

## CHAPTER 4

### TEXTILE AND APPAREL GOODS

#### Article 4.1: Definitions

For the purposes of this Chapter:

**customs offence** means any act committed for the purpose of, or having the effect of, avoiding a Party's laws or regulations pertaining to the terms of this Agreement governing importations or exportations of textile or apparel goods between the Parties, specifically those that violate a customs law or regulation for restrictions or prohibitions on imports or exports, duty evasion, falsification of documents relating to the importation or exportation of goods, fraud or smuggling; and

**transition period** means the period beginning on the date of entry into force of this Agreement between the Parties concerned until five years after the date on which the importing Party eliminates duties on a good for the exporting Party pursuant to this Agreement.

#### Article 4.2: Rules of Origin and Related Matters

##### *Application of Chapter 3*

1. Except as provided in this Chapter, Chapter 3 (Rules of Origin and Origin Procedures) shall apply to textile and apparel goods.

##### *De Minimis*

2. A textile or apparel good classified outside of Chapters 61 through 63 of the Harmonized System that contains non-originating materials that do not satisfy the applicable change in tariff classification requirement specified in Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin), shall nonetheless be considered to be an originating good if the total weight of all those materials is not more than 10 per cent of the total weight of the good and the good meets all the other applicable requirements of this Chapter and Chapter 3 (Rules of Origin and Origin Procedures).

3. A textile or apparel good classified in Chapters 61 through 63 of the Harmonized System that contains non-originating fibres or yarns in the component of the good that determines the tariff classification of the good that do not satisfy the applicable change in tariff classification set out in Annex 4-A

## 第 4 章

### 纺织品和服装

#### 第 4.1 条 定义

就本章而言：

**违反海关法行为**指为规避一缔约方有关本协定中管辖缔约方之间纺织品或服装进口或出口的条款的法律或法规所从事的任何行为，或产生规避效果的任何行为，特别是那些违反关于进口或出口限制或禁止、偷逃关税、伪造与货物进口或出口相关的文件、欺诈或走私的海关法律或法规的行为；及

**过渡期**指自本协定在有关缔约方之间生效之日起至进口缔约方根据本协定为出口缔约方取消一货物关税之日后 5 年止的期限。

#### 第 4.2 条 原产地规则和相关事项

##### 第 3 章的适用

1. 除非本章中另有规定，否则第 3 章(原产地规则和原产地程序)应适用于纺织品和服装。

##### 微量

2. 对于一未归入协调制度第 61 章至 63 章的纺织品或服装，如含有不能满足附件 4-A(纺织品和服装-特定原产地规则)中所规定的适用的税则归类改变要求的非原产材料，而所有这些材料的总重量不超过该货物总重量的 10%，且该货物满足本章和第 3 章(原产地规则和原产地程序)中所有其他适用要求，则该纺织品或服装仍应被视为原产货物。

3. 对于一归入协调制度第 61 章至第 63 章的纺织品或服装，如在确定该货物税则归类的货物部件中含有不能满足附件 4-A(纺织品和服装-特定原产地规则)中所规定的适用税则归类改变要求的非原产纤维或纱线，而所有这些纤维或纱线的总重量不超过该

(Textiles and Apparel Product-Specific Rules of Origin), shall nonetheless be considered to be an originating good if the total weight of all those fibres or yarns is not more than 10 per cent of the total weight of that component and the good meets all the other applicable requirements of this Chapter and Chapter 3 (Rules of Origin and Origin Procedures).

4. Notwithstanding paragraphs 2 and 3, a good described in paragraph 2 containing elastomeric yarn or a good described in paragraph 3 containing elastomeric yarn in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of one or more of the Parties.<sup>1, 2</sup>

#### *Treatment of Sets*

5. Notwithstanding the textile and apparel product-specific rules of origin set out in Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin), textile and apparel goods put up in sets for retail sale, classified as a result of the application of Rule 3 of the General Rules for the Interpretation of the Harmonized System, shall not be regarded as originating goods unless each of the goods in the set is an originating good or the total value of the non-originating goods in the set does not exceed 10 per cent of the value of the set.

6. For the purposes of paragraph 5:
- (a) the value of non-originating goods in the set shall be calculated in the same manner as the value of non-originating materials in Chapter 3 (Rules of Origin and Origin Procedures); and
  - (b) the value of the set shall be calculated in the same manner as the value of the good in Chapter 3 (Rules of Origin and Origin Procedures).

#### *Treatment of Short Supply List Materials*

7. Each Party shall provide that, for the purposes of determining whether a textile or apparel good is originating under Article 3.2(c) (Originating Goods), a material listed in Appendix 1 (Short Supply List of Products) to Annex 4-A

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<sup>1</sup> For greater certainty, this paragraph shall not be construed to require a material listed in Appendix 1 (Short Supply List of Products) to Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin) to be produced from elastomeric yarns wholly formed in the territory of one or more of the Parties.

<sup>2</sup> For the purposes of this paragraph, “wholly formed” means all production processes and finishing operations, beginning with the extrusion of filaments, strips, film or sheet, and including drawing to fully orient a filament or slitting a film or sheet into strip, or the spinning of all fibres into yarn, or both, and ending with a finished yarn or plied yarn.

