

中华人民共和国政府与泰国政府关于在《中国—东盟全面经济合作框架协议》“早期收获”方案下加速取消关税的协议

中华人民共和国政府和泰国政府（以下简称缔约方），

根据中华人民共和国总理温家宝阁下和泰国总理塔信·钦那瓦警中校阁下于二〇〇三年四月二十九日在曼谷会晤就尽快取消两国水果和蔬菜产品关税达成的共识，

忆及包括“早期收获”方案的《中华人民共和国与东南亚国家联盟全面经济合作框架协议》（以下简称《框架协议》），

期望加速执行作为东盟—中国自由贸易区组成部分的《框架协议》“早期收获”方案，

达成协议如下：

一、缔约方应尽快取消《框架协议》“早期收获”方案中《协调制度》第七章、第八章蔬菜、水果产品的关税，并应不迟于二〇〇三年十月一日实施。

二、缔约方应根据本协议附件 1 关于“完全获得”原则的定义实施原产地规则，并在缔约方负责海关监管的部门之间建立密切的合作机制。

三、本协议附件 1 为本协议不可分割的一部分。

本协议自签字之日起生效。

鉴此，经各自政府授权的签字人签署本协议，以昭信守。

本协议以英文写成，一式两份，于 2003 年 6 月 18 日在北京签署，两份协议具有同等效力。

中华人民共和国政府代表

泰国政府代表

吕福源

阿滴塞·博得哈拉米克

商务部部长

商业部部长

附件 1:

中泰关于临时“完全获得”原则定义的谅解

I. 由一方出口到另一方在其领土收获、采摘或采集的《协调制度》第七章、第八章所列的蔬菜和水果产品，在符合直接运输的规定时，应被视为在该国原产。

II. 下列情况应被认定为从出口方向进口方的直接运输：

1. 产品运输未经任何非缔约方领土；
2. 产品运输经一个或多个中间非缔约方，在该非缔约方经过或未经转运或短暂储存，但需：
 - (a) 有理由证明过境运输是因地理原因或只因考虑运输要求而产生的；
 - (b) 运输的产品未在非缔约方内交易或消费；以及
 - (c) 除卸货并重新装货或其它为使产品保持良好状态的操作外，产品在非缔约方内未经任何其它操作。

III. 本关于临时“完全获得”原则的定义应由根据《中国—东盟全面经济合作框架协议》第三条（8）（b）制定并实施的原产地规则中规定的“完全获得”原则的定义替换和取代。

本协议英文文本：the English version

AGREEMENT BETWEEN

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

AND THE GOVERNMENT OF THE KINGDOM OF THAILAND

ON ACCELERATED TARIFF ELIMINATION

UNDER THE EARLY HARVEST PROGRAMME OF THE FRAMEWORK AGREEMENT

ON COMPREHENSIVE ECONOMIC COOPERATION BETWEEN CHINA AND ASEAN

The Government of the People's Republic of China and the Government of the Kingdom of Thailand (hereinafter referred to as the "Parties"),

Pursuant to the meeting between H.E. Wen Jiabao, Prime Minister of the People's Republic of China, and H.E. Pol. Lt. Col. Thaksin Shinawatra, Prime Minister of the Kingdom of Thailand, in Bangkok, Thailand, on 29 April 2003, during which they agreed to undertake the elimination of tariffs on vegetable and fruit products between the two countries as soon as possible,

Recalling the Framework Agreement on Comprehensive Economic Cooperation between the People's Republic of China and the Association of South East Asian Nations (hereinafter referred to as the "Framework Agreement") incorporating the Early Harvest Programme,

Desiring to accelerate the implementation of the Early Harvest Programme of the Framework Agreement, which forms an integral part of the China-ASEAN Free Trade Area,

Have agreed as follows:

1. The Parties shall eliminate tariffs on all vegetable and fruit products subject to HS Chapters 07 and 08 under the Early Harvest Programme of the Framework Agreement as soon as possible, and in any case, no later than 1 October 2003.

2. The Parties shall apply the rules of origin based on wholly-obtained principle, as defined in Annex 1 of this Agreement, and establish a close cooperation mechanism between the concerned authorities of the Parties responsible for customs administration and supervision.

3. Annex 1 of this Agreement is an integral part of this Agreement.

This Agreement shall enter into force upon signature.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE at Beijing, this 18th day of June, 2003 in duplicate copies in the English language, with both copies being equally authentic.

FOR

FOR

THE GOVERNMENT OF

THE GOVERNMENT OF

THE PEOPLE' S REPUBLIC

THE KINGDOM OF

THAILAND

OF CHINA

LU FUYUAN

ADISAI

BODHARAMIK

Minister of Commerce

Minister of

Commerce

Annex 1

UNDERSTANDING BETWEEN CHINA AND THAILAND

ON THE TEMPORARY DEFINITION OF

WHOLLY OBTAINED PRINCIPLE

1. Vegetable and fruit products, which are covered in chapters 07-08 of the Harmonized System, harvested, picked or gathered in the territory of a party, and imported into another party from the party, shall be considered as originating in the party provided that the condition of the direct consignment is met.

2. The following shall be considered as consigned directly from the exporting Party to the importing Party :

(1) The products whose transport does not involve transit through any intermediate non-Party;

(2) The products whose transport involves transit through one or more intermediate non-Parties with or without transshipment or temporary storage in such Parties, provided that:

(a) The transit entry is justified for geographical reason or by consideration related exclusively to transport requirements;

(b) The products have not entered into trade or consumption there;
and

(c) The products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition.

3. This temporary definition of wholly obtained principle shall be superseded and replaced by the new definition of wholly obtained principle in the Rules of Origin to be formulated and implemented under Article 3(8)(b) of the Framework Agreement on Comprehensive Economic Cooperation between China and ASEAN.