

2022 PROTOCOL TO IMPLEMENT THE TWELFTH PACKAGE OF COMMITMENTS ON AIR TRANSPORT SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

Adopted in Bali, Indonesia on 17 October 2022

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, 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 Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "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, 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 of the World Trade Organization;

NOTING the ASEAN Framework Agreement 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 natural persons of ASEAN in engaging in trade in goods, trade in services, and investment in the region;

MINDFUL of the targets and timelines of the ASEAN Transport Strategic Plan 2016-2025 adopted by ASEAN Transport Ministers on 5 November 2015 in Kuala Lumpur, Malaysia that, amongst others, called for the conclusion of the packages of commitments covering all 13 subsectors to be phased in;

HAVING carried out subsequent negotiations pursuant to Article IV of the AFAS and finalised the Twelfth 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;

AFFIRMING that the Twelfth Package of Commitments will be the final package on air transport services under the AFAS for transition into Schedules of Non-Conforming Measures under the ASEAN Trade in Services Agreement signed on 7 October 2020 in Manila, Philippines, within the specific timelines stipulated therein,

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 60th day after the deposit of the seventh Instrument of Ratification, Approval, or Acceptance with the Secretary-General of ASEAN, and shall become effective only among the Member States that have ratified, approved, or accepted it. For each Member State ratifying, approving, or accepting the Protocol after the deposit of the seventh Instrument of Ratification, Approval, or Acceptance, the Protocol and the commitments set out in its Annexes shall enter into force on the 60th day after the deposit by such Member State of its Instrument of Ratification, Approval, or Acceptance.
5. The Secretary-General of ASEAN shall promptly notify the 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 Twelfth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services.

DONE at Bali, Indonesia, this Seventeenth Day of October in the Year Two Thousand and Twenty Two in a single original copy in the English Language.