

# ด่วนที่สุด

ที่ พณ 0606/ 653



สำนักเลขาธิการคณะรัฐมนตรี
ส.ที่..... 1021 กสจ
ว.ที่..... เวลา..... 16.35

ตามรับที่ ๓๓  
วันที่ 14 ก.พ. 2548  
เวลา ๑๙.๑๖ น.

กระทรวงพาณิชย์

44/100 ถ. นนทบุรี 1 ต. บางกระสอ

อ. เมือง จ. นนทบุรี 11000

11 กุมภาพันธ์ 2548

เรื่อง รายงานผลการดำเนินการตามมติคณะรัฐมนตรี (มติที่ประชุมคณะรัฐมนตรีเมื่อวันที่ 11 ตุลาคม 2547 เรื่อง การแก้ไขปัญหาการค้าสินค้าในตลาดสด)

เรียน เลขาธิการคณะรัฐมนตรี

จัดเข้าวาระ..... 22 ก.พ. 2548

- อ้างถึง 1. หนังสือสำนักเลขาธิการคณะรัฐมนตรี ที่ นร 0505/1769 ลงวันที่ 1 กุมภาพันธ์ 2548
2. หนังสือสำนักเลขาธิการคณะรัฐมนตรี ด่วนที่สุด ที่ นร 0504/17400 ลงวันที่ 24 พฤศจิกายน 2547
3. หนังสือสำนักเลขาธิการคณะรัฐมนตรี ด่วนที่สุด ที่ นร 0504/16940 ลงวันที่ 16 พฤศจิกายน 2547

- สิ่งที่ส่งมาด้วย 1. กรอบความตกลงว่าด้วยการรวมกลุ่มสาขาสำคัญของอาเซียน
2. พิธีสารว่าด้วยการรวมกลุ่มรายสาขาของอาเซียน 11 ฉบับ
3. พิธีสารว่าด้วยกลไกการระงับข้อพิพาทของอาเซียน
4. ความตกลงว่าด้วยการค้าสินค้า ภายใต้กรอบความตกลงว่าด้วยความร่วมมือทางเศรษฐกิจระหว่างอาเซียนและสาธารณรัฐประชาชนจีน
5. ความตกลงว่าด้วยกลไกการระงับข้อพิพาทระหว่างอาเซียนและสาธารณรัฐประชาชนจีน
6. ผลการประชุมสุดยอดอาเซียน ครั้งที่ 10 ในด้านเศรษฐกิจที่สำคัญ


ตามหนังสือที่อ้างถึง 1 สำนักเลขาธิการคณะรัฐมนตรีขอให้กระทรวงพาณิชย์นำผลการดำเนินการตามมติคณะรัฐมนตรีที่สำนักเลขาธิการคณะรัฐมนตรีได้ยืนยันให้กระทรวงพาณิชย์ทราบตามหนังสือที่อ้างถึง 2 และ 3 เสนอต่อคณะรัฐมนตรีเพื่อทราบ นั้น

กระทรวงพาณิชย์ขอเรียนว่า ในการประชุมสุดยอดอาเซียน ครั้งที่ 10 เมื่อวันที่ 29-30 พฤศจิกายน 2547 ณ กรุงเวียงจันทน์ สปป.ลาว ฯพณฯ นายกรัฐมนตรี (พ.ต.ท. ทักษิณ ชินวัตร) ได้ลงนามในกรอบความตกลงว่าด้วยการรวมกลุ่มสาขาสำคัญของอาเซียน และรัฐมนตรีว่าการกระทรวงพาณิชย์ (นายวัฒนา เมืองสุข) ในฐานะรัฐมนตรีที่รับผิดชอบการรวมกลุ่มทางเศรษฐกิจของอาเซียนและหัวหน้าคณะผู้แทนไทยในการประชุมรัฐมนตรีเศรษฐกิจอาเซียนได้ลงนามในพิธีสารว่าด้วยการรวมกลุ่มรายสาขาของอาเซียน 11 ฉบับ พิธีสารว่าด้วยกลไกการระงับข้อพิพาทของอาเซียน ความตกลงว่าด้วยการค้าสินค้า ภายใต้กรอบความตกลงว่าด้วยความร่วมมือทางเศรษฐกิจระหว่างอาเซียนและสาธารณรัฐประชาชนจีน และความตกลงว่าด้วยกลไกการระงับข้อพิพาทระหว่างอาเซียนและสาธารณรัฐประชาชนจีน โดยรายละเอียดของกรอบความตกลง ความตกลง และพิธีสารดังกล่าวปรากฏตามสิ่งที่ส่งมาด้วย 1-5

ทั้งนี้ ในการลงนามกรอบความตกลง ความตกลง และพิธีสารดังกล่าวไม่ได้มีการแก้ไขใน  
รายละเอียด/สาระสำคัญแต่ประการใด พร้อมกันนี้ กระทรวงพาณิชย์ขอส่งสรุปผลการประชุมสุดยอด  
อาเซียน ครั้งที่ 10 ในด้านเศรษฐกิจที่สำคัญมาเพื่อทราบด้วย รายละเอียดปรากฏตามสิ่งที่ส่งมาด้วย 6

จึงเรียนมาเพื่อโปรดพิจารณานำเรื่องผลการดำเนินงานตามมติคณะรัฐมนตรีและผลการประชุม  
ดังกล่าวเข้าสู่ที่ประชุมคณะรัฐมนตรีเพื่อทราบด้วย จะขอบคุณยิ่ง

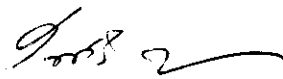
ขอแสดงความนับถือ



(นายวัฒนา เมืองสุข)

รัฐมนตรีว่าการกระทรวงพาณิชย์

จัดอยู่ในประเภทเรื่องฯที่เสนอคณะรัฐมนตรีให้โดยตรง



(นายปิชิต รตนานนท์)

รองเลขาธิการคณะรัฐมนตรี ปฏิบัติราชการแทน


เลขาธิการคณะรัฐมนตรี

กรมเจรจาการค้าระหว่างประเทศ

สำนักเอเชียตะวันออก

โทร. 0-2507-7245

โทรสาร 0-2547-5614

พค 11/19  
สมค ได้นำเสนอคณะรัฐมนตรี  
เมื่อวันที่ 22 ก.พ. 2548 ลงมติว่า  
ทราบ 



**ASEAN FRAMEWORK AGREEMENT  
FOR THE INTEGRATION OF PRIORITY SECTORS**

**WE**, the Heads of Government/State of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) adopted during the 9<sup>th</sup> ASEAN Summit in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages, with the participation of the private sector, to realise an ASEAN Economic Community;

**REAFFIRMING** that the ASEAN Economic Community shall be the end-goal of ASEAN economic integration as outlined in the ASEAN Vision 2020;

**REITERATING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain and the world economy;

**DESIRING** to combine the economic strengths of Member States in key strategic sectors for regional cohesiveness and enhanced global competitiveness by accelerating the integration of the eleven priority sectors in the Bali Concord II and such other sectors as may be agreed upon as necessary,

**HAVE AGREED AS FOLLOWS:**

**PART I  
OBJECTIVE, DEFINITION AND APPLICATION**

**Article I  
Objective**

The objective of this ASEAN Framework Agreement for the Integration of Priority Sectors (hereinafter referred to as the "Framework Agreement") is to identify measures to be implemented, with clear timelines, in a mutually beneficial manner, by Member States in respect of the priority sectors identified in paragraph 1 of Article 2 of this Framework Agreement so as to enable the progressive, expeditious and systematic integration of these sectors in ASEAN.

## **Article 2**

### **Definition**

For the purposes of this Framework Agreement:

1. "priority sectors" means:

(a) the 11 sectors listed below:

- (i) agro-based products;
- (ii) air travel;
- (iii) automotives;
- (iv) e-ASEAN;
- (v) electronics;
- (vi) fisheries;
- (vii) healthcare;
- (viii) rubber-based products;
- (ix) textiles and apparels;
- (x) tourism;
- (xi) wood-based products; and

(b) such other sectors as may be identified by the Ministers responsible for ASEAN economic integration under Articles 19 and 20 of this Framework Agreement.

(c) Air travel shall be deemed to refer to air transport.

2. "ASEAN Sectoral Integration Protocol" means the individual integration protocol for each priority sector which identifies the common and specific measures for each priority sector.

3. "ASEAN-6" means Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand

4. "CLMV" means Cambodia, Lao PDR, Myanmar, and Viet Nam.

**Article 3**  
**Applicability to the ASEAN Sectoral Integration Protocols**

The provisions of this Framework Agreement shall apply to each priority sector and be deemed to be included in each ASEAN Sectoral Integration Protocol unless provided otherwise therein.

**PART II**  
**LIBERALISATION**

**Article 4**  
**Trade In Goods**

1. Member States shall eliminate all Common Effective Preferential Tariff for the ASEAN Free Trade Area (CEPT-AFTA) tariffs in relation to products (other than those in the sensitive, highly sensitive and general exception lists) covered by the individual ASEAN Sectoral Integration Protocols, except those listed in accompanying negative lists to the Protocols, which in total for each Member State shall not exceed 15% of the total product list appearing as Annex XII to this Framework Agreement, by:
  - (a) 1 January 2007 for ASEAN-6; and
  - (b) 1 January 2012 for CLMV
2. Member States shall implement the following actions in relation to non-tariff measures (hereinafter referred to as "NTMs") to ensure transparency, in accordance with the timelines indicated:
  - (a) establish the database of ASEAN NTMs by 30 June 2004;
  - (b) establish criteria to identify NTMs that are barriers to trade by 30 June 2005; and
  - (c) establish a definitive work programme for the removal of NTMs that are barriers to trade by 31 December 2005.
3. Member States shall adopt the WTO Agreement on Import Licensing Procedures and develop common implementation guidelines appropriate for ASEAN for this purpose by 31 December 2004.
4. Member States shall endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority sectors.

- (ii) undertaking more efficient joint ASEAN facilitation and promotion measures to promote foreign direct investments on an ongoing basis.
- (e) Promote and facilitate joint/cross border investments in manufacturing activities, on an ongoing basis, through:
  - (i) special incentives, where appropriate, to be given by CLMV for investments from ASEAN; and
  - (ii) special measures, where appropriate, to be given by ASEAN-6 to promote and facilitate relocation of investment to CLMV especially for labour intensive manufacturing activities.

### **PART III TRADE AND INVESTMENT FACILITATION**

#### **Article 7 Rules of Origin**

Member States shall, by 31 December 2004, improve the CEPT Rules of Origin by:

- (a) making them more transparent, predictable and standardised, taking into account the best practices of other Regional Trade Agreements, including the rules of origin of the WTO; and
- (b) adopting substantial transformation as an alternative criteria for conferring origin status.

#### **Article 8 Customs Procedures**

Member States shall implement the following measures, in accordance with the timelines indicated, so as to expedite customs clearance and simplify customs procedures:

- (a) Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade on an on-going basis.
- (b) Simplify, improve and harmonise customs declaration forms by 31 December 2005.

- (c) Ensure full implementation of the Green Lane System for CEPT products or similar system at entry points of all Member States by 31 December 2004.
- (d) Develop common implementation guidelines, by 31 December 2004, to fulfill the obligations of the WTO Agreement on Customs Valuation.
- (e) Each ASEAN customs authority to adopt a service commitment (client charter) by 31 December 2004; and
- (f) Develop the Single Window approach, including the electronic processing of trade documents at national and regional level by 31 December 2005.

#### **Article 9 Standards and Conformance**

Member States shall take the following steps to accelerate the development of MRAs and harmonise product standards and technical regulations:

- (a) Accelerate the implementation and where appropriate the development of sectoral MRAs for priority sectors beginning 1 January 2005.
- (b) Encourage domestic regulators to recognise test reports issued by testing laboratories which are accredited by national accreditation bodies in ASEAN that are signatories to International Laboratory Accreditation Cooperation (ILAC) and Asia-Pacific Laboratory Accreditation Cooperation (APLAC) MRAs.
- (c) Set, by 31 December 2005, clear targets and schedules for harmonisation of standards in the priority sectors wherever required. Where international standards are not available and when requested by industry, align national standards among Member States.
- (d) Harmonise and/or develop technical regulations as appropriate, for national application by 31 December 2010.
- (e) Ensure compliance with the requirements of the WTO Agreements on Technical Barriers to Trade and the Application of Sanitary and Phyto-Sanitary Measures.

- (f) Explore the development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community, beginning 2005.

#### **Article 10 Logistics Services**

Expedite the development of integrated transport logistics services within ASEAN through:

- (a) Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;
- (b) Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways.
- (c) Strengthening intra-ASEAN maritime and shipping transport services; and
- (d) Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.

#### **Article 11 Facilitation of Travel in ASEAN**

Member States shall:

- (a) harmonise procedures for the issuance of visas to international travelers in ASEAN by 31 December 2004; and
- (b) provide visa exemption for intra-ASEAN travel by ASEAN nationals by 2005.



**Article 12**  
**Movement of Business Persons, Experts, Professionals,**  
**Skilled Labour and Talents**

Member States shall, taking into account their respective domestic laws and regulations:

- (a) develop an ASEAN agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, by 31 December 2005;
- (b) develop an ASEAN agreement to facilitate the movement of experts, professionals, skilled labour and talents by 31 December 2005; and
- (c) accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labour and talents in ASEAN by 31 December 2008.

**PART IV**  
**PROMOTION AND MONITORING**

**Article 13**  
**Trade and Investment Promotion**

Member States shall, beginning 2005 and on an ongoing basis, work in close cooperation with the ASEAN Business Advisory Council (ASEAN-BAC), the ASEAN Chambers of Commerce and Industry (ASEAN-CCI), and relevant industry clubs/associations to:

- (a) intensify joint intra-ASEAN and extra-ASEAN trade promotion efforts;
- (b) organise regular private sector driven ASEAN selling and buying missions;
- (c) assist CLMV in organising promotional activities; and
- (d) undertake more effective joint ASEAN facilitation and promotion measures and develop new sources of inward foreign direct investment, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea.

**Article 14**  
**ASEAN Trade and Investment Statistics**

Member States shall establish an effective system to monitor ASEAN trade and investments through:

- (a) provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics; and
- (b) preparation of consolidated industry profiles, by the respective associations, which, *inter alia*, cover information such as production capacity and product range.

**PART V**  
**OTHER AREAS FOR INTEGRATION**

**Article 15**  
**Intellectual Property Rights**

Member States shall expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents to include cooperation in copyrights information exchange and enforcement by 31 December 2004.

**Article 16**  
**Industrial Complementation**

Member States shall promote complementation among ASEAN manufacturers, as applicable, through:

- (a) identification and development of specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantage of individual Member State; and
- (b) development of guidelines on promoting outsourcing arrangements among Member States, as applicable.

**Article 17**  
**Human Resource Development**

Member States shall cooperate to develop and upgrade skills and capacity building through joint training and workshops.

**PART VI  
GENERAL PROVISIONS**

**Article 18  
General Exceptions**

Nothing in this Framework Agreement shall prevent any Member State from taking actions and adopting measures which it considers necessary for the protection of its national security, the protection of public morals, the protection of human, animal or plant life and health, and the protection of articles of artistic, historic and archaeological value.

**Article 19  
Institutional Arrangement**

1. The Ministers responsible for ASEAN Economic Integration, with the assistance of the Senior Economic Officials (SEOM), shall oversee, monitor and/or coordinate the implementation of this Framework Agreement.
2. The ASEAN Secretariat shall:
  - (a) provide support to the Ministers and the SEOM for supervising, coordinating and reviewing the implementation of this Framework Agreement; and
  - (b) monitor and regularly report to the SEOM on the progress in the implementation of this Framework Agreement.
3. Member States shall cooperate with the ASEAN Secretariat in the performance of its duties.

**Article 20  
Review**

The Ministers responsible for ASEAN Economic Integration shall meet as and when necessary to review this Framework Agreement for the purpose of considering further measures and/or other sectors for priority integration or any other relevant matters as may be agreed.

**Article 26**  
**Entry into Force**


1. This Framework Agreement shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Framework Agreement in accordance with the timelines indicated herein and the Roadmaps attached to the ASEAN Sectoral Integration Protocols as Appendices.
2. Member States undertake to complete their internal procedures of ratification for the entry into force of this Framework Agreement.
3. Each Member State shall upon the completion of its internal procedures of ratification of this Framework Agreement notify the ASEAN Secretariat in writing.

**IN WITNESS WHEREOF, WE have signed this ASEAN Framework Agreement for the Integration of Priority Sectors.**

**DONE at Vientiane, Lao PDR this 29<sup>th</sup> day of November 2004, in single copy, in the English Language.**

✽

**For Brunei Darussalam**



**HAJI HASSANAL BOLKIAH**  
Sultan of Brunei Darussalam

**For the Kingdom of Cambodia**



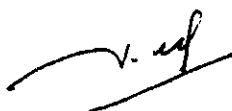
**SAMDECH HUN SEN**  
Prime Minister

**For the Republic of Indonesia**



**DR. SUSILO BAMBANG YUDHOYONO**  
President

**For the Lao People's Democratic Republic**



**BOUNNHANG VORACHITH**  
Prime Minister

**For Malaysia**



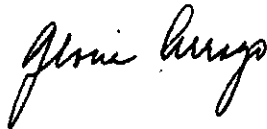
**DATO' SERI ABDULLAH AHMAD BADAWI**  
Prime Minister

**For the Union of Myanmar**



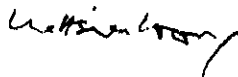
**LIEUTENANT GENERAL SOE WIN**  
Prime Minister

**For the Republic of the Philippines**



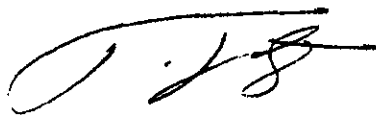
**GLORIA MACAPAGAL-ARROYO**  
President

**For the Republic of Singapore**



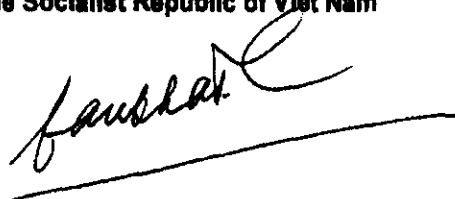
**LEE HSIEN LOONG**  
Prime Minister

**For the Kingdom of Thailand**



**DR. THAKSIN SHINAWATRA**  
Prime Minister

**For the Socialist Republic of Viet Nam**



**PHAN VAN KHAI**  
Prime Minister



## ASEAN SECTORAL INTEGRATION PROTOCOL FOR AGRO-BASED PRODUCTS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the agro-based products sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the agro-based products sector.

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## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the agro-based products sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Agro-based Products Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the agro-based products sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.



**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Agro-Based Products Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Agro-Based Products.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
the Kingdom of Cambodia



CHAM PRASIDH  
Senior Minister  
Minister of Commerce

For the Government of  
the Republic of Indonesia



MARLEKA PANGESTU  
Minister of Trade

For the Government of  
the Lao People's Democratic Republic



SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia



RAFIDAH AZIZ  
Minister of International Trade  
and Industry

For the Government of  
the Union of Myanmar



SOE THA  
Minister of National Planning and  
Economic Development

For the Government of  
the Republic of the Philippines



CESAR V. PURISIMA  
Secretary of Trade and Industry

For the Government of  
the Republic of Singapore



LIM HNG KIANG  
Minister for Trade and Industry

For the Government of  
the Kingdom of Thailand



WATANA MUANGSOOK  
Minister of Commerce

For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade

**APPENDIX I**  
**ROADMAP FOR INTEGRATION OF AGRO-BASED PRODUCTS SECTOR**

**I. OBJECTIVES**

The objectives of this initiative are to :

- Strengthen regional integration on through liberalisation and facilitation measures in the area of trade in goods, services and investments; and
- Promote private sector participation.

**II. MEASURES**

This roadmap includes issues specific to the Agro-based products sector as well as horizontal issues cutting across all sectors which are:

- Measures for increasing intra-ASEAN Trade and Investment
  - Tariff Elimination
  - Non-Tariff Measures (NTMs)
  - Custom Cooperation
  - Effective Implementation of CEPT Scheme
  - Improvement of Rules of Origin
  - Standards and Conformance
  - Future Investment
  - Improvement of Logistics Services

**III. COVERAGE**

The scope of products identified mainly covers Agro-based products as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
COMMON ISSUES			
I	Tariff Elimination		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCCA)	ASEAN 6: 2007 CLMV: 2012
II	Non-Tariff Measures (NTMs)		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCCA and Senior Officials Meeting - ASEAN Ministers on Agriculture and Forestry (SOM AMAF)	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
III	Rules of Origin		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and  - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
IV	Customs Procedures		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V Standards and Conformance</b>			
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade and the Application of Sanitary and Phyto-Sanitary Measures		on-going
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
<b>VI Logistics Services</b>			
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"><li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li><li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li><li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li><li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li></ul>	Senior Transport Officials Meeting (STOM)	beginning 2005

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>VII Outsourcing and Industrial Complementation</b>			
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII ASEAN Integration System of Preferences</b>			
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX Investments</b>			
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: - the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities		beginning 2005

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Vietnam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	<ul style="list-style-type: none"><li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li></ul>		on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"><li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li><li>- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities</li></ul>		on-going
X	Trade and Investment Promotion		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); relevant Industry Clubs/Associations; and SOM-AMAF	on- going beginning 2005
30	Organise regular private sector initiatives to undertake: <ul style="list-style-type: none"><li>- more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and</li><li>- promotional activities to assist CLMV countries</li></ul>	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XI</b>	<b>Intra-ASEAN Trade and Investment Statistics</b>		
32	Establish an effective system to monitor Intra-ASEAN trade and investment through: <ul style="list-style-type: none"><li>- provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics</li><li>- preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range</li></ul>	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going
<b>XII</b>	<b>Intellectual Property Rights</b>		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
<b>XIII</b>	<b>Movement of Business Persons, Skilled Labour, Talents and Professionals</b>		
34	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
35	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	Coordinating Committee on Services (CCS)	31 December 2005
36	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008
<b>XIV</b>	<b>Facilitation of Travel In ASEAN</b>		
37	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
38	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
XV	<b>Human Resource Development</b>		
39	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going
<b>SPECIFIC ISSUES</b>			
XVI	<b>Sanitary and Phyto-Sanitary (SPS) and Technical Barrier to Trade (TBT) Measures</b>		
	<b><i>General requirements for food hygiene and safety in ASEAN</i></b>		
40	Formulate ASEAN Requirements to Good Hygiene and for National Application	ASEAN Expert Group on Food Safety (AEGFS)	2005
41	Formulate ASEAN requirements to good hygiene and safety practice in selected sectors that to be observed at the time of preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the final consumer		
	<b><i>Harmonisation of national standards with relevant international standards (CODEX, OIE and IPPC)</i></b>		
42	Harmonise national standards with international standards in the food sector, especially from HS Chapter 15-23 to support the realisation of MRA for prepared foodstuff in ASEAN	ASEAN Task Force on Codex (ATFC)	2008
43	Develop a mechanism to encourage the establishment of the regional risk assessment by scientific bodies in ASEAN	ASEAN Expert Group on Food Safety (AEGFS)	2006
44	Identify international standards Codex and IPPC with focus on those standards with significant trade value and those with potential for trade in the future for harmonisation in ASEAN	SOM AMAF	on-going
	<b><i>Promote and strengthen the compliance of agro-based industry to the regional and international requirements</i></b>		

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
45	Promotion of Hazard Analysis Critical Control Point (HACCP), Good Manufacturing Practice (GMP) and Good Hygiene Practice (GHP) for processed food industry. Priority should be given to the SME by implementing pilot programme.	Joint efforts between SOM AMAF, AEGFS and ACCSQ Prepared Foodstuff Product Working Group (PFPWG)	on-going
<b>Strengthening Testing Facilities in ASEAN and Recognition of Testing Result by regulators</b>			
46	Establishment of ASEAN Reference Testing Laboratories in the area of microbiology, mycotoxin, pesticide residues; Veterinary Drug Residues; Heavy Metals and Trace Elements; Genetically Modified Organism (GMO)	ACCSQ; SOM AMAF; and AEGFS	beginning 2005
47	Recognition by ASEAN Domestic Regulators for test reports issues by ASEAN Reference Testing Laboratories and those already accredited by national accreditation bodies who are signatories to ILAC, APLAC MRA.		
<b>Harmonisation of sector specific technical regulatory regime in ASEAN</b>			
48	Identify and prioritise SPS and TBT Measures for harmonisation in ASEAN	SOM AMAF and ACCSQ PFPWG	2005-2006
49	Harmonise identified SPS and TBTs measures including harmonisation of procedures of registration, pre-marketing and post-marketing surveillance among member countries.	SOM AMAF and ACCSQ PFPWG Activities can be identified according to the scope of each body	2006-2010
50	Development and Implementation of MRAs in some priority (selected) products. MRA for prepared foodstuff will be initially explored.	SOM AMAF and ACCSQ	beginning 1 January 2005
51	Develop ASEAN Good Agriculture Practice (GAP) Standards	SOM AMAF ASEAN Sectoral Working Group on Crops and Expert Working Group on Phyto-Sanitary	2006-2009

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
XVII	Research and Development (R&D) and Human Resource Development (HRD)		
52	Exchange of commercial planting varieties for the potential agri-products among ASEAN countries	SOM AMAF	on-going
53	Initiate collaborative research programs for mutually agreed agri-products among ASEAN countries		
54	Exchange of experts in mutually agreed fields.		
55	Encourage exchange of research information in areas of mutual interest		
56	Explore potential areas of cooperation in mutually agreed products		
XVIII	Information		
57	Encourage establishment of an ASEAN Early Warning System on Hazards and Outbreaks	SOM AMAF	on-going

✱



## ASEAN SECTORAL INTEGRATION PROTOCOL FOR FISHERIES

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Ball Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the fisheries sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the fisheries sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the fisheries sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Fisheries Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the fisheries sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.


**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Fisheries Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Fisheries.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
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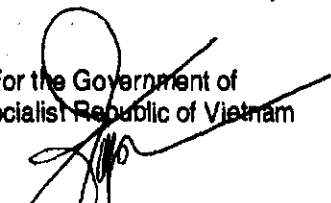
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TRUONG DINH TUYEN  
Minister of Trade



**APPENDIX I**  
**ROADMAP FOR INTEGRATION OF FISHERIES SECTOR**

**I. OBJECTIVES**

The objectives of this initiative are to:

- Strengthen regional integration through liberalisation and facilitation measures in the area of trade in goods, services and investments; and
- Promote private sector participation.

**II. MEASURES**

This roadmap includes issues specific to the Fisheries products sector, as well as horizontal issues cutting across all sectors which are:

- Measures for increasing intra-ASEAN Trade and Investment
  - Tariff Elimination
  - Non-Tariff Measures (NTMs)
  - Custom Cooperation
  - Effective Implementation of CEPT Scheme
  - Improvement of Rules of Origin
  - Standards and Conformance
  - Future investment
  - Improvement of Logistics Services

**III. COVERAGE**

The scope of products identified mainly covers Fisheries products as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
COMMON ISSUES			
I	Tariff Elimination		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCA)	ASEAN 6: 2007 CLMV: 2012
II	Non-Tariff Measures (NTMs)		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCA and Senior Officials Meeting - ASEAN Ministers on Agriculture and Forestry (SOM AMAF)	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
III	Rules of Origin		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and  - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
IV	Customs Procedures		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005

<sup>1</sup> The database on ASEAN NTMs has been completed posted in the ASEAN Website.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V</b>	<b>Standards and Conformance</b>		
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade and the Application of Sanitary and Phyto-Sanitary Measures		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
<b>VI</b>	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"> <li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li> <li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li> <li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li> <li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li> </ul>	Senior Transport Officials Meeting (STOM)	beginning 2005
<b>VII</b>	<b>Outsourcing and Industrial Complementation</b>		
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of Individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII</b>	<b>ASEAN Integration System of Preferences</b>		
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX</b>	<b>Investments</b>		
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: <ul style="list-style-type: none"> <li>- the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities</li> <li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li> </ul>		beginning 2005  on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"> <li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li> </ul>		on-going

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Vietnam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	<ul style="list-style-type: none"><li>- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities</li></ul>		
X	Trade and Investment Promotion		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); relevant Industry Clubs/Associations and AMAF	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: <ul style="list-style-type: none"><li>- more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and</li><li>- promotional activities to assist CLMV countries</li></ul>	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
XI	Intra-ASEAN Trade and Investment Statistics		
32	Establish an effective system to monitor Intra-ASEAN trade and investment through: <ul style="list-style-type: none"><li>- provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics</li><li>- preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range</li></ul>	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XII</b>	<b>Intellectual Property Rights</b>		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
<b>XIII</b>	<b>Movement of Business Persons, Skilled Labour, Talents and Professionals</b>		
34	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
35	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	Coordinating Committee on Services (CCS)	31 December 2005
36	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008
<b>XIV</b>	<b>Facilitation of Travel in ASEAN</b>		
37	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004
38	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
<b>XV</b>	<b>Human Resource Development</b>		
39	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going
<b>SPECIFIC ISSUES</b>			
<b>XVI</b>	<b>Sanitary and Phyto-Sanitary (SPS) and TBT Measures</b>		
	<b><i>Fisheries Quality and Safety Management System</i></b>		
40	Develop and apply fisheries quality management system that ensure food safety and support competitive position of ASEAN fisheries products	SOM AMAF; ASEAN Sectoral Working Group on Fisheries; and ACCSQ	2005-2006

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	on world markets though the implementation, validation, verification of Hazard Analysis Critical Control Point (HACCP) -based systems and improved laboratories practices, and adapting quality and safety management systems so that they may be applied to small enterprises in ASEAN		
<b><i>Compliance with international good practices and standards</i></b>			
41	Implement the Codex Code of Practice of Good Animal Feeding and Recommended International Code of Practice for Control of the Use of Veterinary Drugs and the Codex Guidelines for the Establishment of a Regulatory Programme for Control of Veterinary Drug Residues in Foods in ASEAN in order to reduce potential hazards in terms of chemical contamination, mycotoxins and veterinary drugs	SOM AMAF ASEAN Task Force on Codex	2004-2006
42	Prioritise international standards related to fisheries that would be significant for ASEAN trade value and those with potential for ASEAN trade in the future and set specific targets and schedules for harmonisation in ASEAN	ASEAN Working Group on Fisheries	2004-2008
43	Formulate guidelines for the use of chemicals in aquaculture and measures to eliminate the use of harmful chemical.	SOM AMAF	2004-2006
<b><i>Promote and strengthen the compliance of fisheries industry to the regional and international requirements</i></b>			
44	Promotion of HACCP, Good Aquaculture Practice (GAP), Good Hygiene Practices (GHP) for fishery industry, especially SMEs.	Joint efforts between SOM AMAF, ASEAN Expert Group on Food Safety (AEGFS), and ACCSQ Prepared Foodstuff Product Working Group (PFPWG)	on-going
<b><i>Strengthening Testing Facilities in ASEAN and Recognition of Testing Result and Product Certification by regulators</i></b>			



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
45	Establishment of ASEAN Reference Testing Laboratories for fisheries products (Microbiology, mycotoxin, pesticide residues; Veterinary Drug Residues; Heavy Metals etc)	Joint efforts between SOM AMAF and ACCSQ	2007
46	Recognition by ASEAN Domestic Regulators for test reports issued by ASEAN Reference Testing Laboratories and those already accredited by national accreditation bodies who are signatories to ILAC, APLAC MRA		beginning 2005
<b>Harmonisation of sector specific technical regulatory regime in ASEAN</b>			
47	Identify and prioritise SPS and TBT Measures related to fisheries products for harmonisation in ASEAN	SOM AMAF	2004-2005
48	Harmonise identified SPS and TBTs measures including harmonisation of import and export, labeling requirements and marking of compliance.		2005-2009
<b>Development and implementation of MRAs in selected fisheries products</b>			
49	Development and Implementation of MRAs in selected fisheries products	Joint efforts between SOM AMAF and ACCSQ	2005-2010
<b>XVII Research and Development (R&amp;D)</b>			
50	Strengthen and develop cooperation among ASEAN Member Countries in research and development programme and share technical knowhow in the field of aquaculture, capture fisheries, and post harvest technology and inland water management.	SOM AMAF	on-going
51	Conduct regional workshops and seminars on fisheries research and development		
52	Exchange of experts		
<b>XVIII Human Resource Development (HRD)</b>			
53	Establish short-term and long-term training programmes for fisheries and fisheries-related workers from ASEAN Member Countries within available resources	SOM AMAF	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
XIX	Information		
54	Encourage establishment of an ASEAN Early Warning System on Hazards and Outbreaks.	SOM AMAF	on-going

x



## ASEAN SECTORAL INTEGRATION PROTOCOL FOR RUBBER-BASED PRODUCTS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the rubber-based products sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the rubber-based products sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the rubber-based products sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Rubber-Based Products Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the rubber-based products sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.


