

1. ...  
2. ...  
3. ...  
4. ...  
5. ...  
6. ...  
7. ...  
8. ...  
9. ...  
10. ...  
11. ...  
12. ...  
13. ...  
14. ...  
15. ...  
16. ...  
17. ...  
18. ...  
19. ...  
20. ...  
21. ...  
22. ...  
23. ...  
24. ...  
25. ...  
26. ...  
27. ...  
28. ...  
29. ...  
30. ...  
31. ...  
32. ...  
33. ...  
34. ...  
35. ...  
36. ...  
37. ...  
38. ...  
39. ...  
40. ...  
41. ...  
42. ...  
43. ...  
44. ...  
45. ...  
46. ...  
47. ...  
48. ...  
49. ...  
50. ...  
51. ...  
52. ...  
53. ...  
54. ...  
55. ...  
56. ...  
57. ...  
58. ...  
59. ...  
60. ...  
61. ...  
62. ...  
63. ...  
64. ...  
65. ...  
66. ...  
67. ...  
68. ...  
69. ...  
70. ...  
71. ...  
72. ...  
73. ...  
74. ...  
75. ...  
76. ...  
77. ...  
78. ...  
79. ...  
80. ...  
81. ...  
82. ...  
83. ...  
84. ...  
85. ...  
86. ...  
87. ...  
88. ...  
89. ...  
90. ...  
91. ...  
92. ...  
93. ...  
94. ...  
95. ...  
96. ...  
97. ...  
98. ...  
99. ...  
100. ...

1. ...  
2. ...  
3. ...  
4. ...  
5. ...  
6. ...  
7. ...  
8. ...  
9. ...  
10. ...  
11. ...  
12. ...  
13. ...  
14. ...  
15. ...  
16. ...  
17. ...  
18. ...  
19. ...  
20. ...  
21. ...  
22. ...  
23. ...  
24. ...  
25. ...  
26. ...  
27. ...  
28. ...  
29. ...  
30. ...  
31. ...  
32. ...  
33. ...  
34. ...  
35. ...  
36. ...  
37. ...  
38. ...  
39. ...  
40. ...  
41. ...  
42. ...  
43. ...  
44. ...  
45. ...  
46. ...  
47. ...  
48. ...  
49. ...  
50. ...  
51. ...  
52. ...  
53. ...  
54. ...  
55. ...  
56. ...  
57. ...  
58. ...  
59. ...  
60. ...  
61. ...  
62. ...  
63. ...  
64. ...  
65. ...  
66. ...  
67. ...  
68. ...  
69. ...  
70. ...  
71. ...  
72. ...  
73. ...  
74. ...  
75. ...  
76. ...  
77. ...  
78. ...  
79. ...  
80. ...  
81. ...  
82. ...  
83. ...  
84. ...  
85. ...  
86. ...  
87. ...  
88. ...  
89. ...  
90. ...  
91. ...  
92. ...  
93. ...  
94. ...  
95. ...  
96. ...  
97. ...  
98. ...  
99. ...  
100. ...

1. ...  
2. ...  
3. ...  
4. ...  
5. ...  
6. ...  
7. ...  
8. ...  
9. ...  
10. ...  
11. ...  
12. ...  
13. ...  
14. ...  
15. ...  
16. ...  
17. ...  
18. ...  
19. ...  
20. ...  
21. ...  
22. ...  
23. ...  
24. ...  
25. ...  
26. ...  
27. ...  
28. ...  
29. ...  
30. ...  
31. ...  
32. ...  
33. ...  
34. ...  
35. ...  
36. ...  
37. ...  
38. ...  
39. ...  
40. ...  
41. ...  
42. ...  
43. ...  
44. ...  
45. ...  
46. ...  
47. ...  
48. ...  
49. ...  
50. ...  
51. ...  
52. ...  
53. ...  
54. ...  
55. ...  
56. ...  
57. ...  
58. ...  
59. ...  
60. ...  
61. ...  
62. ...  
63. ...  
64. ...  
65. ...  
66. ...  
67. ...  
68. ...  
69. ...  
70. ...  
71. ...  
72. ...  
73. ...  
74. ...  
75. ...  
76. ...  
77. ...  
78. ...  
79. ...  
80. ...  
81. ...  
82. ...  
83. ...  
84. ...  
85. ...  
86. ...  
87. ...  
88. ...  
89. ...  
90. ...  
91. ...  
92. ...  
93. ...  
94. ...  
95. ...  
96. ...  
97. ...  
98. ...  
99. ...  
100. ...

1. ...  
2. ...  
3. ...  
4. ...  
5. ...  
6. ...  
7. ...  
8. ...  
9. ...  
10. ...  
11. ...  
12. ...  
13. ...  
14. ...  
15. ...  
16. ...  
17. ...  
18. ...  
19. ...  
20. ...  
21. ...  
22. ...  
23. ...  
24. ...  
25. ...  
26. ...  
27. ...  
28. ...  
29. ...  
30. ...  
31. ...  
32. ...  
33. ...  
34. ...  
35. ...  
36. ...  
37. ...  
38. ...  
39. ...  
40. ...  
41. ...  
42. ...  
43. ...  
44. ...  
45. ...  
46. ...  
47. ...  
48. ...  
49. ...  
50. ...  
51. ...  
52. ...  
53. ...  
54. ...  
55. ...  
56. ...  
57. ...  
58. ...  
59. ...  
60. ...  
61. ...  
62. ...  
63. ...  
64. ...  
65. ...  
66. ...  
67. ...  
68. ...  
69. ...  
70. ...  
71. ...  
72. ...  
73. ...  
74. ...  
75. ...  
76. ...  
77. ...  
78. ...  
79. ...  
80. ...  
81. ...  
82. ...  
83. ...  
84. ...  
85. ...  
86. ...  
87. ...  
88. ...  
89. ...  
90. ...  
91. ...  
92. ...  
93. ...  
94. ...  
95. ...  
96. ...  
97. ...  
98. ...  
99. ...  
100. ...

## ASEAN INDIA FREE TRADE AREA

### A. PENDAHULUAN

India merupakan mitra dagang ketujuh terbesar bagi ASEAN. Dari sisi investasi, FDI dari India ke ASEAN pada tahun 2007 mencatat nilai USD 641 juta—tertinggi sejak tahun 2000.

Perdagangan ASEAN-India cenderung meningkat belakangan ini. Dari tahun 2005 s/d tahun 2007, perdagangan ASEAN-India meningkat sebesar 28% per tahun.

Ekspor ASEAN ke India antara 2005-2007 meningkat sebesar 31%—peningkatan terbesar yang dialami ASEAN dengan mitra dagangnya.

### B. DASAR HUKUM & CAKUPAN

Para Kepala Negara/Pemerintahan ASEAN dan India telah menandatangani *Framework Agreement on Comprehensive Economic Cooperation between ASEAN dan India* pada bulan Oktober 2003.

Setelah pernah dihentikan 2 kali, perundingan perdagangan barang telah dapat diselesaikan pada bulan Agustus 2008. Persetujuan Perdagangan Barang AFTA ditandatangani pada Pertemuan ke-41 Tingkat Menteri Ekonomi ASEAN pada bulan Agustus 2009 di Bangkok. Sementara itu, perundingan perdagangan jasa dan investasi akan dimulai kembali pada bulan Oktober 2009 dan ditargetkan untuk dituntaskan pada akhir tahun 2010 sebagai sebuah *Single Undertaking*.

Tingkat liberalisasi perdagangan barang dalam AFTA tidak setinggi liberalisasi perdagangan barang yang dicapai antara ASEAN dengan mitra FTA lainnya. Namun kedua pihak sepakat untuk meningkatkan komitmen liberalisasi

melalui proses "review" setelah perjanjian diimplementasikan.

### C. HUBUNGAN EKONOMI INDONESIA-INDIA

- India merupakan salah satu mitra dagang utama Indonesia dalam beberapa tahun terakhir

- Perdagangan bilateral meningkat tajam, dari US\$ 2,8 miliar di tahun 2005 menjadi US\$ 4,9 miliar di tahun 2007, atau meningkat 28,8%

- Pengusaha India melakukan investasi di beberapa sektor penting di Indonesia, seperti tekstil, automotive, kimia dan petro-kimia, serta sektor jasa-jasa

### D. MANFAAT AFTA

- Indonesia akan menikmati penghapusan bea masuk atas 70,14% pos tarif India (3.666 tariff lines) pada tahun 2013 dan meningkat menjadi 79,35% pos tarif (4.145 tariff lines) pada tahun 2016.

- 94,75% dari ekspor Indonesia ke India (US\$ 2.6 milyar) akan menikmati peningkatan akses pasar dalam 10 tahun ke depan, termasuk CPO dan RPO yang merupakan komoditas utama Indonesia ke pasar India.

- India secara bertahap akan menurunkan bea masuk atas CPO dan RPO masing-masing dari 80% dan 90% menjadi 37,5% dan 45% selama periode 2009-2018. Hal ini merupakan keuntungan bagi Indonesia mengingat kedua produk andalan Indonesia tersebut akan memperoleh *actual market access* sampai dengan tahun 2018.

- Komoditas utama Indonesia ke pasar India—batubara—juga akan menikmati bea masuk 0%.

- Sebaliknya komitmen Indonesia memberikan perlindungan cukup signifikan bagi industri nasional karena hanya 46,17% pos tarif Indonesia yang akan dihapuskan pada tahun 2016 (meskipun sesuai kesepakatan akan di-review bersama secara timbal-balik).

- Jumlah penduduk India yang besar ± 1 milyar jiwa merupakan potensi pasar yang besar bagi produk Indonesia.

- Penguasaan teknologi informasi dan bidang farmasi dari India dapat dimanfaatkan sebagai proses transfer teknologi bagi para pelaku bisnis.

- Akan memacu pelaku bisnis pesaing Indonesia dalam memasuki pasar India.

### E. PERDAGANGAN BARANG

**1. Modalitas Penurunan/Penghapusan Tarif**  
Modalitas yang disepakati bersama oleh ASEAN dan India adalah menjadwalkan penurunan dan penghapusan tarif terhadap 85% pos tarif atau 75% nilai impor yang tercakup dalam *Normal Track (NT)* dan 10% pos tarif dalam *Sensitive Track (ST)* dengan rincian sebagai berikut:

- NT-1 : mencakup penghapusan bea masuk atas 71% pos tarif atau 71,71% nilai impor pada 31 Des 2012 untuk ASEAN 5 dan India, 31 Des 2017 untuk Philipina dan India, serta 31 Des 2017 untuk CLMV.

- NT-2 : terdiri dari sejumlah 9% pos tarif, dimana tarif bea masuk dan produk-produknya akan dihapus pada 31 Des 2015 untuk ASEAN 5 dan India, 31 Des 2018 untuk Philipina dan India, serta 31 Des 2020 untuk CLMV.

- ST : terdiri dari 10% pos tarif yang dibagi kedalam tiga kategori yaitu :

- Penurunan bea masuk menjadi 5% pada 31 Des 2015 untuk ASEAN 5 dan India, 31 Des 2018 untuk Philipina dan India, serta 31 Des 2020 untuk CLMV.
- Penghapusan bea masuk (4% pos tarif dalam ST) pada 31 Des 2018 untuk ASEAN 5 dan India, 31 Des 2021 untuk Philipina dan India, serta 31 Des 2023 untuk ASEAN 6 dan India.
- *Standstill*, yaitu 50 pos tarif pada tingkat tarif 5%. Selebihnya akan diturunkan menjadi 4,5% pada saat *Entry into Force*, dan akan menjadi 4% pada 31 Des 2015 for ASEAN 6 dan India.
- *Special Products*, terdiri dari:
  - Palm Oil, *end rates* 37,5% - CPO dan 45% - RPO dengan batas akhir India sampai dengan 31 Des 2018.
  - Kopi, teh hitam dan lada, *end rates* 45%, 45%, dan 50% dengan batas akhir India sampai dengan 31 Des 2018.
  - *Crude Petroleum* (berlaku untuk Brunei) dengan penurunan bea masuk bertahap sampai menjadi 0% pada 1 Januari 2012.
  - *Highly Sensitive List (HSL)*, mencakup 3 kategori yang berbeda yaitu (i) penurunan bea masuk menjadi 50%, (ii) penurunan bea masuk 50%, serta (iii) penurunan bea masuk 25%, pada 31 Des 2018 untuk ASEAN 5, 31 Des 2021 untuk Philipina serta 31 Des 2023 untuk CLMV.
  - *Exclusion List (EL)*: terdiri dari 489 pos tarif dalam 6 digit dan mencakup 5% nilai impor perdagangan.

## II. Beberapa Contoh Produk Ekspor Indonesia Yang akan Menikmati Tarif 0% di India

- Produk Pertanian: binatang hidup, daging hewan, kacang mede, produk perikanan, susu, mentega, telur, produk hewani, pohon hidup dan bunga potong, sayuran, buah-buahan, kopi, teh, rempah, biji-bijian, getah-getahan, karet, lemak dan minyak nabati, produk daging dan ikan, gula dan kembang gula, coklat, dan sebagainya.
- Produk Industri : Produk agro dan Kimia, produk farmasi, pupuk, bahan samak dan celup, produk fotografi, plastik dan produk plastik, karet dan produk karet, kulit dan produk kulit, kayu dan produk kayu, jerami dan produk anyaman, kertas dan produk kertas, tekstil dan produk tekstil, keramik dan kaca, besi dan logam, perkakas dan mesin, otomotif dan komponen, elektronik dan produk elektronik, furniture, aneka: karya seni dan berbagai barang buatan pabrik.

\*\*\*

### Informasi lebih lanjut:

Subdit Kerjasama Intra & Antar Regional  
 Direktorat Kerjasama Regional - Ditjen KPI  
 Departemen Perdagangan RI  
 Jl. M.I. Ridwan Rais No.5 - Jakarta 10110  
 T/F: +62-21-3858203  
 Email: subdit5regional@yahoo.com

## ASEAN-India Trade in Goods Agreement under ASEAN-India FTA

### ASEAN INDIA FTA

- Perundingan perdagangan barang diselesaikan pada bulan May 2009 dan perjanjian di ditandatangani pada AEM 41 di Bangkok, Agustus 2009
- Perundingan perdagangan jasa dan investasi dimulai bulan Oktober 2008 sebagai sebuah *single under-taking*. Perundingan telah dimulai kembali dengan target penandatanganan bulan Oktober 2010
- Tingkat liberalisasi perdagangan barang dalam AIFTA tidak setinggi liberalisasi perdagangan barang yang dicapai antara ASEAN dengan mitra FTA lainnya. Namun kedua pihak sepakat untuk meningkatkan komitmen liberalisasi melalui proses "review" setelah perjanjian diimplementasikan

## Hubungan Ekonomi Indonesia-India

- ❑ India merupakan salah satu mitra dagang utama Indonesia dalam beberapa tahun terakhir
- ❑ Perdagangan bilateral meningkat tajam, dari US\$ 2,1 miliar di tahun 2004 menjadi US\$ 7,06 miliar di tahun 2008, atau meningkat 34,24%
- ❑ Pengusaha India melakukan investasi di beberapa sektor penting di Indonesia, seperti tekstil, automotive, kimia dan petro-kimia, serta sektor jasa-jasa

## Hubungan Ekonomi ASEAN-India

- ❑ Perdagangan ASEAN-India cenderung meningkat belakangan ini. Dari tahun 2005 s/d tahun 2007, perdagangan ASEAN-India meningkat sebesar 28% per tahun
- ❑ Ekspor ASEAN ke India antara 2005-2007 meningkat sebesar 31%--peningkatan terbesar yang dialami ASEAN dengan mitra dagangnya
- ❑ India merupakan mitra dagang ketujuh terbesar bagi ASEAN. Dari sisi investasi, FDI dari India ke ASEAN pada tahun 2007 mencatat nilai USD 641 juta—tertinggi sejak tahun 2000

## Komitmen Indonesia

Category	Number of Tariff Lines (10 digits)*	% Tariff Lines	INA Import Value from INDIA (US\$)	% INA Import from INDIA
<b>Normal Track (NT)</b>	<b>4.749</b>	<b>42.56</b>	<b>618.718.811</b>	<b>59.21</b>
- NT-1	4.180	37.46	548.452.688	52.49
- NT-2	569	5.10	70.266.123	6,72
<b>Sensitive Track</b>	<b>6.410</b>	<b>57.44</b>	<b>426.152.113</b>	<b>40.79</b>
- SL	4.810	43.10	253.726.409	24.28
--Standstill (4% to be eliminate by 2018)	403	3.61	0	0.00
--Standstill (50TL @6digit)	81	0.73	24.937.233	2.39
--Standstill MOP 25% by 2018	937	8.40	177.524.155	16.99
-HSL	894	8.01	90.492.700	8.66
-- HSL C (MOP 25%)	880	7.89	90.341.488	8.65
-- HSL B (MOP 50%)	14	0.13	151.212	0.01
- Exclusion	706	6.33	81.933.004	7.84
<b>Total</b>	<b>11,159</b>	<b>100</b>	<b>1.044.870.924</b>	<b>100</b>

