

FRAMEWORK AGREEMENT ON COMPREHENSIVE
ECONOMIC COOPERATION
AMONG THE GOVERNMENTS OF THE REPUBLIC OF
KOREA
AND
THE MEMBER COUNTRIES OF THE ASSOCIATION OF
SOUTHEAST ASIAN NATIONS

The Governments of the Republic of Korea, 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 Vietnam, Member Countries of the Association of Southeast Asian Nations,

RECALLING the decision made at the Korea-ASEAN Summit held on 30 November 2004 at Vientiane, the Lao People's Democratic Republic, by the Joint Declaration on Comprehensive Cooperation Partnership between Korea and ASEAN, to establish a Korea-ASEAN Free Trade Area at an earliest stage with special and differential treatment and additional flexibility for the new ASEAN Member Countries of the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Vietnam;

DESIRING to adopt a Framework Agreement on Comprehensive Economic Cooperation among them, that will further promote growth and development, increase the living standard of the people throughout the region and provide further dynamic benefits to the region in the long term;

BEING confident that the establishment of the Korea-ASEAN Free Trade Area will be a natural extension of their existing relations as well as a stepping stone to elevate their relationship to a higher and more comprehensive level;

REAFFIRMING the shared belief that the arrangement for the creation of the Korea-ASEAN Free Trade Area should be based on the agreed principles of comprehensiveness in the liberalisation process, meaningful and substantial liberalisation, enhancement of mutual benefits, and consistency with WTO rules and disciplines;

BUILDING on their respective rights and obligations under the Marrakesh Agreement Establishing the World Trade Organisation and the other agreements negotiated thereunder and other multilateral and bilateral instruments of cooperation to which they are parties;

RECOGNISING that the removal of obstacles to trade through the creation of the Korea-ASEAN Free Trade Area will contribute to the harmonious development and expansion of world trade and provide a catalyst to broader international cooperation, in particular within East Asia;

RECOGNISING the importance of capacity building through human resource development to face challenges of globalisation; and

RECOGNISING the different stages of economic development

among the ASEAN Member Countries and the need for flexibility to be given to the new ASEAN Member Countries, in particular the need to facilitate their increasing participation in the economic cooperation of the Parties and the expansion of their exports, including, *inter alia*, through the strengthening of their domestic capacity, efficiency and competitiveness,

HAVE AGREED as follows:

CHAPTER 1 GENERAL PROVISIONS

Article 1.1

Objectives

The objectives of this Framework Agreement are to:

- (a) strengthen and enhance economic, trade and investment cooperation among the Parties;
- (b) progressively liberalise and promote trade in goods and services as well as create a transparent, liberal and facilitative investment regime;
- (c) explore new areas and develop appropriate measures for closer economic cooperation and integration;
- (d) facilitate the more effective economic integration of the new ASEAN Member Countries and bridge the development gap among the Parties; and
- (e) establish a cooperative framework for further strengthening

the economic relations among the Parties.

Article 1.2

Definitions

For the purposes of this Framework Agreement, unless the context otherwise requires:

Korea means the Republic of Korea;

Korea + AEM means the Minister for Trade of Korea and the Economic Ministers of the ASEAN Member Countries;

ASEAN means the Association of Southeast Asian Nations which comprises 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 Vietnam;

Korea-ASEAN FTA means the Korea-ASEAN Free Trade Area established by this Framework Agreement and other relevant agreements stipulated in paragraph 1 of Article 1.4;

ASEAN Member Countries means 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 Vietnam collectively;

ASEAN Member Country means 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 or the Socialist Republic of Vietnam individually;

Framework Agreement means this Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the ASEAN Member Countries;

GATS means the General Agreement on Trade in Services, which is a part of the WTO Agreement;

GATT 1994 means the General Agreement on Tariffs and Trade 1994, including its Notes and Supplementary Provisions, which is a part of the WTO Agreement;

Implementing Committee means the Implementing Committee established under Article 5.3;

new ASEAN Member Countries means the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Vietnam;

Normal Track means a list of tariff lines of which applied MFN tariff rates shall be gradually reduced and eliminated in accordance with the modality set out in Annex 1 of the Agreement on Trade in Goods under this Framework Agreement;

Parties means Korea and the ASEAN Member Countries collectively;

Party means Korea or an ASEAN Member Country;

WTO means the World Trade Organisation; and

WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organisation, done on 15 April 1994 and the other agreements negotiated thereunder.

