

## รายการอ้างอิง

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ภาคผนวก

ภาคผนวก ก.

**MEMORANDUM OF UNDERSTANDING  
BRAND-TO-BRAND COMPLEMENTATION  
ON THE AUTOMOTIVE INDUSTRY UNDER THE BASIC  
AGREEMENT ON ASEAN INDUSTRIAL COMPLEMENTATION (BAAIC)**

**Pattaya, Thailand, 18 October 1988**

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The Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand, Member States of the Association of Southeast Asian Nations (ASEAN);

**MINDFUL** of the Declaration of ASEAN Concord signed in Bali, Indonesia on 24 February 1976, which provides that Member States shall take cooperative action in their national and regional development programmes, utilizing as far as possible the resources available in the ASEAN region to broaden the complementarity of their respective economies;

**REAFFIRMING** their desire to collaborate for the acceleration of economic growth in the region, to promote the greater utilization of their agriculture and industries, the expansion of their trade and improvement of their economic infrastructure for the mutual benefit of their peoples;

**AWARE** that pursuing Industrial Complementation can greatly contribute to strengthening and broadening the base of the industrial sectors of their respective economies, promoting the greater utilization of their industries and expansion of their trade;

**CONVINCED** that Brand-to-Brand Complementation (BBC) is the scheme that would best achieve the objectives of industrial complementation through improved economies of scale for all suppliers and increased intra-ASEAN trade;

**NOTING** that the Basic Agreement on ASEAN Industrial Complementation (BAAIC) signed in Manila, Philippines on June 18, 1981 provides the general framework within which Brand-to-Brand Complementation could operate;

**DESIRING** to effect further the provisions of the BAAIC and provide more specific guidelines particular on the basis of mutual and equitable benefits for the Member States, and increased industrial production for the region as a whole;

**HAVE** agreed to sign this Memorandum of Understanding as follows:

#### **Section 1**

##### **BBC SCHEME**

Each BBC Scheme shall be an arrangement whereby specified parts/components of a specific vehicle model are traded and used by the Brand- Owners and Brand Related Original Equipment Manufacturers in their respective Original Equipment products.

#### **Section 2**

##### **PARTICIPATING COUNTRY**

A participating country is an ASEAN member country which has agreed to participate in a specific BBC Scheme by way of providing tariff preference as well as other privileges provided for in Section 9 hereof. There shall be two or more countries participating in respect of any specific BBC Scheme.

#### **Section 3**

##### **BRAND-OWNER (BO)**

A Brand-Owner shall be any Original Equipment Manufacturer (OEM) being the privileged owner or co-owner of a registered brand name, and having proprietary design rights to produce finished products, sub-assemblies, parts and components thereof.

#### **Section 4**

##### **BRAND-RELATED ORIGINAL EQUIPMENT**

##### **MANUFACTURER (BR-OEM)**

A Brand-related Original Equipment Manufacturer shall be any manufacturer/assemble in a participating country entitled to use parts/ components designed by the brand owner for use by the BR-OEM in the Original Equipment Marke irrespective of whether the relationship to the other type of technical and or commercial cooperation.

**Section 5**  
**BRAND-TO-BRAND PARTS/COMPONENT**  
**MANUFACTURER (BR-OEM)**

A Brand-to-Brand Parts/Components Manufacturer shall be any manufacturer producing in a participating in country parts/components which are included in the approved BBC Scheme. A BBP may be an in-plant production facility manufacturing under the direct control of either the Brand-Owner, or the BR-OEM plants, or an independent manufacturer not related to the BO or the BR-OEM.

**Section 6**  
**BRAND-TO-BRAND COMPLEMENTATION PRODUCT (BBC PRODUCT)**

A Brand-to-Brand Complementation product shall be any part/component manufactured, or to be manufactured in any one or more of the participating countries for inclusion in the BBC Scheme. A BBC product shall comply with the technical specifications of the BO and/or the respective BR-OEM as defined in Section 3 and Section 4.

**Section 7**  
**INSTITUTIONAL ARRANGEMENTS**

- a) Nomination for a BBC Scheme from BOs, BR-OEMs shall be submitted to COIME, and shall specify the brand, vehicle type, model, sub-groups components or parts and proposed participating countries.
- b) Countries interested in participating in the Scheme shall subsequently negotiate and agree on the respective source and buying countries for each product and submit the agreed product sourcing list to COIME for decision. Additional products in the Scheme may be approved by COIME by adreferendum in the absence of a COIME Meet in.
- c) COIME shall issue a certificate listing the products in each BBC Scheme which shall enjoy the privilages herein provided.

## Section 8 PREREQUISITES

BBC products should:

- a) comply with the rules of origin as stipulated in the Agreement on the ASEAN Preferential Trading Arrangements unless the ASEAN content requirement is otherwise reduced under Article V of the "Protocol on Improvements on Extension of Tariff Preferences under the ASEAN Preferential Trading Arrangements.
- b) be manufactured under international quality assurance system standards;
- c) be competitively priced in relation to the prevailing market price.

