

2009 ASEAN FRAMEWORK AGREEMENT ON THE FACILITATION OF INTER-STATE TRANSPORT

Signed in Manila, the Philippines on 10 December 2009

PREAMBLE.....	3
Article 1 Objectives.....	3
Article 2 Principles.....	4
PART I GENERAL PROVISIONS.....	4
Article 3 Definitions.....	4
Article 4 Scope of Application	5
Article 5 Grant of Rights	5
PART II DESIGNATION OF INTER-STATE TRANSPORT ROUTES AND FRONTIER POSTS ...	6
Article 6 Inter-State Transport Routes and Facilities	6
Article 7 Frontier Posts and Facilities.....	6
PART III GENERAL CONDITIONS FOR ROAD TRANSPORT	7
Article 8 Traffic Regulations	7
Article 9 Inter-State Transport Services	7
Article 10 Road Transport Permits	7
Article 11 Technical Requirements of Road Vehicles	7
Article 12 Mutual Recognition of Inspection Certificates.....	8
Article 13 Mutual Recognition of Driving Licenses.....	8
Article 14 ASEAN Scheme of Compulsory Motor Vehicle Insurance	8
Article 15 Charges and Other Financial Obligations	8
Article 16 Temporary Admission of Road Vehicles.....	8
PART IV CUSTOMS CONTROL, SANITARY AND PHYTOSANITARY MEASURES.....	9
Article 17 Harmonisation and Simplification of Customs Procedures.....	9
Article 18 Establishment of Sanitary and Phytosanitary Measures	9
PART V MISCELLANEOUS PROVISIONS	9

Article 19 Special Provisions On Inter-State Transport of Dangerous Goods	9
Article 20 Special Provision on Transport of Prohibited and/or Restricted Goods	9
Article 21 Special Provision On Inter-State Transport of Perishable Goods	9
Article 22 Provision of Greater Facilities	10
Article 23 Domestic Legislation	10
Article 24 Compliance with National Laws	10
Article 25 Transparency	10
Article 26 Assistance for Traffic Accidents	11
PART VI INSTITUTIONAL ARRANGEMENTS.....	11
Article 27 Institutional Arrangements	11
PART VII FINAL CLAUSES	11
Article 28 Dispute Settlement.....	11
Article 29 Other Agreements in Force.....	12
Article 30 Implementation Agreements	12
Article 31 Final Provisions	12

2009 ASEAN FRAMEWORK AGREEMENT ON THE FACILITATION OF INTER-STATE TRANSPORT

Signed in Manila, the Philippines on 10 December 2009

PREAMBLE

The Members of the Association of Southeast Asian Nations (hereinafter referred to as **Contracting Parties**);

RECOGNISING the importance of facilitating inter-state transport of goods to support greater trade and bring about closer economic integration;

NOTING that nations in the region have taken steps bilaterally and multilaterally to facilitate inter-state transport;

RECALLING ASEAN Transport Action Plan 2005-2010 with a policy direction to operationalise the ASEAN Framework Agreements on the Facilitation of Goods in Transit, Inter-State Transport and Multimodal Transport in order to create an integrated and efficient logistics and multimodal transportation system for cargo movement between logistics bases and trade centers within and beyond ASEAN.

RECALLING also the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed in Ha Noi on 16 December 1998 which, inter alia, provides for inter-state transport to be agreed upon by all Contracting Parties;

RECALLING further paragraph 3 of Article I of the Framework Agreement on Enhancing ASEAN Economic Cooperation signed on 28 January 1992 in Singapore, that in the implementation of economic arrangements, two or more Member Countries may proceed first if other Member Countries are not ready to implement these arrangements;

DESIRING to establish an effective, efficient, integrated and harmonized regional transport system that addresses all aspects of inter-state transport;

UNDERTAKING to encourage and facilitate inter-state traffic among the Contracting Parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1 OBJECTIVES

The objectives of this Agreement are:

- a) to facilitate inter-state transport of goods between and among the Contracting Parties, to support the implementation of the ASEAN Free Trade Area, and to further integrate the region's economies;
- b) to simplify and harmonise transport, trade and customs regulations and requirements for the purpose of facilitation of inter-state transport of goods; and

c) to work in concert towards establishing an effective, efficient, integrated and harmonized regional transport system that addresses all aspects of inter-state transport.

