel and clothing it may be simpler to demonstrate a substantial transformation using such rules instead of the equivalent change of tariff classification.

1.7. Cumulation should be considered as a feature of non-reciprocal preferential trade arrangements. The core objective of cumulation is to allow LDCs to combine originating materials without losing the originating status of the materials and to jointly share materials or production. Certain non-reciprocal preferential trade arrangements provide illustrations of a range of cumulation possibilities, which Members may take into account in designing their preferential rules of origin. For example, such arrangements may allow bilateral cumulation (i.e. cumulation with the respective preference-granting country) as well as cumulation with other LDCs. Other possibilities include cumulation among GSP beneficiaries of a given preference-granting country and/or among developing country Members forming part of a regional group as defined by the preference-granting country.

## **B. DOCUMENTARY REQUIREMENTS**

1.8. The documentary requirements regarding compliance with the rules of origin should be simple and transparent. For instance, requirement to provide proof of non-manipulation or any other prescribed form for a certification of origin for products shipped from LDCs across other Members may be avoided. With regard to certification of rules of origin, whenever possible, self-certification may be recognized. Mutual customs cooperation and monitoring could complement compliance and risk-management measures.

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<sup>1</sup> For example, an across-the-board rule does not preclude having some product specific rules of origin for specific sectors whenever they are more appropriate or when they could offer better market access opportunities for LDCs.

<sup>2</sup> The precise percentage may vary depending on the calculation methodology used in different schemes.

<sup>3</sup> This is without prejudice to the meaning of customs value as defined by the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on Customs Valuation).



认识到，这些方法在某些情况下可以混合使用。<sup>1</sup>

1.3. 就根据增值百分比标准制定的规则而言，考虑到最不发达国家的有限生产能力，宜将增值最低标准设定尽可能低，同时保证只有最不发达国家可从优惠贸易安排中获益。各方注意到，为使一产品有资格根据优惠贸易安排获益，最不发达国家寻求各方考虑允许外国投入物最高达价值的 75%。<sup>2</sup>

1.4. 计算价值的方法应尽可能简单。各方认识到，计算增值百分比可有不同方法。这一比例可根据简单和透明度原则加以确定。例如，对于计算外国投入物的方法，成员可排除运输、保险成本以及国际运输成本。<sup>3</sup>对于计算当地/本国成分的方法，成员可包含国内或区域内陆运输成本。

1.5. 就根据税则归类改变标准制定的规则而言，只要在最不发达国家中使用非原产投入物创造出归入不同品目或子目的物品，实质性改变通常允许此类投入物的使用，尽管包含不同要求的特定产品规则可能更适当。

1.6. 就允许以特定制造或加工工序授予原产地的规则而言，此类规则应尽可能考虑最不发达国家的生产能力。例如，在很多情况下，对化工品使用以加工工序为依据的规则，可使这些规则更为透明且易于遵守。此外，对于服装类产品，使用此类规则表明实质性改变可比税则归类的同等改变更为简单。

1.7. 累积应被视为非互惠贸易安排的一项特征。累积的核心目标是允许最不发达国家能够合并使用原产材料而不丧失该材料的原产地地位，并可共同分享材料或生产。某些非互惠贸易安排提供了一系列累积可能性的说明，可供成员在制定其优惠原产地规则时考虑。例如，此类安排可允许双边累积(即与相应给惠国进行累积)以及与其他最不发达国家成员进行累积。其他可能性包括在一特定给惠国的普惠制受惠国之间进行累积和/或在构成由该给惠国定义的区域组一部分的发展中国家成员之间进行累积。

## B. 单证要求

1.8. 关于符合原产地规则的单证要求应简单和透明。例如，对于自最不发达国家运出且途经其他成员的产品，应避免为获得原产地证明而要求提供未再加工证明或任何其他规定格式的证明。对于原产地证书，在可能的情况下，应承认自我认证。海关双方合作和监督可以补充合规和风险管理措施。

<sup>1</sup> 例如，统一适用的规则并不排除针对特定部门制定一些特定产品的原产地规则，如此类规则更适当或如此类规则可为最不发达国家提供更好的市场准入机会。

<sup>2</sup> 准确百分比可能会因不同方案所用计算方法而变化。

<sup>3</sup> 此点不损害《关于实施 1994 年关税与贸易总协定第 7 条的协定》(WTO《海关估价协定》)所定义的海关完税价格的含义。

**C. TRANSPARENCY**

1.9. Preferential rules of origin for LDCs shall be notified as per the established procedures.<sup>4</sup> The objectives of notification are to enhance transparency, make the rules better understood, and promote an exchange of experiences as well as mainstreaming of best practices.

