



PROTOCOL TO IMPLEMENT THE SIXTH PACKAGE OF COMMITMENTS ON FINANCIAL SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Member States" or singularly as "Member State");

NOTING the ASEAN Framework Agreement on Services (AFAS) signed on 15 December 1995 in Bangkok, Thailand, which seeks to enhance cooperation in services amongst Member States, substantially eliminate restrictions to trade in services amongst Member States and liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by Member States under the General Agreement on Trade in Services (hereinafter referred to as "GATS") of the World Trade Organization (hereinafter referred to as "WTO");

PURSUANT to the Protocol to Amend the AFAS signed on 2 September 2003 in Phnom Penh, Cambodia, which incorporates a new Article IV bis into the AFAS that aims to expedite the liberalisation of trade in services within ASEAN;

RECALLING the decision of the Leaders to establish the ASEAN Community including the ASEAN Economic

Community (AEC) made in the Declaration of ASEAN Concord II adopted on 7 October 2003 in Bali, Indonesia;

NOTING, the Declaration on the AEC Blueprint signed in Singapore on 20 November 2007, which aims to transform ASEAN into a single market and production base, a highly competitive economic region, a region of equitable economic development and a region fully integrated into the global economy;

MINDFUL of the core elements to establish an ASEAN single market and production base including the element of free flow of services where there will be substantially no restriction to ASEAN services suppliers; and the targets and timelines of the AEC Blueprint;

RECALLING the Fifteenth ASEAN Finance Ministers' Meeting that called on Member States to enter into the sixth round of negotiations on financial services beginning in 2011 and ending in 2013;

HAVING carried out and completed the negotiations on financial services pursuant to Article IV of the AFAS and finalised the package of commitments under the sixth round of negotiations on financial services;

ACKNOWLEDGING the ASEAN Banking Integration Framework (ABIF) conducted by ASEAN Central Bank Governors' process.

HAVE AGREED AS FOLLOWS:

1. Member States who are WTO Members shall continue to extend their specific commitments under the GATS to other Member States who are non-WTO Members.

2. This Protocol and its Annexes shall form an integral part of the AFAS.
3. The Annexes to this Protocol shall consist of each Member State's Consolidated Schedule of Specific Commitments on Financial Services which comprises the Member States' horizontal and sector specific commitments and the Lists of Most-Favoured-Nation (MFN) Exemptions.
4. Subject to each Member State's Consolidated Schedule of Specific Commitments on Financial Services and List of MFN Exemptions, Member States shall accord preferential treatment to one another on a MFN basis.
5. For the purpose of deepening regional banking integration, in accordance with Article IV bis of the AFAS and guided by the principles and governance of ABIF as approved by the ASEAN Central Bank Governors Meeting (ACGM), two or more Member States may conduct negotiations and agree to liberalise their banking sectors. Notwithstanding Article X of the AFAS that sets a minimum three-year requirement for modification or withdrawal of Schedules of Specific Commitments, each participating Member State may conclude negotiations at any time and shall inscribe its commitments in banking sectors in its respective Consolidated Schedule of Specific Commitments on Financial Services as referred to in paragraph 3. Any extension of preferential treatment in the banking sector to the remaining Member States on an MFN basis shall be voluntary on the part of the participating Member States.
6. This Protocol and the commitments set out in the Annexes shall enter into force ninety (90) days after the date of its signing. Subsequent commitments made in accordance with paragraph 5 shall enter into force ninety (90) days after

the date such commitments are notified in writing to the ASEAN Finance Ministers' Meeting.

7. Member States undertake to complete their internal procedures of ratification or acceptance for the entry into force of this Protocol and the commitments set out in the Annexes.

8. Each Member State shall, upon the completion of its internal procedures of ratification or acceptance of this Protocol and the commitments set out in the Annexes, notify the ASEAN Secretariat in writing.

9. (1) Where a Member State is unable to complete its internal procedures for the entry into force of this Protocol within ninety (90) days from the date of its signing, the rights and obligations of that Member State under this Protocol shall commence on the first day following the date on which notification was made under paragraph 8.

(2) Where a Participating Member State is unable to complete its internal procedures within ninety (90) days after the date upon which subsequent commitments made by participating Member States in accordance with paragraph 5 are notified to the ASEAN Finance Ministers' Meeting, the rights and obligations of that Participating Member State shall commence on the first day following the date on which notification was made under paragraph 8.

10. This Protocol and the commitments set out in the Annexes shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member State. The Secretary-General of ASEAN shall also promptly furnish notifications of ratification or acceptance made pursuant to paragraph 8 to each Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the Protocol to Implement the Sixth Package of Commitments on Financial Services under the AFAS.

DONE at _____, _____, this _____ of _____ in the year, Two Thousand and _____, in a single original copy in the English language.

For the Government of Brunei Darussalam:



PEHIN DATO ABD RAHMAN IBRAHIM
Minister of Finance II at the Prime Minister's Office

For the Government of the Kingdom of Cambodia:



AUN PORNMONIROTH
Minister of Economy and Finance

For the Government of the Republic of Indonesia:



BAMBANG PERMADI SOEMANTRI BRODJONEGORO
Minister of Finance

For the Government of the Lao People's Democratic Republic:



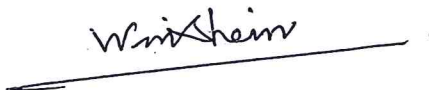
THIPPHAKONE CHANTHAVONGSA
Vice- Minister of Finance

For the Government of Malaysia:



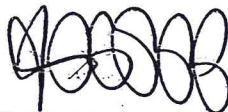
DATO' SERI AHMAD HUSNI MOHAMAD HANADZLAH
Minister of Finance II

For the Government of the Republic of the Union of Myanmar:



U WIN SHEIN
Union Minister, Minister of Finance

For the Government of the Republic of the Philippines:



CESAR V. PURISIMA
Secretary of Finance

For the Government of the Republic of Singapore:



THARMAN SHANMUGARATNAM
Deputy Prime Minister and Minister for Finance

For the Government of the Kingdom of Thailand:



SOMMAI PHASEE
Minister of Finance

For the Government of the Socialist Republic of Viet Nam:



DINH TIEN DUNG
Minister of Finance