部件总重量的 10%，且该货物满足本章和第 3 章(原产地规则和原产地程序)中所有其他适用要求，则该纺织品或服装仍应被视为原产货物。

4. 尽管有第 2 款和第 3 款，但是对于第 2 款中所述含有弹性纱线的一货物，或对于第 3 款中所述货物部件中含有确定该货物税则归类的弹性纱线的一货物，只有在此类纱线是在一个或多个缔约方领土内全部形成的情况下，该货物方可被视为原产货物。<sup>1,2</sup>

### 成套货物的待遇

5. 尽管有附件 4-A(纺织品和服装-特定原产地规则)中所列纺织品和服装特定原产地规则，但是因适用按《协调制度归类总规则》规则 3 而归为零售用成套货品的纺织品和服装不得视为原产货物，除非套内每一货物均属原产货物，或套内非原产货物的总价值不超过整套货物价值的 10%。

6. 就第 5 款而言：

- (a) 套内非原产货物的价值应按与第 3 章(原产地规则和原产地程序)中非原产材料价值相同的方式进行计算；及
- (b) 成套货物的价值应按与第 3 章(原产地规则和原产地程序)中货物价值相同的方式进行计算。

### 短缺清单的待遇

7. 每一缔约方应规定，为确定一纺织品或服装是否属第 3.2 条(c)项(原产货物)下的原产货物，附件 4-A(纺织品和服装-特定原产地规则)之附录 1(短缺清单)中所列一材料属原产货物，只要

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<sup>1</sup> 为进一步明确，本款不得解释为要求列入附件 4-A(纺织品和服装 - 特定原产地规则)之附录 1(短缺清单)中的材料由在一个或多个缔约方领土内全部形成的弹性纱线所生产。

<sup>2</sup> 就本款而言，“全部形成”指自挤压出丝、带、薄膜或片起，包括拉成全定向丝或将薄膜或片切成带，或将所有纤维纺织成纱线，或两种工序兼有，到制成成品纱线或合股纱线为止的所有生产工序和最后工序。

(Textiles and Apparel Product-Specific Rules of Origin) is originating provided that the material meets any requirement, including any end use requirement, specified in the Appendix 1 (Short Supply List of Products) to Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin).

8. If a claim that a textile or apparel good is originating relies on the incorporation of a material listed in Appendix 1 (Short Supply List of Products) to Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin), the importing Party may require in the importation documentation, such as a certification of origin, the number or description of the material on Appendix 1 (Short Supply List of Products) to Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin).

9. Non-originating materials marked as temporary in Appendix 1 (Short Supply List of Products) to Annex 4-A (Textiles and Apparel Product-Specific Rules of Origin) may be considered as originating under paragraph 7 for five years from the date of entry into force of this Agreement.

*Treatment for Certain Handmade or Folkloric Goods*

10. An importing Party may identify particular textile or apparel goods of an exporting Party to be eligible for duty-free or preferential tariff treatment that the importing and exporting Parties mutually agree fall within:

- (a) hand-loomed fabrics of a cottage industry;
- (b) hand-printed fabrics with a pattern created with a wax-resistance technique;
- (c) hand-made cottage industry goods made of such hand-loomed or hand-printed fabrics; or
- (d) traditional folklore handicraft goods;

provided that any requirements agreed by the importing and exporting Parties for such treatment are met.

**Article 4.3: Emergency Actions**

1. Subject to this Article if, as a result of the reduction or elimination of a customs duty under this Agreement, a textile or apparel good benefiting from preferential tariff treatment under this Agreement is being imported into the territory of a Party in such increased quantities, in absolute terms or relative to the domestic market for that good, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing a like or directly competitive good, the importing Party may, to the extent and for such

该材料满足附件 4-A(纺织品和服装—特定原产地规则)之附录 1(短缺清单)中所规定的任何要求, 包括任何最终用途要求。

8. 如一纺织品或服装属原产货物的请求依赖货物中所包含的附件 4-A(纺织品和服装—特定原产地规则)之附录 1(短缺清单)中所列一材料而提出, 则进口缔约方可要求在原产地证书等进口文件中列出该材料在附件 4-A(纺织品和服装—特定原产地规则)之附录 1(短缺清单)中的编号或描述。

9. 在附件 4-A(纺织品和服装—特定原产地规则)之附录 1(短缺清单)中标为临时适用的非原产材料, 可在自本协定生效之日起的 5 年内根据第 7 款被视为原产材料。

### 特定手工或民俗商品的待遇

10. 对于一进口缔约方和一出口缔约方共同同意的下列特定纺织品或服装, 该进口缔约方可确定该出口缔约方的此类商品具备获得免税或优惠关税待遇的资格:

- (a) 家庭手工业制作的手工织物;
- (b) 使用蜡染技术绘制图案的手工印染织物;
- (c) 以手工织物或手工印染织物制成的家庭手工业产品; 或
- (d) 传统民俗手工艺品。

只要进口缔约方和出口缔约方就此种待遇议定的任何要求均得到满足。

### 第 4.3 条 紧急行动

1. 在遵守本条的前提下, 如因本协定项下的关税削减或取消, 自本协定项下优惠关税待遇获益的一纺织品或服装正在进口至一缔约方领土, 绝对数量增加或与该货物国内市场相比的相对数量增加如此之大且情况如此严重, 以至于对生产同类或直接竞争货物的国内产业造成严重损害或严重损害实际威胁, 则该进口

time as may be necessary to prevent or remedy such damage and to facilitate adjustment, take emergency action in accordance with paragraph 6, consisting of an increase in the rate of duty on the good of the exporting Party or Parties to a level not to exceed the lesser of:

- (a) the most-favoured-nation applied rate of customs duty in effect at the time the action is taken; and
- (b) the most-favoured nation applied rate of customs duty in effect on the day immediately preceding the date of entry into force of this Agreement for the importing Party.

