

# **Protocol on the Accession of the Kingdom of Thailand to the Agreement on Trade in Services Under the Framework Agreement on Comprehensive Economic Cooperation Among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea**

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 Countries of the Association of Southeast Asian Nations, and the Republic of Korea,

**RECALLING** the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea, dated twenty first day of November 2007, hereinafter referred to as "the Agreement on Trade in Services";

**RECALLING** the agreement for the Kingdom of Thailand to be included in the Agreement on Trade in Services only after the relevant signature on her behalf has been appended;

**RECOGNISING** the agreement that the Kingdom of Thailand may sign the Agreement on Trade in Services at a later date upon the completion of her parliamentary procedure; and

**TAKING NOTE** of the Summary of Decisions of the 22nd ASEAN-Korea Trade Negotiating Committee (AK-TNC) Meeting on the eleventh day of April 2008 in Busan, Republic of Korea, the Summary of Decisions of the 21st AK-TNC Meeting on the eighteenth day of January 2008 in Baguio, the Philippines, and the Summary of Record of the 9th SEOM-ROK Consultations on the thirteenth day of March 2008 in Siem Reap, Cambodia on the accession of the Kingdom of Thailand to the Agreement on Trade in Services,

**HAVE AGREED** as follows:

## **Article 1**

1. The Kingdom of Thailand accedes to and shall be bound by the Agreement on Trade in Services, including its Annexes and Letter of Understanding which form an integral part of that Agreement, as rectified, amended or otherwise modified before the date of entry into force of this Protocol.
2. The signature of the Kingdom of Thailand to this Protocol shall be treated as the signature of the Kingdom of Thailand to the Agreement on Trade in Services and Letter of Understanding which form an integral part of that Agreement.

## **Article 2**

This Protocol, including the Kingdom of Thailand's Schedule of Specific Commitments, shall be an integral part of the Agreement on Trade in Services.

## **Article 3**

In the event of any inconsistency between the Agreement on Trade in Services, including its Annexes and Letter of Understanding which form an integral part of that Agreement, and this Protocol, including the Kingdom of Thailand's Schedule of Specific commitments, the former shall prevail over the latter with respect to the Kingdom of Thailand, except for the following:

- (a) the Kingdom of Thailand's Schedule of Specific Commitments; and
- (b) the Article 6 of this Protocol.

#### **Article 4**

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

#### **Article 5**

Any dispute concerning the interpretation, implementation or application of this Protocol shall be resolved through the procedures and mechanism as set out in the Agreement on Dispute Settlement Mechanism under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea.

#### **Article 6**

1. Subject to paragraph 2, this Protocol shall enter into force for all the Parties on the date on which the Kingdom of Thailand has notified all the other Parties in writing of the completion of its internal procedures.

2. In the event that a Party notifies all the other Parties in writing within one (1) month from the date of signing of this Protocol that it requires to complete its internal procedures, this Protocol shall enter into force for that Party upon the date of notification of the completion of its internal procedures.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto, have signed this Protocol on the Accession of the Kingdom of Thailand to the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of the Southeast Asian Nations and the Republic of Korea.

**DONE** at Cha-am, Phetchaburi Province, Thailand, this 27th day of February 2009, in duplicate copies in the English language.

For the Government  
of Brunei Darussalam:

For the Government of  
the Republic of Korea:

**LIM JOCK SENG**  
Second Minister of Foreign Affairs and  
Trade

**KIM JONG-HOON**  
Minister for Trade

For the Royal Government of Cambodia:

**CHAM PRASIDH**  
Senior Minister and 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:

**NAM VIYAKETH**  
Minister of Industry and Commerce

For the Government of Malaysia:

**TAN SRI MUHYIDDIN YASSIN**  
Minister of International Trade and  
Industry

For the Government of the Union  
of Myanmar:

**U SOE THA**  
Minister for National Planning and  
Economic Development

For the Government of the Republic of  
the Philippines:

**PETER B. FAVILA**  
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:

**PORNTIVA NAKASAI**  
Minister of Commerce

For the Government of  
the Socialist Republic of Viet Nam:

**VU HUY HOANG**  
Minister of Industry and Trade