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CHAPTER ONE: INTRODUCTION OF ASEAN FRAMEWORK AGREEMENT ON FACILITATION OF GOODS IN TRANSIT

Objectives

- To understand what is ASEAN Vision in Transport Policy
- To understand details of ASEAN Framework Agreement on the facilitation of goods in transit

ASEAN VISION IN TRANSPORT Policy

ASEAN countries economic growth has been remarkable increasing for years and induced more foreign direct investment (FDI) to member states. In order to booth more economic growth, ASEAN has upgraded industrials structure and integrated themselves more into world economy through participation in the regional production and distribution networks. Transportation is one of key factors supporting the trade within and between ASEAN and other regional. However, the challenge is still ongoing.

An integrated transport network plays vital role for narrowing of development gaps in the ASEAN and ASEAN transport sector realizes this importance, therefore, the ASEAN Transport Action Plan (ATAP) 2005-2010 has been introduced to concrete the related action covers maritime, land, air transport and transport facilitation.

The members of ASEAN have recognized that international multimodal transport is one means of facilitating the expansion of international trade among the members of ASEAN as well as between a member country and third countries. They also realized the need to stimulate the development of smooth, economic and efficient multimodal transport services adequate to the requirement of international trade and the desirability of adopting certain rules relating to the carriage of goods by international multimodal transport contracts, including provisions concerning the liability of multimodal transport operators.

Furthermore, ASEAN have recognized the expeditious development of integrated transport logistics services within ASEAN, as called for under the ASEAN Framework Agreement for the integration of Priority Sectors signed in Vientiane Lao PDR on November 2004, the Framework Agreement on Multimodal Transport has been developed and agreed to conclude in Year 2005.

According to the decision of the First ASEAN Informal Summit held on 30 November, 1996 in Jakarta and the Second ASEAN Informal Summit held on 15 December, 1997 in Kuala Lumpur, ASEAN aimed for the cooperation in the area of facilitation of goods in transit and study the necessary measures to facilitate the transportation of goods both in transit and inter-State, covering land, maritime and air links.

ASEAN transport sector therefore, has draft out the agreement to facilitate transportation aiming for a trade and transport environment that will feature seamless transportation and logistics among the grouping's 10 member nations. The ASEAN Framework Agreement on Facilitation of Goods in Transit has been developed and agreed to conclude in 1998, followed by the ASEAN Framework Agreement on Multimodal Transport signed in Year 2005 and the ASEAN Framework Agreement on Facilitation of Inter-State Transport which has been signed in Year 2009.

These three agreements will help logistics players to move goods within ASEAN more efficiently. The framework agreement on goods in transit will apply when land transport is used to move goods from origin to destination across other countries territories. That on multimodal transport will apply when land transport and other modes of transport are used to move the goods through other countries.

The agreement on inter-state transport will apply when goods are shipped across a border from one country to another (between and among Contracting Parties). For example, when goods are moved from Malaysia to Myanmar, the agreement on goods in transit will apply when the goods pass through Thailand and the agreement on inter-state transport will apply when the Malaysian truck crosses Thailand border into Myanmar.

With a policy direction of ATAP was aiming to operationalise these three ASEAN Framework Agreements in order to create an integrated and efficient logistics and multimodal transportation system for cargo movement between logistics bases and trade centers within and beyond ASEAN.

As ATAP has been expired in 2010, a successor plan has been made as the ASEAN Strategic Transport Plan (ASTP) 2011-2015 which is known as Brunei Action Plan (BAP). The ASTP will play as key reference for ASEAN transport cooperation to support the establishment of the ASEAN Economic Community (AEC) by 2015.

AEC Blueprint has been endorsed by 39th AEM, 24 August, 2007 in Makati City, the Philippines. The ASEAN Leaders decided to transform ASEAN into a stable, prosperous and highly competitive region with equitable economic development and reduced poverty and socio-economic disparities as so called "ASEAN Vision 2020".