\* Indonesia applies 10 digits HS code for better clarity and certainty of the calculation

## Komitmen India

Category	Number of Tariff Lines (6 digits)	% Tariff Lines	India Import Value from INA (US\$ '000)	% India Import from INA
<b>Normal Track (NT)</b>	<b>4.145</b>	<b>79.35</b>	<b>1,521,100</b>	<b>53.44</b>
- NT-1 (2013)	3.666	70.18	1,455,690	51.14
- NT-2 (2016)	479	9.17	65,410	2.30
<b>Sensitive Track</b>	<b>1.079</b>	<b>20.66</b>	<b>1,325,400</b>	<b>46.56</b>
- SL	585	11.20	196,060	6.89
- HSL/SP	5	0.10	980,000	34.43
- Exclusion	489	9.36	149,340	5.25
<b>Total</b>	<b>5.224</b>	<b>100</b>	<b>2.846.500</b>	<b>100.00</b>

## Manfaat Bagi Indonesia

- ❑ Komitmen Indonesia memberikan perlindungan cukup signifikan bagi industri nasional karena hanya 46,17% pos tarif Indonesia yang akan dihapuskan pada tahun 2016 (meskipun sesuai kesepakatan akan di-review bersama secara timba-balik)
- ❑ Sebaliknya, Indonesia akan menikmati penghapusan bea masuk atas 70,14% pos tarif India (3.666 tariff lines) pada tahun 2013 dan meningkat menjadi 79,35% pos tarif (4.145 tariff lines) pada tahun 2016
- ❑ 94,75% dari ekspor Indonesia ke India (US\$ 2,6 milyar) akan menikmati peningkatan akses pasar dalam 10 tahun ke depan, termasuk CPO dan RPO yang merupakan komoditas utama Indonesia ke pasar India
- ❑ India secara bertahap akan menurunkan bea masuk atas CPO dan RPO masing-masing dari 80% dan 90% menjadi 37,5% dan 45% selama periode 2009-2018
- ❑ Komoditas utama Indonesia ke pasar India—batubara—juga akan menikmati bea masuk 0%

## Produk Indonesia yang Menikmati Penghapusan Tarif di India

- ❑ **Produk Pertanian:** binatang hidup, daging hewankacang mede, produk perikanan, susu, mentega, telur, produk hewani, pohon hidup dan bunga potong, sayuran, buah-buahan, kopi, teh, rempah, biji-bijian, getah-getahan, karet, lemak dan minyak nabati, produk daging dan ikan, gula dan kembang gula, coklat, dsb.
- ❑ **Produk Industri:** Produk agro dan Kimia, produk farmasi, pupuk, bahan samak dan celup, produk fotografi, plastik dan produk plastik, karet dan produk karet, kulit dan produk kulit, kayu dan produk kayu, jerami dan produk anyaman, kertas dan produk kertas, tekstil dan produk tekstil, keramik dan kaca, besi dan logam, perkakas dan mesin, otomotif dan komponen, elektronik dan produk elektronik, furniture, aneka karya seni dan berbagai barang buatan pabrik.

## Ekpor Utama Indonesia ke India

HS	Nama Produk	Eliminasi
1511	Palm Oil and Its Fraction (RPO)	Special Products, 45% by 31 Des 2019
2701	Coal; briquettes, ovoids & similar solid fuels manufactured from coal	0% 1 Jan 2013
2603	Copper ores and concentrates	0% 1 Jan 2013
2709	Crude petroleum oils	5% pada 1 Jan 2010
2710	Petroleum oils, not crude	EL
1513	Coconut (copra, palm kernel/babassu oil & their fractions)	EL
3823	Binders for foundry molds or cores; chemical products and residuals ne	0% 31 Des 2013
4001	Natural rubber, balata, gutta-percha etc	0% 31 Des 2013
7108	Gold unwrought or in semi-manuf forms	0% 31 Des 2013
4703	Chemical wood pulp, soda or sulphate, other than dissolving grades	0% 1 Jan 2013

## Ekspor Utama India ke Indonesia

Nama Produk	Eliminasi
Cyclic hydrocarbons	0% 2010
Petroleum oils, not crude	0% 2010, kec untuk lubricating oils (HSL)
Soya-bean oil-cake and other solid residues	0% 2010
Ground-nuts, not roasted	0% 2010
Flat-rolled products of stainless steel, of a width of 600mm or more	0% 2010, except of a thickness of 4.75mm or more, 3mm or more but less than 4.75mm, exceeding 1mm but less than 3mm, 0.5mm or more but not exceeding 1mm, less than 0.5mm, 1.5mm or more but not exceeding 125mm with patterns
Cotton, not carded or combed	0% 2010
Cane or beet sugar and chemically pure sucrose, in solid form	EL
Semi-finished products of iron or no alloy steel	0% 31 Des 2019
Refined copper and copper alloys, unwrought	0% 31 Des 2019
Synthetic staple fibers, not carded	0% 31 Des 2019

## ISI BERITA

---

Merujuk perihal tersebut pada Pengantar Berita Faksimili, bersama ini dengan hormat disampaikan hasil rangkaian the 3rd ASEAN Senior Economic Officials' Meeting of the 40th ASEAN Economic Ministers Meeting (SEOM 3/40) dan SEOM Consultations with Dialogue Partners and other Related Meetings yang berlangsung pada tanggal 13 - 16 Juli 2009 di Makaty City, Filipina. Pertemuan didahului dengan SEOM Informal Working Dinner pada tanggal 12 Juli 2009, dilanjutkan dengan SEOM 3/40 pada tanggal 13 -14 Juli 2009, dan diakhiri dengan pertemuan konsultasi SEOM dengan Mitra Dialog pada tanggal 14-16 Juli 2009 seperti SEOM dengan AUSTR, ADB, MOFCOM, METI, dan India. Beberapa hal penting dari pertemuan disampaikan sebagai berikut:

1. Seluruh rangkaian pertemuan dipimpin oleh Mr. Winichai Cheamchaeng, Commercial Advisor to the Ministry of Commerce, Thailand dan dihadiri seluruh anggota ASEAN dan ASEAN Mitra dialog serta Sekretariat ASEAN.
2. Delegasi Indonesia dipimpin oleh Gusmardi Bustami, Direktur Jenderal Kerjasama Perdagangan Internasional, dengan anggota terdiri dari unsur-unsur Direktorat Kerjasama Regional, DITJEN Kerjasama Perdagangan Internasional DEPDAG, Deputi Menko Perekonomian Bidang Koordinasi Industri dan Perdagangan, DITJEN Kerjasama ASEAN DEPLU, PUSAKIN DEPPERIN, DITJEN Bea & Cukai DEPKEU, Direktorat Kerjasama Regional BKPM serta Atase Perdagangan untuk Filipina.

### I. ASEAN ECONOMIC COMMUNITY (AEC)

3. **AEC Scorecard.** SEOM membahas draft laporan AEC Scorecard periode Januari 2008 – Mei 2009 yang disiapkan oleh ASEAN Sekretariat dalam 3 format yaitu untuk Leader, Minister dan Officials (SEOM). SEOM menyepakati 3 format laporan tersebut yakni (1) laporan untuk *Leader* dibuat dalam bentuk template sederhana dan dilengkapi dengan 1-2 halaman executive summary, (2) laporan untuk *Minister* dibuat lebih detail memuat laporan kepada Leaders dan matriks rangkuman status implementasi komitmen masing-masing negara anggota ASEAN dan ASEAN-wide dalam mewujudkan AEC 2015, dan (3) laporan untuk SEOM memuat laporan untuk Ministers dan pencapaian Scorecard secara detail. SEOM meminta ASEAN Sekretariat menyempurnakan draft laporan AEC Scorecard dalam 3 (tiga) versi agar dapat disampaikan kepada Ministers pada pertemuan AEM ke-41 bulan Agustus 2009 dan kepada Leaders pada pertemuan ASEAN Summit pada bulan Oktober 2009.
4. Indonesia menginformasikan kepada sidang tentang surat Menteri Perdagangan RI kepada AEM tentang pelibatan Track II dalam hal ini ERIA (Economic Research Institute for ASEAN and East Asia) untuk penyempurnaan AEC Scorecard. Meskipun ada keraguan tentang pelibatan ERIA (menyangkut data sensitif), SEOM sepakat untuk menunggu arahan AEM untuk tindaklanjutnya. Pertemuan juga menyepakati tentang perlunya menyediakan *analytical scorecard* berupa impact assessment dengan bantuan research institute.

### II. IMPLEMENTATION OF THE AEC BLUEPRINT

#### A. Trade in Goods: ASEAN Trade in Goods Agreement (ATIGA)

5. **Jadwal Penurunan Tarif dan Implementasi ATIGA.** Filipina merupakan satu-satunya Negara ASEAN-6 yang jadwal penghapusan tarifnya khususnya beras dan gula belum lolos verifikasi dari Thailand. Sehubungan dengan hal tersebut, SEOM meminta Filipina dan Thailand membahas dan menyepakati langkah penyelesaiannya secara bilateral.



### Lampiran 3

Belum disepakatinya penyelesaian masalah tersebut telah berdampak multi-layers, yakni pada ketidak-lengkapan dokumen dari ATIGA yang selanjutnya pada penundaan proses ratifikasi dan notifikasi (Thailand dan Indonesia) dan penundaan entry into force sebagaimana diindikasikan oleh Kamboja, Laos, Indonesia, Filipina, dan Thailand. Namun demikian, SEOM meminta kelima Negara tersebut dan AMS lainnya untuk bekerja keras menyelesaikan proses ratifikasi sehingga entry into force pada tanggal 26 Agustus 2009 (180 hari setelah penandatanganan) dapat dilaksanakan sesuai amanat perjanjian ATIGA, pasal 96.

6. **Protocol on Rice and Sugar.** SEOM menyetujui perpanjangan *waiver* untuk beras dan gula Indonesia sebagaimana direkomendasikan oleh CCCA, sedangkan *waiver* untuk Filipina belum dapat disetujui karena belum menyampaikan (1) permohonan dan justifikasi *waiver* secara tertulis dan (2) jadwal penurunan tarifnya. Saat ini Filipina masih dalam proses konsultasi internal untuk penyempurnaan dan persetujuan kabinetnya atas draft justifikasi *Protocol on Rice and Sugar*. SEOM meminta Filipina untuk segera menyelesaikan jadwal penghapusan tarifnya karena telah berdampak pada tertundanya *entry into force* dari ATIGA oleh ASEAN-6.
7. SEOM menyetujui draft TOR CCA (transformasi CCCA ke CCA sebagai coordinating body of ATIGA) dan TOR SC-AROO (transformasi ROOTF ke SC-AROO sebagai coordinating body untuk semua WGs on ROO, baik internal ASEAN maupun DPs) dan mencatat kemajuan dalam pengembangan ATR/NTR dan akan meneruskan kesepakatan CCCA di bidang Trade Facilitation kepada DG Customs, SOM-AMAF, STOM, dan ACCSQ. Terkait dengan masalah pemberian konsesi CEPT untuk petrochemical and certain plastic products oleh Filipina, SEOM meminta Filipina untuk bekerja keras menyelesaikan permasalahan ini
8. **Non Tariff Barriers (NTB).** Malaysia dan dilaporkan belum menyampaikan daftar NTB untuk penghapusan tahap ke-3 (3<sup>rd</sup> thrance) pada tahun 2010, sedangkan Indonesia, tidak mempunyai NTB yang masuk penghapusan pada tahap tersebut, SEOM juga meminta Brunai D, Laos, dan Vietnam untuk segera menyampaikan daftar NTB yang sudah diverifikasinya ke Sekretariat ASEAN paling lambat tanggal 31 Juli 2009. SEOM menyepakati metoda penghapusan NTB berdasarkan *type measures*. Untuk itu, CCCA diminta segera menyiapkan guidelines dimaksud berdasarkan jenis measures yang diterapkan oleh AMS seperti (i) Import Licensing Procedures (ILP); (ii) Prohibitions; dan (iii) Quantitative Restrictions (QRs). Terkait dengan rencana penghapusan NTB, Indonesia menekankan perlunya segera menyiapkan guidelines dimaksud sebagai bench-mark bagi penentuan modalitas penghapusan NTB dimaksud.
9. **Self-Certification.** Secara prinsip, SEOM menyetujui isi dari *interim report on Establishment of an ASEAN SC Scheme for ASEAN Originating Goods under AFTA* dimaksud dan meminta penambahan klarifikasi mengenai (a) criteria untuk *approved exporter*, (b) proses verifikasi, (c) hukuman bagi pelanggar, (d) *pros and cons of dual regime certification vs. single certification regime*, dan (e) kesiapan di setiap Negara Anggota. Dalam kesempatan ini, Indonesia yang didukung oleh Thailand, Philippines dan Viet Nam kembali menegaskan bahwa efektifitas penerapan SC ini sangat ditentukan oleh adanya *confidence* di antara otoritas terkait, terutama *receiving authorities* dan *authorities responsible for the approval of approved exporters*. Indonesia juga menggarisbawahi perlunya SC ini dikembangkan dengan koordinasi dan kerjasama yang erat antara *Coordinating Committee on Customs* dan *DGs Customs Forum*.
10. **Dispute Settlement Mechanism.** Untuk mengantisipasi kemungkinan terjadinya dispute dalam pelaksanaan ATIGA, CCCA meminta SEOM menugaskan DSM Task Force menyusun a step – by – step manual untuk penyelesaian suatu dispute yang dapat digunakan menyelesaikan dispute yang terjadi baik dalam kerangka ATIGA, AFAS maupun ACIA.
11. **Standards and Conformance.** Indonesia merupakan satu-satunya Negara ASEAN yang belum dapat menerapkan ASEAN Cosmetic Directives (ACD). Malaysia menilai

### Lampiran 3

Indonesia tidak *fair* dan mengindikasikan tentang kemungkinan menerapkan azas reciprocity apabila Indonesia tidak segera menerapkannya. SEOM meminta Indonesia untuk segera membicarakannya dengan sector terkait dan memastikan jadwal penerapan ACD dimaksud. Indonesia menyampaikan pengertiannya atas pandangan Malaysia dan berjanji akan membahas masalah tersebut secara intens dengan sector pembina. Untuk penerapan ACD, Indonesia harus segera melakukan 2 (dua) hal yakni (i) mentransposisi ACD kedalam perundang-undangan di dalam negeri; dan (ii) menerapkan *Notification System ACD*.

12. **Customs Cooperation.** SEOM mencatat laporan Sekretariat ASEAN mengenai hasil–hasil *the 18<sup>th</sup> ASEAN Customs DG Meeting* antara lain: (i) penugasan CCC oleh Customs DG untuk mengamandemen *ASEAN Agreement on Customs*, (ii) implementasi *ASEAN Customs Declaration Document (ACDD)*, (iii) rencana implementasi *pilot project ASEAN Cargo Processing Model* di Malaysia dan Filipina, dan (iv) pelaksanaan ASEAN-Dialogue Partner Customs Consultations (China, Jepang, Korea, WCO dan US Business Council).
13. **ASEAN Single Window.** Ketua *ASEAN Single Window Steering Committee (ASWSC)*, Mr. Alexander M. Arevalo, melaporkan secara komprehensif proses pelaksanaan ASW sejak disepakati di Bali Concord II tahun 2003 hingga saat ini. Sebagaimana disepakati bahwa ASW hanya dapat dioperasikan apabila masing-masing AMS sudah memiliki *National Single Window (NSW)*. Sesuai mandat AEM pada Desember 2005 di Kuala Lumpur, NSW sudah harus dioperasikan oleh ASEAN-6 pada tahun 2008 dan oleh ASEAN-4 pada tahun 2012. Dilaporkan bahwa Indonesia dan Malaysia telah mulai mengoperasikan NSW, dan Singapura bahkan telah mengoperasikan NSW sejak 1989, Terkait dengan pengembangan ASW, ASWSC melaporkan kesuksesan pelaksanaan uji coba ASW dengan pendekatan *federated* antara Indonesia dan Malaysia dan merencanakan pengembangan uji coba tersebut ke AMS lainnya. Indonesia dan Malaysia telah melakukan uji coba NSW pada tanggal 1 Juli 2009, sedangkan 7 AMS lainnya sedang dalam proses membangun NSWnya. telah menyepakati uji cobapembangunan ASW dengan pendekatan *federated*, akan tetapi Singapura hingga pertemuan SEOM 3/40 ini masih tetap pada posisi untuk terlebih dahulu melakukan *Cost-Benefit Analysis* atas 2 (dua) pendekatan ASW (*federated* dan *bilateral*) untuk memutuskan pendekatan yang akan digunakan. Ketua ASWSC, Indonesia dan AMS lainnya menyampaikan kesiapannya melaksanakan pengembangan ASW/NSW dengan pendekatan *federated*. Sehubungan dengan itu, Indonesia menekankan tentang pentingnya: (i) melaksanakan amanat leaders dalam rangka mewujudkan AEC 2015, (ii) menguatkan peran *centrality of ASEAN* menuju pada kerjasama ekonomi yang lebih luas, dan (iii) membangun ‘trust’ diantara AMS. SEOM pada akhirnya memutuskan agar ASWSC melanjutkan pengembangan ASW/NSW sesuai rencana/program ASWSW.