## Section 9 PREVILAGES

Participating countries shall automatically grant :

- a) local content accreditation if a BBC product is a component for the manufacture of any product in the participating countries which have local contents programme :
- b) a minimum of 50% margin of tariff preference (MOP) to BBC products already approved by COIME in accordance with the following terms :
  - i) The margin of tariff preference for each BBC product shall be granted within 90 day approval by COIME of that BBC product. For New BBC products, the MOP shall be extended from the actual date of commercial production of the product or upon expiry of 30 months from the date of approval of the product whichever comes earlier:
  - ii) Non-participating countries shall initially waive their rights under Chapter II, Article 8, paragraph 2 of the ASEAN Preferential Trading Arrangements (PTA) for the first four years from date of granting of MOP. The maximum waiver period for non-participating countries shall be 8 years. However, any time after the first four years, a non-participating country can enjoy the MOP granted by

participating countries as soon as it extends the same MOP wish to grant such MOP, then the waiver period shall be extended beyond the first four years for as long as the non-participating country maintains this position subject to a maximum waiver period of eight years. Non-participating countries need not extend a margin of preference and local content accreditation to participating countries on BBC products;

iii) Non-participating countries which so desire, and upon notification and concurrence of COIME, may become participating countries of any BBC Scheme at any time and shall extend the same margin of tariff preference and other privileges where applicable, for that BBC product;

iv) After the waiver period for a BBC product, any entity in any member country whether the member country is participating in the specific BBC Scheme or not, which produces that BBC product shall enjoy the margin of tariff preference in the participating countries for that BBC product.

v) In respect of any BBC product on which there is a prevailing zero duty, the binding of such a duty shall be regarded as fulfilling the requirement of extending the minimum 50% margin of tariff preference.

c) freedom of choice to the participants in the BBC Scheme to source or procure parts/components from any manufacturer of the participating countries.

## Section 10 OBLIGATIONS

In consideration of the privileges granted to the BOs, BR-OEMs and BBPMs pursuant to the provisions of Section 9, the participating countries shall use their best endeavours to ensure that :

a) in cases where BBC products of existing plants do not meet OEM quality standards of the BOs, the BOs, BR-OEMs and BBPMs shall jointly cooperate to upgrade the quality of those products;

b) whenever feasible, a programme for export of BBC products to BOs and/or BR-OEMs operations in non-ASEAN countries shall be established to further improve the scope and viability of BBC products manufacturing;

c) in respect of new products or changes in specifications required for existing products in order to comply with brand specifications, the BOs and/or BR-OEMs shall provide the designated BBPM in a participating country with complete technical specifications within a period of 90 days from the date the parties agree to cooperate on the production of the specific BBC product;

d) the BOs and/or BR-OEMs and BBPMs shall use their best endeavour to establish commercial production of new parts or of redesigned existing parts within a period of 12 months from the date, the technical specifications are issued; provided that the basic manufacturing facilities exist and the new product or redesigned products represent an extension of the product range for the BBPMs;

e) the BOs and/or BR-OEMs shall properly identify the BBC product and where applicable its components;

f) the BOs and/or BR-OEMs shall, together with the BBPMs implement the BBC Scheme within a reasonable period from the date of approval of the BBC Scheme.

## **Section 11**

### **MISCELLANEOUS**

#### **a) No Mandatory Single-Sourcing of Parts/ Components**

In cases where an approved BBC product is produced in more than one participating country, normal commercial purchase considerations shall prevail and the buying manufacturers shall have freedom of choice in respect of imports enjoying MOP.

#### **b) Additions and Alternations to BBC Products**

Any additions and/or alterations to any previously approved BBC Scheme shall be allowed provided such products are approved by COIME.

#### **c) Supervision and Review**

COIME shall supervise the implementation of these guidelines and shall review the same from time to time. In respect of all matters concerning the implementation of these guidelines, all decisions shall be taken by consensus of the ASEAN member countries.

**d) Amendments**

Any amendment to this Memorandum of Understanding on Brand-to-Brand Complementation on the Automotive Industry under the Basic Agreement on ASEAN Industrial Complementation (BAAIC) shall be agreed to by all ASEAN member countries.

**e) First BBC Scheme**

Initially, for the first BBC Scheme, Malaysia, Philippines and Thailand are the participating countries.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized thereto by their respective Governments have signed this Memorandum of Understanding on Brand-to-Brand Complementation on the Automotive Industry.

**DONE** in Pattaya, Thailand this Eighteenth day of October Nineteen Hundred Eighty Eight in one original copy in the English Language.





ภาคผนวก ข.

**AGREEMENT ON  
THE COMMON EFFECTIVE PREFERENTIAL TARIFF  
SCHEME FOR THE ASEAN FREE TRADE AREA**

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The Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand, Member States of the Association of South, East Asian Nations (ASEAN):

**MINDFUL** of the Declaration of ASEAN Concord signed in Bali, Indonesia on 24 February 1976 which provides that Member States shall cooperate in the field of trade in order to promote development and growth of new production and trade;

**RECALLING** that the ASEAN Heads of Government, at their Third Summit Meeting held in Manila on 13-15 December 1987, declared that Member States shall strengthen intra-ASEAN economic cooperation to maximise the realisation of the region's potential in trade and development;

**NOTING** that the Agreement on ASEAN Preferential Trading Arrangements (PTA) signed in Manila on 24 February 1977 provides for the adoption of various instruments on trade liberalisation on a preferential basis;

**ADHERING** to the principles, concepts and ideals of the Framework Agreement on Enhancing ASEAN Economic Cooperation signed in Singapore on 28 January 1992;

**CONVINCED** that preferential trading arrangements among ASEAN Member States will act as a stimulus to the strengthening of national and ASEAN Economic resilience, and the development of the national economies of Member States by expanding investment and production opportunities, trade, and foreign exchange earnings;

**DETERMINED** to further cooperate in the economic growth of the region by accelerating the

liberalisation of intra-ASEAN trade and investment with the objective of creating the ASEAN Free Trade Area using the Common Effective Preferential Tariff (CEPT) Scheme;