2. Nothing in this Article shall be construed to limit the rights and obligations of a Party under Article XIX of GATT 1994 and the Safeguards Agreement, or Chapter 6 (Trade Remedies).

3. In determining serious damage, or actual threat thereof, the importing Party:

- (a) shall examine the effect of increased imports from the exporting Party or Parties of a textile or apparel good benefiting from preferential tariff treatment under this Agreement on the particular industry, as reflected in changes in such relevant economic variables as output, productivity, utilisation of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and investment, none of which either alone or combined with other factors shall necessarily be decisive; and
- (b) shall not consider changes in technology or consumer preference in the importing Party as factors supporting a determination of serious damage, or actual threat thereof.

4. The importing Party may take an emergency action under this Article only following its publication of procedures that identify the criteria for a finding of serious damage, or actual threat thereof, and an investigation by its competent authorities. Such an investigation must use data based on the factors described in paragraph 3(a) that serious damage or actual threat thereof is demonstrably caused by increased imports of the product concerned as a result of this Agreement.

5. The importing Party shall submit to the exporting Party or Parties, without delay, written notice of the initiation of the investigation provided for in paragraph 4, as well as of its intent to take emergency action and, on the request of the exporting Party or Parties, shall enter into consultations with that Party or Parties regarding the matter. The importing Party shall provide the exporting Party or Parties with the full details of the emergency action to be taken. The Parties concerned shall begin consultations without delay and, unless otherwise decided, shall complete them within 60 days of receipt of the request. After

缔约方可在防止或补救严重损害并促进调整所必需的限度和时间范围内，依照第 6 款采取紧急行动，包括提高来自一个或多个出口缔约方的该产品的税率，但不超过下列两者中的较低水平：

- (a) 在采取行动时实施的最惠国实施税率；及
- (b) 在紧接本协定对该进口缔约方生效之日的前一日实施的最惠国实施税率。

2. 本条中任何内容不得解释为限制任何缔约方在 GATT 1994 第 19 条和《保障措施协定》或第 6 章(贸易救济)下的权利和义务。

3. 在确定严重损害或严重损害实际威胁时，进口缔约方：

- (a) 应审查来自一个或多个出口缔约方的自本协定项下优惠关税待遇获益的一纺织品或服装的进口增加对特定产业的影响，此种影响反映在相关经济变量的变化中，例如产量、生产率、产能利用率、库存、市场份额、出口、工资、就业、国内价格、利润和投资。这些变量，无论单独还是与其他因素一起，均未必具有决定性；及
- (b) 不得将该进口缔约方内的技术或消费者偏好的变化视为支持作出严重损害或严重损害实际威胁确定的因素。

4. 进口缔约方应仅在其公布用以确定严重损害或严重损害实际威胁调查结果标准的程序并在其主管机关调查后，方可采取本条下的紧急行动。此种调查必须使用根据第 3 款(a)项中所述因素的数据，这些因素可以证明严重损害或严重损害实际威胁确因本协定产生的货物进口增加所导致。

5. 进口缔约方应向一个或多个出口缔约方立即提交启动第 4 款中所规定调查的书面通知，以及其采取紧急行动的意向，并应一个或多个出口缔约方请求，应与该一个或多个缔约方就该事项进行磋商。该进口缔约方应向该一个或多个出口缔约方提供将要采取的紧急行动的全部细节。有关缔约方应立即开始磋商，除非



completion of the consultations, the importing Party shall notify the exporting Party or Parties of any decision. If it decides to take an emergency action, the notification shall include the details of the emergency action, including when it will take effect.

6. The following conditions and limitations shall apply to any emergency action taken under this Article:

- (a) no emergency action shall be maintained for a period exceeding two years unless extended for an additional period of up to two years;
- (b) no emergency action shall be taken or maintained beyond the expiration of the transition period;
- (c) no emergency action shall be taken by an importing Party against any particular good of another Party or Parties more than once; and
- (d) on termination of the emergency action, the importing Party shall accord to the good that was subject to the emergency action the tariff treatment that would have been in effect but for the emergency action.

7. The Party taking an emergency action under this Article shall provide to the exporting Party or Parties against whose goods the emergency action is taken mutually agreed trade liberalising compensation in the form of concessions either having substantially equivalent trade effects or equivalent to the value of the additional duties expected to result from the emergency action. Such concessions shall be limited to textile and apparel goods, unless the Parties concerned otherwise agree. If the Parties concerned are unable to agree on compensation within 60 days or a longer period agreed by the Parties concerned, the Party or Parties against whose good the emergency action is taken may take tariff action that has trade effects substantially equivalent to the trade effects of the emergency action taken under this Article. The tariff action may be taken against any goods of the Party taking the emergency action. The Party taking the tariff action shall apply it only for the minimum period necessary to achieve the substantially equivalent trade effects. The importing Party's obligation to provide trade compensation and the exporting Party's right to take tariff action shall terminate when the emergency action terminates.

