

# **2015 PROTOCOL TO IMPLEMENT THE NINTH PACKAGE OF COMMITMENTS ON AIR TRANSPORT SERVICES UNDER AFAS**

*Signed in Kuala Lumpur, Malaysia on 6 November 2015*

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 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 seven rounds of negotiations and concluded eight sets of schedule of specific commitments embodied in the Protocol to Implement the Initial Package of Commitments on Air Transport Services 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 on Air Transport Services 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 on Air Transport Services under the ASEAN Framework Agreement on Services signed on 31 December 2001; the Protocol to Implement the Fourth Package of Commitments on Air Transport Services 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 on Air Transport Services under the ASEAN Framework Agreement on Services signed on 8 February 2007 in Bangkok, Thailand; the Protocol to Implement the Sixth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services signed on 10 December 2009 in Ha Noi, Viet Nam; the Protocol to Implement the Seventh Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services signed on 16 December 2011 in Phnom Penh, Cambodia; and the Protocol to Implement the Eighth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services signed on 20 December 2013 in Pakse, Lao PDR;

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;

NOTING the ASEAN Agreement on the Movement of Natural Persons signed by the ASEAN Economic Ministers during the 21st ASEAN Summit on 19 November 2012 in Phnom Penh, Cambodia that will facilitate the movement of ASEAN people in engaging in trade in goods, trade in services and investment in the region and that upon its entry into force, its Annex 1 shall supersede commitments made under the ASEAN Framework Agreement on Services (AFAS) in relation to mode 4 (Movement of Natural Persons);

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;

HAVING carried out subsequent negotiations pursuant to Article IV of the ASEAN Framework Agreement on Services and finalised the Ninth 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. The Annexes to this Protocol shall consist of the consolidated schedules of each Member State's specific commitments, Schedules of Horizontal Commitments, and the Lists of Most-Favoured Nation Exemptions, which shall form an integral part of this Protocol.
2. Subject to each Member State's Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions, Member States shall accord preferential treatment in air transport services to one another on a Most-Favoured Nation basis.
3. This Protocol and its Annexes shall form an integral part of the ASEAN Framework Agreement on Services.
4. This Protocol and the commitments set out in its Annexes shall enter into force on the sixtieth day after the deposit of the seventh 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 seventh 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.
5. 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 4 to each Member State.

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

**DONE** at Kuala Lumpur, Malaysia, this 6th Day of November in the Year Two Thousand and Fifteen in a single original copy in the English Language.

For the Government of Brunei Darussalam: **DATO MUSTAPPA SIRAT**, Minister of Communications

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

For the Government of the Republic of Indonesia: **IGNASIUS JONAN**, Minister of Transport

For the Government of the Lao People's Democratic Republic: **BOUNCHANH SINTHAVONG**, Minister of Public Works and Transport

For the Government of Malaysia: **DATO' SRI LIOW TIONG LAI**, Minister of Transport

For the Government of the Republic of the Union of Myanmar: **HAN SEIN**, Deputy Minister for the Ministry of Transport

For the Government of the Republic of the Philippines: **JOSEPH EMILIO AGUINALDO ABAYA**, Secretary of Transportation and Communications

For the Government of the Republic of Singapore: **KHAW BOON WAN**, Coordinating Minister for Infrastructure and Minister for Transport

For the Government of the Kingdom of Thailand: **ARKHOM TERMPITTAYAPASITH**, Minister of Transport

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