**DESIRING** to effect improvements on the ASEAN PTA in consonance with ASEAN's international commitments;

**HAVE AGREED AS FOLLOWS:**

#### ARTICLE 1 : DEFINITIONS

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For the purposes of this Agreement :

1. "*CEPT*" means the Common Effective Preferential Tariff, and it is an agreed effective tariff, preferential to ASEAN, to be applied to goods originating from ASEAN Member States, and which have been identified for inclusion in the CEPT Scheme in accordance with Articles 2 (5) and 3.
2. "*Non-Tariff Barriers*" mean measures other than tariffs which effectively prohibit or restrict import or export of products within Member States.
3. "*Quantitative restrictions*" mean prohibitions or restrictions on trade with other Member States, whether made effective through quotas, licenses or other measures with equivalent effect, including administrative measures and requirements which restrict trade.
4. "*Foreign exchange restrictions*" mean measures taken by Member States in the form of restrictions and other administrative procedures in foreign exchange which have the effect of restricting trade.
5. "*PTA*" means ASEAN Preferential Trading Arrangements stipulated in the Agreement on ASEAN Preferential Trading Arrangements, signed in Manila on 24 February 1977, and in the Protocol on Improvements on Extension of Tariff Preferences under the ASEAN Preferential Trading Arrangements (PTA), signed in Manila on 15 December 1987.

6. "*Exclusion List*" means a list containing products that are excluded from the extension of tariff preferences under the CEPT Scheme.

7. "*Agricultural products*" mean :

- (a) agricultural raw materials/unprocessed products covered under Chapters 1-24 of the Harmonised System (HS), and similar agricultural raw materials/unprocessed products in other related HS Headings; and
- (b) products which have undergone simple processing with minimal change in form from the original products.

## ARTICLE 2 : GENERAL PROVISIONS

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1. All Member States shall participate in the CEPT Scheme.

2. Identification of products to be included in the CEPT Scheme shall be on a sectoral basis, i.e., at HS 6-digit level.

3. Exclusions at the HS 8/9 digit level for specific products are permitted for those Member States, which are temporarily not ready to include such products in the CEPT Scheme. For specific products, which are sensitive to a Member State, pursuant to Article 1 (3) of the Framework Agreement on Enhancing ASEAN Economic Cooperation, a Member State may exclude products from the CEPT Scheme, subject to a waiver of any concession herein provided for such products. A review of this Agreement shall be carried out in the eighth year to decide on the final Exclusion List or any amendment to this Agreement.

4. A product shall be deemed to be originating from ASEAN Member States, if at least 40% of its content originates from any Member State.

5. All manufactured products, including capital goods, processed agricultural products and those products falling outside the definition of agricultural products, as set out in this

Agreement, shall be in the CEPT Scheme. These products shall automatically be subject to the schedule of tariff reduction, as set out in Article 4 of this Agreement. In respect of PTA items, the schedule of tariff reduction provided for in Article 4 of this Agreement shall be applied, taking into account the tariff rate after the application of the existing margin of preference (MOP) as at 31 December 1992.

6. All products under the PTA which are not transferred to the CEPT Scheme shall continue to enjoy the MOP existing as at 31 December 1992.

7. Member States, whose tariffs for the agreed products are reduced from 20% and below to 0%-5%, even though granted on an MFN basis, shall still enjoy concessions. Member States with tariff rates at MFN rates of 0%-5% shall be deemed to have satisfied the obligations under this Agreement and shall also enjoy the concessions.

### ARTICLE 3 : PRODUCT COVERAGE

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This Agreement shall apply to all manufactured products, - including capital goods, processed agricultural products, and those products falling outside the definition of agricultural products as set out in this Agreement. Agricultural products shall be excluded from the CEPT Scheme.

### ARTICLE 4 : SCHEDULE OF TARIFF REDUCTION

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1. Member States agree to the following schedule of effective preferential tariff reductions:

- (a) The reduction from existing tariff rates to 20% shall be done within a time frame of 5 years to 8 years, from 1 January 1993, subject to a programme of reduction to be decided by each Member State, which shall be announced at the start of the programme. Member States are encouraged to adopt an annual rate of reduction, which shall be  $(X-20)\%/5$  or 8, where X equals the existing tariff rates of individual Member States.

- (b) The subsequent reduction of tariff rates from 20% or below shall be done within a time frame of 7 years. The rate of reduction shall be at a minimum of 5% quantum per reduction. A programme of reduction to be decided by each Member State shall be announced at the start of the programme.
- (c) For products with existing tariff rates of 20% or below as at 1 January 1993, Member States shall decide upon a programme of tariff reductions, and announce at the start, the schedule of tariff reductions. Two or more Member States may enter into arrangements for tariff reduction to 0%-5% on specific products at an accelerated pace to be announced at the start of the programme.

2. Subject to Articles 4 (1) (b) and 4 (1) (c) of this Agreement, products which reach, or are at tariff rates of 20% or below, shall automatically enjoy the concessions.

3. The above schedules of tariff reduction shall not prevent Member States from immediately reducing their tariffs to 0%-5% or following an accelerated schedule of tariff reduction.

## ARTICLE 5 : OTHER PROVISIONS

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### A. Quantitative Restrictions and Non-Tariff Barriers

1. Member States shall eliminate all quantitative restrictions in respect of products under the CEPT Scheme upon enjoyment of the concessions applicable to those products.

2. Member States shall eliminate other non-tariff barriers on a gradual basis within a period of five years after the enjoyment of concessions applicable to those products.