#### **B. Trade in Services: ASEAN Framework Agreement on Services (AFAS)**

14. Sekretariat ASEAN melaporkan status pemenuhan threshold AFAS Paket 7, dimana 4 (empat) Negara (Kamboja, Indonesia, Singapura dan Thailand) telah memenuhi threshold AFAS Paket 7, Laos dan Myanmar sudah mendekati thresholds, sedangkan 4 AMS lainnya harus bekerja keras memenuhi komitmennya paling lama tanggal 31 Juli 2009. Komitmen AFAS Paket 7 versi final akan segera diupload di website Sekretariat ASEAN. SEOM mencatat beberapa hal terkait overall flexibilities yang telah disepakati CCS dalam memasuki negosiasi AFAS Paket 8 yaitu: (i) persentase fleksibilitas sebesar 15% dari *targeted number of items*; (ii) penggunaan fleksibilitas secara seimbang diantara modes; (iii) penerapan fleksibilitas mulai AFAS Paket 8; dan (iv) pelaksanaan *mid-term review* terhadap fleksibilitas pada awal 2011.

#### **C. Investment: ASEAN Comprehensive Investment Agreement (ACIA)**

### Lampiran 3

15. SEOM meminta AMS (minus Kamboja) menyelesaikan *domestic procedures* agar ASEAN dapat memtuhi kesepakatannya untuk *entry into force* pada tanggal 25 Agustus 2009 (180 hari setelah penandatanganan ACIA). Hingga saat ini hanya Singapura yang sudah menotifikasi penyelesaian *domestic procedures*nya. Terkait *reservation lists*, SEOM mengingatkan AMS untuk segera memfinalisasikannya dan melaporkannya kepada AEM pada AEM ke-41 dan *AIA Council Meetings* di Bangkok pada bulan Agustus 2009. Saat ini Indonesia sedang dalam proses meratifikasi ACIA. *Reservation list* akan dilaporkan kepada AIA Council meeting pada pertemuan AEM ke-41 bulan Agustus 2009.

#### **D. Small and Medium Enterprises (SMEs)**

16. Sesuai arahan AEM, SEOM menyepakati rencana pembentukan SMEs Council dan menugaskan Sekretariat ASEAN menyiapkan TORnya. Diharapkan SMEs Council akan bertugas mendorong peningkatan kinerja SMEs dengan melaksanakan 5 rekomendasi AEM, yaitu: (1) Best Practices in SME Financing; (2) SME Networking; (3) Public-Private Sector Partnership; (4) Strengthening SME Agencies; (5) Enhancing Market Access.

#### **E. Dispute Settlement Mechanism**

17. Beberapa isu yang dibahas pada Pertemuan DSM Task Force ke-9 di Jakarta pada 25 – 27 Mei 2009 antara lain adalah (i) DSM Fund Management; (ii) Panel and Appellate Body Nominations; (iii) Updated List of DSM Covered Agreements; dan (iv) Possible Areas and Aspects for Improvement and Strengthening of the ASEAN Protocol on EDSM. Khusus untuk isu yang terakhir, pertemuan membahas rekomendasi penyempurnaan protocol ESDM yang telah disiapkan oleh Prof Peter Van den Bossche dan Mr. Paolo Vergano (ADB Trade-related Technical Assistance Project. Rekomendasi tersebut meliputi *Principle and systemic Issues, Consultations, Good Offices, Mediation and Arbitration, Panel Process, Appellate Review, dan Implementation and Enforcement of Compliance*. Pembahasan lebih lanjut akan dilaksanakan pada DSM Task Force Meeting ke-10.

#### **F. Private Sector Engagement**

18. AEM telah menyepakati 5 rekomendasi (ASEC paper) untuk meningkatkan keterlibatan sector swasta yang perlu segera ditindaklanjuti, yaitu: (1) melibatkan sector swasta di area/isu yang mereka minati; (2) memastikan partisipasi sector swasta di berbagai tingkat pertemuan (Kepala Negara, Menteri, Council); (3) membangun public-private sector partnership; (4) memaksimalkan pemanfaatan IT untuk berkomunikasi dengan kalangan bisnis; dan (5) menetapkan struktur partisipasi swasta dalam proses ASEAN; Sesuai arahan AEM untuk melibatkan sector swasta pada paling tidak satu dari sejumlah kegiatan sectoral bodies setiap tahun, SEOM mendukung pelaksanaan private sector consultation yang bersifat thematic, seperti rencana konsultasi antara ASEAN-BAC/ASEAN CCI dengan para pelaku usaha terkait pada AEM ke-41 dengan thema *textile and apparel*, dan pada KTT ASEAN ke-15 focus pada *trade financing*.

### **III. EXTERNAL RELATIONS**

#### **ASEAN – US.**

19. Pada pertemuan ke-11 SEOM - Assistant USTR Consultation, Indonesia selaku *country coordinator* memimpin jalannya pembahasan. Pada agenda kebijakan perdagangan pemerintah baru AS, AUSTR memaparkan bahwa pemerintahan AS tengah melakukan peninjauan kembali (*review*) atas kebijakan perdagangannya secara menyeluruh. Hasil *review* akan dipublikasikan dalam waktu dekat. Terkait aspek perdagangan multilateral, AS senantiasa pada komitmennya untuk terus mendorong penyelesaian putaran

### Lampiran 3

perundingan DDA di WTO. Terkait kerjasama antar kawasan, AS tetap menempatkan ASEAN sebagai mitra penting. Selain itu AS juga menghimbau agar ASEAN meningkatkan publikasi kepada dunia internasional mengenai pencapaian-pencapaiannya dalam proses integrasi ekonomi internal ASEAN.

20. Dalam pembahasan peningkatan kerjasama TIFA, AS memaparkan proposal kerangka kerja baru di sektor: (i) *trade facilitation agreement*; (ii) *logistic services protocol*; (iii) *digital economy protocol*; (iv) *trade financing dialogue*; (v) *enhanced trade and environment dialogue*; (vi) *trade repository*; (vii) *government business dialogue* dan (viii) *continue cooperation on standards*. Sementara itu ASEAN memberikan masukan kerjasama dibidang: (i) *trade facilitation framework, questionnaires and indicators*; (ii) *trade repository*; (iii) *seminar on new approach to services liberalization in FTAs*; (iv) *workshop on the regulatory aspects of e-Commerce in services*; (v) *comprehensive outreach program on ACIA*. Untuk itu pertemuan sepakat bahwa usulan-usulan tersebut perlu dikaji lebih lanjut untuk mencapai konvergensi mengenai area baru yang akan dikerjasamakan.
21. Pertemuan juga menyepakati perlunya pembahasan ditingkat teknis mengenai persiapan pelaksanaan *TIFA Joint Council* dan *Private Sector Roundtable*. AUSTR menekannya perlunya penyusunan agenda *roundtable* yang menarik minat kalangan pengusaha AS dan ASEAN untuk berpartisipasi. Dari pihak ASEAN digulirkan wacana agar *roundtable* dapat dilaksanakan bersamaan dengan *ASEAN Business & Investment Summit*. Dalam hal ini, Thailand telah mengajukan diri sebagai tuan rumah bagi pelaksanaan 2 (dua) pertemuan dimaksud pada KTT ASEAN bulan Oktober 2009 di Phuket.

#### ASEAN – Canada.

22. Pertemuan SEOM 3/40, membahas masa depan dari *ASEAN – Canada Trade and investment Arrangement (TIFA)* yang sejauh ini masih dalam tahap pembahasan rancangan persetujuan. Indonesia selaku *country coordinator* menginformasikan kepada pertemuan mengenai 2 (dua) usulan Kanada yang menginginkan penandatanganan TIFA pada pertemuan *APEC Minister Responsible for Trade (MRT)* di Singapura akhir Juli 2009 atau mengumumkan peluncuran negosiasi TIFA pada pertemuan APEC MRT tersebut. Namun demikian SEOM sepakat bahwa rancangan TIFA perlu dibahas terlebih dahulu dalam pertemuan resmi *SEOM – Canada Consultation* (yang telah dibekukan secara sepihak oleh Kanada) dan kemudian perlu mendapat persetujuan di tingkat Menteri. Pertemuan juga sepakat agar Indonesia berkonsultasi lebih lanjut dengan Kanada mengenai kemungkinan pelaksanaan pertemuan tingkat SEOM tersebut saat AEM Meeting bulan Agustus 2009 untuk menuntaskan pembahasan TIFA.

#### ASEAN – China

23. Pertemuan ke-16 SEOM – MOFCOM Consultation membahas status negosiasi paket ke-2 Persetujuan Jasa ACFTA yang sejauh ini belum dapat dituntaskan. Hal ini dikarenakan: (i) belum disampaikannya *revised offer* Indonesia untuk negosiasi tersebut; (ii) China masih menginginkan adanya *offer* dari Cambodia dan Lao. Dalam hal ini pertemuan sepakat bahwa untuk menuntaskan negosiasi paket ke-2 Persetujuan Jasa dimaksud, maka diperlukan *revised offer* dari seluruh negara ASEAN 6 dan segera disampaikan sebelum akhir Juli 2009.
24. Pertemuan juga mencatat perkembangan implementasi Persetujuan Barang ACFTA termasuk program kerja *review* atas Persetujuan dimaksud yang antara lain mencakup database tarif dan perdagangan, *review* produk sensitif, fasilitasi perdagangan, *peer-review*, *impact study* dan *success stories*. Pertemuan mencatat kesiapan seluruh pihak untuk menandatangani Persetujuan Investasi AC pada pertemuan AEM bulan Agustus 2009 dan MOU bidang HKI serta TBT pada KTT ASEAN bulan Oktober 2009. Selain itu China juga memberikan paparan mengenai rencana pelaksanaan ASEAN China Expo

### Lampiran 3

ke-6 bulan Oktober 2009 serta disetujuinya *ASEAN China Cooperation Fund* yang akan dikelola oleh Bank Exim China.

#### ASEAN – Japan

25. Dalam pertemuan SEOM – METI 2/15, forum mencatat bahwa 3 pihak dari Persetujuan AJCEP belum menuntaskan proses ratifikasi yaitu Filipina, Indonesia dan Kamboja. Untuk itu pertemuan menghimbau agar para pihak tersebut dapat segera menyelesaikan ratifikasi. Sementara itu pertemuan juga membahas kembali kemungkinan dimulainya negosiasi sektor jasa dan investasi. ASEAN dan Jepang sepakat untuk terlebih dahulu mendalami lebih lanjut mengenai *level of commitments* yang akan dinegosiasikan di sektor jasa dan investasi. Untuk itu pertemuan sepakat hal tersebut akan dibahas lebih lanjut ditingkat teknis.
26. SEOM – METI juga membahas perkembangan ERIA dan prakarsa *knowledge economy* serta *updating* aktivitas dibawah program AMEICC. Pertemuan mencatat status ERIA yang telah menjadi organisasi internasional, kontribusi Jepang sebesar USD 10 juta untuk tahun anggaran 2009, kesediaan Selandia Baru untuk memberikan kontribusi kepada ERIA dan masukan ASEAN agar ERIA dapat mensirkulasikan hasil-hasil kajiannya kepada pihak terkait di ASEAN dan 6 mitra dialognya. Dalam hal prakarsa *knowledge economy*, Jepang memaparkan beberapa elemen dibawah prakarsa tersebut yaitu *promoting of energy conservation, information security, e-Commerce dan training for IT professionals*.

#### ASEAN Plus Three

27. Pertemuan ke-19 ASEAN – Plus Three Consultation menitikberatkan pada hasil final kajian EAFTA yang dilakukan *join expert group*. Laporan tersebut juga akan dipresentasikan pada pertemuan ke-41 AEM bulan Agustus 2009 di Thailand. Dalam kajian tersebut, para ahli mengindikasikan hal-hal seperti munculnya kecenderungan *FTA fatigue*, kendala terkait belum adanya FTA antara China - Jepang - Korea, tingkat kesulitan cukup tinggi untuk menciptakan *high quality region wide FTA*, tahap awal hanya merupakan konsolidasi dari ASEAN+1 FTAs dan FTAs antar 3 negara.
28. Selain itu, para ahli juga merekomendasikan beberapa hal terkait EAFTA yaitu : (i) pendekatan proses harus tetap dilaksanakan; (ii) strategi harus bersifat gradual dan realistis; (iii) FTA hanya merupakan konsolidasi; (iv) elemen *trade & investment facilitation* merupakan keharusan untuk memberikan nilai tambah; (v) perlu dibentuk *working group* bidang *ROO regime* dan *tariff nomenclature*; (vi) peluncuran negosiasi EAFTA paling cepat 2012.
29. China dan Jepang menyambut positif hasil kajian tersebut dan akan membantu langkah-langkah kedepan melalui penyelenggaraan seminar mengenai mekanisme 10 plus 3 dan ROO. Sementara Korea belum dapat memberikan tanggapan resmi dikarenakan masih mempelajari hasil kajian dimaksud.

#### ASEAN - ROK

30. Pertemuan ke-12 SEOM – ROK Consultation membahas perkembangan prosedur domestik untuk akses Thailand dalam Persetujuan Barang dan Persetujuan Jasa AKFTA. Dalam hal ini Korea menginformasikan bahwa proses ratifikasi sudah dalam tahap akhir untuk disetujui oleh Parlemennya. Pertemuan juga menghimbau agar para pihak termasuk Indonesia dapat segera menuntaskan prosedur domestik Persetujuan Jasa AKFTA. Pertemuan juga sepakat agar seluruh pihak menunjuk wakilnya dalam *Implementing Committee (IC) for AKFTA* yang dibentuk untuk menggantikan posisi *Trade Negotiating Committee*. Apabila seluruh pihak telah menetapkan wakilnya,

### Lampiran 3

pertemuan ke-1 *Implementing Committe* AKFTA akan segera dilaksanakan pada tahun 2009 di Korea.

31. Terkait agenda notifikasi AKFTA di WTO, ASEAN tetap sepakat menggunakan *Enabling Clause* dengan mempertimbangkan status ASEAN dan Korea di WTO sebagai negara berkembang, kemudian implikasi bila melakukan notifikasi berdasarkan Artikel XXIV GATT serta notifikasi yang selama ini telah dilakukan di WTO oleh para pihak yang melakukan FTA. Sementara itu Korea juga tetap menginginkan notifikasi berdasarkan Artikel XXIV GATT. Hal ini berdasarkan pertimbangan tingkat liberalisasi AKFTA yang sangat substansial. Menyikapi perbedaan tersebut pertemuan sepakat bahwa isu notifikasi AKFTA akan dibahas dan diputuskan lebih lanjut di tingkat Menteri.

### ASEAN – INDIA

32. Dalam pertemuan ke-15 SEOM – India Consultations, India menegaskan komitmennya untuk dapat menandatangani Persetujuan Barang AIFTA saat pertemuan AEM pada bulan Agustus 2009. Saat ini seluruh prasyarat administratif telah berada ditingkat kabinet, walaupun prioritas utama pemerintah India saat ini adalah menuntaskan agenda anggaran nasionalnya. Namun demikian, persetujuan kabinet dan parlemen diupayakan dapat diperoleh sebelum pertemuan AEM mendatang. Apabila persetujuan tidak diperoleh hingga pertemuan AEM, India memastikan selambat-lambatnya Persetujuan tersebut dapat ditandatangani saat KTT ASEAN bulan Oktober 2009.
33. Terkait masalah negosiasi persetujuan jasa dan investasi AIFTA, ASEAN menegaskan posisinya bahwa hal tersebut dapat dimulai kembali apabila Persetujuan Barang AIFTA telah ditandatangani. Sementara itu India menjelaskan posisinya secara umum bahwa diperlukan keseimbangan komitmen antara persetujuan barang yang telah ditandatangani dan persetujuan jasa yang akan dinegosiasikan. India berpandangan bahwa dari sudut pandang perdagangan barang, secara umum ASEAN lebih diuntungkan, sehingga untuk memberikan keseimbangan dari aspek jasa, maka baik harus terlebih dahulu disepakati oleh para pihak mengenai pendekatan, *level of commitment*, dan pedoman negosiasi seperti *metode listing, scheduling the commitments*. Untuk itu para pihak sepakat hal tersebut akan ditindaklanjuti di tingkat *negotiating committee*.
34. Khusus mengenai 21 pos tarif Indonesia terkait dengan hasil dari proses transposisi HS 2002 ke dalam HS 2007, secara prinsip kedua pihak sepakat bahwa apabila memang perlu dibahas lebih lanjut maka akan dilakukan setelah penandatanganan Persetujuan Barang yaitu pada saat pelaksanaan pertemuan persiapan implementasi.

