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Protocol to Implement the Seventh Package of Commitments under the ASEAN Framework Agreement on Services

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

NOTING the ASEAN Framework Agreement on Services signed on 15 December 1995 in Bangkok, Thailand (hereinafter referred to as "AFAS"), which seeks to enhance cooperation in services amongst Member States, to eliminate substantially all restrictions to trade in services amongst Member States and to 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 Organisation (hereinafter referred to as "WTO");

HAVING carried out four rounds of negotiations and concluded six sets of schedules of specific 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; 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; the Protocol to Implement the Third Package of Commitments under the ASEAN Framework Agreement on

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Services signed on 31 December 2001; the Protocol to Implement the Fourth Package of Commitments under the ASEAN Framework Agreement on Services signed on 3 September 2004 in Jakarta, Indonesia; the Protocol to Implement the Fifth Package of Commitments under the ASEAN Framework Agreement on Services signed on 8 December 2006 in Cebu, the Philippines; and the Protocol to Implement the Sixth Package of Commitments under the ASEAN Framework Agreement on Services signed on 19 November 2007 in Singapore;

NOTING the ASEAN Framework Agreement for the Integration of Priority Sectors together with the Roadmaps for the Integration of Priority Sectors signed by the ASEAN Leaders on 29 November 2004 in Vientiane, Lao PDR and the ASEAN Framework (Amendment) Agreement for the Integration of Priority Sectors signed by the ASEAN Economic Ministers on 8 December 2006 in Cebu, the Philippines, which include four services sectors, namely, Air Travel, Healthcare, e-ASEAN (telecommunications and IT services) and Tourism, provide measures to deepen and broaden internal economic integration and linkages, with the participation of the private sector, to realise an ASEAN Economic Community;

MINDFUL of the targets and timelines of the ASEAN Economic Community Blueprint adopted at the 13th ASEAN Summit held on 21 November 2007 in Singapore that, amongst others, provided for the liberalisation of trade in services through consecutive rounds of liberalisation every two years beginning in 2008 and ending in 2015;

HAVING carried out subsequent negotiations pursuant to Article IV of AFAS and finalised the Seventh Package of Commitments (hereinafter referred to as the "Seventh Package of Commitments under AFAS" or "Seventh Package");

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HAVE AGREED AS FOLLOWS:

1. Member States that are WTO members shall continue to extend their specific commitments under GATS to other Member States that are not WTO members.

2. The Annexes to this Protocol shall consist of the consolidated schedules of each Member State's Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions, which shall form an integral part of this Protocol.

3. Subject to each Member State's Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions, Member States shall accord preferential treatment to one another on a Most-Favoured-Nation basis.

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

5. This Protocol and the commitments set out in its Annexes shall enter into force ninety (90) days after the date of signature for Member States that have signed. For a Member State that is unable to submit its full commitments under the Seventh Package by the time of signing of this Protocol:

(a) commitments that are submitted thereafter but before the entry into force of this Protocol and its Annexes, shall also enter into force ninety (90) days after the date of signature of this Protocol; and

(b) commitments that are submitted after the entry into force of this Protocol and its Annexes shall enter into force upon their submission.

6. Without prejudice to paragraph 5, for a Member State which accedes to this Protocol at a date later than the date of

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signature under paragraph 5, this Protocol and its annexes shall enter into force upon the date of this subsequent signature for that Member.

7. Each Member State shall, upon the completion of its internal procedures for the entry into force of this Protocol, notify the ASEAN Secretariat in writing. Pursuant to paragraph 5 and 6, a Member State that has not submitted its full commitments under the Seventh Package prior to the signing of this Protocol, shall notify the ASEAN Secretariat in writing of the commitments it subsequently submits towards the fulfilment of its full commitments under the Seventh Package. Such submissions shall form an integral part of a Member State's Schedules of Specific Commitments under this Protocol and its Annexes.

8 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 made pursuant to paragraphs 5 and 6 to each Member State.

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

DONE at Cha-am, Thailand, this 26th Day of February in the Year Two Thousand and Nine, in a single original copy in the English language.

For Brunei Darussalam:

LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

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For the Kingdom of Cambodia:

CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:

MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:

NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:

TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

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For the Union of Myanmar:

U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:

PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:

LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:

PORNTIVA NAKASAI
Minister of Commerce

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For the Socialist Republic of Viet Nam:

VU HUY HOANG
Minister of Industry and Trade

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BỘ NGOẠI GIAO	CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
	Độc lập - Tự do - Hạnh phúc
Số: 03/2009/TB/LPQT	

Hà Nội, ngày 23 tháng 06 năm 2009

THÔNG BÁO
Ngày điều ước quốc tế nhiều bên có hiệu lực đối với Việt Nam

Nghị định thư thực hiện Gói cam kết thứ bảy thuộc khuôn khổ Hiệp định khung ASEAN về dịch vụ ("Protocol to Implement the Seventh Package of Commitments under the ASEAN Framework Agreement on Services") ký tại Cha-am, Thái Lan, ngày 26 tháng 02 năm 2009, có hiệu lực đối với Việt Nam kể từ ngày 27 tháng 5 năm 2009.

TL. BỘ TRƯỞNG
KT.VỤ TRƯỞNG VỤ LUẬT PHÁP
VÀ ĐIỀU ƯỚC QUỐC TẾ
PHÓ VỤ TRƯỞNG

Nguyễn Thị Hoàng Anh

Nơi nhận :
- Văn phòng Quốc hội *(để báo cáo)*,
- Văn phòng Chủ tịch nước *(để báo cáo)*,
- Văn phòng Chính phủ *(để báo cáo)*,
- Phòng Công báo, Văn phòng Chính phủ *(để đăng Công báo)*,
- Bộ Công Thương,
- Bộ Kế hoạch và Đầu tư,
- Bộ Khoa học và Công nghệ,
- Bộ Tài nguyên và Môi trường,
- Bộ Tài chính,
- Vụ ASEAN, Bộ Ngoại giao,
- Vụ Đông Nam Á, Nam Á, Nam Thái Bình Dương, Bộ Ngoại giao,
- Vụ Hợp tác Kinh tế đa phương, Bộ Ngoại giao,
- Vụ Luật pháp và Điều ước quốc tế, Bộ Ngoại giao.