PROTOCOL TO IMPLEMENT
THE FOURTH PACKAGE OF COMMITMENTS 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 States
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 States, eliminate substantially 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 Organisation (hereinafter referred to as
“WTO”);

HAVING carried out two rounds of negotiations and concluded three sets of
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, and the Protocol to
Implement the Third Package of Commitments under the ASEAN Framework
Agreement on Services signed on 31 December 2001;

RECALLING that the Thirty-Third ASEAN Economic Ministers Meeting
launched the third round of negotiations, beginning 2002 and ending 2004, 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 fourth package of
commitments;

DESIRING to set out in a schedule, the specific commitments that each
Member State shall undertake, for which Member States shall accord
preferential treatment to one another on a Most-Favoured Nations basis;
HAVE AGREED AS FOLLOWS:

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

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

3. The Annexes to this Protocol shall consist of the Horizontal Commitments, Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions.

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 upon the deposit of instruments of ratification or acceptance by all signatory governments with the Secretary-General of ASEAN, which shall be done not later than 31 March 2005.

6. This Protocol 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 ratifications or acceptances made pursuant to paragraph 5 to each Member State.

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

DONE at Jakarta, Indonesia, on the Third day of September in the year Two Thousand and Four, in a single copy in the English language.
For the Government of Brunei Darussalam

ABDUL RAHMAN TAIB
Minister of Industry and Primary Resources

For the Government of the Kingdom of Cambodia

CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Government of the Republic of Indonesia

RINI M. SUMARNO SOEWANDI
Minister of Industry and Trade

For the Government of the Lao People’s Democratic Republic

SOULIVONG DARAVONG
Minister of Commerce

For the Government of Malaysia

RAFIDAH AZIZ
Minister of International Trade and Industry
For the Government of the Union of Myanmar

SOE THA
Minister of National Planning and Economic Development

For the Government of the Republic of the Philippines

CESAR V. PURISIMA
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

WATANA MUANGSOOK
Minister of Commerce

For the Government of the Socialist Republic of Viet Nam

TRUONG DINH TUYEN
Minister of Trade
# Coverage of the ICT and Telecommunication Services Sector

## Central Product Classification Codes

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Classification Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Computer and Related Services</strong></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Consultancy services related to the installation of computer hardware</td>
<td>841</td>
</tr>
<tr>
<td>b.</td>
<td>Software implementation services</td>
<td>842</td>
</tr>
<tr>
<td>c.</td>
<td>Data processing services</td>
<td>843</td>
</tr>
<tr>
<td>d.</td>
<td>Data base services</td>
<td>844</td>
</tr>
<tr>
<td>e.</td>
<td>Other</td>
<td>845+849</td>
</tr>
</tbody>
</table>

|     | **Telecommunication services** |                      |
| a.  | Voice telephone services | 7521                  |
| b.  | Packet-switched data transmission services | 7523**                |
| c.  | Circuit-switched data transmission services | 7523**                |
| d.  | Telex services | 7522                  |
| e.  | Telegraph services | 7521**+7529**         |
| f.  | Facsimile services | 7521**+7529**         |
| g.  | Private leased circuit services | 7522**+7523**         |
| h.  | Electronic mail | 7523**                |
| i.  | Voice mail | 7523**                |
| j.  | On-line information and data base retrieval | 7523**                |
| k.  | Electronic data interchange (EDI) | 7523**                |
| l.  | enhanced/value-added facsimile services, incl. store and forward, store and retrieve | 7523**                |
| m.  | Code and protocol conversion | n.a.                  |
| n.  | On-line information and/or data processing (incl. transaction processing) | 843**                 |
| o.  | Other |                       |

**Note**
- Listing is based on WTO Services Sectoral Classification List (MTN.GNS/W.120, 10 July 1991)
- The (**) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance (e.g., voice mail is only a component of CPC item 7523).