ANNEX ON FINANCIAL SERVICES

Article 1
Scope

1. This Annex applies to measures affecting the supply of financial services. Reference to the supply of a financial service in this Annex shall mean the supply of a service:

(a) from the territory of one Member State into the territory of any other Member States (Mode 1: cross-border supply);

(b) in the territory of one Member State to the service consumer of any other Member States (Mode 2: consumption abroad);

(c) by a service supplier of one Member State, through commercial presence in the territory of any other Member States (Mode 3: commercial presence);

(d) by a service supplier of one Member State, through presence of natural persons of a Member State in the territory of any other Member States (Mode 4: presence of natural persons).

2. This Annex does not apply to services supplied in the exercise of governmental authority, as follows:

(a) activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;

(b) activities forming part of a statutory system of social security or public retirement plans; or

金融服务附件

第一条 范围

1. 本附件适用于影响金融服务提供的措施。本附件中对金融服务提供的提及应指以下服务的提供：

(a) 自一成员国领土向任何其他成员国领土内提供（模式1：跨境供应）；(b) 在一成员国领土内向任何其他成员国的服务消费者提供（模式2：境外消费）；(c) 由一成员国的服务提供者，通过在任何其他成员国领土内的商业存在提供（模式3：商业存在）；(d) 由一成员国的服务提供者，通过一成员国的自然人在任何其他成员国领土内的存在提供（模式4：自然人存在）。

2. 本附件不适用于行使政府职权时提供的服务，具体如下：

(a) 由中央银行或货币当局或任何其他公共实体为实施货币或汇率政策而开展的活动；(b) 构成法定社会保障制度或公共退休计划组成部分的活动；或

(c) other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the Government.

3. For the purposes of this Annex, if a Member State allows any of the activities referred to in subparagraphs 2(b) or 2(c) to be conducted by its financial service suppliers in competition with a public entity or a financial service supplier, "services" shall include such activities.

4. For greater certainty, this Annex shall prevail to the extent of any inconsistency with any other provision in this Agreement.

Article 2
Definitions

For the purposes of this Annex:

(a) **cross-border supply of financial services** refers to the supply of financial services in subparagraphs 1 (a) and (b) of Article 1 (Scope) of this Annex;

(b) **financial institution** means any financial intermediary or other enterprise that is authorised to do business and regulated or supervised by the central bank, monetary authority or financial services authority under the law of the Member States in whose territory it is located;

(c) **financial services** means any service of a financial nature offered by a financial service supplier of a Member State. Financial services include all insurance and insurance-related services, and all banking and other financial services (excluding insurance). Financial services include the following activities:

(c) 公共实体为政府账户或凭借政府担保或使用政府财政资源开展的其他活动。

3. 就本附件而言，如成员国允许其金融服务供应商与公共实体或金融服务供应商竞争开展第2款(b)项或(c)项所指的任何活动，“服务”应包括此类活动。

4. 为进一步明确，本附件在与本协议任何其他条款不一致的范围内优先适用。

第二条
定义

就本附件而言：

(a) 金融服务的跨境提供指
本附件第1条（范围）第1款(a)项和(b)项所指的金融服务提供；

(b) 金融机构 指任何金融
中介或其他企业，其获准开展业务并受所在成员国领土内中央银行、货币当局或金融服务管理局根据法律监管或监督；

(c) 金融服务 指任何金融性质的
成员国金融服务供应商提供的性质。金融服务包括所有保险及保险相关服务，以及所有银行及其他金融服务（不包括保险）。金融服务包括以下活动：

Insurance and insurance-related services

(i) direct insurance (including co-insurance):

a) life;

b) non-life;

(ii) reinsurance and retrocession;

(iii) insurance intermediation, such as brokerage and agency; and

(iv) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services;

Banking and other financial services (excluding insurance)

(v) acceptance of deposits and other repayable funds from the public;

(vi) lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;

(vii) financial leasing;

(viii) all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;

(ix) guarantees and commitments;