### ASEAN – CER

35. Pertemuan ke-23 SEOM – CER Consultation membahas beberapa agenda terkait persiapan pelaksanaan Persetujuan AANZFTA. Malaysia dan Singapura telah meratifikasi Persetujuan dimaksud, sedangkan Australia dan Selandia Baru memperkirakan persetujuan parlemen akan diperoleh pada bulan Oktober 2009. Terkait masalah transposisi jadwal penurunan/penghapusan tarif dari HS 2002 ke dalam HS 2007, hanya Myanmar dan Kamboja yang belum menyampaikan. Pertemuan sepakat agar para pihak segera menyampaikan nominasi wakilnya dalam *joint committee for implementation of AANZFTA*. Sementara itu Sekretariat ASEAN menginformasikan adanya bantuan fasilitas monitoring dan sosialisasi FTA dari Australia.
36. Pertemuan juga membahas agenda revitalisasi ASEAN Australia New Zealand Business Council yang masih belum teralisasi walaupun telah disepakati para Menteri sejak tahun 2008. Dalam hal ini Selandia Baru memberikan masukan agar perlu disusun agenda dari kalangan dunia usaha sendiri agar Council dapat dihidupkan kembali. Sementara Australia masih memerlukan waktu untuk berkonsultasi dengan kalangan dunia usahanya.

### Mitra Strategis Asean Lainnya

37. SEOM mencatat hasil pertemuan ke-1 Tingkat Menlu ASEAN – GCC yang antara lain adalah usulan penyusunan kerangka kerja antara dua sekretariat untuk membentuk *working group* bagi pembentukan FTA dan promosi kerjasama ekonomi dan pembangunan yang lebih erat. SEOM juga sepakat bahwa perlu dilakukan pendekatan gradual baik untuk FTA dengan GCC ataupun MERCOSUR. Untuk itu disepakati lebih lanjut bahwa kerangka waktu penyelesaian 2 kajian tersebut hingga tahun 2010 saat pertemuan AEM Retreat.
38. SEOM juga mencatat hasil dari dua kajian terkait EAFTA dan CEPEA yang disampaikan oleh wakil *expert group* dan wakil dari ADB. Secara umum, memperhatikan hasil dan rekomendasi 2 (dua) kajian tersebut, ASEAN masih perlu untuk memfokuskan pada agenda integrasi ekonomi internal. Selain itu SEOM juga sepakat bahwa untuk tahap awal, ASEAN perlu menyusun strategi konsolidasi seluruh ASEAN+1 FTAs dengan tetap memposisikan sentralitas ASEAN. Untuk itu SEOM sepakat agar melakukan proses *Track 1* yang intinya melakukan *assessment* atas temuan-temuan pokok dari kedua studi dimaksud.
39. SEOM membahas draft program dan annotated agenda Pertemuan AEM ke-41 serta daftar *deliverables* yang akan disampaikan ke pertemuan tingkat Menteri (AEM ke-41, AFTA Council ke-23, AIA Council ke-12) pada Pertemuan AEM ke-41, di Bangkok, pada tanggal 13 – 16 Agustus 2009 (Lampiran 1). Indonesia menyampaikan kesiapannya terhadap penandatanganan ASEAN – China Investment *Agreement* pada pertemuan tersebut.

## IV. PENGAMATAN & TINDAK LANJUT

### ASEAN ECONOMIC COMMUNITY

40. Perlu ada kajian terhadap minimal scorecard yang harus dicapai oleh negara anggota AMS sebagai persyaratan minimal memasuki AEC 2015. Hal ini mengingat capaian scorecard untuk target 2008 yang masih hanya berkisar 60%. Pencapaian *scorecard* merupakan gambaran keseriusan ASEAN dalam meningkatkan kredibilitas ASEAN sebagai Masyarakat Ekonomi ASEAN pada tahun 2015.
41. Untuk scorecard target 2009 (periode Juni 2009 – Mei 2010), Departemen Perdagangan akan segera mengidentifikasi *measures* yang harus dilaksanakan pada tahun 2009 dan berkoordinasi dengan sektor terkait.
42. Terkait dengan perpanjangan *waiver* beras dan gula Indonesia selanjutnya sehubungan dengan *Protocol Special Consideration for Rice and Sugar*, diharapkan sektor dapat menyiapkan review dan justifikasi yang lebih komprehensif serta mengantisipasi bentuk pengamanan beras dan gula apabila *waiver* tidak dapat diperpanjang lagi.
43. Terkait dengan masalah Indonesia yang belum menerapkan ACD, Departemen Perdagangan akan segera berkonsultasi dengan sektor pembina (Depkes dan BPOM) untuk mendapatkan solusi terbaik.

### EXTERNAL RELATIONS

44. Untuk mempersiapkan agenda yang menarik bagi kalangan usaha ASEAN dan AS, perlu dilakukan konsultasi ditingkat perhimpunan pengusaha nasional dan ASEAN agar kemudian dapat dibahas lebih lanjut dengan perhimpunan pengusaha AS. Selain itu perlu juga dikaji lebih lanjut oleh instansi terkait mengenai usulan kerjasama TIFA yang diajukan ASEAN ataupun AS agar dapat disusun area kerjasama yang konvergen.

### Lampiran 3

45. Indonesia perlu berkonsultasi dengan Kanada perihal perlunya melaksanakan pertemuan resmi ditingkat SEOM pada kesempatan pertama. Hal ini untuk menuntaskan rancangan ASEAN Canada TIFA sebelum dapat ditandatangani para Menteri dan diimplementasikan lebih lanjut.
46. Untuk penuntasan negosiasi paket ke-2 Persetujuan Jasa ACFTA, dimohon kerjasama penuh Tim Koordinasi Bidang Jasa Depkeu dan seluruh instansi pembina sektor jasa agar dapat segera menetapkan dan menyampaikan posisi *revised offer* Indonesia sebelum akhir Juli 2009. Sebagai pertimbangan adalah *DDA conditional offer* Indonesia di WTO sebagai *offer minimum* atau *initial offer* Indonesia pada paket ke-2 sebagai *offer maksimum*.
47. Dalam hal notifikasi AKFTA di WTO, Indonesia perlu mendukung penuh posisi ASEAN yang sepakat menggunakan *Enabling Clause* dibanding Artikel XXIV GATT. Hal ini demi konsistensi posisi ASEAN dalam melakukan notifikasi FTA-nya dengan negara berkembang di WTO. Terkait Persetujuan Investasi ASEAN – Korea, dimohon BKPM dapat segera memulai proses ratifikasi persetujuan dimaksud.
48. Agar dapat memanfaatkan Persetujuan ASEAN Japan CEP, dimohon kerjasama penuh dari Deplu dan Setkab untuk mempercepat proses ratifikasi Persetujuan dimaksud. Disamping itu seluruh instansi terkait dimohon dapat melakukan penelaah mendalam mengenai posisi Indonesia untuk negosiasi sektor jasa dan investasi dalam kerangka AJCEP. Terkait AANZFTA frekuensi pembahasan substansi ratifikasi perlu diintensifkan agar dapat segera tuntas untuk masuk ke tahapan selanjutnya.

Makaty City, Filipina, 16 Juli 2009



## Lampiran 4



**SUMMARY RECORD OF THE THIRD MEETING OF THE ASEAN  
SENIOR ECONOMIC OFFICIALS FOR THE FORTIETH ASEAN ECONOMIC MINISTERS  
MEETING  
(SEOM 3/40)**

**13-14 July 2009, Makati City, the Philippines**

**INTRODUCTION**

1. The Third Meeting of the ASEAN Senior Economic Officials for the Fortieth ASEAN Economic Ministers Meeting (SEOM 3/40) was held in Makati City, the Philippines on 13-14 July 2009. Senior Economic Officials from all the ASEAN Member States and staff members of the ASEAN Secretariat attended the Meeting, which was chaired by Mr. Winichai Cheamchaeng, Commercial Advisor to the Ministry of Commerce of Thailand.

2. The list of delegates appears as **ANNEX 1**.

**AGENDA ITEM 1: ADOPTION OF THE AGENDA**

3. The Meeting considered and adopted the SEOM 3/40 agenda, which appears as **ANNEX 2**.

**AGENDA ITEM 2: BUSINESS ARRANGEMENTS**

4. The Meeting was held in plenary.

**AGENDA ITEM 3: FOLLOW-UP TO THE DECISIONS MADE AT THE 15<sup>TH</sup> AEM RETREAT, SIEM REAP, 4-5 MAY 2009**

5. The Meeting noted the highlights of the 15<sup>th</sup> AEM Retreat, held on 4-5 May 2009 in Siem Reap, Cambodia and agreed to discuss the necessary follow-up actions to decisions made under their relevant agenda items. The decision points of the 15<sup>th</sup> AEM Retreat appears as **ANNEX 3**.

**AGENDA ITEM 4: HIGHLIGHTS OF THE 16<sup>TH</sup> MEETING OF THE HIGH LEVEL TASK FORCE ON ASEAN ECONOMIC INTEGRATION**

6. The Meeting noted the outcomes of the 16<sup>th</sup> HLTF Meeting held in Singapore on 6-7 July 2009, exchanged views on some of the decisions taken, and agreed to discuss relevant follow-up actions to the HLTF decisions under their respective agenda items. The decision points of the HLTF appear as **ANNEX 4**.

7. The Meeting noted the workshop on structural and regulatory reform, which is being organised for October 2009 in Bali, Indonesia, and agreed that SEOM should be able to participate in the said workshop.

8. The Meeting also exchanged views on the HLTF discussions on bold initiatives, in particular, the decision to explore the possibility of creating a customs union. Noting further the proposal for a study to be undertaken on such an initiative for consideration by the AEM Retreat in 2010, the ASEAN Secretariat was requested to prepare a concept paper on a step-by-step approach towards a customs union which could serve as basis for commissioning the study proposed by the HLTF.

## **AGENDA ITEM 5: ASEAN ECONOMIC COMMUNITY (AEC)**

### **5.1 AEC Scorecard**

9. The ASEAN Secretariat briefed the Meeting on the latest AEC Scorecard documents. The Meeting noted that the HLTF-EI had agreed to the following reports for reporting to Leaders, Ministers and officials, respectively:

- (a) For Leaders, an executive summary of ASEAN's progress and areas for improvement and the AEC Scorecard matrix, which appears as **ANNEX 5**;
- (b) For Ministers, the documents submitted to the Leaders and the matrix summarising the measures implemented and not implemented, by ASEAN as a whole as well as by individual Member States, which appears in **ANNEX 6**; and
- (c) For officials, the documents submitted to the Ministers and the detailed AEC Scorecard, which appears as **ANNEX 7**.

10. The Meeting noted the following comments made on the AEC Scorecard:

- (a) explore improvements to the "yes" and "no" scoring method;
- (b) review the need to undertake the measure in the priority sector roadmap for electronic sector: "institutionalise RosettaNet compatibility in ASEAN for the exchange of trade documents"; and
- (c) inclusion of specific criteria for services liberalisation in the priority sectors, even though flexibility is provided in the AEC Blueprint.

11. The ASEAN Secretariat explained to the Meeting that while they are exploring improvements to the scoring method such as the utilisation of "Analytic Hierarchy Process", there are challenges in assigning weights to various priority actions in the AEC Scorecard. With regard to the measure related to RosettaNet, the Meeting requested the ASEAN Secretariat to ensure that the AEC Scorecard is discussed in the meetings of all ASEAN sectoral bodies.

12. Indonesia briefed the Meeting on the letter from H.E. Mari Pangestu, Minister of Trade to ASEAN Economic Ministers, regarding possible assistance to further improve the AEC Scorecard, which appears as **ANNEX 8**.

13. Recognising the need to involve Track II in the development of AEC Scorecard to garner inputs through regular consultations with non-government stakeholders, the Meeting noted the proposal of Minister Mari to request the Economic Research Institute for ASEAN and East Asia (ERIA) to undertake work on improving the AEC Scorecard with guidance and

direction from a small steering committee that could involve the chair of HLTF-EI, representatives from the ASEAN Secretariat and ERIA as well as other experts.

14. The Meeting viewed that there could be two parallel tracks in developing the Scorecard: a “bureaucratic” or “official” Scorecard and an “analytical” Scorecard. The ASEAN Secretariat reiterated that the current AEC Scorecard is essentially developed as a monitoring and compliance tool rather than an impact assessment instrument.

15. The Meeting deliberated on two issues:

- (a) **Work on “Analytical” Scorecard.** The role that the steering committee (with research institutes) could undertake may include looking into impact assessment and/or methodological issues to provide feedback towards the enhancement of AEC Scorecard, undertake on-the-ground research to gather inputs in terms of implementation at the national level, and steps required to be taken to bring these measures into reality.
- (b) **Agenda Item at the Meeting of EAS Participating Countries or with ERIA.** There may be sensitivity in involving non-ASEAN Member States in the development or enhancement of AEC Scorecard, which is an ASEAN initiative.

## 5.2 AEC Communications Plan

16. The ASEAN Secretariat briefed the Meeting on the latest status of implementing the AEC Communication Plan, which contains recommendations for effective communication at the regional and national to key stakeholders within ASEAN. The ASEAN Secretariat mentioned that 15 main projects were planned and several activities were undertaken throughout 2008 and the first half of 2009, which include the “Ten Benefits of ASEAN Economic Community”, AEC Press/Media Kits (Fact Sheets, Frequently Asked Questions (FAQs) and ASEAN publications), CD-ROM on Rules of Origin, and Testimonials/Success Stories/Feature Articles. The ASEAN Secretariat further elaborated that the funding for 11 projects had been secured through the assistance of Dialogue Partners, including the development of a CD for all three agreements (ATIGA, ACIA and 7<sup>th</sup> AFAS package).

17. The Meeting also noted Thailand’s list of AEC communication activities for 2009 and her progress update of ASEAN Fashion Plus Fair, which appear as **ANNEXES 9** and **10**, respectively.

18. Thailand further informed the Meeting on her revised proposal on AEC Youth Ambassador Programme, which appears as **ANNEX 11**. While recognising the usefulness of the Programme in raising awareness among the ASEAN youth, some Member States expressed difficulty in securing funding for the activities. The Meeting concludes that since the objective of the Programme should also include socio-cultural aspects of ASEAN, the Programme should be carried out under the appropriate forum.

19. The Meeting agreed that the success of the AEC Communication Plan hinged partly on the implementation of communications activities at the national level, and sufficient funding and resources will be essential in executing the AEC Communication Plan at the highest level in both the regional and national level.

20. The Meeting discussed the possible activities for AEC Communication Plan for the period of 2009-2010. Recognising that ASEAN trade fairs could be effective supportive measures for the expansion of ASEAN trade and that the most recent ASEAN Trade Fair was held in Viet Nam in October 2004, the Meeting agreed to explore the possibility of

organising similar trade fairs and for the AEM to participate in ASEAN events at international trade fairs.

### 5.3 Implementation of the AEC Blueprint

#### 5.3.1 Trade in Goods: ASEAN Trade in Goods Agreement (ATIGA)

##### 5.3.1.1 CEPT-AFTA

21. The ASEAN Secretariat briefed the Meeting on the outcomes of the 54<sup>th</sup> and 55<sup>th</sup> CCCA Meetings held in Manila, the Philippines on 31 March – 2 April 2009 and in Singapore on 9-11 July 2009, respectively. The highlights and the reports of the two meetings appear as **ANNEX 12**. The Meeting noted that ASEAN-6 have submitted their full tariff reduction schedules for ATIGA, which were based on the AHTN 2007, and that these commitments were verified by the ASEAN Secretariat and confirmed by all ASEAN Member States at the 55<sup>th</sup> CCCA. All schedules, except for the Philippines, have been verified as accurate.

22. The Meeting considered two issues found during the technical verification of tariff schedules under the Philippines tariff reduction schedule:

- (a) Rice (HSL) – under the Protocol to Provide Special Consideration for Rice and Sugar

23. On the Philippines' request for extension of the waiver for her rice products, the Philippines informed the Meeting that she is undertaking domestic consultations to finalise the draft prepared by her Department of Agriculture before submission to the AFTA Council. The Meeting urged the Philippines to expedite the process in view of the issue's implication on the full tariff reduction schedules for ASEAN-6 by the entry into force of the ATIGA.

