

## **SUMMARY OF ASEAN TREATIES AND AGREEMENTS**

### **PROTOCOL TO IMPLEMENT THE TENTH PACKAGE OF COMMITMENTS ON FINANCIAL SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES**

#### **Objective/s:**

To affirm the commitment to finalize the Tenth Package of Commitments (“Tenth Package”) meeting the thresholds agreed at the 44<sup>th</sup> Meeting of the ASEAN Economic Ministers held on Aug. 28, 2012, and to implement the Tenth Package by the timelines specified.

#### **Obligation/s of the Parties:**

Member states shall accord preferential treatment to one another on a Most-Favored-Nation basis. Each member state shall submit its Schedule of Specific Commitments, Schedule of Horizontal Commitments, and List of Most-Favored-Nation (MFN) Exemptions at the time of signing of this Protocol.

#### **Effectivity:**

The Treaty was signed on Nov. 11, 2018, and came into force ninety days thereafter, or on February 9, 2019.

### **PROTOCOL 7 ON CUSTOMS TRANSIT SYSTEM**

#### **Objective/s:**

The Treaty was signed on Nov. 11, 2018, and came into force ninety days thereafter, or on Feb. 9, 2019.

**Obligation/s of Parties:**

1. Contracting parties shall allow goods to be transported across its territory under the ACTS procedure.
2. In general, the goods placed under the ACTS procedure shall be exempt from:
  - a. Routine physical customs inspections other than inspection of seals and non-intrusive inspection
  - b. Custom escorts
  - c. The requirement to provide any security or bond in addition to that prescribed under this Protocol
3. Contracting parties shall use information technology to manage risk and register, control, monitor, and exchange data concerning the ACTS procedure.
4. Contracting parties shall render assistance to each other with respect to inquiries and the investigation and/or recovery of claims arising or in connection with a transit operation.

**Effectivity:**

The treaty entered into force on Feb. 19, 2019.

**PROTOCOL 3 ON DOMESTIC CODE-SHARE RIGHTS BETWEEN POINTS  
WITHIN THE TERRITORY OF ANY OTHER ASEAN MEMBER STATES**

**Objective/s:**

To further the ASEAN Multilateral Agreement on the Full Liberalization of Passenger Air Services and to remove restrictions on air services.

**Obligation/s of the Parties:**

Designated airline(s) of each contracting party may exercise domestic code-share rights as marketing airline(s), provided there is no exercise of cabotage rights. The designated airline(s), in operating or holding out the code-share services on the specified route(s), may market and sell other points within the territory of the respective contracting party. The operating marketing airline may be required to file for approval any cooperative marketing arrangements before the aeronautical authorities of each contracting party. Capacity, frequency, and aircraft type with regard to air passenger services operated under this Protocol exercising the code-share rights shall not be limited.

**Effectivity:**

The Treaty took effect on Mar. 6, 2019.

**2017 ASEAN-HONG KONG, CHINA FREE TRADE AGREEMENT****Objective/s:**

To progressively liberalize and facilitate trade in goods and services; promote and enhance investment opportunities; strengthen, diversify, and enhance trade, investment, and economic links; and provide special and differential treatment to ASEAN member states to facilitate their more effective economic integration.

**Obligation/s of Parties:**

The Agreement covers obligations of the parties in liberalizing trade of goods and services. The contracting parties shall eliminate/reduce their customs duties on originating goods of other contracting parties. Each party shall accord national treatment to the goods of other parties in accordance with GATT 1994. Each party shall make its relevant laws, regulations, decisions, and rulings available on the internet. No party shall adopt or maintain any prohibition or quantitative restriction on the importation of any good of any other party or on

the exportation of any good destined for any other party (with exceptions). Each party shall ensure that all automatic and non-automatic import licensing measures are implemented in a transparent and predictable manner. Each party shall designate a contact point to facilitate communication among the parties on any matter relating to the Agreement.

**Effectivity:**

The agreement entered into full force on June 11, 2019.

**2017 AGREEMENT ON INVESTMENT AMONG GOVERNMENTS OF  
HONG KONG SPECIAL ADMINISTRATIVE REGION OF PEOPLE'S REPUBLIC  
OF CHINA AND THE MEMBER STATE OF THE ASSOCIATION OF  
SOUTHEAST ASIAN NATIONS**

**Objective/s:**

To create a business-friendly environment conducive to the stimulation of business initiative for greater investment among the parties.

**Obligation/s of Parties:**

The treaty generally provides that parties give investors from other parties the Most-Favoured-Nation Treatment. The parties are also to make publicly available or provide upon request of another party its laws, regulations, procedures and administrative guidelines of general application as well as any of its international investment agreements in force. The treaty also provides the rules for expropriation and compensation of covered investments of investors of any other party. Each party shall also allow the transfers relating to a covered investment to be made freely and without delay into and out of its Area. parties are to cooperate in promoting and increasing awareness of the region as an investment area.

**Effectivity:**

The treaty became effective on June 11, 2019.

**SECOND PROTOCOL AMENDING THE REVISED MEMORANDUM OF  
UNDERSTANDING ON THE ESTABLISHMENT OF THE ASEAN FOUNDATION**

**Objective/s:**

To enhance the effectiveness and efficiency of the ASEAN Foundation in achieving its objectives in accordance with ASEAN's priorities.

**Obligation/s of the Parties:**

The Parties agreed to the amendments to Paragraph 1 of Article X of the Memorandum of Understanding on the establishment of the ASEAN Foundation. The amended provision now reads that the executive director shall be an ASEAN member state national and shall be appointed by the Board for a term of three years, with renewal of another three years subject to Board approval. The recruitment of the executive director shall be based on merit.

**Effectivity:**

The Treaty took effect on June 17, 2019.

**PROTOCOL 4 ON CO-TERMINAL RIGHTS BETWEEN POINTS WITHIN  
THE TERRITORY OF ANY OTHER ASEAN MEMBER STATES**

**Objective/s:**

To further the ASEAN Multilateral Agreement on the Full Liberalization of Passenger Air Services and to remove restrictions on air services.

**Obligation/s of the Parties:**

Designated airline(s) of each contracting party may exercise co-terminal rights, provided there is no exercise of cabotage rights. The designated airline(s), when exercising co-terminal rights, may serve any additional points with international airports within the territory of other Contracting Parties. Capacity, frequency, and aircraft type with regard to air passenger services operated under this Protocol exercising co-terminal rights shall not be limited.

**Effectivity:**

The Treaty entered into force on Aug. 6, 2019.

**PROTOCOL 2 FOR DESIGNATION OF FRONTIER POSTS**

**Objective/s:**

To encourage and facilitate inter-state and transit transport operations among Brunei, Cambodia, Indonesia, Lao, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

**Obligation/s of the Parties:**

The contracting states agree to formalize the initial respective frontier posts, as the basis for the designation of frontier posts for the transport of goods in the region. The Protocol lists the designated frontier posts for each contracting party.

**Effectivity:**

The Protocol was signed on May 4, 2018 and entered into force on Oct. 6, 2019.