(x) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

保险及保险相关服务

(i) 直接保险（包括共同保险）： a) 人寿保险；b) 非人寿保险；(ii) 再保险和转分保；(iii) 保险中介，如经纪和代理；(iv) 保险辅助服务，如咨询、精算、风险评估和理赔服务；

银行及其他金融服务（保险除外）

(v) 接受存款和其他公众可偿还资金；(vi) 各类贷款，包括消费信贷、抵押信贷、保理和商业交易融资；

(vii) 金融租赁；

(viii) 所有支付和货币传输服务，包括信用卡、签账卡和借记卡、旅行支票和银行汇票；

(ix) 担保和承诺；(x) 自营交易或为账户

客户，无论是在交易所、场外市场还是其他场所，以下内容：

a) money market instruments (including cheques, bills, certificates of deposits);

b) foreign exchange;

c) derivative products including, but not limited to, futures and options;

d) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;

e) transferable securities;

f) other negotiable instruments and financial assets, including bullion;

(xi) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

(xii) money broking;

(xiii) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;

(xiv) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

(xv) provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

a) 货币市场工具（包括支票、票据、存款证）；b) 外汇； c) 衍生产品，包括但不限于期货和期权； d) 汇率和利率工具，包括掉期、远期利率协议等产品； e) 可转让证券； f) 其他流通票据和金融资产，包括金银条块；

(xi) 参与各类证券发行，包括承销和代理配售（公开或私下）以及提供与此类发行相关的服务；

(xii) 货币经纪；

(xiii) 资产管理，如现金或投资组合管理、各种形式的集体投资管理、养老基金管理、托管、存管和信托服务；

(xiv) 金融资产的结算和清算服务，包括证券、衍生产品和其他流通票据；

(xv) 其他金融服务供应商提供的金融信息的提供和传输，以及金融数据处理和相关软件；及

(xvi) advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy;

(d) **financial service supplier** means any natural or juridical person of a Member State wishing to supply or supplying financial services but the term “financial service supplier” does not include a public entity;

(e) **new financial service** means a financial service that is not supplied by any financial service supplier in the territory of a Member State but which is supplied and regulated in the territory of any other Member State. This may include services related to existing and new products, or the manner in which the product is delivered;

(f) **public entity** means:

(i) a government, a central bank or a monetary authority, of a Member State, or an entity owned or controlled by a Member State, that is principally engaged in carrying out governmental functions or activities for governmental purposes, not including an entity principally engaged in supplying financial services on commercial terms; or

(ii) a private entity, performing functions normally performed by a central bank or monetary authority, when exercising those functions; and

(g) **self-regulatory organisation** means any non-governmental body, including any securities or futures exchange or market, clearing or payment

(xvi) 就第(v)至(xv)项所列所有活动提供的咨询、中介和其他辅助金融服务，包括信用参考和分析、投资和组合研究及建议、收购建议以及公司重组和战略建议；

(d) 金融服务供应商 指成员国中希望提供或正在提供金融服务的自然人或法人，但“金融服务供应商”一词不包括公共实体；

(e) 新金融服务指在成员国领土内尚未由任何金融服务供应商提供，但在其他成员国领土内已受监管并提供的金融服务。这可能涉及现有及新产品相关服务，或产品交付方式；

(f) 公共实体指：

(i) 成员国的政府、中央银行或货币当局，或由成员国拥有或控制的实体，其主要从事政府职能或为政府目的开展活动，不包括主要按商业条款提供金融服务的实体；或

(ii) 私营实体在行使通常由中央银行或货币当局履行的职能时，即视为公共实体；且

(g) 自律组织指任何非政府机构，包括任何证券或期货交易所或市场、清算或支付

settlement agency, other organisation or association that:

(i) is recognised as a self-regulatory organisation; and/or

(ii) exercises regulatory or supervisory authority over financial service suppliers or financial institutions in its territory,

by legislation or delegation from central, regional or local governments or authorities.