Article 1.3

Measures for Comprehensive Economic Partnership

The Parties shall establish, consistent with Article XXIV of GATT 1994 and Article V of GATS, a Korea-ASEAN FTA and strengthen and enhance economic cooperation through the following:

- (a) progressive elimination of tariffs and non-tariff barriers in substantially all trade in goods;
- (b) progressive liberalisation of trade in services with substantial sectoral coverage;

- (c) establishment of an open and competitive investment regime that facilitates and promotes investment among the Parties;
- (d) provision of special and differential treatment to the ASEAN Member Countries and additional flexibility to the new ASEAN Member Countries as agreed in the Joint Declaration on Comprehensive Cooperation Partnership between Korea and ASEAN and the core elements attached thereto;
- (e) provision of flexibility to the Parties in the Korea-ASEAN FTA negotiations to address their sensitive areas in the goods, services and investment sectors with such flexibility to be negotiated and mutually agreed based on the principle of reciprocity and mutual benefits;
- (f) establishment of effective trade and investment facilitation measures;
- (g) exploration of the ways and means to expand their economic partnership into new areas and expansion of economic cooperation in areas as may be agreed among the Parties that will complement the deepening of trade and investment link among the Parties; and
- (h) establishment of appropriate procedures and mechanisms for the purposes of effective implementation of this Framework Agreement.

Article 1.4

Legal Coverage and Relations to Other Agreements

1. The following agreements shall form part of legal instruments establishing the Korea-ASEAN FTA upon their respective entry into force:

- (a) this Framework Agreement (including the Annex on Economic Cooperation);
- (b) the Agreement on Trade in Goods under this Framework Agreement as provided for in Article 2.1;
- (c) an agreement on trade in services to be concluded in accordance with Article 2.2;
- (d) an agreement on investment to be concluded in accordance with Article 2.3;
- (e) the Agreement on Dispute Settlement Mechanism under this Framework Agreement as provided for in Article 5.1; and
- (f) any other agreements that may be mutually agreed by consensus and concluded by the Parties in the context of the Korea-ASEAN FTA.

2. Except as otherwise provided in this Framework Agreement, this Framework Agreement or any action taken under it shall not affect or nullify the rights and obligations of a Party under the existing agreements to which it is a party.

3. Nothing in this Framework Agreement shall prevent any individual ASEAN Member Country from entering into any bilateral or plurilateral agreement with Korea and/or any other ASEAN Member Countries relating to trade in goods, trade in services, investment, and/or other areas of economic cooperation. The

provisions of this Framework Agreement shall not apply to any such bilateral or plurilateral agreement.

CHAPTER 2 LIBERALISATION

Article 2.1 Trade in Goods

1. The Parties shall progressively reduce and eliminate duties and other restrictive regulations of commerce (except, where necessary, those permitted under Article XXIV(8)(b) of GATT 1994) on substantially all trade in goods among the Parties, in accordance with the provisions, schedules and programme for the Normal Track in the Agreement on Trade in Goods under this Framework Agreement.

2. The Agreement on Trade in Goods under this Framework Agreement shall include, but not limited to:

- (a) detailed rules governing the progressive tariff reduction and/or elimination programme as well as other related matters;
- (b) rules of origin;
- (c) modification of commitments;
- (d) non-tariff measures, sanitary and phytosanitary measures, and technical barriers to trade;

- (e) safeguards measures; and
- (f) WTO disciplines and reduction and elimination of non-tariff barriers.

Article 2.2

Trade in Services

1. The Parties shall progressively liberalise trade in services among the Parties with substantial sectoral coverage in conformity with Article V of GATS.