**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Rubber-Based Products Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Rubber-Based Products.

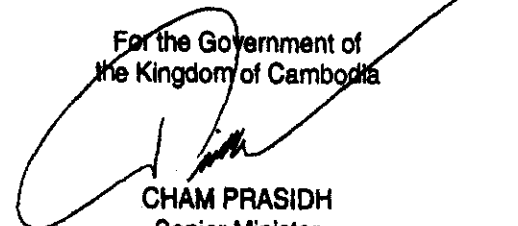
**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
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TRUONG DINH TUYEN  
Minister of Trade

**APPENDIX I**  
**ROADMAP FOR INTEGRATION OF RUBBER-BASED PRODUCTS SECTOR**

**I. OBJECTIVES**

The objectives of this initiative are to:

- Strengthen regional integration on through liberalisation and facilitation measures in the area of trade in goods, services and investments; and
- Promote private sector participation.

**II. MEASURES**

In bringing greater regional integration, the proposed measures include specific measures that are of direct relevance to the rubber-based products sector, as well as common measures that cut across all priority integration sectors. The integration approaches are premised on:

- Combining the economic strengths of ASEAN member countries for regional advantage;
- Facilitate and promote intra-ASEAN trade and investments;
- Improve the condition to attract and retain manufacturing and other economic activities within the region;
- Promote outsourcing programme within ASEAN; and
- Promote the development of "Made in ASEAN" products and services.

**III. COVERAGE**

The rubber-based products cover materials of rubber; tyres, flaps and inner tubes; rubber gloves; and articles of rubber. Details of product coverage appear as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
COMMON ISSUES			
I	Tariff Elimination		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCA)	ASEAN 6: 2007 CLMV: 2012
II	Non-Tariff Measures (NTMs)		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCA	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
III	Rules of Origin		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
IV	Customs Procedures		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V</b>	<b>Standards and Conformance</b>		
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade and the Application of Sanitary and Phyto-Sanitary Measures		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
<b>VI</b>	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"> <li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li> <li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li> <li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li> <li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li> </ul>	Senior Transport Officials Meeting (STOM)	beginning 2005
<b>VII</b>	<b>Outsourcing and Industrial Complementation</b>		
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII</b>	<b>ASEAN Integration System of Preferences</b>		
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX</b>	<b>Investments</b>		
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: <ul style="list-style-type: none"> <li>- the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities</li> <li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li> </ul>		beginning 2005  on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"> <li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li> </ul>		on-going

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Viet Nam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities		
X	Trade and Investment Promotion		
29	Intensify Intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: - more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and - promotional activities to assist CLMV countries	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
XI	Intra-ASEAN Trade and Investment Statistics		
32	Establish an effective system to monitor intra-ASEAN trade and investment through: - provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics - preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XII</b>	<b>Intellectual Property Rights</b>		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
<b>XIII</b>	<b>Movement of Business Persons, Skilled Labour, Talents and Professionals</b>		
34	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
35	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	Coordinating Committee on Services (CCS)	31 December 2005
36	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008
<b>XIV</b>	<b>Facilitation of Travel in ASEAN</b>		
37	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004
38	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
<b>XV</b>	<b>Human Resource Development</b>		
39	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
SPECIFIC ISSUES			
XVI	Testing facilities for Rubber products in ASEAN		
40	Encourage rubber manufacturers to make use of available accredited testing facilities within ASEAN which are recognised and accepted by ASEAN domestic regulators; and	ACCSQ	beginning 2005
41	ASEAN domestic regulators to accept or recognise test reports issued by testing facilities accredited by national accreditation bodies who are signatories to the existing MRAs of the Asia Pacific Laboratory Accreditation Cooperation (APLAC).		
XVII	Harmonisation of Standards and Technical Regulations		
42	Accelerate the harmonisation of Member Countries' standards for rubber products through adoption of international standards. Where international standards are not available and when requested by industry, align national standards among Member Countries;	ACCSQ	beginning January 2005
43	Accelerate the harmonisation of Member Countries' technical regulations for rubber products;		beginning 2006
44	Develop Mutual Recognition Arrangements on rubber products among Member Countries;		beginning 2006
45	ASEAN to have common position on new standards for rubber products at international fora.		on-going
XVIII	Promote the Usage of Natural Rubber Products		
46	Undertake joint efforts to promote natural rubber products through publicising the positive attributes, based on scientific findings:  - Rubber gloves	ASEAN Rubber Glove Manufacturers Association (ARGMA)	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	Other rubber products	Relevant Research Institutions in member countries	on-going
<b>XIX</b>	<b>Development of Rubber Plantations in CLMV countries</b>		
47	ASEAN 6 to enhance cooperation with CLMV countries in the development of rubber plantations and processing of rubber.	SOM-AMAF	on-going

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## ASEAN SECTORAL INTEGRATION PROTOCOL FOR WOOD-BASED PRODUCTS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the wood-based products sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the wood-based products sector.



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## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the wood-based products sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Wood-Based Products Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the wood-based products sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.

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**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Wood-Based Products Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Wood-Based Products.


**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
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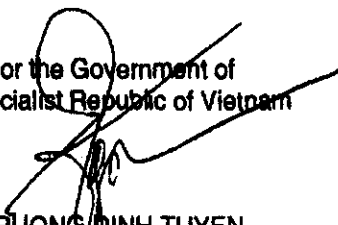
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TRUONG DINH TUYEN  
Minister of Trade

**APPENDIX I**  
**ROADMAP FOR INTEGRATION OF WOOD-BASED PRODUCTS SECTOR**

**I. OBJECTIVES**

The objectives of this initiative are:

- Strengthen regional integration on through liberalisation and facilitation measures in the area of trade in goods, services and investments; and
- Promote private sector participation.

**II. MEASURES**

This roadmap includes issues specific to the wood-based products, as well as horizontal issues cutting across all sectors. The approaches proposed for the integration for wood-based products are premised on:

- Combining the economic strengths of ASEAN member countries for regional advantage;
- Facilitate and promote intra-ASEAN investments;
- Improve the condition to attract and retain manufacturing and other economic activities within the region;
- Promote outsourcing program within ASEAN; and
- Promote the development of "Made in ASEAN" products and services.

**III. COVERAGE**

The scope of wood-based products appears as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>COMMON ISSUES</b>			
<b>I</b>	<b>Tariff Elimination</b>		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCA)	ASEAN 6: 2007 CLMV: 2012
<b>II</b>	<b>Non-Tariff Measures (NTMs)</b>		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCA	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
<b>III</b>	<b>Rules of Origin</b>		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and  - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
<b>IV</b>	<b>Customs Procedures</b>		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
V	<b>Standards and Conformance</b>		
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade and the Application of Sanitary and Phyto-Sanitary Measures		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
VI	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"> <li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li> <li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li> <li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li> <li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li> </ul>	Senior Transport Officials Meeting (STOM)	beginning 2005
VII	<b>Outsourcing and Industrial Complementation</b>		
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII ASEAN Integration System of Preferences</b>			
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX Investments</b>			
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: <ul style="list-style-type: none"> <li>- the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities</li> <li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li> </ul>		beginning 2005  on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"> <li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li> </ul>		on-going

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Viet Nam = 2013; Cambodia, Laos and Myanmar = 2015)



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities		
X	Trade and Investment Promotion		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: - more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and - promotional activities to assist CLMV countries	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
XI	Intra-ASEAN Trade and Investment Statistics		
32	Establish an effective system to monitor intra-ASEAN trade and investment through: - provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics - preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
XII	Intellectual Property Rights		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
XIII	Movement of Business Persons, Skilled Labour, Talents and Professionals		
34	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
35	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	Coordinating Committee on Services (CCS)	31 December 2005
36	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008
XIV	Facilitation of Travel in ASEAN		
37	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004
38	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
XV	Human Resource Development		
39	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>SPECIFIC ISSUES</b>			
<b>XVI</b>	<b>Enhancing Cooperation in Timber Products</b>		
40	Develop cooperation programme among authorities dealing with certification of timber/ wood-based products to ensure the sustainability and legality of the origin of such products;	Working Group on Wood-based Products Integration and ASEAN Senior Officials on Forestry (ASOF)	2005
41	Develop cooperation programme among relevant authorities to combat illegal trade in forest products, including endangered species of flora and fauna, and exchange of relevant information on wood import as allowed by law, on the basis of mutual respect, equality and mutual benefit, and in all levels, to ensure the sustainability of forest resources.	ASEAN Customs DG; Working Group on Wood-based Products Integration and ASOF	on-going
42	Increase the awareness by disseminating information to all stakeholders on the legal and environmental consequences which forest destruction poses to our future environmental, economic and social well-being.	ASOF and ASEAN Senior Officials on the Environment (ASOEN)	beginning 2005
<b>XVII</b>	<b>Joint Marketing and Image-Building</b>		
43	Launch ASEAN public relation campaign to counter negative publicity on tropical hardwood products;	ASOF	beginning 2005
44	Invite more advanced countries to provide assistance to ASEAN Member Countries, e.g. on the proposed EU action plan on Forest Law Enforcement, Governance and Trade (FLEGT);	ASOF	beginning 2005
45	Showcase ASEAN wood products to the world markets;	ASEAN Business Advisory Council and ASEAN Chamber of Commerce and Industry	beginning 2005

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
46	Undertake joint approaches in the promotion and development of products markets for timber and timber products.	ASOF	beginning 2005
XVIII Investment on Forest Plantation and Wood-Based Industry			
47	Promote and facilitate joint investment	SOM-AMAF Joint Committee on ASEAN Cooperation and Joint Approaches in Agriculture and Forest Products Promotion Scheme	beginning 2005
48	Encourage the use of raw materials from timber plantations for investments in the wood processing industry		
49	Endeavor to create an environment including regular dialogues and visits among ASEAN business people for the promotion of trade and investment		
XIX Human Resources Development			
50	Cooperate to develop and upgrade skills in design, wood processing and furniture manufacturing through joint training and workshops.	ASOF	beginning 2005



## ASEAN SECTORAL INTEGRATION PROTOCOL FOR AUTOMOTIVES

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the automotive sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the automotive sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the automotive sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Automotive Products Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the automotive sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.

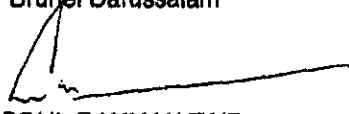
**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Automotive Products Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Automotives.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
the Kingdom of Cambodia



CHAM PRASIDH  
Senior Minister  
Minister of Commerce

For the Government of  
the Republic of Indonesia



MARI ELKA PANGESTU  
Minister of Trade

For the Government of  
the Lao People's Democratic Republic



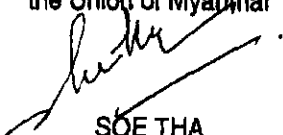
SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia



RAFIDAH AZIZ  
Minister of International Trade  
and Industry

For the Government of  
the Union of Myanmar



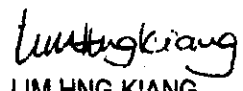
SOE THA  
Minister of National Planning and  
Economic Development

For the Government of  
the Republic of the Philippines



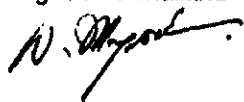
CESAR V. PURISIMA  
Secretary of Trade and Industry

For the Government of  
the Republic of Singapore



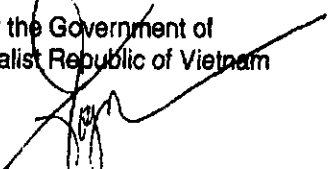
LIM HNG KIANG  
Minister for Trade and Industry

For the Government of  
the Kingdom of Thailand



WATANA MUANGSOOK  
Minister of Commerce

For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade



**APPENDIX I**  
**ROADMAP FOR INTEGRATION OF AUTOMOTIVE PRODUCTS SECTOR**

**I. OBJECTIVES**

The objectives of integrating the automotive sector are:

- Strengthen regional integration efforts through liberalization, facilitation and promotion measures to ensure full integration of the automotive sector by 2010.
- Promote private sector participation.

**II. MEASURES**

This roadmap includes issues specific to the automotive industry sector, as well as horizontal issues cutting across all sectors. Suggested measures are:

**I. Measures for increasing intra-ASEAN Trade and Investment**

- Tariff Elimination
- Non-Tariff Measures (NTMs)
- Custom Cooperation
- Effective Implementation of AICO and CEPT Scheme
- Improvement of Rules of Origin
- Standards and Conformance
- Future investment
- Improvement of Logistics Services

**II. Measures for increasing ASEAN Automotive Industry's Technological Capabilities**

- Enhancing ASEAN Car Manufacturing Capability

**III. Measures for improving human resources capability**

- Training and Skill Certification System

**III. COVERAGE**

The scope of products includes passenger cars, commercial cars, special purpose vehicles, motorcycles, parts/components for both two wheelers and four wheelers. Detail of the product coverage appears as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
COMMON ISSUES			
I	Tariff Elimination		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCA)	ASEAN 6: 2007 CLMV: 2012
II	Non-Tariff Measures (NTMs)		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCA	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
III	Rules of Origin		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and  - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
IV	Customs Procedures		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V Standards and Conformance</b>			
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade.		on-going
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
VI	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"><li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li><li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li><li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li><li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li></ul>	Senior Transport Officials Meeting (STOM)	beginning 2005

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>VII Outsourcing and Industrial Complementation</b>			
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of Individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII ASEAN Integration System of Preferences</b>			
22	Endeavour to expand the coverage of the ASEAN integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX Investments</b>			
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: - the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities		beginning 2005

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Viet Nam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	<ul style="list-style-type: none"><li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li></ul>		on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"><li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li><li>- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities</li></ul>		on-going
X	Trade and Investment Promotion		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: <ul style="list-style-type: none"><li>- more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and</li><li>- promotional activities to assist CLMV countries</li></ul>	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
XI	Intra-ASEAN Trade and Investment Statistics		
32	Establish an effective system to monitor intra-ASEAN trade and investment through: - provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics - preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going
XII	Intellectual Property Rights		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
XIII	Movement of Business Persons, Skilled Labour, Talents and Professionals		
34	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
35	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	Coordinating Committee on Services (CCS)	31 December 2005
36	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008
XIV	Facilitation of Travel in ASEAN		
37	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
38	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
<b>XV</b>	<b>Human Resource Development</b>		
39	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going
<b>SPECIFIC ISSUES</b>			
<b>Measures to Increase Intra-ASEAN Trade and Investment</b>			
<b>XVI</b>	<b>Effective Implementation of AICO and CEPT Scheme</b>		
40	ASEAN member countries to consistently adhere to agreed tariff reduction program.	CCCA and WGIC	31 December 2005
41	Involved more SMEs automotive vendors in AICO and CEPT Scheme.		30 June 2005
42	Identifying current problems and approval criteria of AICO and CEPT in Automotive Industry and provide recommendations.		30 June 2005
<b>XVII</b>	<b>Standards and Conformance</b>		
43	Harmonise ASEAN safety standard for automotive operating in ASEAN to a common regulatory framework based on UN-ECE Regulation.	ACCSQ and ASEAN Automotive Federation (AAF) Technical Committee	2008
44	Harmonise ASEAN emission and fuel property standard based on UN-ECE Regulation.		2008
45	Study of current ASEAN practices on Standards and Conformance in Automotive sector and pursuing ASEAN Mutual Recognition Agreement, taking into consideration of the existing international and regional MRAs such as ILAC, APLAC MRA, IAF and PAC.	ACCSQ	2008
<b>XVIII</b>	<b>Future Investment</b>		
46	Identify specific programmes and activities to promote investment within ASEAN.	Coordinating Committee on Investment (CCI)	31 December 2005



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
47	Assess the need to establish network among ASEAN bonded zones and recommend necessary measures to promote ASEAN as a viable investment site.		30 June 2005
48	Promote and facilitate joint/cross border investment in order to increase the growth and to improve global competitiveness of ASEAN automotive industries.		30 June 2005
XIX	Improvement of Logistics Services		
49	Recommend measures on Logistic and Infrastructure that would enhance logistic services related to automotive industry in ASEAN.	STOM and AAF	31 December 2006
Measures for Increasing ASEAN Automotive Industry's Technological capabilities			
XX	Enhancing ASEAN Car Manufacturing Capability		
50	Cooperation to develop an ASEAN database on automotive products.	WGIC	31 December 2006
51	Promote specialization of production processes based on the strengths of individual member countries in order to achieve global competitiveness of ASEAN Automotive Industry.		beginning 2005 and on going
52	Enhance cooperation among ASEAN member in research and development activities.		30 June 2006
53	Develop ASEAN portal for ASEAN Automotive Component Industries and update ASEAN Supporting Industries Database (ASID)	AAF and WGIC	on-going
54	Encourage ASEAN sectors to optimally utilize raw material and automotive parts/components within ASEAN for regional and global market.		beginning 2005 and on-going
55	Promote automotive products and services with ASEAN value added.		beginning 2005 and on going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>Measures for Improving Human Resources Capability</b>			
<b>XXI</b>	<b>Training and Skill Certification</b>		
56	Developing skill certification system for automotive industry sector	AAF and WGIC	30 June 2005
57	Cooperative arrangement for developing training on automotive industry		30 June 2006
58	Develop programme to facilitate and promote exchange of skills among ASEAN members, i.e. on the job training in the factory.		31 December 2005

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## **ASEAN SECTORAL INTEGRATION PROTOCOL FOR TEXTILES AND APPAREL PRODUCTS**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the textiles and apparel products sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### **ARTICLE 1 OBJECTIVE**

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the textiles and apparel products sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the textiles and apparel products sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Textiles and Apparel Products Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the textiles and apparel products sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.

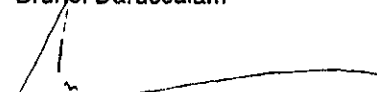
**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Textiles and Apparel Products Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Textiles and Apparel Products.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
the Kingdom of Cambodia



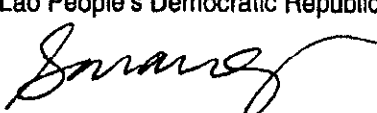
CHAM PRASIDH  
Senior Minister  
Minister of Commerce

For the Government of  
the Republic of Indonesia



MARI ELKA PANGESTU  
Minister of Trade

For the Government of  
the Lao People's Democratic Republic



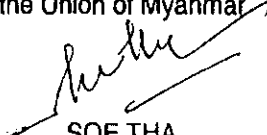
SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia



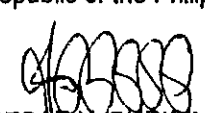
RAEIDAH AZIZ  
Minister of International Trade  
and Industry

For the Government of  
the Union of Myanmar



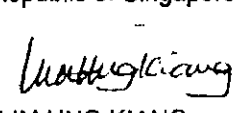
SOE THA  
Minister of National Planning and  
Economic Development

For the Government of  
the Republic of the Philippines



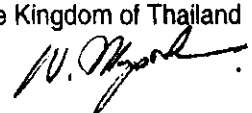
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For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade

**APPENDIX I**  
**ROADMAP FOR INTEGRATION OF**  
**TEXTILES AND APPAREL PRODUCTS SECTOR**

**I. OBJECTIVES**

The objectives of this initiative are :

- Strengthen regional integration on through liberalisation and facilitation measures in the area of trade in goods, services and investments; and
- Promote private sector participation.

**II. MEASURES**

In bringing greater regional integration, the proposed measures include specific measures that are of direct relevance to the textiles and apparel sector, as well as common measures that cut across all priority integration sectors. The integration approaches are premised on:

- Combining the economic strengths of ASEAN member countries for regional advantage;
- Facilitate and promote intra-ASEAN trade and investments;
- Improve the condition to attract and retain manufacturing and other economic activities within the region;
- Promote outsourcing programme within ASEAN; and
- Promote the development of "Made in ASEAN" products and services.

**III. COVERAGE**

The textiles and apparel products cover materials of textiles; fabrics; linen; cloth; garments; articles of textiles; and other worn articles. Details of product coverage appear as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
COMMON ISSUES			
I	Tariff Elimination		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCA)	ASEAN 6: 2007 CLMV: 2012
II	Non-Tariff Measures (NTMs)		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCA	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
III	Rules of Origin		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
IV	Customs Procedures		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V</b>	<b>Standards and Conformance</b>		
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade and the Application of Sanitary and Phyto-Sanitary Measures		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
<b>VI</b>	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"> <li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li> <li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li> <li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li> <li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li> </ul>	Senior Transport Officials Meeting (STOM)	beginning 2005
<b>VII</b>	<b>Outsourcing and Industrial Complementation</b>		
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII</b>	<b>ASEAN Integration System of Preferences</b>		
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX</b>	<b>Investments</b>		
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: <ul style="list-style-type: none"> <li>- the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities</li> <li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li> </ul>		beginning 2005  on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"> <li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li> </ul>		on-going

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Vietnam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities		
X	Trade and Investment Promotion		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: - more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and - promotional activities to assist CLMV countries	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
XI	Intra-ASEAN Trade and Investment Statistics		
32	Establish an effective system to monitor intra-ASEAN trade and investment through: - provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics - preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XII</b>	<b>Intellectual Property Rights</b>		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
<b>XIII</b>	<b>Movement of Business Persons, Skilled Labour, Talents and Professionals</b>		
34	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
35	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	Coordinating Committee on Services (CCS)	31 December 2005
36	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008
<b>XIV</b>	<b>Facilitation of Travel in ASEAN</b>		
37	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004
38	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
<b>XV</b>	<b>Human Resource Development</b>		
39	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>SPECIFIC ISSUES</b>			
<b>XVI</b>	<b>ASEAN Cumulation</b>		
40	Engage major importing countries to address issues of concern to ASEAN exporters, especially relating to ASEAN Cumulation for GSP Scheme	SEOM with inputs from CCCA and ASEAN Federation of Textile Industries (AFTEX)	on-going
<b>XVII</b>	<b>Coordination of Outsourcing Activities among ASEAN Companies</b>		
41	Promote outsourcing among ASEAN companies.	WGIC with inputs from AFTEX	Beginning 2005
<b>XVII</b>	<b>Original Design Manufacturers (ODMs)</b>		
42	Promote development of original designs and brands among ASEAN manufacturers.	WGIC and AFTEX	Beginning 2005
<b>XIX</b>	<b>Cooperation of ASEAN Private Sector</b>		
43	Develop and expand the ASEAN textile and apparel website.	AFTEX	on-going
44	Jointly organise textile and apparel trade fair and exhibition.	AFTEX	on-going
<b>XX</b>	<b>Study on the Impact of Multi Fibre Agreement (MFA) Expiry on the ASEAN Textiles Industry</b>		
45	To undertake study on the impact of the expiry of the MFA to ASEAN textiles & apparel industries.	ASEAN Secretariat	January 2005

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## **ASEAN SECTORAL INTEGRATION PROTOCOL FOR ELECTRONICS**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the electronics sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### **ARTICLE 1 OBJECTIVE**

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the electronics sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the electronics sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Electronics Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the electronics sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.



**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Electronics Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Electronics.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam




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Minister of Trade

## **APPENDIX I**

### **ROADMAP FOR INTEGRATION OF ELECTRONICS SECTOR**

#### **I. OBJECTIVES**

The objectives of integrating the electronics sector are:

- Develop, strengthen and enhance the competitiveness of the ASEAN Electronics sector and promote ASEAN as an integrated platform in which to do business in electronics;
- Strengthen regional integration efforts through liberalization, facilitation and promotion measures to ensure full integration of the Electronics sector by 2010.
- Promote private sector participation.

#### **II. MEASURES**

This roadmap includes specific measures that are of direct relevance to the Electronics sector, as well as common measures that cut across all priority integration sectors. The integration approaches are premised on:

- Combining the economic strengths of ASEAN member countries for regional advantage;
- Facilitate and promote intra-ASEAN investments;
- Improve the condition to attract and retain manufacturing and other economic activities within the region;
- Promote outsourcing program within ASEAN.

#### **III. COVERAGE**

The scope of products include electronic data processing (EDP) equipment, electrical and electronic home appliances, medical and industrial equipment, telecommunication equipment, communications and radar, automotive electronics, instrumentation and controls, mechanical parts of electronic and electrical products, semiconductor devices (including inputs for the manufacture of semiconductor devices), and other machineries and equipment for the manufacture of semiconductors and printed circuit boards (PCBs).

Details of product coverage appear as Attachment I to this Roadmap.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
COMMON ISSUES			
I	Tariff Elimination		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCA)	ASEAN 6: 2007 CLMV: 2012
II	Non-Tariff Measures (NTMs)		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCA	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
III	Rules of Origin		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
IV	Customs Procedures		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V</b>	<b>Standards and Conformance</b>		
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
<b>VI</b>	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"> <li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li> <li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li> <li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li> <li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li> </ul>	Senior Transport Officials Meeting (STOM)	beginning 2005
<b>VII</b>	<b>Outsourcing and Industrial Complementation</b>		
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
VIII	<b>ASEAN Integration System of Preferences</b>		
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
IX	<b>Investments</b>		
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: <ul style="list-style-type: none"> <li>- the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities</li> <li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li> </ul>		beginning 2005  on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"> <li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li> </ul>		on-going

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Viet Nam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	<ul style="list-style-type: none"><li>- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities</li></ul>		
<b>X</b>	<b>Trade and Investment Promotion</b>		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: <ul style="list-style-type: none"><li>- more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and</li><li>- promotional activities to assist CLMV countries</li></ul>	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
<b>XI</b>	<b>Intra-ASEAN Trade and Investment Statistics</b>		
32	Establish an effective system to monitor intra-ASEAN trade and investment through: <ul style="list-style-type: none"><li>- provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics</li><li>- preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range</li></ul>	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XII</b>	<b>Intellectual Property Rights</b>		
33	Expand the scope of ASEAN Intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
<b>XIII</b>	<b>Movement of Business Persons, Skilled Labour, Talents and Professionals</b>		
34	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
35	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	Coordinating Committee on Services (CCS)	31 December 2005
36	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008
<b>XIV</b>	<b>Facilitation of Travel in ASEAN</b>		
37	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004
38	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
<b>XV</b>	<b>Human Resource Development</b>		
39	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going
<b>SPECIFIC ISSUES</b>			
<b>XVI</b>	<b>Customs Procedures</b>		
40	Institutionalise Rosettanet compatibility in ASEAN for the exchange of trade documents	ECCM	31 December 2007

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XVII</b>	<b>Investment</b>		
41	Intensify regional investment promotion activities by focusing on ASEAN's competitive advantage which includes a large manufacturing base and a long established presence of MNCs, vis-à-vis other investment locations.	CCI	31 December 2005
<b>XVIII</b>	<b>Market and Production Base Integration</b>		
42	Further enhance the AICO Scheme	WGIC	immediately
43	Promote intra ASEAN trade and increase outsourcing for electronics through:  - linking up existing individual country databases and creating a search engine within that website  - enhancing the ASEAN Supporting Industries Database (ASID)  - holding annual Reverse Trade Fairs	CCI and ASEAN Electronics Forum (AEF)  CCI  CCI	31 December 2004  31 December 2005  31 December 2004
<b>XIX</b>	<b>Standards and Mutual Recognition Arrangements (MRA)</b>		
44	Accelerate the implementation of MRAs for Electrical and Electronic Equipment	ACCSQ	Beginning 31 December 2004
45	Harmonise technical regulations for electronics and electrical sector in ASEAN		2010
46	Ensure transparency of regulatory schemes in ASEAN		on-going
47	Cooperate in capacity-building of ASEAN countries in terms of testing and accreditation		on-going
<b>XX</b>	<b>Capacity Building</b>		
48	Develop and promote ASEAN centre of excellence in the areas of R&D, design and prototyping, outsourcing from within ASEAN	WGIC assisted by AEF	30 June 2005
49	Cooperate in capacity-building of ASEAN countries in terms of testing and accreditation	ACCSQ	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
50	Develop skills-training programmes for countries with less-developed electronics industry (vice-versa), i.e. on the job training in the factory	WGIC	31 December 2005

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## ASEAN SECTORAL INTEGRATION PROTOCOL FOR E-ASEAN

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the e-ASEAN sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the e-ASEAN sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the e-ASEAN sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of e-ASEAN Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the e-ASEAN sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.


**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of e-ASEAN Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for e-ASEAN.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
the Kingdom of Cambodia



CHAM PRASIDH  
Senior Minister  
Minister of Commerce

For the Government of  
the Republic of Indonesia



MARI ELKA PANGESTU  
Minister of Trade

For the Government of  
the Lao People's Democratic Republic



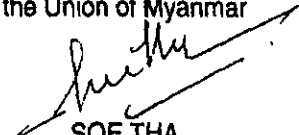
SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia



RAFIDAH AZIZ  
Minister of International Trade and  
Industry

For the Government of  
the Union of Myanmar



SOE THA  
Minister of National Planning and  
Economic Development

For the Government of  
the Republic of the Philippines



CESAR V. PURISIMA  
Secretary of Trade and Industry

For the Government of  
the Republic of Singapore



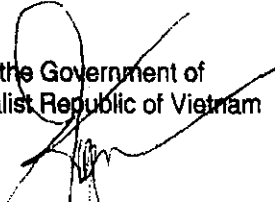
LIM HNG KIANG  
Minister for Trade and Industry

For the Government of  
the Kingdom of Thailand



WATANA MUANGSOOK  
Minister of Commerce

For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade

## **APPENDIX I ROADMAP FOR INTEGRATION OF E-ASEAN SECTOR**

### **I. OBJECTIVES**

The objectives of integrating the e-ASEAN sector are as follows:

- Liberalisation of trade in ICT products, ICT services and investments;
- Develop, strengthen and enhance the competitiveness of the ICT sector in ASEAN;
- Reduce the digital divide within individual ASEAN Member States and amongst ASEAN Member States; and
- Promote cooperation between the public and private sectors in realising e-ASEAN.

### **II. MEASURES**

The initiatives build on those already undertaken (such as the elimination of tariffs on ITA1 products for ASEAN-6 countries by 1 Jan 2005), and incorporate additional recommendations in the Bali Concord II, the e-ASEAN Roadmap for Integration of ASEAN (RIA) matrix, and The Singapore Declaration - An Action Agenda, issued at the 3<sup>rd</sup> ASEAN TELMIN meeting, as well as those gathered from private and public sector representatives from all ASEAN countries.

Full implementation of these recommendations is key for ASEAN to achieve our goal of integrating the e-ASEAN sector by 2010. However they are not meant to be exhaustive, and ASEAN should continue to incorporate other necessary measures as and when appropriate. This roadmap includes issues specific to the e-ASEAN sector, as well as horizontal issues cutting across all sectors.

### **III. COVERAGE**

This roadmap will cover products in both the e-ASEAN Framework Agreement (ITA1 + 34 items), as well as other ITA products as shown in Attachment 1.



