

# **2011 PROTOCOL TO IMPLEMENT THE SEVENTH PACKAGE OF COMMITMENTS ON AIR TRANSPORT SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES**

*Signed in Phnom Penh, Cambodia on 16 December 2011*

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic (Lao PDR), Malaysia, the Republic of the Union of Myanmar, the Republic of 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 by expanding the depth and scope of liberalization beyond those undertaken by Member States under the General Agreement on Trade in Services (hereinafter referred to as "GATS") of the World Trade Organization (hereinafter referred to as "WTO");

HAVING carried out five rounds of negotiations and concluded six 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, Vietnam; 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; the Protocol to Implement the Fifth Package of Commitments under the ASEAN Framework Agreement on Services signed on 8 February 2007 in Bangkok, Thailand; and the Protocol to Implement the Sixth Package of Commitments under the ASEAN Framework Agreement on Services signed on 10 December 2009 in Ha Noi, Viet Nam;

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 realize an ASEAN Economic Community.

MINDFUL of the targets and timelines of the ASEAN Economic Community Blueprint adopted at the 13<sup>th</sup> ASEAN Summit held on 21 November 2007 in Singapore that, amongst others, provided for the liberalization of trade in services through consecutive rounds of liberalization ending in 2015;

HAVING carried out subsequent negotiations pursuant to Article IV of the ASEAN Framework Agreement on Services and finalized the seventh 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-Favored 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 consolidated schedules of each Member State's specific commitments which shall form an integral part of this Protocol.
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 States 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 authorized thereto by their respective Governments, have signed the Protocol to Implement the Seventh Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services.

DONE at Phnom Penh, Cambodia this Sixteenth Day of December in the Year Two Thousand and Eleven, in a single original copy in the English Language.

For the Government of Brunei Darussalam:  
PEHIN DATO ABDULLAH BAKAR  
Minister of Communications

For the Royal Kingdom of Cambodia:  
MAO HAVANNALL  
Secretary of State  
State Secretariat of Civil Aviation

For the Government of the Republic of Indonesia:  
E. E. MANGINDAAN  
Minister for Transportation

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

For the Government of Malaysia:  
DATO' SERI KONG CHO HA  
Minister of Transport

For the Government of the Republic of the Union of Myanmar:  
U NYAN HTUN AUNG  
Union Minister for Transport

For the Government of the Republic of Philippines:  
EFREN C. MONCUPA  
Undersecretary for Project Implementation and Special Concerns  
Department of Transportation and Communications of the Philippines

For the Government of the Republic of Singapore:  
LUI TUCK YEOW  
Minister for Transport

For the Government of the Kingdom of Thailand:  
POLICE LIEUTENANT GENERAL CHATT KULDILOKE  
Deputy Minister of Transport

For the Government of the Socialist Republic of Viet Nam:  
DINH LA THANG  
Minister of Transport