In Bali, at October 2003 ASEAN Summit, ASEAN Leaders declared that AEC shall be the goal for regional economic integration (Bali Concord II) by 2020. Subsequently, at the ASEAN Economic Ministers Meeting (AEM) held in Kuala Lumpur, Malaysia in August 2006, agreed to develop Blueprint for advancing the AEC by identifying the characteristics and elements of the AEC by 2015 with clear targets and timelines for implementation of various measures.

At 12th ASEAN Summit, the ASEAN Leaders affirmed to accelerate the establishment of an ASEAN Community by 2015 as envision in the ASEAN Vision 2020. In particular, the Leaders agree to transform ASEAN into a region with free movement of goods, services, investment, skill labor and free flow of capital.

According to AEC Blueprint, there are four key measures:

- (a) a single market and production base,
- (b) a highly competitive economic region,
- (c) a region of equitable economic development, and
- (d) a region fully integrated into the global economy.

In each measure, there are several elements to ensure that they are inter-related and mutually reinforcing. The Three Framework Agreements are in the Highly Competitive Economic Region in the form of “Infrastructure Development”.

Transport Cooperation: An efficient, secure and integrated transport network in ASEAN is vital for realising the full potential of the ASEAN Free Trade Area as well as in enhancing the attractiveness of the region as a single production, tourism and investment destination and narrowing development gaps. ASEAN transport is also critical in linking ASEAN with the neighbouring Northeast and South Asian countries.

Regional efforts have been made to enhance transport facilitation and logistics services, promote multimodal transport infrastructure linkages and connectivity, facilitate transport and tourism integration and further liberalise the air and maritime transport sectors. The enabling framework for the full liberalisation of air services in ASEAN shall be expeditiously implemented.

Multimodal transport and transport facilitation. The ASEAN Transport Action Plan (ATAP) 2005-2010 covers maritime, land and air transport, and transport facilitation. The Plan outlines 48 action measures.

Actions:

- i. Implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit by 2009;
- ii. Implementation of the ASEAN Framework Agreement on Multimodal Transport by 2010; and
- iii. Finalisation of the ASEAN Framework Agreement on the Facilitation of Inter-State Transport by 2008 for its implementation beginning 2010.

Land transport. Priority is given to completion of the Singapore-Kunming Rail Link (SKRL) and the ASEAN Highway Network (AHN) projects.

Actions:

- i. Complete the development of all the missing links in the Singapore-Kunming Rail Link;
- ii. Complete the implementation of the AHN projects, in particular, road construction / improvement of below Class III road (two narrow lanes with double bituminous treatment) sections of designated Transit Transport Routes (TTRs) of the AHN; and
- iii. Enhance road safety in ASEAN.

Maritime and air transport. Adopt the general principles and framework for an ASEAN Single Shipping Market and develop and implement the ASEAN Single Aviation Market.

Actions:

- i. Implement relevant International Maritime Organisation (IMO) conventions;
- ii. Implement the Roadmap towards an Integrated and Competitive Maritime Transport in ASEAN;
- iii. Implement the ASEAN Open Sky Policy (Roadmap for Integration of the Air Travel Sector); and
- iv. Implement the ASEAN Single Aviation Market.

At 17th ASEAN Summit in Ha Noi, Viet nam 2010, ASEAN Leaders has adopted Ha Noi Declaration on the adoption of the Master Plan on ASEA Connectivity and reaffirmed that to enhance intra-regional connectivity within ASEAN would benefit all ASEAN Member states through enhanced trade, investment, tourism, people to people exchanges, and development which would complement the ongoing regional efforts to realize a people-oriented ASEAN Community by 2015.

The Master Plan is both a strategic document for achieving overall ASEAN Connectivity and a plan of action for immediate implementation for the period 2011-2015 to connect ASEAN through enhanced physical infrastructure development (physical connectivity), effective institutions, mechanisms and processes (institutional connectivity) and empowered people (people-to-people connectivity).