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>COMMON ISSUES</b>			
<b>I</b>	<b>Tariff Elimination</b>		
1	Eliminate CEPT-AFTA tariffs for other ITA products in accordance with the ICT product list as shown in <u>Attachment 2</u> .	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCCA)	ASEAN 6: 2007 CLMV: 2012
<b>II</b>	<b>Non-Tariff Measures (NTMs)</b>		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCCA	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
<b>III</b>	<b>Rules of Origin</b>		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
<b>IV</b>	<b>Customs Procedures</b>		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V</b>	<b>Standards and Conformance</b>		
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
<b>VI</b>	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"> <li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li> <li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li> <li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li> <li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li> </ul>	Senior Transport Officials Meeting (STOM)	beginning 2005
<b>VII</b>	<b>Outsourcing and Industrial Complementation</b>		
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII ASEAN Integration System of Preferences</b>			
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX Investments</b>			
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: <ul style="list-style-type: none"> <li>- the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities</li> <li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li> </ul>		beginning 2005  on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"> <li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li> </ul>		on-going

<sup>2</sup> Timelines as per AIA Agreement (ASEAN-6 = 2010; Viet Nam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	<ul style="list-style-type: none"><li>- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities</li></ul>		
X	Trade and Investment Promotion		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: <ul style="list-style-type: none"><li>- more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and</li><li>- promotional activities to assist CLMV countries</li></ul>	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
XI	Intra-ASEAN Trade and Investment Statistics		
32	Establish an effective system to monitor intra-ASEAN trade and investment through: <ul style="list-style-type: none"><li>- provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics</li><li>- preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range</li></ul>	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XII</b>	<b>Intellectual Property Rights</b>		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
<b>XIII</b>	<b>Trade in Services</b>		
34	Member States shall accelerate the liberalisation of trade in services earlier than 2020. This could be achieved through: <ul style="list-style-type: none"> <li>- Setting clear targets and schedules of services liberalisation for each priority sector and each round towards achieving freer flow of trade in services by 2010;</li> <li>- Accelerating the development of Mutual Recognition Arrangements (MRAs);</li> <li>- The application of the ASEAN-X formula; and</li> <li>- Promotion of joint ventures and cooperation, including in third country markets.</li> </ul>	Coordinating Committee on Services (CCS) and CCI	on-going  before 2008  on-going  on-going
<b>XIV</b>	<b>Movement of Business Persons, Skilled Labour, Talents and Professionals</b>		
35	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
36	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	CCS	31 December 2005
37	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XV</b>	<b>Facilitation of Travel in ASEAN</b>		
38	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004
39	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
<b>XVI</b>	<b>Human Resource Development</b>		
40	Develop and upgrade skills and capacity building through joint trainings and workshops	Senior Labour Officials Meeting (SLOM)	on-going
<b>SPECIFIC ISSUES</b>			
<b>XVII</b>	<b>Trade in Services</b>		
41	Lay out specific timelines for the adoption and implementation of regulatory principles described in the WTO Basic Telecommunications Reference Paper, taking into account Member States' domestic laws and regulations.	CCS	1 January 2006
42	Eliminate limitations in stages on market access and national treatment for modes 1 and 2 (cross-border supply and consumption abroad) for computer related and telecommunications services.		Stage 1:31 Dec 2006 Stage 2:31 Dec 2008 Stage 3:31 Dec 2010
<b>XVIII</b>	<b>Movement of Business Persons, Skilled Labour, Experts, Talents and Professionals</b>		
43	Promote networking of ICT skills development entities to explore possible collaboration amongst these entities	Telecommunication Senior Officials Meeting (TELSOM) Working Groups on e-Society and ICT Capacity Building; and ASEAN CCI	on-going
44	Facilitate establishment of a regional mechanism for promoting ICT certification programmes and the cross-certification of these programmes by ICT skills competency centres/agencies		beginning 2005
45	Complete Mutual Recognition Arrangements (MRAs) for qualification in IT professional skills, e.g., project management and software designing	CCS	1 January 2008

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
46	Minimise immigration requirements for ICT professionals travelling within ASEAN for ICT work purposes	DGICM	on-going
<b>XIX</b>	<b>Standards and Conformity</b>		
47	Align conformity assessment procedures for ICT products	ACCSQ Working Group on Accreditation and Conformity Assessment	31 December 2006
48	Establish MRAs for ICT products	ACCSQ Working Group on Standards and MRAs	31 December 2008
49	Accelerate implementation of Mutual Recognition Arrangement (MRA) for telecommunications equipment (Phase I: Procedures for Mutual Recognition of Testing Laboratories as Conformity Assessment Bodies and Mutual Acceptance of Test Reports)	ASEAN Telecommunication Regulators Council (ATRC)	by 31 December 2005
50	Identify specific timelines for the adoption of suitable international standards (e.g., telecommunications and cyber-security standards) as being equivalent to existing domestic standards	TELSOM Working Group on ASEAN Information Infrastructure (All); and ASEAN Telecommunication Regulators Council (ATRC)	on-going
<b>XX</b>	<b>ASEAN Information Infrastructure (All)</b>		
51	Develop convergence guidelines and best practices	TELSOM Working Group on ASEAN Information Infrastructure (All) and e-ASEAN Working Group (EAWG)	31 December 2005
52	Develop common reference framework for e-Commerce and e-Government technical architectures, so as to ensure interoperability of information systems and networks		31 December 2007
53	Expand the coverage of the NII database, to include bandwidth capacity of each Member State.		30 June 2005
54	Develop infrastructure recommendations for CLMV based on the e-Readiness Study and global best practices		on-going



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
55	Develop region-wide web applications including Digital Libraries and Tourism Portals	TELSOM Working Group on Universal Access Digital Divide (UADD) and e-government	on-going
56	Develop region-wide web services including Distance Education & Learning, Healthcare, Environmental Monitoring, Collaboration in Basic R&D Investment		on-going
XXI	<b>Capacity Building</b>		
57	Promote an 'e-Society' to assist in bridging the digital divide for all parts of society	TELSOM Working Groups on e-Society and ICT Capacity Building	on-going
58	Member states to increase the quality and quantity of ICT human resources		
59	To assist in bridging the digital divide for all parts of society	TELSOM Working Group on Digital Divide	on-going
XXII	<b>e-Government</b>		
60	Encourage development of a system for online application of (i) birth, death, marriage certificate, (ii) driver's and business licenses, and (iii) car and land registration	TELSOM Working Group on Universal Access Digital Divide (UADD) and e-government	on-going
61	Encourage development of projects on ASEAN e-Visa and e-Passport		
62	Encourage development of Smart Card Projects		
XXIII	<b>e-Commerce</b>		
63	Enact domestic legislation to provide legal recognition of electronic transactions (i.e., cyber-laws) based on common reference frameworks	TELSOM and EAWG	31 December 2008
64	Facilitate cross-border electronic transactions and the use of electronic signatures		31 December 2009
65	Encourage enterprises to adopt e-commerce by setting up common portals	EAWG	beginning 1 January 2005

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
66	Identify suitable international common protocols in the area of trade facilitation for possible adoption	EAWG	beginning 1 January 2005

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## **ASEAN SECTORAL INTEGRATION PROTOCOL FOR HEALTHCARE**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the healthcare sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### **ARTICLE 1 OBJECTIVE**

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the healthcare sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the healthcare sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 EMERGENCY MEASURES**

1. Article 6 of the Common Effective Preferential Tariff (CEPT) Agreement on Safeguard Measures shall be applied to this Protocol.
2. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Ministers responsible for ASEAN economic integration referred to in Article 19 of the Framework Agreement, and such action may be the subject of consultations pursuant to Article 22 of the Framework Agreement.

## **ARTICLE 4 APPENDICES**

1. The Roadmap for Integration of Healthcare Sector shall be Appendix I to this Protocol and shall form an integral part of it. The negative list in relation to the healthcare sector shall be Appendix II to this Protocol.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 5 of this Protocol.

**ARTICLE 5  
FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Healthcare Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Healthcare.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



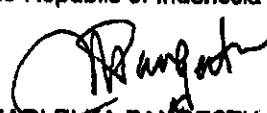
ABDUL RAHMAN TAIB  
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SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia



RAFIDAH AZIZ  
Minister of International Trade  
and Industry

For the Government of  
the Union of Myanmar



SOE THA  
Minister of National Planning and  
Economic Development

For the Government of  
the Republic of the Philippines



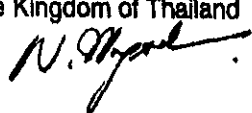
CESAR V. PURISIMA  
Secretary of Trade and Industry

For the Government of  
the Republic of Singapore



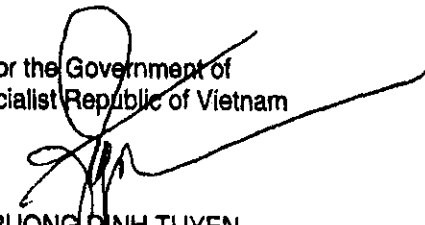
LIM HNG KIANG  
Minister for Trade and Industry

For the Government of  
the Kingdom of Thailand



WATANA MUANGSOOK  
Minister of Commerce

For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade

## **APPENDIX I**

### **ROADMAP FOR INTEGRATION OF HEALTHCARE SECTOR**

#### **I. OBJECTIVES**

The objectives of this initiative are to:

- Strengthen regional integration through liberalisation and facilitation measures in the area of trade in goods, services and investments; and
- Promote private sector participation.

#### **II. MEASURES**

The initiatives within incorporate recommendations in the Bali Concord II as well as those gathered from private and public sector representatives from all ASEAN countries.

Full implementation of these recommendations is key for ASEAN to achieve our goal of integrating the healthcare sector by 2010. However they are not meant to be exhaustive, and ASEAN should continue to incorporate other necessary measures as and when appropriate. This roadmap includes issues specific to the Healthcare sector, as well as horizontal issues cutting across all sectors.

#### **III. COVERAGE**

The scope of product coverage for the healthcare sector appears as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>COMMON ISSUES</b>			
<b>I</b>	<b>Tariff Elimination</b>		
1	Eliminate CEPT-AFTA tariffs on all identified products	Coordinating Committee on the Implementation of the CEPT Scheme for AFTA (CCCA)	ASEAN 6: 2007 CLMV: 2012
<b>II</b>	<b>Non-Tariff Measures (NTMs)</b>		
2	Establish the Database of ASEAN NTMs to ensure transparency <sup>1</sup>	CCCA	30 June 2004
3	Establish clear criteria to identify measures that are classified as barriers to trade		30 June 2005
4	Establish a clear and definitive work programme for the removal of the barriers.		31 December 2005
5	Adopt the WTO Agreement on Import Licensing Procedures and develop implementation guidelines appropriate for ASEAN.		31 December 2004
<b>III</b>	<b>Rules of Origin</b>		
6	Improve the CEPT Rules of Origin by: - making it more transparent, predictable and standardised taking into account the best practices of other Regional Trade Agreements including the rules of origin of the WTO; and - adopting substantial transformation as alternative criteria for conferring origin status.	Task Force on CEPT Rules of Origin (ROO-TF)	31 December 2004
<b>IV</b>	<b>Customs Procedures</b>		
7	Extend the application of the ASEAN Harmonised Tariff Nomenclature (AHTN) for extra-ASEAN trade.	Expert Committee on Customs Matters (ECCM)	on-going
8	Develop a simplified, improved and harmonised customs declaration form.		31 December 2005

<sup>1</sup> The database on ASEAN NTMs has been completed and posted in the ASEAN Website.



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
9	Ensure full implementation of the Green Lane System for CEPT Products, or similar systems, at entry points of all Member States.		31 December 2004
10	Develop implementation guidelines, as appropriate, for Member States which are not members of the WTO to fulfill the obligations of the WTO Agreement on Customs Valuation		31 December 2004
11	Adopt service commitment (client charter) by ASEAN customs authorities.		31 December 2004
12	Develop the Single Window approach, including the electronic processing of trade documents at national and regional levels	Inter-Agency Task Force on Single Window	31 December 2005
<b>V</b>	<b>Standards and Conformance</b>		
13	Accelerate the implementation/development of sectoral Mutual Recognition Arrangements (MRAs), as appropriate	ASEAN Consultative Committee on Standards and Quality (ACCSQ)	beginning 1 January 2005
14	Encourage domestic regulators to recognise test reports issued by testing laboratories which are already accredited by National Accreditation Bodies in ASEAN that are signatories to ILAC and APLAC MRA		on-going
15	Set clear targets and schedules for harmonisation of standards, wherever required; where international standards are not available, and when requested by industry, align national standards among Member States.		31 December 2005
16	Harmonise and/or develop, wherever appropriate, technical regulations for national application.		31 December 2010
17	Ensure compliance with the requirements, rights and obligations of WTO Agreements on Technical Barriers to Trade and the Application of Sanitary and Phyto-Sanitary Measures		on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
18	Explore development of ASEAN policy on standards and conformance to further facilitate the realisation of the ASEAN Economic Community.		beginning 2005
<b>VI</b>	<b>Logistics Services</b>		
19	<p>Expedite the development of integrated transport logistics services within ASEAN through:</p> <ul style="list-style-type: none"> <li>- Promotion of efficient door-to-door cargo transport and cross-border transport facilitation through the expeditious implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit, and the ASEAN Framework Agreement on Multimodal Transport;</li> <li>- Improvement of land transport network infrastructures and services to achieve better inter-connectivity, inter-operability and inter-modality with the national, regional and international maritime and air transport gateways;</li> <li>- Strengthening intra-ASEAN maritime and shipping transport services; and</li> <li>- Establishment of enabling and conducive policy environment for increased private sector involvement and/or public-private partnerships in the development of transport infrastructure and the provision and operation of transport logistics facilities and services.</li> </ul>	Senior Transport Officials Meeting (STOM)	beginning 2005
<b>VII</b>	<b>Outsourcing and Industrial Complementation</b>		
20	Identify and develop specialisation of production processes, research and development (R&D), and testing facilities based on comparative advantages of individual Member States	Working Group on Industrial Cooperation (WGIC), with inputs from the private sector	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
21	Develop guidelines to promote outsourcing arrangements among Member States, as applicable.		
<b>VIII</b>	<b>ASEAN Integration System of Preferences</b>		
22	Endeavour to expand the coverage of the ASEAN Integration System of Preferences (AISP) Scheme by including products in the priority integration sectors	CCCA	on-going
<b>IX</b>	<b>Investments</b>		
23	Accelerate the opening up of sectors currently in the Sensitive List (SL) by transferring these sectors into the Temporary Exclusion List (TEL) under the Framework Agreement on the ASEAN Investment Area, using the ASEAN-X formula.	Coordinating Committee on Investment (CCI)	beginning 2004
24	Reduce restrictive investment measures in the SL		beginning 2004
25	Complete the progressive elimination of restrictive investment measures in the TEL		on-going <sup>2</sup>
26	Identify programmes and activities to promote investments in ASEAN		31 December 2005
27	Promote manufacturing processes across different ASEAN countries to take advantage of their comparative strengths through: <ul style="list-style-type: none"> <li>- the establishment of a network of ASEAN free trade zones to facilitate outsourcing activities</li> <li>- undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI</li> </ul>		beginning 2005  on-going
28	Promote and facilitate joint/cross border investments in manufacturing activities through: <ul style="list-style-type: none"> <li>- special incentives, where appropriate, to be given by CLMV for investments from ASEAN</li> </ul>		on-going

<sup>2</sup> Timelines in accordance with AIA Agreement (ASEAN-6 = 2010; Vietnam = 2013; Cambodia, Laos and Myanmar = 2015)

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	<ul style="list-style-type: none"> <li>- special measures, where appropriate to be given by ASEAN 6 to promote and facilitate relocation of investment to CLMV countries especially for labour intensive manufacturing activities</li> </ul>		
<b>X</b>	<b>Trade and Investment Promotion</b>		
29	Intensify intra- and extra ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going beginning 2005
30	Organise regular private sector initiatives to undertake: <ul style="list-style-type: none"> <li>- more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and</li> <li>- promotional activities to assist CLMV countries</li> </ul>	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going beginning 2005
31	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
<b>XI</b>	<b>Intra-ASEAN Trade and Investment Statistics</b>		
32	Establish an effective system to monitor intra-ASEAN trade and investment through: <ul style="list-style-type: none"> <li>- provision of updates to the ASEAN Secretariat of the latest trade (goods and services) and investment statistics</li> <li>- preparation of consolidated industry profile, by the respective associations, which among other matters, cover information such as production capacity and product range</li> </ul>	Working Group on Statistics; Working Group on Foreign Direct Investment Statistics; and CCCA	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XII</b>	<b>Intellectual Property Rights</b>		
33	Expand the scope of ASEAN intellectual property rights cooperation beyond trademarks and patents by including cooperation in copyrights information exchange and enforcement	ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)	31 December 2004
<b>XIII</b>	<b>Trade in Services</b>		
34	<p>Member States shall accelerate the liberalisation of trade in services earlier than 2020. This could be achieved through:</p> <ul style="list-style-type: none"> <li>- Setting clear targets and schedules of services liberalisation for each priority sector and each round towards achieving freer flow of trade in services by 2010;</li> <li>- Accelerating the development of Mutual Recognition Arrangements (MRAs);</li> <li>- The application of the ASEAN-X formula; and</li> <li>- Promotion of joint ventures and cooperation, including in third country markets.</li> </ul>	Coordinating Committee on Services (CCS) and CCI	<p>on-going</p> <p>before 2008</p> <p>on-going</p> <p>on-going</p>
<b>XIV</b>	<b>Movement of Business Persons, Skilled Labour, Talents and Professionals</b>		
35	Develop an ASEAN Agreement to facilitate the movement of business persons, including the adoption of an ASEAN Travel Card, taking into account Member States' domestic laws and regulations.	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2005
36	Develop an ASEAN Agreement to facilitate the movement of experts, professionals, skilled labor and talents, taking into account Member States' domestic laws and regulations	CCS	31 December 2005
37	Accelerate completion of MRAs to facilitate free movement of experts, professionals, skilled labor and talents in ASEAN, taking into account Member States' domestic laws and regulations		31 December 2008

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
<b>XV</b>	<b>Facilitation of Travel in ASEAN</b>		
38	Harmonise procedures for the issuance of visas to international travelers	DGICM	31 December 2004
39	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
<b>XVI</b>	<b>Human Resource Development</b>		
40	Develop and upgrade skills and capacity building through joint trainings and workshops.	Senior Labour Officials Meeting (SLOM)	on-going
<b>SPECIFIC ISSUES</b>			
<b>XVII</b>	<b>Investments</b>		
41	Allow higher share of ASEAN ownership / participation in selected healthcare establishments, subject to domestic laws and regulations of each ASEAN country, on an ASEAN-X basis	CCS and CCI	on-going
42	Set up "one-stop centre" in each ASEAN country responsible for facilitating investments, including healthcare projects	CCI	31 December 2008
<b>XVIII</b>	<b>Standards and Conformity</b>		
	<b>Pharmaceutical Products</b>		
43	Study the feasibility of an ASEAN Mutual Recognition Arrangement (MRA) for pharmaceutical / medicinal products	ACCSQ Pharmaceutical Product Working Group (PPWG)	30 December 2005
44	Implement the ASEAN Common Technical Dossier		31 December 2008
45	Harmonise the labelling standards for pharmaceutical/medicinal products		31 December 2006
46	Explore the feasibility of adopting a harmonised placement system for pharmaceutical / medicinal products into the ASEAN markets		31 December 2009
47	To facilitate the approval process, the ASEAN-X formula can be applied. The recognition of the approval process can only be realised when Member States fully implement the ACTD		after 31 December 2008

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
48	Explore the feasibility of implementing a flexible twinning system, where member states voluntarily pair with one or other member states to co-operate in enhancing mutual regulatory capacity and resource development		on-going
49	Formalise a post-marketing alert system for defective and unsafe pharmaceutical/medicinal products.		31 December 2005
	<b>Cosmetics</b>		
50	Accelerate implementation of the ASEAN Harmonised Cosmetic Regulatory Scheme (AHCRRS), and automatic listing for cosmetics products	ACCSQ ASEAN Cosmetics Committee (ACC)	1 January 2008
51	Formalise a post-marketing alert system for defective or unsafe cosmetic products		31 December 2005
	<b>Medical Device and Equipment</b>		
52	<p>Medical Device and Equipment Working Group to look into integration measures, which includes the following:</p> <ul style="list-style-type: none"><li>- Developing a common submission dossier template for product approval in ASEAN</li><li>- Exploring the feasibility of an abridged approval process for medical devices which regulators of benchmarked countries or recognised regional regulators have approved</li><li>- Exploring the feasibility of adopting of a harmonised system of placement of medical devices into the ASEAN markets based on a common product approval process</li><li>- Formalising of a post-marketing alert system for defective or unsafe medical devices or equipment</li><li>- All ASEAN countries to consider joining the Asian Harmonisation Work Party (AHWP) and work in</li></ul>	ACCSQ Medical Device and Equipment Working Group	beginning 2005

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
	parallel with the Global Harmonisation Task Force (GHTF) on technical harmonisation efforts		
<b>Traditional Medicines and Health Supplements</b>			
53	Exchange, review and analyse information on the existing regulatory framework/regime including standard definition, terminologies, and technical infrastructure in Member Countries	ACCSQ Traditional Medicines and Health Supplements Working Group (TMHSWG)	31 December 2006
54	Identify areas for possible harmonisation and MRAs		31 December 2009
55	Study the existing regulatory frameworks/regime of selected countries and internationally accepted technical guidelines		31 December 2006
56	Enhance the technical infrastructure including mutual confidence in testing and conformity assessment		2004 onwards
57	Formalisation of a post-marketing alert system for unsafe traditional medicine or health supplements		31 December 2007
<b>XIX</b>	<b>Capacity Building</b>		
58	More established ASEAN countries to provide training and host attachment programmes for medical and health-related workers from less developed ASEAN member states.	Relevant ASEAN Professional Associations, e.g., ASEAN Association of Radiologists	on-going
59	Provide more exchanges and training for medical and health-related professionals from less developed member states. This is especially necessary for areas of key shortages like specialists and skilled operators of medical equipment MRI and CT scanners		
60	To strengthen cooperation within ASEAN countries in the area of capacity building, i.e., exchange of experts, regulatory infrastructure and human resource development, within available resources	ACCSQ	on-going



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
61	Member states to consider modelling their technical standards and regulations after ASEAN harmonised technical standards and regulations which is to be evolved from acceptable international or regional technical standards and regulations. This lowers the cost of setting up regulations and is a step towards harmonisation of regulations within ASEAN		
<b>XX</b>	<b>Movement of Patients</b>		
62	Minimise visa requirements for intra-ASEAN travel by ASEAN nationals to facilitate cross border movement of patients and accompanying persons	CCS and DGICM	31 December 2005

✖



## ASEAN SECTORAL INTEGRATION PROTOCOL FOR TOURISM

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the tourism sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the tourism sector.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors; and
  - (b) Specific measures that are of direct relevance to the tourism sector.
2. All categories of measures shall be pursued in parallel.
3. SEOM may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 APPENDICES**

1. The Roadmap for Integration of Tourism Sector shall be Appendix I to this Protocol and shall form an integral part of it.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 4 of this Protocol.


## **ARTICLE 4 FINAL PROVISIONS**

1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Tourism Sector attached to this Protocol.
4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Tourism.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
the Kingdom of Cambodia



CHAM PRASIDH  
Senior Minister  
Minister of Commerce

For the Government of  
the Republic of Indonesia



MARI ELKA PANGESTU  
Minister of Trade

For the Government of  
the Lao People's Democratic Republic



SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia



RAFIDAH AZIZ  
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For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade

**APPENDIX I  
ROADMAP FOR INTEGRATION OF TOURISM SECTOR**

**I. OBJECTIVES**

The objectives of this initiative are to:

- Achieve full integration of the Tourism sector across all ASEAN Member Countries in moving towards the end-goal of an ASEAN Economic Community as directed by Leaders at the Bali Summit in October 2003
- Strengthen regional integration efforts through liberalisation, facilitation, and promotion measures to ensure full integration of the Tourism sector by 2010
- Enhance competitiveness of tourism sector within ASEAN in order to promote ASEAN as a single tourism destination
- Promote private sector participation and out-sourcing programme within ASEAN.

**II. MEASURES**

The integration measures include both common issues cutting across all sectors and specific issues to the tourism sector.

**III. COVERAGE**

The sub-sectors subject to services liberalisation appear as Attachment 1.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
COMMON ISSUES			
I	Liberalisation of Trade in Services		
1	Member States shall accelerate the liberalisation of trade in services earlier than 2020. This could be achieved through: - Setting clear targets and schedules of services liberalisation for each priority sector and each round towards achieving freer flow of trade in services by 2010; and - The application of the ASEAN-X formula	Coordinating Committee on Services (CCS) and Coordinating Committee on Investment (CCI)	on-going
2	Accelerating the development of Mutual Recognition Arrangements (MRAs);	CCS	before 2008
3	Promotion of joint ventures and cooperation, including in third country markets	CCS and CCI	on-going
II	Facilitation of Travel in ASEAN		
4	Harmonise procedures for the issuance of visas to international travelers	Directors-General of Immigration Departments and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM)	31 December 2004
5	Provide visa exemption for intra-ASEAN travel by ASEAN nationals		2005
III	Trade and Investment Promotion		
6	Intensify intra- and extra-ASEAN joint promotion efforts regularly	CCI; ASEAN Chambers of Commerce and Industry (ASEAN-CCI); and relevant Industry Clubs/Associations	on-going
7	Organise regular private sector initiatives to undertake: - undertaking more efficient joint ASEAN facilitation and promotion measures to promote FDI ASEAN selling-buying missions; and - promotional activities to assist CLMV countries	CCI; ASEAN Business Advisory Council (ASEAN-BAC); and ASEAN-CCI	on-going

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
8	Undertake more effective joint ASEAN facilitation in promotion measures and develop new sources of inward foreign direct investments, particularly from potential countries such as the People's Republic of China, India and the Republic of Korea		on-going
<b>IV Human Resource Development</b>			
9	Develop and upgrade skills and capacity building through joint trainings and workshops	Senior Labour Officials Meeting (SLOM)	on-going
<b>SPECIFIC ISSUES</b>			
<b>V Acceleration of the liberalisation of tourism sector</b>			
10	Eliminate the limitations on market access and national treatment to achieve freer flow of trade in tourism sector	CCS	31 December 2010
<b>VI ASEAN Tourism Promotion and Marketing</b>			
11	Encourage the private sector to engage in a joint promotion and marketing of ASEAN tourism activities such as the launching of the ASEAN Hip Hop Pass	ASEAN Tourism Association (ASEANTA)	beginning April 2004
12	Provide diverse ASEAN tourist attractions by promoting a collective tourism package to include, among others, the main markets of China, Japan, Republic of Korea and India	Task Force on ASEAN Tourism Marketing	by 2005
13	Member countries collectively use Visit ASEAN Campaign Logo in exhibitions, media, and publication in their campaigns to promote ASEAN as a single tourism destination		by 2004
14	Collectively organise an ASEAN Tourism Area in international tourism fairs to continuously promote ASEAN as a single tourism destination		31 December 2005
15	Work towards the televised promotion of ASEAN by Leaders as a single destination for tourism and investment.		regularly



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
16	Set up criteria for an ASEAN Tourism Heritage site and procedures for an ASEAN Heritage Award	National Tourism Organisation (NTO) of Thailand	before ATF 2005
<b>VII</b>	<b>Tourism Investment</b>		
17	Provide incentives in the development of tourism infrastructure so as to encourage private investment to ASEAN countries	ASEAN NTOs	beginning December 2004
18	Provide support and facilitate implementation for the tourism projects approved under the ASEAN Pioneer Project Scheme (APPS)	Focal Points / NTOs and ASEAN BAC	beginning 2005
19	Undertake a study to identify tourism areas that can be attractive for investment and measures to be pursued to promote investment in tourism	NTOs and CCI	by 2005
20	Develop and implement eco-tourism project to promote investment in tourism	NTO Thailand	beginning 2005
<b>VIII</b>	<b>Tourism Standards</b>		
21	Establish ASEAN tourism standards, by initially working on the development of hotel standards that would focus on environmental management certification system of hotel	ASEAN NTOs	by 2005
<b>IX</b>	<b>Human Resource Development</b>		
22	Establish ASEAN minimum competency standards for tourism professionals	Task Force on Tourism Manpower Development	31 December 2005
23	Establish a Tourism Resource Management and Development Network		31 December 2004
24	Strengthen HRD activities through the development of an intra-ASEAN curriculum covering exchange programme, cross-training, and cross-certification activities	ASEAN NTOs	beginning 2004

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
25	Initiate a study to establish and strengthen collaborative networks among all tourism-related stakeholders and to create ASEAN Databank to facilitate the growth of tourism	Asian Development Research Forum (ADRF) and Thailand Research Fund (TRF)	30 June 2005
X	<b>Facilitation of Travel in ASEAN</b>		
26	Study the feasibility of developing some types of visa facilitation for non-ASEAN travelers traveling within ASEAN	DGICM	beginning 2005

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## ASEAN SECTORAL INTEGRATION PROTOCOL FOR AIR TRAVEL<sup>1</sup>

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

**DESIRING** that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterises the region into opportunities and business complementation to make ASEAN a more dynamic and stronger segment of the global supply chain;

**NOTING** that as a first step towards the realisation of the ASEAN Economic Community, the Leaders have signed the ASEAN Framework Agreement for the Integration of Priority Sectors on 30<sup>th</sup> November 2004 in Vientiane, Lao PDR (hereinafter referred to as the "Framework Agreement");

**HAVING** carried out an initial round of negotiations and concluded the roadmap for the full integration of the air travel sector in ASEAN,

**HAVE AGREED AS FOLLOWS:**

### ARTICLE 1 OBJECTIVE

The objective of this Protocol is to spell out measures as in the Roadmap referred to in Article 2 to be taken by Member States on a priority basis so as to enable the progressive, expeditious and systematic integration of the air travel sector.

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<sup>1</sup> Air travel shall be deemed to refer to air transport.

## **ARTICLE 2 MEASURES**

1. The integration measures to be pursued are grouped into two broad categories, taking into account existing agreements or earlier relevant committed measures, namely:
  - (a) Common measures which cut across all priority sectors as specified in the Framework Agreement; and
  - (b) Specific measures that are of direct relevance to the air travel sector.
2. All categories of measures shall be pursued in parallel.
3. The ASEAN Transport Ministers (ATM) through STOM and its relevant Working Group(s) may conduct additional negotiations, as and when necessary, to consider new integration measures for the sector.

## **ARTICLE 3 APPENDICES**

1. The Roadmap for Integration of Air Travel Sector shall be Appendix I to this Protocol and shall form an integral part of it.
2. Additional measures other than those identified in the Appendix I may be introduced, as and when deemed necessary through an amendment pursuant to paragraph 2 of Article 4 of this Protocol.

## **ARTICLE 4 FINAL PROVISIONS**

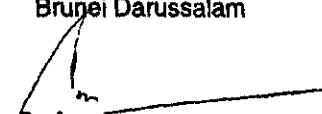
1. Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Protocol.
2. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.
3. This Protocol shall enter into force on 31 August 2005. Notwithstanding the specified date of entry into force, Member States undertake to carry out the obligations which arise prior to the date of entry into force of this Protocol in accordance with the timelines indicated in the Framework Agreement for the Integration of Priority Sectors and the Roadmap for Integration of Air Travel Sector attached to this Protocol.