2. For this purpose, the Parties shall enter into negotiations on the progressive liberalisation of trade in services. Such liberalisation shall be directed to:

- (a) provision for the absence or elimination of substantially all discrimination among the Parties only in the sectors covered under paragraph 1, through:

- (i) elimination of existing discriminatory measures;

and/or

- (ii) prohibition of new or more discriminatory measures with respect to trade in services among the Parties,

either at the entry into force of the agreement referred to in paragraph 3 or on the basis of an agreed time-frame, except for measures permitted under Articles XI, XII, XIV, XIVbis of GATS;

- (b) expansion in the depth and scope of liberalisation of trade in services beyond those undertaken by the Parties under GATS; and
- (c) enhanced cooperation in services among the Parties in order to improve efficiency and competitiveness, as well as to diversify the supply and distribution of services of the respective service suppliers of the Parties.

3. The Parties shall begin negotiations on an agreement on trade in services at the beginning of 2006 with a goal of concluding the negotiations not later than 31 December 2006.

Article 2.3

Investment

1. The Parties shall create a liberal, facilitative, transparent and competitive investment regime with business-friendly environment.
2. For this purpose, the Parties shall enter into negotiations on the liberalisation of investment regime. Such negotiations shall be directed to:
 - (a) progressive liberalisation of the investment regime;
 - (b) strengthening of cooperation in investment, facilitation of investment and improvement of transparency of investment rules and regulations; and
 - (c) provision of the protection under the investment regime.

3. The Parties shall begin negotiations on an agreement on investment at the beginning of 2006 with a goal of concluding the negotiations not later than 31 December 2006.

Article 2.4

Most-Favoured Nation Treatment

Korea shall accord to all the ASEAN Member Countries which are not WTO members the Most-Favoured Nation Treatment consistent with the WTO rules and disciplines upon the entry into force of this Framework Agreement.

CHAPTER 3

ECONOMIC COOPERATION

Article 3.1

Scope and Implementation of Cooperation

1. The Parties, on the basis of mutual benefits, shall explore and undertake cooperation projects in the following areas:

- (a) customs procedures;
- (b) trade and investment promotion;
- (c) small and medium enterprises;
- (d) human resource management and development;
- (e) tourism;

- (f) science and technology;
- (g) financial services;
- (h) information and communication technology;
- (i) agriculture, fisheries, livestock, plantation commodities and forestry;
- (j) intellectual property;
- (k) environmental industry;
- (l) broadcasting;
- (m) construction technology;
- (n) standards and conformity assessment and sanitary and phytosanitary measures;
- (o) mining;
- (p) energy;
- (q) natural resources;
- (r) shipbuilding and maritime transport; and
- (s) film.

2. The Parties shall undertake economic cooperation projects at mutually agreed time periods, when feasible. These projects shall be monitored by the Implementing Committee for their effective implementation.

3. Details of such cooperation are specified in the Annex on Economic Cooperation.

Article 3.2

Capacity Building Programmes and Technical Assistance

1. The Parties, recognising that capacity building programmes and technical assistance are important, particularly for the new ASEAN Member Countries, in order to expand their trade and investment with Korea, shall implement such programmes on a mutually agreed basis.

2. The Parties shall strengthen cooperation and support for the realisation of ASEAN integration objectives by implementing projects furthering the Bali Concord II, the Initiative for ASEAN Integration (IAI), as well as the Vientiane Action Programme (VAP), including providing technical assistance and capacity building for the new ASEAN Member Countries based on the experiences and expertise of Korea in development.

3. The Parties shall strengthen ASEAN's integration efforts in narrowing the development gaps among the ASEAN Member Countries and between Korea and the ASEAN Member Countries by enhancing regional and sub-regional development.

4. The Parties, recognising the development gaps among the ASEAN Member Countries and between Korea and the ASEAN Member Countries, shall enhance regional and sub-regional development, through cooperation initiatives including:

(a) the Mekong Sub-region;

(b) the Ayeawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS);

- (c) the Brunei Darussalam–Indonesia–Malaysia–Philippines East ASEAN Growth Area (BIMP–EAGA);
- (d) the growth triangles such as the Indonesia–Malaysia–Thailand (IMT–GT) and the Indonesia–Malaysia–Singapore (IMS–GT);
- (e) the Greater Mekong Sub–Region (GMS) programme;
- (f) the Second East–West Economic Corridor;
- (g) the ASEAN Mekong Basin Development Corporation (AMBDC);
- (h) the Singapore–Kunming Rail Link (SKRL) project; and
- (i) sharing experiences with the Mekong River Commission (MRC) in formulating and implementing priority programmes in the Mekong River Basin.