Article 2 PRINCIPLES

The Contracting Parties shall be guided by the following principles under this Agreement:

- a) Most Favoured Nation Treatment: Contracting Parties shall accord to inter-state transport between the territories of any other Contracting Parties treatment no less favourable than the treatment accorded to inter-state transport between any other country;
- b) Consistency: Contracting Parties shall ensure the consistent application of the relevant laws and regulations, procedures, and administration guidelines and other rulings within each Contracting Party;
- c) Simplicity: Contracting Parties shall endeavour to ensure the simplification of all inter-state transport procedures and requirements in ASEAN;
- d) Transparency: Contracting Parties shall make all laws, regulations, procedures and administrative notifications pertaining to the relevant authorities publicly available in a prompt, transparent and readily accessible manner;
- e) Efficiency: Contracting Parties shall ensure the efficient and effective administration of inter-state transport to facilitate the movement of goods into and/or from the Contracting Parties;
- f) Appeals: Contracting Parties shall ensure that an effective mechanism for the review of the decisions by the relevant authorities of Contracting Parties is made available and accessible to users and providers of inter-state transport within ASEAN; and
- g) Mutual Assistance: Contracting Parties shall endeavour their utmost cooperation and mutual assistance between the concerned agencies involved in the facilitation of inter-state transport in ASEAN.

PART I GENERAL PROVISIONS

ARTICLE 3 DEFINITIONS

For the purposes of this Agreement:

- (a) "Cabotage" means the carriage of goods loaded in the territory of a Contracting Party for unloading at a place within the territory of the same Contracting Party;
- (b) "Competent National Body" means the body designated by each Member Country for the registration of inter-state transport operators;

(c) "Dangerous goods" means those substances and article which may affect the interest of environment, health, safety and national security;

(d) "Host Contracting Party" means the Contracting Party where transport is performed;

(e) "Inter-state transport" means transport of goods and the movement of means of transport into and/or from Contracting Parties;

(f) "Means of transport" means road vehicles, including those on-board roll-on/roll-off vessels;

(g) "Perishable goods" means goods that are easily damaged under the influence of time, temperature or transport movement if they are not carried in good condition. These may include fresh, chilled or frozen fish, crustacean, molluscs, fruits, vegetables, chilled or frozen meat or poultry, dairy and dairy products, eggs and egg products, and swine and pork products;

(h) "Secretary-General" means Secretary-General of the Association of Southeast Asian Nations, and

(i) "Transport Operator" means owners, drivers, and/or agents of road transport vehicles who i) have the appropriate national permit or license to operate inter-state transport services and who have a proven compliance record to the rules and procedures under said permit or license; and ii) are duly registered as inter-state transport operators by the respective Competent National Body or the National Transit Transport Coordinating Committee (NTTCC) among the Contracting Parties.

ARTICLE 4 SCOPE OF APPLICATION

The provisions of this Agreement shall apply to inter-state transport. Cabotage is not covered by this Agreement.

ARTICLE 5 GRANT OF RIGHTS

1. Subject to the provisions of this Agreement, each Contracting Party shall grant to other Contracting Parties the right to inter-state transport by:
 - a) allowing transport operators duly established in one Contracting Party to undertake transport of goods into and/or from the territories of other Contracting Parties; and
 - b) granting the right to load and discharge goods destined for or coming from Contracting Parties.
2. The Contracting Parties shall endeavour to provide facilities for inter-state transport in accordance with the provisions of this Agreement.
3. Inter-state transport, provided that it complies with the relevant laws and rules of the host Contracting Party, shall not be subject to any unnecessary delays or restrictions.

PART II DESIGNATION OF INTER-STATE TRANSPORT ROUTES AND FRONTIER POSTS

ARTICLE 6 INTER-STATE TRANSPORT ROUTES AND FACILITIES

1. The Contracting Parties agree that the list of transit transport routes as specified in the Annex of Protocol 1: Designation of Transit Transport Routes and Facilities, under the ASEAN Framework Agreement on Facilitation of Goods in Transit, signed at Bangkok on 8 February 2007, shall be the designated inter-state transport routes and facilities for the purpose of this Agreement.
2. The Contracting Parties may initiate proposals for the modifications and/or expansion of the designated inter-state transport routes from time to time. Any proposed modifications/changes by one Contracting Party shall be with the mutual agreement of the immediate neighbouring Contracting Party or Parties. Subsequent amendments shall be deposited with the Secretary-General of ASEAN.
3. For the benefit of safety, the Contracting Parties shall endeavour to provide in their territories vehicle rest areas on these designated routes at appropriate intervals.