4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall furnish a certified copy to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Sectoral Integration Protocol for Air Travel.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
the Kingdom of Cambodia



CHAM PRASIDH  
Senior Minister  
Minister of Commerce

For the Government of  
the Republic of Indonesia



MARIELKA PANGESTU  
Minister of Trade

For the Government of  
the Lao People's Democratic Republic



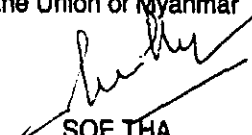
SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia




RAFIDAH AZIZ  
Minister of International Trade  
and Industry

For the Government of  
the Union of Myanmar



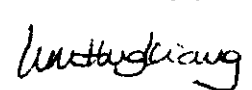
SOE THA  
Minister of National Planning and  
Economic Development

For the Government of  
the Republic of the Philippines



CESAR V. PURISIMA  
Secretary of Trade and Industry

For the Government of  
the Republic of Singapore



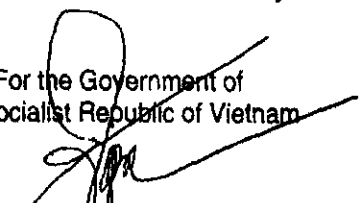
LIM HNG KIANG  
Minister for Trade and Industry

For the Government of  
the Kingdom of Thailand



WATANA MUANGSOOK  
Minister of Commerce

For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade

**APPENDIX I**  
**ROADMAP FOR INTEGRATION OF AIR TRAVEL SECTOR<sup>1</sup>**

**I. OBJECTIVE**

The objective of this initiative is to advance the full liberalisation of air transport services in ASEAN, to achieve the ASEAN Leaders' vision of Open Sky in the ASEAN region. This Roadmap will build upon the Roadmap for ASEAN Competitive Air Services Policy adopted by the Ninth ATM Meeting in Yangon, Myanmar in October 2003. The Roadmap will complement the overall policy goals of the Action Plan for ASEAN Air Transport Integration and Liberalisation to be adopted at the Tenth ATM in Phnom Penh, Cambodia in November 2004.

**II. MEASURES**

This Roadmap provides concrete actions that ASEAN Member Countries shall pursue to achieve greater and significant air transport liberalisation in ASEAN, through a staged and progressive implementation. This roadmap includes issues specific to a) Liberalisation of air freight services; and b) Liberalisation of scheduled passenger services.

In the implementation, two or more ASEAN Member Countries who are ready can negotiate, conclude and sign implementing agreements/arrangements in line with the ASEAN-X Formula, on a plurilateral, multilateral or sub-regional basis. The other Member Countries could join in the implementation when they are ready. ASEAN Member Countries can also conclude more liberal bilateral arrangements for air services liberalisation.

ASEAN Member Countries shall be provided flexibility with regard to the implementation of the proposed timeline for the specific measures.

**III. COVERAGE**

The liberalisation measures will cover the movement/carriage of both passengers and cargo or freight by air transport.

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<sup>1</sup> Air travel shall be deemed to refer to air transport.

NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
SPECIFIC ISSUES			
I	Liberalisation of Air Freight Services		
1	Liberalisation of air freight services with no limitation of third and fourth freedom traffic rights and with increased tonnage and additional designated points to those stated in the ASEAN MOU on Air Freight Services (2002)	Senior Transport Officials Meeting (STOM) through Air Transport Working Group (ATWG)	December 2006
2	Full liberalisation of ASEAN air freight services		December 2008
II	Liberalisation of Scheduled Passenger Services		
3	Liberalisation of scheduled passenger services with no limitations on third and fourth freedom traffic rights for all designated points within the ASEAN sub-regions	STOM through ATWG	December 2005
4	Liberalisation of scheduled passenger services with no limitations on third and fourth freedom traffic rights for at least two designated points in each country between the ASEAN sub-regions		December 2006
5	Liberalisation of scheduled passenger services with no limitations on fifth freedom traffic rights for all designated points within the ASEAN sub-regions		December 2006
6	Liberalisation of scheduled passenger services with no limitations on fifth freedom traffic rights for at least two designated points in each country between the ASEAN sub-regions		December 2008
7	ASEAN-wide liberalisation of scheduled passenger services, with no limitations on third and fourth freedom traffic rights for the capital city in each ASEAN Member Country		December 2008



NO.	MEASURES	IMPLEMENTING BODY	TIMELINE
8	ASEAN-wide liberalisation of scheduled passenger services, with no limitations on fifth freedom traffic rights for the capital city in each ASEAN Member Country		December 2010
III	<b>Enhancing Capacity Building Programmes</b>		
9	Enhancing capacity building programmes to facilitate transition towards full air services liberalisation	STOM through ATWG	2005-2010

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## **ASEAN PROTOCOL ON ENHANCED DISPUTE SETTLEMENT MECHANISM**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the 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 States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

**RECALLING** the Framework Agreement on Enhancing ASEAN Economic Cooperation signed in Singapore on 28 January 1992, as amended by the Protocol to Amend the Framework Agreement on Enhancing ASEAN Economic Cooperation signed in Bangkok on 15 December 1995 (the "Agreement") and the Protocol on Dispute Settlement Mechanism signed in Manila on 20 November 1996 (the "1996 Protocol on DSM");

**FURTHER RECALLING** that the 9th ASEAN Summit held in Bali on 7-8 October 2003, had decided on institutional strengthening of ASEAN, including the improvement of the ASEAN Dispute Settlement Mechanism, as reflected in the Bali Concord II;

**DESIRING** to replace the 1996 Protocol on DSM with the ASEAN Protocol on Enhanced Dispute Settlement Mechanism (hereinafter referred to as "Protocol");

**HAVE AGREED AS FOLLOWS:**

### **ARTICLE 1 Coverage and Application**

1. The rules and procedures of this Protocol shall apply to disputes brought pursuant to the consultation and dispute settlement provisions of the Agreement as well as the agreements listed in Appendix I and future ASEAN economic agreements (the "covered agreements").
2. The rules and procedures of this Protocol shall apply subject to such special or additional rules and procedures on dispute settlement contained in the covered agreements. To the extent that there is a difference between the rules and procedures of this Protocol and the special or additional rules and procedures in the covered agreements, the special or additional rules and procedures shall prevail.

3. The provisions of this Protocol are without prejudice to the rights of Member States to seek recourse to other fora for the settlement of disputes involving other Member States. A Member State involved in a dispute can resort to other fora at any stage before a party has made a request to the Senior Economic Officials Meeting ("SEOM") to establish a panel pursuant to paragraph 1 Article 5 of this Protocol.

## **ARTICLE 2**

### **Administration**

1. The SEOM shall administer this Protocol and, except as otherwise provided in a covered agreement, the consultation and dispute settlement provisions of the covered agreements. Accordingly, the SEOM shall have the authority to establish panels, adopt panel and Appellate Body reports, maintain surveillance of implementation of findings and recommendations of panel and Appellate Body reports adopted by the SEOM and authorise suspension of concessions and other obligations under the covered agreements.
2. The SEOM and other relevant ASEAN bodies shall be notified of mutually agreed solutions to matters formally raised under the consultation and dispute settlement provisions of the covered agreements.

## **ARTICLE 3**

### **Consultations**

1. Member States shall accord adequate opportunity for consultations regarding any representations made by other Member States with respect to any matter affecting the implementation, interpretation or application of the Agreement or any covered agreement. Any differences shall, as far as possible, be settled amicably between the Member States.
2. Member States which consider that any benefit accruing to them directly or indirectly, under the Agreement or any covered agreement is being nullified or impaired, or that the attainment of any objective of the Agreement or any covered agreement is being impeded as a result of failure of another Member State to carry out its obligations under the Agreement or any covered agreement, or the existence of any other situation may, with a view to achieving satisfactory settlement of the matter, make representations or proposals to the other Member State concerned, which shall give due consideration to the representations or proposals made to it.

3. All such requests for consultations shall be notified to the SEOM. Any request for consultations shall be submitted in writing and shall give the reason for the request including identification of the measures at issue and an indication of the legal basis for the complaint.
4. If a request for consultations is made, the Member State to which the request is made shall reply to the request within ten (10) days after the date of its receipt and shall enter into consultations within a period of thirty (30) days after the date of receipt of the request, with a view to reaching a mutually satisfactory solution.
5. In cases of urgency, including those which concern perishable goods, the parties to the dispute, panels and the Appellate Body shall make every effort to accelerate the proceedings to the greatest extent possible.

#### **ARTICLE 4**

##### **Good Offices, Conciliation or Mediation**

1. Member States which are parties to a dispute may at any time agree to good offices, conciliation or mediation. They may begin at any time and be terminated at any time. Once procedures for good offices, conciliation or mediation are terminated, a complaining party may then proceed with a request to the SEOM for the establishment of a panel.
2. If the parties to a dispute agree, procedures for good offices, conciliation or mediation may continue while the panel process proceeds.
3. The Secretary-General of ASEAN may, acting in an *ex officio* capacity, offer good offices, conciliation or mediation with the view to assisting Member States to settle a dispute.

#### **ARTICLE 5**

##### **Establishment of Panels**

1. If the Member State to which the request for consultations is made does not reply within ten (10) days after the date of receipt of the request, or does not enter into consultations within a period of thirty (30) days after the date of receipt of the request, or the consultations fail to settle a dispute within sixty (60) days after the date of receipt of the request, the matter shall be raised to the SEOM if the complaining party wishes to request for a panel. The panel shall be established by the SEOM, unless the SEOM decides by consensus not to establish a panel.
2. A panel shall be established at the meeting of the SEOM held immediately after the receipt of the request for a panel and accordingly the request shall be placed on the agenda of the SEOM at that meeting.

In the event that no the SEOM meeting is scheduled or planned within forty five (45) days of receipt of the request, the establishment of the panel or the decision not to establish it shall be done or taken, as the case may be, by circulation. A non-reply shall be considered as agreement to the request for the establishment of a panel. The issue of the establishment of the panel shall be settled within the forty five (45) day-period, irrespective of whether it is settled at the SEOM or by circulation.

3. The request for the establishment of a panel shall be made in writing. It shall indicate whether consultations were held, identify the specific measures at issue and provide a brief summary of the legal basis of the complaint sufficient to present the problem clearly. In case the complainant requests the establishment of a panel with other than standard terms of reference, the written request shall include the proposed text of the special terms of reference.

#### **ARTICLE 6**

##### **Terms of Reference of Panels**

1. Panels shall have the following terms of reference unless the parties to the dispute agree otherwise prior to the establishment of a panel:  
  
"To examine in the light of the relevant provisions in (name of the covered agreement(s) cited by the parties to the dispute), the matter referred to the SEOM by (name of party) in (document) ... and to make such findings as will assist the SEOM in the adoption of the panel report or in making its decision not to adopt the report."
2. Panels shall address the relevant provisions in any covered agreement or agreements cited by the parties to the dispute.
3. In establishing a panel, the SEOM may authorise its Chairman to draw up the terms of reference of the panel in consultation with the parties to the dispute, notwithstanding the provisions in paragraph 1 hereof. The terms of reference thus drawn up shall be circulated to all Member States. If other than standard terms of reference are agreed upon, any Member State may raise any point relating thereto with the SEOM at the time of establishment of a panel.

#### **ARTICLE 7**

##### **Function of Panel**

The function of the panel is to make an objective assessment of the dispute before it, (including an examination of the facts of the case and the applicability

of and conformity with the sections of the Agreement or any covered agreements) and its findings and recommendations in relation to the case.

#### **ARTICLE 8**

##### **Panel Procedures, Deliberations and Findings**

1. A panel shall, apart from the matters covered in Appendix II regulate its own procedures in relation to the rights of parties to be heard and its deliberations.
2. A panel shall submit its findings and recommendations to the SEOM in the form of a written report within sixty (60) days of its establishment. In exceptional cases, the panel may take an additional ten (10) days to submit its findings and recommendations to the SEOM.
3. Before submitting its findings and recommendations to the SEOM, the panel shall accord adequate opportunity to the parties to the dispute to review the report.
4. A panel shall have the right to seek information and technical advice from any individual or body which it deems appropriate. A Member State shall respond promptly and fully to any request by a panel for such information as the panel considers necessary and appropriate.
5. Panel deliberations shall be confidential. The reports of panels shall be drafted without the presence of the parties to the dispute in the light of the information provided and the statements made.

#### **ARTICLE 9**

##### **Treatment of Panel Report**

1. The SEOM shall adopt the panel report within thirty (30) days of its submission by the panel unless a party to the dispute formally notifies the SEOM of its decision to appeal or the SEOM decides by consensus not to adopt the report. If a party has notified its decision to appeal, the report by the panel shall not be considered for adoption by the SEOM until after the completion of the appeal. SEOM representatives from Member States which are parties to a dispute can be present during the deliberations of the SEOM.
2. In the event that no meeting of the SEOM is scheduled or planned to enable adoption or non-adoption of the panel report, as the case may be, within the thirty (30) day period in paragraph 1 hereof, the adoption shall be done by circulation. A non-reply shall be considered as acceptance of the decision and/or recommendation in the panel report. The adoption or non-adoption shall be completed within the thirty (30) day

period in paragraph 1 hereof, notwithstanding the resort to a circulation process.

#### **ARTICLE 10**

##### **Procedures for Multiple Complainants**

1. Where more than one Member State requests the establishment of a panel related to the same matter, a single panel may be established to examine these complaints taking into account the rights of all Member States concerned. A single panel should be established to examine such complaints whenever feasible.
2. The single panel shall organize its examination and present its findings and recommendations to the SEOM in such a manner that the rights which the parties to the dispute would have enjoyed had separate panels examined the complaints are in no way impaired. If one of the parties to the dispute so requests, the panel shall submit separate reports on the dispute concerned. The written submissions by each of the complainants shall be made available to the other complainants, and each complainant shall have the right to be present when any one of the other complainants presents its views to the panel.
3. If more than one panel is established to examine the complaints related to the same matter, to the greatest extent possible, the same persons shall serve as panelists on each of the separate panels and the timetable for the panel process in such disputes shall be harmonized.

#### **ARTICLE 11**

##### **Third Parties**

1. The interests of the parties to a dispute and those of other Member States under a covered agreement at issue in the dispute shall be fully taken into account during the panel process.
2. Any Member State having a substantial interest in a matter before a panel and having notified its interest to the SEOM (referred to in this Protocol as a "third party") shall have an opportunity to be heard by the panel and to make written submissions to the panel. These submissions shall also be given to the parties to the dispute and shall be reflected in the panel report.
3. Third parties shall receive the submissions of the parties to the dispute to the first substantive meeting of the panel.
4. If a third party considers that a measure already the subject of a panel proceeding nullifies or impairs benefits accruing to it under any covered agreement, that Member State may have recourse to normal dispute settlement

procedures under this Protocol. Such a dispute shall be referred to the original panel wherever possible.

## **ARTICLE 12**

### **Appellate Review**

1. An Appellate Body shall be established by the ASEAN Economic Ministers ("AEM"). The Appellate Body shall hear appeals from panel cases. It shall be composed of seven (7) persons, three (3) of whom shall serve on any one case. Persons serving on the Appellate Body shall serve on cases in rotation. Such rotation shall be determined in the working procedures of the Appellate Body.
2. The AEM shall appoint persons to serve on the Appellate Body for a four-year term, and each person may be reappointed once. A person appointed to replace a person whose term of office has not expired shall hold office for the remainder of the predecessor's term.
3. The Appellate Body shall comprise of persons of recognised authority, irrespective of nationality, with demonstrated expertise in law, international trade and the subject matter of the covered agreements generally. They shall be unaffiliated with any government. All persons serving on the Appellate Body shall be available at all times and on short notice, and shall stay abreast of dispute settlement activities and other relevant activities of ASEAN. They shall not participate in the consideration of any disputes that would create a direct or indirect conflict of interest.
4. Only parties to the dispute, not third parties, may appeal a panel report. Third parties, which have notified the SEOM of a substantial interest in the matter pursuant to paragraph 2 of Article 11 may make written submissions to, and be given an opportunity to be heard by the Appellate Body.
5. As a general rule, the proceedings of the Appellate Body shall not exceed sixty (60) days from the date a party to the dispute formally notifies its decision to appeal to the date the Appellate Body circulates its report. In fixing its timetable the Appellate Body shall take into account the provisions of paragraph 5 of Article 3. When the Appellate Body considers that it cannot provide its report within sixty (60) days, it shall inform the SEOM in writing of the reasons for the delay together with an estimate of the period within which it will submit its report. In no case shall the proceedings exceed ninety (90) days.
6. An appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel.



7. The Appellate Body shall be provided with the appropriate administrative and legal support as it requires.
8. Working procedures of the Appellate Body shall be drawn up by the SEOM. Any amendments thereto, shall be drawn up from time to time as necessary by the Appellate Body in consultation with the SEOM and the Secretary-General of ASEAN, and communicated to the Member States for their information.
9. The proceedings of the Appellate Body shall be confidential. The reports of the Appellate Body shall be drafted without the presence of the parties to the dispute and in the light of the information provided and the statements made.
10. Opinions expressed in the Appellate Body report by the individuals serving on the Appellate Body shall be anonymous.
11. The Appellate Body shall address each of the issues raised in accordance with paragraph 6 hereof during the appellate proceeding.
12. The Appellate Body may uphold, modify or reverse the legal findings and conclusions of the panel.
13. An Appellate Body report shall be adopted by the SEOM and unconditionally accepted by the parties to the dispute unless the SEOM decides by consensus not to adopt the Appellate Body report within thirty (30) days following its circulation to the Member States. In the event that no meeting of the SEOM is scheduled or planned to enable adoption or non-adoption of the report, as the case may be, within the thirty (30) day period, adoption shall be done by circulation. A non-reply within the said thirty (30) day period shall be considered as an acceptance of the Appellate Body report. This adoption procedure is without prejudice to the rights of Member States to express their views on an Appellate Body report. The adoption process shall be completed within the thirty (30) day period irrespective of whether it is settled at the SEOM or by circulation.

#### **ARTICLE 13**

##### **Communications with the Panel or Appellate Body**

1. There shall be no *ex parte* communications with the panel or Appellate Body concerning matters under consideration by the panel or the Appellate Body.
2. Written submissions to the panel or the Appellate Body shall be treated as confidential, but it shall be made available to the parties to the dispute. Nothing in this Protocol shall preclude a party to a dispute from

disclosing statement of its own positions to the public. Member States shall treat as confidential information submitted by another Member State to the panel or the Appellate Body which that Member State has designated as confidential. A party to a dispute shall also, upon request of a Member State, provide a non-confidential summary of the information contained in its written submissions that could be disclosed to the public.

#### **ARTICLE 14**

##### **Panel and Appellate Body Recommendations**

1. Where a panel or the Appellate Body concludes that a measure is inconsistent with a covered agreement, it shall recommend that the Member State concerned bring the measure into conformity with that agreement. In addition to its recommendations, a panel or the Appellate Body may suggest ways in which the Member State concerned could implement the recommendations.
2. In their findings and recommendations, a panel and the Appellate Body cannot add to or diminish the rights and obligations provided in the covered agreements.
3. The panels and the Appellate Body shall also deal with the issue of expenses to be borne by the parties to the dispute, including third parties, to replenish the ASEAN Dispute Settlement Mechanism ("DSM") Fund as part of their findings and recommendations. The panels and the Appellate Body may apportion the expenses in the manner appropriate to the particular case.

#### **ARTICLE 15**

##### **Surveillance of Implementation of Findings and Recommendations**

1. Since prompt compliance with the findings and recommendations of panel and Appellate Body reports adopted by the SEOM is essential in order to ensure effective resolution of disputes, parties to the dispute who are required to do so shall comply with the findings and recommendations of panel reports adopted by the SEOM within sixty (60) days from the SEOM's adoption of the same, or in the event of an appeal sixty (60) days from the SEOM's adoption of the findings and recommendations of the Appellate Body reports, unless the parties to the dispute agree on a longer time period.
2. When a party to the dispute requests for a longer time period for compliance, the other party shall take into account the circumstances of the particular case and accord favourable consideration to the complexity of the actions required to comply with the findings and

recommendations of panel and Appellate Body reports adopted by the SEOM. The request for a longer period of time shall not be unreasonably denied. Where it is necessary to pass national legislation to comply with the findings and recommendations of panel and Appellate Body reports, a longer period appropriate for that purpose shall be allowed.

3. The decision of the parties on the extension of time shall be made within fourteen (14) days from the SEOM's adoption of the findings and recommendations of the panel report, or in the event of an appeal fourteen (14) days from the SEOM's adoption of the findings and recommendations of the Appellate Body's reports.
4. Any party required to comply with the findings and recommendations shall provide the SEOM with a status report in writing of their progress in the implementation of the findings and recommendations of panel and Appellate Body reports adopted by the SEOM.
5. Where there is disagreement as to the existence or consistency with a covered agreement of measures taken to comply with the findings and recommendations of panel and Appellate Body reports adopted by the SEOM such dispute shall be decided through recourse to these dispute settlement procedures, including wherever possible resort to the original panel. The panel shall circulate its report within sixty (60) days, after the date of referral of the matter to it. When the panel considers that it cannot provide its report within this time frame, it shall inform the SEOM in writing of the reasons for the delay together with an indication of the period within which it will submit its report. In no case shall the proceedings for this purpose and the submission of the report exceed ninety (90) days after the date of reference of the matter to the panel.
6. The SEOM shall keep under surveillance the implementation of the findings and recommendations of panel and Appellate Body reports adopted by it. The issue of implementation of the findings and recommendations of panel and Appellate Body reports adopted by the SEOM may be raised at the SEOM by any Member State at any time following their adoption. Unless the SEOM decides otherwise, the issue of implementation of the findings and recommendations of panel and Appellate Body reports adopted by the SEOM shall be placed on the agenda of the SEOM meeting and shall remain on the SEOM's agenda until the issue is resolved. At least ten (10) days prior to each such the SEOM meeting, the party concerned shall provide the SEOM with a status report in writing of its progress in the implementation of the findings and recommendations of panel and Appellate Body reports adopted by the SEOM.

**ARTICLE 16**  
**Compensation and the Suspension of Concessions**

1. Compensation and the suspension of concessions or other obligations are temporary measures available in the event that the findings and recommendations of panel and Appellate Body reports adopted by the SEOM are not implemented within the period of sixty (60) days or the longer time period as agreed upon by the parties to the dispute as referred to in Article 15. However, neither compensation nor the suspension of concessions or other obligations is preferred to full implementation of a recommendation to bring a measure into conformity with the covered agreements. Compensation is voluntary and, if granted, shall be consistent with the covered agreements.
2. If the Member State concerned fails to bring the measure found to be inconsistent with a covered agreement into compliance therewith or otherwise comply with the findings and recommendations of panel and Appellate Body reports adopted by the SEOM within the period of sixty (60) days or the longer time period as agreed upon by the parties to the dispute as referred to in Article 15, such Member State shall, if so requested, and no later than the expiry of the period of sixty (60) days or the longer time period referred to in Article 15, enter into negotiations with any party having invoked the dispute settlement procedures, with a view to developing mutually acceptable compensation. If no satisfactory compensation has been agreed within twenty (20) days after the date of expiry of the period of sixty (60) days or the longer time period as agreed upon by the parties to the dispute as referred to in Article 15, any party having invoked the dispute settlement procedures may request authorization from the SEOM to suspend the application to the Member State concerned of concessions or other obligations under the covered agreements.
3. In considering what concessions or other obligations to suspend, the complaining party shall apply the following principles and procedures:
  - (a) the general principle is that the complaining party should first seek to suspend concessions or other obligations with respect to the same sector(s) as that in which the panel or Appellate Body has found a violation or other nullification or impairment;
  - (b) if that party considers that it is not practicable or effective to suspend concessions or other obligations with respect to the same sector(s), it may seek to suspend concessions or other obligations in other sector(s) under the same agreement;
  - (c) if that party considers that it is not practicable or effective to suspend concessions or other obligations with respect to other sector(s) under the same agreement, and that the circumstances

are serious enough, it may seek to suspend concessions or other obligations under another covered agreement;

(d) in applying the above principles, that party shall take into account:

- (i) the trade in the sector or under the agreement under which the panel or Appellate Body has found a violation or other nullification or impairment, and the importance of such trade to that party;
- (ii) the broader economic elements related to the nullification or impairment and the broader economic consequences of the suspension of concessions or other obligations;

(e) for purposes of this paragraph, "sector" means:

- (i) with respect to goods, all goods;
- (ii) with respect to services, a principal sector as identified in the current schedules of commitments under the ASEAN Framework Agreement on Services (AFAS).

(f) for purposes of this paragraph, "agreement" means:

- (i) with respect to goods, the agreements in relation to goods listed in Appendix I to this Protocol;
- (ii) with respect to services, the ASEAN Framework Agreement of Services and subsequent protocols;
- (iii) any other covered agreement as defined in Article 1 of this Protocol.

4. The level of the suspension of concessions or other obligations authorized by the SEOM shall be equivalent to the level of the nullification or impairment.

5. The SEOM shall not authorise suspension of concessions or other obligations if a covered agreement prohibits such suspension.

6. When the situation described in paragraph 2 hereof occurs, the SEOM, upon request, shall grant authorization to suspend concessions or other obligations within thirty (30) days of the expiry of the sixty (60) day-period or the expiry of the longer period agreed upon by the parties to the dispute, as the case may be, referred to in Article 15, unless the SEOM decides by consensus to reject the request. In the event that no meeting of the SEOM is scheduled or planned to enable authorisation to suspend concessions or other obligations within the thirty (30) day

period, the authorisation shall be done by circulation. A non-reply within the said thirty (30) day period shall be considered as an acceptance of the authorisation. The authorisation process shall be completed within the thirty (30) day period irrespective of whether it is settled at the SEOM or by circulation.

7. However, if the Member State concerned objects to the level of suspension proposed, or claims that the principles and procedures set forth in paragraph 3 have not been followed where a complaining party has requested authorisation to suspend concessions or other obligations pursuant to paragraph 3(b) or (c), the matter shall be referred to arbitration. Such arbitration shall be carried out by the original panel, if members are available, or by an arbitration appointed by the Secretary-General of ASEAN and shall be completed within sixty (60) days after the date of expiry of the sixty (60) day period or the expiry of the longer period agreed upon by the parties to the dispute, as the case may be, referred to in Article 15. Concessions or other obligations shall not be suspended during the course of the arbitration.
8. The arbitrator acting pursuant to paragraph 7 hereof shall not examine the nature of the concessions or other obligations to be suspended but shall determine whether the level of such suspension is equivalent to the level of nullification or impairment. The arbitrator may also determine if the proposed suspension of concessions or other obligations is allowed under the covered agreement. However, if the matter referred to arbitration includes a claim that the principles and procedures set forth in paragraph 3 hereof have not been followed, the arbitrator shall examine that claim. In the event the arbitrator determines that those principles and procedures have not been followed, the complaining party shall apply them consistent with paragraph 3 hereof. The parties shall accept the arbitrator's decision as final and the parties concerned shall not seek a second arbitration. The SEOM shall be informed promptly of the decision of the arbitrator and shall, upon request, grant authorisation to suspend concessions or other obligations where the request is consistent with the decision of the arbitrator, unless the SEOM decides by consensus to reject the request.
9. The suspension of concessions or other obligations shall be temporary and shall only be applied until such time as the measure found to be inconsistent with a covered agreement has been removed, or the Member State that must implement recommendations and findings of the panel and Appellate Body reports adopted by the SEOM provides a solution to the nullification or impairment of benefits, or a mutually satisfactory solution is reached. In accordance with paragraph 6 of Article 15, the SEOM shall continue to keep under surveillance the implementation of adopted recommendations and findings of the panel and Appellate Body reports adopted by the SEOM, including those cases where compensation has been provided or concessions or other

obligations have been suspended but the recommendations to bring a measure into conformity with the covered agreements have not been implemented.

10. The dispute settlement provisions of the covered agreements may be invoked in respect of measures affecting their observance taken by regional or local governments or authorities within the territory of a Member State. When the SEOM has ruled that a provision of a covered agreement has not been observed, the responsible Member State shall take such reasonable measures as may be available to it to ensure its observance. The provisions of the covered agreements and this Protocol relating to compensation and suspension of concessions or other obligations shall apply in cases where it has not been possible to secure such observance.

#### **ARTICLE 17** **ASEAN DSM Fund**

1. There shall be established an ASEAN DSM Fund (hereinafter referred to as 'the Fund') for the purposes of this Protocol. The Fund shall be a revolving fund, separate from ASEAN Secretariat's regular budget. The initial sum for the Fund shall be contributed equally by all the Member States. Any drawdown from the Fund shall be replenished by the parties to the dispute in line with the provision of paragraph 3 of Article 14. The ASEAN Secretariat shall be responsible for administering the Fund.
2. The Fund shall be used to meet the expenses of the panels, the Appellate Body and any related administration costs of the ASEAN Secretariat. All other expenses, including legal representation, incurred by any party to a dispute shall be borne by that party.
3. The subsistence allowances and other expenses of the panels and the Appellate Body shall be in accordance with the criteria approved by the AEM on the recommendations of the ASEAN Budget Committee.

#### **ARTICLE 18** **Maximum Time-Frame**

The total period for the disposal of disputes under this Protocol until the stage contemplated under paragraph 7 of Article 16, shall not exceed 445 days, unless the longer time period under Article 15 applies.

**ARTICLE 19**  
**Responsibilities of the Secretariat**

1. The ASEAN Secretariat shall have the responsibility of assisting the panels and the Appellate Body, especially on the legal, historical and the procedural aspects of the matters dealt with, and of providing secretarial and technical support.
2. The ASEAN Secretariat shall assist the SEOM to monitor and maintain surveillance of the implementation of the findings and recommendations of the panel and Appellate Body reports adopted by it.
3. The ASEAN Secretariat shall be the focal point to receive all documentations in relation to disputes and shall deal with them as appropriate.
4. The ASEAN Secretariat in consultation with the SEOM shall administratively update the list of covered agreements in Appendix I, as may be required from time to time. The Secretariat shall inform Member States as and when the changes have been made.

**ARTICLE 20**  
**Venue for Proceedings**

1. The venue for proceedings of the panels and the Appellate Body shall be the ASEAN Secretariat.
2. Notwithstanding the provisions of paragraph 1 above, panel and Appellate Body proceedings, apart from substantive meetings, may be held at any venue which the panels and the Appellate Body consider appropriate in consultation with the parties to the dispute, having regard to the convenience and cost effectiveness of such venue.

**ARTICLE 21**  
**Final Provisions**

1. This Protocol shall enter into force upon signing.
2. This Protocol shall replace the 1996 Protocol on DSM and shall not apply to any dispute which has arisen before its entry into force. Such dispute shall continue to be governed by the 1996 Protocol on DSM.
3. The provisions of this Protocol may be modified through amendments mutually agreed upon in writing by all Member States.



4. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the ASEAN Protocol on Enhanced Dispute Settlement Mechanism.