The three pronged strategy will be supported by the required financial resources and coordinated institutional mechanisms. The Master Plan also ensures the synchronisation of ongoing sectoral strategies and plans within the frameworks of ASEAN and its sub-regions. Through an enhanced ASEAN Connectivity, the production and distribution networks in the ASEAN region will be deepened, widened, and become more entrenched in the East Asia and global economy.

For the Physical Connectivity, the challenges that need to be addressed in the region include poor quality of roads and incomplete road networks, missing railway links, inadequate maritime and port infrastructure including dry port, inland waterways and aviation facilities, widening of digital divide, and growing demand for power. This calls for the upgrading of existing infrastructure, the construction of new infrastructure and logistics facilities, the harmonisation of regulatory framework, and the nurturing of innovation culture. Seven strategies have been drawn up with the view to establish an integrated and seamless regional connectivity through multimodal transport system, enhanced Information and Communications Technology (ICT) infrastructure and a regional energy security framework.

With regard to Institutional Connectivity, ASEAN needs to resolve a number of key issues including impediments to movements of vehicles, goods, services and skilled labour across borders. To achieve this, ASEAN must continue to address non-tariff barriers to facilitate intra-ASEAN trade and investment, harmonise standards and conformity assessment procedures, and operationalise key transport facilitation agreements, including ASEAN Framework Agreement on the Facilitation of Goods in Transit (AFAFGIT), ASEAN Framework Agreement on the Facilitation of Inter-State Transport (AFAFIST), and ASEAN Framework Agreement on Multimodal Transport (AFAMT), to reduce the costs of moving goods across borders.

In addition, ASEAN Member States must fully implement their respective National Single Windows towards realising the ASEAN Single Window by 2015 to bring about seamless flow of goods at, between and behind national borders. An ASEAN Single Aviation Market and an ASEAN Single Shipping Market must be pursued in order to contribute towards the realisation of a single market and production base. Essentially, ASEAN should further open up progressively to investments from within and beyond the region. Here, ten strategies have been adopted to ease the flow of goods, services and investment in the region.

Whereas for People-to-People Connectivity, two strategies have been formulated to promote deeper

It appears in the Master Plan item (XI) the Operationalisation of the ASEAN Agreements on transport facilitation and in its coverage, especially Institutional connectivity; these areas are included:

- Trade liberalization and facilitation
- Investment and services liberalization and facilitation
- Mutual recognition agreements/arrangements
- Regional transport agreements
- Cross-border procedures
- Capacity building programmes.

Objective of ASTP

Based on these premises, the specific objectives of the ASTP 2011-2015 have been defined as follows.

(1) To identify strategic actions to support the establishment of the AEC by 2015, that will also compliment existing transport undertaking.

(2) To identify long-term vision of the ASEAN transport cooperation beyond 2015.

(3) To undertake a comprehensive assessment of the current transport situation in ASEAN and of the implementation of the current action plan with a view to identifying the gaps and priorities for the period 2011-2015 and beyond.

Based on “Overview on ASEAN Connectivity in ASEAN Secretariat Information Paper”, which was authorized at the 1st meeting of the high level task force on ASEAN Connectivity on 10-11 March 2010, sectoral goals are proposed below.

(1) Land Transportation

- Establishment of safe, efficient, intelligent and environmentally-friendly integrated sustainable regional land transport network and corridors for the promotion of trade and tourism within ASEAN and with other countries.
- Implementation/establishment of the Singapore-Kunming Rail Link and the ASEAN Highway Network.

(2) Air Transportation

- ASEAN integration in air transport through establishing regional open sky agreements and achieving globally-acceptable standards in aviation security and safety

(3) Maritime Transport

- Establishment of integrated, competitive and seamless maritime transport network.
- Realizing the environment/user-friendly port, and safety navigation.

(4) Transport Facilitation

- Establishment of integrated, efficient and globally competitive logistics and seamless multimodal transport system to enhance the intra ASEAN Connectivity.
- Implementation of green logistics for global environment preservation.

