

2009 PROTOCOL TO IMPLEMENT THE SIXTH PACKAGE OF COMMITMENTS ON AIR TRANSPORT SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

Signed in Ha Noi, Viet Nam on 10 December 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, 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 and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly "Member State");

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 four rounds of negotiations and concluded five sets of schedule 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 23 November 2004 in Phnom Penh, Cambodia; and the Protocol to Implement the Fifth Package of Commitments under the ASEAN Framework Agreement on Services signed on 8 February 2007 in Bangkok, Thailand;

NOTING the ASEAN Framework Agreement for the Integration of Priority Sectors together with the Roadmap 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, Philippines, which includes Air Transport, 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 13 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 the ASEAN Framework Agreement on Services and finalised the sixth package of commitments;

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. Each Member State 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.
4. This Protocol and its Annex shall form an integral part of the ASEAN Framework Agreement on Services.
5. This Protocol shall enter into force on the sixtieth day after the deposit of the sixth Instrument of Ratification or Acceptance from ASEAN Member States with the Secretary- General of ASEAN, and shall become effective only among the Member States that have ratified or accepted it. For each Member State ratifying or accepting the Protocol after the deposit of the sixth Instrument of Ratification or Acceptance, the Protocol shall enter into force on the sixtieth day after the deposit by such Member State of its Instrument of Ratification or Acceptance.
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 Sixth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services.

DONE at Ha Noi, Viet Nam, this 10 Day of December in the Year Two Thousand and Nine, in a single original copy in the English language.

For Brunei Darussalam, **PEHIN DATO ABU BAKAR APONG**, Minister of Communications Brunei Darussalam

For the Kingdom of Cambodia, **MAO HAVANNALL**, Secretary of State Secretariat of Civil Aviation

For the Republic of Indonesia, **FREDDY NUMBERI**, Minister for Transportation

For the Lao People's Democratic Republic, **SOMMAD PHOLSENA**, Minister of Public Works and Transport

For Malaysia, **DATO' SRI ONG TEE KEAT**, Minister of Transport

For the Union of Myanmar, **MAJOR GENERAL THEIN SWE**, Minister for Transport

For the Republic of the Philippines, **GEN.LEANDRO R.MENDOZA (Ret.)**, Secretary of Transportation and Communications

For the Republic of Singapore, **RAYMOND LIM**, Minister for Transport

For the Kingdom of Thailand, **PRAJAK GLAWGRAHAN**, Deputy Minister, Ministry of Transport

For the Socialist Republic of Viet Nam, **HO NGHIA DZUNG**, Minister of Transport