Article 3
New Financial Services

Each Member State ("Host Member State") shall give due consideration to applications by financial institutions of another Member State established in the territory of the Host Member State to offer in the territory of the Host Member State a new financial service that the Host Member State would permit its own financial institutions, in like circumstances, to supply without adopting a law or modifying an existing law[1].

Where an application is approved, the provision of the new financial service is subject to relevant licensing, institutional or juridical form, or other requirements of the Host Member State.

Article 4
Safeguard Measures

1. Notwithstanding any other provisions of this Agreement, a Member State shall not be prevented from taking

[1] For greater certainty, a Member State may issue a new regulation or other subordinate measure in permitting the supply of the new financial service.

结算机构、其他组织或协会，且该等机构：

(i) 被认可为自律组织；和/或 (ii) 行使监管或监督权

对其领土内的金融服务供应商或金融机构，

通过立法或中央、地区或地方政府或当局的授权。

第三条 新金融服务

各成员国（"东道成员国"）应适当考虑另一成员国金融机构在东道成员国领土内设立的申请，以在东道成员国领土内提供新金融服务，而东道成员国在类似情况下允许其本国金融机构在不通过新法律或修改现有法律[1]的情况下提供该服务。

申请获批后，新金融服务的提供须遵守东道成员国相关的许可、机构或法律形式或其他要求。

第4条 保障措施

1. 尽管有本协议的任何其他条款，成员国不应被阻止采取

[1] 为进一步明确，成员国可在允许提供新金融服务时发布新的监管规定或其他从属措施。

measures for prudential reasons, including for the protection of investors, depositors, policy holders or persons to whom a fiduciary duty is owed by a financial service supplier, or to ensure the integrity and stability of the financial system or to ensure the stability of the exchange rate subject to the following:

(a) where such measures do not conform with the provisions of this Agreement, they shall not be used as a means of avoiding the Member State's commitments or obligations under this Agreement; and

(b) for measures to ensure the stability of the exchange rate such measures shall be no more than necessary and phased out when conditions no longer justify their institution or maintenance and such measures shall be applied on a most-favoured-nation basis.

2. Nothing in this Agreement shall be construed to require a Member State to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

Article 5
Recognition

1. A Member State may recognise prudential measures of any other country or international standard setting bodies in determining how the Member State's measures relating to financial services shall be applied[2]. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement with the

[2] For greater certainty, nothing in Article 11 (Most-Favoured-Nation Treatment) of this Annex shall be construed to require the Member State to accord such recognition to prudential measures of any other Member State.

审慎措施，包括为保护投资者、存款人、保单持有人或金融服务供应商对其负有受托责任的人，或为确保金融体系的完整性和稳定性，或为确保汇率稳定，但须遵守以下规定：

(a) 若此类措施不符合本协定条款，则不得将其用作规避成员国在本协议下承诺或义务的手段；且

(b) 对于确保汇率稳定的措施，此类措施应仅限于必要程度，并在条件不再支持其实施或维持时逐步取消，且此类措施应在最惠国待遇基础上实施。

2. 本协议任何条款不得解释为要求成员国披露与个人客户的事务和账户相关的信息，或公共实体持有的任何机密或专有信息。

第5条 认可

1. 成员国在确定其与金融服务相关的措施应如何适用[2]时，可承认任何其他国家或国际标准制定机构的审慎措施。此类承认可通过协调或其他方式实现，并可基于与

[2] 为进一步明确，本附件第11条（最惠国待遇）中的任何规定均不得解释为要求成员国对其他成员国的审慎措施给予此类承认。

country concerned or international standard setting body or may be accorded autonomously.

2. A Member State that is a party to such an agreement or arrangement referred to in paragraph 1, whether future or existing, shall afford adequate opportunity for other interested Member States to negotiate their accession to such agreement or arrangements, or to negotiate comparable ones with it, under circumstances in which there would be equivalent regulation, oversight, implementation of such regulation, and, if appropriate, procedures concerning the sharing of information between the parties to the agreement or arrangement. Where a Member State accords recognition autonomously, it shall afford adequate opportunity for any other Member State to demonstrate that such circumstances exist.

