

2017 ASEAN FRAMEWORK AGREEMENT ON THE FACILITATION OF CROSS-BORDER TRANSPORT OF PASSENGERS BY ROAD VEHICLES

Signed in Singapore on 13 October 2017

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2017 ASEAN FRAMEWORK AGREEMENT ON THE FACILITATION OF CROSS-BORDER TRANSPORT OF PASSENGERS BY ROAD VEHICLES

Signed in Singapore on 13 October 2017

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of 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" and individually as "Contracting Party");

DESIRING to promote, develop and enhance tourism, investment, trade and culture exchanges among ASEAN Member States;

RECOGNISING that People-to-People Connectivity is one of the key strategies in accelerating the establishment of and in promoting deeper intra-ASEAN social and cultural interaction and understanding through the ASEAN Community;

RECALLING the decisions of the 17th ASEAN Summit held on 28 October 2010 in Ha Noi, Viet Nam and the 16th ASEAN Transport Ministers Meeting held on 11 November 2010 in Bandar Seri Begawan, Brunei Darussalam to develop a regional ASEAN arrangement on facilitation of inter-state passenger land transportation by 2015, as stipulated in the Master Plan on ASEAN Connectivity and the ASEAN Strategic Transport Plan 2011-2015;

REITERATING their commitment to foster smooth, rapid and efficient movement of passengers between and among the Contracting Parties,

HAVE AGREED AS FOLLOWS:

ARTICLE 1 OBJECTIVES

The objectives of the ASEAN Framework Agreement on the Facilitation of Cross Border Transport of Passengers by Road Vehicles (hereinafter referred to as "this Agreement") are:

- (a) to facilitate cross border transport of passengers between and among the Contracting Parties by road vehicles; and
- (b) to simplify and harmonise transport, customs, immigration and quarantine procedures and requirements for the purpose of facilitation of transport of passengers by road vehicles as provided for in this Agreement.

ARTICLE 2 PRINCIPLES

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

- (a) **Consistency:** The Contracting Parties shall ensure the consistent application of the relevant laws and regulations, procedures and administration guidelines and other rulings within each Contracting Party;
- (b) **Simplicity:** The Contracting Parties shall endeavour to ensure the simplification of all passenger transport procedures and requirements in ASEAN;
- (c) **Transparency:** The 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;
- (d) **Efficiency:** The Contracting Parties shall ensure the efficient and effective administration of cross border transport to facilitate movement of passengers between and among the Contracting Parties by road vehicles; and
- (e) **Mutual Assistance:** The Contracting Parties shall endeavour to provide their utmost cooperation and mutual assistance among the concerned agencies involved in the facilitation of passenger transport in ASEAN.

PART I GENERAL PROVISIONS

ARTICLE 3 DEFINITIONS

For the purposes of this Agreement:

- (a) **"cabotage"** means the transport of passengers embarking in the territory of a Contracting Party and disembarking at a place within the territory of the same Contracting Party;
- (b) **"Competent Authority"** means the agency or agencies of a Contracting Party responsible for regulating transport-related activities and for implementing this Agreement;
- (c) **"cross border transport permit"** means a permit issued by the Competent Authority of the Home Country to its road vehicles for the purposes of operating scheduled transport service or non-scheduled transport service;
- (d) **"Home Country"** means for transport operators, the country of their establishment; and for road vehicles, the country of their registration;
- (e) **"Host Country"** means the territory of the Contracting Party where cross border transport operation under this Agreement is performed and where passengers disembark;