8. No Party shall take or maintain an emergency action under this Article against a textile or apparel good that is subject, or becomes subject, to a transitional safeguard measure under Chapter 6 (Trade Remedies), or to a safeguard measure that a Party takes pursuant to Article XIX of GATT 1994 and the Safeguards Agreement.

另有决定，否则磋商应在收到请求起 60 天内完成。磋商完成后，该进口缔约方应将所作任何决定通知该一个或多个出口缔约方。如其决定采取紧急行动，则通知应包括紧急行动的细节，包括措施生效时间。

6. 下列条件和限制应适用于根据本条采取的任何紧急行动：
- (a) 任何紧急行动不得维持超过 2 年期限，除非额外延长一次期限最长不超过 2 年；
  - (b) 在过渡期结束后不得采取或维持紧急行动；
  - (c) 一进口缔约方不得对另一个或多个缔约方的任何特定货物采取一次以上的紧急行动；以及
  - (d) 紧急行动终止后，进口缔约方应给予受制于紧急行动的货物在无该行动的情况下本应实施的关税待遇。

7. 根据本条采取紧急行动的缔约方应向货物被采取紧急行动的一个或多个出口缔约方提供双方议定的贸易自由化补偿，补偿形式为具有实质相当的贸易效果的减让，或为与紧急行动预计产生的额外关税价值相当的减让。此类减让应限于纺织品和服装，除非有关缔约方另有议定。如有关缔约方未能在 60 天内或有关缔约方议定的更长期限内就补偿达成一致，则货物被采取紧急行动的一个或多个缔约方可采取贸易效果与根据本条采取的紧急行动的贸易效果实质相当的关税行动。关税行动可针对采取紧急行动的缔约方的任何货物。采取关税行动的缔约方应仅在达到实质相当的贸易效果所必需的最短期限内实施关税行动。进口缔约方提供贸易补偿的义务和出口缔约方采取关税行动的权利应随紧急行动终止而终止。

8. 任何缔约方不得根据本条对受制于或即将受制于如下措施的纺织品或服装采取或维持紧急行动：即第 6 章(贸易救济)下的过渡性保障措施或一缔约方根据 GATT 1994 第 19 条和《保障措施协定》采取的保障措施。

9. The investigations referred to in this Article shall be carried out according to procedures established by each Party. Each Party shall, on the date of entry into force of this Agreement for that Party or before it initiates an investigation, notify the other Parties of these procedures.

10. Each Party shall, in any year where it takes or maintains an emergency action under this Article, provide a report on such actions to the other Parties.

#### **Article 4.4: Cooperation**

1. Each Party shall, in accordance with its laws and regulations, cooperate with other Parties for the purposes of enforcing or assisting in the enforcement of their respective measures concerning customs offences for trade in textile or apparel goods between the Parties, including ensuring the accuracy of claims for preferential tariff treatment under this Agreement.

2. Each Party shall take appropriate measures, which may include legislative, administrative, judicial or other action for:

- (a) enforcement of its laws, regulations and procedures related to customs offences; and
- (b) cooperation with an importing Party in the enforcement of its laws, regulations and procedures related to the prevention of customs offences.

3. For the purposes of paragraph 2, “appropriate measures” means measures a Party takes, in accordance with its laws, regulations and procedures, such as:

- (a) providing its government officials with the legal authority to meet the obligations under this Chapter;
- (b) enabling its law enforcement officials to identify and address customs offences;
- (c) establishing or maintaining criminal, civil or administrative penalties that are aimed at deterring customs offences;
- (d) undertaking appropriate enforcement action when it believes, based on a request from another Party that includes relevant facts, that a customs offence has occurred or is occurring in the requested Party’s territory with regard to a textile or apparel good, including in free trade zones of the requested Party; and
- (e) cooperating with another Party, on request, to establish facts regarding customs offences in the requested Party’s territory with

9. 本条中所指的调查应根据每一缔约方制定的程序开展。每一缔约方应在本协定对其生效之日或在其发起调查前将这些程序通知其他缔约方。

10. 每一缔约方应在其根据本条采取或维持紧急行动的任何一年中向其他缔约方提供关于此类行动的报告。

#### 第 4.4 条 合作

1. 每一缔约方应依照其法律法规与其他缔约方进行合作，旨在执行或协助执行各自有关缔约方之间纺织品或服装贸易中违反海关法行为的措施，包括保证关于享受本协定项下优惠关税待遇请求的准确性。

2. 每一缔约方应采取适当措施，其中可包括立法、行政、司法或其他行动以：

- (a) 执行其与违反海关法行为相关的法律、法规和程序；及
- (b) 在执行其与预防违反海关法行为相关的法律、法规和程序过程中与一进口缔约方开展合作。

3. 就第 2 款而言，“适当措施”指一缔约方依照其法律、法规和程序采取的措施，例如：

- (a) 向其政府官员授予法律权力以履行本章下的义务；
- (b) 使其执法官员有能力确定和处理违反海关法行为；
- (c) 规定或维持旨在制止违反海关法行为的刑事、民事或行政处罚；
- (d) 如其根据另一缔约方提出的包含相关事实的请求，认为在被请求的缔约方领土内，包括在被请求的缔约方的自由贸易区内，已经发生或正在发生涉及纺织品或服装的违反海关法行为，则采取适当执行行动；以及
- (e) 应请求，与另一缔约方合作，以确定关于在被请求的缔约方领土内，包括在被请求的缔约方的自由贸

regard to a textile or apparel good, including in free trade zones of the requested Party.