1.10. The Committee on Rules of Origin shall annually review the developments in preferential rules of origin applicable to imports from LDCs, in accordance with these guidelines, and report to the General Council. The Secretariat shall annually provide the Sub-Committee on LDCs with a report on the outcome of such review.

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<sup>4</sup> These notifications are made pursuant to the Transparency Mechanism for Preferential Trade Arrangements (PTAs). It is also noted that the Agreement on Rules of Origin stipulates that Members provide their preferential rules of origin to the Secretariat.

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## C. 透明度

1.9. 最不发达国家的优惠原产地规则应按既定程序通报。<sup>4</sup>通报的目标为增强透明度、使规则得到更好地理解并促进经验交流以及形成最佳做法。

1.10. 原产地规则委员会应依照这些指南，每年审议适用于来自最不发达国家的进口产品的优惠原产地规则的进展情况，并向总理事会报告。秘书处应每年向最不发达国家小组委员会提供此类审议结果的报告。

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<sup>4</sup> 这些通报根据优惠贸易协定(PTAs)透明机制做出。各方还注意到，《原产地规则协定》规定成员应向秘书处提供其优惠原产地规则。



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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

**OPERATIONALIZATION OF THE WAIVER CONCERNING PREFERENTIAL TREATMENT TO  
SERVICES AND SERVICE SUPPLIERS OF LEAST-DEVELOPED COUNTRIES**

**MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Recognizing* that services trade can play an important role in achieving the development objectives of LDCs;

*Recalling* that the WTO Agreement acknowledges the need for "positive efforts designed to ensure that developing countries, especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development";

*Reaffirming* that the waiver Decision ("Preferential Treatment to Services and Service Suppliers of Least-Developed Countries", Decision of 17 December 2011, WT/L/847) taken by Members constitutes an important positive effort to help increase the participation of LDCs in world services trade;

*Recognizing also* the need to strengthen the domestic service capacity in LDCs with a view to making use of existing opportunities as well as any preferences afforded to them;

*Noting* that no WTO Member has yet made use of the waiver since its adoption in 2011;

*Decides* as follows:

1.1. The Council for Trade in Services is instructed to initiate a process aimed at promoting the expeditious and effective operationalization of the LDC services waiver. The Council for Trade in Services shall periodically review the operationalization of the waiver. The Council for Trade in Services may make recommendations on steps that could be taken towards enhancing the operationalization of the waiver.

1.2. With a view to accelerating the process of securing meaningful preferences for LDCs' services and service suppliers, the Council for Trade in Services shall convene a High-level meeting six months after the submission of an LDC collective request identifying the sectors and modes of supply of particular export interest to them. At that meeting, developed and developing Members, in a position to do so, shall indicate sectors and modes of supply where they intend to provide preferential treatment to LDC services and service suppliers.

1.3. Members, in their individual capacities, are encouraged at any time to extend preferences to LDCs' services and service suppliers, consistent with the waiver Decision, which have commercial value and promote economic benefits to LDCs. These preferences may accord, *inter alia*, improved market access, including through the elimination of economic needs tests and other quantitative limitations. In doing so a Member may accord preferences similar to those arising from preferential



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 给予最不发达国家服务 和服务提供者优惠待遇豁免的实施问题

2013 年 12 月 7 日部长决定

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

认识到服务贸易可在最不发达国家实现发展目标方面发挥重要作用；

忆及《WTO 协定》认识到需要“作出积极努力，以保证发展中成员、特别是其中的最不发达国家能够在国际贸易增长中获得与其经济发展需求相称的份额”；

重申各成员作出的豁免决定（《关于给予最不发达国家服务和服务提供者优惠待遇的决定》，2011 年 12 月 17 日部长决定，文件号 WT/L/847）是帮助最不发达国家扩大参与国际服务贸易的重要积极努力；