CHAPTER 4 OTHER AREAS

Article 4.1

Expansion of Economic Partnership into New Areas

With the aim of achieving the comprehensive Korea–ASEAN FTA, the Parties shall explore ways and means to expand their economic partnership into new areas where the Parties have mutual interests, as may be agreed by the Parties.

CHAPTER 5 FINAL PROVISIONS

Article 5.1
Dispute Settlement

1. Any dispute concerning the interpretation, implementation or application of this Framework Agreement shall be resolved through the procedures and mechanism as set out in the Agreement on Dispute Settlement Mechanism under this Framework Agreement.

2. Notwithstanding paragraph 1, any disputes arising from paragraph 3 of Article 2.2 (Trade in Services), paragraph 3 of Article 2.3 (Investment), Chapters 3 (Economic Cooperation) and 4 (Other Areas), and the Annex on Economic Cooperation shall not be subject to the Agreement on Dispute Settlement Mechanism under this Framework Agreement.

Article 5.2
Institutional Arrangements for the Negotiations

1. There shall be established a Korea-ASEAN Trade Negotiating Committee to carry out negotiations set out in this Framework Agreement.

2. The Korea-ASEAN Trade Negotiating Committee may establish any working group as may be necessary to assist it in undertaking negotiations on specific areas in the Korea-ASEAN FTA.

3. Commencing immediately at the beginning of the negotiations

envisaged in this Framework Agreement and continuing until the formal completion of such negotiations by 31 December 2006, the Parties shall endeavour not to take any trade restrictive or distorting measures in such a manner as to affect negatively the negotiating position of any other Party.

Article 5.3

Implementation of the Framework Agreement

1. The Korea + AEM shall have the ultimate authority concerning all matters relating to the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement. An Implementing Committee, which is hereby established to be composed of the senior economic officials of the Parties or their designees, shall convene as appropriate to discharge such functions as provided for in paragraph 2 under the supervision and guidance of the Korea + AEM.

2. The Parties, through the Implementing Committee, shall:

- (a) coordinate, supervise and oversee the implementation and appropriate application of the provisions of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement;
- (b) review the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement;

- (c) supervise the work of the committees and working groups established under this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement; and
- (d) consider any other matter that may affect the operation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement, or that is entrusted to the Implementing Committee by the Parties.

3. In the fulfilment of its functions, the Implementing Committee may:

- (a) establish and delegate responsibilities to ad hoc or standing committees, working groups or expert groups and assign them with tasks on specific matters; and
- (b) take such other action in the exercise of its functions, as the Parties may agree.

4. The Implementing Committee shall keep the Korea + AEM informed of its activities on a regular basis.

5. The Implementing Committee shall establish its rules and procedures, which shall be approved by the Korea + AEM.

6. The Implementing Committee shall convene within one year of the date of entry into force of this Framework Agreement and then annually or otherwise as appropriate.

Article 5.4

Secretariat and Contact Points

1. The Ministry of Foreign Affairs and Trade of Korea for Korea and the ASEAN Secretariat for the ASEAN Member Countries shall jointly provide the necessary secretariat support for the purposes of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement. The Ministry of Foreign Affairs and Trade of Korea and the ASEAN Secretariat shall monitor and report to the Implementing Committee on the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement.

2. All official communications or notifications among the Parties for the purposes of the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement shall be made in the English language and through the Ministry of Foreign Affairs and Trade of Korea and the ASEAN Secretariat as appropriate.

3. The Parties shall designate their respective contact point to facilitate all other communications with one another on any matter covered by this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement. At the request of a Party, the contact point of the requested Party shall identify the office or official responsible for

the matter and assist in facilitating communications with the requesting Party.

