

2024 FIRST PROTOCOL TO AMEND THE ASEAN – HONG KONG, CHINA FREE TRADE AGREEMENT

Signed in Vientiane, Lao PDR on 19 September 2024

The Governments of the Member States of the Association of Southeast Asian Nations, namely 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 (hereinafter referred to collectively as the "ASEAN Member States" and individually as an "ASEAN Member State"), and the Government of the Hong Kong Special Administrative Region of the People's Republic of China,

RECALLING the ASEAN – Hong Kong, China Free Trade Agreement (hereinafter referred to as the "Agreement"), signed at Nay Pyi Taw, Myanmar on 28 March 2018;

DESIRING to ensure the implementation of the rules of origin under the Agreement in an effective and trade facilitating manner;

NOTING paragraphs 5 and 6 of Article 17 (Sub-Committee on Rules of Origin) of Chapter 3 (Rules of Origin) of the Agreement, which task the Sub-Committee on Rules of Origin to continue the negotiations on the Product Specific Rules of the tariff lines listed in Annex 3-3 (Product Specific Rules to be Reviewed) to Chapter 3 (Rules of Origin) immediately after the date of entry into force of the Agreement and to incorporate the outcome of the negotiations into the Agreement in accordance with Article 2 (Amendments) of Chapter 14 (Final Provisions) of the Agreement;

SEEKING to amend Annex 3-2 (Product Specific Rules) to Chapter 3 (Rules of Origin) to incorporate the outcome of the Product Specific Rules negotiations; and

NOTING FURTHER that Article 2 (Amendments) of Chapter 14 (Final Provisions) of the Agreement provides that the Agreement may be amended by the Parties by agreement in writing,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

AMENDMENT TO ARTICLE 17 (SUB-COMMITTEE ON RULES OF ORIGIN) OF CHAPTER 3 (RULES OF ORIGIN) OF THE AGREEMENT

Article 17 (Sub-Committee on Rules of Origin) of Chapter 3 (Rules of Origin) of the Agreement shall be amended by deleting paragraphs 5 and 6 thereof.

ARTICLE 2

AMENDMENT TO ANNEX 3-2 (PRODUCT SPECIFIC RULES) TO CHAPTER 3 (RULES OF ORIGIN) OF THE AGREEMENT

Annex 3-2 (Product Specific Rules) to Chapter 3 (Rules of Origin) of the Agreement shall be replaced by the Appendix of this Protocol.

ARTICLE 3

DELETION OF ANNEX 3-3 (PRODUCT SPECIFIC RULES TO BE REVIEWED) TO CHAPTER 3 (RULES OF ORIGIN) OF THE AGREEMENT

The Agreement shall be amended by deleting Annex 3-3 (Product Specific Rules to be Reviewed) to Chapter 3 (Rules of Origin).

ARTICLE 4

ENTRY INTO FORCE

1. This Protocol, including its Appendix, shall form an integral part of the Agreement.
2. This Protocol shall enter into force 60 days after the date by which all Parties have notified the Secretary-General of ASEAN of the completion of their necessary internal procedures in writing. The Secretary-General of ASEAN, upon receipt of each notification in writing, shall promptly notify all other Parties.
3. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Party.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Protocol.

DONE at Vientiane, Lao PDR, this Nineteenth Day of September in the Year Two Thousand and Twenty Four, in a single original in the English language.

For the Government of Brunei Darussalam: DATO DR. AMIN LIEW ABDULLAH, Minister at the Prime Minister's Office and Minister of Finance and Economy II

For the Government of the Kingdom of Cambodia: CHAM NIMUL, Minister of Commerce

For the Government of the Republic of Indonesia: ZULKIFLI HASAN, Minister of Trade

For the Government of the Lao People's Democratic Republic: MALAITHONG KOMMASITH, Minister of Industry and Commerce

For the Government of Malaysia: TENGKU DATUK SERI UTAMA ZAFRUL TENGKU ABDUL AZIZ, Minister of Investment, Trade and Industry

For the Government of the Republic of the Union of Myanmar: KAN ZAW, Union Minister for Investment and Foreign Economic Relations

For the Government of the Republic of the Philippines: ALFREDO E. PASCUAL, Secretary of Trade and Industry

For the Government of the Republic of Singapore: GAN KIM YONG, Minister for Trade and Industry

For the Government of the Kingdom of Thailand: PHUMTHAM WECHAYACHAI, Deputy Prime Minister and Minister of Commerce

For the Government of the Socialist Republic of Viet Nam: NGUYEN HONG DIEN, Minister of Industry and Trade

For the Government of the Hong Kong Special Administrative Region of the People's Republic of China: ALGERNON YAU YING-WAH, Secretary for Commerce and Economic Development