2000 e-ASEAN Framework Agreemen

1.The objectives of this Agreement are to: promote cooperation to develop, strengthen and enhance the competitiveness of the ICT sector in ASEAN;

2.The objectives of this Agreement are to: promote cooperation to reduce the digital divide within individual ASEAN Member States and amongst ASEAN Member States;

3.The objectives of this Agreement are to: promote cooperation between the public and private sectors in realising e-ASEAN;

4.The objectives of this Agreement are to: promote the liberalisation of trade in ICT products, ICT services and investments to support the e-ASEAN initiative.

5.This Agreement shall cover measures to: facilitate the establishment of the ASEAN Information Infrastructure;

6.This Agreement shall cover measures to: facilitate the growth of electronic commerce in ASEAN;

7.This Agreement shall cover measures to: promote and facilitate the liberalisation of trade in ICT products, ICT services and of investments in support of the e-ASEAN initiative;

8.This Agreement shall cover measures to: promote and facilitate investments in the production of ICT products and the provision of ICT services;

9.This Agreement shall cover measures to: develop an e-Society in ASEAN and capacity building to reduce the digital divide within individual ASEAN Member States and amongst ASEAN Member States;

10.This Agreement shall cover measures to: promote the use of ICT applications in the delivery of government services (e-Government); and

11.This Agreement shall cover measures to: enable Member States who are ready to accelerate the implementation of this Agreement as provided for in Articles 4, 5, 6 and 7 thereof to do so by 2002; and to assist other Member States to undertake capacity building.

12.Member States shall enhance the design and standards of their national information infrastructure with a view to facilitating interconnectivity and ensuring technical inter-operability between each other’s information infrastructure.

13.Member States shall work towards establishing high-speed direct connection between their national information infrastructures with a view to evolving this interconnection into an ASEAN Information Infrastructure backbone.

14.Complementing the ASEAN Information Infrastructure, Member States shall work towards developing ASEAN content, relating but not limited to, cooperation in digital libraries and tourism portals.

15.Member States shall work towards facilitating the setting up of national and regional Internet exchanges and Internet gateways, including regional caching and mirroring.

16.Member States shall adopt electronic commerce regulatory and legislative frameworks that create trust and confidence for consumers and facilitate the transformation of businesses towards the development of e-ASEAN. To this end, Member States shall: expeditiously put in place national laws and policies relating to electronic commerce transactions based on international norms; facilitate the establishment of mutual recognition of digital signature frameworks; facilitate secure regional electronic transactions, payments and settlements, through mechanisms such as electronic payment gateways; adopt measures to protect intellectual property rights arising from e-commerce. Member States should consider adoption of the World Intellectual Property Organisation (WIPO) treaties, namely: “WIPO Copyright Treaty 1996″ and “WIPO Performances and Phonograms Treaty 1996″; take measures to promote personal data protection and consumer privacy; and encourage the use of alternative dispute resolution (ADR) mechanisms for online transactions.

17.Member States shall enter into negotiations which shall be directed towards accelerating commitments of the Member States relating to ICT products, ICT services and investments under the Agreement on the Common Effective Preferential Tariff Scheme for the ASEAN Free Trade Area, the ASEAN Framework Agreement on Services and the Framework Agreement on the ASEAN Investment Area.

18.Member States shall eliminate duties and non-tariff barriers on intra-ASEAN trade in ASEAN ICT products in three tranches. The first tranche shall take effect on 1 January 2003. The second tranche shall take effect on 1 January 2004. The third tranche shall take effect on 1 January 2005. For Cambodia, Lao PDR, Myanmar and Viet Nam, the three tranches are to take effect on 1 January 2008, 2009 and 2010. The ICT products falling under the three tranches shall be submitted by Member States to the ASEAN Secretariat.

19.Member States shall achieve higher levels of liberalisation of trade in ICT services through successive rounds of negotiations under the ASEAN Framework Agreement on Services to realise free flow of services.

20.Subject to the provisions of the Framework Agreement on the ASEAN Investment Area, each Member State shall: open immediately its ICT products to investments by ASEAN investors; and accord immediately to ASEAN investors and their investments in respect of ICT products, and measures affecting such investments including but not limited to the admission, establishment, acquisition, expansion, management, operation and disposition of such investments, treatment no less favourable than it accords to its own like investors and investments.

21.To facilitate trade in ICT products, Member States shall conclude Mutual Recognition Arrangements (MRA) covering ICT products, where applicable, and shall align national standards to relevant international standards.

22.Member States shall endeavour to accelerate the work towards implementation of the ASEAN Sectoral MRA for Telecommunications Equipment.

23.Member States shall harmonise tariff nomenclature for ICT products through the completion by the year 2000 of an ASEAN Harmonised Tariff Nomenclature (AHTN) and its implementation beginning in the year 2002. Member States shall harmonise customs valuation for ICT products through the implementation of the WTO Valuation Agreement.

24.Member States shall accelerate work towards agreements on mutual recognition of qualification standards.

25.Member States shall build an e-ASEAN community by promoting awareness, general knowledge and appreciation of ICT, particularly the Internet. In relation to this, a capacity building programme would be developed on the basis of an evaluation of the e-readiness of ASEAN Member States that would include education and training for small business enterprises, ICT workers, policy makers and regulators. The more advanced Member States with ICT training facilities would offer training courses to the less advanced Member States.

26.To increase ICT literacy and expand the base of ICT workers in the region, Member States shall develop a regional human resource development programme covering schools, the community and the work place.

27.Member States shall work towards establishing an e-Society by: fostering the development of a knowledge-based society; narrowing the digital divide; enhancing competitiveness of the workforce; facilitating freer flow of knowledge workers; and usage of ICT to enhance the spirit of ASEAN community.

28.Member States shall utilise the ICT to improve the provision and delivery of services by the government.

29.Member States shall take steps to provide a wide range of government services and transactions on-line by usage of ICT applications to facilitate linkages between public and private sector and to promote transparency.

30.Member States shall work towards enhancing inter-governmental cooperation by: promoting the use of electronic means in their procurement of goods and services; and facilitating freer flow of goods, information and people within ASEAN.

31.Any differences between Member States concerning the interpretation or application of this Agreement shall, as far as possible, be settled by consultation between the Member States concerned.

32.If a settlement cannot be reached, the dispute shall be dealt with in accordance with the Protocol on Dispute Settlement Mechanism for ASEAN signed on 20 November 1996 in Manila, the Philippines.

33.Any amendments to this Agreement shall be made by consensus and shall become effective upon the deposit of instruments of ratification or acceptance by all signatory governments with the Secretary-General of ASEAN.

34.Member States may negotiate and conclude separate protocols to implement this Agreement which shall form an integral part of this Agreement.

35.The Senior Economic Officials Meeting (SEOM) shall supervise, coordinate and review the implementation of this Agreement. The SEOM shall report to the ASEAN Economic Ministers (AEM) and assist the AEM in all matters relating to this Agreement.

36.Except as otherwise provided specifically in this Agreement, the provisions of the Agreement on the Common Effective Preferential Tariff Scheme for the ASEAN Free Trade Area and its Protocols, the ASEAN Framework Agreement on Services and its Protocols, and the Framework Agreement on the ASEAN Investment Area, including but not limited to the provisions relating to safeguard measures and exceptions, shall not be prejudiced by, and shall apply to, this Agreement.

37.This Agreement shall enter into force upon the deposit of instruments of ratification or acceptance by all signatory governments with the Secretary-General of ASEAN.

38.This Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish each Member State a certified copy thereof.