Article 5.5

Annexes and Future Legal Instruments

1. The Annex on Economic Cooperation shall form an integral part of this Framework Agreement.
2. The Parties may adopt legal instruments in the future pursuant to the provisions of this Framework Agreement. Upon their respective entry into force, such instruments shall form part of this Framework Agreement.

Article 5.6

Amendments

The provisions of this Framework Agreement may be modified through amendments mutually agreed upon in writing by the Parties.

Article 5.7

Depositary

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

Country.

Article 5.8

Entry into Force

1. This Framework Agreement shall enter into force on 1 July 2006, provided that Korea and at least one ASEAN Member Country are among the Signatory Countries that have by then notified all the other Parties in writing of the completion of their internal procedures. In the event this Framework Agreement does not enter into force on 1 July 2006, it shall enter into force on the first day of the second month following the latter date on which Korea and at least one ASEAN Member Country have notified all the other Parties in writing of the completion of their internal procedures.

2. A Party shall, upon the completion of its internal procedures for the entry into force of this Framework Agreement, notify all the other Parties in writing.

3. Where a Party is unable to complete its internal procedures for the entry into force of this Framework Agreement by the date as set out in paragraph 1, this Framework Agreement shall come 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 Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations.

DONE at Kuala Lumpur, Malaysia this thirteenth day of December 2005, in duplicate copies in the English language.

For the Government of the Republic of Korea:

ROH MOO-HYUN

President

For the Government of Brunei Darussalam:

HAJI HASSANAL BOLKIAH

Sultan of Brunei Darussalam

For the Royal Government of Cambodia:

SAMDECH HUN SEN

Prime Minister

For the Government of the Republic of Indonesia:

SUSILO BAMBANG YUDHOYONO

President

For the Government of the Lao People's Democratic Republic:

BOUNNHANG VORACHITH

Prime Minister

For the Government of Malaysia:

ABDULLAH AHMAD BADAWI

Prime Minister

For the Government of the Union of Myanmar:

SOE WIN

Prime Minister

For the Government of the Republic of the Philippines:

GLORIA MACAPAGAL-ARROYO

President

For the Government of the Republic of Singapore:

LEE HSIEN LOONG

Prime Minister

For the Government of Thailand:

THAKSIN SHINAWATRA

Prime Minister

For the Government of the Socialist Republic of Vietnam:

PHAN VAN KHAI

Prime Minister

ANNEX
ECONOMIC COOPERATION

Article 1
Customs Procedures

The Parties, recognising that cooperation among authorities on customs matters is an important means of facilitating international trade, shall, subject to their respective domestic laws and consistent with their own policies and procedures:

- (a) share expertise on ways to streamline and simplify customs procedures;
- (b) exchange information on best practices relating to customs procedures, enforcement and risk management techniques with the exception of confidential information;
- (c) facilitate cooperation and exchange of experiences in the application of information technology and improvement of monitoring and inspection systems in customs procedures;
and
- (d) ensure, as they deem fit, that their customs laws and regulations are published and publicly available, and their customs procedures, where necessary, are exchanged among customs contact points.

Article 2
Trade and Investment Promotion

1. The Parties shall cooperate in promoting trade and investment activities through government agencies and/or other bodies.
2. Such cooperation shall include:
 - (a) launching a feasibility study on the establishment of an Korea-ASEAN Centre based in Korea;
 - (b) organising trade and investment promotion activities, such as trade and investment missions, regular business seminars and fora, and database sharing through electronic linkages (electronic business-matching); and
 - (c) assisting the development of the legal system, especially for the new ASEAN Member Countries, through professional training programmes and joint seminars to disseminate knowledge and experiences in law practices, and conducting projects to improve trade and investment-related laws.

Article 3

Small and Medium Enterprises

1. The Parties, recognising the fundamental role of small and medium enterprises (hereinafter referred to as “SMEs”) in maintaining the dynamism of their respective national economies, shall cooperate in promoting close cooperation among SMEs as well as the relevant agencies of the Parties.
2. Such cooperation shall include:
 - (a) establishing networking opportunities for SMEs of the Parties

to facilitate collaboration and/or sharing of best practices, such as in the field of management skill development, technology transfers, product quality improvements, supply-chain linkages, information technology, access to financing as well as technical assistance;

- (b) facilitating the investment flows by Korean SMEs in the ASEAN Member Countries, and vice versa; and
- (c) encouraging their relevant agencies to discuss, cooperate and share information and experiences in the development of SMEs policy and programmes.