**DONE** at Vientiane, Lao PDR on 29 November 2004, in a single copy in the English language.

For the Government of  
Brunei Darussalam



ABDUL RAHMAN TAIB  
Minister of Industry and  
Primary Resources

For the Government of  
the Kingdom of Cambodia



CHAM PRASIDH  
Senior Minister  
Minister of Commerce

For the Government of  
the Republic of Indonesia



MARI ELKA PANGESTU  
Minister of Trade

For the Government of  
the Lao People's Democratic Republic



SOULIVONG DARAVONG  
Minister of Commerce

For the Government of  
Malaysia



RAFIDAH AZIZ  
Minister of International Trade  
and Industry

For the Government of  
the Union of Myanmar



SOE THA  
Minister of National Planning and  
Economic Development

For the Government of  
the Republic of the Philippines



CESAR V. PURISIMA  
Secretary of Trade and Industry

For the Government of  
the Republic of Singapore



LIM HNG KIANG  
Minister for Trade and Industry

For the Government of  
the Kingdom of Thailand



WATANA MUANGSOOK  
Minister of Commerce

For the Government of  
the Socialist Republic of Vietnam



TRUONG DINH TUYEN  
Minister of Trade



**AGREEMENT ON TRADE IN GOODS OF THE FRAMEWORK  
AGREEMENT ON COMPREHENSIVE ECONOMIC  
CO-OPERATION BETWEEN  
THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND  
THE PEOPLE'S REPUBLIC OF CHINA**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic ("Lao PDR"), 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 States of the Association of Southeast Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State"), and the People's Republic of China ("China");

**RECALLING** the Framework Agreement on Comprehensive Economic Co-operation ("the Framework Agreement") between ASEAN and China (collectively, "the Parties", or individually referring to an ASEAN Member State or to China as a "Party") signed by the Heads of Government/State of ASEAN Member States and China in Phnom Penh, Cambodia on the 4th day of November 2002 and the Protocol to Amend the Framework Agreement on Comprehensive Economic Co-operation on the Early Harvest Programme signed by the Economic Ministers of the Parties in Bali, Indonesia on the 6th day of October 2003;

**RECALLING** further Articles 2(a), 3(1) and 8(1) of the Framework Agreement, which reflect the Parties' commitment to establish the ASEAN-China Free Trade Area (ACFTA) covering trade in goods by 2010 for ASEAN 6 and China and by 2015 for the newer ASEAN Member States;

**REAFFIRMING** the Parties' commitment to establish the ASEAN-China Free Trade Area within the specified timeframes, while allowing flexibility to the Parties to address their sensitive areas as provided in the Framework Agreement,

**HAVE AGREED AS FOLLOWS:**

## **ARTICLE 1**

### **Definitions**

For the purposes of this Agreement, the following definitions shall apply unless the context otherwise requires:

- (a) "WTO" means the World Trade Organization;
- (b) "the GATT 1994" means the General Agreement on Tariffs and Trade 1994, including Annex I (Notes and Supplementary Provisions);
- (c) "ASEAN 6" refers to Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand;
- (d) "newer ASEAN Member States" refers to Cambodia, Lao PDR, Myanmar and Viet Nam;
- (e) "applied MFN tariff rates" shall include in-quota rates, and shall:
  - (i) in the case of ASEAN Member States (which are WTO members as of 1 July 2003) and China, refer to their respective applied rates as of 1 July 2003; and
  - (ii) in the case of ASEAN Member States (which are non-WTO members as of 1 July 2003), refer to the rates as applied to China as of 1 July 2003;
- (f) "non-tariff measures" shall include non-tariff barriers;
- (g) "AEM" means ASEAN Economic Ministers;
- (h) "MOFCOM" means Ministry of Commerce of China;
- (i) "SEOM" means ASEAN Senior Economic Officials Meeting.

## **ARTICLE 2**

### **National Treatment on Internal Taxation and Regulation**

Each Party shall accord national treatment to the products of all the other Parties covered by this Agreement and the Framework Agreement in accordance with Article III of the GATT 1994. To this end, the provisions of Article III of the GATT 1994 shall, *mutatis mutandis*, be incorporated into and form an integral part of this Agreement.

## **ARTICLE 3**

### **Tariff Reduction and Elimination**

1. The tariff reduction or elimination programme of the Parties shall require the applied MFN tariff rates on listed tariff lines to be gradually reduced and where applicable, eliminated, in accordance with this Article.

2. The tariff lines which are subject to the tariff reduction or elimination programme under this Agreement shall include all tariff lines not covered by the Early Harvest Programme under Article 6 of the Framework Agreement, and such tariff lines shall be categorised for tariff reduction and elimination as follows:

- (a) Normal Track: Tariff lines placed in the Normal Track by each Party on its own accord shall have their respective applied MFN tariff rates gradually reduced and eliminated in accordance with the modalities set out in Annex 1 of this Agreement with the objective of achieving the targets prescribed in the thresholds therein.
- (b) Sensitive Track: Tariff lines placed in the Sensitive Track by each Party on its own accord shall have their respective applied MFN tariff rates reduced or eliminated in accordance with the modalities set out in Annex 2 of this Agreement.

3. Subject to Annex 1 and Annex 2 of this Agreement, all commitments undertaken by each Party under this Article shall be applied to all the other Parties.

#### **ARTICLE 4** **Transparency**

Article X of the GATT 1994 shall, *mutatis mutandis*, be incorporated into and form an integral part of this Agreement.

#### **ARTICLE 5** **Rules of Origin**

The Rules of Origin and the Operational Certification Procedures applicable to the products covered under this Agreement and the Early Harvest Programme of the Framework Agreement are set out in Annex 3 of this Agreement.

#### **ARTICLE 6** **Modification of Concessions**

1. Any Party to this Agreement may, by negotiation and agreement with any Party to which it has made a concession under this Agreement, modify or withdraw such concession made under this Agreement.

2. In such negotiations and agreement, which may include provision for compensatory adjustment with respect to other products, the Parties concerned shall maintain a general level of reciprocal and mutually advantageous concessions not less favourable to trade than that provided for in this Agreement prior to such negotiations and agreement.

## **ARTICLE 7**

### **WTO Disciplines**

1. Subject to the provisions of this Agreement and any future agreements as may be agreed pursuant to reviews of this Agreement by the Parties under Article 17 of this Agreement, the Parties<sup>1</sup> hereby agree and reaffirm their commitments to abide by the provisions of the WTO disciplines on, among others, non-tariff measures, technical barriers to trade, sanitary and phytosanitary measures, subsidies and countervailing measures, anti-dumping measures and intellectual property rights.
2. The provisions of the WTO Multilateral Agreements on Trade in Goods, which are not specifically mentioned in or modified by this Agreement, shall apply, *mutatis mutandis*, to this Agreement unless the context otherwise requires.

## **ARTICLE 8**

### **Quantitative Restrictions and Non-Tariff Barriers**

1. Each Party undertakes not to maintain any quantitative restrictions at any time unless otherwise permitted under the WTO disciplines.<sup>2</sup>
2. The Parties shall identify non-tariff barriers (other than quantitative restrictions) for elimination as soon as possible after the entry into force of this Agreement. The time frame for elimination of these non-tariff barriers shall be mutually agreed upon by all Parties.
3. The Parties shall make information on their respective quantitative restrictions available and accessible upon implementation of this Agreement.

## **ARTICLE 9**

### **Safeguard Measures**

1. Each Party, which is a WTO member, retains its rights and obligations under Article XIX of the GATT 1994 and the WTO Agreement on Safeguards.
2. With regard to ACFTA safeguard measures, a Party shall have the right to initiate such a measure on a product within the transition period for that product. The transition period for a product shall begin from the date of entry into force of this Agreement and end five years from the date of completion of tariff elimination/reduction for that product.

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<sup>1</sup> Non-WTO members of ASEAN shall abide by the WTO provisions in accordance with their accession commitments to the WTO.

<sup>2</sup> Non-WTO members of ASEAN shall phase out their quantitative restrictions 3 years [Viet Nam: 4 years] from the date of entry into force of this Agreement or in accordance with their accession commitments to the WTO, whichever is earlier.

3. A Party shall be free to take ACFTA safeguard measures if as an effect of the obligations incurred by that Party, including tariff concessions under the Early Harvest Programme of the Framework Agreement or this Agreement, or, if as a result of unforeseen developments and of the effects of the obligations incurred by that Party, including tariff concessions under the Early Harvest Programme of the Framework Agreement or this Agreement, imports of any particular product from the other Parties increase in such quantities, absolute or relative to domestic production, and under such conditions so as to cause or threaten to cause serious injury to the domestic industry of the importing Party that produces like or directly competitive products.

4. If an ACFTA safeguard measure is taken, a Party taking such a measure may increase the tariff rate applicable to the product concerned to the WTO MFN tariff rate applied to such product at the time when the measure is taken.

5. Any ACFTA safeguard measure may be maintained for an initial period of up to 3 years and may be extended for a period not exceeding 1 year. Notwithstanding the duration of an ACFTA safeguard measure on a product, such measure shall terminate at the end of the transition period for that product.

6. In applying ACFTA safeguard measures, the Parties shall adopt the rules for the application of safeguard measures as provided under the WTO Agreement on Safeguards, with the exception of the quantitative restriction measures set out in Article 5, and Articles 9, 13 and 14 of the WTO Agreement on Safeguards. As such, all other provisions of the WTO Agreement on Safeguards shall, *mutatis mutandis*, be incorporated into and form an integral part of this Agreement.

7. An ACFTA safeguard measure shall not be applied against a product originating in a Party, so long as its share of imports of the product concerned in the importing Party does not exceed 3% of the total imports from the Parties.

8. In seeking compensation under Article 8 of the WTO Agreement on Safeguards for an ACFTA safeguard measure, the Parties shall seek the good offices of the body referred to in paragraph 12 to determine the substantially equivalent level of concessions prior to any suspension of equivalent concessions. Any proceedings arising from such good offices shall be completed within 90 days from the date on which the ACFTA safeguard measure was applied.

9. On a Party's termination of an ACFTA safeguard measure on a product, the tariff rate for that product shall be the rate that, according to that Party's tariff reduction and elimination schedule, as provided in Annex 1 and Annex 2 of this Agreement, would have been in effect commencing on 1 January of the year in which the safeguard measure is terminated.

10. All official communications and documentations exchanged among the Parties and to the body referred to in paragraph 12 relating to any ACFTA safeguard measures shall be in writing and shall be in the English language.

11. When applying ACFTA safeguard measures, a Party shall not have simultaneous recourse to the WTO safeguard measures referred to in paragraph 1.

12. For the purpose of this Article, any reference to "Council for Trade in Goods" or the "Committee on Safeguards" in the incorporated provisions of the WTO Agreement on Safeguards shall, pending the establishment of a permanent body under paragraph 1 of Article 16, refer to the AEM-MOFCOM, or the SEOM-MOFCOM, as appropriate, which shall be replaced by the permanent body once it is established.

## **ARTICLE 10**

### **Acceleration of Commitments**

Nothing in this Agreement shall preclude the Parties from negotiating and entering into arrangements to accelerate the implementation of commitments made under this Agreement, provided that such arrangements are mutually agreed to and implemented by all the Parties.

## **ARTICLE 11**

### **Measures to Safeguard the Balance of Payments**

Where a Party is in serious balance of payments and external financial difficulties or threat thereof, it may, in accordance with the GATT 1994 and the Understanding on Balance-of-Payments Provisions of the GATT 1994, adopt restrictive import measures.

## **ARTICLE 12**

### **General Exceptions**

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (c) relating to the importations or exportations of gold or silver;



- (d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of the GATT 1994, the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
- (e) relating to the products of prison labour;
- (f) imposed for the protection of national treasures of artistic, historic or archaeological value;
- (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- (h) undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the WTO and not disapproved by it or which is itself so submitted and not so disapproved;
- (i) involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan; *Provided* that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to non-discrimination;
- (j) essential to the acquisition or distribution of products in general or local short supply; *Provided* that any such measures shall be consistent with the principle that all Parties are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with the other provisions of this Agreement shall be discontinued as soon as the conditions giving rise to them have ceased to exist.

### ARTICLE 13 Security Exceptions

Nothing in this Agreement shall be construed:

- (a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests;
- (b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to:

- (i) action relating to fissionable materials or the materials from which they are derived;
  - (ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
  - (iii) action taken so as to protect critical communications infrastructure from deliberate attempts intended to disable or degrade such infrastructure;
  - (iv) action taken in time of war or other emergency in domestic or international relations; or
- (c) to prevent any Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

#### **ARTICLE 14**

##### **Recognition of China's Market Economy Status**

Each of the ten ASEAN Member States agrees to recognise China as a full market economy and shall not apply, from the date of the signature of this Agreement, Sections 15 and 16 of the Protocol of Accession of the People's Republic of China to the WTO and Paragraph 242 of the Report of the Working Party on the Accession of China to WTO in relation to the trade between China and each of the ten ASEAN Member States.

#### **ARTICLE 15**

##### **State, Regional and Local Government**

In fulfilling its obligations and commitments under this Agreement, each Party shall ensure their observance by regional and local governments and authorities in its territory as well as their observance by non-governmental bodies (in the exercise of powers delegated by central, state, regional or local governments or authorities) within its territory.

#### **ARTICLE 16**

##### **Institutional Arrangements**

1. Pending the establishment of a permanent body, the AEM-MOFCOM, supported and assisted by the SEOM-MOFCOM, shall oversee, supervise, coordinate and review the implementation of this Agreement.

2. The ASEAN Secretariat shall monitor and report to the SEOM-MOFCOM on the implementation of this Agreement. All Parties shall cooperate with the ASEAN Secretariat in the performance of its duties.

3. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement. On the request of a Party, the contact point of the requested Party shall identify the office or official responsible for the matter and assist in facilitating communication with the requesting Party.

#### **ARTICLE 17**

##### **Review**

1. The AEM-MOFCOM or their designated representatives shall meet within a year of the date of entry into force of this Agreement and then biennially or otherwise as appropriate to review this Agreement for the purpose of considering further measures to liberalise trade in goods as well as develop disciplines and negotiate agreements on matters referred to in Article 7 of this Agreement or any other relevant matters as may be agreed.

2. The Parties shall, taking into account their respective experience in the implementation of this Agreement, review the Sensitive Track in 2008 with a view to improving the market access condition of sensitive products, including the further possible reduction of the number of products in the Sensitive Track and the conditions governing the reciprocal tariff rate treatment of products placed by a Party in the Sensitive Track.

#### **ARTICLE 18**

##### **Annexes and Future Instruments**

This Agreement shall include:

- (a) the Annexes and the contents therein which shall form an integral part of this Agreement: and
- (b) all future legal instruments agreed pursuant to this Agreement.

#### **ARTICLE 19**

##### **Amendments**

This Agreement may be amended by the mutual written consent of the Parties.

**ARTICLE 20**  
**Miscellaneous Provisions**

Except as otherwise provided in this Agreement, this Agreement or any action taken under it shall not affect or nullify the rights and obligations of a Party under existing agreements to which it is a party.

**ARTICLE 21**  
**Dispute Settlement**

The Agreement on Dispute Settlement Mechanism between ASEAN and China shall apply to this Agreement.

**ARTICLE 22**  
**Depositary**

For the ASEAN Member States, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.


**ARTICLE 23**  
**Entry Into Force**

1. This Agreement shall enter into force on 1 January 2005.
2. The Parties undertake to complete their internal procedures for the entry into force of this Agreement prior to 1 January 2005.
3. Where a Party is unable to complete its internal procedures for the entry into force of this Agreement by 1 January 2005, the rights and obligations of that Party under this Agreement shall commence on the date of the completion of such internal procedures.
4. A Party shall upon the completion of its internal procedures for the entry into force of this Agreement notify all the other Parties in writing.

**IN WITNESS WHEREOF**, the undersigned being duly authorised by their respective Governments, have signed this Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China.

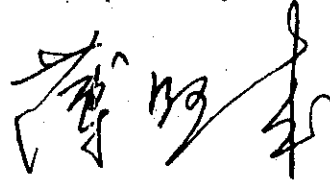
**DONE** at, Vientiane, Lao PDR this Twenty Ninth Day of November in the Year Two Thousand and Four, in duplicate copies in the English Language.

*For Brunei Darussalam*



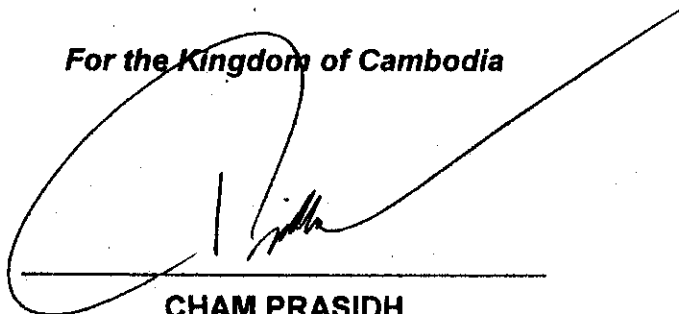
**PEHIN DATO ABDUL RAHMAN TAIB**  
Minister of Industry and Primary Resources

*For the People's Republic of China*



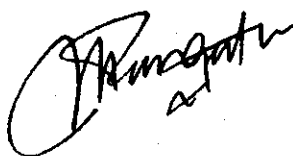
**BO XILAI**  
Minister of Commerce

*For the Kingdom of Cambodia*



**CHAM PRASIDH**  
Senior Minister and Minister of Commerce

*For the Republic of Indonesia*



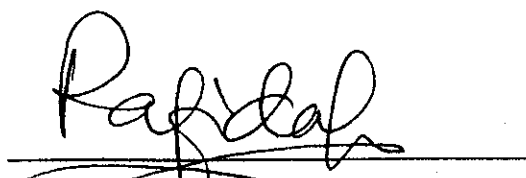
**MARI ELKA PANGESTU**  
Minister of Trade

*For the Lao People's Democratic Republic*



**SOULIVONG DARAVONG**

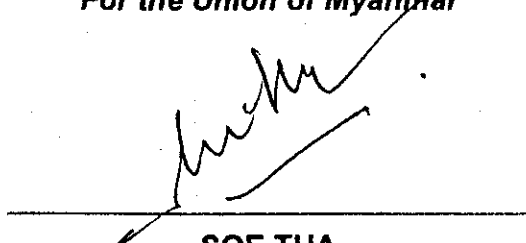
***For Malaysia***



**RAFIDAH AZIZ**

Minister of International Trade and Industry

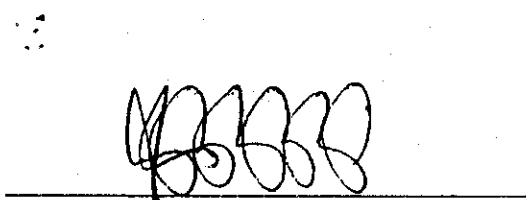
***For the Union of Myanmar***



**SOE THA**

Minister of National Planning and  
Economic Development

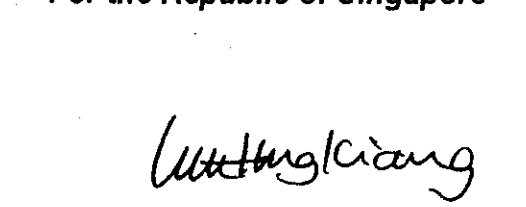
***For the Republic of the Philippines***



**CESAR V. PURISIMA**

Secretary of Trade and Industry

***For the Republic of Singapore***



**LIM HNG KIANG**

Minister for Trade and Industry

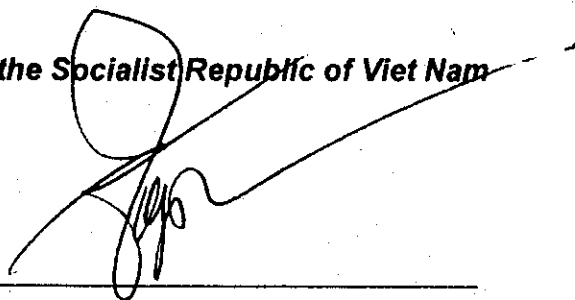
***For the Kingdom of Thailand***



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**WATANA MUANGSOOK**  
Minister of Commerce

***For the Socialist Republic of Viet Nam***



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**TRUONG DINH TUYEN**  
Minister of Trade

# **MODALITY FOR TARIFF REDUCTION AND ELIMINATION FOR TARIFF LINES PLACED IN THE NORMAL TRACK**

1. Tariff lines placed by each Party in the Normal Track on its own accord shall have their respective applied MFN tariff rates gradually reduced and eliminated according to the following Schedules:

## **(i) ASEAN 6 and China**

X = Applied MFN Tariff Rate	ACFTA Preferential Tariff Rate (Not later than 1 January)			
	2005*	2007	2009	2010
$X \geq 20\%$	20	12	5	0
$15\% \leq x < 20\%$	15	8	5	0
$10\% \leq x < 15\%$	10	8	5	0
$5\% < x < 10\%$	5	5	0	0
$X \leq 5\%$	Standstill		0	0

\* The first date of implementation shall be 1 July 2005.

## **(ii) Viet Nam**

X = Applied MFN Tariff Rate	ACFTA Preferential Tariff Rate (Not later than 1 January)							
	2005*	2006	2007	2008	2009	2011	2013	2015
$X \geq 60\%$	60	50	40	30	25	15	10	0
$45\% \leq X < 60\%$	40	35	35	30	25	15	10	0
$35\% \leq X < 45\%$	35	30	30	25	20	15	5	0
$30\% \leq X < 35\%$	30	25	25	20	17	10	5	0
$25\% \leq X < 30\%$	25	20	20	15	15	10	5	0
$20\% \leq X < 25\%$	20	20	15	15	15	10	0-5	0
$15\% \leq X < 20\%$	15	15	10	10	10	5	0-5	0
$10\% \leq X < 15\%$	10	10	10	10	8	5	0-5	0
$7\% \leq X < 10\%$	7	7	7	7	5	5	0-5	0
$5\% \leq X < 7\%$	5	5	5	5	5	5	0-5	0
$X < 5\%$	Standstill							0

\* The first date of implementation shall be 1 July 2005.



(iii) Cambodia, Lao PDR and Myanmar

X = Applied MFN Tariff Rate	ACFTA Preferential Tariff Rate (Not later than 1 January)							
	2005*	2006	2007	2008	2009	2011	2013	2015
$X \geq 60\%$	60	50	40	30	25	15	10	0
$45\% \leq X < 60\%$	40	35	35	30	25	15	10	0
$35\% \leq X < 45\%$	35	35	30	30	20	15	5	0
$30\% \leq X < 35\%$	30	25	25	20	20	10	5	0
$25\% \leq X < 30\%$	25	25	25	20	20	10	5	0
$20\% \leq X < 25\%$	20	20	15	15	15	10	0-5	0
$15\% \leq X < 20\%$	15	15	15	15	15	5	0-5	0
$10\% \leq X < 15\%$	10	10	10	10	8	5	0-5	0
$7\% \leq X < 10\%$	7**	7**	7**	7**	7**	5	0-5	0
$5\% \leq X < 7\%$	5	5	5	5	5	5	0-5	0
$X < 5\%$	Standstill							0

\* The first date of implementation shall be 1 July 2005.

\*\* Myanmar shall be allowed to maintain ACFTA Rates at no more than 7.5% until 2010.

2. If a Party places a tariff line in the Normal Track, that Party shall enjoy the tariff concessions other Parties have made for that tariff line as specified in and applied pursuant to the relevant Schedules either in Annex 1 or Annex 2 together with the undertakings and conditions set out therein. This right shall be enjoyed for so long as that Party adheres to its own commitments for tariff reduction and elimination for that tariff line.

3. The tariff rates specified in the relevant Schedules in paragraph 1 only set out the level of the applicable ACFTA preferential tariff rates to be applied by each Party for the tariff lines concerned in the specified year of implementation and shall not prevent any Party from unilaterally accelerating its tariff reduction or elimination at any time if it so wishes.

4. Tariff lines in the Normal Track, which are subject to specific tariff rates, shall have such tariffs reduced to zero, in equal proportions in accordance with the timeframes provided in the Schedules set out in paragraph 1 of this Annex.

5. For all tariff lines placed in the Normal Track where the applied MFN tariff rates are at 0%, they shall remain at 0%. Where they have been reduced to 0%, they shall remain at 0%. No Party shall be permitted to increase the tariff rates for any tariff line, except as otherwise provided by the Agreement.

6. As an integral part of its commitments to reduce and/or eliminate the applied MFN tariff rates in accordance with the relevant Schedules in paragraph 1, each Party hereby commits to undertake further tariff reduction and/or elimination in accordance with the following thresholds:

**(a) ASEAN 6 and China**

(i) Each Party shall reduce to 0-5% not later than 1 July 2005 the tariff rates for at least 40% of its tariff lines placed in the Normal Track.

(ii) Each Party shall reduce to 0-5% not later than 1 January 2007 the tariff rates for at least 60% of its tariff lines placed in the Normal Track.

(iii) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2010, with flexibility to have tariffs on some tariff lines, not exceeding 150 tariff lines, eliminated not later than 1 January 2012.

(iv) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2012.

**(b) Newer ASEAN Member States**

(i) Each Party shall reduce to 0-5% not later than 1 January 2009 for Viet Nam; 1 January 2010 for Lao PDR and Myanmar; and 1 January 2012 for Cambodia the tariff rates for at least 50% of its tariff lines placed in the Normal Track.

(ii) Cambodia, Lao PDR and Myanmar shall eliminate their respective tariffs not later than 1 January 2013 on 40% of its tariff lines placed in the Normal Track.

(iii) For Viet Nam, the percentage of Normal Track tariff lines to have their tariffs eliminated not later than 1 January 2013 shall be determined not later than 31 December 2004.

(iv) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2015, with flexibility to have tariffs on some tariff lines, not exceeding 250 tariff lines, eliminated not later than 1 January 2018.

(v) Each Party shall eliminate all its tariffs for tariff lines placed in the Normal Track not later than 1 January 2018.

7. The tariff lines listed by the Parties in Appendix 1 shall have their respective ACFTA tariffs eliminated not later than 1 January 2012 for ASEAN 6 and China, and 1 January 2018 for CLMV.

**MODALITY FOR TARIFF REDUCTION/ELIMINATION FOR TARIFF LINES  
PLACED IN THE SENSITIVE TRACK**

1. The number of tariff lines which each Party can place in the Sensitive Track shall be subject to a maximum ceiling of:

- (i) ASEAN 6 and China:  
400 tariff lines at the HS 6-digit level and 10% of the total import value, based on 2001 trade statistics;
- (ii) Cambodia, Lao PDR and Myanmar:  
500 tariff lines at the HS 6-digit level; and
- (iii) Viet Nam:  
500 tariff lines at the HS 6-digit level, and the ceiling of import value shall be determined not later than 31 December 2004.

2. Tariff lines placed by each Party in the Sensitive Track shall be further classified into Sensitive List and Highly Sensitive List. However, tariff lines placed by each Party in the Highly Sensitive List shall be subject to the following ceilings:

- (i) ASEAN 6 and China:  
not more than 40% of the total number of tariff lines in the Sensitive Track or 100 tariff lines at the HS 6-digit level, whichever is lower;
- (ii) Cambodia, Lao PDR and Myanmar:  
not more than 40% of the total number of tariff lines in the Sensitive Track or 150 tariff lines at the HS 6-digit level, whichever is lower; and
- (iii) Viet Nam:  
shall be determined not later than 31 December 2004.

3. The Parties shall reduce and, where applicable, eliminate the applied MFN tariff rates of tariff lines placed in the Sensitive Track according to the following Schedules:

- (i) ASEAN 6 and China shall reduce the applied MFN tariff rates of tariff lines placed in their respective Sensitive Lists to 20% not later than 1 January 2012. These tariff rates shall be subsequently reduced to 0-5% not later than 1 January 2018.

- (ii) Cambodia, Lao PDR and Myanmar shall reduce the applied MFN tariff rates of tariff lines placed in their respective Sensitive Lists to 20% not later than 1 January 2015. These tariff rates shall be subsequently reduced to 0-5% not later than 1 January 2020.

Viet Nam shall reduce the applied MFN tariff rates of tariff lines placed in its Sensitive Lists not later than 1 January 2015 to a rate to be determined not later than 31 December 2004. These tariff rates shall be subsequently reduced to 0-5% not later than 1 January 2020.

- (iii) The Parties shall reduce the applied MFN tariff rates of tariff lines placed in their respective Highly Sensitive Lists to not more than 50% not later than 1 January 2015 for ASEAN 6 and China, and 1 January 2018 for the newer ASEAN Member States.

4. Tariff lines in the Sensitive Track, which are subject to specific tariff rates, shall have such tariffs reduced in accordance with the timeframes provided in paragraph 3 of this Annex. The proportion of tariff reduction for these tariff lines shall be equal to the average margin of tariff reduction of the tariff lines with ad-valorem tariff rates under the Sensitive Track, which are subject to tariff reduction in the same year.

5. Notwithstanding the Schedules in paragraph 3, any Party may unilaterally accelerate the tariff reduction and/or elimination for its tariff lines placed in the Sensitive Track at any time if it so wishes. Nothing in this Agreement shall prevent any Party from unilaterally transferring any tariff line from the Sensitive Track into the Normal Track at any time if it so wishes.

6. The reciprocal tariff rate treatment of tariff lines placed by a Party in the Sensitive Track shall be governed by the following conditions:

- (i) the tariff rate for a tariff line placed by a Party in the Sensitive Track must be at 10% or below in order for that Party to enjoy reciprocity;
- (ii) the reciprocal tariff rate to be applied to a tariff line placed by a Party in the Sensitive Track shall be either the tariff rate of that Party's tariff line, or the Normal Track tariff rate of the same tariff line of the other Party or Parties from whom reciprocity is sought, whichever is higher; and
- (iii) the reciprocal tariff rate to be applied to a tariff line placed by a Party in the Sensitive Track shall in no case exceed the applied MFN rate of the same tariff line of the Party or Parties from whom reciprocity is sought.

7. The treatment of tariff lines of the Parties subject to in-quota and out-quota rates, including the modalities for tariff reduction/elimination, shall be discussed and mutually agreed by the Parties not later than 31 March 2005. The discussions shall include, but not be limited to, the in-quota and out-quota rates.

8. The tariff lines listed by each Party in the Sensitive List and Highly Sensitive List under the Sensitive Track are respectively set out in Appendix 1 and Appendix 2 of this Annex.

**RULES OF ORIGIN FOR THE  
ASEAN-CHINA FREE TRADE AREA**

In determining the origin of products eligible for the preferential tariff concession pursuant to the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China (hereinafter referred to as "the Agreement"), the following Rules shall be applied:

**Rule 1: Definitions**

For the purpose of this Annex:

- (a) "a Party" means the individual parties to the Agreement i.e. Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic ("Lao PDR"), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Vietnam and the People's Republic of China ("China").
- (b) "materials" shall include ingredients, parts, components, subassembly and/or goods that were physically incorporated into another good or were subject to a process in the production of another good.
- (c) "Originating goods" means products that qualify as originating in accordance with the provisions of Rule 2.
- (d) "production" means methods of obtaining goods including growing, mining, harvesting, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, manufacturing, producing, processing or assembling a good.
- (e) "Product Specific Rules" are rules that specify that the materials have undergone a change in tariff classification or a specific manufacturing or processing operation, or satisfy an ad valorem criterion or a combination of any of these criteria.

**Rule 2: Origin Criteria**

For the purposes of this Agreement, products imported by a Party shall be deemed to be originating and eligible for preferential concessions if they conform to the origin requirements under any one of the following:

- (a) Products which are wholly obtained or produced as set out and defined in Rule 3; or

- (b) Products not wholly produced or obtained provided that the said products are eligible under Rule 4, Rule 5 or Rule 6.

**Rule 3: Wholly Obtained Products**

Within the meaning of Rule 2 (a), the following shall be considered as wholly produced or obtained in a Party:

- (a) Plant<sup>3</sup> and plant products harvested, picked or gathered there;
- (b) Live animals<sup>4</sup> born and raised there;
- (c) Product<sup>5</sup> obtained from live animals referred to in paragraph (b) above;
- (d) Products obtained from hunting, trapping, fishing, aquaculture, gathering or capturing conducted there;
- (e) Minerals and other naturally occurring substances, not included in paragraphs (a) to (d), extracted or taken from its soil, waters, seabed or beneath their seabed;
- (f) Products taken from the waters, seabed or beneath the seabed outside the territorial waters of that Party, provided that that Party has the rights to exploit such waters, seabed and beneath the seabed in accordance with international law;
- (g) Products of sea fishing and other marine products taken from the high seas by vessels registered with a Party or entitled to fly the flag of that Party;
- (h) Products processed and/or made on board factory ships registered with a Party or entitled to fly the flag of that Party, exclusively from products referred to in paragraph (g) above;
- (i) Articles collected there which can no longer perform their original purpose nor are capable of being restored or repaired and are fit only for disposal or recovery of parts of raw materials, or for recycling purposes<sup>6</sup>; and

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<sup>3</sup> Plant here refers to all plant life, including fruit, flowers, vegetables, trees, seaweed, fungi and live plants

<sup>4</sup> Animals referred to in paragraph (b) and (c) covers all animal life, including mammals, birds, fish, crustaceans, molluscs, reptiles, bacteria and viruses.

