

1999 PROTOCOL 4 TECHNICAL REQUIREMENTS OF VEHICLES

Adopted in Hanoi, Vietnam on 15 September 1999

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The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, Union of Myanmar, 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 Southeast Asian Nations (hereinafter referred to as "**Contracting Parties**");

RECALLING the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Vietnam (hereinafter referred to as "**the Agreement**");

RECOGNISING that Articles 11 and 25 of the Agreement provide for the conclusion of implementing Protocols which shall form integral parts thereof;

RECALLING further the Hanoi Plan of Action which was adopted by the Heads of State and Government of ASEAN at the Sixth ASEAN Summit in Hanoi, Vietnam on 16 December 1998 stipulates to operationalise the Agreement by the year 2000;

NOW, WHEREFORE, the Contracting Parties have agreed as follows:

ARTICLE 1 DEFINITIONS

For the purposes of this Protocol,

- a) "Transit transport" shall have the meaning assigned to it in the Agreement;
- b) "Road transit transport vehicle" shall have the meaning assigned to it in Protocol 3;
- c) "Protocol 3" means Protocol 3 – Types and Quantity of Road Vehicles made pursuant to the Agreement;
- d) "wheelbase" means the distance between the centre line of the first axle and the centre of the rear tandem axle of three axled rigid motor vehicle, and
- e) "maximum permissible gross vehicle weight" means the maximum permissible weight of a wheeled vehicle, including the weight of its driver and any other person on board, and any load carried on it or by it, transmitted to the road at any given moment through all the wheels of the wheeled vehicle.

ARTICLE 2 SCOPE OF APPLICATION

Pursuant to Article 11 of the Agreement, the Contracting Parties hereby agree to apply the provisions of this Protocol to road transit transport vehicles engaging in transit transport.

ARTICLE 3 OBLIGATIONS

1. The Contracting Parties shall ensure that each road transit transport vehicle shall be registered with the respective National Transit Transport Coordinating Committee (NTTCC) of which the transit transport operator is registered in compliance with Protocol 3.
2. The Contracting Parties shall ensure that each road transit transport vehicle complies with the technical requirements regarding vehicle dimensions, maximum weights and loads, emission standards and related matters as detailed in this Protocol.

ARTICLE 4 MANDATORY TECHNICAL REQUIREMENTS

1. The road transit transport vehicle to which this Protocol applies shall not be allowed to engage in transit transport unless the following technical requirements are fulfilled:
 - a) Maximum Vehicle Dimensions, viz:
 - i) Maximum length of vehicle as detailed in Annexes A and B;
 - ii) Maximum width of vehicles as detailed in Annex C;
 - iii) Maximum height of vehicles as detailed in Annex D; and
 - iv) Rear overhang as detailed in Annex E.
 - b) Maximum Permissible Gross Vehicle Weight as detailed in Annex F.
 - c) Emission Standards as follows:

Exhaust emission (smoke) – 50% (Opacity or Bosch unit) or 50 HSU; and
 - d) Other related requirements, viz:
 - i) Brake Efficiency: 50% of the axle weight and
 - ii) Side Slips: plus (+) or minus (-) 5 m/km.
2. The Contracting Parties hereby agree to standardise the above Technical Requirements for this Protocol but considering the present road conditions in some Contracting Parties, it was agreed that necessary arrangements be made to share updated information concerning designated roads periodically among Contracting Parties and accordingly use only suitable vehicle appropriate to those road conditions at the early stages of implementation of this Protocol. At the same time, the Contracting Parties hereby affirm their determination to upgrade their designated road transit transport network with every possible efforts to accommodate vehicles with the above Technical Requirements.

ARTICLE 5 DOCUMENTATION

1. The following documents shall be carried on a road transit transport vehicle at all times when it is in the territory of the relevant Contracting Party across whose territory the road transit transport vehicle passes:
 - a) Motor Vehicle Registration Certificate containing the particulars of the vehicle and the owner;
 - b) Valid Certificate of Inspection;
 - c) Motor Vehicle Third Party Liability Insurance Cover;
 - d) Consignment Note/Waybill;
 - e) Custom Transit Document for the Goods; and
 - f) Carrier's Licence.
2. All documents as mentioned above shall be made available for inspection upon demand by the relevant authorities of the Contracting Parties across whose territory the transit transport vehicle passes.
3. Any document which is determined to be invalid by the designated authorities or agencies of the Contracting Party or by any person authorized or licensed by the Contracting Party, or is rendered invalid pursuant to the laws of the Contracting Party, which issued that document, or is expired, shall not be recognized for the purposes of this Agreement.
4. Any document if not drawn up in English shall be accompanied by a certified translation in English issued by the relevant competent authority.

ARTICLE 6 DISTINGUISHING MARKS

A road transit transport vehicle shall display at the rear of the vehicle, at all times when it is in the territory of another Contracting Party, detachable stickers representing the internationally recognised and designated insignia of the Contracting Party of which the vehicle is registered.

ARTICLE 7 INSTITUTIONAL ARRANGEMENTS

1. The ASEAN Senior Transport Officials Meeting shall be the responsible body for the monitoring, review, coordination and supervision of all aspects relating to the effective implementation of this Protocol.
2. The ASEAN Senior Transport Officials Meeting shall submit, through the ASEAN Secretariat, regular reports of the progress of implementation of this Protocol to the Transit Transport Coordinating Board, established pursuant to Article 29.2 of the Agreement, for further action.

3. The ASEAN Secretariat shall provide the necessary technical support and assistance to the ASEAN Senior Transport Officials Meeting in its functions and responsibilities under this Protocol.

ARTICLE 8 FINAL PROVISIONS

1. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Contracting Party.
2. This Protocol and its Annexes shall form an integral part of the Agreement.
3. This Protocol is subject to ratification or acceptance by the Contracting Parties. The Instrument of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly inform each Contracting Party of such deposit.
4. This Protocol shall enter into force upon the deposit of Instruments of Ratification or Acceptance by all Contracting Parties with the Secretary-General of ASEAN.
5. Any amendment to the provisions of this Protocol and its Annexes shall be effected by consent of all the Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized to sign by their respective Governments, have signed Protocol 4 – Technical Requirements of Vehicles to implement the ASEAN Framework Agreement on the Facilitation of Goods in Transit.

DONE at Hanoi, Vietnam on the 15th day of September 1999, in a single copy in the English language.

For the Government of Brunei Darussalam: **PEHIN DATO HAJI ZAKARIA SULAIMAN**, Minister of Communications

For the Government of the Kingdom of Cambodia: **KAY TAINGLIM**, Minister of Public Works and Transport

For the Government of the Republic of Indonesia: **ANWAR SUPRIJADI**, Secretary General, Ministry of Communications

For the Government of the Lao People's Democratic Republic: **PHAO BOUNNAPHOL**, Minister of Communication, Transport, Post and Construction

For the Government of Malaysia: **DATO' SERI DR. LING LIONG SIK**, Minister of Transport

For the Government of the Union of Myanmar: **MAJ. GEN. HLA MYINT SWE**, Minister of Transport

For the Government of the Republic of the Philippines: **VICENTE C. RIVERA, JR.**, Secretary of Transportation and Communications

For the Government of the Republic of Singapore: **YEO CHEOW TONG**, Minister for Communications and Information Technology

For the Government of the Kingdom of Thailand: **SUTHEP THAUGSUBAN**, Minister of Transport and Communications

For the Government of the Socialist Republic of Vietnam: **LE NGOC HOAN**, Minister of Transport