4. A Party may request information from another Party if it has relevant facts, such as historical evidence, indicating that a customs offence is occurring or is likely to occur.

5. Any request under paragraph 4 shall be made in writing, by electronic means or any other method that acknowledges receipt, and shall include a brief statement of the matter at issue, the cooperation requested, the relevant facts indicating a customs offence, and sufficient information for the requested Party to respond in accordance with its laws and regulations.

6. To enhance cooperative efforts under this Article between Parties to prevent and address customs offences, a Party that receives a request under paragraph 4 shall, subject to its laws, regulations and procedures, including those related to confidentiality referred to in Article 4.9.4 (Confidentiality) provide to the requesting Party, upon receipt of a request in accordance with paragraph 5, available information on the existence of an importer, exporter or producer, goods of an importer, exporter or producer, or other matters related to this Chapter. The information may include any available correspondence, reports, bills of lading, invoices, order contracts or other information regarding enforcement of laws or regulations related to the request.

7. A Party may provide information requested in this Article on paper or in electronic form.

8. Each Party shall designate and notify a contact point for cooperation under this Chapter in accordance with Article 27.5 (Contact Points) and shall notify the other Parties promptly of any subsequent changes.

#### **Article 4.5: Monitoring**

1. Each Party shall establish or maintain programmes or practices to identify and address textiles and apparel customs offences. This may include programmes or practices to ensure the accuracy of claims for preferential tariff treatment for textile and apparel goods under this Agreement.

2. Through those programmes or practices, a Party may collect or share information related to textiles or apparel goods for use for risk management purposes.

3. In addition to paragraphs 1 and 2, some Parties have bilateral agreements that apply between those Parties.

易区内，涉及纺织品或服装的违反海关法行为的事实。

4. 如一缔约方掌握历史证据等相关事实，表明违反海关法行为正在发生或有可能发生，则可要求另一缔约方提供信息。
5. 根据第 4 款提出的任何请求应以书面形式、电子方式或任何其他可确认收到的方式提出，并应包括一份简要说明，列出争议事项、请求的合作内容、表明存在违反海关法行为的相关事实以及足以使被请求的缔约方依照其法律法规作出答复的充分信息。
6. 为增强缔约方之间根据本条所作出的合作努力，以防止和处理违反海关法行为，收到第 4 款下请求的缔约方，在遵守其法律、法规和程序的前提下，包括与第 4.9.4 条(机密性)中所指的机密性相关的法律、法规和程序，应在收到依照第 5 款提出的请求后，向提出请求的缔约方提供如下可获信息：即进口商、出口商或生产商的存在情况，进口商、出口商或生产商的货物或与本章相关的其他事项。信息可包括任何可获得的通信、报告、提单、发票、订货合同或关于与该请求相关的法律或法规执行的其他信息。
7. 一缔约方可以书面形式或以电子方式提供被请求提供的信息。
8. 每一缔约方应依照第 27.5 条(联络点)指定和通知供根据本章开展合作的联络点，并应在随后发生任何变更时迅速通知其他缔约方。

#### 第 4.5 条 监督

1. 每一缔约方应建立或设立程序或做法以确定并处理涉及纺织品和服装的违反海关法行为。可包括保证本协定项下纺织品和服装的优惠关税待遇请求的准确性的程序或做法。
2. 通过这些程序或做法，一缔约方可收集或共享与纺织品或服装相关的信息，以用于风险管理目的。
3. 除第 1 款和第 2 款外，一些缔约方已订立相互适用的双边安排。

**Article 4.6: Verification**

1. An importing Party may conduct a verification with respect to a textile or apparel good pursuant to Article 3.27.1(a), Article 3.27.1(b) or Article 3.27.1(e) (Verification of Origin) and their associated procedures to verify whether a good qualifies for preferential tariff treatment or through a request for a site visit as described in this Article.<sup>3</sup>

2. An importing Party may request a site visit under this Article from an exporter or producer of textile or apparel goods to verify whether:

- (a) a textile or apparel good qualifies for preferential tariff treatment under this Agreement; or
- (b) customs offences are occurring or have occurred.

3. During a site visit under this Article, an importing Party may request access to:

- (a) records and facilities relevant to the claim for preferential tariff treatment; or
- (b) records and facilities relevant to the customs offences being verified.