Article 4

Human Resource Management and Development

The Parties, recognising that sustainable economic growth and prosperity largely depend on people's knowledge and skills, shall:

- (a) encourage exchanges of their scholars, teachers, students, members of educational institutions and other persons engaging in scientific or educational activities; and
- (b) encourage their relevant agencies to discuss and cooperate in upgrading competency and skills of their workers.

Article 5

Tourism

The Parties, recognising that tourism will contribute to the enhancement of mutual understanding among the Parties and that

tourism is an important industry for their economies, shall:

- (a) explore the possibility of undertaking joint research on tourism development and promotion to increase inbound visitors to each Party, as well as consider setting up linkages and networks between the websites in Korea and the ASEAN Member Countries;
- (b) encourage tourism agencies of the Parties to strengthen cooperation in tourism training and education, particularly in the Korean language and culture for tourist guides of the ASEAN Member Countries, to ensure high-quality services for Korean tourists in the territories of the ASEAN Member Countries;
- (c) cooperate in joint campaigns to promote tourism in the territories of the Parties through workshops and seminars among tourism authorities and professional tourism agencies in the territories of the Parties;
- (d) collaborate to promote the sustainable development of tourism in the territories of the Parties; and
- (e) exchange information on relevant statistics, policies and laws in tourism and related sectors.

Article 6

Science and Technology

The Parties, recognising that science and technology will contribute to the continued expansion of their respective economies in the medium and long term, shall:

- (a) explore establishment of training programmes and exchange of scientific and technology information;
- (b) consider undertaking joint research and development projects, especially in high-end sciences in key technology areas such as nano-technology, material technology, electronic technology, space technology, biotechnology and technology management, and other forms of science and technology cooperation;
- (c) encourage linkages between their research institutions; and
- (d) encourage the mutually beneficial joint use of research and development facilities and scientific equipment.

Article 7

Financial Services

The Parties shall cooperate in the field of financial services with a view to:

- (a) promoting regulatory cooperation and development, including exchange of information and experiences on market trends;
- (b) facilitating the development of financial markets and infrastructure, including capital markets;
- (c) providing technical assistance for human resource and institutional capacity development and exchanging experiences in the area of risk management;
- (d) assisting in mitigating the adverse implications of financial services liberalisation; and
- (e) providing capacity building in developing the capital market.

Article 8

Information and Communication Technology

1. The Parties, recognising the rapid development, led by the private sector, of information and communication technology (hereinafter referred to as “ICT”) and of business practices concerning ICT-related services both in the domestic and international contexts, shall cooperate to promote the development of ICT and ICT-related services with a view to obtaining the maximum benefit of the use of ICT for the Parties.

2. The areas of cooperation shall include:

- (a) promotion of electronic commerce;
- (b) promotion of the use by consumers, the public sector and the private sector, of ICT-related services, including newly emerging services and next generation networks;
- (c) human resource development relating to ICT;
- (d) undertaking of joint research and development projects; and
- (e) promotion of anti-SPAM efforts.

3. The forms of cooperation may include:

- (a) exchanging information and expertise on ICT policies, creation of ICT-related services, provision of e-government services, content development, network security and protection of privacy;
- (b) undertaking technical cooperation in areas such as network

- infrastructure, creative and multimedia industries and ICT infrastructure development;
- (c) encouraging and facilitating investment by private and/or public enterprises in ICT industries in the territories of the Parties; and
 - (d) providing technical assistance in the development of ICT-related projects.

