

2007 PROTOCOL TO IMPLEMENT THE SIXTH PACKAGE OF COMMITMENTS UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

Adopted in Singapore on 19 November 2007

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 Countries of the Association of Southeast Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member Countries" or singularly as "Member Country");

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 Countries, to eliminate substantially restrictions to trade in services amongst Member Countries and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by Member Countries 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 five 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 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; and 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;

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;

RECALLING that the Informal ASEAN Economic Ministers Meeting (hereinafter referred to as "AEM") held on 11 January 2007 in Cebu, the Philippines, agreed to give Member Countries one to one and a half years to achieve the originally agreed target level of commitments for the Fifth Package of Commitments as endorsed at the 37th AEM meeting held in August 2005;

HAVING carried out subsequent negotiations pursuant to Article IV of AFAS and finalised the improved package of commitments to achieve the originally agreed target level of commitments for the Fifth Package of Commitments as endorsed at the 37th AEM meeting held in August 2005 (hereinafter referred to as the "Sixth Package of Commitments under AFAS");

HAVE AGREED AS FOLLOWS:

1. Member Countries that are WTO members shall continue to extend their specific commitments under GATS to other Member Countries that are not WTO members.
2. The Annexes to this Protocol shall consist of each Member Country's Horizontal Commitments, Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions.
3. Subject to each Member Country's Horizontal Commitments, Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions, Member Countries 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 shall enter into force ninety (90) days after the date of its signature.
6. Member Countries undertake to complete their respective internal procedures for the entry into force of this Protocol.
7. Each Member Country shall, upon the completion of its internal procedures, notify the ASEAN Secretariat in writing.
8. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member Country. The Secretary-General of ASEAN shall also promptly furnish notifications made pursuant to paragraph 7 to each Member Country.

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

DONE at Singapore, this Nineteenth Day of November in the year Two Thousand and Seven, in a single original copy in the English language.

For Brunei Darussalam: **LIM JOCK SENG**, Second Minister for Foreign Affairs and Trade

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 Lao People's Democratic Republic: **NAM VIYAKETH**, Minister of Industry and Commerce

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

For Union of Myanmar: **U SOE THA**, Minister for National Planning and Economic Development

For the Republic of the Philippines: **PETER FAVILA**, Secretary of Trade and Industry

For the Republic of Singapore: **LIM HNG KIANG**, Minister for Trade and Industry

For Kingdom of Thailand: **KRIRK-KRAI JIRAPAET**, Minister of Commerce

For the Socialist Republic of Viet Nam: **VU HUY HOANG**, Minister of Industry and Trade