

No. 31366

**EUROPEAN COMMUNITY
and
INDONESIA, MALAYSIA, PHILIPPINES,
SINGAPORE AND THAILAND**

Cooperation Agreement (with protocol). Signed at Kuala Lumpur on 7 March 1980

Authentic texts: Danish, German, English, French, Italian and Dutch.

Registered by the Council of the European Union on 21 November 1994.

**COMMUNAUTÉ EUROPÉENNE
et
INDONÉSIE, MALAISIE, PHILIPPINES,
SINGAPOUR ET THAÏLANDE**

Accord de coopération (avec protocole). Signé à Kuala Lumpur le 7 mars 1980

Textes authentiques : danois, allemand, anglais, français, italien et néerlandais.

Enregistré par le Conseil de l'Union européenne le 21 novembre 1994.

CO-OPERATION AGREEMENT¹ BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND INDONESIA, MALAYSIA, PHILIPPINES, SINGAPORE AND THAILAND — MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTH-EAST ASIAN NATIONS

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE GOVERNMENTS OF INDONESIA, MALAYSIA, PHILIPPINES, SINGAPORE AND THAILAND, MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTH-EAST ASIAN NATIONS, hereinafter referred to as ASEAN,

of the other part,

Having regard to the friendly relations and traditional links between the member countries of ASEAN and the Member States of the Community;

Affirming their common commitment to support mutually the efforts of ASEAN and the Community to create and to strengthen regional organisations committed to economic growth, social progress and cultural development and aiming to provide an element of balance in international relations;

Inspired by their common will to consolidate, deepen and diversify their commercial and economic relations to the full extent of their growing capacity to meet each other's requirements on the basis of comparative advantage and mutual benefit;

Affirming their willingness to contribute to the expansion of international trade in order to achieve greater economic growth and social progress;

¹ Came into force on 1 October 1980, i.e., the first day of the month following the date on which the Parties had notified each other (on 25 September 1980) of the completion of the required procedures, in accordance with article 8 (1).

Conscious that such co-operation will be between equal partners but will take into account the level of development of the member countries of ASEAN and the emergence of ASEAN as a viable and cohesive grouping, which has contributed to the stability and peace in South-East Asia;

Persuaded that such co-operation should be realised in an evolutionary and pragmatic fashion as their policies develop;

Affirming their common will to contribute to a new phase of international economic co-operation and to facilitate the development of their respective human and material resources on the basis of freedom, equality and justice;

Have decided to conclude a Co-operation Agreement and to this end have designated as their plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Attilio RUFFINI,
President in office of the Council
of the European Communities,
Minister of Foreign Affairs
of the Italian Republic;

Wilhelm HAFERKAMP,
Vice-President of the Commission
of the European Communities;

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA:

Prof. Dr. MOCHTAR KUSUMAATMADJA,
Minister of Foreign Affairs;

THE GOVERNMENT OF MALAYSIA:

TENGGU AHMAD RITHAUDEEN,
Minister of Foreign Affairs;

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES:

CARLOS P. ROMULO,
Minister for Foreign Affairs;

THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE:

S. RAJARATNAM,
Minister for Foreign Affairs;

THE GOVERNMENT OF THE KINGDOM OF THAILAND:

AIR CHIEF MARSHAL Siddhi Savetsila,
Minister for Foreign Affairs;

WHO, Having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Most-Favoured-Nation Treatment

The Parties shall, in their commercial relations, accord each other most-favoured-nation treatment in accordance with the provisions of the General Agreement on Tariffs and Trade,¹ without prejudice, however, to the provisions of the Protocol annexed to this Agreement.

¹United Nations, *Treaty Series*, vol. 55, p. 187.

ARTICLE 2

Commercial Co-operation

1. The Parties undertake to promote the development and diversification of their reciprocal commercial exchanges to the highest possible level taking into account their respective economic situations.
2. The Parties agree to study ways and means of overcoming trade barriers, and in particular existing non-tariff and quasi tariff barriers, taking into account the work of international organisations.
3. The Parties shall in accordance with their legislation and in the conduct of their policies:
 - (a) co-operate at the international level and between themselves in the solution of commercial problems of common interest including trade related to commodities;
 - (b) use their best endeavours to grant each other the widest facilities for commercial transactions;
 - (c) take fully into account their respective interests and needs for improved access for manufactured, semi-manufactured and primary products as well as the further processing of resources;
 - (d) bring together economic operators in the two regions with the aim of creating new trade patterns;
 - (e) study and recommend trade promotion measures likely to encourage the expansion of imports and exports;
 - (f) seek insofar as possible the other Parties' views where measures are being considered which could have an adverse effect on trade between the two regions.

ARTICLE 3

Economic Co-operation

1. The Parties, in the light of the complementarity of their interests and of their long-term economic capabilities, shall bring about economic co-operation in all fields deemed suitable by the Parties.

Among the objectives of such co-operation shall be:

- the encouragement of closer economic links through mutually beneficial investment;
- the encouragement of technological and scientific progress;
- the opening up of new sources of supply and new markets;
- the creation of new employment opportunities.

2. As means to such ends, the Parties shall, as appropriate, encourage and facilitate inter alia:

- a continuous exchange of information relevant to economic co-operation as well as the development of contacts and promotion activities between firms and organisations in both regions;
- the fostering, between respective firms, of industrial and technological co-operation, including mining;
- co-operation in the fields of science and technology, energy, environment, transport and communications, agriculture, fisheries and forestry.