Article 9

Agriculture, Fisheries, Livestock, Plantation Commodities and Forestry

1. The Parties, recognising that there remain opportunities for collaboration and technical cooperation in agriculture, fisheries, livestock, plantation commodities and forestry, including the field of ecosystem agroforestry and ecotourism, shall establish cooperation for mutual benefits of the Parties.
2. The areas of cooperation shall include, but not limited to:
 - (a) information exchange;
 - (b) capacity building and human resource development;
 - (c) joint research and development; and
 - (d) technical assistance in sustainable development.
3. The forms of cooperation shall be:
 - (a) promoting exchange of information and sharing experiences related to the areas described in paragraph 1 including new

- technologies;
- (b) promoting joint research projects;
 - (c) exchanging experts;
 - (d) providing technical assistance including post-harvest;
 - (e) conducting seminars, training and workshops;
 - (f) encouraging study visits to farms and related production centers;
 - (g) strengthening technology, capacity and know-how of laboratory; and
 - (h) cooperating in other fields as may be identified and mutually agreed upon by the Parties.

Article 10

Intellectual Property

1. The Parties, recognising the growing importance of intellectual property (hereinafter referred to as “IP”) as a factor of economic competitiveness in the knowledge-based economy, shall enhance their cooperation in the field of IP.

2. The cooperation shall include, but not limited to:
 - (a) exchanging information and sharing experiences on the creation and utilisation of IP;
 - (b) exchanging information, sharing experiences and encouraging training of each Party’s personnel in the field of IP;
 - (c) conducting international search and international preliminary examination under the Patent Cooperation Treaty

administered by the World Intellectual Property Organisation subject to a Party's membership;

- (d) promoting education and awareness on protection of intellectual property rights;
- (e) providing assistance in facilitating the enhancement and modernisation of IP databases including patents and trademarks in the territories of the ASEAN Member Countries; and
- (f) strengthening mutually beneficial cooperation in the protection of IP.

Article 11

Environmental Industry

1. The Parties, recognising that economic development, social progress and environmental protection are key pillars of sustainable development, shall explore ways to promote closer cooperation among their respective interested government entities, industries, organisations and research institutions.

2. To this end, the Parties shall pursue the following environmental cooperation activities on a mutually agreed basis:

- (a) cooperation in environmental technologies and policies, such as compressed natural gas technology and policy;
- (b) cooperation in environmental capacity building of industries and exchanges of information and experiences of

- environmental industries;
- (c) cooperation in exchanges and education of human resources related to the environment; and
 - (d) other forms of environmental cooperation as mutually agreed.

Article 12

Broadcasting¹⁾

1. The Parties consider the significance of broadcasting in the digital economy as well as its role as an avenue for cultural exchanges across national boundaries, and recognise the advancement of broadcasting technology as both a challenge and an opportunity for the Parties to derive mutual benefits. To this end, Korea and various ASEAN Member Countries, as may be interested, shall develop and promote cooperative activities in the field of broadcasting on a bilateral basis.

2. Subject to the Parties' laws and regulations governing the broadcast sectors, the areas of cooperation shall include:

- (a) exchanging information on statistics, as mutually agreed, policies and laws and regulations on broadcasting and related sectors;
- (b) undertaking joint research and development of newly emerging broadcasting technologies;

1) This is without prejudice to liberalisation commitments of the Parties in investment and trade in services.

- (c) promoting exchanges aimed at educating and training of broadcasting related personnel; and
- (d) encouraging mutual exchanges of re-transmission of broadcast as appropriate.

Article 13

Construction Technology

The Parties shall cooperate, where appropriate, in the following areas:

- (a) manpower and construction development;
- (b) construction technology;
- (c) international project collaboration; and
- (d) infrastructural construction design.