4. If an importing Party seeks to conduct a site visit under paragraph 2, it shall notify the host Party, no later than 20 days before the visit, regarding:

- (a) the proposed dates;
- (b) the number of exporters and producers to be visited in appropriate detail to facilitate the provision of any assistance, but does not need to specify the names of the exporters or producers to be visited;
- (c) whether assistance by the host Party will be requested and what type;
- (d) if relevant, the customs offences being verified under paragraph 2(b), including relevant factual information available at the time of the notification related to the specific offences, which may include historical information; and

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<sup>3</sup> For the purposes of this Article, the information collected in accordance with this Article shall be used for the purpose of ensuring the effective implementation of this Chapter. A Party shall not use these procedures to collect information for other purposes.

## 第 4.6 条 核查

1. 一进口缔约方可根据第 3.27.1 条(a)项、第 3.27.1 条(b)项或第 3.27.1 条(e)项(原产地核查)及其相关程序对一纺织品或服装进行核查，核查一货物是否具备获得优惠关税待遇的资格，或通过提出请求进行本条所述的实地核查。<sup>3</sup>
2. 一进口缔约方可根据本条请求对纺织品或服装的出口商或生产商进行实地核查以核查：
  - (a) 一纺织品或服装是否具备获得本协定项下优惠关税待遇的资格；或
  - (b) 违反海关法行为是否正在发生或已经发生。
3. 在根据本条进行的实地核查中，一进口缔约方可请求获得：
  - (a) 与优惠关税待遇请求相关的记录和设施；或
  - (b) 与被核查的违反海关法行为相关的记录设施。
4. 如一进口缔约方寻求进行第 2 款下的实地核查，则应不迟于核查前 20 天就下列内容向被核查对象所在缔约方作出通知：
  - (a) 拟议日期；
  - (b) 拟核查的出口商生产商的数量，详细程度应适当，以便利任何协助的提供，但无需明确拟核查的出口商或生产商名称；
  - (c) 是否请求被核查对象所在缔约方提供协助和协助的类型；
  - (d) 如相关，根据第 2 款(b)项进行核查的违反海关法行为，包括在作出通知时可获得的、与具体违法行为相关的事实信息，可包含历史信息；以及

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<sup>3</sup> 就本条而言，使用依照本条所收集的信息应以保证本章的有效实施为目的。缔约方不得通过此类程序为其他目的收集信息。



- (e) whether the importer claimed preferential tariff treatment.

5. On receipt of information on a proposed visit under paragraph 2, the host Party may request information from the importing Party to facilitate planning of the visit, such as logistical arrangements or provision of requested assistance.

6. If an importing Party seeks to conduct a site visit under paragraph 2, it shall provide the host Party, as soon as practicable and prior to the date of the first visit to an exporter or producer under this Article, with a list of the names and addresses of the exporters or producers it proposes to visit.

7. If an importing Party seeks to conduct a site visit under paragraph 2:

- (a) officials of the host Party may accompany the officials of the importing Party during the site visit;
- (b) officials of the host Party may, in accordance with its laws and regulations, on request of the importing Party or on its own initiative, assist the officials of the importing Party during the site visit and provide, to the extent available, information relevant to conduct the site visit;
- (c) the importing and host Parties shall limit communication regarding the site visit to relevant government officials and shall not inform the exporter or producer outside the government of the host Party in advance of a visit or provide any other verification or enforcement information not publicly available whose disclosure could undermine the effectiveness of the action;
- (d) the importing Party shall request permission from the exporter or producer<sup>4</sup> for access to the relevant records or facilities, no later than the time of the visit. Unless advance notice would undermine the effectiveness of the site visit, the importing Party shall request permission with appropriate advance notice; and
- (e) if the exporter or producer of textile or apparel goods denies such permission or access, the visit will not occur. The importing Party shall give consideration to any reasonable alternative dates proposed, taking into account the availability of relevant employees or facilities of the person visited.

8. On completion of a site visit under paragraph 2, the importing Party shall:

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<sup>4</sup> The importing Party shall request permission from a person who has the capacity to consent to the visit at the facilities to be visited.

- (e) 进口商是否提出优惠关税待遇请求。
5. 在收到关于根据第 2 款进行拟议核查的信息后，被核查对象所在缔约方可要求该进口缔约方提供信息，以便利核查计划的制定，例如后勤安排或应请求提供协助。
6. 如一进口缔约方寻求开展第 2 款下的实地核查，则应在可行时尽早且在根据本条对一出口商或生产商进行首次核查的日期前，向被核查对象所在缔约方提供一份其拟议核查的出口商或生产商的名称地址清单。
7. 如一进口缔约方寻求开展第 2 款下的实地核查，则：
- (a) 被核查对象所在缔约方的官员可在实地核查期间陪同该进口缔约方的官员；
  - (b) 被核查对象所在缔约方的官员可依照其法律法规，应进口缔约方请求或主动提出，在实地核查期间协助该进口缔约方的官员，并在可获得的限度内提供与进行实地核查相关的信息；
  - (c) 该进口缔约方与该被核查对象所在缔约方应将有关实地核查的通信限于相关政府官员之间，且不得在核查进行前告知被核查对象所在缔约方政府之外的出口商或生产商，或提供任何不可公开获得、且披露会损害行动有效性的任何其他核查或执行信息；
  - (d) 该进口缔约方应不迟于核查之时请求出口商或生产商<sup>4</sup>给予获得相关记录或访问相关设施的许可。除非提前通知将损害实地核查的有效性，否则该进口缔约方应在提出获得许可的请求时适当提前通知；以及
  - (e) 如纺织品或服装的出口商或生产商拒绝给予许可或使用权利，则将不进行核查。进口缔约方应考虑任何合理的拟议替代日期，同时考虑被核查方相关雇员或设施的可获性。
8. 在完成第 2 款下的实地核查后，该进口缔约方应：

