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PROTOCOL TO IMPLEMENT THE THIRD PACKAGE OF COMMITMENTS UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter referred to as "ASEAN");

NOTING the ASEAN Framework Agreement on Services signed on 15 December 1995 in Bangkok, Thailand, which seeks to enhance cooperation in services amongst Member States, eliminate substantially restrictions to trade in services amongst Member States and liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by Member States under the General Agreement on Trade in Services (hereinafter referred to as "GATS") of the World Trade Organization (hereinafter referred to as "WTO");

RECALLING that the Sixth ASEAN Summit called on Member States to enter into a second round of negotiations, beginning 1999 and ending 2001 to cover all services sectors and all modes of supply;

HAVING carried out an initial round of negotiations and concluded two sets of commitments embodied in the Protocol to Implement the Initial Package of Commitments under the ASEAN Framework Agreement on Services signed on 15 December 1997 in Kuala Lumpur, Malaysia and the Protocol to Implement the Second Package of Commitments under the ASEAN Framework Agreement on Services signed on 16 December 1998 in Ha Noi, Viet Nam;

HAVING carried out subsequent negotiations pursuant to Article IV of the ASEAN Framework Agreement on Services and finalised the third package of commitments;

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DESIRING to set out in a schedule, the specific commitments that each Member State shall undertake, for which Member States shall accord preferential treatment to one another on a Most-Favoured Nations basis;

HAVE AGREED AS FOLLOWS:

1. Member States who are WTO Members shall continue to extend their specific commitments under GATS to ASEAN Member States who are non-WTO Members.

2. Member States shall extend to all other Member States preferential treatment in trade in services as set forth in the Schedules of Specific Commitments annexed to this Protocol.

3. The Annexes to this Protocol shall consist of the Horizontal Commitments, Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions.

4. This Protocol and its Annexes shall form an integral part of the ASEAN Framework Agreement on Services.

5. This Protocol shall enter into force upon the deposit of instruments of ratification or acceptance by all signatory governments with the Secretary-General of ASEAN, which shall be done not later than 31 March 2002.

6. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member State. The Secretary-General of ASEAN shall also promptly furnish notifications of ratifications or acceptances made pursuant to paragraph 5 to each Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed the Protocol to Implement the Third Package of Commitments under the ASEAN Framework Agreement on Services.

DONE on 31 December 2001, in a single copy in the English language.

at Bandar Seri Begawan

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For the Government of Brunei Darussalam

ABDUL RAHMAN TAIB
Minister of Industry and Primary Resources

For the Government of the Kingdom of Cambodia

CHAM PRASIDH
Minister of Commerce

For the Government of the Republic of Indonesia

RINI M. S. SOEWANDI
Minister of Industry and Trade

For the Government of the Lao People's Democratic Republic

SOULIVONG DARAVONG
Minister of Industry and Handicraft

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For the Government of Malaysia

RAFIDAH AZIZ
Minister of International Trade and Industry

For the Government of the Union of Myanmar

BRIGADIER GENERAL DAVID O. ABEL
Minister at the Office of the Chairman of the State Peace and Development Council

For the Government of the Republic of the Philippines

MANUEL A. ROXAS II
Secretary of Trade and Industry

For the Government of the Republic of Singapore

GEORGE YONG-BOON YEO
Minister for Trade and Industry

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For the Government of the Kingdom of Thailand

ADISAI BODHARAMIK
Minister of Commerce

For the Government of the Socialist Republic of Vietnam

VU KHOAN
Minister of Trade

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