### B. Foreign Exchange Restrictions

Member States shall make exceptions to their foreign exchange restrictions relating to payments for the products under the CEPT Scheme, as well as repatriation of such payments

without prejudice to their rights under Article XVIII of the General Agreement on Tariff and Trade (GATT) and relevant provisions of the Articles of Agreement of the International Monetary Fund (IMF).

### **C. Other Areas of Cooperation**

Member States shall explore further measures on border and non-border areas of cooperation to supplement and complement the liberalisation of trade. These may include, among others, the harmonisation of standards, reciprocal recognition of tests and certification of products, removal of barriers to foreign investments, macroeconomic consultations, rules for fair competition, and promotion of venture capital.

### **D. Maintenance of Concessions**

Member States shall not nullify or impair any of the concessions as agreed upon through the application of methods of customs valuation, any new charges or measures restricting trade, except in cases provided for in this Agreement.

## **ARTICLE 6 : EMERGENCY MEASURES**

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1 . If, as a result of the implementation of this Agreement, import of a particular product eligible under the CEPT Scheme is increasing in such a manner as to cause or threaten to cause serious injury to sectors producing like or directly competitive products in the importing Member States, the importing Member States may, to the extent and for such time as may be necessary to prevent or to remedy such injury, suspend preferences provisionally and without discrimination, subject to Article 6 (3) of this Agreement. Such suspension of preferences shall be consistent with the GATT.

2. Without prejudice to existing international obligations, a Member State, which finds it necessary to create or intensify quantitative restrictions or other measures limiting imports with

a view to forestalling the threat of or stopping a serious decline of its monetary reserves, shall endeavour to do so in a manner, which safeguards the value of the concessions agreed upon.

3. Where emergency measures are taken pursuant to this Article, immediate notice of such action shall be given to the Council referred to in Article 7 of this Agreement, and such action may be the subject of consultation as provided for in Article 8 of this Agreement.

#### **ARTICLE 7 : INSTITUTIONAL ARRANGEMENTS**

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1. The ASEAN Economic Ministers (AEM) shall, for the purposes of this Agreement, establish a ministerial-level Council comprising one nominee from each Member State and the Secretary-General of the ASEAN Secretariat. The ASEAN Secretariat shall provide the support to the ministerial-level Council for supervising, coordinating and reviewing the implementation of this Agreement, and assisting the AEM in all matters relating thereto. In the performance of its functions, the ministerial-level Council shall also be supported by the Senior Economic Officials' Meeting (SEOM).

2. Member States which enter into bilateral arrangements on tariff reductions pursuant to Article 4 of this Agreement shall notify all other Member States and the ASEAN Secretariat of such arrangements.

3. The ASEAN Secretariat shall monitor and report to the SEOM on the implementation of the Agreement pursuant to the Article III (2) (8) of the Agreement on the Establishment of the ASEAN Secretariat. Member States shall cooperate with the ASEAN Secretariat in the performance of its duties.

#### **ARTICLE 8 : CONSULTATIONS**

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1. Member States shall accord adequate opportunity for consultations regarding any representations made by other Member States with respect to any matter affecting the implementation of this Agreement. The Council referred to in Article 7 of this Agreement, may

seek guidance from the AEM in respect of any matter for which it has not been possible to find a satisfactory solution during previous consultations.

2. Member States, which consider that any other Member State has not carried out its obligations under this Agreement, resulting in the nullifications or impairment of any benefit accruing to them, may, with a view to achieving satisfactory adjustment of the matter, make representations or proposal to the other Member States concerned, which shall give due consideration to the representations or proposal made to it.

3. Any differences between the Member States concerning the interpretation or application of this Agreement shall, as far as possible, be settled amicably between the parties. If such differences cannot be settled amicably, it shall be submitted to the Council referred to in Article 7 of this Agreement, and if necessary, to the AEM.

#### **ARTICLE 9 : GENERAL EXCEPTIONS**

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Nothing in this Agreement shall prevent any Member State from taking action and adopting measures, which it considers necessary for the protection of its national security, the protection of public morals, the protection of human, animal or plant life and health, and the protection of articles of artistic, historic and archaeological value.

#### **ARTICLE 10 : FINAL PROVISIONS**

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1. The respective Governments of Member States shall undertake the appropriate measures to fulfill the agreed obligations arising from this Agreement.

2. Any amendment to this Agreement shall be made by consensus and shall become effective upon acceptance by all Member States.

3. This Agreement shall be effective upon signing.



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

5. No reservation shall be made with respect to any of the provisions of this Agreement. In witness Whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement on Common Effective Preferential Tariff (CEPT) Scheme for the Free Trade Area (AFTA).

Done at Singapore, this 28th day of January, 1992 in a single copy in the English Language.

**ภาคผนวก ค.**

**Basic Agreement  
on the ASEAN Industrial Cooperation Scheme**

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The Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam, Member States of the Association of South East Asian Nations (ASEAN);

**REAFFIRMING** their desire to collaborate for the acceleration of economic growth in the region to promote greater industrialisation of their economies, to expand their trade and investment and to improve the economic infrastructure for the mutual benefit of their people;

**MINDFUL** of the rapid development in the international economic environment and the need to maintain ASEAN's attractiveness and competitiveness as an investment region;

**RECOGNIZING** that the liberalization of trade and investment in ASEAN Countries can support meaningful industrial cooperation which can greatly contribute to strengthening and broadening the base of their industrial sector;

**CONVINCED** that ASEAN industrial cooperation will increase intra-ASEAN investment and investment from non-ASEAN sources;