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<sup>4</sup> 进口缔约方应向在拟核查的设施处有权对核查表示同意的的人员提出获得许可的请求。

- (a) on request of the host Party, inform the host Party of its preliminary findings;
- (b) on receiving a written request from the host Party, provide the host Party with a written report of the results of the visit, including any findings, no later than 90 days after the date of the request. If the report is not in English, the importing Party shall provide a translation of it in English on request of the host Party; and
- (c) on receiving a written request of the exporter or producer, provide that person with a written report of the results of the visit as it pertains to that exporter or producer, including any findings, no later than 90 days after the date of the request. This may be a report prepared under subparagraph (b), with appropriate changes. The importing Party shall inform the exporter or producer of the entitlement to request this report. If the report is not in English, the importing Party shall provide a translation of it in English on request of that exporter or producer.

9. If an importing Party conducts a site visit under paragraph 2 and, as a result, intends to deny preferential tariff treatment to a textile or apparel good, it shall, before it may deny preferential tariff treatment, provide to the importer and any exporter or producer that provided information directly to the importing Party 30 days to submit additional information to support the claim for preferential tariff treatment. If advance notice was not given under paragraph 7(d), that importer, exporter or producer may request an additional 30 days.

10. The importing Party shall not reject a claim for preferential tariff treatment on the sole grounds that the host Party does not provide the requested assistance or information under this Article.

11. While a verification is being conducted under this Article, the importing Party may take appropriate measures under procedures established in its laws and regulations, including suspending or denying the application of preferential tariff treatment to textile or apparel goods of the exporter or producer subject to a verification.

12. If verifications of identical textile or apparel goods by an importing Party indicate a pattern of conduct by an exporter or producer of false or unsupported representations that a textile or apparel good imported into its territory qualifies for preferential tariff treatment, the importing Party may withhold preferential tariff treatment for identical textile or apparel goods imported, exported or produced by that person until it is demonstrated to the importing Party that those identical textile or apparel goods qualify for preferential tariff treatment. For the purposes of this paragraph, “identical textile or apparel goods” means textile or apparel goods that are the same in all respects relevant to the particular rule of origin that qualifies the goods as originating.

- (a) 应被核查对象所在缔约方请求，告知其初步调查结果；
- (b) 在收到被核查对象所在缔约方的书面请求后，在不迟于提出请求之日起 90 天向其提供核查结果的书面报告，包括任何调查结果。如该报告不以英文书就，则应被核查对象所在缔约方请求，该进口缔约方应提供报告的英译文；以及
- (c) 在收到出口商或生产商的书面请求后，在不迟于提出请求之日起 90 天，向其提供与该出口商或生产商相关的核查结果的书面报告，包括任何调查结果。该报告可为根据(b)项起草的报告，经适当修改。该进口缔约方应告知该出口商或生产商其享有请求获得该报告的权利。如该报告不以英文书就，则应该出口商或生产商的请求，该进口缔约方应提供报告的英译文。

9. 如一进口缔约方根据第 2 款开展实地核查，并因此有意拒绝给予一纺织品或服装优惠关税待遇，则该进口缔约方应在拒绝给予优惠关税待遇之前，给予该进口商及向该进口缔约方直接提供信息的任何出口商或生产商 30 天时间提交额外信息以支持优惠关税待遇请求。如未根据第 7 款(d)项作出预先通知，则进口商、出口商或生产商可请求额外增加 30 天。

10. 进口缔约方不得仅因被核查对象所在缔约方未能根据本条提供请求获得的协助或信息而拒绝关于优惠关税待遇的请求。

11. 在根据本条开展核查时，进口缔约方可根据其法律法规中所设立的程序采取适当措施，包括暂停或拒绝对接受核查的出口商或生产商关于纺织品或服装优惠关税待遇的申请。

12. 如一进口缔约方对相同纺织品或服装进行的核查显示存在一种出口商或生产商对进口至其领土内的纺织品或服装是否具备获得优惠关税待遇资格作出虚假陈述或无法证实的陈述的行为模式，则该进口缔约方可暂停对此人进口、出口或生产的相同纺织品或服装的优惠关税待遇，直至可向该进口缔约方证明那些相同纺织品或服装具备获得优惠关税待遇的资格。就本款而言，“相同纺织品或服装”指与赋予货物原产资格的特定原产地规则相关的所有方面均相同的货物。

**Article 4.7: Determinations**

The importing Party may deny a claim for preferential tariff treatment for a textile or apparel good:

- (a) for a reason listed in Article 3.28.2 (Determination on Claims for Preferential Tariff Treatment);
- (b) if, pursuant to a verification under this Chapter, it has not received sufficient information to determine that the textile or apparel good qualifies as originating; or
- (c) if, pursuant to a verification under this Chapter, access or permission for the visit is denied, the importing Party is prevented from completing the visit on the proposed date, and the exporter or producer does not provide an alternative date acceptable to the importing Party, or the exporter or producer does not provide access to the relevant records or facilities during a visit.