24. The Meeting noted the concerns of Indonesia and Thailand on the Philippines' tariff reduction schedule for rice, which only covers up to 2010 instead of 2015 as requested as part of the consultations upon granting of the waiver. Thailand stressed that the submission of the tariff reduction schedule up to 2015 would constitute justification for consideration of the extension of the waiver under the Protocol. In response to the requests, the Philippines informed the Meeting that domestic consultations are being undertaken and that she is currently waiting for the final outcomes of the consultations and decisions by the Cabinet on the matter. The Philippines is exerting fullest effort to submit the tariff reduction up to 2015 **by 31 July 2009**.

- (b) Notification of the Philippines' intention to transfer sugar products from the SL (originally transferred from the IL) to the HSL

25. The Philippines informed the Meeting that after having consulted her private sector, industries could consider positively the possibility of invoking the Protocol of Special Consideration for Rice and Sugar. At the 55<sup>th</sup> CCCA Meeting, it was suggested that the rate committed under the CEPT, i.e. 5% in 2010, be reflected in the tariff reduction schedule for her sugar products, and it was further suggested that a footnote to the Philippine tariff schedule be included to indicate that the rate is subject to the outcomes of consultations with concerned Member States on her invocation of the Protocol to Provide Special Consideration for Rice and Sugar. The Meeting noted that the Philippines could positively consider the suggestion and that the footnote text would be submitted to her Cabinet for further consideration before consultations with interested Member States could be undertaken and its subsequent submission to the AFTA Council for decision.

26. The Meeting urged the Philippines to expedite the process in resolving the issues pertaining to her tariff modality for rice and sugar. The Meeting noted that trilateral consultations involving Indonesia, Thailand and the Philippines were convened to develop the draft text of the footnote suggested. The outcome of the said consultations would be circulated to Member States for consideration. The Philippines expressed a strong commitment to resolve the issue in a timely manner **by 31 July 2009**.

27. Considering that the resolution of the issue would affect the ATIGA ratification process by some Member States, the Meeting requested the Philippines and concerned Member States to expedite discussions on the matter. The Meeting also endorsed the decision of CCCA that the footnote is strictly limited to temporary waiver granted under the Protocol to Provide Special Consideration for Rice and Sugar.

28. **Extension of Waiver for Indonesia's Rice and Sugar Products under the Protocol to Provide Special Consideration for Rice and Sugar**. The Meeting considered Indonesia's submission on the justification for her request to extend the waiver for rice and sugar under the Protocol to Provide Special Consideration for Rice and Sugar and agreed that the extension of the waiver be recommended to the AFTA Council.

29. **Entry into Force of the ATIGA**. The Meeting noted the information provided by Cambodia, Indonesia, Lao PDR, and Thailand regarding a possible delay in completing the ratification of the ATIGA before 26 August 2009, which would also result in delay in the entry into force of the ATIGA. The Meeting noted the concerns raised by some Member States on the negative implications to the reputation of ASEAN of not being able to abide by timelines prescribed in internal agreements. The Meeting strongly urged Member States, who have yet to finalise their ratification process, to strictly observe the timeline of ratification and abide by the dateline prescribed in the ATIGA.

30. Cambodia, Lao PDR and Indonesia informed the Meeting that she would exert her effort to complete the ratification process for entry into force of ATIGA on 26 August 2009. The Meeting noted the status of the ratification process in concerned Member States and urged these countries (i.e. Cambodia, Indonesia, Lao PDR and Thailand) to exert utmost effort to expedite their domestic processes.

31. **Implementing Committees for ATIGA**. The Meeting endorsed the TOR for the Coordinating Committee for ATIGA (CCA), in line with Article 90 of the ATIGA, and the TOR for Sub-Committee on ATIGA Rules of Origin (SC-AROO), in accordance to the Article 39 of the ATIGA, which appears as **ANNEXES 13** and **14**, respectively.

32. **ASEAN Trade Facilitation**. The Meeting noted the updated ASEAN Trade Facilitation Work Programme, appearing as **ANNEX 15**, and endorsed the ASEAN Trade Facilitation Framework, ASEAN Trade Facilitation Indicators and TOR of the ASEAN Trade Facilitation Joint Consultative Committee, which appear as **ANNEXES 16, 17** and **18**, respectively. The Meeting agreed to use the indicators readily available at the World Bank as guidelines for Member States to kick-start the process of evaluating trade facilitation in ASEAN. The Meeting noted that the said documents have been finalised following CCCA representatives' respective domestic consultations with their relevant sectoral bodies and agreed that the same documents be referred to the relevant ASEAN bodies, i.e. Directors-General of Customs, SOM-AMAF, STOM and ACCSQ to ensure their cooperation and the successful implementation of the Work Programme.

33. **Viet Nam's Proposed Modality to Phase-Out Petroleum Products from Her GE List**. Viet Nam informed the Meeting that the endorsement from her Cabinet of the modality to phase out petroleum products from her GE List would be ready **by 31 July 2009**. The

Meeting reiterated its request for Viet Nam to submit her proposal for timely consideration by the 23<sup>rd</sup> AFTA Council meeting.

34. **Petrochemicals and Certain Plastic Products**. The Meeting noted that the Philippines was still undertaking domestic consultations on this issue and would notify ASEAN of the results upon completion. The Meeting expressed its concern over the lack of indicative timeline for the resolution of this issue and the high potential of a domino effect if such a problem or a similar problem arises in the future. The Meeting noted the foregone benefits resulting from the non-granting of the CEPT concessions for these products and requested that the Philippines use the data prepared to substantiate the case that is pending at the Supreme Court. The Meeting strongly urged the Philippines to exert utmost effort for the expeditious resolution of this issue. Singapore reiterated its intention to undertake bilateral consultations with the Philippines.

35. **Non-Tariff Barriers (NTBs)**. The Meeting recalled the decision of the 22<sup>nd</sup> AFTA Council on the elimination of NTBs through the "type of measures" approach. Pursuant to this decision, the Meeting considered and endorsed the recommendation of the CCCA to develop a set of guidelines for eliminating, in phases, the barrier element in import licensing procedures, prohibitions and quantitative restrictions as part of the exercise in eliminating the NTBs. The Meeting urged Brunei Darussalam, Lao PDR and Viet Nam to submit their respective verified NTM lists **by 31 July 2009** so as to enable the ASEAN Secretariat to classify them by type of measure and refer the list to relevant sectoral bodies for the support and cooperation in the elimination of NTBs under their purview.

36. Brunei Darussalam and Viet Nam informed the Meeting that they exert maximum effort to meet the deadline for the submission of their verified NTM lists.

37. **Rules of Origin**. The Meeting considered the following issues related to CEPT Rules of Origin:

(a) Product Specific Rules

38. The Meeting endorsed the revised CEPT/ATIGA PSR, appearing as **ANNEX 19**, and agreed to submit this for the 23<sup>rd</sup> AFTA Council to endorse for effective implementation by 1 January 2010, subject to the resolution of the issue on the adoption of chemical process rule for ASEAN. The Meeting reiterated: (i) the AFTA Council's decision for the review to improve the PSR package in comparison with those under the ASEAN FTAs should be undertaken on a continuous basis to preserve the relevance of ASEAN; ii) the principle guideline to adopt rules that are as liberal if not more liberal than the rules adopted in ASEAN's FTA with Dialogue Partners; and (iii) the decision of the 21<sup>st</sup> AFTA Council to allow for less liberal rules in the CEPT-AFTA only products in strategic industries, i.e. automotive and iron and steel products.

(b) Chemical Process Rule

39. Viet Nam reiterated her difficulty on the adoption of the chemical process rule in CEPT/ATIGA ROO for products from chapter 28 to 40, which essentially relates to challenges in the implementation, including the lack of capacity to implement such rule.

40. The Meeting requested Viet Nam to provide a justification on why this rule should not be adopted in ASEAN and their request for the rules for products from Chapters 28 to 40 to be reviewed 1 year after the entry into force of the AANZFTA Agreement, for the AFTA Council to consider the deviation from the guiding principle of not adopting rules that are as liberal if not more liberal than those adopted in ASEAN's FTAs with Dialogue Partners.

41. Viet Nam explained that this is a newly adopted rule under AANZFTA which has not come into force yet. Therefore, Viet Nam requested for more time to technically review the implementation before adopting the same rules to ASEAN. Viet Nam also highlighted that the application of the chemical process rules for all products from Chapters 28 to 40 is to be reviewed no earlier than 12 and no later than 18 months following the entry into force of the AANZFTA Agreement.

(c) Development of Self-Certification

42. The Meeting considered the interim report on the development of self-certification, which appears as **ANNEX 20**, and endorsed the Work Plan for the development of self-certification by 2012 (**ANNEX 21**), the TOR for the experts to be mobilised under the auspices of APRIS in support of the implementation of the Work Plan (**ANNEX 22**), the follow-up action required from the experts to facilitate its implementation for submission to the 23<sup>rd</sup> AFTA Council, and for the CCCA to be lead body for the implementation of the work plan.

43. The Meeting noted that in developing self-certification in ASEAN, several factors have to be addressed. This would include the need to address the critical issue of origin verification for all qualifying ASEAN products, securing a high level of compliance, protecting revenues and confidence building. The Meeting requested the experts to: (i) complete their draft interim report **by 31 October 2009** for review by the relevant working bodies; (ii) ensure that the final study takes into account the recommendations of the Joint Review Session, ROO-TF and the CCCA; and (iii) present their initial proposed text for the necessary provisions to be included in the OCP for deliberation at the review session scheduled in November 2009.

44. Noting that the target for the implementation of self-certification is set at 2012, the Meeting requested the ROO-TF, CCCA and CCC to endeavour to operationalise self-certification as soon as possible. Cambodia was of the view that the timeline would still be subjected to the outcomes of the study, especially on the readiness of Member States in implementing this initiative.

(d) Transition Period

45. The Meeting endorsed the recommendation of the CCCA to have a 180-day transition period for the operational mechanisms related to the migration from the CEPT Form D to the ATIGA Form D to ensure smooth implementation. During this transition period, Member States should accept both CEPT Form D and the ATIGA Form D. After the transition period, no CEPT Form D should be issued and the CEPT Form D issued on the last date of the transition period shall be accepted and remain valid for one year in line with the provisions in the ATIGA OCP.

(e) Capacity-building on dispute settlement

46. The Meeting, noting the outcome of the workshop on dispute settlement in May 2009 in Jakarta, agreed on the need to have a step-by-step manual for administering cases filed under the ASEAN DSM. This can also be used for cases invoked under AFAS and ACIA and requested the DSM-TF to develop such manual for reference of the relevant officials.

**5.3.1.2 Standards and Conformance**

47. The Meeting noted that eight Member States, except Indonesia, have transposed the ASEAN Cosmetics Directive into their national legislation; and that the national cosmetics law of Myanmar has been aligned to the ACD and submitted to the Attorney General for

approval. The Meeting noted that the non-implementation by Indonesia of the ASEAN Cosmetics Directive has already been brought to the attention of the Ministry of Public Health and the Food and Drug Agency, and domestic consultations are taking place. The Meeting urged Indonesia to find an early resolution to the issue. The ASEAN Secretariat paper on the progress in the implementation of the ASEAN Cosmetics Directive appears as **ANNEX 23**.

48. The Meeting noted that guidance is being requested by the ACCSQ on the participation of the private sector in the various meetings of the ACCSQ and its working groups. The Meeting reiterated the AFTA Council decision on enhancing public-private partnerships and conducting regular consultations with the private sector at the operational level. The Meeting suggested that the ACCSQ and its relevant working groups define the mechanism for engaging the private sector that is most appropriate to their sector, including identification of specific sessions where private sector participation would be allowed.

### **5.3.1.3 Customs Cooperation**

49. The Meeting notes the outcome of the Meeting of the Directors-General of Customs held in Shah Alam, Malaysia on 9-11 June 2009. The highlights and report of the said meeting appears as **ANNEX 24**.

### **5.3.1.4 ASEAN Single Window (ASW)**

50. The Meeting noted the presentation of Mr. Alexander M. Arevalo, Chair of the ASW Steering Committee (ASWSC), on the progress in the implementation of the ASW, which appears as **ANNEX 25**. In his presentation, he highlighted the challenges in achieving consensus among the Member States and the efforts being exerted by the ASWSC to accommodate the requirements of all Member States; and that although the ASW Agreement and its Protocol stipulates the implementation of National Single Windows by 2008 for ASEAN-6 and by 2012 for CLMV, this particular 2008 commitment has not been fully realised. Mr. Arevalo added that the ASWSC would therefore try to give each Member State due consideration but would refrain from tailoring the ASW technical solution to the specific measurement of any individual ASEAN Member State.

51. The Meeting noted the views expressed by some Member States, as follows:

- (a) Singapore reaffirmed her commitment to participate in the ASW Pilot Project, as adopted at the 2<sup>nd</sup> ASWSC Meeting in April 2008 and requested the conduct of a Cost Benefit Analysis (CBA) in identifying, among others, the advantages and disadvantages of the bilateral approach as against the federated approach. The Meeting noted that the conduct of the CBA had been agreed at the 2<sup>nd</sup> ASWSC Meeting, and is indicated as a AEC Blueprint Scorecard measure for all AMS to comply. In accordance to the definition of the ASW under the ASW Agreement and the Protocol, the ASW is defined as the environment where NSWs of Member States operate and integrate. There is no particular specification of the approaches on the ASW model, i.e. whether it is bilateral or federated.
- (b) Malaysia sought clarification on the costs and benefits of the federated approach if it were to be adopted, and emphasised the need for a CBA. She also highlighted the importance of identifying where the centralised server is to be located as well as concrete modalities for the operation, maintenance of the system and any other costs that might be incurred. To facilitate decision by policymakers, it would be essential to know whether there is any requirement to modify the current systems used in Member States. Malaysia



also sought information on how to link the ASW to other trade facilitating initiatives such as the self-certification. Malaysia requested that these issues be surfaced to SEOM for further deliberation.

- (c) Indonesia is exerting efforts to implement her national single window in line with her commitments. She also emphasised that the ASW is a trade-facilitating environment and its operation would provide support to other regional initiatives such as the Self Certification; therefore, ASEAN needs to invest more efforts in the ASW implementation.
- (d) Cambodia highlighted the importance of learning from international experiences, such as the EU, for example among others. She also suggested that the progress report on the establishment of NSW and challenges of the establishment be reported to AEM for information and guidance.

52. The Meeting noted the clarification provided by the ASWSC Chair on some the points raised, as follows:

- (a) The current ASW framework does not allow bilateral linkage of national single windows; since that the ASWSC does not see the bilateral route as a sufficient, nor an efficient, solution. The ASWSC therefore reckons that Member States are free to develop their own bilateral linkages outside the ASW. Any decision therefore to bilaterally link national single windows, this remains with Member States.
- (b) A Cost Benefit Analysis would be conducted in due course but this would be subject to availability of resources. Taking into account the urgency of meeting the set deadline in the ASW implementation, more priority should be given to the development aspects of the ASW. On the funding to design the ASW and to develop national single windows, this still largely rests with individual Member States.
- (c) ***The federated approach for the ASW pilot project, as adopted at the 2<sup>nd</sup> ASWSC Meeting in April 2008, is based on the non-retention of data within the single window environment.*** As such, the ASW functions primarily as the router and connector. The ten national single windows would connect to each other in a secured environment using international standards for the exchange of information and data.
- (d) A number of Member States have joined the current initiative by Indonesia and Malaysia on activating the ASW pilot project using the federated approach through the ASW Exchange Gateway. The centralised server of the bilateral ASW Exchange Gateway between Indonesia and Malaysia is currently located in Jakarta, Indonesia. There is a proposal for the ASEAN Secretariat that the centralised server of the pilot project be located at the ASEAN Secretariat and this is still under discussion.

53. The Meeting also noted the outcomes of the 4<sup>th</sup> Meeting of the ASWSC, which appears as **ANNEX 26**.

### 5.3.2 Trade in Services: ASEAN Framework Agreement on Services (AFAS)

54. The Meeting considered and discussed the outcomes of the following CCS meetings: (a) 57<sup>th</sup> CCS Meeting on 9-11 February 2009 in Kuala Lumpur, Malaysia; (b) Special CCS Meeting on 22-23 April 2009 in Bali, Indonesia; and (c) the 58<sup>th</sup> CCS Meeting on 30 June – 2 July 2009 in Bagan, Myanmar. The highlights and reports of these meetings appear as **ANNEX 27**.

55. **The 7<sup>th</sup> AFAS Package**. The remaining Member States updated the Meeting on the status of their domestic processes in completing their respective 7<sup>th</sup> AFAS offers, meeting the agreed threshold. Member States expressed confidence to be able to submit those offers within the agreed timeline of **31 July 2009**.