**CONVINCED ALSO** that the sharing of resources will foster closer ASEAN economic integration as well as enhance the technology base, economies of scale and scope, and the competitiveness of ASEAN industries;

**NOTING** the proposal by the ASEAN Chambers of Commerce and Industry (ASEAN-CCI) on the ASEAN industrial cooperation scheme and the confidence expressed by the ASEAN-CCI in the viability of the scheme;

**DESIRING** to provide the guidelines and institutional framework within which the ASEAN private sector may collaborate on the basis of mutual and equitable benefits for the ASEAN Member Countries and increased industrial production for the region as a whole;

**MINDFUL** of the need to develop the growth of Small and Medium Scale Enterprises (SMEs) taking into consideration the stages of development among ASEAN Member Countries;

**ADHERING** to the principles, concepts and ideals of the Framework Agreement on Enhancing ASEAN Economic Cooperation and the Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area;

**DO HEREBY AGREE** to pursue the ASEAN Industrial Cooperation Scheme as stipulated by the following provisions:

## **ARTICLE 1 DEFINITIONS**

For the purposes of this Agreement :

1. "AICO Scheme" shall mean the ASEAN Industrial Cooperation Scheme established by this Agreement.
2. "AICO Arrangement" shall mean a cooperative arrangement consisting of a minimum of two Participating Countries and one Participating Company in each Participating Country.
3. "Participating Countries" shall mean ASEAN Member Countries which agree to participate in an AICO Arrangement by granting the specified privileges to the Participating Companies.
4. "Participating Companies" shall mean companies incorporated and operating in ASEAN Member Countries meeting the criteria under Article 2(1) and Article 3 of this Agreement.
5. "AICO Products" refer to the following:
  - a. AICO Final Products shall be the final output which does not undergo any further processing within the specific AICO arrangement; or
  - b. AICO Intermediate Products shall be products used within the AICO arrangement as an input to the AICO Final Product; or

c. AICO Raw Materials shall be used as input to an intermediate product or as direct input to the AICO Final Product; which shall be reflected in the Certificate of Eligibility (COE) issued to the Participating Companies.

6. "Preferential Tariff Rates" shall mean the advanced CEPT rates fixed by Participating Countries within the range of 0% to 5%.

7. "National Authorities" shall mean the relevant authorities of ASEAN Member Countries responsible for the approval of an AICO application and the granting of privileges.

## **ARTICLE 2**

### **GENERAL PROVISIONS**

1. The AICO Arrangement shall be made up of Participating Companies incorporated and operating in different ASEAN Member Countries which seek to cooperate in the manufacture of AICO Products.

2. The number of Participating Companies in an AICO Arrangement may change subject to the defined minimum level.

3. An AICO Arrangement may have more than one Participating Company in each of the Participating Countries and may cover multiple products.

## **ARTICLE 3**

### **ELIGIBILITY CRITERIA**

1. Companies wishing to benefit from the privileges of the AICO Scheme shall fulfill the following criteria:

a. be incorporated and operating in an ASEAN Member Country;

b. have a minimum of 30% national equity. The equity condition may be waived after consultation by the Participating Countries in cases where the proposing companies meet the other criteria of this Article; and

c. undertake resource sharing, industrial complementation or industrial cooperation activities.

2. Each Participating Company of an AICO Arrangement must submit documentary evidence on resource sharing, industrial complementation or industrial cooperation activities such as joint ventures, joint manufacturing, technology transfer, training, licensing, consolidated purchasing and procurement, management service, sales and marketing agreement or other areas of cooperation.

#### **ARTICLE 4**

##### **PRODUCT COVERAGE AND ELIGIBILITY**

1. All products, other than products listed in Article 9 (General Exception) of the Agreement of the CEPT Scheme, shall be eligible for the AICO Scheme.
2. Product approval shall be at HS 8-digit level and above.
3. An AICO Product shall meet the Rules of Origin of the CEPT Scheme.

#### **ARTICLE 5**

##### **PRIVILEGES**

1. A Participating Company shall be entitled to the following privileges under the AICO Scheme: a. approved AICO Products traded between Participating Companies shall enjoy preferential tariff rates of 0%-5%, the actual rate of which shall be determined by each Participating Country. The preferential tariff shall cease when the tariff rate of the product reaches the final CEPT rate; b. local content accreditation shall be accorded, where applicable, to products manufactured by Participating Companies; and c. non-tariff incentives offered by the respective National Authorities. The granting of these incentives shall be based on the fulfillment of the requirements of the respective Participating Country.
2. ASEAN Member Countries may subsequently introduce additional tariff and non-tariff incentives under this Agreement.

#### **ARTICLE 6**

##### **OPERATING GUIDELINES AND AWARD PRINCIPLES**

1. An AICO Arrangement shall only require the approval of the Participating Countries.

2. A Participating Company shall be accorded the privileges under this Agreement upon the approval of its application in accordance with the provisions of Article 7.
3. The approval of an AICO Arrangement shall not be limited to the initial applicants manufacturing a particular AICO Product. Subsequent applications from companies manufacturing the same AICO Products shall also be approved once the companies meet the eligibility criteria.
4. A prospective company in a non-participating Member Country could participate in an on-going AICO Arrangement if the non-participating country agrees to extend the preferential tariff rates to the AICO Products and upon the agreement of the existing Participating Countries.
5. A Participating Company shall use the intermediate parts and raw materials only in the manufacture of AICO Products. A Participating Country may withdraw the privileges under this Agreement if a Participating Company violates this obligation.

