

2009 PROTOCOL 5 ON UNLIMITED THIRD AND FOURTH FREEDOM TRAFFIC RIGHTS BETWEEN THE ASEAN CAPITAL CITIES

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 ROUTING AND TRAFFIC RIGHTS

The designated airline(s) of each Contracting Party shall be allowed to operate air passenger services from its capital city to the capital cities of the other Contracting Parties and vice versa with full third (3rd) and fourth (4th) freedom traffic rights by 31 December 2008.

ARTICLE 2 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 1.

ARTICLE 3

SPECIFICATION OF POINTS

The capital cities of the Contracting Parties as mentioned in Article 1 are listed below:

Brunei Darussalam	: Bandar Seri Begawan
Cambodia	: Phnom Penh
Indonesia	: Jakarta
Lao PDR	: Vientiane
Malaysia	: Kuala Lumpur
Myanmar	: Yangon
Philippines	: Manila
Singapore	: Singapore
Thailand	: Bangkok
Viet Nam	: Ha Noi

ARTICLE 4

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. 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. This Protocol shall enter into force on the date of the deposit of the third (3rd) Instrument of Ratification or Acceptance with the Secretary-General of ASEAN and shall become effective only among the Contracting Parties that have ratified or accepted it. For each Contracting Party ratifying or accepting the Protocol after the deposit of the third (3rd) Instrument of Ratification or Acceptance, the Protocol shall enter into force on the date of the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.
4. Any amendment to the provisions of this Protocol shall be effected by consent of all the Contracting Parties, as provided for under Article 16 in the Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 5 on Unlimited Third and Fourth Freedom Traffic Rights between ASEAN Capital Cities.

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