Article 6
Transparency

1. The Member States recognise that transparent regulations and policies governing the activities of financial service suppliers are important in facilitating access of foreign financial service suppliers to, and their operations in each other's markets. Each Member State commits to promote regulatory transparency in financial services.

2. Each Member State shall ensure that measures of general application adopted or maintained by it are promptly published or otherwise made publicly available. Such information may be published in each Member State's chosen language. Each Member State shall endeavour to publish in English the translation, or summary, or explanation note of such measures of general application. Such publication shall not be used as official translation unless otherwise stated.

3. Each Member State shall, to the extent practicable:

相关国家或国际标准制定机构达成的协议或安排，亦可自主给予。

2. 作为第1款所述协议或安排（无论是未来还是现有）缔约方的成员国，应在具备等效监管、监督、该监管的实施以及（如适用）协议或安排缔约方之间信息共享程序的情况下，为其他有意向的成员国提供充分机会，以谈判加入此类协议或安排，或与其谈判达成类似的协议或安排。若成员国自主给予承认，则应向任何其他成员国提供充分机会，以证明此类情况存在。

第六条 透明度

1. 成员国认识到，规范金融服务供应商活动的透明法规和政策对于促进外国金融服务供应商进入彼此市场并开展业务至关重要。各成员国承诺提升金融服务领域的监管透明度。

2. 各成员国应确保其通过或维持的普遍适用的措施及时公布或以其他方式公开可用。此类信息可以各成员国选择的语言公布。各成员国应尽力以英语公布此类普遍适用措施的翻译、摘要或说明注释。除非另有说明，此类公布不得用作官方翻译。

3. 各成员国应在可行范围内：

(a) publish or make available to interested persons in advance any law and regulation of general application relating to the supply of financial services that it proposes to adopt and the purpose of such law and regulation; and

(b) provide interested persons[3] and other Member States a reasonable opportunity to comment on such proposed laws and regulations.

4. Each Member State's regulatory authorities shall make available to interested persons their requirements, including any documentation required, for completing applications relating to the supply of financial services.

5. On the request of an applicant in writing, the regulatory authority shall inform the applicant of the status of the application. If such authority requires additional information from the applicant, it shall notify the applicant within reasonable time.

6. A regulatory authority shall make an administrative decision on a completed application of an applicant relating to the supply of a financial service within 180 days and shall promptly notify the applicant of the decision. An application shall not be considered complete until all relevant hearings are held and the regulatory authority considers all necessary information is received. Where it is not practicable for a decision to be made within 180days, the regulatory authority shall notify the applicant within a reasonable time and shall endeavour to make the decision within a reasonable time thereafter.

7. On the request of an unsuccessful applicant in writing, a regulatory authority that has denied an application shall

[3] The Member States confirm their shared understanding that interested persons in this Article are persons whose direct financial interest could be potentially affected by the adoption of the laws and regulations of general application.

(a) 提前公布或向相关人士提供其拟采纳的、与金融服务的提供有关的普遍适用性法律法规及此类法律法规的目的；

(b) 为相关人士[3] 及其他成员国提供合理机会，就该等拟议法律法规发表意见。

4. 各成员国监管机构应向相关人士公开其关于完成金融服务提供相关申请的要求，包括所需文件。

5. 应申请人书面请求，监管机构应告知申请人其申请状态。若该机构需申请人补充材料，应在合理时间内通知申请人。

6. 监管机构应在180天内对申请人提交的关于金融服务提供的完整申请作出行政决定，并立即将决定通知申请人。在所有相关听证会举行且监管机构确认收到全部必要信息前，申请不应视为完整。若无法在180天内作出决定，监管机构应在合理时间内通知申请人，并尽力在此后合理时间内作出决定。

7. 应未成功的申请人书面请求，拒绝申请的监管机构应

[3] 成员国确认其共同理解，即本条所述利害关系人是指其直接经济利益可能受到普遍适用法律法规的通过影响的人士。

endeavour to inform the applicant of the reasons for denial of the application.

