



**PROTOCOL TO IMPLEMENT THE
FIFTH PACKAGE OF COMMITMENTS
ON AIR TRANSPORT SERVICES UNDER
THE ASEAN FRAMEWORK AGREEMENT ON SERVICES**

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

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

HAVING carried out three rounds of negotiations and concluded four sets of schedule of specific commitments embodied in the Protocol to Implement the Initial Package of Commitments under the ASEAN Framework Agreement on Services signed on 15 December 1997 in Kuala Lumpur, Malaysia, the Protocol to Implement the Second Package of Commitments under the ASEAN Framework Agreement on Services signed on 16 December 1998 in Ha Noi, Viet Nam, the

Protocol to Implement the Third Package of Commitments under the ASEAN Framework Agreement on Services signed on 31 December 2001 and the Protocol to Implement the Fourth Package of Commitments under the ASEAN Framework Agreement on Services signed on 23 November 2004 in Phnom Penh, Cambodia;

NOTING the ASEAN Framework Agreement for the Integration of Priority Sectors signed by the ASEAN Leaders together with the Roadmap for the Integration of Priority Sectors on 29 November 2004 in Vientiane, Lao PDR, which includes Air Transport, provide measures to deepen and broaden internal economic integration and linkages, with the participation of the private sector, to realise an ASEAN Economic Community.

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

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

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

HAVE AGREED AS FOLLOWS:

1. Member Countries who are WTO Members shall continue to extend their specific commitments under GATS to ASEAN Member Countries who are non-WTO Members.

2. Member Countries shall extend to all other Member Countries preferential treatment in air transport services as set forth in the Schedules of Specific Commitments annexed to this Protocol.

3. The Annex to this Protocol is the Schedules of Specific Commitments.

4. This Protocol and its Annexes shall form an integral part of the ASEAN Framework Agreement on Services.

5. This Protocol shall enter into force on the sixtieth day after the deposit of the sixth Instrument of Ratification or Acceptance from ASEAN Member Countries with the Secretary-General of ASEAN, and shall become effective only among the Contracting Parties that have ratified or accepted it. For each Contracting Party ratifying or accepting to the Protocol after the deposit of the sixth Instrument of Ratification or Acceptance, the Protocol shall enter into force on the sixtieth day after the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.

6. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member Country. The Secretary-General of ASEAN shall also promptly furnish notifications of ratifications or acceptances made pursuant to paragraph 5 to each Member Country.

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

DONE at Bangkok, Thailand, this Eighth Day of February in the Year Two Thousand and Seven, in a single original copy in the English language.

CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing with Crew</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	

INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing without Crew</p>	<p>1) None</p> <p>2) None</p> <p>3) Commercial presence of foreign service suppliers and/or providers is permitted up to 49%</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Repair and Maintenance Services</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing with Crew</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing without Crew</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing without Crew</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing without Crew</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing without Crew</p>	<p>1) None*</p> <p>2) None*</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None*</p> <p>2) None*</p> <p>3) None</p> <p>4) Unbound</p>	

* Lease agreement subject to approval of the aeronautical authority

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Supporting Services for Air Transport</p> <p>Airfreight Forwarding Services</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except that foreign services suppliers shall comply with the conditions on effective control and limits on the foreign ownership as stipulated in Singapore's bilateral and multilateral air services agreements.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Airfreight forwarding services</p>	<p>1) None</p> <p>2) None</p> <p>3) Commercial presence foreign services suppliers are permitted up to 49%</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

VIETNAM – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>AIR TRANSPORT SERVICES</p> <p>Aircraft Leasing with Crew</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	