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

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the
Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union
of Myanmar, the Republic of the Philippines, the Republic of Singapore, the
Kingdom of Thailand and the Socialist Republic of Vietnam, Member Countries of
the Association of Southeast Asian Nations, and the Republic of Korea,

RECALLING the Framework Agreement on Comprehensive Economic
Cooperation among the Governments of the Member Countries of the
Association of Southeast Asian Nations and the Republic of Korea signed in
Kuala Lumpur, Malaysia on the thirteenth day of December 2005; and

FURTHER RECALLING Article 5.1 of the Framework Agreement, which
provides for the dispute settlement procedures and mechanism for the
Framework Agreement and any other Agreement to be concluded thereunder,

HAVE AGREED as follows:

Article 1
Definitions

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

ASEAN means the Association of Southeast Asian Nations which comprises of
Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao
People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the
Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist
Republic of Vietnam;

ASEAN Member Countries means Brunei Darussalam, the Kingdom of Cambodia,
the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the
Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the
Kingdom of Thailand and the Socialist Republic of Vietnam collectively;

ASEAN Member Country means Brunei Darussalam, the Kingdom of Cambodia,
the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the
Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the
Kingdom of Thailand or the Socialist Republic of Vietnam individually;

chair means the member of an arbitral panel who serves as the chair of the arbitral
panel;
complaining party means any Party that requests consultations under paragraph 1 of Article 3;

covered agreements means:

(a) the Framework Agreement;
(b) the Agreement on Trade in Goods under the Framework Agreement;
(c) this Agreement;
(d) any agreement to be concluded among the Parties pursuant to the relevant provisions of the Framework Agreement unless provided otherwise therein;

days means calendar days, including weekends and holidays;

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

Korea means the Republic of Korea;

Parties means the ASEAN Member Countries and Korea collectively;

parties to a dispute, or parties to the dispute means both the complaining party and the party complained against;

Party means an ASEAN Member Country or Korea;

party complained against means any Party to which the request for consultations is made under paragraph 1 of Article 3;

third party means a Party, other than the parties to a dispute, that delivers a written notice in accordance with Article 7; and

WTO means the World Trade Organisation.

Article 2
Coverage and Application

1. This Agreement shall apply with respect to the avoidance or settlement of all disputes arising between the Parties under the covered agreements. Unless otherwise provided in this Agreement or any other covered agreement, this Agreement shall apply to all disputes between the Parties.

2. The rules and procedures of this Agreement shall apply subject to special or additional rules and procedures on dispute settlement, if any, contained in the other covered agreements. To the extent that there is a conflict between the rules and procedures of this Agreement and such special or additional rules and procedures on dispute settlement contained in a covered agreement, the special or additional rules and procedures shall prevail. In disputes involving rules and procedures under more than one covered agreement, if there is a conflict between special and additional rules and procedures of such covered agreements, the chair of the arbitral panel, in