同时认识到需要加强最不发达国家的国内服务能力以利用现有机会以及利用给予其的任何优惠；

注意到自豁免于 2011 年通过以来，尚无 WTO 成员使用该豁免；

决定如下：

1.1. 指示服务贸易理事会启动程序，旨在推动最不发达国家服务豁免的迅速和有效实施。理事会应定期审议该豁免的实施情况。服务贸易理事会可就加强该豁免实施可能采取的步骤提出建议。

1.2. 为加快最不发达国家服务和服务提供者获得有意义的优惠待遇的进程，服务贸易理事会应在最不发达国家提交确定其具有特殊出口利益部门和提供方式的联合请求后 6 个月，召开一次高级别会议。在该次会议上，发达成员和有能力的发展中成员应表明其有意向最不发达国家服务和服务提供者提供优惠待遇的部门和提供方式。

1.3. 鼓励各成员以其各自名义，随时以符合豁免决定的方式为最不发达国家服务和服务提供者提供具有商业价值、且能够促进最不发达国家经济利益的优惠待遇。这些优惠待遇可特别给予改善的市场准入，包括通过取消经济需求测试和其他数量限制。为此，一成员可给予与其为参加方的优惠贸易协定中的优惠待遇相似的優惠，同时注意到，对于《服务贸易总协定》第 16 条规定措施之外措施的

trade agreements to which it is a party noting that preferential treatment, with respect to the application of measures other than those described in Article XVI of GATS, may be granted subject to approval by the Council for Trade in Services under paragraph 1 of the waiver Decision.

1.4. Members underline the need for enhanced technical assistance and capacity building to help LDCs benefit from the operationalization of the waiver. Special focus should be directed towards the delivery of targeted and coordinated technical assistance aimed at strengthening the domestic and export services capacity of LDCs, making optimal use of existing aid-for-trade channels such as the EIF and the technical assistance and capacity building work of relevant international institutions. In this context, the LDCs are invited to include their services related needs in their respective national development strategies and in their dialogues with development partners. Members urge development partners to respond adequately to such needs.

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实施，应经服务贸易理事会根据豁免决定第 1 款予以批准。

1.4. 各成员强调增强的技术援助和能力建设对于帮助最不发达国家从豁免的实施中获益的必要性。应重点关注具有针对性和经协调的旨在增强最不发达国家国内和出口服务能力的技术援助，合理利用增强综合框架等现有促贸援助渠道以及相关国际机构的技术援助和能力建设工作。在此方面，最不发达国家应将其服务相关需求纳入其各自国家发展战略及与发展合作伙伴的对话中。各成员敦促发展合作伙伴对此类需求做出充分回应。

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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

**DUTY-FREE AND QUOTA-FREE (DFQF) MARKET ACCESS  
FOR LEAST-DEVELOPED COUNTRIES**

**MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Recalling* Decision 36 of Annex F of the Hong Kong Ministerial Declaration of 2005 on Measures in Favour of LDCs; and with a view to further integrating least-developed countries (LDCs) into the multilateral trading system and promoting economic growth and sustainable development in LDCs;

*Recognizing* that since the adoption of the Hong Kong Decision, Members have made significant progress towards the goal of providing DFQF market access on a lasting basis for all products originating from all LDCs, and that nearly all developed Members provide either full or nearly full DFQF market access to LDC products, and that a number of developing-country Members also grant a significant degree of DFQF market access to LDC products;

*Decides* as follows:

Developed-country Members that do not yet provide duty-free and quota-free market access for at least 97% of products originating from LDCs, defined at the tariff line level, shall seek to improve their existing duty-free and quota-free coverage for such products, so as to provide increasingly greater market access to LDCs, prior to the next Ministerial Conference;

Developing-country Members, declaring themselves in a position to do so, shall seek to provide duty-free and quota-free market access for products originating from LDCs, or shall seek to improve their existing duty-free and quota-free coverage for such products, so as to provide increasingly greater market access to LDCs, prior to the next Ministerial Conference;