8. Each Member State shall maintain or establish appropriate mechanisms that will respond to inquiries from interested persons regarding measures of general application covered by this Annex.

9. Each Member State shall take reasonable measures as may be available to it to ensure that the rules of general application adopted or maintained by self-regulatory organisations[4] of the Member State are promptly published or otherwise made publicly available[5].

10. To the extent practicable, each Member State should allow reasonable time between the publication of final regulations and their effective dates.

Article 7
Payment and Clearing Systems

Under terms and conditions that accord national treatment, in accordance with domestic laws and regulations, each Member State shall grant to financial institutions of any other Member State established in the territory of the Host Member State access to payment and clearing systems operated by public entities, and to official funding and refinancing facilities available in the normal course of ordinary business. This paragraph is not intended to confer access to the Member State's lender of last resort facilities.

[4] This paragraph only applies to a Member State when that Member State has established self-regulatory organisations.
[5] For greater certainty, Member States agree that such information may be published in each Member State's chosen language.

尽力告知申请人申请被拒的原因。

8. 各成员国应维持或建立适当机制，以回应利害关系人就本附件所涵盖的普遍适用措施提出的询问。

9. 各成员国应采取其可获得的合理措施，确保该国自律组织[4]制定或维持的普遍适用规则得以及时公布或以其他方式公开可用[5]。

10. 在可行范围内，各成员国应在最终法规公布与其生效日期之间留出合理时间。

第七条 支付和清算系统

根据符合国民待遇的条款和条件，并依据国内法律法规，各成员国应给予任何其他成员国在其东道成员国领土内设立的金融机构接入由公共实体运营的支付和清算系统的权利，以及在正常业务过程中可用的官方融资和再融资设施。本段无意授予成员国最后贷款人便利的准入权。

[4] 本款仅适用于已设立自律组织的成员国。[5] 为更明确起见，成员国同意此类信息可以各成员国选择的语言公布。

Article 8
Self-Regulatory Organisations

If a Member State requires a financial institution of another Member State to be a member of, participate in, or have access to, a self-regulatory organisation to provide a financial service in its territory, the Member State will endeavour to ensure that the self-regulatory organisation observes the obligations of Article 6 (National Treatment) of this Agreement and Article 11 (Most-Favoured-Nation Treatment) of this Annex.

Article 9
Transfer of Information and Processing of Information

1. A Member State shall not take measures that:

   (a) prevent transfers of information, including transfers of data by electronic means, necessary for the conduct of the ordinary business of a financial service supplier;

   (b) prevent the processing of information necessary for the conduct of the ordinary business of a financial service supplier; or

   (c) prevent transfers of equipment necessary for the conduct of the ordinary business of a financial service supplier, subject to importation rules consistent with international agreements.

2. Nothing in Paragraph 1:

   (a) restricts the right of a Member State to protect personal data, personal privacy and the confidentiality of individual records and accounts including in accordance with its domestic laws and regulations as long as such right shall not be used

第8条 自律组织

若一成员国要求另一成员国的金融机构成为自律组织的成员、参与或接入该组织以在其领土内提供金融服务，则该成员国应努力确保该自律组织遵守本协议第六条（国民待遇）及本附件第11条（最惠国待遇）规定的义务。

第9条 信息传输与信息处理

1. 成员国不得采取以下措施：

(a) 阻止金融服务供应商开展正常业务所需的信息传输（包括以电子方式进行的数据传输）；(b) 阻止金融服务供应商开展正常业务所需的信息处理；或(c) 阻止金融服务供应商开展正常业务所需的设备传输，但须遵守与国际协议一致的进口规则。

2. 第1款中的任何规定均不得：

(a) 限制成员国保护个人数据、个人隐私及个人记录和账户保密性的权利（包括依照其国内法律法规行使该权利），只要此项权利不被用作

as a means of avoiding the Member State's commitments or obligations under this Agreement;

(b) prevents a regulator of a Member State, for regulatory or prudential reasons, from requiring a financial service supplier in its territory to comply with domestic regulation in relation to data management[6] and storage and system maintenance, as well as to retain within its territory copies of records; or