- (f) **"non-scheduled transport service"** means a transport service that does not qualify as a scheduled transport service that is provided by transport operators to carry passengers with a passenger list for hire, reward or any other form of consideration from the place of origin in one Contracting Party to or across the other Contracting Party or Parties according to a vehicle itinerary;
- (g) **"passenger"** means any person who is carried by a transport operator for the purpose of this Agreement whether for hire, reward or any other form of consideration;
- (h) **"road vehicle"** means any bus or minibus that is registered in the territory of a Contracting Party for the carriage of passengers for hire, reward or any other form of consideration and is issued a cross border transport permit by the Competent Authority of that Contracting Party;
- (i) **"scheduled transport service"** means a transport service over a specified route, according to a fixed route table with predetermined stopping places and for which set fares are charged, which is accessible to everyone either on a first-come, first-served basis, or with prior booking;
- (j) **"Transit Country"** means the territory of the Contracting Party through which traffic in transit passes;
- (k) **"transport operator"** means any natural or legal person, who is authorised by a Competent Authority to operate cross border transport of passengers for the purpose of this Agreement, whether for hire, reward or any other form of consideration;
- (l) **"unladen journey"** means a part of the transport operation without any passenger on board the road vehicle; and
- (m) **"vehicle itinerary"** means the tour programme which includes information on stopover duration during the tour, names of tourist places to be visited and names of hotels for the tourist group.

ARTICLE 4 SCOPE OF APPLICATION

1. This Agreement shall apply to:
 - (a) cross border transport of passengers by road vehicles:
 - (i) between and among the territories of the Contracting Parties;
 - (ii) carried out by transport operators established in a Contracting Party in accordance with its laws and regulations; and
 - (iii) using road vehicles registered in the Contracting Party where the transport operator is established;
 - (b) cross border transport of passengers by road vehicles combined with other modes of transport as part of the journey; and
 - (c) unladen journeys of road vehicles concerned with the services referred to in subparagraphs (a) and (b).
2. This Agreement does not apply to cabotage.

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 undertake cross border transport of passengers by road vehicles.
2. Subject to the provisions of this Agreement, each Contracting Party shall endeavour to provide facilities for cross border transport of passengers by road vehicles.
3. Transport operators, road vehicles, passengers, drivers and other persons on board the road vehicles, provided that they comply with the relevant laws and regulations of the Transit Country and the Host Country, shall not be subject to any unnecessary delays or restrictions.
4. For picking up and dropping off within the Transit Country:
 - (a) For a scheduled transport service, a road vehicle in transit through the territory of the other Contracting Party shall be granted the rights to pick up and drop off passengers at embarkation/disembarkation points, except as otherwise agreed by the Competent Authorities of that Transit Country and the Host Country.
 - (b) For a non-scheduled transport service, a road vehicle in transit through the territory of the other Contracting Party shall be prohibited from picking up and dropping off passengers at any point within the Transit Country, except as otherwise agreed by the Competent Authorities of that Transit Country and the Host Country where the aforementioned passengers will disembark. However, any stopover of passengers within the Transit Country is allowed according to the vehicle itinerary, which shall continue its journey to the Host Country.

PART II DESIGNATION OF CROSS BORDER TRANSPORT ROUTES

ARTICLE 6 DESIGNATION OF CROSS BORDER TRANSPORT ROUTES AND FACILITIES

1. The Contracting Parties shall adopt a list of designated cross border transport routes as specified in **Schedule 1** which is annexed to this Agreement.
2. A Contracting Party may initiate proposals for the modification, including expansion, of the designated cross border transport routes from time to time. Any proposed modification by one Contracting Party shall be with the mutual agreement of the immediate neighbouring Contracting Party or Parties and such modification 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, facilities for cross border transport of passengers by road vehicles on the routes as specified in **Schedule 1** at appropriate intervals.

ARTICLE 7 POINTS OF ENTRY AND EXIT

1. The Contracting Parties agree to designate points of entry and exit at border crossing points as specified in **Schedule 1** which is annexed to this Agreement to facilitate cross border passenger transport.
2. The Contracting Parties may initiate proposals for the modification of the points of entry and exit from time to time. Any proposed modification by one Contracting Party shall be with the mutual agreement of the immediate neighbouring Contracting Party or Parties and such modification shall be deposited with the Secretary-General of ASEAN.
3. The Contracting Parties shall endeavour to provide, whenever possible, and within their national jurisdiction, points of entry and exit which are physically adjacent to those of other Contracting Parties concerned with control areas with checking requirements in order to facilitate the examination of the road vehicles, passengers, drivers and other people on-board and their baggage. Subject to mutual agreement, two or more Contracting Parties may allow joint examination to be conducted at the same place by officials of these Contracting Parties and shall endeavour to ensure that adequate manpower resources are made available for the expeditious completion and clearance of entry and exit formalities.