Members shall notify duty-free and quota-free schemes for LDCs and any other relevant changes pursuant to the Transparency Mechanism for Preferential Trade Arrangements;

The Committee on Trade and Development shall continue to annually review the steps taken to provide duty-free and quota-free market access to the LDCs, and report to the General Council for appropriate action;

To aid in its review, the Secretariat shall, in close coordination with Members, prepare a report on Members' duty-free and quota-free market access for LDCs at the tariff line level based on their notifications;

The General Council is instructed to report, including any recommendations, on the implementation of this Decision to the next Ministerial Conference.





## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 最不发达国家“免关税和免配额”市场准入

2013 年 12 月 7 日部长决定

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

忆及 2005 年《香港部长宣言》附件中决定 36《关于有利于最不发达国家措施的决定》；并为进一步便利最不发达国家融入多边贸易体制和促进最不发达国家经济增长和可持续发展；

认识到自香港决定通过以来，各成员在持久基础上对源自所有最不发达国家的所有产品提供免关税和免配额市场准入方面取得了显著进展，几乎所有发达成员对最不发达国家产品提供了全部或近乎全部的免关税和免配额待遇，而且许多发展中成员也对最不发达国家产品提供了相当比例的免关税和免配额待遇；

决定如下：

还未对至少 97%税目的源自最不发达国家产品提供免关税和免配额待遇的发达成员，应努力改进其现行对此类产品的免关税和免配额范围，以便在下届部长级会议前，向最不发达国家提供逐步增加的市场准入；

宣布有能力这样做的发展中成员应努力向源自最不发达国家的的产品提供免关税和免配额市场准入，或应努力改进其现行对此类产品的免关税和免配额范围，以便在下届部长级会议前，向最不发达国家提供逐步增加的市场准入；

各成员应根据优惠贸易协定透明度机制通报针对最不发达国家的免关税和免配额计划以及其他相关变化情况；

贸易与发展委员会应继续每年审议向最不发达国家提供免关税和免配额市场准入所采取的步骤，并向总理事会报告以采取适当行动；

为协助其审议，秘书处应与各成员密切合作，根据各成员通报起草一份按税目显示的、关于向最不发达国家提供免关税和免配额市场准入情况的报告；

指示总理事会向下届部长级会议报告这一决定的执行情况，包括任何建议。



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**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **MONITORING MECHANISM ON SPECIAL AND DIFFERENTIAL TREATMENT**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Recalling* the General Council decision of July 2002 to establish the Monitoring Mechanism;

*Decides* as follows:

1. The scope, functions, terms of reference and operation of the Monitoring Mechanism (hereinafter referred to as "Mechanism") shall be as follows:

#### **SCOPE**

2. The coverage of the Mechanism shall extend to all special and differential provisions contained in multilateral WTO Agreements, Ministerial and General Council Decisions.

#### **FUNCTIONS/TERMS OF REFERENCE**

3. The Mechanism shall act as a focal point within the WTO to analyse and review the implementation of S&D provisions. The Mechanism will complement, not replace, other relevant review mechanisms and/or processes in other bodies of the WTO.<sup>1</sup>

4. The Mechanism shall review all aspects of implementation<sup>2</sup> of S&D provisions with a view to facilitating integration of developing and least-developed Members into the multilateral trading system. Where the review of implementation of an S&D provision under this Mechanism identifies a problem, the Mechanism may consider whether it results from implementation, or from the provision itself.

5. In carrying out its functions, the Mechanism will not alter, or in any manner affect, Members' rights and obligations under WTO Agreements, Ministerial or General Council Decisions, or interpret their legal nature. However, the Mechanism is not precluded from making recommendations to the relevant WTO bodies for initiating negotiations on the S&D provisions that have been reviewed under the Mechanism.

6. The Mechanism can, as appropriate, make recommendations to the relevant WTO body that propose:

- the consideration of actions to improve the implementation of a special and differential provision;

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<sup>1</sup> Members will have the discretion to avail themselves of the Mechanism as well as other relevant review mechanisms or processes in other bodies of the WTO.

