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

The Governments of Brunei Darussalam, 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 Vietnam, 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 all 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 Fifth ASEAN Summit called on Member States to enter into a first round of negotiations, beginning on 1 January 1996 and concluding no later than 31 December 1998, on specific commitments on market access, national treatment and additional commitments covering all services sectors and all modes of supply;

**HAVING** carried out an initial round of negotiations and concluded a set 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;

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

CERTIFIED COPY
SECRETARY GENERAL OF ASEAN

**SEEKING** to ensure that ASEAN Members, who are non-WTO members, are also accorded the same treatment in trade in services that ASEAN Member States, who are WTO members, extend to all members of the WTO;

**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 Nation basis;

**HAVE AGREED AS FOLLOWS:**

1. Member States who are WTO Members shall 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 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 1999.

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 Second Package of Commitments under the ASEAN Framework Agreement on Services.



CERTIFIED COPY
SECRETARY GENERAL OF ASEAN

**DONE** at Hanoi, Vietnam, on the 16th day of December in the year One Thousand Nine Hundred and Ninety-Eight, in a single copy in the English language.

**For the Government of Brunei Darussalam**

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

**For the Government of the Republic of Indonesia**

**GINANDJAR KARTASASMITA**
Coordinating Minister for Economy, Finance and Industry

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

**SOULIVONG DARAVONG**
Minister of Industry and Handicraft

**For the Government of Malaysia**

16/12/98

**DATO' SERI RAFIDAH AZIZ**
Minister of International Trade and Industry



CERTIFIED COPY
SECRETARY GENERAL OF ASEAN

**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**

**JOSE TRINIDAD PARDO**
Secretary of Trade and Industry

**For the Government of the Republic of Singapore**

**LEE YOCK SUAN**
Minister for Trade and Industry

**For the Government of the Kingdom of Thailand**

**SURIN PITSUWAN**
Minister of Foreign Affairs

**For the Government of the Socialist Republic of Vietnam**

**TRUONG DINH TUYEN**
Minister of Trade



CERTIFIED COPY
SECRETARY GENERAL OF ASEAN