Agreement ID : AFTA-ATIGA-AFAS
Short Name : ASEAN FTA

Member Countries

Brunei
Cambodia
Indonesia
Lao PDR
Malaysia
Myanmar
Philippines
Singapore
Thailand
Viet Nam

Total: 10 countries

ASEAN Free Trade Area

Status : Signed in **1992**. In force since 1992
Scope : Regional
Type : Free Trade Agreement
WTO Notification : Enabling Clause 1992
Agreement text :
http://www.aseansec.org/12374.htm
Other links :
http://www.worldtradelaw.net/fta/agreements/afta.pdf
WTO consideration process :
No report

GOODS

Tariffs
Chapter 2; Article 19
Negative list, Schedule H
Tariff elimination for ASEAN6 by 2010, for CLMV (Cambodia, Lao PDR, Myanmar and Viet Nam) by 2015 with flexibility to 2018

Rules of Origin
Chapter 3; Article 26

Local value added 40% or CTH

No specific manufacturing process specified; product specific rules under negotiation

Contingency Measures
Anti - Dumping : Chapter 9; Article 87: As per WTO
Countervailing Duties : Chapter 9; Article 87: As per WTO
Safeguards : Chapter 9; Article 86: As per WTO

Standards : Chapter 7 (Standards), Chapter 8 (SPS)

Notes :

SERVICES

WTO Notification (GATS Art. V) : Not Notified
Date of notification :
Consideration Process : Not Considered

Liberalization Approach : Positive Lists

Modes Covered
Cross - Border Supply : **Yes**
Consumption Abroad : **Yes**
Commercial Presence Abroad : **Yes**
Movement of Natural Persons : **Yes**

Specific Chapters on

Specific Sectors Excluded
Air transport : **Yes**

Public Sectors carve-out : GATS-like (Article I:3(b))

Most Favoured Nation : Binding

National Treatment : Binding

Market Access : Binding

Domestic Regulation : Binding but subject to legitimate expectations (GATS-like)

Subsidies covered by services disciplines : Covered

Denial of benefits for commercial presence : The benefits of this Framework Agreement shall be denied to a service supplier who

Notes :
Trade in services governed by the ASEAN Framework Agreement on Services (AFAS) of 1995 and concerned Protocols. See http://www.aseansec.org/6628.htm GATS definitions and obligations are explicitly incorporated, unless a specific provision on the matter is featured in AFAS (see Article Article XIV:1).

Link to schedules :

INVESTMENT

Scheduling Approach : Negative Lists

Definition of investment : Covers portfolio investment

Most Favoured Nation : Binding
Economic integration exception to MFN : **Yes**

National Treatment : Binding
NT provision applies to entry and establishment rights : **Yes**

Fair and Equitable Treatment : Binding

Expropriation : Binding

Board of Directors and executive personnel : Binding

Invester - State arbitration : Yes

Denial of Benefits :
Article 19.Benefits may be denied to juridical persons incorporated in a Member State, that do not have a substantive business operation in the territory of that State, and that are owned by persons from a non-Member State or the denying Member State

Additional BIT exists between the parties : Yes

BIT list I : Cambodia - Indonesia BIT

Status: No data available

BIT list II : Cambodia - Malaysia BIT

Status: No data available

Notes :

Investment governed by the Framework Agreement on the ASEAN Investment Area (AIA) of 1998 and ASEAN Comprehensive Investment Agreement (ACIA) of 2009.Investment in services not covered to the extent they are covered by the AFAS.

Link to schedules :

TRADE FACILITATION

Customs procedures : **Yes** Article 2, Article 4, Article 6 and Article 10 of the Agreement
Customs valuation : **No**
Trade regulations publication and administration : **Yes** Article 2 and Article 7 of the Agreement
Use of ICT : **No**
Mobility of business people : **No**
Freedom of transit : **No**
Transport and logistics : **No**
Trade finance : **No**

OTHER AREAS

Government Procurement : **No**
Investment : **Yes** ASEAN Investment Area http://www.aseansec.org/6462.htm
Competition Policy : **No**
Intellectual Property : **Yes** A separate agreement http://www.aseansec.org/6414.htm
Dispute Settlement : **Yes** ASEAN Protocol on Enhanced Dispute Settlement Mechanism covers all intra-ASEAN agreements http://www.aseans
Labor Mobility : **No**
Labor and Environmental Standards : **Yes** separate action plans on environmental cooperation.
Technical cooperation : **No**
Institutional mechanism : **No**

Notes :

Latest amendment was in 2003. ASEAN expects to become a full fledged RTA in the next decade. ALl other areas of economic, social and political cooperation including services, investment, IPR, environment, labourare covered in separate agreements, not directly in AFTA.

RULES OF ORIGIN

Cumulation

Chapter 3; Article 30; Allowed

Specific Process

Chapter 3; Article 28; Annex 3: Product specific rules

Heading Change

De Minimis

Chapter 3; Article 33; 10% of FOB vlaue

Minimum Content

Drawback

Chapter 6; Article 60; Allowed

HTTP Link

http://www.asean.org/communities/asean-economic-community/category/asean-trade-in-goods-agreement

Notes :