PART III GENERAL CONDITIONS FOR TRANSPORT OF PASSENGERS

ARTICLE 8 TRANSPORT OF PASSENGERS

1. Each Contracting Party shall allow the use of road vehicles registered in other Contracting Parties to provide cross border transport of passenger services in its territory in accordance with Article 5 of this Agreement.
2. The Contracting Parties agree that the number of road vehicles to be used for **non-scheduled** transport services shall not exceed five hundred (500) vehicles per Contracting Party. Thereafter, the number of road vehicles to be used for non-scheduled transport services shall be discussed periodically between the Contracting Parties.
3. The routes, frequency, embarkation points, disembarkation points, fares, technical requirements and number of road vehicles to be used for **scheduled** transport services shall be mutually agreed upon in writing by the Home Country, the Host Country, and Transit Countries, if any.
4. For each entry into the Host Country, the maximum allowable operation period of road vehicles and stay of all persons onboard the road vehicles shall be subject to the national laws and regulations of the Host Country.

**ARTICLE 9
CROSS BORDER TRANSPORT PERMIT**

The Contracting Parties are encouraged to harmonise cross border transport permit requirements in order to facilitate cross border transport of passengers.

**ARTICLE 10
TECHNICAL REQUIREMENTS OF ROAD VEHICLES**

Road vehicles shall satisfy the technical and safety standards in force in their Home Country. However, with respect to maximum weights, axle loads, dimensions and other technical considerations, road vehicles traveling to the territory of other Contracting Parties must comply with the standards of those Contracting Parties.

**ARTICLE 11
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 cross border transport operations.
2. The Contracting Parties shall recognise the inspection certificates of road vehicles used for cross border transport that the other Contracting Parties have issued, in accordance with the Agreement on the Recognition of Commercial Vehicle Inspection Certificates for Goods Vehicles and Public Service Vehicles Issued by ASEAN Member Countries signed on 10 September 1998 in Singapore.

**ARTICLE 12
MUTUAL RECOGNITION OF DRIVING LICENSES**

The Contracting Parties shall recognise domestic driving licenses issued by all other Contracting Parties in accordance with the Agreement on the Recognition of Domestic Driving Licenses Issued by ASEAN Countries signed on 9 July 1985 in Kuala Lumpur, Malaysia.

**ARTICLE 13
ASEAN SCHEME OF COMPULSORY MOTOR VEHICLE INSURANCE**

1. Road vehicles travelling to the territory of other Contracting Parties shall comply with the compulsory motor vehicle insurance required by those Contracting Parties so as to be adequately insured against death or bodily injuries and/or property damages arising from road traffic accidents.
2. The Contracting Parties shall undertake necessary actions to harmonise or establish a common ASEAN Scheme of Compulsory Motor Vehicle Insurance applicable to cross border transport of passengers by road vehicles.

PART IV

IMMIGRATION, HEALTH, CUSTOMS, AND SECURITY INSPECTION

ARTICLE 14

IMMIGRATION

Passengers, drivers and other persons on board the road vehicles shall, when crossing the border into the territory of a Contracting Party, have valid passports or recognised international travel document used in lieu of passports as well as valid visas or equivalent documents, when required, for immigration clearance in compliance with the national laws and regulations of that Contracting Party.

ARTICLE 15

HEALTH INSPECTION

1. Passengers, drivers, and other persons on board the road vehicles shall, when crossing the border into the territory of a Contracting Party, be subjected to the health inspections of that Contracting Party and be in compliance with the national laws and regulations of the Contracting Party.
2. The health inspections of each Contracting Party shall be in compliance with the International Health Regulations as adopted, amended and revised from time to time by the World Health Assembly of the World Health Organization ("WHO"), where applicable.