(c) shall be construed to require a Member State to allow the cross-border supply or the consumption abroad of services in relation to which it has not made specific commitments, including to allow non-resident suppliers of financial services to supply, as a principal, through an intermediary or as an intermediary, the provision and transfer of financial information and financial data processing as referred to in paragraph (a)(xv) of Article 2 (Definitions) of this Annex.[7]

Article 10
Dispute Settlement

Members of panels established pursuant to Article 34 (Dispute Settlement) of this Agreement for disputes on prudential issues and other financial matters shall have the

[6] For greater certainty, data management includes the local processing obligation of domestic payment transactions.

[7] For greater certainty, where a Member State has not made specific commitments in relation to the cross-border supply or consumption abroad of a service, the Member State shall have the right to take measures that prevent the transfer of information, processing of information or transfer of equipment referred to in paragraph 1 relating to the cross-border supply or consumption abroad of that service by the financial service supplier referred to under paragraph 1. Nevertheless, a Member State shall not avoid its obligations to allow the transfers and processing not relating to any cross-border supply or consumption abroad of a service, which is for the purpose of group oversight and compliance with reporting requirement of another Member State.

规避成员国在本协议下承诺或义务的手段；

(b) 阻止成员国监管机构出于监管或审慎原因，要求其境内的金融服务供应商遵守与数据管理[6] 及存储与系统维护相关的国内法规，并保留其境内的记录副本；或

(c) 不得解释为要求成员国允许跨境提供或境外消费其未作出具体承诺的服务，包括允许非居民金融服务供应商以委托、通过中介或作为中介的方式，提供本附件第二条（定义）第(a)(xv)款所述的金融信息的提供和传输及金融数据处理。[7]

第十条 争端解决

根据本协议第三十四条（争端解决）设立的专家组，负责处理审慎问题及其他金融事务争端，其成员应具备

[6] 为明确起见，数据管理包括国内支付交易的本地处理义务。[7] 为明确起见，若成员国未就某项服务的跨境提供或境外消费作出具体承诺，则该成员国有权采取措施阻止第1款所述的金融服务供应商通过跨境提供或境外消费该服务所涉及的信息传输、信息处理或设备传输。尽管如此，成员国不得规避其义务，允许与任何服务的跨境提供或境外消费无关的传输和处理，此类传输和处理是为了集团监督及遵守另一成员国的报告要求。

necessary expertise relevant to the specific financial service under dispute.

Article 11
Most-Favoured-Nation Treatment

1. Each Member State shall accord to services and service suppliers of another Member State treatment no less favourable than that it accords, in like circumstances, to services and service suppliers of any other Member State.[8]

2. Notwithstanding paragraph 1, after the entry into force of this Agreement, if a Member State concludes or amends an agreement with any Member State or non-Member State, any other Member State may request negotiations with a view to incorporating, under this Agreement, treatment no less favourable than that provided under that agreement. The requested Member State shall enter into negotiations with the requesting Member State. Any extension of such preferential treatment to the remaining Member States on a Most-Favoured-Nation basis shall be voluntary on the part of that requested Member State.

3. Any Member State may maintain a measure inconsistent with paragraph 1 provided that such a measure is listed in, and meets the conditions of, its List of Most-Favoured-Nation Exemptions.

4. The provisions of this Agreement shall not be construed as to prevent any Member State from conferring or according advantages to adjacent countries in order to facilitate exchanges limited to contiguous frontier zones of services that are both locally produced and consumed.

[8] For greater certainty, the obligations in paragraphs 1 and 3 apply only to the financial services commitments under the Final AFAS Packages, excluding the commitments under the ASEAN Banking Integration Framework (ABIF).