**Article 4.8: Committee on Textile and Apparel Trade Matters**

1. The Parties hereby establish a Committee on Textile and Apparel Trade Matters, (Committee), composed of government representatives of each Party.
2. The Committee shall meet at least once within one year of the date of entry into force of this Agreement, and thereafter at such times as the Parties decide and on request of the Commission. The Committee shall meet at such venues and times as the Parties decide.
3. The Committee may consider any matter arising under this Chapter, and its functions shall include review of the implementation of this Chapter, consultation on technical or interpretive difficulties that may arise under this Chapter, and discussion of ways to improve the effectiveness of cooperation under this Chapter.
4. In addition to discussions under the Committee, a Party may request in writing discussions with any other Party or Parties regarding matters under this Chapter concerning those Parties, with a view to resolution of the issue, if it believes difficulties are occurring with respect to implementation of this Chapter.
5. Unless the Parties amongst whom a discussion is requested agree otherwise, they shall hold the discussions pursuant to paragraph 4 within 30 days of receipt of a written request by a Party and endeavour to conclude within 90 days of receipt of the written request.

## 第 4.7 条 决定

进口缔约方在下列情况下可拒绝一关于纺织品或服装的优惠关税待遇请求：

- (a) 由于第 3.28.2 条(关于优惠关税待遇请求的决定)中所列理由；
- (b) 如根据本章下的核查，未收到足以确定该纺织品或服装具备原产货物资格的充分信息；或
- (c) 如根据本章下的核查，进行核查的权利或许可被拒绝，该进口缔约方无法在拟议日期完成实地核查，且该出口商或生产商未提供该进口缔约方可接受的替代日期，或出口商或生产商未提供在核查过程中获得相关记录或访问相关设施的机会。

## 第 4.8 条 纺织品服装贸易问题委员会

1. 缔约方特此设立纺织品和服装贸易问题委员会(委员会)，由每一缔约方的政府代表组成。
2. 委员会将在本协定生效之日后 1 年内至少召开一次会议，并在此后按缔约方决定和应自贸协定委员会请求召开会议。委员会应在缔约方决定的地点和时间召开会议。
3. 委员会可审议本章下产生的任何事项，其职能应包括审议本章的实施、就本章下可能产生的技术性解释性困难进行磋商，并讨论改进本章下合作有效性的途径。
4. 除在委员会内进行讨论外，如一缔约方认为在实施本章方面出现困难，则该缔约方可书面请求与任何其他一个或多个缔约方就本章下涉及这些缔约方的事项进行讨论，以期解决相关问题。
5. 除非被请求参与讨论的缔约方另有议定，否则相关缔约方应在收到一缔约方提出的书面请求后 30 天内根据第 4 款进行讨论，并努力在收到书面请求后 90 天内结束讨论。

6. Discussions under this Article shall be confidential and without prejudice to the rights of any Party in any other proceeding.

7. Prior to the entry into force of an amended version of the Harmonized System, the Committee shall consult to prepare updates to this Chapter that are necessary to reflect changes to the Harmonized System.

#### **Article 4.9: Confidentiality**

1. Each Party shall maintain the confidentiality of the information collected in accordance with this Chapter and shall protect that information from disclosure that could prejudice the competitive position of the person providing the information.

2. If a Party provides information to another Party in accordance with this Chapter and designates the information as confidential, the other Party shall keep the information confidential. The Party that provides the information may require the other Party to furnish written assurance that the information will be held in confidence, used only for the purposes specified in the other Party's request for information, and not disclosed without the specific permission of the Party that provided the information or the person that provided the information to that Party.

3. A Party may decline to provide information requested by another Party if that Party has failed to act in conformity with paragraph 1 or 2.

4. Each Party shall adopt or maintain procedures for protecting from unauthorised disclosure confidential information submitted in accordance with the administration of the Party's customs or other laws related to this Chapter, or collected in accordance with this Chapter, including information the disclosure of which could prejudice the competitive position of the person providing the information.

6. 本条下的讨论应予保密，且不得损害任何缔约方在任何其他进程中的权利。

7. 在《协调制度》的修正版本生效前，委员会应进行磋商，以准备对本章作必要更新以反映《协调制度》的变化。

#### 第 4.9 条 机密性

1. 每一缔约方应保持依照本章所收集信息的机密性，并应保护如披露则可能损害信息提供者竞争地位的信息。

2. 如依照本章向另一缔约方提供信息的一缔约方将信息指定为机密信息，则该另一缔约方应对该信息保密。提供该信息的缔约方可要求另一缔约方提供书面保证，保证对该信息保密并仅用于该另一缔约方在请求中所列明的目的，且未经提供信息的缔约方或向该缔约方提供信息的人的特别允许不得披露。

3. 一缔约方可拒绝提供另一缔约方请求提供的信息，如后者未能按照第 1 款或第 2 款行事。

4. 每一缔约方应采用或设立程序，以防止未经授权而披露依照缔约方的海关管理或与本章相关的其他法律提交的机密信息，或依照本章收集的机密信息，包括如披露则可能损害信息提供者竞争地位的信息。