#### ARTICLE 7 APPLICATION PROCEDURES

1. Interested companies wishing to participate in an AICO Arrangement shall apply directly to the National Authorities for approval.
2. ASEAN Member Countries shall inform the ASEAN Secretariat of their participation in an AICO Arrangement and the tariff rate to be applied within the 0%-5% band, within 60 days of receipt of the application. ASEAN Member Countries which are unable to indicate a decision on the tariff rate within this period shall nevertheless indicate their decision on acceptance or otherwise, of the arrangement and the product as an AICO Product.
3. The ASEAN Secretariat shall issue the COE within 14 days of the receipt of approval from Participating Countries.
4. The Participating Company shall use the COE to claim preferential tariff rates and to apply for non-tariff incentives from the relevant National Authorities.
5. Participating Countries shall grant the Preferential Tariff Rates within 60 days from the date of the issuance of the COE by the ASEAN Secretariat.

**ARTICLE 8**  
**MONITORING BODY**

1. National Authorities shall monitor the implementation of their respective AICO Arrangements. The ASEAN Secretariat shall be responsible for the overall monitoring of the AICO Scheme. For this purpose, Participating Countries shall submit regular reports on the AICO Arrangements in their respective countries to the ASEAN Secretariat.

2. The ASEAN Economic Ministers (AEM) Meeting and its subsidiary bodies shall review the progress and implementation of the AICO Scheme.

**ARTICLE 9**  
**SETTLEMENT OF DISPUTE**

Any differences between the ASEAN Member Countries concerning the interpretation or application of this Agreement shall, as far as possible, be settled amicably between the parties. If such differences cannot be settled amicably, it shall be submitted to the Dispute Settlement Mechanism.

**ARTICLE 10**  
**ACCESSION OF NEW MEMBERS**

New Members of ASEAN shall accede to this Agreement by signing and depositing the instrument of ratification with the Secretary General of ASEAN.

**ARTICLE 11**  
**OTHER PROVISIONS**

1. The scope of coverage of this Agreement shall subsequently be expanded to include additional sectors.

2. Participating Countries shall eliminate all quantitative restrictions and non-tariff barriers applicable to an approved AICO product.

**ARTICLE 12**  
**REPEALING PROVISION**

Upon the entry into force, this Agreement shall supersede the Basic Agreement on ASEAN Industrial Joint Ventures (AIJVs) dated 15 December 1987 and the Memorandum of Understanding on the Brand-to-Brand Complementation (BBC) Scheme dated 18 October 1988 subject to the following conditions:

- a. that BBC and AIJV applications shall not be accepted upon entry into force of this Agreement;
- b. only amendments to approved models in the BBC Scheme shall be allowed;
- c. that existing BBC companies shall continue to enjoy the margin of preference and the local content accreditation for products approved to this date until the expiry of the current car model previously approved; and
- d. for existing AIJVs, the privileges shall cease on 31 December 2002. With effect from 1 January 2003 the final CEPT rate shall apply.

**ARTICLE 13**  
**FINAL PROVISIONS**

1. The respective Governments of ASEAN Member Countries shall undertake the appropriate measures to fulfill the obligations arising from this Agreement;
2. Any amendment to this Agreement shall be made by consensus and shall become effective upon acceptance by all ASEAN Member Countries.
3. No reservation shall be made with respect to any of the provisions of this Agreement;
4. This Agreement shall be deposited with the Secretary General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN Member Country; and
5. 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.



IN WITNESS HEREOF, the undersigned have signed this Agreement on ASEAN Industrial Cooperation Scheme.

DONE at Singapore, this 27th day of April 1996 in a single copy in the English Language

ตารางที่ ๓.

APPROVED AICO APPLICATIONS

as of 19 March 2001

Participating Companies	Participating Countries	Product Category
1. Sanden Int'l (S) Pte. Ltd	Singapore	Automotive components
Kayama Engineering Co. Ltd	Thailand	
2. PT. Denso Indonesia Co.	Indonesia	Automotive components
Denso (T) Co. Ltd	Thailand	
3. Denso (T) Co. Ltd	Thailand	Automotive components
Philippine Auto Components, Inc	Philippines	
4. Denso (T) Co. Ltd	Thailand	Automotive components
Denso (M) Sdn Bhd	Malaysia	
5. Toyota Motor Thailand	Thailand	Automotive
Toyota Motor Philippines	Philippines	CKD pack
6. Assembly Services Sdn Bhd (Toyota)	Malaysia	Automotive CKD pack
Toyota Motor Philippines	Philippines	
7. Assembly Services Sdn Bhd (Toyota)	Malaysia	Automotive CKD pack
Toyota Motor Thailand Co.Ltd	Thailand	

Participating Companies	Participating Countries	Product Category
8. Oriental Assembler Sdn Bhd (Honda)	Malaysia	Automotive CKD pack
Honda Cars Philippines, Inc	Philippines	
9. Honda Cars Manufacturing	Thailand	Automotive
Honda Cars Philippines, Inc	Philippines	CKD pack
10. Oriental Assemblers Sdn Bhd (Honda)	Malaysia	Automotive CKD pack
Honda Cars Manufacturing	Thailand	
11. Oriental Assemblers Sdn Bhd (Honda)	Malaysia	Automotive CKD pack
PT. Honda Prospect Motor	Indonesia	
12. Honda Cars Manufacturing	Thailand	Automotive
PT. Honda Prospect Motor	Indonesia	CKD pack
13. Honda Cars Philippines, Inc	Philippines	Automotive
PT. Honda Prospect Motor	Indonesia	CKD pack
14. Thai-Swedish Assembly Co., Ltd (Volvo 1)	Thailand	Automotive CKD pack
Swedish Motor Assemblies Sdn Bhd (Volvo 1)	Malaysia	
15. SONY Display Devices (S) Pte Ltd	Singapore	Electronics
SONY Siam Industries Co. Ltd	Thailand	