ARTICLE 16

SANITARY INSPECTION

1. Road vehicles and baggage shall, when transported across the border into the territory of a Contracting Party, be subjected to the sanitary inspections of that Contracting Party and shall comply with national laws and regulations of the Contracting Party.
2. The sanitary inspections of each Contracting Party shall be in compliance with the International Health Regulations as adopted, amended and revised from time to time by the World Health Assembly of the WHO, where applicable.

ARTICLE 17

CUSTOMS INSPECTION

Road vehicles, passengers, drivers and other persons on board the road vehicles and their baggage shall, when crossing the border into the territory of a Contracting Party, be subjected to the customs inspections of that Contracting Party and be in compliance with the national laws and regulations of the Contracting Party.

**ARTICLE 18
SECURITY INSPECTION**

Road vehicles, passengers, drivers and other persons on board the road vehicles and their baggage shall, when crossing the border into the territory of a Contracting Party, be subjected to the security inspections of that Contracting Party and be in compliance with the national laws and regulations of that Contracting Party.

**PART V
MISCELLANEOUS PROVISIONS**

**ARTICLE 19
PROVISION OF GREATER FACILITATION**

This Agreement does not entail in any way the withdrawal of facilitation measures 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 does not also preclude the grant of greater facilitation measures, which may be agreed between Contracting Parties in the future.

**ARTICLE 20
HARMONISATION AND SIMPLIFICATION OF DOMESTIC LEGISLATION**

The Contracting Parties are encouraged to harmonise and simplify their respective national laws, regulations and administrative procedures relating to the transport of passengers in accordance with the provisions of this Agreement.

**ARTICLE 21
COMPLIANCE WITH NATIONAL LAWS**

1. Except where otherwise provided in any other agreements in force between the Contracting Parties, road vehicles, transport operators, passengers, drivers, and other persons onboard the road vehicles shall, when in the territory of the other Contracting Party, comply with the national laws and regulations in force in that Contracting Party.
2. Where any road vehicle, transport operator, passenger, driver or any other person onboard the road vehicle has infringed the national laws and regulations of any Contracting Party, temporary or permanent access to the territory of that Contracting Party may be denied.

**ARTICLE 22
TRANSPARENCY**

1. The Contracting Parties shall ensure the transparency of their respective laws, regulations and technical requirements of road vehicles which affect the facilitation of transport of passengers under this Agreement.

2. The Contracting Parties shall submit to the ASEAN Secretariat, not later than six (6) months after this Agreement has entered into force, their laws, regulations and technical requirements of road vehicles referred to in paragraph 1, including any amendments or updates.
3. If the aforementioned documents are not in the English language, their English translation shall also be submitted within one (1) year of the entry into force of this Agreement.
4. Any amendments or updates to the laws, regulations and technical requirements of road vehicles referred to in paragraph 2 shall be submitted in English to the ASEAN Secretariat not later than six (6) months after such amendments or updates.

ARTICLE 23 ASSISTANCE FOR TRAFFIC ACCIDENTS

In the event that a road vehicle of one Contracting Party is involved in a traffic accident in the territory of another Contracting Party, the latter Contracting Party shall provide all possible assistance to the road vehicle and all persons onboard the road vehicle, and notify the appropriate authorities of the former Contracting Party as soon as possible.

PART VI INSTITUTIONAL ARRANGEMENTS

ARTICLE 24 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 on 16 December 1998 in Ha Noi, Viet Nam of each Contracting Party shall 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 on 16 December 1998 in Ha Noi, Viet Nam shall oversee the overall coordination and implementation of this Agreement. The Board is further authorised to invite and seek the assistance of other relevant ASEAN coordinating bodies for advice on 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, in particular, 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 25 ANNEXES

The Annex(es) to this Agreement shall constitute an integral part of this Agreement.

