THIRD PROTOCOL TO AMEND THE ASEAN COMPREHENSIVE INVESTMENT AGREEMENT

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of 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 Southeast Asian Nations ("ASEAN"), hereinafter collectively referred to as "Member States" or singularly as "Member State";

RECALLING the ASEAN Comprehensive Investment Agreement (hereinafter referred to as the "ACIA") signed on 26 February 2009 and which entered into force on 29 March 2012, which aims to create a liberal, facilitative, transparent and competitive investment environment in ASEAN by adhering to principles such as to benefit investors and their investments based in ASEAN;

CONSIDERING the outcome of the annual reviews by the ASEAN Investment Area Council of paragraph 8 of the ACIA Headnote for the List of Reservations; and

NOTING that Article 46 (Amendments) of the ACIA provides that the provisions of the ACIA may be modified through amendments mutually agreed upon in writing by the Member States,

HAVE AGREED AS FOLLOWS:

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Article 1
Amendment to the ACIA Headnote for the List of Reservations

Paragraph 8 of the ACIA Headnote for the List of Reservations as provided below shall be deleted:

> *"8. In the case of Thailand, as stipulated in the Foreign Business Act B.E.2542 (1999), nothing in this Agreement shall apply to an investor of the other Member States which is a juridical person constituted or otherwise organised under the law of a Member State that is not owned and/or controlled by nationals of Member States, and its investment. This provision shall be subject to review by the AIA Council on an annual basis."*

Article 2
Final Provisions

1. This Protocol shall form an integral part of the ACIA and shall enter into force after all Member States have notified the completion of their respective internal procedures for the entry into force of this Protocol to, or, where necessary, deposited instruments of ratification or acceptance with, the Secretary-General of ASEAN.

2. The Secretary-General of ASEAN shall promptly notify all Member States of the notifications or deposit of each instrument of ratification or acceptance referred to in paragraph 1.

3. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State.

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Third Protocol to Amend the ASEAN Comprehensive Investment Agreement.

DONE at Ha Noi, Viet Nam this Twentieth day of December in the year Two Thousand and Seventeen, in a single original copy in the English language.

For Brunei Darussalam:

LIM JOCK SENG
Minister at the Prime Minister's Office and
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:

PAN SORASAK
Minister of Commerce

For the Republic of Indonesia:

ENGGARTIASTO LUKITA
Minister of Trade

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

For the Lao People's Democratic Republic:

KHEMMANI PHOLSENA
Minister of Industry and Commerce

For Malaysia:

MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Republic of the Union of Myanmar:

KYAW WIN
Union Minister for Planning and Finance

For the Republic of the Philippines:

RAMON M. LOPEZ
Secretary of Trade and Industry

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

For the Republic of Singapore:

LIM HNG KIANG
Minister for Trade and Industry (Trade)

For the Kingdom of Thailand:

APIRADI TANTRAPORN
Minister of Commerce

For the Socialist Republic of Viet Nam:

TRAN TUAN ANH
Minister of Industry and Trade

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