

2010 SECOND PROTOCOL TO AMEND THE AGREEMENT ON TRADE IN GOODS OF THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC CO-OPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA

Signed in Ha Noi, Viet Nam and Kuala Lumpur, Malaysia on 29 October 2010 and 2 November 2010

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 (collectively "ASEAN" or "ASEAN Member States" or individually, "ASEAN Member State") and the People's Republic of China ("China"), hereinafter referred to collectively as the "Parties" or individually referring to an ASEAN Member State or to China as a "Party";

RECALLING the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between ASEAN and China (hereinafter referred to as "TIG Agreement") signed on 29 November 2004 and the Protocol to Amend the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between ASEAN and China signed on 8 December 2006;

RECOGNISING the need to update the Operational Certification Procedures for the Rules of Origin for the ASEAN-China Free Trade Area ("ACFTA") to, make it more trade facilitative and to encourage greater utilization of the ACFTA;

SEEKING to incorporate into the TIG Agreement the amendments made to the Attachments of Annex 3 of the TIG Agreement;

NOTING that Article 19 of the TIG Agreement provides that the TIG Agreement may be amended by the mutual written consent of the Parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1 AMENDMENT TO ANNEX 3 OF THE TIG AGREEMENT

Annex 3 of the TIG Agreement shall be amended by substituting:

- (a) Attachment A of Annex 3 with the new Attachment A as set out in **Appendix 1** of this Protocol;
- (b) Attachment C of Annex 3 with the new Attachment C as set out in **Appendix 2** of this Protocol.

ARTICLE 2

FUTURE AMENDMENTS TO THE ATTACHMENTS ON OPERATIONAL CERTIFICATION PROCEDURES AND CERTIFICATE OF ORIGIN (FORM E)

Future amendments to the Attachments on Operational Certification Procedures and Certificate of Origin (Form E) that have been mutually agreed and accepted by all Parties shall be attached administratively to the TIG Agreement and implemented by the Parties as an integral part of the TIG Agreement.

ARTICLE 3

ENTRY INTO FORCE

1. This Protocol shall enter into force on 1 January 2011.
2. The Parties shall complete their internal procedures for the entry into force of this Protocol prior to 1 January 2011.¹
3. A Party shall upon the completion of its internal procedures for the entry into force of this Protocol notify all the other Parties in writing.

ARTICLE 4

GENERAL PROVISIONS

1. This Protocol shall form an integral part of the TIG Agreement.
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.

¹ For the purposes of this Protocol, Cambodia, Indonesia, Myanmar, the Philippines and Thailand undertake to complete their internal procedures for the entry into force of this Protocol by 1 January 2011. In the event that any of these Parties is unable to complete their internal procedures for the entry into force of this Protocol by 1 January 2011, that Party shall, upon the completion of their internal procedures for the entry into force of this Protocol, notify all the other Parties in writing of the date of its implementation of this Protocol. This Protocol shall enter into force for that Party on the date of such notification.

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

Done at Ha Noi, Viet Nam, this 29th Day of October in the Year Two Thousand and Ten, and in Kuala Lumpur, Malaysia, this 2nd Day of November in the Year Two Thousand and Ten, in duplicate copies of English Language.

For Brunei Darussalam:

LIM JOCK SENG

Second Minister of Foreign Affairs and Trade

For the Government of the People's Republic of China:

CHEN DEMING

Minister of Commerce

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:

MUSTAPA MOHAMED

Minister of International Trade and Industry

For the Union of Myanmar:

U SOE THA

Minister of National Planning and Economic Development

For the Republic of the Philippines:

GREGORY L. DOMINGO

Secretary of Trade and Industry

For the Republic of Singapore:

LIM HNG KIANG,

Minister for Trade and Industry

For the Kingdom of Thailand:

ALONGKORN PONLABOOT

Deputy Minister of Commerce

For the Socialist Republic of Viet Nam:

VU HUY HOANG

Minister of Industry and Trade