In addition the Parties undertake to improve the existing favourable investment climate inter alia through encouraging the extension, by and to all Member States of the Community

and by and to all member countries of ASEAN, of investment promotion and protection arrangements which endeavour to apply the principle of non-discrimination, aim to ensure fair and equitable treatment and reflect the principle of reciprocity.

3. Without prejudice to the relevant provisions of the Treaties establishing the Communities, this Agreement and any action taken thereunder shall in no way affect the powers of any of the Member States of the Communities to undertake bilateral activities with any of the member countries of ASEAN in the field of economic co-operation and conclude, where appropriate, new economic co-operation agreements with these countries.

ARTICLE 4

Development Co-operation

1. The Community recognises that ASEAN is a developing region and will expand its co-operation with ASEAN in order to contribute to ASEAN's efforts in enhancing its self-reliance and economic resilience and social wellbeing of its peoples through projects to accelerate the development of the ASEAN countries and of the region as a whole.
2. The Community will take all possible measures to intensify its support, within the framework of its programmes in favour of non-associated developing countries, for ASEAN development and regional co-operation.
3. The Community will co-operate with ASEAN to realise concrete projects and programmes, inter alia, food production and supplies, development of the rural sector, education and training facilities and others of a wider character to promote ASEAN regional economic development and co-operation.

4. The Community will seek a co-ordination of the development co-operation activities of the Community and its Member States in the ASEAN region especially in relation to ASEAN regional projects.
5. The Parties shall encourage and facilitate the promotion of co-operation between sources of finance in the two regions.

ARTICLE 5

Joint Co-operation Committee

1. A Joint Co-operation Committee shall be set up to promote and keep under review the various co-operation activities envisaged between the Parties in the framework of the Agreement. Consultations shall be held in the Committee at an appropriate level in order to facilitate the implementation and to further the general aims of this Agreement. The Committee will normally meet at least once a year. Special meetings of the Committee shall be held at the request of either Party.
2. The Joint Co-operation Committee shall adopt its own Rules of Procedure and programme of work.

ARTICLE 6

Other Agreements

Subject to the provisions concerning economic co-operation in Article 3(3), the provisions of this Agreement shall be substituted for provisions of Agreements concluded between Member States of the Communities and Indonesia, Malaysia, Philippines, Singapore and Thailand to the extent to which the latter provisions are either incompatible with or identical to the former.

ARTICLE 7

Territorial Application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community¹ is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of Indonesia, Malaysia, Philippines, Singapore and Thailand.

ARTICLE 8

Duration

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose, and shall remain in force for an initial period of five years and thereafter for periods of two years subject to the right of either Party to terminate it by written notice given six months before the date of expiry of any period.
2. This Agreement may be amended by mutual consent of the Parties in order to take into account new situations.

ARTICLE 9

Authentic Languages

This Agreement is drawn up in seven originals in the Danish, Dutch, English, French, German and Italian languages each of these texts being equally authentic.

[For the testimonium and signatures, see p. 268 of this volume.]

¹ United Nations, *Treaty Series*, vol. 298, p. 3.

PROTOCOL
CONCERNING ARTICLE 1 OF THE AGREEMENT

1. According to the provisions of this Protocol, the European Economic Community and a Party that is not a contracting party of the General Agreement on Tariffs and Trade shall, with regard to imported or exported goods, grant each other most-favoured-nation treatment in all matters relating to:
 - customs duties and charges of all kinds including the procedures for collecting such duties and charges;
 - regulations concerning customs clearance, transit, warehousing or transshipment;
 - direct or indirect taxes and other internal charges;
 - regulations concerning payments including the allocation of foreign currency and the transfer of such payments;
 - regulations affecting the sale, purchase, transport, distribution and use of goods on the internal market.

2. Paragraph 1 shall not apply to:
 - (a) advantages granted to neighbouring countries to facilitate frontier-zone traffic;
 - (b) advantages granted with the object of establishing a customs union or a free trade area or as required by such a customs union or free trade area;
 - (c) advantages granted to particular countries in conformity with the General Agreement on Tariffs and Trade;

- (d) advantages which the member countries of ASEAN grant to certain countries in accordance with the Protocol on Trade Negotiations among Developing Countries¹ in the context of the General Agreement on Tariffs and Trade;
- (e) advantages granted or to be granted within the framework of ASEAN provided these do not exceed those that are granted or may be granted within the framework of ASEAN by member countries of ASEAN which are contracting parties of the General Agreement on Tariffs and Trade.

¹ United Nations, *Treaty Series*, vol. 858, p. 176.

For Rådet for De europæiske Fællesskaber:
Für den Rat der Europäischen Gemeinschaften:
For the Council of the European Communities:
Pour le Conseil des Communautés européennes :
Per il Consiglio delle Comunità Europee:
Voor de Raad van de Europese Gemeenschappen:

ATILIO RUFFINI

WILHELM HAFERKAMP

For the Government of the Republic of Indonesia:
[Pour le Gouvernement de la République d'Indonésie :]

MOCHTAR KUSUMAATMADJA

For the Government of Malaysia:
[Pour le Gouvernement de la Malaisie :]

TENGGU AHMAD RITHAUDEEN

For the Government of the Republic of the Philippines :
[Pour le Gouvernement de la République des Philippines :]

CARLOS P. ROMULO

For the Government of the Republic of Singapore:
[Pour le Gouvernement de la République de Singapour :]

S. RAJARATNAM

For the Government of the Kingdom of Thailand:
[Pour le Gouvernement du Royaume de Thaïlande :]

SIDDHI SAVETSILA