IMPORTANT OF THREE FRAMEWORK AGREEMENTS

In order to facilitate seamless movement of goods among ASEAN member states under AEC, single market and production base. It is inevitable that ASEAN member states must allow the goods from one country moving through one country for final destination in another country. That is the purpose of ASEAN Framework Agreement on the facilitation of Good in Transit.

While the purpose of the ASEAN Framework Agreement on the facilitation of inter-state transport is aiming for allowing goods and truck moving across from one country to another country. That is for example, the truck carries goods from Malaysia can cross border to Myanmar. When the truck passes Thailand, Thailand allows Malaysian Truck to transit

under AFAFGIT, and Myanmar allows Malaysian Truck to enter into her territory under AFAFIST.

Due to the different of customs procedure among ASEAN member states as well as changing modes of transport, AFAMT will be used for this purpose, for example the shipment from Cambodia by sea transport connect with air transport in Singapore to final destination where there is no road transport infrastructure from there.

APPENDIX

ASEAN Framework Agreement on the facilitation of goods in transit

PREAMBLE

The Members of the Association of South East Asian Nations (hereinafter referred to as "Contracting Parties");

Inspired to maintain, further develop and strengthen friendly relations and cooperation between their countries;

Reiterating their commitment to foster smooth, rapid and efficient movement of goods between and among Contracting Parties;

Recalling the decisions of the First ASEAN Informal Summit held on 30 November 1996 in Jakarta and the Second ASEAN Informal Summit held on 15 December 1997 in Kuala Lumpur, to cooperate in the area of facilitation of goods in transit and to expeditiously study the necessary measures to facilitate the transportation of goods both in transit and inter-State, covering land, maritime and air links, respectively;

Noting Article V of the General Agreement on Tariffs and Trade (GATT 1994) on "Freedom of Transit" and other relevant international conventions on goods in transit; Agreeing that the ASEAN Framework Agreement on the Facilitation of Goods in Transit (hereinafter referred to as "this Agreement") provides the most effective arrangement for facilitating inter-State traffic and transit transport among ASEAN countries;

Undertaking to encourage and facilitate inter-State traffic and transit transport among the Contracting Parties;

Have agreed as follows:

Article 1

Objectives

The objectives of this Agreement are:

- a. to facilitate transportation of goods in transit, to support the implementation of the ASEAN Free Trade Area, and to further integrate the region's economies;

- b. to simplify and harmonize transport, trade and customs regulations and requirements for the purpose of facilitation of goods in transit; and
- c. to establish an effective, efficient, integrated and harmonized transit transport system in ASEAN.

Article 2

Principles

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

- a. Most Favoured Nation Treatment : Contracting Parties shall accord to transit transport to or from the territory of any other Contracting Parties treatment no less favourable than the treatment accorded to transit transport to or from any other country;
- b. National Treatment : Contracting Parties shall accord to products which have been in transit through the territory of any other Contracting Party treatment no less favourable than that which would have been accorded to such products had they been transported from their place of origin to their destination without going through the territory of such other Contracting Party;
- c. Consistency : Contracting Parties shall ensure the consistent application of the relevant laws and regulations, procedures, and administration guidelines and other rulings within each Contracting Party;
- d. Simplicity : Contracting Parties shall endeavour to ensure the simplification of all transit transport procedures and requirements in ASEAN;
- e. Transparency : 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;
- f. Efficiency : Contracting Parties shall ensure the efficient and effective administration of transit transport to facilitate movement of goods in transit;
- g. Appeals : Contracting Parties shall ensure that an effective mechanism for the review of the decisions by the relevant authorities of Contracting Parties is made available and accessible to users and providers of transit transport within ASEAN; and
- h. Mutual Assistance : Contracting Parties shall endeavour their utmost cooperation and mutual assistance between the concerned agencies involved in the facilitation of goods in transit in ASEAN.

