



## **THIRD PROTOCOL TO AMEND THE ASEAN COMPREHENSIVE INVESTMENT AGREEMENT**

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";

**RECALLING** the ASEAN Comprehensive Investment Agreement (hereinafter referred to as the "ACIA") signed on 26 February 2009 and which entered into force on 29 March 2012, which aims to create a liberal, facilitative, transparent and competitive investment environment in ASEAN by adhering to principles such as to benefit investors and their investments based in ASEAN;

**CONSIDERING** the outcome of the annual reviews by the ASEAN Investment Area Council of paragraph 8 of the ACIA Headnote for the List of Reservations; and

**NOTING** that Article 46 (Amendments) of the ACIA provides that the provisions of the ACIA may be modified through amendments mutually agreed upon in writing by the Member States,

**HAVE AGREED AS FOLLOWS:**

**Article 1**  
**Amendment to the ACIA Headnote for the List of**  
**Reservations**

Paragraph 8 of the ACIA Headnote for the List of Reservations as provided below shall be deleted:

*“8. In the case of Thailand, as stipulated in the Foreign Business Act B.E.2542 (1999), nothing in this Agreement shall apply to an investor of the other Member States which is a juridical person constituted or otherwise organised under the law of a Member State that is not owned and/or controlled by nationals of Member States, and its investment. This provision shall be subject to review by the AIA Council on an annual basis.”*

**Article 2**  
**Final Provisions**

1. This Protocol shall form an integral part of the ACIA and shall enter into force after all Member States have notified the completion of their respective internal procedures for the entry into force of this Protocol to, or, where necessary, deposited instruments of ratification or acceptance with, the Secretary-General of ASEAN.
2. The Secretary-General of ASEAN shall promptly notify all Member States of the notifications or deposit of each instrument of ratification or acceptance referred to in paragraph 1.
3. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised by their respective Governments, have signed this Third Protocol to Amend the ASEAN Comprehensive Investment Agreement.

**DONE** at *Hanoi, Viet Nam* this *Twentieth* day of *December* in the year Two Thousand and *Seventeen*, in a single original copy in the English language.