Article 14

Standards and Conformity Assessment and Sanitary and Phytosanitary Measures

1. The Parties, recognising the important role of technical regulations, standards and conformity assessment procedures on industry, agriculture and plantation commodities in facilitating trade, shall cooperate in the areas such as:

- (a) exchange of views and information on standards, technical regulations and conformity assessment procedures in areas of mutual interests;
- (b) exchange of laws and regulations on standards and

- conformity assessment procedures as mutually agreed;
- (c) exchange of experts and staff in areas of mutual interests;
 - (d) explore possible mutual recognition arrangements and agreements to facilitate trade flows among the Parties;
 - (e) development and implementation of technical cooperation and capacity building programmes on standards, technical regulations, metrology and conformity assessment, which include, among others, seminars, training and training attachments, exchange of staff and regulatory dialogues on agreed areas;
 - (f) strengthening of cooperation among the Parties at relevant international and regional fora on standards and conformity assessment and promotion of the use of international standards and conformity assessment guidelines, as appropriate, as a basis for the development of national technical regulations;
 - (g) development of testing laboratories and accreditation network as well as testing programmes, as appropriate, among the Parties;
 - (h) exploration of technical assistance in the development of industrial standards in areas of mutual interests; and
 - (i) other areas of cooperation as may be identified and mutually agreed upon by the Parties.

2. Recognising the importance of sanitary and phytosanitary (hereinafter referred to as “SPS”) measures in minimising their negative effects on trade in agricultural, fishery, animal and food

products, and plantation commodities, the Parties, on the basis of mutual benefits, shall cooperate in:

- (a) exchange of information concerning SPS measures;
- (b) exchange of information on any occurrences of SPS incidents;
- (c) improvement of the distribution and packaging systems;
- (d) human resource development in the concerned area that would be promoted, among others, by organising training and exchange of specialists;
- (e) development and promotion of new technologies; and
- (f) other areas of cooperation as may be identified and mutually agreed upon by the Parties.

Article 15

Mining

The Parties, recognising that cooperation in the mining sector will contribute to the economic development, shall:

- (a) explore possibilities for the joint development of energy and mineral resources and cooperate in the improvement of technology on exploration and extraction of energy and mineral deposits, mine waste disposal and rehabilitation of closed mines;
- (b) encourage enhancement of trade and investment in the mining sector;
- (c) cooperate in the promotion of environmentally sound and socially responsible mineral development practices in

sustainable management and optimum utilisation of mineral resources;

- (d) encourage exchange of information on issues related to the mining policy and technology;
- (e) promote and develop business alliances between the private sectors; and
- (f) conduct trainings, seminars, workshops and exchange of experts geared towards development and promotion of mining.

Article 16

Energy

The Parties, recognising that energy demand in their territories, shall expand in the future given the rapid pace of economic development, shall:

- (a) exchange information on the improvement of efficiency in energy use;
- (b) cooperate in the development and use of alternative and renewable energy sources such as, but not limited to, compressed natural gas technology and policy;
- (c) cooperate in infrastructure development, resource development, investment promotion and application of new energy saving technologies;
- (d) encourage exchange of experts; and

- (e) promote and develop business alliances between the private sectors.

Article 17

Natural Resources

The Parties, recognising that proper management and efficient utilisation of natural resources will contribute to the continued expansion of their respective economies, shall cooperate in:

- (a) development and utilisation of appropriate mathematical models to simulate and predict groundwater containment and transport, assessment of risk posed by waste storage/disposal and agro-industrial activities on groundwater quality, and setting-up of groundwater protection zones;
- (b) improvement of technology on exploration, extraction and utilisation of energy and mineral deposits, mine waste disposal and rehabilitation of closed mines;
- (c) investment promotion activities; and
- (d) comprehensive management of water resources, including ground and surface water, and the application of information technology in this area.

Article 18

Shipbuilding and Maritime Transport

1. Recognising the important role of maritime transport in trade and development, the Parties, through their relevant entities, shall

cooperate in the areas of shipbuilding and maritime transport.

2. Such cooperative activities shall include:

- (a) undertaking information exchange and sharing experiences;
- and
- (b) promoting exchange of experts.

Article 19

Film²⁾

1. Recognising the potential of the film industry as means to promote understanding and cultural exchanges among the Parties and the rapid development of this industry in their respective economy, interested Parties, through their relevant entities, shall endeavour, subject to their respective laws and regulations, to promote cooperation in the areas of mutual interests.

2. The forms of cooperation shall be:

- (a) exchange of experts on film;
- (b) exchange of information; and
- (c) cooperation in holding and participating in film festivals.

²⁾ This is without prejudice to liberalisation commitments of the Parties in investment and trade in services.