

Protocol to Implement the Fifth Package of Commitments under the ASEAN Framework Agreement on Services

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, 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 Countries of the Association of South East Asian Nations (hereinafter referred to as "ASEAN");

NOTING the ASEAN Framework Agreement on Services signed on 15 December 1995 in Bangkok, Thailand, which seeks to enhance cooperation in services amongst Member Countries, eliminate substantially restrictions to trade in services amongst Member Countries and liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by Member Countries 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 three rounds of negotiations and concluded four sets of schedules 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, Viet Nam, the Protocol to Implement the Third Package of Commitments under the ASEAN Framework Agreement on Services signed on 31 December 2001 and the Protocol to Implement the Fourth Package of Commitments under the ASEAN Framework Agreement on Services signed on 3 September 2004 in Jakarta, Indonesia;

NOTING the ASEAN Framework Agreement for the Integration of Priority Sectors signed by the ASEAN Leaders together with the Roadmaps for the Integration of Priority Sectors on 29 November 2004 in Vientiane, Lao PDR, which includes four services sectors, namely, Air Travel, Healthcare, e-ASEAN (telecommunications and IT services) and Tourism, provide measures to deepen and broaden internal economic integration and linkages, with the participation of the private sector, to realise an ASEAN Economic Community;

RECALLING that the Thirty-Sixth ASEAN Economic Ministers Meeting launched the fourth round of negotiations, beginning 2005 and ending 2006, to cover all services sectors and all modes of supply;

HAVING carried out subsequent negotiations pursuant to Article IV of the ASEAN Framework Agreement on Services and finalised the fifth package of commitments;

DESIRING to set out in a schedule, the specific commitments that each Member Country shall undertake, for which Member Countries shall accord preferential treatment to one another on a Most-Favoured Nations basis;

HAVE AGREED AS FOLLOWS:

1. Member Countries who are WTO Members shall continue to extend their specific commitments under GATS to ASEAN Member Countries who are non-WTO Members.
2. **The Annexes to this Protocol** shall consist of the Horizontal Commitments, Schedules of Specific Commitments and the Lists of Most-Favored Nation Exemptions.
3. This Protocol and its **Annexes** shall form an integral part of the ASEAN Framework Agreement on Services.
4. This Protocol shall enter into force 90 (ninety) days after the date of its signature.
5. Member Countries undertake to complete their internal procedures of ratification for the entry into force of this Protocol.

6. Each Member Country shall, upon the completion of its internal procedures of ratification of this Protocol, notify the ASEAN Secretariat in writing.
7. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member Country. The Secretary-General of ASEAN shall also promptly furnish notifications of ratification or acceptance made pursuant to paragraph 6 to each Member Country.

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

DONE in Cebu, the Philippines, this Eighth Day of December in the year Two Thousand and Six, in a single original copy in the English language.

For Brunei Darussalam:
MOHAMED BOLKIAH
Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
RAFIDAH AZIZ
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
KRIRK-KRAI JIRAPAET
Minister of Commerce

For the Socialist Republic of Viet Nam:
TRUONG DINH TUYEN
Minister of Trade