

Protocol on the Accession of the Kingdom of Thailand to the Agreement on Trade in Goods 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 Goods 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 fourth day of August 2006, hereinafter referred to as "the Agreement on Trade in Goods";

RECALLING the agreement for the Kingdom of Thailand to be included in the Agreement on Trade in Goods 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 Goods at a later date provided that she complies with all the conditions required of a Party and submit all necessary documents required of a Party to Korea and ASEAN Secretariat; 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 Goods,

HAVE AGREED as follows:

Article 1

1. The Kingdom of Thailand accedes to and shall be bound by the Agreement on Trade in Goods, including its Annexes and Letters 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 Goods and Letters of Understanding which form an integral part of that Agreement.

Article 2

This Protocol, including its Attachments, shall be an integral part of the Agreement on Trade in Goods. The following Attachments shall form part of this Protocol:

- (a) Attachment I : Normal Track 2;
- (b) Attachment II : Sensitive List; and
- (c) Attachment III : Highly Sensitive List.

Article 3

The Schedule in Attachments I, II, and III to this Protocol shall become the Schedule of Concessions and Commitments annexed to the Agreement on Trade in Goods relating to the Kingdom of Thailand. The staging of

the concessions and commitments listed in the Schedule shall be implemented as specified in the relevant parts of the respective Schedule.

Article 4

In the event of any inconsistency between the Agreement on Trade in Goods, including its Annexes and Letters of Understanding which form an integral part of that Agreement, and this Protocol, including its Attachments, the former shall prevail over the latter with respect to the Kingdom of Thailand, except for the following:

- (a) Attachment I : Normal Track 2;
- (b) Attachment III : Highly Sensitive List; and
- (c) Article 7 of this Protocol.

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

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 7

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 Goods 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