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CHARTER FOUR: MAJOR DIFFERENCE BETWEEN GMS CBTA CROSS BORDER TRANSPORT AND ASEAN CROSS BORDER TRANSPORT

Objectives

To understand and identify the major difference between GMS CBTA and ASEAN Framework Agreement on facilitation of goods in transit

The Greater Mekong Subregional – brief information

The GMS countries are Cambodia, the People's Republic of China (PRC – Yunnan Province and Guangxi Zhuang Autonomous Region), Lao People's Democratic Republic (Lao PDR), Myanmar, Thailand and Vietnam covering 2.6 million square kilometers with the population of around 326 million.

ADB and other donors have been supported GMS program helping to implement the high priority project by focusing in transport, energy, telecommunications, environment, human resource development, tourism, trade, private sector investment and agriculture with strategic thrusts as follows;

1. Strengthen Infrastructure linkage
2. Facilitate cross-border trade, investment & tourism
3. Enhance private sector participation & competitiveness
4. Develop human resource & skill competencies
5. Protect environment & promote sustainable use of shared natural resources

CROSS BORDER TRANSPORT AGREEMENT – CBTA

In 1992 with support of ADB six countries initiated the GMS Economic Cooperation Program and in order to increase and facilitate traffic and promote transport and trade facilitation, Lao PDR, Thailand and Vietnam firstly signed the Cross-Border Transport Facilitation Agreement (CBTA) in 1999 which is known as “Tripartite Agreement” and followed by Cambodia in 2001, China in 2002 and Myanmar in 2003.

The objective of CBTA is to consolidate a single legal instrument and all of the key nonphysical measures for efficient cross-border land transport which would enable vehicles, drivers and goods to cross national borders through the GMS permitted transport corridor, reduce the cost of transportation through customs transit and temporary importation system and implement guarantee system for goods, vehicles and containers, as well as to reduce the time spent at borders, through single window & single

stop inspection, including supporting to increase number of checkpoints to maximize its network efficiency.

The 17 annexes and 3 protocols provide legal guidance for the implementation of the CBTA were signed by all GMS countries in March 2007 at Beijing, however, no all of them have fully ratified. *source * Yushu Feng*

August 2004 at Phnom Penh, Cambodia, The Eighth meeting of the GMS Transport Forum agreed to implement IICBTA – The Initial Implementation of The Cross-Border Transport Agreement) as a pilot transit system on the connecting border between Thailand-Lao PDR, Thai-Cambodia, Thailand-Myanmar, Lao PDR-Vietnam, Cambodia-Vietnam, and China-Vietnam; in seven areas:

- Lao Bao-Dansavvan (V-L)
- Poi Pet – Arunyaprathet (C-T)
- Mukdaharn – Savannaket (T-L)
- Mai Sod – Myawadee (T-M)
- Bavet – Moc Bai (C-V)
- Mai Sai – Tachilek (T-M)
- He Kou – Lao Cai (Chi- V)
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ANNEXES AND PROTOCOLS

- Annex 1: Carriage of Dangerous Goods
- Annex 2: Registration of Vehicles in international traffic
- Annex 3 : Carriage of Perishable Goods
- Annex 4 : Facilitation of Frontier Crossing Formality
- Annex 5 : Cross-Border Movement of People
- Annex 6 : Transit and Inland Customs Clearance Regime
- Annex 7: Road Traffic Regulation and Signage
- Annex 8 : Temporary Importation of Motor Vehicles

- Annex 9: Criteria for Licensing of Transport Operators for Cross-Border Transport Operations
- Annex 10: Condition of Transport
- Annex 11: Road and Bridge design and construction standards and specifications
- Annex 12: Border Crossing and Transit Facilities and service
- Annex 13A: Multimodal Carrier Liability Regime
- Annex 13B: Criteria for Licensing of Multimodal Transport Operators for Cross-Border Transport operation
- Annex 14: Container Customs Regime
- Annex 15: Commodity Classification System
- Annex 16: Criteria for Driving Licenses
- Protocol 1: Designation of Corridors, Routes and Points of Entry and Exit (Border Crossing)
- Protocol 2: Charge Concerning Transit Traffic
- Protocol 3: Frequency and Capacity of Service and Issuance of Quotas and permits.

COMPARATION ASEAN AND GMS ANNEXES AND PROTOCOLS

AFAFGIT

Protocol 1 Designation of Transit Transport Routes and Facilities

Permit Routes:

Brunei Darussalam, Indonesia, Malaysia, the Philippines and Singapore shall not be compared.

CAMBODIA:

A) ASEAN has no designated route on GMS Southern Economic Corridor: Bangkok- Trat-Hat Lek (Thailand) – Cham Yeam (Cambodia)

B) GMS has no designated route on ASEAN Transit Transport route:

Trapeing Kreal (Cambodia/Lao border) – Stung Treng – Kampong Cham – Phnom Penh – Sihanoukville Port

Protocol 2 – Designation of Frontier Posts

ASEAN has yet agreed on designation of frontier posts, however, GMS has already agreed Frontier Posts as follows:

1. North-South Economic Corridor Border Crossing:

Mohan – Boten (China - Lao PDR), Houayxay – Chiang Khong (Lao PDR – Thailand)
Tachilek – Mae Sai (Myanmar – Thailand), Hekou – Lao Cai (China – Vietnam)