与争议所涉具体金融服务相关的必要的专业知识。

第11条 最惠国待遇

1. 每一成员国给予其他成员国的服务和服务供应商的待遇，在类似情况下，不得低于其给予任何其他成员国的服务和服务供应商的待遇。[8]

2. 尽管有第1款的规定，在本协议生效后，如一成员国与任何成员国或非成员国缔结或修订协议，任何其他成员国可请求进行谈判，以期在本协议下纳入不低于该协议所提供待遇的优惠待遇。被请求的成员国应与请求的成员国进行谈判。在最惠国待遇基础上将此类优惠待遇扩展至其余成员国，应由被请求成员国自愿决定。

3. 任何成员国可维持与第1款不一致的措施，只要该措施已列入其最惠国待遇豁免清单并符合清单所列条件。

4. 本协定条款不得解释为阻止任何成员国为便利仅限于毗邻边境地区、且在当地生产和消费的服务的交易所，而向邻国授予或给予优惠待遇。

[8] 为更加明确起见，第1款和第3款中的义务仅适用于最终AFAS一揽子计划下的金融服务承诺，不包括东盟银行一体化框架（ABIF）下的承诺。

Article 12
Arrangements to Expedite Financial Integration

1. Two or more Member States may conduct negotiations and agree to liberalise trade in services for specific sectors or sub-sectors ("the participating Member States"). Any extension of such preferential treatment to the remaining Member States on a Most-Favoured-Nation basis shall be voluntary on the part of the participating Member States.

2. The participating Member States shall keep the remaining Member States informed through the ASEAN Secretariat of the progress or result of the negotiations, including the scheduling of commitments for the specific sectors or sub-sectors concerned. Member States wishing to join any on-going negotiations among the participating Member States may do so in consultation with the participating Member States.

3. Any Member State which is not a party to any agreement made pursuant to paragraph 1 may accede to such an agreement subject to consent of the participating Member States.

4. The participating Member States can further refine the parameters for specific sectors or sub-sectors to be committed as may be mutually agreed by all participating Member States for the purpose of further liberalisation of trade in services.

5. All agreements made pursuant to paragraph 1 shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each participating Member State and notifying the same to the other Member States.

第十二条 加快金融一体化的安排

1. 两个或多个成员国可进行谈判，并同意对特定部门或分部门（“参与成员国”）的服务贸易实行自由化。此类优惠待遇以最惠国待遇基础扩展至其余成员国，应基于参与成员国的自愿。

2. 参与成员国应通过东盟秘书处向其他成员国通报谈判进展或结果，包括相关具体部门或分部门的承诺时间表。希望加入参与成员国之间任何正在进行的谈判的成员国，可在与参与成员国协商后加入。

3. 非第1款所述协议缔约方的任何成员国，经参与成员国同意，可加入该协议。

4. 为进一步实现服务贸易自由化，参与成员国可对所有参与成员国共同商定的待承诺具体部门或分部门的参数作进一步细化。

5. 根据第1款达成的所有协议均应提交东盟秘书长保存，秘书长应立即向各参与成员国提供其认证副本，并通知其他成员国。

Article 13
Market Access for Financial Institutions[9]

With respect to market access of a financial institution of another Member State through Mode 3: commercial presence as identified in Article 1 (Scope) of this Annex, unless otherwise specified in its Schedules of Non-Conforming Measures, a Member State shall not maintain or adopt, either on the basis of a regional subdivision or on the basis of its entire territory, measures that:

1. impose limitations on:

   (a) the number of financial institutions whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;

   (b) the total value of financial service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

   (c) the total number of financial service operations or the total quantity of financial service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test[10];

   (d) the total number of natural persons that may be employed in a particular financial service sector or that a financial institution may employ and who are necessary for, and directly related to, the supply of a specific financial service in the form of numerical quotas or the requirement of an economic needs

[9] A member state commits to allow transfers of capital into its territory if such transfers of capital are related to its market-access commitments with respect to financial institutions under this Article

[10] Subparagraph (a)(iii) does not cover measures of a Member State which limit inputs for the supply of financial services.