56. **Overall Flexibilities**. The Meeting considered and endorsed the following CCS recommendation on the review of overall flexibilities as provided for under the AEC Blueprint:

- (a) overall flexibilities of up to 15% of the targeted number of items (calculated as the number of targeted sub-sectors times the number of modes) can be applied across subsequent rounds of liberalisation.
- (b) such flexibilities shall be exercised in a manner that allows for balance across the modes, and shall not be concentrated in one mode and shall only be used as a last resort.
- (c) the overall flexibilities will be applicable commencing as of the 8<sup>th</sup> AFAS Package.
- (d) a mid-term review of these flexibilities will be undertaken after the 8<sup>th</sup> package beginning in 2011, without prejudice to the outcome of this review.

57. **Parameters for the Liberalisation of Remaining Limitations**. The Meeting noted the status of CCS discussion on the modalities on the liberalisation of Mode 3NT, Mode 4 and Horizontal Limitation. The Meeting reiterated that the timeline for CCS to finalise the parameters shall be by the end of 2009.

58. **Free Flow of Skilled Labour**. The Meeting shared the view on the importance of addressing the issue of movement of skilled labour, and noted that it involves a number of other ASEAN bodies and all of them need to work jointly to achieve this objective. Views were expressed on the importance of domestic coordination with all related agencies before coordinating this issue at ASEAN level. Noting the plan of the CCS to hold a workshop on this subject, the Meeting called for the support of all related stakeholders and ASEAN bodies to move the agenda of free flow of skilled labour.

### 5.3.3 Investment: ASEAN Comprehensive Investment Agreement (ACIA)

59. The Meeting considered and discussed the outcomes of the following CCI meetings: (a) 41<sup>st</sup> CCI Meeting, 11-12 March 2009, Bagan, Myanmar; (b) 1<sup>st</sup> Special CCI Meeting, 16-17 April 2009, Singapore; (c) 42<sup>nd</sup> CCI Meeting, 25-27 May 2009, Bali, Indonesia; and (d) 2<sup>nd</sup> Special CCI Meeting, 22-24 June 2009, Singapore. The highlights and reports of these meetings appear as **ANNEX 28**.

60. **Entry into Force of ACIA.** Similar with the development in the ASEAN Trade in Goods Agreement (ATIGA), most ASEAN Member States are still finalising their domestic procedures for the entry into force of the ACIA. The Meeting urged them to complete their domestic procedures no later than 180 days after the signing of the Agreement as provided in the ACIA, i.e. by 25 August 2009. In this context, Malaysia updated that she had recently submitted her Instrument of Ratification of the ACIA to the ASEAN Secretariat.

61. **Reservation List.** The Meeting urged the remaining Member States to submit their Reservation List soonest for finalisation at the forthcoming 43<sup>rd</sup> CCI meeting.

62. The Meeting further noted the views and explanations from Thailand and the Philippines with regard to their respective issues in scheduling their reservation list:

- (a) **Thailand's Reservation on According ACIA Benefits to ASEAN-based Foreign Investors.** Thailand explained that she is still in the process of amending its laws and regulations to conform to ACIA requirement of according benefits to foreign-owned ASEAN-based investors. For the time being, Thailand proposed to draft this reservation into the Head Note, and assured that she will withdraw it once its applicable laws have been passed.
- (b) **Philippines' MFN Reservation on Permanent Residents (PRs).** The Philippines reiterated her reservation on granting ACIA concession to ASEAN permanent residents that are nationals of a non-Member State, as it violates her law. She further added that making such reservation under the Head Note, as in the Thailand case discussed above, as well as in the alternative proposal for a national treatment reservation proposed at the Special CCI meeting, may not be adequate.

In this regard, the Philippines maintains her position to include a provision under paragraph 1 of the headnote that in the case of the Philippines, the MFN obligation shall not apply to PRs of other Member States that are nationals of non-Member States and likewise for transparency purpose, the Philippines will include a specific reservation on this in its reservation list. The Philippines was requested to also explore the possibility of amending her domestic laws to allow the benefits of the ACIA to be accorded to Permanent Residents from non-Member States. The Meeting also looked into the feasibility of reciprocating should such reservation be undertaken.

63. The Meeting tasked the CCI to deliberate and recommend solution to these issues at their forthcoming 43<sup>rd</sup> meeting, which shall not contravene the ACIA. Both the Philippines and Thailand were also requested to suggest some options to resolve these issues.

64. **Terms of Reference of the AIA Council and CCI.** The Meeting endorsed the revised Terms of Reference of the AIA Council and CCI proposed by the CCI, appearing altogether as **ANNEX 29.**

#### **5.3.4 Industrial Cooperation: ASEAN Industrial Cooperation (AICO)**

65. The Meeting noted that, based on a decision taken at the 38<sup>th</sup> AEM meeting, the waiver of the 30% national equity requirement is due to expire on 31 December 2009 and agreed to recommend that the waiver be extended up to 31 December 2012.

### 5.3.5 Small and Medium Enterprises (SMEs)

66. The Meeting considered the outcome of the 24<sup>th</sup> SMEWG Meeting held on 20-21 May 2009 in Putrajaya, Malaysia as highlighted in the ASEAN Secretariat matrix, which appears as **ANNEX 30**.

67. The Meeting recalled the decision of the 15<sup>th</sup> AEM Retreat on the establishment of an SME Council and the divergent understanding on the composition of the SME Council, i.e. whether a Ministerial-level Council is envisaged similar to the AFTA and AIA Council or a Council comprising the private sector similar to the ASEAN-BAC. The Meeting requested the ASEAN Secretariat to draft a terms of reference for the proposed SME Council taking into account the intention of the Ministers to address the lack of SME representation at the regional level and the desire of the SMEWG to establish a Ministerial Council on SME.

### 5.3.6 Intellectual Property

68. The Meeting noted the outcome of the 31<sup>st</sup> AWGIPC Meeting held in Cha-am, Thailand on 1-5 June 2009. The highlights and the report of the said Meeting appear as **ANNEX 31**.

### 5.3.7 Transport

69. The noted the outcome of the 27<sup>th</sup> ASEAN Senior Transport Officials Meeting (STOM) held on 27-29 May 2009 in Da Nang, Viet Nam, in particular:

- (a) Thailand signed the ASEAN Framework Agreement on the Facilitation of Inter-State Transport by Thailand, which now leaves Myanmar as the only Member State with has yet to sign the Agreement. Myanmar is still completing domestic requirements for the signing of this Agreement by her Transport Minister.
- (b) Thailand also signed the Multilateral Agreement on Full Liberalisation of Air Freight Services and Multilateral Agreement on Air Services on 20 May 2009. As all Member States have signed the two Multilateral Agreements on air services, the Meeting encouraged the expeditious ratification of the Agreements.
- (c) STOM endorsed the final draft Protocol to Implement the 6<sup>th</sup> Package of Commitments on Air Services under AFAS, which will be signed at the 15<sup>th</sup> ASEAN Transport Ministers (ATM) Meeting in early December 2009 in Viet Nam; with this development, the Air Transport Sectoral Negotiation will commence negotiations for the 7<sup>th</sup> package of commitments at its next meeting. STOM also adopted the guidelines for liberalising ASEAN air transport ancillary services to be subject to air transport sectoral negotiations from 2010 to 2015.
- (d) STOM also agreed to expand the Roadmap for Integration of Air Travel Sector (RIATS) through a stand-alone agreement *ASEAN Multilateral Agreement on the Full Liberalisation of Passenger Air Services*, which will be supported by two Protocols: (1) Protocol to provide for unlimited and 3<sup>rd</sup> and 4<sup>th</sup> freedom traffic rights between any ASEAN city by 30 June 2010; and (2) Protocol to provide for unlimited 5<sup>th</sup> freedom traffic rights between any ASEAN city by 30 June 2013. The Multilateral Agreement and its two Protocols are targeted for possible signing by the ATM meeting in December 2009.

70. The highlights and report of the 27<sup>th</sup> STOM appear as **ANNEX 32**.

### **5.3.8 Information and Communications Technology**

71. The Meeting noted the outcomes of the 1<sup>st</sup> ASEAN Telecommunications and IT Senior Official Meeting (TELSOM) Leaders Retreat held on 4–5 March 2009 in Bukittinggi, Indonesia. The Meeting in particular noted the decision of TELSOM to develop an ASEAN ICT Master Plan as a strategic document for the implementation of the Roadmap for the ASEAN Community (2009-2015) in the area of ICT. The ICT Master Plan, which would include new and emerging areas of cooperation such as international roaming charges, will be submitted to the 9<sup>th</sup> TELMIN Meeting in Vientiane, Lao PDR for adoption.

72. The highlights and the report of the 1<sup>st</sup> TELSOM Leaders Retreat appear as **ANNEX 33**.

### **5.3.9 Energy**

73. The Meeting noted the outcome of the Special Senior Official Meeting on Energy (SOME) and the 2<sup>nd</sup> SOME-EU Dialogue held on 13-14 May 2009 in Chiang Mai, Thailand. The highlights and the report of the Special SOME appear as **ANNEX 34**.

### **5.3.10 Competition**

74. The Meeting noted the outcome of the 3<sup>rd</sup> Meeting of the ASEAN Experts Group on Competition (AEGC) held on 25-26 March 2009 in Kuala Lumpur. The Meeting specifically noted the work being done by the AEGC on developing regional guidelines on competition policy and the handbook on competition policies and law in ASEAN for businesses. On the guidance requested by the AEGC from SEOM, the Meeting agreed to consider including the proposed business forums for the Handbook and the socialisation workshop for the regional guidelines in the AEC Communication Plan activities once the Handbook and the regional guidelines have been developed and launched.

75. The highlights and the report of the 3<sup>rd</sup> AEGC Meeting appears as **ANNEX 35**.

### **5.3.11 Dispute Settlement Mechanism**

76. The Meeting noted the outcomes of the 9<sup>th</sup> DSM-TF Meeting held on 25-27 May 2009 at the ASEAN Secretariat. The highlights and report of the said Meeting appears as **ANNEX 36**.

77. The Meeting in particular noted the status of the nominations for the DSM panel and Appellate Body and urged concerned Member States to submit their nominations as soon as possible.

### **5.3.12 Private Sector Engagement**

78. The Meeting exchanged views on the decisions made by the Ministers at the 15<sup>th</sup> AEM Retreat on the engagement of the private sector in ASEAN economic activities, in particular: (a) the areas where engagement would be of interest to the private sector; and (b) the structured engagement of the private sector, including the level at which private sector engagement would take place. The Meeting noted that a number of sectoral bodies are already engaging the private sector in various degrees. In this regard, the Meeting agreed that, for the purpose of SEOM's report to the Ministers, a matrix be prepared by the

ASEAN Secretariat on the sectoral bodies currently engaging the private sector and the approach taken by these sectoral bodies in undertaking such private sector engagement.

79. The Meeting considered the paper of Thailand on the Public-Private Sector Policy Dialogue meeting, focusing on textiles and apparel, which is being organised at the sidelines of the 41<sup>st</sup> AEM meeting. The Thai paper appears as **ANNEX 37**. The Meeting agreed, that in as much as the ASEAN-BAC and the ASEAN-CCI would also be participating in the Dialogue, the topic should be generic, i.e. challenges for the private sector in moving towards the AEC.

## **AGENDA ITEM 6: MATTERS RELATING TO ASEAN'S RELATIONS WITH DIALOGUE AND SECTORAL PARTNERS**

### **6.1 ASEAN – China**

#### **6.1.1 Preparations for the 16<sup>th</sup> SEOM-MOFCOM Consultations**

80. The Meeting endorsed the provisional agenda for the 16<sup>th</sup> SEOM-MOFCOM Consultations to be held on 15 July 2009, which appears as **ANNEX 38**.

#### **6.1.2 Status of the Implementation of the ASEAN-China Free Trade Area (ACFTA)**

81. Thailand briefed the Meeting on the status of the ACFTA implementation. The Meeting noted the progress in the negotiations for the second package of specific commitments under the ASEAN-China Trade in Services Agreement, in particular, the proposal of China to postpone the signing of the Protocol to implement the second package of commitments until all Member States are able to table significant offers.

82. The Meeting expressed concern over the latest inter-sessional ACTNC-WGS meeting held on 9-10 July 2009 in Beijing, China as not all Member States have finalised their offers for the second package of services commitments. Given this development, it may not be possible to sign the Protocol to implement this package by the 41<sup>st</sup> AEM in August 2009 or even at the 15<sup>th</sup> ASEAN Summit in October 2009.

83. The Meeting urged Indonesia and Lao PDR to submit their offers, revised or otherwise, offers as soon as possible. Noting that the target is to submit improvements beyond Member States' WTO Doha round offers, Cambodia reiterated that her mandate is not to commit beyond her WTO accession commitments.

84. The Meeting agreed to give the ACTNC the opportunity to move forward on the negotiations following an assessment of the level of commitments made and the balance of benefits under the ASEAN-China Trade in Services Agreement, taking into account parties' level of development. The ASEAN Secretariat was requested to undertake such assessment.

#### **6.1.3 MOU between China and ASEAN on Cooperation in Intellectual Property**

#### **6.1.4 MOU between ASEAN and China on Technical Barriers to Trade**

85. The Meeting noted that the MOU between China and ASEAN on Cooperation in the Field of Intellectual Property and the MOU between ASEAN and China on Technical Barriers to Trade, appearing as **ANNEXES 39** and **40**, respectively, have been finalised and legally

scrubbed. The Meeting therefore urged Member States to commence domestic approval process for the signing of the two MOUs at the sidelines of the ASEAN-China Summit, which will be held in Thailand in October 2009.

## **6.2 ASEAN – Japan**

### **6.2.1 Preparations for the SEOM-METI 2/15 Consultations**

86. The Meeting endorsed the provisional agenda for the SEOM-METI 2/15 Consultations to be held on 15 July 2009, subject to the deletion of the agenda item on the EAFTA and CEPEA. The revised provisional agenda appears as **ANNEX 41**.

### **6.2.2 ASEAN-Japan Information Security Policy**

87. The Meeting noted the outcomes of the 1<sup>st</sup> ASEAN–Japan Information Security Policy Meeting held on 24–26 February 2009 in Tokyo, Japan. The highlights and the report of the said Meeting appear as **ANNEX 42**.

### **6.2.3 Trade in Services and Investment under the ASEAN-Japan Comprehensive Economic Partnership (AJCEP) Agreement**

88. The Meeting considered the ASEAN Secretariat paper on the preliminary assessment of the Trade in Services Chapters in Japan's bilateral Economic Partnership Agreements (EPAs) with seven ASEAN Member States, appearing as **ANNEX 43**, which was prepared to facilitate discussions on how to move forward the mandate of the Ministers for a regional agreement on trade in services and investment under the AJCEP.

89. The Meeting exchanged views on the matter and noted that while most of the Member States that have bilateral EPAs with Japan were open to negotiating a regional trade in services and investment agreement with Japan, they are not quite prepared to offer more than what they have already conceded in their bilateral EPAs. Myanmar reiterated her position that since not all Member States have bilateral agreements with Japan on services and investment, it would be strongly preferred that ASEAN negotiate a regional agreement in these two areas under the ambit of the AJCEP.

### **6.2.4 Transposition of the Tariff Reduction Schedules and Product Specific Rules to HS 2007**

90. The Meeting noted the progress in transposing the AJCEP tariff reduction schedules and product specific rules from HS 2002 to HS 2007. The Meeting agreed as follows:

- (a) that the proposed transposition of the product specific rules be transmitted to Japan once comments have been received from Member States on the initial transposition done by the ASEAN Secretariat on the product specific rules; and
- (b) that the transposition of the tariff reduction schedule follow the approach adopted for the AANZFTA whereby parties circulate their transposed schedules, together with the co-relation tables, within specific deadlines. This would be followed by a technical verification exercise to ensure that original tariff commitments are not eroded by the transposition.

### 6.3 ASEAN – Korea

#### 6.3.1 Preparations for the 12<sup>th</sup> SEOM-ROK Consultations

91. The Meeting endorsed the provisional agenda for the 12<sup>th</sup> SEOM-ROK Consultations to be held on 16 July 2009, which appears as ANNEX 44.

#### 6.3.2 Notification of the AKFTA to the WTO

92. The Meeting considered the ASEAN Secretariat paper on the notification of the AKFTA to the WTO, which appears as ANNEX 45. The Meeting agreed to request Korea to provide more clarification and justification on why it cannot agree to the notification under the Enabling Clause given that it is also a developing country.

