

## **2017 PROTOCOL TO IMPLEMENT THE TENTH PACKAGE OF COMMITMENTS ON AIR TRANSPORT SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES**

The Government of Brunei Darussalam, the Royal Government of Cambodia, the Government of the Republic of Indonesia, the Government of the Lao People's Democratic Republic (Lao PDR), the Government of Malaysia, the Government of the Republic of the Union of Myanmar, the Government of the Republic of the Philippines, the Government of the Republic of Singapore, the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations ("ASEAN") (hereinafter collectively referred to as "Member States" or singularly "Member State");

**NOTING** the ASEAN Framework Agreement on Services ("AFAS") 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 ("GATS") of the World Trade Organization ("WTO");

**NOTING** the ASEAN Framework Agreement for the Integration of Priority Sectors together with the Roadmap for the Integration of Priority Sectors signed on 29 November 2004 in Vientiane, Lao PDR, and the ASEAN Framework (Amendment) Agreement for the Integration of Priority Sectors signed 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** further the ASEAN Agreement on the Movement of Natural Persons signed on 19 November 2012 in Phnom Penh, Cambodia that facilitates 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 AFAS in relation to mode 4 (Movement of Natural Persons);

**MINDFUL** of the targets and timelines of the ASEAN Economic Community Blueprint adopted on 20 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 AFAS and finalised the Tenth 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-Nation 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 AFAS.
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 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 and the commitments set out in its Annexes shall enter into force on the sixtieth day after the deposit by such Member State of its Instrument of Ratification or Acceptance.
5. The Secretary-General of ASEAN shall promptly notify all Member States of any such deposit made pursuant to paragraph 4.
6. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member State.

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

**DONE at Singapore**, this **Thirteenth** Day of **October** in the Year **Two Thousand and Seventeen**, in a single original copy in the English Language.

For Brunei Darussalam:  
**DATO MUSTAPPA SIRAT**  
Minister of Communications

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

For the Republic of Indonesia:  
**BUDI KARYA SUMADI**  
Minister of Transportation

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

For Malaysia:  
**DATUK SERI HJ. SARIPUDDIN HJ. KASIM**  
Secretary General Ministry of Transport

For the Republic of the Union of Myanmar:  
**THANT SIN MAUNG**  
Union Minister for Transport and Communications

For the Republic of the Philippines:

**ARTHUR P. TUGADE**  
Secretary of Transportation

For the Republic of Singapore:

**KHAW BOON WAN**  
Coordinating Minister for Infrastructure and Minister for Transport

For the Kingdom of Thailand:

**ARKHOM TERMPITTAYAPASITH**  
Minister of Transport

For the Socialist Republic of Viet Nam:

**LE DINH THO**  
Vice Minister of Transport