

2010 MEMORANDUM OF UNDERSTANDING ON THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS' AIR SERVICES ENGAGEMENT WITH DIALOGUE PARTNERS

Signed in in Bandar Seri Begawan, Brunei Darussalam on 12 November 2010

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, 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 (hereinafter collectively referred to as "ASEAN" or "ASEAN Member States", or individually as "ASEAN Member State");

RECALLING the conclusion of the Multilateral Agreement on the Full Liberalisation of Air Freight Services, the Multilateral Agreement on Air Services and the Multilateral Agreement on the Full Liberalisation of Passenger Air Services;

NOTING ongoing and future negotiations on multilateral air services agreements with ASEAN's Dialogue Partners;

RECALLING the unanimous agreement reached by the 15th ASEAN Transport Ministers' Meeting held on 10 December 2009 in Ha Noi, Viet Nam, that in line with one of the key principles of the ASEAN Charter - to maintain the centrality of ASEAN in its relations and cooperation with its Dialogue Partners - ASEAN should first liberalise air services within the region before liberalising air services with ASEAN's Dialogue Partners and the direction given by the ASEAN Transport Ministers to the ASEAN Secretariat to propose an acceptable form to enshrine this principle,

HAVE AGREED as follows:

1. The integrity, solidarity and integration of ASEAN shall be accorded priority in the implementation of air services agreements and their implementing protocols between ASEAN and its Dialogue Partners.
2. An ASEAN Member State shall ratify/approve the ASEAN-wide air services agreements before ratifying/approving the corresponding air services agreements between ASEAN and its Dialogue Partners.
3. An ASEAN Member State shall also ratify/approve the implementing protocols to ASEAN-wide air services agreements before ratifying/approving the corresponding implementing protocols to air services agreements between ASEAN and its Dialogue Partners. For avoidance of doubt, the term 'corresponding implementing protocols' shall refer to the implementing protocols which correspond in terms of traffic rights conferred.
4. An ASEAN Member State which has ratified/approved air services agreements and/or implementing protocols between ASEAN and its Dialogue Partners before ratifying/approving the corresponding ASEAN-wide air services agreements and/or implementing protocols shall (with effect from the date of such ratification/approval), accord to all ASEAN Member States which have ratified/approved the said corresponding ASEAN-wide air services agreements and/or implementing protocols, treatment not less favourable than what is accorded by that

ASEAN Member State to the Dialogue Partners with respect to the traffic rights laid out in the air services agreements and/or implementing protocols so ratified/approved.

5. The Secretary-General of ASEAN shall maintain an accurate and updated register of the ratifications/approvals of an ASEAN Member State of the ASEAN-wide air services agreements and/or implementing protocols and the multilateral air services agreements and/or implementing protocols between ASEAN and its Dialogue Partners. Further, the Secretary-General of ASEAN shall accept ratifications/approvals only upon the fulfilment of the prerequisites as specified in paragraphs 2 and 3 by that ASEAN Member State.
6. The provisions of this MOU shall apply to all existing and future ASEAN-wide air services agreements and/or implementing protocols as well as to all existing and future air services agreements and/or implementing protocols between ASEAN and its Dialogue Partners.
7. This MOU shall enter into force once all ASEAN Member States have notified the Secretary-General of ASEAN in writing of their completion of internal formalities. The date of entry into force for this MOU shall be the date the last written notification is received. The Secretary-General of ASEAN shall notify ASEAN Member States of the entry into force of this MOU. The MOU shall enter into provisional effect upon signature for ASEAN Member States where their internal formalities permit.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Memorandum of Understanding on the Association of Southeast Asian Nations' Air Services Engagement with Dialogue Partners, on the dates herein below indicated, in a single original copy in the English Language.

For the Government of Brunei Darussalam: **PEHIN DATO ABDULLAH BAKAR**, Minister of Communications

For the Government of Kingdom of Cambodia: **MAO HAVANNALL**, Secretary of State, State Secretariat of Civil Aviation

For the Government of the Republic of Indonesia: **MOH. IKSAN TATANG**, Secretary General, Ministry of Transportation

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

For the Government of Malaysia: **DATO' SERI KONG CHO NA**, Minister of Transport

For the Government of the Union of Myanmar: **U THEIN SWE**, Minister for Transport

For the Government of the Republic of the Philippines: **JOSE P.DE JESUS**, Secretary of Transportation and Communications

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

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

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