<sup>5</sup> Products refer to those obtained from live animals without further processing, including milk, eggs, natural honey, hair, wool, semen and dung.

<sup>6</sup> This would cover all scrap and waste including scrap and waste resulting from manufacturing or processing operations or consumption in the same country, scrap machinery, discarded packaging and all products that can no longer perform the purpose for which they were produced and are fit only for discarding or for the recovery of raw materials. Such manufacturing or processing operations shall include all types of processing, not only industrial or chemical but also mining, agriculture, construction, refining, incineration and sewage treatment operations.

- (j) Goods obtained or produced in a Party solely from products referred to in paragraphs (a) to (i) above.

**Rule 4: Not Wholly Produced or Obtained**

- (a) For the purposes of Rule 2(b), a product shall be deemed to be originating if:
- (i) Not less than 40% of its content originates from any Party; or
  - (ii) If the total value of the materials, part or produce originating from outside of the territory of a Party (i.e. non-ACFTA) does not exceed 60% of the FOB value of the product so produced or obtained provided that the final process of the manufacture is performed within the territory of the Party.
- (b) For the purposes of this Annex, the originating criteria set out in Rule 4(a)(ii) shall be referred to as the "ACFTA content". The formula for the 40% ACFTA content is calculated as follows:

$\frac{\text{Value of Non-ACFTA materials} + \text{Value of materials of Undetermined origin}}{\text{FOB Price}} \times 100 \% < 60\%$
Therefore, the ACFTA content: $100\% - \text{non-ACFTA material} = \text{at least } 40\%$

- (c) The value of the non-originating materials shall be:
- (i) the CIF value at the time of importation of the materials; or
  - (ii) the earliest ascertained price paid for the materials of undetermined origin in the territory of the Party where the working or processing takes place.
- (d) For the purpose of this Rule, "originating material" shall be deemed to be a material whose country of origin, as determined under these rules, is the same country as the country in which the material is used in production.

**Rule 5: Cumulative Rule of Origin**

Unless otherwise provided for, products which comply with origin requirements provided for in Rule 2 and which are used in the territory of a Party as materials for a finished product eligible for preferential treatment under the Agreement shall be considered as products originating in the territory of the Party where working or processing of the finished product has



taken place provided that the aggregate ACFTA content (i.e. full cumulation, applicable among all Parties) on the final product is not less than 40%.

**Rule 6: Product Specific Criteria**

Products which have undergone sufficient transformation in a Party shall be treated as originating goods of that Party. Products which satisfy the Product Specific Rules provided for in Attachment B shall be considered as goods to which sufficient transformation has been carried out in a Party.

**Rule 7: Minimal Operations and Processes**

Operations or processes undertaken, by themselves or in combination with each other for the purposes listed below, are considered to be minimal and shall not be taken into account in determining whether a good has been wholly obtained in one country:

- (a) ensuring preservation of goods in good condition for the purposes of transport or storage;
- (b) facilitating shipment or transportation;
- (c) packaging<sup>7</sup> or presenting goods for sale.

**Rule 8: Direct Consignment**

The following shall be considered as consigned directly from the exporting Party to the importing Party:

- (a) If the products are transported passing through the territory of any other ACFTA member states;
- (b) If the products are transported without passing through the territory of any non-ACFTA member states;
- (c) The products whose transport involves transit through one or more intermediate non-ACFTA member states with or without transshipment or temporary storage in such countries, provided that:
  - (i) the transit entry is justified for geographical reason or by consideration related exclusively to transport requirements;
  - (ii) the products have not entered into trade or consumption there; and

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<sup>7</sup> This excludes encapsulation which is termed "packaging" by the electronics industry.

- (iii) the products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition.

#### **Rule 9: Treatment of Packing**

- (a) Where for purposes of assessing customs duties, a Party treats products separately from their packing, it may also, in respect of its imports consigned from another Party, determine separately the origin of such packing.
- (b) Where paragraph (a) above is not applied, packing shall be considered as forming a whole with the products and no part of any packing required for their transport or storage shall be considered as having been imported from outside the ACFTA when determining the origin of the products as a whole.

#### **Rule 10: Accessories, Spare Parts and Tools**

The origin of accessories, spare parts, tools and instructional or other information materials presented with the goods therewith shall be neglected in determining the origin of the goods, provided that such accessories, spare parts, tools and information materials are classified and collected customs duties with the goods by the importing member state.

#### **Rule 11: Neutral Elements**

Unless otherwise provided, for the purpose of determining the origin of goods, the origin of power and fuel, plant and equipment, or machines and tools used to obtain the goods, or the materials used in its manufacture which do not remain in the goods or form part of the goods, shall not be taken into account.

#### **Rule 12: Certificate of Origin**

A claim that products shall be accepted as eligible for preferential concession shall be supported by a Certificate of Origin issued by a government authority designated by the exporting Party and notified to the other Parties to the Agreement in accordance with the Operational Certification Procedures, as set out in Attachment A.

#### **Rule 13: Review and Modification**

These rules may be reviewed and modified as and when necessary upon request of a Member State and may be open to such reviews and modifications as may be agreed upon by the AEM-MOFCOM.

**OPERATIONAL CERTIFICATION PROCEDURES  
FOR THE RULES OF ORIGIN OF THE  
ASEAN-CHINA FREE TRADE AREA**

For the purpose of implementing the rules of origin for the ASEAN-China Free Trade Area, the following operational procedures on the issuance and verification of the Certificate of Origin (Form E) and the other related administrative matters shall be followed:

**AUTHORITIES**

**RULE 1**

The Certificate of Origin shall be issued by the Government authorities of the exporting Party.

**RULE 2**

- (a) The Party shall inform all the other Parties of the names and addresses of their respective Government authorities issuing the Certificate of Origin and shall provide specimen signatures and specimen of official seals used by their said Government authorities.
- (b) The above information and specimens shall be provided to every Party to the Agreement and a copy furnished to the ASEAN Secretariat. Any change in names, addresses, or official seals shall be promptly informed in the same manner.

**RULE 3**

For the purpose of verifying the conditions for preferential treatment, the Government authorities designated to issue the Certificate of Origin shall have the right to call for any supporting documentary evidence or to carry out any check considered appropriate. If such right cannot be obtained through the existing national laws and regulations, it shall be inserted as a clause in the application form referred to in the following Rules 4 and 5.

**APPLICATIONS**

**RULE 4**

The exporter and/or the manufacturer of the products qualified for preferential treatment shall apply in writing to the Government authorities requesting for the pre-exportation verification of the origin of the products. The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. The pre-verification may not apply to the products of which, by their nature, origin can be easily verified.

## **RULE 5**

At the time of carrying out the formalities for exporting the products under preferential treatment, the exporter or his authorised representative shall submit a written application for the Certificate of Origin together with appropriate supporting documents proving that the products to be exported qualify for the issuance of a Certificate of Origin.

## **PRE-EXPORTATION EXAMINATION**

### **RULE 6**

The Government authorities designated to issue the Certificate of Origin shall, to the best of their competence and ability, carry out proper examination upon each application for the Certificate of Origin to ensure that:

- (a) The application and the Certificate of Origin are duly completed and signed by the authorised signatory;
- (b) The origin of the product is in conformity with the ASEAN-China Rules of Origin;
- (c) The other statements of the Certificate of Origin correspond to supporting documentary evidence submitted;
- (d) Description, quantity and weight of goods, marks and number of packages, number and kinds of packages, as specified, conform to the products to be exported.

## **ISSUANCE OF CERTIFICATE OF ORIGIN**

### **RULE 7**

- (a) The Certificate of Origin must be in ISO A4 size paper in conformity to the specimen as shown in Attachment C. It shall be made in English.
- (b) The Certificate of Origin shall comprise one original and three (3) carbon copies of the following colours:
  - Original - Beige (Pantone color code: 727c)
  - Duplicate - Light Green (Pantone color code: 622c)
  - Triplicate - Light Green (Pantone color code: 622c)
  - Quadruplicate - Light Green (Pantone color code: 622c)
- (c) Each Certificate of Origin shall bear a reference number separately given by each place of office of issuance.

- (d) The original copy shall be forwarded, together with the triplicate, by the exporter to the importer for submission to the Customs Authority at the port or place of importation. The duplicate shall be retained by the issuing authority in the exporting Party. The quadruplicate shall be retained by the exporter. After the importation of the products, the triplicate shall be marked accordingly in Box 4 and returned to the issuing authority within a reasonable period of time.

#### RULE 8

To implement the provisions of Rules 4 and 5 of the ASEAN-China Rules of Origin, the Certificate of Origin issued by the final exporting Party shall indicate the relevant rules and applicable percentage of ACFTA content in Box 8.

#### RULE 9

Neither erasures nor superimposition shall be allowed on the Certificate of Origin. Any alteration shall be made by striking out the erroneous materials and making any addition required. Such alterations shall be approved by the person who made them and certified by the appropriate Government authorities. Unused spaces shall be crossed out to prevent any subsequent addition.

#### RULE 10

- (a) The Certificate of Origin shall be issued by the relevant Government authorities of the exporting Party at the time of exportation or soon thereafter whenever the products to be exported can be considered originating in that Party within the meaning of the ASEAN-China Rules of Origin.
- (b) In exceptional cases where a Certificate of Origin has not been issued at the time of exportation or soon thereafter due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retroactively but no longer than one year from the date of shipment, bearing the words "ISSUED RETROACTIVELY".

#### RULE 11

In the event of theft, loss or destruction of a Certificate of Origin, the exporter may apply in writing to the Government authorities which issued it for the certified true copy of the original and the triplicate to be made on the basis of the export documents in their possession bearing the endorsement of the words "CERTIFIED TRUE COPY" in Box 12. This copy shall bear the date of the original Certificate of Origin. The certified true copy of a Certificate of Origin shall be issued not longer than one year from the date of issuance of the original Certificate of Origin and on condition that the exporter provides to the relevant issuing authority the fourth copy.

## **PRESENTATION**

### **RULE 12**

The original Certificate of Origin shall be submitted together with the triplicate to the Customs Authorities at the time of lodging the import entry for the products concerned.

### **RULE 13**

The following time limit for the presentation of the Certificate of Origin shall be observed:

- (a) Certificate of Origin shall be submitted to the Customs Authorities of the importing Party within four (4) months from the date of endorsement by the relevant Government authorities of the exporting Party;
- (b) Where the products pass through the territory of one or more non-parties in accordance with the provisions of Rule 8 (c) of the ASEAN-China Rules of Origin, the time limit laid down in paragraph (a) above for the submission of the Certificate of Origin is extended to six (6) months;
- (c) Where the Certificate of Origin is submitted to the relevant Government authorities of the importing Party after the expiration of the time limit for its submission, such Certificate is still to be accepted when failure to observe the time limit results from force majeure or other valid causes beyond the control of the exporter; and
- (d) In all cases, the relevant Government authorities in the importing Party may accept such Certificate of Origin provided that the products have been imported before the expiration of the time limit of the said Certificate of Origin.

### **RULE 14**

In the case of consignments of products originating in the exporting Party and not exceeding US\$200.00 FOB, the production of a Certificate of Origin shall be waived and the use of simplified declaration by the exporter that the products in question have originated in the exporting Party will be accepted. Products sent through the post not exceeding US\$200.00 FOB shall also be similarly treated.

### **RULE 15**

The discovery of minor discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the Customs Authorities of the importing Party for the purpose of carrying out the formalities for importing the products shall not ipso-facto invalidate the Certificate of Origin, if it does in fact correspond to the products submitted.

## **RULE 16**

- (a) The importing Party may request a retroactive check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.
- (b) The request shall be accompanied with the Certificate of Origin concerned and shall specify the reasons and any additional information suggesting that the particulars given on the said Certificate of Origin may be inaccurate, unless the retroactive check is requested on a random basis.
- (c) The Customs Authorities of the importing Party may suspend the provisions on preferential treatment while awaiting the result of verification. However, it may release the products to the importer subject to any administrative measures deemed necessary, provided that they are not held to be subject to import prohibition or restriction and there is no suspicion of fraud.
- (d) The issuing Government authorities receiving a request for retroactive check shall respond to the request promptly and reply not later than six (6) months after the receipt of the request.

## **RULE 17**

- (a) The application for Certificates of Origin and all documents related to such application shall be retained by the issuing authorities for not less than two (2) years from the date of issuance.
- (b) Information relating to the validity of the Certificate of Origin shall be furnished upon request of the importing Party.
- (c) Any information communicated between the Parties concerned shall be treated as confidential and shall be used for the validation of Certificates of Origin purposes only.

## **SPECIAL CASES**

### **RULE 18**

When destination of all or parts of the products exported to a specified Party is changed, before or after their arrival in the Party, the following rules shall be observed:

- (a) If the products have already been submitted to the Customs Authorities in the specified importing Party, the Certificate of Origin shall, by a written application of the importer be endorsed to this effect for all or parts of products by the said authorities and the original returned to the importer. The triplicate shall be returned to the issuing authorities.

- (b) If the changing of destination occurs during transportation to the importing Party as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied with the issued Certificate of Origin, for the new issuance for all or parts of products.

#### RULE 19

For the purpose of implementing Rule 8(c) of the ASEAN-China Rules of Origin, where transportation is effected through the territory of one or more non-ACFTA member states, the following shall be produced to the Government authorities of the importing Member State:

- (a) A through Bill of Lading issued in the exporting Member State;
- (b) A Certificate of Origin issued by the relevant Government authorities of the exporting Member State;
- (c) A copy of the original commercial invoice in respect of the product; and
- (d) Supporting documents in evidence that the requirements of Rule 8(c) subparagraphs (i), (ii) and (iii) of the ASEAN-China Rules of Origin are being complied with.

#### RULE 20

- (a) Products sent from an exporting Party for exhibition in another Party and sold during or after the exhibition into a Party shall benefit from the ASEAN-China preferential tariff treatment on the condition that the products meet the requirements of the ASEAN-China Rules of Origin provided it is shown to the satisfaction of the relevant Government authorities of the importing Party that:
  - (i) an exporter has dispatched those products from the territory of the exporting Party to the country where the exhibition is held and has exhibited them there;
  - (ii) the exporter has sold the goods or transferred them to a consignee in the importing Party; and
  - (iii) the products have been consigned during the exhibition or immediately thereafter to the importing Party in the state in which they were sent for exhibition.
- (b) For purposes of implementing the above provisions, the Certificate of Origin must be produced to the relevant Government authorities of the importing Party. The name and address of the exhibition must be indicated, a certificate issued by the relevant Government authorities of the Party where the exhibition took place together with supporting documents prescribed in Rule 19(d) may be required.
- (c) Paragraph (a) shall apply to any trade, agricultural or crafts exhibition, fair or similar show or display in shops or business premises with the view to the sale of foreign products and where the products remain under Customs control during the exhibition.



## **ACTION AGAINST FRAUDULENT ACTS**

### **RULE 21**

- (a) When it is suspected that fraudulent acts in connection with the Certificate of Origin have been committed, the Government authorities concerned shall co-operate in the action to be taken in the territory of the respective Party against the persons involved.
- (b) Each Party shall be responsible for providing legal sanctions for fraudulent acts related to the Certificate of Origin.

### **Rule 22**

In the case of a dispute concerning origin determination, classification or products or other matters, the Government authorities concerned in the importing and exporting Member States shall consult each other with a view to resolving the dispute, and the result shall be reported to the other Member States for information.

**ATTACHMENT B**

**PRODUCT SPECIFIC RULES**  
(To be negotiated commencing January 2004)

**ATTACHMENT C****Original (Duplicate/Triplicate/Quadruplicate)**

<b>1. Goods consigned from (Exporter's business name, address, country)</b>			<b>Reference No.</b>  ASEAN-CHINA FREE TRADE AREA PREFERENTIAL TARIFF CERTIFICATE OF ORIGIN (Combined Declaration and Certificate)  <b>FORM E</b>  Issued in _____ (Country) See Notes Overleaf		
<b>2. Goods consigned to (Consignee's name, address, country)</b>					
<b>3. Means of transport and route (as far as known)</b>  Departure date   Vessel's name/Aircraft etc.   Port of Discharge			<b>4. For Official Use</b>  <input type="checkbox"/> Preferential Treatment Given Under ASEAN-CHINA Free Trade Area Preferential Tariff  <input type="checkbox"/> Preferential Treatment Not Given (Please state reason/s)   ..... Signature of Authorised Signatory of the Importing Country		
<b>5. Item number</b>	<b>6. Marks and numbers on packages</b>	<b>7. Number and type of packages, description of goods (including quantity where appropriate and HS number of the importing country)</b>	<b>8. Origin criterion (see Notes overleaf)</b>	<b>9. Gross weight or other quantity and value (FOB)</b>	<b>10. Number and date of invoices</b>
<b>11. Declaration by the exporter</b>  The undersigned hereby declares that the above details and statement are correct; that all the goods were produced in  ..... (Country)  and that they comply with the origin requirements specified for these goods in the ASEAN-CHINA Free Trade Area Preferential Tariff for the goods exported to  ..... (Importing Country)  ..... Place and date, signature of authorised signatory			<b>12. Certification</b>  It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.     ..... Place and date, signature and stamp of certifying authority		

# OVERLEAF NOTES

1. Member States which accept this form for the purpose of preferential treatment under the ASEAN-CHINA Free Trade Area Preferential Tariff:

BRUNEI DARUSSALAM  
INDONESIA  
MYANMAR  
THAILAND

CAMBODIA  
LAOS  
PHILIPPINES  
VIETNAM

CHINA  
MALAYSIA  
SINGAPORE

2. CONDITIONS: The main conditions for admission to the preferential treatment under the ACFTA Preferential Tariff are that goods sent to any Member States listed above:

- (i) must fall within a description of products eligible for concessions in the country of destination;
- (ii) must comply with the consignment conditions that the goods must be consigned directly from any ACFTA Member State to the importing Member State but transport that involves passing through one or more intermediate non-ACFTA Member States, is also accepted provided that any intermediate transit, transshipment or temporary storage arises only for geographic reasons or transportation requirements; and
- (iii) must comply with the origin criteria given in the next paragraph.

3. ORIGIN CRITERIA: For exports to the above mentioned countries to be eligible for preferential treatment, the requirement is that either:

- (i) The products wholly obtained in the exporting Member State as defined in Rule 3 of the ASEAN-China Rules of Origin;
- (ii) Subject to sub-paragraph (i) above, for the purpose of implementing the provisions of Rule 2 (b) of the ASEAN-China Rules of Origin, products worked on and processed as a result of which the total value of the materials, parts or produce originating from non-ACFTA Member States or of undetermined origin used does not exceed 60% of the FOB value of the product produced or obtained and the final process of the manufacture is performed within territory of the exporting Member State;
- (iii) Products which comply with origin requirements provided for in Rule 2 of the ASEAN-China Rules of Origin and which are used in a Member State as inputs for a finished product eligible for preferential treatment in another Member State/States shall be considered as a product originating in the Member State where working or processing of the finished product has taken place provided that the aggregate ACFTA content of the final product is not less than 40%; or
- (iv) Products which satisfy the Product Specific Rules provided for in Attachment B of the ASEAN-China Rules of Origin shall be considered as goods to which sufficient transformation has been carried out in a Party.

If the goods qualify under the above criteria, the exporter must indicate in Box 8 of this form the origin criteria on the basis of which he claims that his goods qualify for preferential treatment, in the manner shown in the following table:

Circumstances of production or manufacture in the first country named in Box 11 of this form	Insert in Box 8
(a) Products wholly produced in the country of exportation (see paragraph 3 (i) above)	"X"
(b) Products worked upon but not wholly produced in the exporting Member State which were produced in conformity with the provisions of paragraph 3 (ii) above	Percentage of single country content, example 40%
(c) Products worked upon but not wholly produced in the exporting Member State which were produced in conformity with the provisions of paragraph 3 (iii) above	Percentage of ACFTA cumulative content, example 40%
(d) Products satisfied the Products Specific Rules	"Products Specific Rules"

4. EACH ARTICLE MUST QUALIFY: It should be noted that all the products in a consignment must qualify separately in their own right. This is of particular relevance when similar articles of different sizes or spare parts are sent.
5. DESCRIPTION OF PRODUCTS: The description of products must be sufficiently detailed to enable the products to be identified by the Customs Officers examining them. Name of manufacturer, any trade mark shall also be specified.
6. The Harmonised System number shall be that of the importing Member State.
7. The term "Exporter" in Box 11 may include the manufacturer or the producer.
8. FOR OFFICIAL USE: The Customs Authority of the Importing Member State must indicate ( ✓ ) in the relevant boxes in column 4 whether or not preferential treatment is accorded.

สินค้าอ่อนไหว

(j) Thailand:

NO.	HS CODE	DESCRIPTION
1	1101.00	Wheat or meslin flour.
2	1602.49	- - Other, including mixtures
3	2002.90	- Other
4	2008.99	- - Other
5	2009.80	- Juice of any other single fruit or vegetable
6	2009.90	- Mixtures of juices
7	2309.10	- Dog or cat food, put up for retail sale
8	2309.90	- Other
9	2515.12	- - Merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including
10	2516.12	- - Merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape
11	2516.21	- - Crude or roughly trimmed
12	2516.22	- - Merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape
13	2516.90	- Other monumental or building stone
14	2523.10	- Cement clinkers
15	2523.21	- - White cement, whether or not artificially coloured
16	2523.29	- - Other
17	2523.90	- Other hydraulic cements
18	3204.12	- - Acid dyes, whether or not premetallised, and preparations based thereon; mordant dyes and preparations based thereon
19	3208.10	- Based on polyesters
20	3208.20	- Based on acrylic or vinyl polymers
21	3208.90	- Other
22	3209.10	- Based on acrylic or vinyl polymers
23	3209.90	- Other
24	3214.10	- Glaziers' putty, grafting putty, resin cements, caulking compounds and other mastics; painters' fillings
25	3214.90	- Other
26	3502.11	- - Dried
27	3502.19	- - Other
28	3824.50	- Non-refractory mortars and concretes
29	4011.10	- Of a kind used on motor cars (including station wagons and racing cars)
	4011.101	- - - Radial tyres
	4011.109	- - - Other
30	4011.20	- Of a kind used on buses or lorries
	4011.201	- - - Radial tyres
	4011.209	- - - Other
31	4011.40	- Of a kind used on motorcycles
32	4012.19	- - Other
	4012.191	- - - Of a kind used on articles of headings 84.25 to 84.30 or heading 87.01
	4012.192	- - - Of a kind used on bicycles
	4012.199	- - - Other

NO.	HS CODE	DESCRIPTION
33	4012.90	- Other
	4012.901	- - - Solid or cushion tyres
34	4013.10	- Of a kind used on motor cars (including station wagons and racing cars), buses or lorries
35	4013.90	- Other
36	4801.00	Newsprint, in rolls or sheets.
	4801.001	- - - Weighing not more than 55 g/m <sup>2</sup>
	4801.002	- - - Weighing more than 55 g/m <sup>2</sup>
37	4823.90	- Other
	4823.901	- - - Joss paper
	4823.902	- - - Cellulose wadding and webs of cellulose fibres, coloured or marbled throughout the mass
	4823.909	- - - Other
38	4901.10	- In single sheets, whether or not folded
	4901.101	- - - Wholly or essentially in Thai
39	4901.91	- - Dictionaries and encyclopaedias, and serial instalments thereof
	4901.911	- - - Wholly or essentially in Thai
40	4901.99	- - Other
	4901.991	- - - Wholly or essentially in Thai
41	5607.41	- - Binder or baler twine
42	5607.50	- Of other synthetic fibres
43	5608.11	- - Made up fishing nets
44	5608.90	- Other
	5608.901	- - - Made up nets of twine, cordage or rope in the piece or in rolls
	5608.909	- - - Other
45	6401.10	- Footwear incorporating a protective metal toe-cap
46	6401.91	- - Covering the knee
47	6401.92	- - Covering the ankle but not covering the knee
48	6401.99	- - Other
49	6402.12	- - Ski-boots, cross-country ski footwear and snowboard boots
50	6402.19	- - Other
51	6402.20	- Footwear with upper straps or thongs assembled to the sole by means of plugs
52	6402.30	- Other footwear, incorporating a protective metal toe-cap
53	6402.91	- - Covering the ankle
54	6402.99	- - Other
55	6403.12	- - Ski-boots, cross-country ski footwear and snowboard boots
56	6403.19	- - Other
57	6403.20	- Footwear with outer soles of leather, and uppers which consist of leather straps across the instep and around the big toe
58	6403.30	- Footwear made on a base or platform of wood, not having an inner sole or a protective metal toe-cap
59	6403.40	- Other footwear, incorporating a protective metal toe-cap
60	6403.51	- - Covering the ankle
61	6403.59	- - Other
62	6403.91	- - Covering the ankle
63	6403.99	- - Other
64	6404.11	- - Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like

NO.	HS CODE	DESCRIPTION
65	6404.19	-- Other
66	6404.20	- Footwear with outer soles of leather or composition leather
67	6802.10	- Tiles, cubes and similar articles, whether or not rectangular (including square), the largest surface area of which is capable of being enclosed in a square the side of which is less than 7 cm; artificially coloured granules, chippings and powder
68	7003.12	-- Coloured throughout the mass (body tinted), opacified, flashed or having an absorbent, reflecting or non-reflecting layer
69	7003.19	-- Other
70	7004.20	- Glass, coloured throughout the mass (body tinted), opacified, flashed or having an absorbent, reflecting or non-reflecting layer
71	7004.90	- Other glass
72	7005.10	- Non-wired glass, having an absorbent, reflecting or non-reflecting layer
	7005.109	--- Other
73	7005.21	-- Coloured throughout the mass (body tinted), opacified, flashed or merely surface ground
	7005.219	--- Other
74	7005.29	-- Other
	7005.299	--- Other
75	7011.20	- For cathode-ray tubes
76	7117.19	-- Other
77	7208.10	- In coils, not further worked than hot-rolled, with patterns in relief
78	7208.25	-- Of a thickness of 4.75mm or more
79	7208.26	-- Of a thickness of 3mm or more but less than 4.75mm
80	7208.27	-- Of a thickness of less than 3mm
81	7208.36	-- Of a thickness exceeding 10mm
82	7208.37	-- Of a thickness of 4.75mm or more but not exceeding 10mm
83	7208.38	-- Of a thickness of 3mm or more but less than 4.75mm
84	7208.39	-- Of a thickness of less than 3mm
85	7208.40	- Not in coils, not further worked than hot-rolled, with patterns in relief
86	7208.51	-- Of a thickness exceeding 10mm
87	7208.52	-- Of a thickness of 4.75mm or more but not exceeding 10mm
88	7208.53	-- Of a thickness of 3mm or more but less than 4.75mm
89	7208.54	-- Of a thickness of less than 3mm
90	7208.90	- Other
91	7209.15	-- Of a thickness of 3mm or more
92	7209.16	-- Of a thickness exceeding 1mm but less than 3mm
93	7209.17	-- Of a thickness of 0.5mm or more but not exceeding 1mm
94	7209.18	-- Of a thickness of less than 0.5mm
95	7209.25	-- Of a thickness of 3mm or more
96	7209.26	-- Of a thickness exceeding 1mm but less than 3mm
97	7209.27	-- Of a thickness of 0.5mm or more but not exceeding 1mm
98	7209.28	-- Of a thickness of less than 0.5mm
99	7209.90	- Other
100	7210.12	-- Of a thickness of less than 0.5 mm
101	7210.30	- Electrolytically plated or coated with zinc
102	7210.50	- Plated or coated with chromium oxides or with chromium and chromium oxides



NO.	HS CODE	DESCRIPTION
103	7211.13	-- Rolled on four faces or in a closed box pass, of a width exceeding 150 mm and a thickness of not less than 4 mm, not in coils and without patterns in relief
104	7211.14	-- Other, of a thickness of 4.75 mm or more
105	7211.19	-- Other
106	7211.23	-- Containing by weight less than 0.25% of carbon
107	7211.29	-- Other
108	7212.20	- Electrolytically plated or coated with zinc
109	7213.10	- Containing indentations, ribs, grooves or other deformations produced during the rolling process
110	7213.20	- Other, of free-cutting steel
111	7213.99	-- Other
112	7214.10	- Forged
113	7214.20	- Containing indentations, ribs, grooves or other deformations produced during the rolling process or twisted after rolling
114	7216.31	-- U sections
115	7216.32	-- I sections
116	7216.40	- L or T sections, not further worked than hot-rolled, hot-drawn or extruded, of a height of 80mm or more
117	7216.61	-- Obtained from flat-rolled products
118	7216.69	-- Other
119	7216.91	-- Cold-formed or cold-finished from flat-rolled products
120	7216.99	-- Other
121	7217.10	- Not plated or coated, whether or not polished
122	7217.20	- Plated or coated with zinc
123	7219.31	-- Of a thickness of 4.75 mm or more
124	7219.32	-- Of a thickness of 3 mm or more but less than 4.75 mm
125	7219.33	-- Of a thickness exceeding 1 mm but less than 3 mm
126	7219.34	-- Of a thickness of 0.5 mm or more but not exceeding 1 mm
127	7219.35	-- Of a thickness of less than 0.5 mm
128	7219.90	- Other
129	7220.20	- Not further worked than cold-rolled (cold-reduced)
130	7220.90	- Other
131	7222.20	- Bars and rods, not further worked than cold-formed or cold-finished
132	7222.40	- Angles, shapes and sections
	7222.401	--- Not further worked than hot-rolled, hot-drawn or extruded
	7222.409	--- Other
133	7223.00	Wire of stainless steel.
134	7301.10	- Sheet piling
135	7305.12	-- Other, longitudinally welded
136	7305.39	-- Other
137	7306.30	- Other, welded, of circular cross-section, of iron or non-alloy steel
138	7306.40	- Other, welded, of circular cross-section, of stainless steel
139	7306.90	- Other
140	7312.10	- Stranded wire, ropes and cables
141	7317.00	Nails, tacks, drawing pins, corrugated nails, staples (other than those of heading 83.05) and similar articles, of iron or steel, whether or not with heads of other material, but excluding such articles with heads of copper.