ARTICLE 7 FRONTIER POSTS AND FACILITIES

1. The Contracting Parties agree that the frontier posts as specified in Protocol 2: Designation of Frontier Posts, under the ASEAN Framework Agreement on Facilitation of Goods in Transit, shall be the designated frontier posts for the purpose of inter-state transport under this Agreement.
2. The Contracting Parties may initiate proposals for the modifications and/or expansion of the designated frontier posts from time to time. Any proposed modifications/changes by one Contracting Party shall be with the mutual agreement of the immediate neighbouring Contracting Party or Parties. Subsequent amendments shall be deposited with the Secretary-General of ASEAN.
3. The Contracting Parties shall provide adequate facilities and related installations at frontier posts over the inter-state transport routes.
4. The Contracting Parties shall endeavour to:
 - (a) Provide, whenever possible, and within their national jurisdiction, frontier posts which are physically adjacent to those of other Contracting Parties concerned with control areas with checking requirements in order to facilitate the clearance and examination of the means of transport and goods under this Agreement, so that repeated unloading and reloading of these goods may be avoided. Nothing shall prevent two or more Contracting Parties from conducting joint examination at the same place by officials of these Contracting Parties;
 - (b) Ensure that adequate manpower resources are made available for the speedy completion and clearance of frontier formalities, such as immigration, customs, health and foreign exchange controls;
 - (c) Coordinate working hours of adjacent posts; and

(d) Provide, wherever possible, adequate parking space for containers and for vehicles awaiting goods clearance.

5. The Contracting Parties agree to be guided, wherever possible, by the provisions of the International Convention on Harmonization of Frontier Control of Goods, signed at Geneva on 21 October 1982, in their efforts to harmonize frontier facilities for goods transported under this Agreement.

PART III GENERAL CONDITIONS FOR ROAD TRANSPORT

ARTICLE 8 TRAFFIC REGULATIONS

The Contracting Parties shall endeavour to take appropriate measures to ensure the harmonization of road traffic regulations in force in their territories conform in substance to the provisions of the Convention on Road Traffic, signed at Vienna on 8 November 1968, and the Convention on Road Sign and Signals, signed at Vienna on 8 November 1968.

ARTICLE 9 INTER-STATE TRANSPORT SERVICES

1. Each Contracting Party shall allow the use of means of transport registered in other Contracting Parties to provide inter-state transport services on its territory in accordance with Article 5 of this Agreement.
2. The Contracting Parties agree that the number of inter-state transport vehicles allowed to be used for inter-state transport shall be no more than five hundred (500) vehicles per Contracting Party. Thereafter, the number of inter-state transport vehicles shall be discussed from time to time between the Contracting Parties.
3. Except for the provisions relating to the number of road transit transport vehicles as provided for in Article 4 of Protocol 3: Types and Quantity of Road Vehicles, under the ASEAN Framework Agreement on Facilitation of Goods in Transit, signed at Ha Noi on 15 September 1999, the principles as specified in the said Protocol shall apply to this Agreement.

ARTICLE 10 ROAD TRANSPORT PERMITS

The Contracting Parties undertake to harmonise road transport permit requirements in order to facilitate inter-state transport.

ARTICLE 11 TECHNICAL REQUIREMENTS OF ROAD VEHICLES

Means of transport used in inter-state transport shall conform to the technical requirements regarding vehicle dimensions, maximum weights and loads, emissions standards and related matters as specified in Protocol 4: Technical Requirements of Vehicles, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Ha Noi on 15 September 1999.

ARTICLE 12
MUTUAL RECOGNITION OF INSPECTION CERTIFICATES

1. The Contracting Parties undertake to institute periodic inspection of road vehicles registered in their respective territories and used for inter-state transport.
2. The Contracting Parties shall recognize periodic inspection certificates of road vehicles used for inter-state transport issued by the other Contracting Parties, in accordance with the Agreement on the Recognition of Commercial Vehicle Inspection Certificates for Goods Vehicles and Public Services Vehicles Issued by ASEAN Member Countries signed at Singapore on 10 September 1998.

ARTICLE 13
MUTUAL RECOGNITION OF DRIVING LICENSES

The Contracting Parties shall recognize domestic driving licenses issued by all other Contracting Parties for the purpose of inter-state transport in accordance with the Agreement on the Recognition of Domestic Driving Licenses Issued by ASEAN Countries signed at Kuala Lumpur on 9 July 1985.

ARTICLE 14
ASEAN SCHEME OF COMPULSORY MOTOR VEHICLE INSURANCE

1. Motor vehicles travelling to the territory of other Contracting Parties shall comply with the compulsory motor vehicle insurance required in the host Contracting Party.
2. The Contracting Parties agree to conform to the scheme of compulsory motor vehicle insurance as specified in Protocol 5: ASEAN Scheme of Compulsory Motor Vehicle Insurance, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Kuala Lumpur on 8 April 2001.