Participating Companies	Participating Countries	Product Category
16. Thai Steel Cable (TSK), Co. Ltd	Thailand	Automotive components
Armstrong Cycle Parts Sdn Bhd	Malaysia	
17. Swedish Motor Assemblies Sdn Bhd (Volvo 2)	Malaysia	Automotive CKD pack
Thai-Swedish Assembly Co., Ltd (Volvo 2)	Thailand	
18. Clipsal Manufacturing (M) Sdn Bhd	Malaysia	Electrical
PT. Bowden Industries Indonesia	Indonesia	
19. Isuzu Motors Co., Ltd	Thailand	Automotive CKD Pack
Isuzu Philippines Corporation	Philippines	
20. PT. Yanmar Indonesia	Indonesia	Agricultural machinery
Yanmar S.P, Co. Ltd	Thailand	
21. Toyota Motor Thailand Co., Ltd	Thailand	Automotive CKD pack
Assembly Services Sdn Bhd	Malaysia	
22. Toyota Motor Philippines Co.	Philippines	Automotive CKD pack
PT. Toyota Astra Motor	Indonesia	
23. Toyota Motor Philippines Co.	Philippines	Automotive CKD pack
Assembly Services Sdn Bhd	Malaysia	
24. Toyota Motor Philippines Co.	Philippines	

Participating Companies	Participating Countries	Product Category
Toyota Motor Thailand Co. Ltd	Thailand	Automotive CKD pack
25. Toyota Motor Thailand Co., Ltd	Thailand	Automotive CKD pack
PT. Toyota Astra Motor	Indonesia	
26. Thai Swedish Assembly Co. Ltd (Volvo 3)	Thailand	Automotive CKD pack
Swedish Motor Assemblies Sdn Bhd (Volvo 3)	Malaysia	
27. Matsushita Electric Philippines Corporation	Philippines	Electronics
Matsushita Electric (M) Bhd	Malaysia	
PT. National Gobel	Indonesia	
Matsushita Seiko Co. Ltd	Thailand	
28. Assembly Services Sdn Bhd	Malaysia	Automotive CKD pack
PT. Toyota Astra Motor	Indonesia	
29. Siam Nissan Automobile Co. Ltd	Thailand	Automotive CKD pack
PT. Ismac Nissan Manufacturing	Indonesia	
30. Goya Inc	Philippines	Food processing
Nestle Foods Thailand Ltd	Thailand	
31. Goya Inc	Philippines	Food processing
PT. Nestle Confectionery	Indonesia	

Participating Companies	Participating Countries	Product Category
32. Auto Alliance Thailand (Ford)	Thailand	Automotive
Ford Motor Philippines	Philippines	CKD
33. Mitsubishi Electric Thai Autoparts Co. Ltd	Thailand	Automotive components
Lippo Melco Autoparts	Indonesia	
34. Tan Chong Motor Assemblies Sdn Bhd	Malaysia	Automotive CKD pack
Siam Nissan Automobile Co. Ltd	Thailand	
35. PT. Showa Indonesia Manufacturing	Indonesia	Automotive components
Summit Showa Manufacturing Co. Ltd	Thailand	
36. Mitsubishi Electric Thai Autoparts Co. Ltd	Thailand	Automotive components
LAMCOR	Philippines	
37. Lippo Melco Autoparts	Indonesia	Automotive components
LAMCOR	Philippines	
38. Goya Incorporated	Philippines	Food processing
Malaysia Packaging Industry Bhd.	Malaysia	
39. PT. Krama Yudha Tiga Berlian Motors (Mitsubishi)	Indonesia	Automotive CKD pack

Participating Companies	Participating Countries	Product Category
Mitsubishi Motor Philippines	Philippines	
40. Mitsubishi Motors Corp Sittipol	Thailand	Automotive
Mitsubishi Motor Philippines	Philippines	CKD pack
41. Toyota Motor Thailand Co. Ltd	Thailand	Automotive
Assembly Services Sdn. Bhd.	Malaysia	CKD pack
42. Toyota Motor Thailand Co. Ltd	Thailand	Automotive
Toyota Motor Philippines Corp.	Philippines	CKD pack
43. Toyota Motor Philippines Corp.	Philippines	Automotive
Assembly Services Sdn. Bhd.	Malaysia	CKD pack
44. Quality Coffee Products Lts	Thailand	Foods
Nestle Food Ltd (Malaysia) Sdn. Bhd.	Malaysia	Processing
45. Isuzu Motors Co. Thailand Isuzu Engine Manufacturing Co. Ltd	Thailand	Automotive CKD pack
PT. Pantja Motor PT. Tri Dharma Wisesa PT. Mesin Isuzu Indonesia	Indonesia	
46. PT. Toyota Astra Motor	Indonesia	Automotive
Toyota Motor Philippines Corp. Toyota Autoparts Philippines	Philippines	CKD Pack
47. PT. Toyota Astra Motor	Indonesia	