第十三条 金融机构的市场准入[9]

关于另一成员国金融机构通过本附件第1条（范围）所述模式3：商业存在实现的市场准入，除非其不符措施承诺表中另有规定，成员国不得基于区域细分或全部领土维持或采取以下措施：

1. 对以下方面实施限制：

   (a) 金融机构的数量，无论是通过数量配额、垄断、独家服务供应商的形式，还是通过经济需求测试的要求；(b) 金融服务交易总额或资产的形式，通过数量配额或经济需求测试的要求；(c) 金融服务业务的总数或金融服务产出的总量，以指定数量单位的形式表示，通过配额或经济需求测试的要求[10]；(d) 可以雇佣的自然人总数

   受雇于特定金融服务部门或金融机构可雇佣的人员，且这些人员对于以数量配额形式提供特定金融服务或经济需求测试要求是必要且直接相关的，

[9] 成员国承诺允许资本转移进入其领土，如果此类资本转移与其在本条下对金融机构的市场准入承诺相关[10]第(a)(iii)项不涵盖成员国限制金融服务供应投入的措施。

test;

(e) the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment

2. restrict or require specific types of legal entity or joint venture through which a financial institution may supply a service

Article 14
Cross-Border Supply of Financial Services[11]

1. Each Member State shall permit, under terms and conditions that accord national treatment, cross-border financial service suppliers of another Member State to supply the financial services specified in Annex on (Cross-Border Supply of Financial Services).[12]

2. Each Member State shall permit persons located in its territory, and its nationals wherever located, to purchase financial services from cross-border financial service suppliers of another Member State located in the territory of a Member State other than the permitting Member State. This obligation does not require a Member State to permit those suppliers to do business or solicit in its territory. A Member State may define “doing business” and “solicitation” for the purposes of this obligation provided that those definitions are not inconsistent with paragraph 1.

[11] For greater certainty, this would apply upon transition to negative list. Schedules for Non-Conforming Measures for Financial Services only refer to Article 6 (National Treatment) and Article 10 (Senior Management and Board of Directors) of this Agreement and Article 13 (Market Access) and Article 14 (Cross-Border Supply of Financial Services) of this Annex.

[12] In relation to a cross-border financial service supplier supplying a financial service specified in a Member State's Annex [XX] (Cross-Border Supply in Financial Services) and if the cross-border movement of capital is an essential part of the service itself, that Member State commits to allow such movement of capital.

测试；

(e) 外资参与形式，包括外资持股的最高百分比限制或单个或合计外国投资总值的上限

2. 限制或要求金融机构通过特定类型的法人实体或合资企业提供服务

第十四条 金融服务的跨境提供[11]

1. 各成员国应在符合国民待遇的条款和条件下，允许另一成员国的跨境金融服务供应商提供《金融服务跨境提供附件》中规定的金融服务。[12]

2. 各成员国应允许位于其领土内的人及其国民（无论位于何处）从另一成员国位于非许可成员国领土内的跨境金融服务供应商处购买金融服务。此项义务不要求成员国允许这些供应商在其领土内开展业务或招揽业务。成员国可为本义务之目的定义“开展业务”和“招揽”，只要这些定义与第1款不相抵触。

[11] 为进一步明确，本条款将在过渡至负面清单时适用。《金融服务不符措施清单》仅涉及本协议第六条（国民待遇）和第十条（高级管理人员和董事会）以及本附件第十三条（市场准入）和第十四条（金融服务的跨境提供）。[12] 对于跨境金融服务供应商提供某成员国附件 [XX] （金融服务跨境提供）中规定的金融服务，且资本跨境流动是该服务本身的重要组成部分时，该成员国承诺允许此类资本流动。

3. Without prejudice to other means of prudential regulation of cross-border supply of financial services, a Member State may require the registration or authorisation of cross-border financial service suppliers of another Member State and of financial instruments.

Article 15
Local Presence

Article 9 (Local Presence) in this Agreement shall not be applied to the supply of financial services.

3. 在不影响对金融服务的跨境提供实施审慎监管的其他手段的情况下，成员国可要求另一成员国的跨境金融服务供应商及金融工具进行注册或授权。

第15条 本地存
在

本协议第9条（本地存在）不适用于金融服务的提供。