ARTICLE 15
CHARGES AND OTHER FINANCIAL OBLIGATIONS

The Contracting Parties shall endeavour to simplify, consolidate and harmonise charges and other financial obligations which are levied on the means of transport.

ARTICLE 16
TEMPORARY ADMISSION OF ROAD VEHICLES

For the purpose of this Agreement, the Contracting Parties shall grant temporary admission to road vehicles (and the fuel contained in its supply tanks, its lubricants, maintenance supplies, and spare parts in reasonable quantities) registered in the territory of another Contracting Party, without payment of import duties and import taxes, without depositing a Customs' guarantee bond and free of import prohibitions and restrictions, subject to re-exportation and other related conditions.

PART IV CUSTOMS CONTROL, SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 17 HARMONISATION AND SIMPLIFICATION OF CUSTOMS PROCEDURES

1. The Contracting Parties shall simplify and whenever possible harmonise the customs control procedures of inter-state transport to ensure compliance with the laws and regulations which the Customs are responsible for enforcing.
2. The Contracting Parties shall facilitate joint customs inspection, wherever possible, of inter-state transport at their designated frontier points.

ARTICLE 18 ESTABLISHMENT OF SANITARY AND PHYTOSANITARY MEASURES

The Contracting Parties agree to establish sanitary and phytosanitary measures as specified in Protocol 8: Sanitary and Phytosanitary Measures, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Phnom Penh on 27 October 2000, to facilitate inter-state transport of goods into and/or from their territories and ensure compliance with the laws and regulations which the relevant authorities are responsible for enforcing.

PART V MISCELLANEOUS PROVISIONS

ARTICLE 19 SPECIAL PROVISIONS ON INTER-STATE TRANSPORT OF DANGEROUS GOODS

The Inter-State Transport of Dangerous Goods shall not be permitted under this Agreement, unless there is a special permit of the Contracting Party in whose territory the transport is undertaken, as specified in Protocol 9: Dangerous Goods, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Jakarta on 20 September 2002.

ARTICLE 20 SPECIAL PROVISION ON TRANSPORT OF PROHIBITED AND/OR RESTRICTED GOODS

The Inter-State Transport of prohibited and/or restricted goods shall not be permitted under this Agreement.

ARTICLE 21 SPECIAL PROVISION ON INTER-STATE TRANSPORT OF PERISHABLE GOODS

Subject to the provisions of this Agreement, the Contracting Parties shall endeavour to facilitate inter-state transport of perishable goods.

**ARTICLE 22
PROVISION OF GREATER FACILITIES**

This Agreement does not entail in any way the withdrawal of facilities which are greater than those provided for in this Agreement as long as the terms and conditions are consistent with the principles embodied in this Agreement. This Agreement also does not preclude the granting of greater facilities which may be agreed between Contracting Parties in the future.

**ARTICLE 23
DOMESTIC LEGISLATION**

1. Unless otherwise provided for by this Agreement, the domestic laws and regulations of the Contracting Parties relating to transport of goods, shall apply equally and without discrimination to inter-state transport.
2. The Contracting Parties shall endeavour to harmonise and simplify their rules, regulations and administrative procedures relating to inter-state transport in accordance with the provisions of this Agreement.

**ARTICLE 24
COMPLIANCE WITH NATIONAL LAWS**

Except where otherwise provided in Agreements between the Contracting Parties, including this Agreement:

- (a) means of transport of one Contracting Party including persons and goods shall, when in the territory of the other Contracting Party, comply with national laws and regulations in force in that territory;
- (b) neither of the Parties shall impose on persons or goods of the other Contracting Party requirements which are more restrictive than those applied by its national laws and regulations on its own means transport; and
- (c) the host Contracting Party may temporarily or permanently deny access to its territory to a person, driver, transport operator, means of transport that has infringed national laws and regulations or this Agreement.

**ARTICLE 25
TRANSPARENCY**

1. The Contracting Parties shall ensure transparency of their respective laws, regulations and administrative procedures which affect the facilitation of inter-state transport of goods under this Agreement and its Protocols.
2. For this purpose, all Contracting Parties shall deposit with the ASEAN Secretariat, not later than six months after this Agreement has entered into force, their aforementioned laws, regulations and administrative procedures.
3. If the aforementioned documents are not in the English language, their English translation shall also be deposited within one year after this Agreement has entered into force.

ARTICLE 26
ASSISTANCE FOR TRAFFIC ACCIDENTS

Should the means of transport of one Contracting Party including persons and goods be involved in traffic accidents in the territory of another Contracting Party, the latter shall provide all possible assistance to the means of transport, including persons and goods, and notify the appropriate authorities of the Contracting Party concerned as soon as possible.