NO.	HS CODE	DESCRIPTION
142	7318.11	-- Coach screws
143	7318.12	-- Other wood screws
144	7318.13	-- Screw hooks and screw rings
145	7318.14	-- Self-tapping screws
146	7318.15	-- Other screws and bolts, whether or not with their nuts or washers
147	7318.16	-- Nuts
148	7318.19	-- Other
149	7318.21	-- Spring washers and other lock washers
150	7318.22	-- Other washers
151	7318.23	-- Rivets
152	7318.24	-- Cotter-pins
153	7318.29	-- Other
154	7323.93	-- Of stainless steel
155	7403.11	-- Cathodes and sections of cathodes
156	7403.12	-- Wire-bars
157	7403.19	-- Other
158	7407.10	- Of refined copper
159	7409.19	-- Other
160	8413.70	- Other centrifugal pumps
161	8413.81	-- Pumps
162	8414.30	- Compressors of a kind used in refrigerating equipment
163	8414.51	-- Table, floor, wall, window, ceiling or roof fans, with a self-contained electric motor of an output not exceeding 125 W
164	8414.59	-- Other
165	8415.10	- Window or wall types, self-contained or "split-system"
166	8415.20	- Of a kind used for persons, in motor vehicles
167	8418.10	- Combined refrigerator-freezers, fitted with separate external doors
168	8418.21	-- Compression-type
169	8418.30	- Freezers of the chest type, not exceeding 800 l capacity
170	8418.40	- Freezers of the upright type, not exceeding 900 l capacity
171	8418.50	- Other refrigerating or freezing chests, cabinets, display counters, show-cases and similar refrigerating or freezing furniture
172	8421.39	-- Other
173	8428.10	- Lifts and skip hoists
174	8450.11	-- Fully-automatic machines
175	8450.12	-- Other machines, with built-in centrifugal drier
176	8450.19	-- Other
177	8450.20	- Machines, each of a dry linen capacity exceeding 10 kg
178	8450.90	- Parts
	8450.901	--- Of machine, each of a dry linen capacity not exceeding
	8450.902	--- Of machine, each of a dry linen capacity exceeding
179	8501.10	- Motors of an output not exceeding 37.5W
180	8501.20	- Universal AC/DC motors of an output exceeding 37.5W
181	8501.31	-- Of an output not exceeding 750 W
182	8501.32	-- Of an output exceeding 750W but not exceeding 75kW
183	8501.40	- Other AC motors, single-phase
184	8501.51	-- Of an output not exceeding 750W
185	8501.52	-- Of an output exceeding 750 W but not exceeding 75kW

NO.	HS CODE	DESCRIPTION
186	8501.53	-- Of an output exceeding 75kW
187	8504.10	- Ballasts for discharge lamps or tubes
188	8504.21	-- Having a power handling capacity not exceeding 650kVA
189	8504.22	-- Having a power handling capacity exceeding 650kVA but not exceeding 10,000kVA
190	8504.23	-- Having a power handling capacity exceeding 10,000kVA
191	8504.31	-- Having a power handling capacity not exceeding 1kVA
192	8504.32	-- Having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA
193	8504.33	-- Having a power handling capacity exceeding 16kVA but not exceeding 500 kVA
194	8504.34	-- Having a power handling capacity exceeding 500 kVA
195	8504.40	- Static converters
196	8506.10	- Manganese dioxide
197	8506.80	- Other primary cells and primary batteries
198	8507.10	- Lead-acid, of a kind used for starting piston engines
199	8507.20	- Other lead-acid accumulators
200	8507.30	- Nickel-cadmium
201	8507.40	- Nickel-iron
202	8507.80	- Other accumulators
203	8507.90	- Parts
204	8509.40	- Food grinders or mixers; fruit or vegetable juice extractors
205	8509.90	-Parts
206	8513.10	- Lamps
207	8513.90	- Parts
208	8516.10	- Electric instantaneous or storage water heaters and immersion heaters
209	8516.40	- Electric smoothing irons
210	8516.50	- Microwave ovens
211	8516.60	- Other ovens; cookers, cooking plates, boiling rings, grillers and roasters
212	8516.79	-- Other
213	8527.21	-- Combined with sound recording or reproducing apparatus
214	8528.12	-- Colour
215	8529.10	- Aerials and aerial reflectors of all kinds; parts suitable for use therewith
	8529.102	--- For use with radio-broadcast receivers or television receivers
216	8529.90	- Other
	8529.902	--- For use with radio-broadcast receivers or television receivers
217	8537.10	- For a voltage not exceeding 1,000V
218	8537.20	- For a voltage exceeding 1,000V
219	8538.10	- Boards, panels, consoles, desks, cabinets and other bases for the goods of heading 85.37, not equipped with their apparatus
220	8544.11	-- Of copper
221	8544.19	-- Other
222	8544.20	- Co-axial cable and other co-axial electric conductors
223	8544.30	- Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships
224	8544.41	-- Fitted with connectors

NO.	HS CODE	DESCRIPTION
225	8544.49	- - Other
226	8544.60	- Other electric conductors, for a voltage exceeding 1,000V
227	8544.70	- Optical fibre cables
228	9032.10	- Thermostats
229	9501.00	Wheeled toys designed to be ridden by children (for example, tricycles, scooters, pedal cars); dolls' carriages.
230	9502.10	- Dolls, whether or not dressed
231	9502.91	- - Garments and accessories therefor, footwear and headgear
232	9502.99	- - Other
233	9503.10	- Electric trains, including tracks, signals and other accessories thereof
234	9503.20	- Reduced-size ("scale") model assembly kits, whether or not working models, excluding those of subheading 9503.10
235	9503.30	- Other construction sets and constructional toys
236	9503.41	- - Stuffed
237	9503.49	- - Other
238	9503.50	- Toy musical instruments and apparatus
239	9503.60	- Puzzles
240	9503.70	- Other toys, put up in sets or outfits
241	9503.80	- Other toys and models, incorporating a motor
242	9503.90	- Other

**สินค้าอ่อนไหวสูง**

## (j) Thailand:

NO.	HS CODE	DESCRIPTION
1	0401.10	- Of a fat content, by weight, not exceeding 1%
2	0401.20	- Of a fat content, by weight, exceeding 1% but not exceeding 6%
3	0401.30	- Of a fat content, by weight, exceeding 6%
4	0402.10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1.5%
5	0701.10	- Seed
6	0701.90	- Other
7	0703.10	- Onions and shallots
8	0703.20	- Garlic
9	0712.20	- Onions
10	0712.90	- Other vegetables; mixture of vegetables
11	0801.11	-- Desiccated
12	0801.19	-- Other
13	0813.40	- Other fruit
14	0901.11	-- Not decaffeinated
15	0901.12	-- Decaffeinated
16	0901.21	-- Not decaffeinated
17	0901.22	-- Decaffeinated
18	0901.90	- Other
19	0902.10	- Green tea (not fermented) in immediate packings of a content not exceeding 3kg
20	0902.20	- Other green tea (not fermented)
21	0902.30	- Black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg
22	0902.40	- Other black tea (fermented) and other partly fermented tea
23	0904.11	-- Neither crushed nor ground
24	0904.12	-- Crushed or ground
25	1005.90	- Other
26	1006.10	- Rice in the husk (paddy or rough)
27	1006.20	- Husked (brown) rice
28	1006.30	- Semi-milled or wholly milled rice, whether or not polished or glazed
29	1006.40	- Broken
30	1201.00	Soya beans, whether or not broken.
	1201.001	--- Edible
	1201.009	--- Other
31	1203.00	Copra.
32	1209.91	-- Vegetable seeds
33	1507.10	- Crude oil, whether or not degummed
34	1507.90	- Other
35	1511.10	- Crude oil
36	1511.90	- Other
37	1513.11	-- Crude oil
38	1513.19	-- Other
39	1513.21	-- Crude oil
40	1513.29	-- Other
41	1701.11	-- Cane sugar

NO.	HS CODE	DESCRIPTION
42	1701.12	-- Beet sugar
43	1701.91	-- Containing added flavouring or colouring matter
44	1701.99	-- Other
45	2101.11	-- Extracts, essences and concentrates
46	2101.12	-- Preparations with a basis of extracts, essences or concentrates or with a basis of coffee
47	2202.90	- Other
48	2304.00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil.
49	2401.10	- Tobacco, not stemmed/stripped
50	2401.20	- Tobacco, partly or wholly stemmed/stripped
51	2401.30	- Tobacco refuse
52	5002.00	Raw silk (not thrown).
53	5004.00	Silk yarn (other than yarn spun from silk waste) not put up for retail sale.
54	5007.20	- Other fabrics, containing 85% or more by weight of silk or of silk waste other than noil silk
55	6802.21	-- Marble, travertine and alabaster
56	6802.22	-- Other calcareous stone
57	6802.23	-- Granite
58	6802.29	-- Other stone
59	6802.91	-- Marble, travertine and alabaster
60	6802.92	-- Other calcareous stone
61	6802.93	-- Granite
62	6802.99	-- Other stone
63	6908.10	- Tiles, cubes and similar articles, whether or not rectangular, the largest surface area of which is capable of being enclosed in a square the side of which is less than 7 cm
64	6908.90	- Other
65	6911.10	- Tableware and kitchenware
66	6911.90	- Other
67	6912.00	Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china.
68	7009.10	- Rear-view mirrors for vehicles
69	7009.91	-- Unframed
70	7009.92	-- Framed
71	7320.20	- Helical springs
72	8407.31	-- Of a cylinder capacity not exceeding 50 cc
73	8407.32	-- Of a cylinder capacity exceeding 50 cc but not exceeding 250 cc
74	8407.33	-- Of a cylinder capacity exceeding 250 cc but not exceeding 1,000 cc
75	8407.34	-- Of a cylinder capacity exceeding 1,000 cc
76	8408.20	- Engines of a kind used for the propulsion of vehicles of Chapter 87
77	8409.91	-- Suitable for use solely or principally with spark-ignition internal combustion piston engines
78	8409.99	-- Other
79	8703.21	-- Of a cylinder capacity not exceeding 1,000 cc
80	8703.22	-- Of a cylinder capacity exceeding 1,000cc but not exceeding 1,500cc
	8703.222	--- Cars of jeep type with either flexible or hard top including station wagon type, and similar vehicles
	8703.229	--- Other

NO.	HS CODE	DESCRIPTION
81	8703.23	-- Of a cylinder capacity exceeding 1,500cc but not exceeding 3,000cc
	8703.232	--- Cars of jeep type with either flexible or hard top including station wagon type, and similar vehicles
	8703.239	--- Other
82	8703.24	-- Of a cylinder capacity exceeding 3,000 cc
	8703.242	--- Cars of jeep type with either flexible or hard top including station wagon type, and similar vehicles
	8703.249	--- Other
83	8703.31	-- Of a cylinder capacity not exceeding 1,500 cc
	8703.312	--- Cars of jeep type with either flexible or hard top including station wagon type, and similar vehicles
	8703.319	--- Other
84	8703.32	-- Of a cylinder capacity exceeding 1,500cc but not exceeding 2,500cc
	8703.322	--- Cars of jeep type with either flexible or hard top including station wagon type, and similar vehicles
	8703.329	--- Other
85	8703.33	-- Of a cylinder capacity exceeding 2,500cc
	8703.332	--- Cars of jeep type with either flexible or hard top including station wagon type, and similar vehicles
	8703.339	--- Other
86	8708.31	-- Mounted brake linings
87	8708.39	-- Other
88	8708.60	- Non-driving axles and parts thereof
89	8708.80	- Suspension shock-absorbers
90	8708.93	-- Clutches and parts thereof
91	8708.94	-- Steering wheels, steering columns and steering boxes
92	8708.99	-- Other
93	8711.10	- With reciprocating internal combustion piston engine of a cylinder capacity not exceeding 50cc
94	8711.20	- With reciprocating internal combustion piston engine of a cylinder capacity exceeding 50cc but not exceeding 250cc
95	8711.30	- With reciprocating internal combustion piston engine of a cylinder capacity exceeding 250cc but not exceeding 500cc
96	8711.40	- With reciprocating internal combustion piston engine of a cylinder capacity exceeding 500cc but not exceeding 800cc
97	8711.50	- With reciprocating internal combustion piston engine of a cylinder capacity exceeding 800cc
98	8711.90	- Other
99	8714.11	-- Saddles
100	8714.19	-- Other





**AGREEMENT ON DISPUTE SETTLEMENT MECHANISM OF THE  
FRAMEWORK AGREEMENT ON COMPREHENSIVE  
ECONOMIC CO-OPERATION BETWEEN THE  
ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND  
THE PEOPLE'S REPUBLIC OF CHINA**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic ("Lao PDR"), 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 States of the Association of Southeast Asian Nations ("ASEAN") and the People's Republic of China ("China"), (collectively, "the Parties", or individually referring to an ASEAN Member State or to China as a "Party");

**RECALLING** the Framework Agreement on Comprehensive Economic Co-operation ("the Framework Agreement") between ASEAN and China signed by the Heads of Government/State of ASEAN Member States and China in Phnom Penh on the 4<sup>th</sup> day of November 2002;

**RECALLING** paragraph 1 of Article 11 of the Framework Agreement on the establishment of appropriate formal dispute settlement procedures and mechanism for the purposes of the Framework Agreement within 1 year after the date of entry into force of the Framework Agreement;

**HAVE AGREED AS FOLLOWS:**

**ARTICLE 1  
Definitions**

For the purposes of this Agreement, the following definitions shall apply unless the context otherwise requires:

- (a) All the definitions in the Framework Agreement shall apply to this Agreement;
- (b) "days" means calendar days, including weekends and holidays;
- (c) "parties to a dispute", "parties to the dispute", or "parties concerned", means the complaining party and the party complained against;
- (d) "complaining party" means any party or parties that requests for consultations under Article 4; and
- (e) "party complained against" means any party to which the request for consultations is made under Article 4.

## **ARTICLE 2**

### **Scope and Coverage**

1. This Agreement shall apply to disputes arising under the Framework Agreement which shall also include the Annexes and the contents therein. Hereinafter, any reference to the Framework Agreement shall include all future legal instruments agreed pursuant to it unless where the context otherwise provides.
2. Any special or additional rules and procedures on dispute settlement contained in the Framework Agreement may be listed administratively by the ASEAN Secretariat as an Appendix to this Agreement with the consent of the Parties.
3. Unless otherwise provided for in this Agreement or in the Framework Agreement, or as the Parties may otherwise agree, the provisions of this Agreement shall apply with respect to the avoidance or settlement of disputes between or among the Parties concerning their respective rights and obligations under the Framework Agreement.
4. The provisions of this Agreement may be invoked in respect of measures affecting the observance of the Framework Agreement taken by central, regional or local governments or authorities within the territory of a Party.
5. Subject to paragraph 6, nothing in this Agreement shall prejudice any right of the Parties to have recourse to dispute settlement procedures available under any other treaty to which they are parties.
6. Once dispute settlement proceedings have been initiated under this Agreement or under any other treaty to which the parties to a dispute are parties concerning a particular right or obligation of such parties arising under the Framework Agreement or that other treaty, the forum selected by the complaining party shall be used to the exclusion of any other for such dispute.
7. Paragraphs 5 and 6 above shall not apply where the parties to a dispute expressly agree to the use of more than one dispute settlement forum in respect of that particular dispute.
8. For the purposes of paragraphs 5 to 7, the complaining party shall be deemed to have selected a forum when it has requested the establishment of, or referred a dispute to, a dispute settlement panel or tribunal in accordance with this Agreement or any other agreement to which the parties to a dispute are parties.

### **ARTICLE 3**

#### **Liaison Office**

1. For the purpose of this Agreement, each Party shall:
  - (a) designate an office that shall be responsible for all liaison affairs referred to in this Agreement;
  - (b) be responsible for the operation and costs of its designated office; and
  - (c) notify the other Parties of the location and address of its designated office within 30 days after the completion of its internal procedures for the entry into force of this Agreement.
2. Unless otherwise provided in this Agreement, the submission of any request or document under this Agreement to the designated office of any Party shall be deemed to be the submission of that request or document to that Party.

### **ARTICLE 4**

#### **Consultations**

1. A party complained against shall accord due consideration and adequate opportunity for consultations regarding a request for consultations made by a complaining party with respect to any matter affecting the implementation or application of the Framework Agreement whereby:
  - (a) any benefit accruing to the complaining party directly or indirectly under the Framework Agreement is being nullified or impaired; or
  - (b) the attainment of any objective of the Framework Agreement is being impeded,

as a result of the failure of the party complained against to carry out its obligations under the Framework Agreement.<sup>1</sup>

2. Any request for consultations shall be submitted in writing, which shall include the specific measures at issue, and the factual and legal basis (including the provisions of the Framework Agreement alleged to have been breached and any other relevant provisions) of the complaint. The complaining party shall send the request to the party complained against and the rest of the Parties. Upon receipt, the party complained against shall acknowledge receipt of such request to the complaining party and the rest of the Parties simultaneously.

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<sup>1</sup> Non-violation disputes are not permitted under this Agreement.

3. If a request for consultations is made, the party complained against shall reply to the request within 7 days after the date of its receipt and shall enter into consultations in good faith within a period of not more than 30 days after the date of receipt of the request, with a view to reaching a mutually satisfactory solution. If the party complained against does not respond within the aforesaid 7 days, or does not enter into consultations within the aforesaid 30 days, then the complaining party may proceed directly to request for the appointment of an arbitral tribunal under Article 6.

4. The parties to a dispute shall make every effort to reach a mutually satisfactory resolution of any matter through consultations. To this end, the parties concerned shall:

- (a) provide sufficient information to enable a full examination of how the measure might affect the operation of the Framework Agreement; and
- (b) treat as confidential any information exchanged in the consultations which the other party concerned has designated as confidential.

5. Consultations shall be confidential, and are without prejudice to the rights of any Party in any further or other proceedings.

6. Whenever a Party (other than the parties to a dispute) considers that it has a substantial interest in consultations being held pursuant to this Article, such Party may notify the parties to a dispute in writing of its desire to be joined in the consultations within 10 days after the date of receipt of the request for consultations by the party complained against. Such Party shall be joined in the consultations provided that the party complained against agrees that the claim of substantial interest is well founded. The party complained against shall inform the complaining party and the rest of the Parties of its decision prior to the commencement of the consultations. If the request to be joined in the consultations is not accepted, the requesting Party shall be free to request for separate consultations under this Article.

7. In cases of urgency, including those which concern perishable goods, the parties concerned shall enter into consultations within a period of no more than 10 days after the date of receipt of the request by the party complained against. If the consultations have failed to settle the dispute within a period of 20 days after the date of receipt of the request by the party complained against, the complaining party may proceed directly to request for the appointment of an arbitral tribunal under Article 6.

8. In cases of urgency, including those which concern perishable goods, the parties to a dispute and arbitral tribunals shall make every effort to accelerate the proceedings to the greatest extent possible.

## **ARTICLE 5**

### **Conciliation or Mediation**

1. The parties to a dispute may at any time agree to conciliation or mediation. They may begin at any time and be terminated by the parties concerned at any time.
2. If the parties to a dispute agree, conciliation or mediation proceedings may continue before any person or body as may be agreed by the parties to the dispute while the dispute proceeds for resolution before an arbitral tribunal appointed under Article 6.
3. Proceedings involving conciliation and mediation and positions taken by the parties to a dispute during these proceedings, shall be confidential, and without prejudice to the rights of any Party in any further or other proceedings.

## **ARTICLE 6**

### **Appointment of Arbitral Tribunals**

1. If the consultations referred to in Article 4 fail to settle a dispute within 60 days after the date of receipt of the request for consultations or within 20 days after such date in cases of urgency including those which concern perishable goods, the complaining party may make a written request to the party complained against to appoint an arbitral tribunal under this Article. A copy of this request shall also be communicated to the rest of the Parties.
2. A request for the appointment of an arbitral tribunal shall give the reasons for the request, including the identification of:
  - (a) the specific measure at issue; and
  - (b) the factual and legal basis (including the provisions of the Framework Agreement alleged to have been breached and any other relevant provisions) for the complaint sufficient to present the problem clearly.
3. Where more than 1 complaining party requests the appointment of an arbitral tribunal related to the same matter, a single arbitral tribunal may, whenever feasible, be appointed by the parties concerned to examine the matter, taking into account their respective rights.
4. Where a single arbitral tribunal is appointed under paragraph 3, it shall organize its examination and present its findings to all the parties to the dispute in such manner that the rights which they would have enjoyed had separate arbitral tribunals examined the same matter are in no way impaired. If one of the parties to the dispute so requests, the arbitral tribunal may submit separate reports on the dispute to the parties concerned if the timeframe for writing the report so permits. The written submissions by a party to the dispute shall be made available to the other parties and each party to the dispute shall have the right to be present when any of the other parties to the same dispute presents its views to the arbitral tribunal.

5. Where more than 1 arbitral tribunal is appointed under paragraph 3 to examine the same matter, to the greatest extent possible, the same arbitrators shall be appointed by the parties concerned to serve on each of the separate arbitral tribunals and the timetable for the proceedings of each separate arbitral tribunal shall be harmonised.

## **ARTICLE 7**

### **Composition of Arbitral Tribunals**

1. Unless otherwise provided in this Agreement or the parties to the dispute agree, the arbitral tribunal shall have three members.

2. The complaining party shall appoint an arbitrator to the arbitral tribunal pursuant to Article 6 within 20 days of the receipt of the request for appointment of the arbitral tribunal under Article 6. The party complained against shall appoint an arbitrator to the arbitral tribunal pursuant to Article 6 within 30 days of its receipt of the request for appointment of the arbitral tribunal under Article 6. If any party to the dispute fails to appoint an arbitrator within such period, then the arbitrator appointed by the other party to the dispute shall act as the sole arbitrator of the tribunal.

3. Once the complaining party and the party complained against have appointed their respective arbitrators subject to paragraph 2, the parties concerned shall endeavour to agree on an additional arbitrator who shall serve as chair. If the parties concerned are unable to agree on the chair of the arbitral tribunal within 30 days after the date on which the last arbitrator has been appointed under paragraph 2, they shall request the Director-General of the World Trade Organization (WTO) to appoint the chair and such appointment shall be accepted by them. In the event that the Director-General is a national of one of the parties to the dispute, the Deputy Director-General or the officer next in seniority who is not a national of either party to the dispute shall be requested to appoint the chair. If one of the parties to the dispute is a non-WTO member, the parties to the dispute shall request the President of the International Court of Justice to appoint the chair and such appointment shall be accepted by them. In the event that the President is a national of one of the parties to the dispute, the Vice President or the officer next in seniority who is not a national of either party to the dispute shall be requested to appoint the chair.

4. The date of composition of the arbitral tribunal shall be the date on which the chair is appointed under paragraph 3, or the 30<sup>th</sup> day after the receipt of the request under Article 6 where only a sole arbitrator of the tribunal is available.

5. If an arbitrator appointed under this Article resigns or becomes unable to act, a successor arbitrator shall be appointed in the same manner as prescribed for the appointment of the original arbitrator and the successor shall have all the powers and duties of the original arbitrator. The work of the arbitral tribunal shall be suspended during the appointment of the successor arbitrator.

6. Any person appointed as a member or chair of the arbitral tribunal shall have expertise or experience in law, international trade, other matters covered by the Framework Agreement or the resolution of disputes arising under international trade agreements, and shall be chosen strictly on the basis of objectivity, reliability, sound judgement and independence. Additionally, the chair shall not be a national of any party to a dispute and shall not have his or her usual place of residence in the territory of, nor be employed by, any party to a dispute.

7. Where the original arbitral tribunal is required for a matter as provided in this Agreement but cannot hear the matter for any reason, a new tribunal shall be appointed under this Article.

## **ARTICLE 8**

### **Functions of Arbitral Tribunals**

1. The function of an arbitral tribunal is to make an objective assessment of the dispute before it, including an examination of the facts of the case and the applicability of and conformity with the Framework Agreement. Where the arbitral tribunal concludes that a measure is inconsistent with a provision of the Framework Agreement, it shall recommend that the party complained against bring the measure into conformity with that provision. In addition to its recommendations, the arbitral tribunal may suggest ways in which the party complained against could implement the recommendations. In its findings and recommendations, the arbitral tribunal cannot add to or diminish the rights and obligations provided in the Framework Agreement.

2. The arbitral tribunal shall have the following terms of reference unless the parties to a dispute agree otherwise within 20 days from its composition:

“To examine, in the light of the relevant provisions in the Framework Agreement, the matter referred to this arbitral tribunal by (name of party)... and to make findings, determinations and recommendations provided for in the Framework Agreement.”

The arbitral tribunal shall address the relevant provisions in the Framework Agreement cited by the parties to a dispute.

3. The arbitral tribunal established pursuant to Article 6 above:

- (a) shall consult regularly with the parties to the dispute and provide adequate opportunities for the development of a mutually satisfactory resolution;
- (b) shall make its decision in accordance with the Framework Agreement and the rules of international law applicable between the parties to the dispute; and
- (c) shall set out, in its decision, its findings of law and fact, together with the reasons therefore.

4. The decision of the arbitral tribunal shall be final and binding on the parties to the dispute.

5. An arbitral tribunal shall take its decision by consensus; provided that where an arbitral tribunal is unable to reach consensus, it may take its decision by majority opinion.

6. The arbitral tribunal shall, in consultation with the parties to the dispute and apart from the matters set out in paragraphs 2, 3, 4 of Article 6 and Article 9, regulate its own procedures in relation to the rights of parties to be heard and its deliberations.

## **ARTICLE 9**

### **Proceedings of Arbitral Tribunals**

1. An arbitral tribunal shall meet in closed session. The parties to the dispute shall be present at the meetings only when invited by the arbitral tribunal to appear before it.

2. The venue for the substantive meetings of the arbitral tribunal shall be decided by mutual agreement between the parties to the dispute, failing which the first substantive meeting shall be held in the capital of the party complained against, with the second substantive meeting to be held in the capital of the complaining party.

3. After consulting the parties to the dispute, the arbitral tribunal shall, as soon as practical and possible within 15 days after the composition of the arbitral tribunal, fix the timetable for the arbitral process. In determining the timetable for the arbitral process, the arbitral tribunal shall provide sufficient time for the parties to the dispute to prepare their respective submissions. The arbitral tribunal should set precise deadlines for written submissions by the parties to the dispute and they shall respect these deadlines.

4. The deliberations of an arbitral tribunal and the documents submitted to it shall be kept confidential. Nothing in this Article shall preclude a party to a dispute from disclosing statements of its own positions or its submissions to the public; a party to a dispute shall treat as confidential information submitted by any of the other parties concerned to the arbitral tribunal which the submitting party has designated as confidential. Where a party to a dispute submits a confidential version of its written submissions to the arbitral tribunal, it shall also, upon request of any of the other parties concerned, provide a non-confidential summary of the information contained in its submissions that could be disclosed to the public.

5. The rules and procedures pertaining to the proceedings before the arbitral tribunal as set out in Annex 1 of this Agreement shall apply unless the arbitral tribunal decides otherwise after consulting the parties to the dispute.



6. The report of the arbitral tribunal shall be drafted without the presence of the parties to the dispute in the light of the information provided and the statements made. The deliberations of the tribunal shall be confidential. Opinions expressed in the report of the arbitral tribunal by an individual arbitrator shall be anonymous.

7. Following the consideration of submissions, oral arguments and any information before it, the arbitral tribunal shall issue a draft report to the parties concerned, including both a descriptive section relating to the facts of the dispute and the arguments of the parties to the dispute and the arbitral tribunal's findings and conclusions. The arbitral tribunal shall accord adequate opportunity to the parties concerned to review the entirety of its draft report prior to its finalization and shall include a discussion of any comments by the parties concerned in its final report.

8. The arbitral tribunal shall release to the parties to the dispute its final report within 120 days from the date of its composition. In cases of urgency, including those relating to perishable goods, the arbitral tribunal shall aim to issue its report to the parties to the dispute within 60 days from the date of its composition. When the arbitral tribunal considers that it cannot release its final report within 120 days, or within 60 days in cases of urgency, it shall inform the parties concerned in writing of the reasons for the delay together with an estimate of the period within which it will issue its report. In no case should the period from the composition of an arbitral tribunal to the release of the report to parties to the dispute exceed 180 days.

9. The final report of the arbitral tribunal shall become a public document within 10 days after its release to the parties concerned.

## **ARTICLE 10**

### **Third Parties**

1. Any Party having a substantial interest in a dispute before an arbitral tribunal and having notified its interest in writing to the parties to such a dispute and the remaining Parties (hereinafter referred to as a "third party"), shall have an opportunity to make written submissions to the tribunal. These submissions shall also be given to the parties to a dispute and may be reflected in the report of the arbitral tribunal.

2. Third parties shall receive the submissions of the parties to a dispute to the first meeting of the arbitral tribunal.

3. If a third party considers that a measure already the subject of an arbitral tribunal proceedings nullifies or impairs benefits accruing to it under the Framework Agreement, such Party may have recourse to normal dispute settlement procedures under this Agreement.

## **ARTICLE 11**

### **Suspension and Termination of Proceedings**

1. Where the parties to the dispute agree, the arbitral tribunal may suspend its work at any time for a period not exceeding 12 months from the date of such agreement. Upon the request of any party to a dispute, the arbitral proceeding shall be resumed after such suspension. If the work of the arbitral tribunal has been suspended for more than 12 months, the authority for establishment of the arbitral tribunal shall lapse unless the parties concerned agree otherwise.
2. The parties to a dispute may agree to terminate the proceedings of an arbitral tribunal established under this Agreement before the release of the final report to them, in the event that a mutually satisfactory solution to the dispute has been found.
3. Before the arbitral tribunal makes its decision, it may at any stage of the proceedings propose to the parties to the dispute that the dispute be settled amicably.

## **ARTICLE 12**

### **Implementation**

1. The party complained against shall inform the complaining party of its intention in respect of implementation of the recommendations and rulings of the arbitral tribunal.
2. If it is impracticable to comply immediately with the recommendations and rulings of the arbitral tribunal, the party complained against shall have a reasonable period of time in which to do so. The reasonable period of time shall be mutually determined by the parties to the dispute or, where the parties concerned fail to agree on the reasonable period of time within 30 days of the release of the arbitral tribunal's final report, any of the parties to the dispute may refer the matter to the original arbitral tribunal wherever possible which shall, following consultations with the parties concerned, determine the reasonable period of time within 30 days after the date of the referral of the matter to it. When the arbitral tribunal considers that it cannot provide its report within this timeframe, it shall inform the parties concerned in writing of the reasons for the delay and shall submit its report no later than 45 days after the date of the referral of the matter to it.
3. Where there is disagreement as to the existence or consistency with the Framework Agreement of measures taken within the reasonable period of time referred to in paragraph 2 to comply with the recommendations of the arbitral tribunal, such dispute shall be referred to the original arbitral tribunal, wherever possible. The arbitral tribunal shall provide its report to the parties to the dispute within 60 days after the date of the referral of the matter to it. When the arbitral tribunal considers that it cannot provide its report within this timeframe, it shall inform the parties concerned in writing of the reasons for the delay and shall submit its report no later than 75 days after the date of the referral of the matter to it.

**ARTICLE 13**  
**Compensation and Suspension of Concessions or Benefits**

1. Compensation and the suspension of concessions or benefits are temporary measures available in the event that the recommendations and rulings are not implemented within a reasonable period of time. However, neither compensation nor the suspension of concessions or benefits is preferred to full implementation of a recommendation to bring a measure into conformity with the Framework Agreement. Compensation is voluntary and, if granted, shall be consistent with the Framework Agreement.

2. If the party complained against fails to bring the measure found to be inconsistent with the Framework Agreement into compliance with the recommendations of the arbitral tribunal within the reasonable period of time determined pursuant to paragraph 2 of Article 12, that party shall, if so requested, enter into negotiations with the complaining party with a view to reaching a mutually satisfactory agreement on any necessary compensatory adjustment.

3. If no mutually satisfactory agreement on compensation has been reached within 20 days after the request of the complaining party to enter into negotiations on compensatory adjustment, the complaining party may request the original arbitral tribunal to determine the appropriate level of any suspension of concessions or benefits conferred on the party which has failed to bring the measure found to be inconsistent with the Framework Agreement into compliance with the recommendations of the arbitral tribunal. The arbitral tribunal shall provide its report to the parties to the dispute within 30 days after the date of the referral of the matter to it. When the arbitral tribunal considers that it cannot provide its report within this timeframe, it shall inform the parties concerned in writing of the reasons for the delay and shall submit its report no later than 45 days after the date of the referral of the matter to it. Concessions or benefits shall not be suspended during the course of the arbitral proceedings.

4. Any suspension of concessions or benefits shall be restricted to those accruing under the Framework Agreement to the party which has failed to bring the measure found to be inconsistent with the Framework Agreement into compliance with the recommendations of the arbitral tribunal. That party and the rest of the Parties shall be informed of the commencement and details of any such suspension.

5. In considering what concessions or benefits to suspend:

- (a) the complaining party should first seek to suspend concessions or benefits in the same sector or sectors as that affected by the measure or other matter that the arbitral tribunal has found to be inconsistent with the Framework Agreement or to have caused nullification or impairment; and

- (b) the complaining party may suspend concessions or benefits in other sectors if it considers that it is not practicable or effective to suspend concessions or benefits in the same sector.

