

2006 SECOND PROTOCOL TO AMEND THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC COOPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA

Signed in Cebu, Philippines on 8 December 2006

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

RECALLING the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China, which was signed on the 4th day of November 2002 in Phnom Penh, Cambodia as amended by the Protocol to Amend the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China, which was signed on the 6th day of October 2003 in Bali, Indonesia, (hereinafter referred to as the "Framework Agreement");

NOTING the Memorandum of Understanding on the Early Harvest Programme under the Framework Agreement between the Government of the Republic of the Philippines and the Government of the People's Republic of China, signed on the 27th day of April 2005 in Manila, Philippines;

NOTING also the Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of the People's Republic of China concerning the Arrangement of Specific Products under the Framework Agreement, signed on the 6th day of October 2006 in Bali, Indonesia;

SEEKING to incorporate the Early Harvest Programme between the Philippines and China by inserting the relevant HS Codes and product descriptions;

SEEKING also to incorporate amendments to the specific product list made by the Parties after February 2003, which has been mutually agreed and accepted administratively by the Parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

AMENDMENTS TO ITEM 2(h) OF ANNEX 1 OF THE FRAMEWORK AGREEMENT

1. Item 2(h) of Annex 1 of the Framework Agreement shall be amended by deleting the phrase "Philippines to insert exclusion list" and inserting the following phrase:

"Exclusion of all products for China and ASEAN Member States, except for the products in the table in Attachment 1 of the Second Protocol to Amend the Framework Agreement"
2. The table referred to in paragraph 1 of this Article is set out in Attachment 1 of this Protocol.

ARTICLE 2

AMENDMENTS TO PHILIPPINES' SPECIFIC PRODUCTS LIST IN ANNEX 2 OF THE FRAMEWORK AGREEMENT

Item C6 of Annex 2 of the Framework Agreement shall be amended by deleting the phrase "To insert specific products." and inserting the table set out in Attachment 2 of this Protocol.

ARTICLE 3

OTHER AMENDMENTS TO ANNEX 2 OF THE FRAMEWORK AGREEMENT

The amendments to the Specific Product List made by the Parties after February 2003, which have been mutually agreed and accepted administratively by the Parties, are set out in Attachment 3 of this Protocol.

ARTICLE 4

SUBSTITUTION OF ANNEX 2 OF THE FRAMEWORK AGREEMENT

Taking into account the amendments set out in Articles 2 and 3 above, the existing Annex 2 of the Framework Agreement shall be substituted by the new Annex 2 as set out in Attachment 4 of this Protocol. For the Parties which have not carried out any administrative amendments, their list of specific products shall remain unchanged.

ARTICLE 5

FINAL PROVISIONS

1. This Protocol shall form an integral part of the Framework Agreement and shall enter into force upon the date of signature.
2. For ASEAN Member States, this Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned being duly authorised by their respective Governments, have signed this Second Protocol to Amend the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China.

DONE in Cebu, the Philippines, this Eighth Day of December in the Year Two Thousand and Six, in two original copies in the English language.

For the People's Republic of China: **BO XILAI**, Minister of Commerce

For Brunei Darussalam: **MOHAMED BOLKIAH**, Minister of Foreign Affairs and Trade

For 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: **RAFIDAH AZIZ**, Minister of International Trade and Industry

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: **KRIRK-KRAI JIRAPAET**, Minister of Commerce

For the Socialist Republic of Viet Nam: **TRUONG DINH TUYEN**, Minister of Trade