

# 2004 PROTOCOL TO IMPLEMENT THE FOURTH PACKAGE OF COMMITMENTS ON AIR TRANSPORT SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

*Signed in Phnom Penh, Cambodia on 23 November 2004*

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 Organisation (hereinafter referred to as "WTO");

**HAVING** carried out two rounds of negotiations and concluded three 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, 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, and the Protocol to Implement the Third Package of Commitments under the ASEAN Framework Agreement on Services signed on 31 December 2001;

**RECALLING** that the Thirty-Third ASEAN Economic Ministers Meeting launched the third round of negotiations beginning 2002 and ending 2004, which covers all services sectors and all modes of supply;

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

**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 air transport services as set forth in the Schedules of Specific Commitments annexed to this Protocol.
3. The Annex to this Protocol is the Schedules of Specific Commitments. (Cambodia, Myanmar, Singapore, Thailand and Viet Nam)
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 2005.

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 Fourth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services.

**DONE** at Phnom Penh, Cambodia, on the Twenty-third day of November in the year Two Thousand and Four, in a single copy in the English language.

For the Government of Brunei Darussalam  
PEHIN DATO HAJI ZAKARIA SULAIMAN  
Minister of Communications

For the Government of the Kingdom of Cambodia  
MAO HAVANNALL  
Secretary of State

State Secretariat of Civil Aviation  
For the Government of the Republic of Indonesia  
M. HATTA RAJASA

Minister of Communications  
For the Government of the Lao People's Democratic Republic  
SOMMAD PHOLSENA  
Deputy Minister of Communication, Transport, Post and Construction

For the Government of Malaysia  
DATO' SRI CHAN KONG CHOY  
Minister of Transport

For the Government of the Union of Myanmar  
MAJ GEN THEIN SWE  
Minister of Transport

For the Government of the Republic of the Philippines  
ARTURO T. VALDEZ  
Undersecretary for Transportation

For the Government of the Republic of Singapore  
YEO CHEOW TONG  
Minister of Transport

For the Government of the Kingdom of Thailand  
NIKORN CHAMNONG  
Deputy Minister of Transport

For the Government of the Socialist Republic of Viet Nam  
NGUYEN TIEN SAM  
Vice Minister of Transport