Participating Companies	Participating Countries	Product Category
Toyota Motor Thailand Co. Ltd Siam Toyota Manufacturing Co. Ltd.	Thailand	Automotive CKD Pack
48. PT. Toyota Astra Motor	Indonesia	Automotive
Assembly Services Sdn. Bhd. T&K Autoparts Sdn. Bhd.	Malaysia	CKD pack
49. Denso (Thailand) Co. Ltd	Thailand	Automotive
PT. Denso Indonesia	Indonesia	Components
50. Swedish Motor Assemblies Sdn. Bhd. (Volvo-4)	Malaysia	CKD pack
Thai-Swedish Assembly Co. Ltd (Volvo-4)	Thailand	
51. PT. Honda Prospect Motor	Indonesia	Automotive
Honda Cars Manufacturing Thailand	Thailand	CKD pack
52. PT. Honda Prospect Motor	Indonesia	Automotive
Honda Autorparts Manufacturing Oriental Assemblers Sdn. Bhd.	Malaysia	CKD pack
53. Honda Autorparts Manufacturing Oriental Assemblers Sdn. Bhd.	Malaysia	Automotive CKD pack
Honda Cars Manufacturing	Thailand	
54. PT. Honda Prospect Motor	Indonesia	Automotive
Honda Cars Philippines	Philippines	CKD pack



Participating Companies	Participating Countries	Product Category
55. Honda Autoparts Manufacturing (M) Sdn. Bhd. Oriental Assemblers Sdn. Bhd.	Malaysia	Automotive CKD pack
Honda Cars Philippines	Philippines	
56. Honda Cars Manufacturing	Thailand	Automotive
Honda Cars Philippines	Philippines	CKD pack
57. Thai Safety Glass Co. Ltd	Thailand	Safety Glass
Republic Asahi Glass Corporation	Philippines	
58. SONY Electronics Singapore Pte Ltd	Singapore	Electronics
SONY Viet Nam Limited Vietronics Tan Binh	Viet Nam	
59. PT. Astra Daihatsu Motor	Indonesia	Automotive
Perodua Manufacturing Sdn Bhd.	Malaysia	CKD pack
60. Denso (Thailand) Co. Ltd	Thailand	Automotive
Denso (Malaysia) Sdn. Bhd.	Malaysia	Component
61. - Tan Chong Motor Assemblies Sdn. Bhd. (Nissan) - Ichikoh (Malaysia) Sdn. Bhd - Nippon Wiper Blade (Malaysia) Sdn. Bhd - Right Way Industrial (Malaysia) Sdn. Bhd	Malaysia	Automotive CKD pack

Participating Companies	Participating Countries	Product Category
Siam Nissan Automobile Co.Ltd	Thailand	
62. -Tan Chong Motor Assemblies Sdn. Bhd. (Nissan) - Ichikoh (Malaysia) Sdn. Bhd. - Nippon Wiper Blade (Malaysia) Sdn Bhd.	Malaysia	Automotive CKD pack
Nissan Motor Philippines Inc.	Philippines	
63. Siam Nissan Automobile Co. Ltd.	Thailand	Automotive
Nissan Motor Philippines, Inc.	Philippines	CKD pack
64. Thai Summit Mitsuba Manufacturing Ltd	Thailand	Automotive Component
Mitsuba Philippines Corporation	Philippines	
65. PT. Nestle Confectionery Indonesia	Indonesia	Food Processing
Goya, Inc.	Philippines	
66. Arvin Exhaust (Thailand) Co. Ltd	Thailand	Automotive Component
Autubus Industries, Inc.	Philippines	
67. PT. Toyota Astra Motor Assembly Services Sdn. Bhd. T&K Autoparts Sdn Bhd	Indonesia	Automotive CKD pack
	Malaysia	

Participating Companies	Participating Countries	Product Category
68. Toyota Motor Thailand Co. Ltd Siam Toyota Manufacturing Co. Ltd.	Thailand	Automotive CKD pack
PT. Toyota Astra Motor	Indonesia	
69. PT. Honda Prospect Motor	Indonesia	Automotive CKD pack
Honda Automobile (Thailand) Co. Ltd	Thailand	
70. Toyota Motor Thailand Co. Ltd Siam Toyota Manufacturing Co. Ltd.	Thailand	Automotive CKD pack
Assembly Services Sdn. Bhd. T&K Autoparts Sdn Bhd	Malaysia	
71. Swedish Motor Assemblies Sdn. Bhd.	Malaysia	Automotive CKD pack
Thal-Swedish Assembly Co. Ltd.	Thailand	
72. Toyota Motor Philippines Corp. Toyota Autoparts Philippines, Inc.	Philippines	Automotive CKD pack
Assembly Services Sdn. Bhd. T&K Autoparts Sdn Bhd	Malaysia	
73. Toyota Motor Philippines Corp. Toyota Autoparts Philippines, Inc.	Philippines	Automotive CKD pack

Participating Companies	Participating Countries	Product Category
Toyota Motor Thailand Co. Ltd Siam Toyota Manufacturing Co. Ltd.	Thailand	
74. Toyota Motor Philippines Corp. Toyota Autoparts Philippines, Inc.	Philippines	Automotive CKD pack
PT. Toyota Astra Motor	Indonesia	

## ประวัติผู้เขียนวิทยานิพนธ์

นางสาวปิยะนันท์ สุธสุวรรณ เกิดวันที่ 1 มกราคม พ.ศ.2520 ที่จังหวัดกรุงเทพมหานคร สำเร็จการศึกษาปริญญาวิทยาศาสตรบัณฑิต สาขาการระหว่างประเทศ คณะรัฐศาสตร์ มหาวิทยาลัยธรรมศาสตร์ ในปีการศึกษา 2539 และเข้าศึกษาต่อในหลักสูตรรัฐศาสตรมหาบัณฑิตที่จุฬาลงกรณ์มหาวิทยาลัย เมื่อ พ.ศ.2540