

2009 PROTOCOL 1 ON UNLIMITED THIRD AND FOURTH FREEDOM TRAFFIC RIGHTS WITHIN THE ASEAN SUB-REGION

Signed in Manila, Philippines on 20 May 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter referred to collectively as "Contracting Parties" or individually as "Contracting Party"),

RECALLING the ASEAN Multilateral Agreement on Air Services signed on 20 May 2009 in Manila, Philippines (hereinafter referred to as "the Agreement");

RECOGNISING that Annex II of the Agreement thereof provides for the conclusion of Implementing Protocols which shall form integral parts of the Agreement;

RECOGNISING also 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 States may proceed first if other Member States are not ready to implement these arrangements; and

DESIRING to remove restrictions on air services with a view of achieving full liberalisation in ASEAN by 2015,

HAVE AGREED AS FOLLOWS:

ARTICLE 1 DEFINITIONS

For the purposes of this Protocol, the term "ASEAN Sub-region" means:

- a) The Brunei Darussalam, Indonesia, Malaysia, Philippines-East ASEAN Growth Area (BIMP-EAGA);
- b) The Sub-regional Cooperation in Air Transport among Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV);
- c) The Indonesia, Malaysia, Singapore-Growth Triangle (IMS-GT);
- d) The Indonesia, Malaysia, Thailand-Growth Triangle (IMT-GT); or
- e) Expansion there-from or any other new sub-regions as the case may be.

ARTICLE 2 ROUTING AND TRAFFIC RIGHTS

The designated airline(s) of each Contracting Party shall be allowed to operate air passenger services from any designated points (as listed in Article 4 of this Protocol) in its territory to any designated points in the ASEAN Sub-region to which that Contracting Party belongs and vice versa with full third (3rd) and fourth (4th) freedom traffic rights.

ARTICLE 3 CAPACITY AND FREQUENCY

There shall be no limitation on capacity, frequency and aircraft type with regard to air passenger services operated under this Protocol as provided in Article 2.

ARTICLE 4 SPECIFICATION OF POINTS

The designated points, which are non-exhaustive, as mentioned in Article 2 are listed below:

BIMP-EAGA	:	
- Brunei Darussalam		Bandar Seri Begawan
- Indonesia		Balikpapan, Manado, Pontianak and Tarakan
- Malaysia		Kota Kinabalu, Labuan, Kuching and Miri
- The Philippines		Davao, General Santos, Puerto Princesa and Zamboanga
CLMV	:	
- Cambodia		Phnom Penh
- Lao PDR		Vientiane, Luang Phabang and Pakse
- Myanmar		Yangon and Mandalay
- Viet Nam		Ha Noi, Ho Chi Minh City, Da Nang, Dien Bien Phu, Phu Bai, Cat Bai and Lien Khuong
IMS-GT	:	
- Indonesia		Not Applicable
- Malaysia		Not Applicable
- Singapore		Not Applicable

IMT-GT

:

- Indonesia Medan, Padang, Banda Aceh and Nias
- Malaysia Langkawi, Penang, Alor Star, Ipoh and Kota Bharu
- Thailand Hat Yai, Narathiwat, Pattani, Trang and Nakhon Si Thammarat

ARTICLE 5 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 is subject to ratification or acceptance by the Contracting Parties who have ratified or accepted the Agreement, and shall become effective only among the Contracting Parties that have ratified or accepted it. The Instruments of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly inform each Contracting Party of such deposit.
3. Any amendment to the provisions of this Protocol, except the inclusion of additional designated points, shall be effected by consent of all the Contracting Parties, as provided for under Article 16 of the Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 1 on Unlimited Third and Fourth Freedom Traffic Rights within the ASEAN Sub-Region.

DONE at Manila, Philippines, this 20th day of May 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:
MAO HAVANNALL
Secretary of State
State Secretariat of Civil Aviation

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