PART VI
INSTITUTIONAL ARRANGEMENTS

ARTICLE 27
INSTITUTIONAL ARRANGEMENTS

1. The National Transit Transport Coordinating Committee, established under Article 29 of the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed in Ha Noi on 16 December 1998, of each Contracting Party shall also be responsible for the coordination and implementation of this Agreement.
2. The Transit Transport Coordinating Board, established under Article 29 of the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed in Ha Noi on 16 December 1998, shall also oversee the overall coordination and implementation of this Agreement. The Board is further authorized to invite and seek the assistance of other relevant ASEAN coordinating bodies, for all matters related to the implementation of this Agreement.
3. The Transit Transport Coordinating Board shall make periodic reports on the implementation of this Agreement, and seek appropriate guidance on significant issues as necessary, from the relevant ASEAN Ministerial bodies.
4. The ASEAN Secretariat shall assist the Transit Transport Coordinating Board in its functions and responsibilities under this Agreement, and in particular, in the monitoring and reporting of the progress of the implementation of this Agreement. The ASEAN Secretariat shall submit evaluation reports to the Transit Transport Coordinating Board, for further action.

PART VII
FINAL CLAUSES

ARTICLE 28
DISPUTE SETTLEMENT

The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on the 29th day of November 2004 and any amendment thereto, shall apply to disputes arising under this Agreement.

**ARTICLE 29
OTHER AGREEMENTS IN FORCE**

This Agreement or any actions taken thereto shall not affect the rights and obligations of the Contracting Parties under any existing agreements or International Conventions to which they are also Contracting Parties

**ARTICLE 30
IMPLEMENTATION AGREEMENTS**

1. In the implementation of this Agreement, or more Contracting Parties who are ready can negotiate, conclude and sign implementing agreements/arrangements in line with the ASEAN-X Formula, on a plurilateral, multilateral or sub-regional basis. The other Contracting Parties can join in the implementation when they are ready.
2. The Protocols under the ASEAN Framework Agreement on Facilitation of Goods in Transit which are referred to under this Agreement, and any amendments to such Protocols, shall apply mutatis mutandis to inter-state transport under this Agreement. Such Protocols, and any amendments thereto, shall be regarded as an integral part of this Agreement.
3. With respect to each Contracting Party, the effect of those Protocols for this Agreement shall be from the date of depositing the Instrument of Ratification or Acceptance of those Protocols or the date of depositing the Instrument of Ratification or Acceptance of this Agreement with the Secretary-General of ASEAN, whichever is later.

**ARTICLE 31
FINAL PROVISIONS**

1. This Agreement is subject to ratification or acceptance by the Contracting Parties.
2. 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.
3. This Agreement shall enter into force upon the thirtieth day after the deposit of the second Instrument of Ratification or Acceptance, and shall be effective only among the Contracting Parties who have ratified or accepted it. For each Contracting Party ratifying or accepting this Agreement after the deposit of the second Instrument of Ratification or Acceptance, this Agreement shall enter into force on the thirtieth day after the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.
4. No reservation may be made to this Agreement either at the time of signature, ratification or acceptance.
5. Any amendment to the provisions of this Agreement shall be effected by consent of all Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized to sign by their respective Governments, have signed this ASEAN Framework Agreement on the Facilitation of Inter-State Transport.

DONE at Manila, Philippines, this 10th Day of December in the Year Two Thousand and Nine in a single original copy in the English Language.

For Brunei Darussalam: **PEHIN DATO ABU BAKAR APONG**, Minister of Communications

For the Kingdom of Cambodia: **TAUCH CHANKOSAL**, Secretary of State, Ministry of Public Works and Transport

For the Republic of Indonesia: **JUSMAN SYAFII DJAMAL**, Minister for Transportation

For the Lao People's Democratic Republic: **SOMMAD PHOLSENA**, Minister of Public Works and Transport

For Malaysia: **DATO' SRI ONG TEE KEAT**, Minister of Transport

For the Union of Myanmar: **MAJOR GENERAL THEIN SWE**, Minister for Transport

For the Republic of the Philippines: **LEANDRO R. MENDOZA**, Secretary of Transportation and Communications

For the Republic of Singapore: **RAYMOND LIM**, Minister for Transport

For the Kingdom of Thailand: **SOPHON ZARAM**, Minister of Transport

For the Socialist Republic of Viet Nam: **HO NGHIA DZUNG**, Minister of Transport