ADOPTED

DECLARATION ON THE PROVISIONAL APPLICATION OF THE SECOND PROTOCOL TO AMEND THE ASEAN TRADE IN GOODS AGREEMENT

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam;

RECALLING the *ASEAN Trade in Goods Agreement* done at Cha-am, Thailand on 26 February 2009, as amended by the *First Protocol to Amend the ASEAN Trade in Goods Agreement* done at Ha Noi, Viet Nam on 22 January 2019;

RECALLING FURTHER the *Second Protocol to Amend the ASEAN Trade in Goods Agreement* done at Kuala Lumpur, Malaysia on 1 December 2025 (hereinafter referred to as the "Second Protocol");

NOTING the decision of the Special ASEAN Economic Council Meeting on the Middle East Crisis held on 30 April 2026 that emphasised the need to deepen intra-ASEAN trade and called on Member States to explore the early ratification of the Second Protocol within this year;

NOTING FURTHER the ASEAN Leaders' Statement on the Response to the Middle East Crisis on 8 May 2026 to swiftly ratify and ensure the timely entry into force of the Second Protocol within this year, where possible; and

DESIRING to facilitate the earlier entry into force and application of the Second Protocol among Member States that are ready to do so to expedite its implementation, prior to its entry into force,

HEREBY DECIDE THAT:

1. Member States may, on a voluntary and reciprocal basis, apply the Second Protocol provisionally among themselves pending its entry into force on 1 June 2027.

2. Such provisional application shall apply only between those Member States that have notified the Secretary-General of ASEAN in accordance with paragraph 4 of their agreement to provisionally apply the Second Protocol.

3. Notwithstanding paragraph 2, Member States agree that the provisions of the Second Protocol set out in the **Annex** shall not be provisionally applied among them, but shall enter into force on 1 June 2027.

4. Any Member State intending to provisionally apply the Second Protocol shall submit its confirmation or acceptance in writing through a formal notification to the Secretary-General of ASEAN either:

   (a) at the time of notifying in writing, or depositing its instrument of ratification, acceptance, or approval with the Secretary-General of ASEAN upon completion of its internal procedures; or

   (b) at any time prior to the entry into force of the Second Protocol on 1 June 2027.

5. The provisional application of the Second Protocol shall commence on the date as specified in the Member States' notification, and terminate on 1 June 2027, the date of entry into force of the Second Protocol.

ADOPTED at Manila, Philippines, this Nineteenth Day of September in the Year Two Thousand and Twenty-Six.

ANNEX

PROVISIONS OF THE SECOND PROTOCOL THAT SHALL NOT BE PROVISIONALLY APPLIED AMONG 10 ASEAN MEMBER STATES UNTIL 1 JUNE 2027

Chapter	Provision
Chapter 2 (National Treatment and Market Access)	**Article 2.4 (Reduction or Elimination of Customs Duties)** 1. Except as otherwise provided in this Agreement, each Member State shall apply the customs duties on originating goods of the other Member States in accordance with its Schedule in Annex I (Schedule of Tariff Commitments).
	Article 2.15 (Remanufactured Goods) 3. Paragraphs 1 and 2 shall not apply to Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, Thailand, and Viet Nam upon the entry into force of the Second Protocol. These Member States shall enter into discussions with other Member States on the application of paragraphs 1 and 2: (a) no later than five years after the date of entry into force of the Second Protocol for Indonesia, the Philippines, Thailand, and Viet Nam, with a view to conclude discussions in two years; and (b) no later than seven years after the date of entry into force of the Second Protocol for Cambodia, Lao PDR, and Myanmar, with a view to conclude discussions in two years.
	Article 2.21 (Export Restrictions Measures on Food and Agricultural Products) 3. In addition to the conditions set out in Article 12.1 of the Agreement on Agriculture under which a Member State may apply an export prohibition or restriction, other than a duty, tax, or other charge, on food and agricultural products: (a) a Member State that:

Chapter	Provision
	… (ii) as of the date of entry into force of the Second Protocol for that Member State, maintains such a prohibition or restriction, shall, within 45 days of that date, notify the measure to the other Member States.
Chapter 3 (Rules of Origin) including its annexes and appendices	The whole Chapter 3 (Rules of Origin) including its annexes and appendices in the Second Protocol will not be provisionally applied, with the understanding that the existing commitments in Chapter 3 (Rules of Origin) of the *ASEAN Trade in Goods Agreement* done at Cha-am, Thailand on 26 February 2009, as amended by the *First Protocol to Amend the ASEAN Trade in Goods Agreement* done at Ha Noi, Viet Nam on 22 January 2019, will still apply during the period of the provisional application.
Chapter 7 (Trade Remedies)	**Article 7.4 (Notification and Consultations)** Footnote 5: Member States shall without prejudice to their respective positions, undertake a review of the notification timelines under this Article within three years of the date of the entry into force of the Second Protocol, with a view to reviewing whether such notification timelines can be strengthened and enhanced.
Chapter 17 (Final Provisions)	**Article 17.5 (General Review)** 1. Member States shall undertake a general review of this Agreement with a view to updating and enhancing this Agreement to ensure that this Agreement remains relevant to the trade and investment issues and challenges confronting Member States, five years after the date of entry into force of the Second Protocol, and every five years thereafter, unless Member States agree otherwise. 2. The general review referred to in paragraph 1 shall include discussions on circular economy-related issues relevant to this Agreement, unless an earlier date to commence discussions on the circular economy is agreed upon by Member States. Member States shall conclude the discussions on the circular economy within three years from the date of commencement of such discussions, unless Member States agree otherwise.