<sup>2</sup> During the review, the Mechanism may consider how the provision is being applied and the overall effectiveness of its implementation.



## 第 9 届部长级会议

2013 年 12 月 3 日至 6 日，巴厘岛

### 特殊和差别待遇监督机制

2013 年 12 月 7 日部长决定

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

忆及总理事会 2002 年 7 月关于建立监督机制的决定；

决定如下：

1. 监督机制(下称“机制”)的范围、职能、职权范围及运行规定如下：

#### 范围

2. 该机制的范围应扩大到多边《WTO 协定》、部长决定和总理事会决定中包含的所有特殊和差别待遇。

#### 职能/职权范围

3. 该机制应成为 WTO 中分析和审议特殊和差别待遇条款实施的协调中心。机制应补充而非取代 WTO 其他机构中的审议机制和/或程序。<sup>1</sup>
4. 该机制应审议特殊和差别待遇实施的所有方面<sup>2</sup>，以便利发展中和最不发达成员融入多边贸易体制。如该机制下对一特殊和差别待遇条款的实施情况的审议发现问题，该机制可考虑该问题源自实施还是源自条款本身。
5. 在履行其职能时，该机制不改变或以任何方式影响各成员在《WTO 协定》、部长决定或总理事会决定项下的权利和义务，或解释其法律性质。但不能阻止该机制向相关 WTO 机构提出建议，以启动关于在本机制下审议的特殊和差别待遇条款的谈判。
6. 该机制可酌情向相关 WTO 机构提出建议，提出：
  - 考虑采取行动以改善一特殊和差别待遇条款的实施；

<sup>1</sup> 各成员可酌情决定利用本机制以及 WTO 其他机构中的审议机制或程序。

<sup>2</sup> 在审议中，机制可以考虑该项条款正在如何实施以及条款执行的总体有效性。

- or the initiation of negotiations aiming at improving the special and differential provision(s) that have been reviewed under the Mechanism.

7. Such recommendations will inform the work of the relevant body, but not define or limit its final determination.

8. The relevant body should consider a recommendation from the Mechanism at the earliest opportunity. The status of recommendations emerging from the Mechanism shall be included in the annual report of the Committee on Trade and Development to the General Council.

## **OPERATIONS**

9. The Mechanism shall operate in Dedicated Sessions of the Committee on Trade and Development. The Mechanism shall meet twice a year. Additional meetings may be convened, as appropriate. When in session, the Mechanism shall follow the same rules and procedures applied by the Committee on Trade and Development.

10. Monitoring of special and differential provisions in the Mechanism shall be undertaken on the basis of written inputs or submissions made by Members, as well as on the basis of reports received from other WTO Bodies to which submissions by Members could also be made.

11. Where the substantive matter falls within the purview of another WTO body, the Mechanism shall bring it to the attention of that WTO body so that the latter is in a position to provide input.

## **REAPPRAISAL OF THE MECHANISM**

12. The Mechanism shall be reviewed three years after its first formal meeting, and thereafter when necessary, taking into account its functioning and evolving circumstances.

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- 或启动谈判，旨在改善在本机制下审议的特殊和差别待遇条款。

7. 此类建议可通报相关机构的工作，但不得决定或限制其最终决定。
8. 相关机构应尽早考虑本机制提出的建议。本机制所产生建议的状态应包含在贸易与发展委员会提交总理事会的年度报告中。

### 运行

9. 该机制应在贸易与发展委员会专门会议下运行。该机制应每年举行 2 次会议。可酌情召集额外会议。在举行会议时，该机制应遵循贸易与发展委员会适用的相同规则和程序。
10. 该机制中对特殊和差别待遇的监督应以各成员提供书面材料或提案为基础，也可以自其他 WTO 机构收到的报告为基础，各成员也可向这些机构提交提案。
11. 如实质性问题属另一 WTO 机构的管辖范围，则该机制应将就此问题提请该 WTO 机构注意，以便后者能够提供意见。

### 对该机制的重新评估

12. 应在该机制首次正式会议后的 3 年内对其进行审议，并在此后必要时考虑其作用和不断变化的情况再行审议。