ARTICLE 26 DISPUTE SETTLEMENT

The ASEAN Protocol on Enhanced Dispute Settlement Mechanism, signed on 29 November 2004 in Vientiane, Lao PDR and any amendment thereto, shall apply to disputes concerning the interpretation, implementation and/or application of any of the provisions of this Agreement.

ARTICLE 27 RIGHTS AND OBLIGATIONS UNDER EXISTING INTERNATIONAL AGREEMENTS AND CONVENTIONS

This Agreement shall not affect the rights and obligations of any Contracting Party under any existing international agreements or conventions to which it is also a party.

ARTICLE 28 SUSPENSION OF THE AGREEMENT

Each Contracting Party, for reasons of national safety, national security, public order and/or public health, reserves the right to suspend temporarily the operation of this Agreement in its entirety within its territory. The suspension shall take effect immediately after notification has been given to the other Contracting Parties and shall remain in force until further notification. All notifications shall be made through diplomatic channels. For the avoidance of doubt, such suspension shall release the suspending Contracting Party and other Contracting Parties from the obligation to perform this Agreement in their mutual relations during the period of suspension, but shall not otherwise affect the operation of this Agreement amongst the Contracting Parties except for the suspending Contracting Party.

ARTICLE 29 FINAL PROVISIONS

1. This Agreement shall be signed by the Contracting Parties and shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Contracting Party.
2. This Agreement shall be subject to ratification, approval or acceptance by the Contracting Parties in accordance with their respective internal procedures.

3. Each Contracting Party shall, upon the completion of its internal procedures of ratification, approval or acceptance of this Agreement, deposit its Instrument of Ratification, Approval or Acceptance with the Secretary-General of ASEAN, who shall promptly notify all Contracting Parties of such deposit.
4. This Agreement shall enter into force on the thirtieth (30th) day following the date of the deposit of the third (3rd) Instrument of Ratification, Approval or Acceptance with the Secretary-General of ASEAN, and shall be in force only among those Contracting Parties who have deposited their Instrument of Ratification, Approval or Acceptance.
5. After its entry into force pursuant to paragraph 4, this Agreement shall enter into force for any Contracting Party thirtieth (30th) day after the date of deposit of its Instruments of Ratification, Approval or Acceptance with the Secretary-General of ASEAN.
6. No reservations shall be made to this Agreement.
7. Any amendment to this Agreement may be made at any time, subject to mutual written consent of all the Contracting Parties. Such amendment shall enter into force on the date as may be agreed upon by all the Contracting Parties and shall form part of this Agreement. This provision shall not apply to paragraph 2 of Article 6 and paragraph 2 of Article 7.
8. Any amendment shall not affect the rights and obligations of the Contracting Parties arising from or based on the provisions of this Agreement before the entry into force of such amendment.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Singapore, this **Thirteenth** Day of **October** in the Year **Two Thousand and Seventeen**, in a single original copy in the English language.

For Brunei Darussalam:

[signed]

DATO MUSTAPPA SIRAT
Minister of Communications

For the Kingdom of Cambodia:

[signed]

SUN CHANTHOL
Senior Minister and Minister of Public Works and Transport

For the Republic of Indonesia:

[signed]

BUDI KARYA SUMADI
Minister of Transportation

For the Lao People's Democratic Republic:

[signed]

BOUNCHANH SINTHAVONG
Minister of Public Works and Transport

For Malaysia:

[signed]

DATUK SERI HJ. SARIPUDDIN HJ. KASIM
Secretary General Ministry of Transport

For the Republic of the Union of Myanmar:

[signed]

THANT SIN MAUNG
Union Minister for Transport and Communications

For the Republic of the Philippines:

[signed]

ARTHUR P. TUGADE
Secretary of Transportation

For the Republic of Singapore:

[signed]

KHAW BOON WAN
Coordinating Minister for Infrastructure and Minister for Transport

For the Kingdom of Thailand:

[signed]

ARKHOM TERMPITTAYAPAISITH
Minister of Transport

For the Socialist Republic of Viet Nam:

[signed]

LE DINH THO
Vice Minister of Transport