### 6.4 ASEAN + 3

#### 6.4.1 Preparations for the 19<sup>th</sup> SEOM Plus Three Consultations

93. The Meeting endorsed the provisional agenda of the 19<sup>th</sup> SEOM Plus Three Consultations to be held on 16 July 2009, which appears as ANNEX 46.

### 6.5 ASEAN – India

#### 6.5.1 Preparations for the SEOM-India Consultations

94. The Meeting endorsed the provisional agenda for the SEOM-India Consultations to be held on 16 July 2009, which appears as ANNEX 47.

#### 6.5.2 Signing of the ASEAN-India Trade in Goods Agreement

95. The Meeting agreed to get a confirmation from India on the timing of the signing of the ASEAN-India Trade in Goods Agreement following the information provided by Thailand that India may not be able to attend the AEM-India Consultations if this were held on 15 August 2009. The Meeting noted that Thailand is waiting for feedback from India on her proposal to have the Ministerial consultations on 16 August 2009 instead.

#### 6.5.3 Negotiations for the ASEAN-India Trade in Services and Investment Agreements

96. The Meeting noted that India has tabled two documents on the negotiations for the ASEAN-India Trade in Services and Investment Agreements for discussion at the SEOM-India Consultations. The Meeting recalled the Ministerial mandate to proceed with the services and investment negotiations only after the Trade in Goods Agreement has been signed. The Meeting agreed to refer the two papers to the ASEAN-India TNG and its relevant working groups.

### 6.6 ASEAN – CER

#### 6.6.1 Preparations for the 23<sup>rd</sup> SEOM-CER Consultations

97. The Meeting endorsed the provisional agenda for the 23<sup>rd</sup> SEOM-CER Consultations to be held on 16 July 2009, which appears as ANNEX 48.



### **6.6.2 AANZFTA Implementation and Monitoring Unit at the ASEAN Secretariat**

98. The Meeting agreed, in principle, on the proposal to establish an AANZFTA Implementation and Monitoring Unit at the ASEAN Secretariat as part of the implementation of the AANZFTA Economic Cooperation Work Programme (ECWP), which appears in the ASEAN Secretariat-Australia-New Zealand joint paper in **ANNEX 49**.

## **6.7 ASEAN-USTR**

### **6.7.1 Preparations for the 11<sup>th</sup> SEOM-AUSTR Consultations**

99. The Meeting considered the provisional agenda for the SEOM-AUSTR Consultations to be held on 14 July 2009. Noting that this is the first time the SEOM-AUSTR is being convened after the assumption into office of President Obama, the Meeting agreed that it would be useful to be apprised of the new US administration's trade policy especially towards ASEAN. The Meeting also agreed to propose the deletion of the agenda item on the WTO and APEC as focus this round of consultations should be on the ASEAN-US TIFA. The revised provisional annotated agenda appears as **ANNEX 50**.

### **6.7.2 Enhancing the ASEAN-US Trade and Investment Framework Arrangement (TIFA)**

100. The Meeting exchanged views on USTR and ASEAN proposals to expand the ASEAN-US TIFA Work Plan. The proposals appear as **ANNEXES 51** and **52**, respectively. The following observations were made:

- (a) The imbalance in the areas that are being proposed for inclusion in the TIFA Work Plan. The Philippines suggested that ASEAN should consider seeking inputs from the business sector similar to what has been done in a services impediments exercise.
- (b) The tendency of the US to pick and choose areas that are mostly of interest to them and not necessarily taking into account areas that may be of interest to ASEAN.
- (c) Some of the US proposals go beyond the scope of TIFA; ASEAN must ensure that economic cooperation remains to be the focus even if the TIFA Work Plan were to be expanded.
- (d) Some of the US proposals entail some kind of agreement or protocol to implement. The Meeting agreed to seek clarification from the USTR on the objective and intent in each of the proposal.

101. Noting that a number of areas were common in both the ASEAN and US proposals, e.g. trade facilitation and the trade repository, the Meeting requested the ASEAN Secretariat to prepare a matrix putting side-by-side areas common in both proposals to facilitate discussions at the SEOM-AUSTR Consultations.

## **6.8 ASEAN-Pakistan**

102. The ASEAN Secretariat presented the Executive Summary of the Joint Study on the Feasibility of an ASEAN-Pakistan FTA, which appears as **ANNEX 53**. The Meeting noted the recommendations in the Joint Study and the view of most Member States that, given the

limited benefits that may accrue from an ASEAN-Pakistan FTA, it may not be practical to enter into negotiations at this point in time. The Meeting agreed to recommend to the Ministers that decision on an ASEAN-Pakistan FTA be made only once the studies on the ASEAN-GCC and ASEAN-MERCOSUR have been completed.

## 6.9 Others Strategic Partnerships in ASEAN

### 6.9.1 Study on a Step-by-Step Approach towards Engaging GCC and MERCOSUR

103. The Meeting noted the outcome of the First ASEAN-GCC Ministerial Meeting held in Manama, Bahrain on 29-30 June 2009. The Meeting in particular noted that the Secretariats of both organisations propose a concrete work plan for working groups to be established to examine in further details cooperation in: (i) the establishment of a free trade area; and (ii) the promotion of closer economic cooperation and development, among others.

104. The Meeting noted the status of the Ministerial mandate to undertake a study on a step-by-step approach towards engaging GCC and MERCOSUR for possible free trade arrangements and agreed to propose the extension of the deadline for the completion of the two studies to the 2010 AEM Retreat. The ASEAN Secretariat paper on this matter appears as **ANNEX 54**.

### 6.9.2 EAFTA and CEPEA

105. The Meeting noted that the EAFTA and CEPEA Track II Studies have been completed. The ASEAN Secretariat paper comparing the recommendations contained in both Studies and the Executive Summaries appear as **ANNEX 55**.

106. The Meeting also noted the following presentations:

- (a) Datuk Supperamaniam, Malaysian representative to the Expert Group on the EAFTA, presented the EAFTA Phase II Study, particularly the recommendations contained therein; and
- (b) Mr. Ganeshan Wignaraja, Principal Economist at the Asian Development Bank (ADB), presented the major findings in the ADB Study "*EAFTA or CEPEA: which way forward?*" His presentation appears as **ANNEX 56**.

107. In both presentations, the economic rationale for a region-wide FTA has been emphasised. The welfare gains to be derived from a region-wide FTA, regardless of whether this is through the EAFTA or CEPEA, compared to the welfare gains from the ASEAN Plus 1 FTAs were also highlighted.

108. The Meeting exchanged views on the recommendations made by the relevant Track Two Experts Group on the EAFTA and CEPEA with a view to arriving at a common response when the two Phase II Studies are presented at the SEOM Plus Three Consultations and at the informal meeting of the EAS Senior Economic Officials, respectively. The Meeting underscored the need to preserve the centrality of ASEAN in all future regional economic integration initiatives and the need for a timely and substantive implementation of AEC to ensure that economic integration within ASEAN is credible. At the same time, the Meeting also agreed on the importance of an ASEAN strategy in the consolidation of the ASEAN Plus 1 FTAs. Noting the possible political imperative on the EAFTA and CEPEA, the Meeting agreed to recommend to the Ministers that both processes be elevated to a Track I processes where officials can assess the major findings in the two

studies. The Meeting requested the ASEAN Secretariat to draft the Terms of Reference for this Track I process taking in consideration the limited resources in ASEAN.

### **6.9.3 ASEAN-Canada**

109. The Meeting noted that the letter from Canada, appearing as **ANNEX 57**, on her inability to attend the SEOM-Canada Consultations to be held back-to-back with this Meeting and on her commitment to continue collaborating with ASEAN.

110. The Meeting noted the latest draft of the ASEAN-Canada Trade and Investment Framework Agreement, which incorporates comments received from Canada. The draft TIFA appears as **ANNEX 58**. The Meeting requested Member States to provide their comments on the draft TIFA to the ASEAN Secretariat **by 31 July 2009**.

111. Noting the proposal of Canada to announce the launch of negotiations for the ASEAN-Canada TIFA at the sidelines of the APEC MRT in Singapore on 21-22 July 2009, the Meeting viewed that as some Member States are not APEC members it would not be appropriate and premature to announce the launch of the TIFA negotiations in July 2009 given that Senior Economic Officials have yet to meet to formally discuss the draft TIFA. In this regard, the Meeting requested Indonesia, as the Country Coordinator for Canada, to invite Canada for a possible SEOM-Canada Consultations at the sidelines of the 41<sup>st</sup> AEM in Thailand in August 2009.

### **6.9.4 ASEAN-ADB**

112. The Meeting endorsed the provisional agenda for the SEOM-ADB Consultations, which appears as **ANNEX 59**.

## **AGENDA ITEM 7: PREPARATIONS FOR THE 41<sup>ST</sup> AEM MEETING, 13-16 AUGUST 2009, BANGKOK, THAILAND**

113. Thailand briefed the Meeting on preparations for the 41<sup>st</sup> AEM and AEM-related meetings to be held on 13-16 August 2009. The tentative programme of activities appears as **ANNEX 60**. The Meeting requested Thailand to circulate as soon as possible the invitation and general information to facilitate domestic approval process for their participation in the said meeting.

114. The Meeting considered the following documents for the AEM and related meetings:

- (a) Provisional annotated agenda for the 23<sup>rd</sup> AFTA Council, 12<sup>th</sup> AIA Council and the 41<sup>st</sup> AEM meetings, appearing as **ANNEXES 61, 62** and **63**, respectively. The Meeting noted that the CCCA and CCI have already approved the agenda for the AFTA Council and the AIA Council, respectively. The Meeting also noted the request of Cambodia to include under "other matters" an agenda item on the arrangement for issuance of GSP CO Form A for regional cumulation.
- (b) The outline of the SEOM Chairman's reports to the AFTA Council, the AIA Council and the 41<sup>st</sup> AEM, which appear as **ANNEXES 64, 65** and **66**, respectively

115. The Meeting requested Member States to revert to the ASEAN Secretariat with their inputs/comments on the various agenda and SEOM Chairman's report **not later than 22**

**July 2009.** The Meeting agreed with the suggestion to make a more succinct presentation for the Ministers using the template proposed by Malaysia, which appears as **ANNEX 67**.

116. The Meeting agreed on the deliverables for the 41<sup>st</sup> AEM meeting, which appears as **ANNEX 68**.

## **AGENDA ITEM 8: OTHER MATTERS**

### **8.1 Study to Realign the AMBDC Process with the AEC**

117. The Meeting endorsed the recommendations in the Study to Realign the AMBDC Process with the AEC, appearing as **ANNEX 69**, and agreed to refer this to the Ministers.

### **8.2 Initiative for ASEAN Integration (IAI)**

118. The Meeting noted the outcome of the Special Meeting between the ASEAN Directors-General (DGs) and the Committee on Permanent Representatives (CPR), held on 22 May 2009 at the ASEAN Secretariat, in particular, the request for ASEAN bodies to include an agenda on the IAI in their meeting's discussion. The report of the Special Meeting between the ASEAN DGs and the CPR appears as **ANNEX 70**.

### **8.3 ASEAN- Australia Development Cooperation Program Phase II (AADCP Phase II)**

119. The ASEAN Secretariat briefed the Meeting on the updates related to the development of AADCP II, which appears as **ANNEX 71**. The Meeting noted that the Joint Planning and Review Committee (JPRC) will be established under the AADCP II to make decisions on the use of AADCP II resources. Further, the first meeting of the JPRC is scheduled to be held on 14 September 2009 in Jakarta, and a representative from SEOM would be expected to attend the JPRC together with ASEAN's Country Coordinator for Australia, AusAID and the ASEAN Secretariat.

120. The Meeting agreed to provide inputs or recommend priority areas/projects related to AEC for AADCP II to the ASEAN Secretariat **by 31 July 2009**.

### **8.4 Economic Research Institute for ASEAN and East Asia (ERIA)**

121. The ASEAN Secretariat briefed the Meeting on the latest developments on ERIA research activities and the work programme for 2009, which appears as **ANNEX 72**.

122. The Meeting agreed to provide inputs to the work programme for 2009 and suggest new research topics for 2010 **by 31 July 2009**.

### **8.5 Article 79 of the Vienna Convention on the Law of Treaties**

123. The Meeting exchanged views on the intention of the Philippines to invoke Article 79 of the Vienna Convention on the Law of Treaties to rectify errors in her tariff reduction schedule under the AJCEP Agreement. The Meeting noted the elaboration given by the Philippines on the matter and the undertaking that she would provide a detailed note on the technical error in her tariff reduction schedule as soon as possible. The Philippines assured Member States that the proposed rectification would not in any way affect them. An ASEAN Secretariat paper on Article 79 of the Vienna Convention appears as **ANNEX 73**.

**AGENDA ITEM 9: DATE AND VENUE OF THE NEXT MEETING**

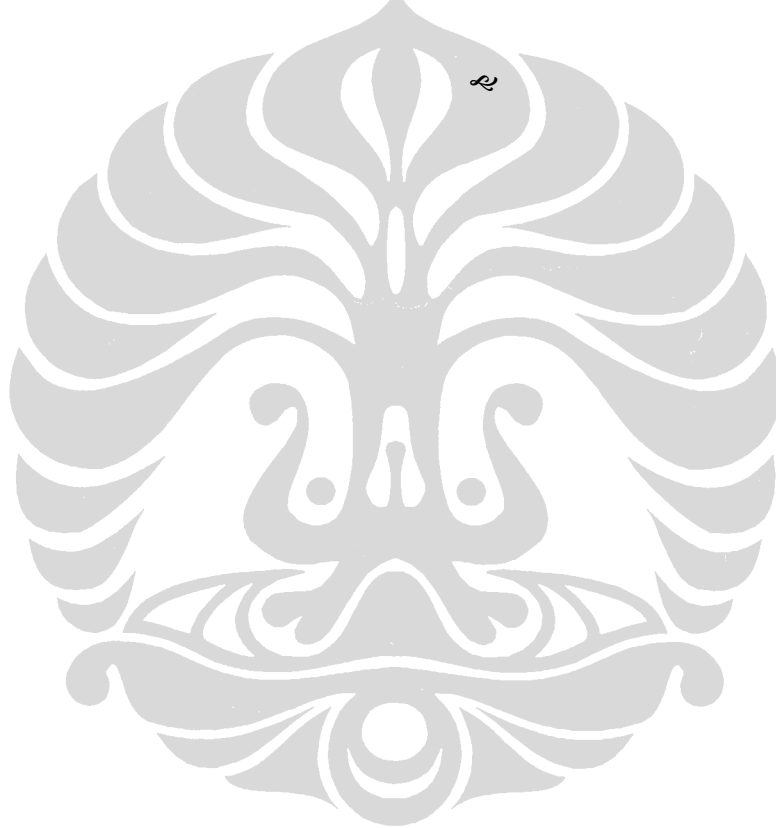
124. The date and venue of the next SEOM will be determined at a later date.

**AGENDA ITEM 10: CONSIDERATION AND ADOPTION OF THE REPORT**

125. The Meeting adopted this Summary Record of the Third Meeting of the ASEAN Senior Economic Officials for the 40<sup>th</sup> AEM Meeting (SEOM 3/40).

**ACKNOWLEDGEMENT**

Delegates from the ten Member States expressed their thanks and appreciation to the Philippine government for the hospitality and excellent arrangements made for the Meeting.



## PROGRESS REPORT OF THE ASEAN-INDIA FTA NEGOTIATIONS

### I. Trade in Goods

1. At the last SEOM-India Consultations in November 2008 in Pattaya, the draft AIFTA TIG Agreement was finalised and ready for internal process for signing by 11 Parties, except for the tariff schedules. Of the 11 individual schedules, only the schedules of Laos, Singapore and Vietnam were confirmed as final, subject to formatting. The schedules of the other remaining Member States (except for Indonesia and the Philippines) are almost final. This means that only a few tariff lines need to be confirmed by concerned countries and/or minor amendments (typographical errors) have to be made.

2. Another outstanding issue would be that of the *transposition of Indian tariff schedule* from HS 2002 to HS 2007. The result of verification of *India's HS 2007* schedule vis-à-vis HS 2002 is as follows:

- (a) Base rates of tariff lines differed from the 1 July 2007 applied MFN rates, as agreed in the AIFTA TIG Agreement; and
- (b) During transposition, the category of some tariff lines has taken the more conservative track.

3. At the technical verification meeting to finalise the schedules of commitments for the Trade in Goods Agreement, both ASEAN and India agreed on the principle of no backtracking from or no erosion of the tariff commitments made at the bilateral negotiations on the tariff offers. ASEAN is still waiting for India's response to its request to reconsider its position in maintaining the more conservative schedule for the tariff lines highlighted by ASEAN.