6. The suspension of concessions or benefits shall be temporary and shall only be applied until such time as the measure found to be inconsistent with the Framework Agreement has been removed, or the Party that must implement the arbitral tribunal's recommendations has done so, or a mutually satisfactory solution is reached.

#### **ARTICLE 14**

##### **Language**

1. All proceedings pursuant to this Agreement shall be conducted in the English language.
2. Any document submitted for use in any proceedings pursuant to this Agreement shall be in the English language. If any original document is not in the English language, a party submitting it for use in the proceedings pursuant to this Agreement shall provide an English translation of that document.

#### **ARTICLE 15**

##### **Expenses**

1. Each party to a dispute shall bear the costs of its appointed arbitrator and its own expenses and legal costs.
2. The costs of the chair of the arbitral tribunal and other expenses associated with the conduct of its proceedings shall be borne in equal parts by the parties to a dispute.

#### **ARTICLE 16**

##### **Amendments**

The provisions of this Agreement may be modified through amendments mutually agreed upon in writing by the Parties.

#### **ARTICLE 17**

##### **Depositary**

For ASEAN, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.

**ARTICLE 18**  
**Entry Into Force**

1. This Agreement shall enter into force on 1 January 2005.
2. The Parties undertake to complete their internal procedures for the entry into force of this Agreement prior to 1 January 2005.
3. Where a Party is unable to complete its internal procedures for the entry into force of this Agreement by 1 January 2005, the rights and obligations of that Party under this Agreement shall commence on the date of the completion of such internal procedures.
4. A Party shall upon the completion of its internal procedures for the entry into force of this Agreement notify all the other Parties in writing.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement on Dispute Settlement Mechanism of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China.

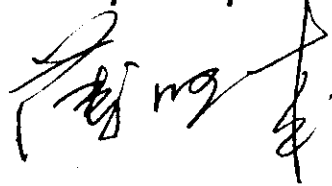
**DONE** at Vientiane, Lao PDR this Twenty Ninth Day of November in the Year Two Thousand and Four, in duplicate copies in the English Language.

*For Brunei Darussalam*



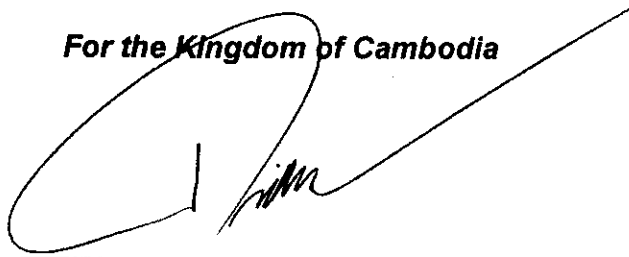
**PEHIN DATO ABDUL RAHMAN TAIB**  
Minister of Industry and Primary Resources

*For the People's Republic of China*



**BO XILAI**  
Minister of Commerce

*For the Kingdom of Cambodia*



**CHAM PRASIDH**  
Senior Minister and Minister of Commerce

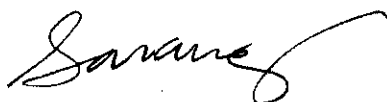
*For the Republic of Indonesia*



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**MARI ELKA PANGESTU**  
Minister of Trade

*For the Lao People's Democratic Republic*



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**SOULIVONG DARAVONG**  
Minister of Commerce

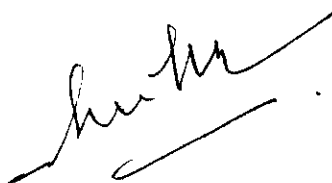
*For Malaysia*



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**RAFIDAH AZIZ**  
Minister of International Trade and Industry

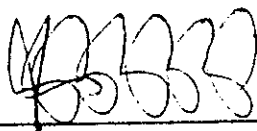
*For the Union of Myanmar*



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**SOE THA**  
Minister of National Planning and  
Economic Development

*For the Republic of the Philippines*



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**CESAR V. PURISIMA**  
Secretary of Trade and Industry

*For the Republic of Singapore*



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**LIM HNG KIANG**  
Minister for Trade and Industry

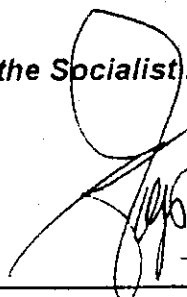
*For the Kingdom of Thailand*



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**WATANA MUANGSOOK**  
Minister of Commerce

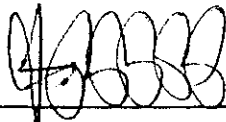
*For the Socialist Republic of Viet Nam*



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**TRUONG DINH TUYEN**  
Minister of Trade


***For the Republic of the Philippines***



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**CESAR V. PURISIMA**  
Secretary of Trade and Industry

***For the Republic of Singapore***



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**LIM HNG KIANG**  
Minister for Trade and Industry

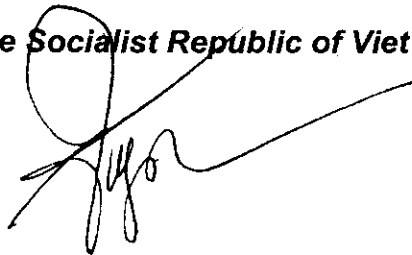
***For the Kingdom of Thailand***



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**WATANA MUANGSOOK**  
Minister of Commerce

***For the Socialist Republic of Viet Nam***



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**TRUONG DINH TUYEN**  
Minister of Trade



**RULES AND PROCEDURES FOR THE ARBITRAL PROCEEDINGS**

1. Before the first substantive meeting of the arbitral tribunal with the parties to the dispute, the parties concerned shall transmit to the arbitral tribunal written submissions in which they present the facts of their case and their arguments.
2. The complaining party shall submit its first submission in advance of the first submission of the party complained against unless the arbitral tribunal decides, in fixing the timetable referred to in paragraph 3 of Article 9 and after consultations with the parties to the dispute, that the parties concerned should submit their first submissions simultaneously. When there are sequential arrangements for the submission of first submissions, the arbitral tribunal shall establish a firm time-period for receipt of the submission of the party complained against. Any subsequent written submissions shall be submitted simultaneously.
3. At its first substantive meeting with the parties to the dispute, the arbitral tribunal shall ask the complaining party to present its submissions. Subsequently, and still at the same meeting, the party complained against shall be asked to present its submissions.
4. Formal rebuttals shall be made at the second substantive meeting of the arbitral tribunal. The party complained against shall have the right to present its submission first, and shall be followed by the complaining party. The parties to the dispute shall submit, prior to the meeting, written rebuttals to the arbitral tribunal.
5. The arbitral tribunal may at any time put questions to the parties to the dispute and ask them for explanations either in the course of a meeting with the parties concerned or in writing.
6. The parties to the dispute shall make available to the arbitral tribunal a written version of their oral statements.
7. In the interests of full transparency, the presentations, rebuttals and statements referred to in paragraphs 2 to 6 shall be made in the presence of the parties to the dispute. Moreover, each party's written submissions, including any comments on the draft report, written versions of oral statements and responses to questions put by the arbitral tribunal, shall be made available to the other party. There shall be no *ex parte* communications with the arbitral tribunal concerning matters under its consideration.

8. The arbitral tribunal may consult experts to obtain their opinion on certain aspects of the matter. With respect to factual issues concerning a scientific or other technical matter raised by a party to the dispute, the arbitral tribunal may request advisory reports in writing from an expert or experts. The arbitral tribunal may, at the request of a party or parties to the dispute, or on its own volition, select, in consultation with the parties to the dispute, scientific or technical experts who shall assist the arbitral tribunal throughout its proceedings but who shall not have the right to vote in respect of any decision to be made by the arbitral tribunal.

ผลการประชุมสุดยอดอาเซียน ครั้งที่ 10 ในด้านเศรษฐกิจที่สำคัญ  
วันที่ 27-30 พฤศจิกายน 2547  
ณ กรุงเวียงจันทน์ สปป. ลาว

ฯพณฯ นายกรัฐมนตรีได้เข้าร่วมการประชุมสุดยอดอาเซียน ครั้งที่ 10 ระหว่างวันที่ 29-30 พฤศจิกายน 2547 ณ กรุงเวียงจันทน์ สปป. ลาว โดยก่อนหน้าได้มีการประชุมรัฐมนตรีเศรษฐกิจอาเซียน ในวันที่ 27 พฤศจิกายน 2547 และการประชุมเจ้าหน้าที่อาวุโสด้านเศรษฐกิจอาเซียน ในวันที่ 25 พฤศจิกายน 2547 ในการประชุมครั้งนี้ ประเทศอาเซียนได้บรรลุข้อตกลงที่สำคัญร่วมกันในหลายประเด็น ซึ่งจะเป็ประโยชน์ต่อการเสริมสร้างความเข้มแข็งทางเศรษฐกิจของอาเซียน และนำไปสู่การรวมกลุ่มทางเศรษฐกิจที่เป็นรูปธรรม ดังนี้

1. กรอบความตกลงว่าด้วยการรวมกลุ่มสาขาสำคัญของอาเซียน ผู้นำอาเซียนได้ลงนามในกรอบความตกลงว่าด้วยการรวมกลุ่มสาขาสำคัญของอาเซียน และรัฐมนตรีที่รับผิดชอบการรวมกลุ่มทางเศรษฐกิจของอาเซียนได้ลงนามในพิธีสารรายสาขา 11 ฉบับ ในวันที่ 29 พฤศจิกายน 2547 ซึ่งกรอบความตกลงดังกล่าวได้จัดทำขึ้นเพื่อเป็นการนำร่องสำหรับการรวมกลุ่มสินค้าและบริการสำคัญ 11 สาขาของอาเซียน ได้แก่ เกษตร ประมง ผลิตภัณฑ์ไม้ ผลิตภัณฑ์ยาง สิ่งทอ ยานยนต์ อิเล็กทรอนิกส์ เทคโนโลยีสารสนเทศ สาขาสุภาพ การท่องเที่ยว การบิน โดยมีวัตถุประสงค์สำคัญเพื่อให้อาเซียนมีตลาดและฐานการผลิตร่วมกัน และมีการเคลื่อนย้ายวัตถุดิบ สินค้า บริการ การลงทุน เงินทุน และแรงงานฝีมืออย่างเสรียิ่งขึ้น สาระสำคัญของกรอบความตกลงฯ ดังกล่าวมี ดังนี้

1) การเร่งลดภาษีสินค้าใน 9 สาขาหลัก (เกษตร/ ประมง/ ผลิตภัณฑ์ไม้/ ผลิตภัณฑ์ยาง/ สิ่งทอ/ ยานยนต์/ อิเล็กทรอนิกส์/ เทคโนโลยีสารสนเทศ/ สาขาสุภาพ) ให้เร็วขึ้นจากกรอบอาฟต้าเดิม 3 ปี จากเดิม ปี 2553 (ค.ศ. 2010) เป็นปี 2550 (ค.ศ. 2007) สำหรับสมาชิกอาเซียนเดิม และปี 2558 (ค.ศ. 2015) เป็นปี 2555 (ค.ศ. 2012) สำหรับสมาชิกอาเซียนใหม่ (CLMV)

2) สาขาบริการ 2 สาขาที่ไทยเป็นประเทศผู้รับผิดชอบ

- สาขาการท่องเที่ยว เพื่อสนับสนุนให้อาเซียนเป็นศูนย์กลางของการท่องเที่ยว และเป็นจุดหมายปลายทางของการเดินทาง (ASEAN as a single tourism destination) อาเซียนจะมุ่งให้ความสำคัญกับการอำนวยความสะดวกด้านการเดินทางภายในอาเซียน การส่งเสริมการท่องเที่ยวและการตลาด รวมทั้งส่งเสริมการลงทุนด้านการท่องเที่ยวโดยเฉพาะโครงสร้างพื้นฐานที่สำคัญ และจัดทำมาตรฐานด้านการท่องเที่ยวให้ได้รับการยอมรับในระดับสากล

- สาขาการบิน เพื่อให้อาเซียนเป็นศูนย์กลางทางการบินของเอเชีย และสนับสนุนการเดินทางของนักธุรกิจ และการท่องเที่ยว อาเซียนจะเปิดเสรีด้านการบิน ทั้งด้านการขนส่งสินค้า (Air Freight Services) และผู้โดยสาร (Scheduled Passenger Services) ทั้งนี้ มีเป้าหมายที่จะดำเนินการให้แล้วเสร็จภายในปี 2553 (ค.ศ. 2010) โดยไทย สิงคโปร์ และบรูไน ได้ลงนามในความตกลงเพื่อเปิดเสรีการขนส่งสินค้าทางอากาศ (Multilateral Agreement on the Full Liberalization of All Cargo Air Services) ไปเมื่อเดือนกุมภาพันธ์ 2547 และประเทศกัมพูชาได้เข้าร่วมเป็นภาคีเมื่อเดือนพฤษภาคม 2547

3) มาตรการอำนวยความสะดวกทางการค้าและการลงทุน ซึ่งจะต้องดำเนินการเร่งลด/ยกเลิกอุปสรรคทางการค้าต่างๆ (NTBs) ปรับปรุงกฎว่าด้วยแหล่งกำเนิดสินค้าของอาเซียนให้โปร่งใสมากขึ้น ปรับปรุงพิธีการด้านศุลกากร และพัฒนามาตรฐานและความสอดคล้องของผลิตภัณฑ์ และส่งเสริมให้เกิดการเคลื่อนย้ายของนักธุรกิจ ผู้เชี่ยวชาญ ผู้ประกอบวิชาชีพ แรงงานฝีมือ และผู้มีความสามารถพิเศษในอาเซียนที่สะดวก รวดเร็ว และเสรีมากยิ่งขึ้น

4) การมีผลบังคับใช้ของกรอบความตกลงฯ จะมีผลบังคับใช้ในวันที่ 31 สิงหาคม ค.ศ. 2005 สำหรับมาตรการที่จะต้องเริ่มดำเนินการก่อนที่ความตกลงฯ จะมีผลบังคับใช้ ให้สมาชิกอาเซียนเริ่มดำเนินการตามข้อผูกพันได้ทันที

นอกจากนี้ สมาพันธ์สิ่งทอของอาเซียน (AFTEX) ได้จัดทำข้อเสนอต่อที่ประชุมผู้นำเพื่อเร่งรัดการรวมกลุ่มในสาขาส่งทอให้เป็นรูปธรรมโดยเร็ว โดยข้อเสนอที่สำคัญ ได้แก่ การเร่งลดภาษีสินค้าสิ่งทอของประเทศสมาชิกอาเซียนเดิม 6 ประเทศ ให้เป็นร้อยละ 0 ภายในวันที่ 1 มกราคม 2005 แทนที่จะเป็น 1 มกราคม 2007 ตามที่ระบุไว้ใน roadmap ของ priority sectors และให้ประเทศสมาชิกอาเซียนเดิม 6 ประเทศพิจารณาให้ AISP กับสินค้าสิ่งทอจากประเทศ CLMV

ในส่วนของไทย ภาคเอกชนแสดงความพร้อมที่จะเร่งลดภาษีสินค้าในสาขาดังกล่าวลงโดยเร็วเช่นกัน อย่างไรก็ตาม ไทยอาจต้องคำนึงถึงสินค้าที่มีความอ่อนไหวบางตัวด้วย เช่น เส้นไหมที่เป็นวัตถุดิบ ผ้าไหม และผลิตภัณฑ์พื้นเมือง เป็นต้น

2. พิธีสารว่าด้วยกลไกระงับข้อพิพาทของอาเซียนฉบับใหม่ รัฐมนตรีเศรษฐกิจอาเซียนลงนามในพิธีสารว่าด้วยกลไกระงับข้อพิพาทของอาเซียนฉบับใหม่ ซึ่งจะมีผลบังคับใช้ทันทีภายหลังจากการลงนาม โดยพิธีสารฉบับนี้ กำหนดให้สมาชิกที่เป็นฝ่ายแพ้คดีจะต้องปฏิบัติตามคำตัดสินของคณะผู้พิจารณา และองค์กรอุทธรณ์ทันทีหรือภายใน 60 วัน หรือภายในระยะเวลาที่ยาวนานกว่านั้นตามที่คู่พิพาทได้ตกลงกัน หากไม่สามารถทำได้จะต้องเจรจากับสมาชิกที่ชนะคดีเพื่อให้การชดเชยที่เหมาะสม ทั้งนี้ จะมีการประชุมคณะทำงานเฉพาะกิจ DSM ในวันที่ 6-7 มกราคม 2548 ณ เมืองดานัง ประเทศเวียดนาม เพื่อเตรียมการสำหรับการแต่งตั้งคณะผู้พิจารณา และองค์กรอุทธรณ์ต่อไป

3. ข้อเสนอของภาคเอกชนอาเซียน ประธานสภาที่ปรึกษาธุรกิจอาเซียนได้เสนอรายงานเกี่ยวกับข้อริเริ่มและการดำเนินกิจกรรมความร่วมมือของสภาที่ปรึกษาธุรกิจอาเซียนต่อผู้นำอาเซียน โดยมีประเด็นสำคัญ ได้แก่ สภาฯ จะช่วยสนับสนุนการรวมตัวทางเศรษฐกิจของอาเซียน โดยส่งเสริมโครงการ ASEAN Pioneer Project Scheme (APPS) ซึ่งจะช่วยให้ นักธุรกิจอาเซียนมีโครงการลงทุนร่วมกันมากขึ้น การจัดประชุมสุดยอดด้านธุรกิจและการลงทุนอาเซียน (ASEAN Business and Investment Summit: ABIS) และการรวบรวมข้อคิดเห็นของภาคเอกชนเกี่ยวกับข้อริเริ่มต่างๆ ของภาครัฐบาล เพื่อเสนอต่อภาครัฐ อาทิ การเร่งรัดการรวมกลุ่มสินค้าและบริการสำคัญของอาเซียน เช่น สาขาการท่องเที่ยว และอุตสาหกรรมเกษตร รวมถึงสาขาอื่นๆ ที่มีศักยภาพในการแข่งขัน และมีการบริโภคภายในภูมิภาคสูง รวมถึงประเด็นเรื่องการจัดตั้งเขตการค้าเสรีระหว่างอาเซียนกับประเทศคู่เจรจาต่างๆ

นอกจากนี้ สภาที่ปรึกษาธุรกิจอาเซียนเสนอให้ที่ประชุมผู้นำให้ความเห็นชอบการทบทวนหน้าที่ความรับผิดชอบ (TOR) ของสภาที่ปรึกษาฯ ใหม่ และให้มีการจัดตั้งเป็นนิติบุคคล ซึ่งที่ประชุมพร้อมให้การสนับสนุน เพื่อเป็นหน่วยประสานและดำเนินกิจกรรมต่างๆ ให้มีประสิทธิภาพมากขึ้น เนื่องจากที่ผ่านมาการดำเนินงานยังประสบปัญหา ซึ่งในส่วนของไทย มีผู้แทนสภาหอการค้าฯ และสภาอุตสาหกรรมฯ ร่วมเป็นสมาชิกด้วย

#### 4. ความร่วมมือทางเศรษฐกิจและเขตการค้าเสรีของอาเซียนกับประเทศคู่เจรจา

4.1 การประมุขสุดยอดอาเซียน-จีน รัฐมนตรีเศรษฐกิจอาเซียนและจีนลงนามความตกลงการค้าสินค้า ภายใต้การเปิดเสรีอาเซียน-จีน ในวันที่ 29 พฤศจิกายน 2547 โดยมีผู้นำอาเซียนร่วมเป็นสักขีพยาน ซึ่งความตกลงดังกล่าวจะครอบคลุมการเปิดเสรีสินค้าทั้งหมด โดยจะมีผลบังคับใช้ ตั้งแต่วันที่ 1 มกราคม 2548 และจะเริ่มลดภาษี ตั้งแต่วันที่ 1 กรกฎาคม 2548 โดยสมาชิกอาเซียนเดิม 6 ประเทศ และจีนจะยกเลิกภาษีสินค้า หรือเปิดเสรีภายในวันที่ 1 มกราคม 2553 สำหรับประเทศสมาชิกใหม่อาเซียน (CLMV) จะได้รับความยืดหยุ่นให้เปิดเสรีช้าออกไปอีก 5 ปี อย่างไรก็ตาม เพื่อให้แต่ละประเทศได้มีเวลาในการปรับตัว และเสริมสร้างขีดความสามารถในการแข่งขัน ประเทศสมาชิกแต่ละประเทศสามารถมีสินค้าที่ต้องการความคุ้มครอง หรือการปรับตัวนานกว่าสินค้าปกติได้

ทั้งนี้ สินค้าอ่อนไหวของไทย ซึ่งจะเริ่มลดภาษีในวันที่ 1 มกราคม 2555 และมีภาษีสุดท้ายเป็น 0-5% ภายในวันที่ 1 มกราคม 2561 อาทิ

- สินค้าเกษตร เช่น กาแฟ ชา ข้าวบางชนิด น้ำมันถั่วเหลือง น้ำมันปาล์ม น้ำตาล และไหมดิบ เป็นต้น

- สินค้าอุตสาหกรรม เช่น หินอ่อน สี ยางรถยนต์และจักรยานยนต์ รองเท้าที่ทำด้วยยางแก้วและกระจก เซรามิก เหล็กและผลิตภัณฑ์ คอมเพรสเซอร์ เครื่องปรับอากาศ ตู้เย็น ลวดและเคเบิลรถยนต์ รถมอเตอร์ไซด์ ส่วนประกอบและอุปกรณ์ และของเล่น เป็นต้น

สำหรับสินค้าอ่อนไหวของจีน อาทิ

- สินค้าเกษตร เช่น กาแฟ ข้าวสาลี ข้าวบางชนิด น้ำมันจากพืชต่างๆ และน้ำตาล

- สินค้าอุตสาหกรรม เช่น บัญชี โพลีเอสเตอร์ ยาง ไม้และผลิตภัณฑ์ กระดาษและผลิตภัณฑ์

สิ่งทอบางรายการ (โดยเฉพาะที่มีส่วนผสมของขนสัตว์) โพลีเอสเตอร์ ไทเทเนียม โลหะ และส่วนประกอบ

สำหรับการยกเลิกภาษีผัก ผลไม้ (พิกัด 07 และ 08) ระหว่างไทยและจีนตั้งแต่วันที่ 1 ตุลาคม 2546 ผู้นำจีนได้แจ้งแก่นายกรัฐมนตรีไทยในการหารือทวิภาคีว่า ดำเนินไปด้วยดี ขณะนี้ คนจีนเริ่มรู้จักและนิยมผลไม้ไทยมากขึ้น โดยเฉพาะทุเรียน

นอกจากนี้ รัฐมนตรีเศรษฐกิจอาเซียนและจีนยังได้ลงนามความตกลงว่าด้วยกลไกการระงับข้อพิพาทระหว่างอาเซียนและจีน ซึ่งจะเป็แนวทางดำเนินการเมื่อเกิดข้อพิพาทระหว่างอาเซียนและจีน อันเป็นผลจากการดำเนินการภายใต้กรอบความตกลงว่าด้วยความร่วมมือทางเศรษฐกิจระหว่างอาเซียนและจีน

4.2 การประชุมสุดยอดอาเซียน-ญี่ปุ่น ที่ประชุมผู้นำอาเซียน-ญี่ปุ่น พิจารณาความคืบหน้าการดำเนินงานของคณะกรรมการความร่วมมือหุ้นส่วนทางเศรษฐกิจอาเซียน-ญี่ปุ่น (AJCCEP) ที่ได้ดำเนินการทบทวนการหารือมาเป็นระยะเวลากว่า 1 ปี และได้ข้อสรุปที่จะเริ่มต้นการเจรจาจัดทำเขตการค้าเสรีในเดือนเมษายน ค.ศ. 2005 และกำหนดให้แล้วเสร็จภายใน 2 ปี นอกจากนี้ ญี่ปุ่นแสดงความตั้งใจที่จะสนับสนุนการดำเนินกิจกรรมของอาเซียนในด้านต่างๆ โดยเฉพาะการดำเนินการตามแผนปฏิบัติการเวียงจันทน์ (Vientiane Action Programme: VAP) การพัฒนาบุคลากร การร่วมลงทุนในด้านโครงสร้างพื้นฐาน และความร่วมมือในกรอบอนุภูมิภาคของอาเซียน เช่น ความร่วมมือทางเศรษฐกิจในกรอบอาเซียน-ญี่ปุ่น (AMEICC) ความร่วมมือในอนุภูมิภาคกลุ่มแม่น้ำโขง (GMS-EC) และยุทธศาสตร์ความร่วมมือกับประเทศเพื่อนบ้าน ซึ่งเป็นข้อริเริ่มของไทย (Ayeyawady-Chaophraya-Mekong Economic Cooperation Strategy :ACMECS) และที่สำคัญญี่ปุ่นต้องการส่งเสริมความร่วมมือด้านการท่องเที่ยวกับอาเซียน โดยคาดว่า รายได้จากการท่องเที่ยวจะเพิ่มขึ้น 10 ล้านเหรียญสหรัฐฯ ภายในปีค.ศ. 2010

4.3 การประชุมสุดยอดอาเซียน-เกาหลี ผู้นำอาเซียนและเกาหลีได้ร่วมลงนามในปฏิญญาว่าด้วยความร่วมมือหุ้นส่วนทางเศรษฐกิจระหว่างอาเซียนและสาธารณรัฐเกาหลี โดยเห็นชอบที่จะให้เริ่มการเจรจาจัดทำความตกลงเขตการค้าเสรีอาเซียน-เกาหลี ในช่วงต้นปีค.ศ. 2005 และให้แล้วเสร็จภายใน 2 ปี โดยให้เปิดเสรีการค้าสินค้าจำนวนไม่น้อยกว่าร้อยละ 80 ภายในปีค.ศ. 2009 สำหรับประเทศสมาชิกอาเซียนเดิม 6 ประเทศ และเกาหลี และให้ความยืดหยุ่นกับประเทศ CLMV โดยกรอบการเจรจา จะครอบคลุมการเปิดเสรีและการอำนวยความสะดวกในการค้าสินค้า การค้าบริการ และการลงทุน ซึ่งผู้นำไทยได้เน้นย้ำความสำคัญของการจัดอุปสรรคทางการค้าระหว่างกัน โดยเฉพาะในเรื่องสินค้าเกษตร ซึ่งเป็นสินค้าส่งออกสำคัญของอาเซียน โดยขอให้เกาหลีพิจารณาจัดทำความตกลงยอมรับร่วมกันในด้านมาตรฐานและคุณภาพในกรอบ FTA ด้วย

4.4 อาเซียน+3 (จีน ญี่ปุ่น เกาหลี) ที่ประชุมผู้นำอาเซียน+3 ตกลงให้มีการจัดการประชุมสุดยอดเอเชียตะวันออก ครั้งที่ 2548 ที่ประเทศมาเลเซีย และตกลงให้มีการศึกษาการจัดตั้งเขตการค้าเสรีเอเชียตะวันออก นอกจากนี้ ประเทศสมาชิกอาเซียนขอให้ประเทศทั้งสาม มีส่วนร่วมในการจัดตั้งกองทุนอาเซียน (ASEAN Development Fund: ADF) การดำเนินการภายใต้แผนปฏิบัติการเวียงจันทน์ และข้อเสนอเพื่อการรวมกลุ่มทางเศรษฐกิจของอาเซียน (IAI) โดยมีวัตถุประสงค์หลักเพื่อลดช่องว่างระดับการพัฒนาระหว่างสมาชิกใหม่และเก่าของอาเซียน และระหว่างอาเซียนกับประเทศ +3

4.5 อาเซียน-ออสเตรเลีย/นิวซีแลนด์ (CER) ผู้นำอาเซียน ออสเตรเลีย และนิวซีแลนด์ได้ลงนามในปฏิญญาร่วมของผู้นำอาเซียน ออสเตรเลีย และนิวซีแลนด์ ซึ่งสาระสำคัญของปฏิญญาดังกล่าวเป็นการประกาศให้เริ่มต้นการเจรจา FTA อาเซียน-ออสเตรเลีย/นิวซีแลนด์ (CER) ในช่วงต้นปี ค.ศ. 2005 และกำหนดให้แล้วเสร็จใน 2 ปี โดยกรอบการเจรจา จะครอบคลุมการเปิดเสรีและการอำนวยความสะดวกในการค้าสินค้า การค้าบริการ และการลงทุน ตลอดจนการยกเลิกอุปสรรคทางการค้าระหว่างกัน รวมทั้งการให้ความช่วยเหลือด้านการพัฒนาขีดความสามารถแก่อาเซียน

4.6 **เขตการค้าเสรีอาเซียน-อินเดีย** เมื่อวันที่ 28 พฤศจิกายน 2547 ที่ประชุมเจ้าหน้าที่อาวุโสเศรษฐกิจอาเซียนร่วมหารือกับฝ่ายอินเดียเพื่อหาข้อสรุปในเรื่องกฎว่าด้วยแหล่งกำเนิดสินค้าที่ทั้งสองฝ่ายยังไม่สามารถตกลงกันได้ ซึ่งผลของการหารือเป็นที่น่าพอใจ โดยอาเซียนและอินเดียตกลงที่จะให้มีกฎเฉพาะกาลว่าด้วยแหล่งกำเนิดสินค้า (Interim Rule of Origin) สำหรับสินค้าที่จะเร่งลดภาษีก่อน (Early Harvest) จำนวน 105 รายการ สำหรับกฎที่จะใช้ทั่วไปในเรื่องแหล่งกำเนิดสินค้า (General Principle) ให้ใช้เกณฑ์การใช้วัตถุดิบภายในประเทศร้อยละ 40 (value-added rule) และกระบวนการแปรรูปขั้นต่ำ (minimal processes) ตามที่ฝ่ายอาเซียนเสนอ โดยให้มีรายการสินค้าที่ใช้กฎแหล่งกำเนิดสินค้าแบบเฉพาะ (Product Specific Rule: PSR) ได้ แต่ให้มีจำนวนน้อย และจะต้องเจรจาให้แล้วเสร็จก่อนเริ่ม Early Harvest คือ ภายในวันที่ 1 เมษายน 2548

## 5. การหารือทวิภาคีของรัฐมนตรีว่าการกระทรวงพาณิชย์

5.1 การหารือทวิภาคีกับรัฐมนตรีการค้าอินโดนีเซีย (H.E. Mrs. Mari Elka Pangestu) ฝ่ายอินโดนีเซียขอทราบความเห็นและประสบการณ์ของไทยเกี่ยวกับการจัดทำ FTAs โดยเฉพาะกับจีนและอินเดีย นอกจากนี้ ยังสนใจที่จะแลกเปลี่ยนประสบการณ์ด้านการเกษตรกับไทยด้วย

5.2 การหารือทวิภาคีกับผู้แทนสภาธุรกิจสหรัฐอเมริกา-อาเซียน (นำโดย Mr. Walter B. Lohman รองประธานอาวุโสสภาธุรกิจสหรัฐอเมริกา-อาเซียน) ประเด็นที่ฝ่ายสหรัฐฯ ให้ความสนใจ ได้แก่ 1) การแก้ไขปัญหาการส่งออกสินค้ากระจกที่ผลิตในไทยของ Guardian Industries และส่งออกไปยังฟิลิปปินส์ แต่ถูกทางการฟิลิปปินส์เรียกเก็บอากรตอบโต้การทุ่มตลาด 2) ขอให้ไทยช่วยติดตามข้อเสนอโครงการด้าน Life-Science ของสหรัฐฯ เมื่อ 2 ปีก่อน ซึ่งปัจจุบันยังไม่มีความคืบหน้า และ 3) การเข้ามาประกอบธุรกิจด้าน Logistic ณ สนามบินสุวรรณภูมิ ซึ่งฝ่ายไทยได้ให้ข้อมูลว่า สนามบินดังกล่าวจะพร้อมเปิดให้บริการในเดือนกันยายน 2548

กรมเจรจาการค้าระหว่างประเทศ

สำนักเอเชียตะวันออก

ธันวาคม 2547