

**PROTOCOL TO IMPLEMENT
THE TENTH 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 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, to eliminate substantially all restrictions to trade in services amongst Member States and to 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);

HAVING carried out seven rounds of negotiations and concluded nine packages of 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; the Protocol to Implement the Fourth Package of Commitments under the ASEAN Framework Agreement on Services signed on 3 September 2004 in Jakarta, Indonesia; the Protocol to Implement the Fifth Package of Commitments under the ASEAN Framework Agreement on Services signed on 8 December 2006 in Cebu, Philippines; the Protocol to Implement the Sixth Package of Commitments under the ASEAN Framework Agreement on Services signed on 19 November 2007 in Singapore; the Protocol to Implement the Seventh Package of Commitments under the ASEAN Framework Agreement on Services signed on 26 February 2009 in Cha-am, Thailand; the Protocol to Implement the Eighth Package of Commitments under the ASEAN Framework Agreement on Services signed on 28 October 2010 in Ha Noi, Viet Nam; and the Protocol to Implement the Ninth Package of Commitments under the ASEAN Framework Agreement on Services signed on 27 November 2015 in Makati City, Philippines;

NOTING the ASEAN Framework Agreement for the Integration of Priority Sectors together with the Roadmaps for the Integration of Priority Sectors signed by the ASEAN Leaders on 29 November 2004 in Vientiane, Lao PDR; the ASEAN Framework (Amendment) Agreement for the Integration of Priority Sectors signed by

the ASEAN Economic Ministers on 8 December 2006 in Cebu, Philippines; and the Protocol to Amend Article 3 of the ASEAN Framework (Amendment) Agreement for the Integration of Priority Sectors signed by the ASEAN Economic Ministers on 24 August 2007 in Makati City, Philippines, which include air travel, healthcare, e-ASEAN (telecommunications and IT services), tourism, and logistics services, 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 ALSO 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;

AFFIRMING the commitment to finalise the Tenth Package of Commitments (hereinafter referred to as “Tenth Package”) meeting the thresholds agreed at the 44th Meeting of the ASEAN Economic Ministers held on 28 August 2012 in Siem Reap, Cambodia; and

DESIRING to implement the Tenth Package by the timelines specified in this Protocol;

HAVE AGREED AS FOLLOWS:

1. The Annexes to this Protocol shall consist of the consolidated schedules of each Member State’s Schedule of Specific Commitments, Schedule of Horizontal Commitments, and the List of Most-Favoured-Nation Exemptions, which shall form an integral part of this Protocol.
2. Subject to each Member State’s Schedule of Commitments and the List of Most-Favoured-Nation Exemptions, Member States shall accord preferential treatment to one another on a Most-Favoured-Nation basis.
3. This Protocol and its Annexes shall form an integral part of the AFAS.
4. Each Member State shall submit its Schedule of Specific Commitments, Schedule of Horizontal Commitments, and List of Most-Favoured-Nation Exemptions at the time of signing of this Protocol.
5. This Protocol and the commitments set out in its Annexes shall enter into force ninety (90) days after the date of signature of this Protocol.
6. Member States shall complete their internal procedures for the entry into force of this Protocol and its Annexes. Each Member State shall, upon the completion of its internal procedures for the entry into force of this Protocol, notify the Secretary-General of ASEAN in writing.
7. Where a Member State is unable to notify the completion of its internal procedures within ninety (90) days of the date of signature, the rights and obligations

of that Member State under this Protocol and its Annexes shall commence on the date on which the Member State notifies the completion of its internal procedures.

8. For a Member State that is unable to submit its full commitments under the Tenth Package by the time of signing of this Protocol:

- (a) full commitments that are submitted thereafter but before the entry into force of this Protocol and its Annexes, shall also enter into force ninety (90) days after the date of signature of this Protocol; and
- (b) full commitments that are submitted after the entry into force of this Protocol and its Annexes shall enter into force upon their submission.

9. Notwithstanding paragraph 2, the full commitments of a Member State under the Tenth Package shall only be extended to other Member States that are able to submit their full commitments under the Tenth Package, unless the Member State decides otherwise.

10. For the purpose of this Protocol, a Member State shall be considered to have submitted "*full commitments*" when it has submitted commitments which meet or exceed the thresholds set out at the 44th Meeting of the ASEAN Economic Ministers on 28 August 2012 in Siem Reap, Cambodia.

11. The Member States that have not complied with the Tenth Package threshold shall endeavour to submit their full commitments within three years from the date of entry into force of this Protocol.

12. 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 made pursuant to this Protocol 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 under the ASEAN Framework Agreement on Services.

DONE at [City], [Country], this ___th Day of [Month] in the year [Year] in a single original copy in the English Language.

For Brunei Darussalam:

[Name of Minister]
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:

[Name of Minister]
Minister of Commerce

For the Republic of Indonesia:

[Name of Minister]
Minister of Trade

For the Lao People's Democratic Republic:

[Name of Minister]
Minister of Industry and Commerce

For Malaysia:

[Name of Minister]
Minister of International Trade and Industry

For the Republic of the Union of Myanmar:

[Name of Minister]
Union Minister for National Planning and Economic Development

For the Republic of the Philippines:

[Name of Minister]
Secretary of Trade and Industry

For the Republic of Singapore:

[Name of Minister]
Minister for Trade and Industry

For the Kingdom of Thailand:

[Name of Minister]
Minister of Commerce

For the Socialist Republic of Viet Nam:

[Name of Minister]
Minister of Industry and Trade