### II. Trade in Services

4. Following the mandate of the 6<sup>th</sup> AEM-India Consultations held in August 2008 to immediately commence negotiations for services and investment to be completed as a single undertaking by end-2009, the ASEAN-India Trade Negotiating Committee – Working Group on Services (AITNC-WGS) had met three times to-date:

- (a) 20 – 21 October 2008, Manila, Philippines;
- (b) 18 – 19 November 2008, Singapore; and
- (c) 14 – 16 January 2009, New Delhi, India.

5. Both Parties agreed on the general principles, modalities and procedures of negotiations, as well as the work programme, at their first meeting.

6. ***ASEAN-India Trade in Services Agreement (AI-TISA)***. Both Parties negotiated the text based on ASEAN's draft, which is adapted from the ASEAN-China services text. To-date both Parties had amended and agreed on 15 provisions of the text, including the Preamble. There are 13 more provisions in various stages of negotiating progress.

7. **Movement of Natural Persons (MNP)**. India circulated a proposed annex on MNP. ASEAN Member States indicated no a priori objection for an annex on MNP if the proposed annex is in line with similar annex of the GATS. However, the ASEAN side expressed concerns over various areas in India's proposal, particularly on the market access elements as it implies across-the-board commitments. The Indian side underscored the need to provide better clarity to the GATS annex and requested for ASEAN's counter proposal. The ASEAN side will undertake internal consultations on this matter and revert at the next meeting.

8. **Audio-Visual Co-Production**. India also circulated a proposed text on Audio Visual Co-Production and a draft of audio-visual co-production agreement, which India views should also form an integral part of the proposed text on audio-visual co-production. The ASEAN side emphasised the sensitivities of audio-visual sector, and suggested that audio visual be pursued as a reference paper, which allows market access elements to be negotiated bilaterally between interested Parties. The Indian side took note of ASEAN's position and conveyed that it reserves the right to re-look at this matter in the overall outcome of the services negotiations.

9. **Schedules of Services Commitments**. India had tabled request lists to all 10 ASEAN Member States, and 3 ASEAN Member States had tabled such list to India. The WGS urged the remaining Member States to submit their request lists before 31 January 2009<sup>1</sup>, and also urged all Parties to submit their initial offers latest by 2 March 2009.

10. The WGS continued extensive discussion on India's request that either the ASEAN side come out with a single schedule of commitment, or other India will reciprocate with ten schedules of commitment. Both Parties exhausted discussions on this issue, and **agreed to raise this matter to the TNC for guidance and decision.**

### III. Investment

11. The ASEAN-India FTA investment negotiations started in October 2008, immediately after the conclusion of the negotiations of the trade in goods agreement. Since then, the Working Group on Investment has had two rounds of negotiations – the recent one on 12-16 January 2009 in New Delhi, India. To date, the Working Group in Investment has passed the initial exploratory stage of exchange of information and clarification following the exchange of the draft Investment Agreement texts between ASEAN and the Indian side. The discussions in New Delhi enabled the two sides to seek clarification on the regimes and policies vis-a-vis the provisions in the text of their respective draft Investment Agreement, and identify convergence points. A consolidated text has recently been circulated by the ASEAN Secretariat for further consideration by the parties.

12. ASEAN, however, has to deliberate further on some aspects of the Agreement in which no consensus could yet be reached internally. These would include provisions relating to reservations/schedule of commitments, most-favoured-nation treatment, investor-state dispute settlement, and denial of benefits.

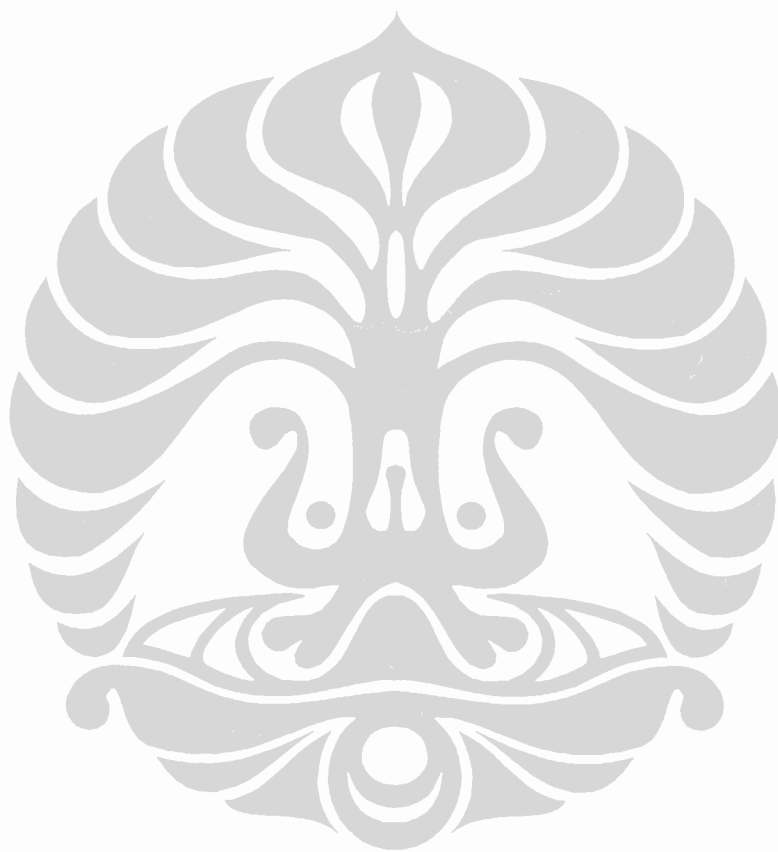
13. A major concern at this stage is the divergent position on the modality of scheduling commitments (i.e. positive list versus negative list). The Indian side is for the positive list approach while the majority of ASEAN prefers the negative list approach. The Indian side is also proposing for a one-to-one correspondence between India and individual ASEAN Member States on the reservation list/schedule of commitments, where India will submit 10

---

<sup>1</sup> In this regard, the Meeting noted that Indonesia and Thailand would submit their lists by mid-February 2009.

schedules – one for each ASEAN Member State, and ASEAN will have 10 individual schedules for India. This matter is to be raised by the Working Group to the Trade Negotiating Committee at its next meeting in February 2009.

⌘







BIASA

PERWAKILAN RI  
DI KUALA LUMPUR

PENGANTAR  
BERITA FAKSIMIL

RUANG LEGALISASI

SEGERA

DA'I BACHTIAR  
DUTA BESAR LBBP

Nomor :  
Tanggal : Mei 2009  
Jumlah hal : ( ) termasuk  
halaman pengantar ini.

- KEPADA : Menko Perekonomian, Menteri Luar Negeri; Menteri Perdagangan, Menteri Keuangan, Menteri Perindustrian, Menteri Pertanian, Menteri Kelautan dan Perikanan, Menteri Kehutanan, Menteri Energi dan Sumber Daya Mineral.
- INFO : Deputi Menko Bidang Kerjasama Internasional, Deputi Menko Bidang Industri & Perdagangan; Dirjen Kerjasama ASEAN, Dirjen Hukum & Perjanjian Internasional - Deplu; Sekretaris Jenderal, Dirjen KPI, Dirjen Perdagangan Luar Negeri, Kepala Balitbang -Depdag; Dirjen Bea & Cukai, Kepala BKF - Depkeu; Sekjen Depperin; Dirjen PPHP Deptan; Sekjen Dephut; Sekjen Dep ESDM; Dirjen PPHP DKP; Kepala Badan POM; Deputi Bidang Hukum & Perundang-undangan SEKKAB; Keppris negara-negara ASEAN, Keppri New Delhi.
- Dari : Dubes RI - Kuala Lumpur
- Perihal : Laporan Pertemuan ke-22 ASEAN - India Trade Negotiating Committee (AI-TNC) di Kuala Lumpur, Malaysia, tanggal 21-22 Mei 2009.

PEMBUAT

Djarmiko Bris Witiaksono  
KETUA DELRI

PEJABAT KOMUNIKASI

## ISI BERITA

**PERIHAL : Laporan Pertemuan ke-22 ASEAN-India Trade Negotiating Committee (AI-TNC) di Kuala Lumpur, Malaysia, tanggal 21-22 Mei 2009**

---

**UMUM**

1. Pertemuan ASEAN-India TNC ke-22 dilaksanakan tanggal 21-22 Mei 2009 di Kuala Lumpur, Malaysia. Sidang dipimpin bersama P.Ravidran, *Senior Director – MITI*, Malaysia, Malaysia dan P.K. Dash, *Joint Secretary, Department of Commerce*, India, dihadiri negara anggota ASEAN dan Sekretariat ASEAN.
2. Delegasi Indonesia dipimpin oleh Ka.Sub Direktorat Kerjasama Regional, Ditjen Kerjasama Perdagangan Internasional, Departemen Perdagangan, dengan anggota terdiri unsur-unsur Departemen Perdagangan dan Tim Tarif Departemen Keuangan.
3. Pertemuan tersebut dilaksanakan untuk menuntaskan beberapa hal teknis terkait Persetujuan Perdagangan Barang ASEAN – India FTA (AIFTA) antara lain perubahan jadwal pemotongan tarif menjadi 1 Januari 2010 sebagaimana kesepakatan AEM dan SEOM serta verifikasi hasil transposisi HS 2002 ke dalam HS 2007 dari jadwal penurunan/penghapusan tarif para Pihak. Persetujuan Perdagangan Barang AIFTA ditargetkan dapat ditandatangani pada pertemuan ke-41 AEM bulan Agustus 2009.

**POKOK-POKOK HASIL PERTEMUAN**

4. Pertemuan berhasil memfinalisasi 4 dokumen terkait AIFTA yaitu : (i); Protokol Perubahan Persetujuan Kerangka Kerja ASEAN dan India; (ii) Persetujuan Perdagangan Barang AIFTA; (iii) Persetujuan Penyelesaian Sengketa AIFTA dan (iv) Kesepahaman mengenai Pasal 4 Persetujuan Perdagangan Barang terkait peredaran barang berbahaya.
5. Pertemuan menyepakati bahwa 8 negara akan menggunakan HS 2007 dalam jadwal penurunan/penghapusan tarif dari Persetujuan dimaksud yaitu Filipina, Indonesia, Kamboja, Laos, Malaysia, Singapura, Thailand dan India. Sementara itu 3 negara akan tetap menggunakan HS 2002 yaitu Brunei, Myanmar dan Vietnam. Namun demikian ketiga negara tersebut akan berupaya menyampaikan sesegera mungkin jadwal penurunan/penghapusan tarif berdasarkan HS 2007.
6. Terkait proses verifikasi hasil transposisi HS 2002 ke dalam HS 2007 dari jadwal penurunan/penghapusan tarif, telah dilakukan pertemuan bilateral antara India dengan Indonesia, Filipina, Thailand dan Singapura. Dalam hal proses verifikasi transposisi Indonesia, pertemuan membahas daftar pos tarif menjadi keberatan India. Pertemuan secara umum berjalan lancar dan berhasil mencapai kesepahaman atas 12 pos tarif. Sementara 21 pos tarif lainnya akan diklarifikasi lebih lanjut.
7. Pertemuan juga sepakat bahwa seluruh pihak wajib menyampaikan tabel korelasi bagi yang akan menggunakan HS 2007 dalam jadwal penurunan/penghapusan tarif. Selain itu disepakati bahwa jadwal final penurunan/penghapusan tarif dapat diserahkan kepada Sekretariat ASEAN pada tanggal 1 Juni 2009. Hal ini untuk memberikan kesempatan bagi para Pihak untuk menyelesaikan prosedur domestik masing-masing.
8. Dalam hal persiapan penandatanganan Persetujuan dimaksud, pertemuan sepakat bahwa para Pihak wajib menyiapkan dokumen full power sebelum tanggal pelaksanaan. Dokumen tersebut akan dipertukarkan sebelum proses penandatanganan.

## **Pertemuan Bilateral Indonesia dan India**

7. Pertemuan membahas hasil transposisi Indonesia ke dalam HS 2007. Dalam hal ini India menyampaikan keberatan atas 33 pos tarif yang dianggap berbeda menjadi *backtracking* (lebih konservatif) dari komitmen sebelumnya yang menggunakan HS 2002. Dalam pembahasan, India dapat menerima penjelasan Indonesia atas 12 pos tarif. Sedangkan 21 pos tarif lainnya, telah dijelaskan bahwa hal tersebut timbul akibat penggabungan pos tarif yang liberal dan konservatif. Lebih lanjut dijelaskan bahwa perubahan tersebut pada dasarnya tidak memberikan kerugian bagi India dikarenakan tidak adanya realisasi dagang atas pos-pos tarif dimaksud.
8. Namun demikian India tetap berkeberatan sehingga menyampaikan opsi proposal sebagai berikut :
  - a. Menyesuaikan kategori seluruh 21 pos tarif hasil penggabungan (termasuk HS 0407.00.11.00/ *hens' egg*) ke dalam kategori yang lebih liberal;
  - b. Memindahkan HS 0202.30.00.00 (*boneless meat*) dan HS 0407.00.11.00 (*hens' egg*) dari *Exclusion List* (EL), dan sebagai timbal balik India akan menerima transposisi Indonesia atas 20 pos tarif lainnya.
  - c. Atas usulan India tersebut Indonesia menyatakan akan melakukan konsultasi domestik terlebih dahulu dengan masing-masing sektor pembina.
9. Menanggapi permintaan India tersebut, Indonesia menjelaskan bahwa hal tersebut akan dibahas terlebih dahulu dengan instansi terkait, dan akan memberikan klarifikasinya pada bulan Juni 2009.

## **PENGAMATAN DAN TINDAK LANJUT**

10. Terkait dengan proposal India mengenai 21 pos tarif yang dianggap *backtracking*, perlu segera dibahas lebih lanjut serta mempertimbangkan hal-hal berikut :
  - a. Menerima opsi ke-1 yaitu menyesuaikan seluruh 21 pos tarif ke posisi yang lebih liberal. Dengan catatan khusus bagi pos tarif yang dieliminasi dapat tetap ditempatkan dalam kategori konservatif namun dengan tahun eliminasi yang lebih lama atau
  - b. Menerima opsi ke-2 yaitu penempatan *boneless meat* dan *hens' egg* dalam kategori *non-EL* dengan catatan tidak dalam kategori *normal track*, serta apabila memungkinkan dieliminasi maka hal tersebut dilakukan diatas tahun 2016. Khusus *boneless meat* tahun eliminasi paling tidak sama dengan atau lebih lambat dari komitmen Indonesia di AANZFTA.
11. Dalam hal jadwal final penurunan/penghapusan tarif Persetujuan Perdagangan Barang AFTA, Indonesia yang sebelumnya telah menyampaikan jadwal penurunan tarif hasil transposisi ke dalam HS 2007 akan menyempurnakan serta menyampaikan kembali kepada Sekretariat ASEAN sesuai jadwal yang disepakati.
12. Untuk persiapan penandatanganan Persetujuan Perdagangan Barang AFTA, Depdag akan bekerjasama dengan pihak Deplu untuk menyiapkan *full power*.

Demikian disampaikan, atas perhatiannya diucapkan terima kasih

Kuala Lumpur, Malaysia, 22 Mei 2009

**PERKEMBANGAN TERAKHIR  
ASEAN - INDIA FREE TRADE AGREEMENT ( A I F T A )**

---

1. *Framework Agreement on Comprehensive Economic Cooperation between ASEAN and India* telah ditandatangani para Kepala Negara/Pemerintahan ASEAN dan India pada bulan Oktober 2003.
2. Dalam perkembangan AIFTA, pada 7<sup>th</sup> *AEM-India Consultations* pada tanggal 13 Agustus 2009, ASEAN – India telah menandatangani sejumlah dokumen, yaitu:
  - (a) *Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India;*
  - (b) *Protocol to Amend the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India;*
  - (c) *Agreement on Dispute Settlement Mechanism under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India; and the*
  - (d) *Understanding on Article 4 of the Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India.*
3. Hingga saat ini, Vietnam belum menandatangani dokumen (a) dan (d) di atas dikarenakan kegagalan India untuk mendapatkan persetujuan domestik mengenai MOU yang akan memberikan akses pasar kepada Vietnam.
4. Pada 6<sup>th</sup> *AEM-India Consultations*, para Menteri telah memberikan mandate bahwa negosiasi untuk *services* dan *investment* dapat diselesaikan sebagai *single-undertaking*, tetapi hanya setelah penandatanganan *TIG Agreement*.
5. Pada 15<sup>th</sup> *SEOM-India Consultations*, telah dibahas 2 (dua) *non-papers* yang disampaikan oleh India mengenai *services* dan *investment*. Mengingat bahwa isu-isu mengenai *services* dan *investment* ini belum didiskusikan pada *ASEAN – India Trade Negotiating Committee*, maka disepakati bahwa 2 (dua) non paper India tersebut untuk dibahas oleh TNC serta working group yang relevan, untuk dibahas lebih lanjut.

Jakarta, 24 Agustus 2009