

2010 PROTOCOL TO IMPLEMENT THE EIGHTH PACKAGE OF COMMITMENTS UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

Signed in Hanoi, Viet Nam on 28 October 2010

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 Southeast Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

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 States, to eliminate substantially all restrictions to trade in services amongst Member States and to 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 five rounds of negotiations and concluded seven packages 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; 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; the Protocol to Implement the Sixth Package of Commitments under the ASEAN Framework Agreement on Services signed on 19 November 2007 in Singapore; and the Protocol to Implement the Seventh Package of Commitments under the ASEAN Framework Agreement on Services signed on 26 February 2009 in Cha-am, Thailand;

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;

MINDFUL of the targets and timelines of the ASEAN Economic Community Blueprint adopted at the 13th 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 ending in 2015;

DESIRING to implement the Eighth Package of Commitments (hereinafter referred to as the “Eighth Package of Commitments under AFAS” or “Eighth Package”) by the timelines specified;

HAVE AGREED AS FOLLOWS:

1. Member States that are WTO members shall continue to extend their specific commitments under GATS to other Member States that is not a WTO member.
2. The Annexes to this Protocol shall consist of the consolidated schedules of each Member State’s Schedules of Specific Commitments, Schedules of Horizontal Commitments, and the Lists of Most-Favoured Nation Exemptions, which shall form an integral part of this Protocol.
3. Subject to each Member State’s Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions, Member States 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 and the commitments set out in its Annexes shall enter into force ninety (90) days after the date of signature. Member States undertake to complete their internal procedures for the entry into force of this Protocol and its Annexes. Each Member State shall, upon the completion of its internal procedures for the entry into force of this Protocol, notify the ASEAN Secretariat in writing. Where a Member State is unable to notify the completion of its internal procedures within ninety (90) days of the date of signature, the rights and obligations of that Member State under this Protocol and its Annexes shall commence on the date on which the Member States notifies the completion of its internal procedures.
6. For a Member State that is unable to submit its full commitments under the Eighth Package by the time of signing of this Protocol:
 - (a) commitments that are submitted thereafter but before the entry into force of this Protocol and its Annexes, shall also enter into force ninety (90) days after the date of signature of this Protocol; and
 - (b) commitments that are submitted after the entry into force of this Protocol and its Annexes shall enter into force upon their submission.
7. Pursuant to paragraph 6, a Member State that is unable to submit its full commitments under the Eighth Package by the time of the signing of this Protocol, shall notify the ASEAN Secretariat in writing of the commitments it subsequently submits towards the fulfillment of its full commitments under the Eighth Package. Such submissions shall form an integral part of the Member State’s Schedules of Specific Commitments under this Protocol and its Annexes.
8. 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 made pursuant to paragraphs 5 and 6 to each Member State.

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

DONE at Hanoi, Viet Nam, this 28th Day of October in the Year Two Thousand Ten, in a single original copy in the English language.

For Brunei Darussalam:

LIM JOCK SENG

Second Minister of 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 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 for 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