2. East-West Economic Corridor Bordering Crossing:

Myawaddy – Mae Sot (Myanmar – Thailand), Mukdahan – Savannakhet (Thailand – Lao PDR)
Dansavanh – Lao Bao (Lao PDR – Vietnam)

3. Southern Economic Corridor Border Crossing:

Aranyaprathet – Poipet (Thailand – Cambodia) , Bavet – Moc Bai (Cambodia – Vietnam)
Hat Lek – Cham Yeam (Thailand – Cambodia)

4. Other Corridor Boarder Crossing:

Ruili – Muse (China – Myanmar), Veunekham Dong Karlor (Lao PDR – Cambodia)
Thanaleng – Nong Khai (Lao PDR – Thailand), Nam Phao – Cau Treo (Lao PDR – Vietnam)
Wang Tao – Chong Mek (Lao PDR – Thailand)

Protocol 3 Types and Quantity of Road Vehicles

ASEAN agrees to have 500 permitted vehicles while GMS agrees to have 500 permits.
Type of Vehicles:

ASEAN: Rigid Motor Vehicle (Boxed, Refrigerated, Tanker, Container) , Articulated Vehicle (prime mover)

GMS: Rigid Motor Vehicle (Boxed, Refrigerated, Tanker, Container) , Articulated Vehicle (prime mover drawing semi-trailer), semi-trailers (a vehicle drawn by a motor vehicle in manner that part of the trailer is superimposed on the motor vehicle and a sub part of the weight of the trailer and its load is borne bythe motor vehicle)

Protocol 4 Technical Requirements of Vehicles

ASEAN: Maximum Vehicle Dimensions, viz:

- i) Maximum length of vehicle as detailed in LOA 12.2 M truck and 16 M trailer**
- ii) Maximum width of vehicles as detailed in Breadth 2.5 M**
- iii) Maximum height of vehicles as detailed in 4.2 M ; and**
- iv) Rear overhang as detailed in 60% Wheel Base for Truck**

Maximum Permissible Gross Vehicle Weight:

3 Axle Rigid 21 Tonnes

4 Axle Rigid 25 Tonnes

4 Axle Articulated 32 Tonnes

5 Axle Articulated 36 Tonnes

6 Axle Articulated 38 Tonnes

GMS has not mentioned about the maximum Permissible Gross Vehicle weight in Annexes and Protocols.

GMS in Annex 2 mentioned on Registration of Vehicles in International Traffic.

Protocol 5 ASEAN SCHEME OF COMPULSORY MOTOR VEHICLE INSURANCE

ASEAN will implement “Blue Card” scheme for Motor Vehicle Insurance. GMS, motor vehicles travelling to the territory of other Contracting Parties shall comply with the compulsory third-party motor vehicle liability insurance required in the Host Country.

Protocol 6 Railways Border and Interchange Stations

ASEAN has this protocol but GMS has none.

Protocol 7 Customs Transit System

1. ASEAN will implement ACTS (ASEAN Customs Transit System) based on electronic and Computerization-based through NSW (national single window) connecting with ASEAN Single Window. GMS implements CTS (Customs Transit and Temporary Admission System) based on Documents.

2. ASEAN Customs inspection shall be done at Origin while GMS implements inspection at Common Control Area (CCA) where is located in the transit countries.
3. ASEAN has yet agreed on CCA and SSI (Single Stop Inspection) and SWI (Single Window Inspection) scheme but GMS has target to implement said scheme.
4. ASEAN has 3 types of Guarantees and Guarantor shall have office, branch or representative in the territory where cargoes are moving into. GMS guarantee based on MOU by appointment of issuing and guaranteeing organizations in each member states.
5. ASEAN guarantee amount bases on at maximum Customs Debt in territories where the goods moving in and guarantor has liability at maximum Customs Debt. GMS, maximum liability of guarantor is SDR 35,000 per Transit and Inland Customs Clearance Documents issued.
6. ASEAN does not control Vehicle and/or Container which are used for in-transit transport. GMS control Vehicle and Container as Temporary Admission (bonded cargoes) which needs to be declared in CTS form.
7. ASEAN discharge liability of guarantor at the time of arrival at destination. GMS discharge liability of goods at the time of arrival but discharge liability of vehicle and container when return to origin country.
8. ASEAN controls the goods during journey by Accompanying Document without any formality during journey. GMS uses CTS form to do formality during journey.
9. ASEAN has less technical requirement for motor vehicle than GMS.

Protocol 8 Sanitary and Phytosanitary Measures

ASEAN agrees that the law, regulations and procedures for transit goods in respective territories shall be listed in the Annex to this protocol. In enforcement of their SPS measures, member states agree to guidelines and recommendations developed by international and regional organization such as Codex Alimentarius Commission, the International Office of Epizootics, the international Plant Protection Convention (IPPC) and ASEAN.

GMS has already listed.

Protocol 9 Dangerous Goods

ASEAN Transit transport operator shall apply for permit of carriage the goods to relevant authorities of the contracting parties across whose territory the transit transport passes.

Application shall be made to NTTCC of relevant contracting party and said NTTCC shall liaise with NTTCC across whose territory the transit transport passes.

GMS ; If the contracting parties permit on a case by case basis the cross border movement of Dangerous Goods as defined in list, they should require the full application of the measures under ADR and/or the UN Model Regulations.

GMS does not provide clearly that application shall be applied for carriage of Dangerous Goods through NTTCC.