PART I

General Provisions

Article 3

Definitions

For the purposes of this Agreement:

- a. "Transit transport" means transit of goods and means of transport across the territory of one or more Contracting Parties, when the passage across such territory or territories, with or without transshipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of one or more Contracting Parties across whose territory the traffic passes;
- b. "Internal transport" means the carriage of goods loaded in the territory of a Contracting Party for unloading at a place within the territory of the same Contracting Party;
- c. "Means of transport" means road vehicles, railway rolling stock, sea and inland waterways craft and aircraft;
- d. "Dangerous goods" means those substances and articles which may affect the interest of environment, health, safety and national security;
- e. "Perishable goods" means fresh, chilled or frozen fish, crustacean, molluscs, fruits, vegetables, chilled or frozen meat or poultry, dairy and dairy products, eggs and egg products, and swine and pork products ; and
- f. "Secretary-General" means Secretary-General of the Association of South East Asian Nations.

Article 4

Scope of Application

1. The provisions of this Agreement shall apply to transit transport.
2. Inter-State transport shall be agreed upon by all the Contracting Parties. For this purpose, the Contracting Parties shall enter into negotiations and expeditiously conclude a separate ASEAN Framework Agreement on the Facilitation of Inter-State Transport.

Article 5

Grant of Rights

1. Subject to the provisions of this Agreement, each Contracting Party shall grant to other Contracting Parties:
 - a. the right of transit transport; and
 - b. the right to load and discharge third countries' goods destined for or coming from Contracting Parties.
2. The Contracting Parties, through whose territory the transit transport takes place, will endeavour to provide facilities for transit transport in accordance with the provisions of this Agreement.
3. Transit Transport shall not be subject to any unnecessary delays or restrictions and shall be exempt from customs duties, taxes and other charges except charges for specific services rendered in connection with such transport.
4. Goods carried in sealed road vehicles, combination of vehicles or container shall not be subjected to examination at Customs offices en route. However, to prevent abuses such as smuggling and fraud, Customs authorities of either Contracting Party, may in exceptional cases, and particularly when irregularity is suspected, carry out an examination of the goods at such offices or other areas designated by Customs authorities.

PART II

DESIGNATION OF TRANSIT TRANSPORT ROUTES

Article 6

Designation of Transit Transport Routes and Facilities

1. The Contracting Parties shall adopt a list of designated transit transport routes to be specified in Protocol 1 of this Agreement.
2. For the benefit of safety, the Contracting Parties shall endeavour to provide in their territories vehicle rest areas on these specified routes at appropriate intervals.

Article 7

Frontier Facilities

1. The Contracting Parties agree to designate frontier posts at border points to be specified in Protocol 2 to facilitate transit transport.
2. The Contracting Parties shall provide adequate facilities and related installations at frontier posts over the transit transport routes.
3. The Contracting Parties shall endeavour to:

- a. Provide, whenever possible, and within their national jurisdiction, frontier posts which are physically adjacent to those of other Contracting Parties concerned with control areas with checking requirements in order to facilitate the clearance and examination of the means of transport and goods in transit, so that repeated unloading and reloading of these goods may be avoided. Nothing shall prevent two or more Contracting Parties from conducting joint examination at the same place by officials of these Contracting Parties;
 - b. Ensure that adequate manpower resources are made available for the speedy completion and clearance of frontier formalities, such as immigration, customs, health and foreign exchange controls;
 - c. Allow goods in transit to be temporarily stored in approved places;
 - d. Coordinate working hours of adjacent posts; and
 - e. Provide, wherever possible, adequate parking space for containers and for vehicles awaiting goods clearance.
4. The Contracting Parties agree to be guided, wherever possible, by the provisions of the International Convention on Harmonization of Frontier Control of Goods, signed at Geneva on 21 October 1982, in their efforts to harmonise frontier facilities for goods in transit.

PART III

GENERAL CONDITIONS FOR ROAD TRANSPORT

Article 8

Traffic Regulations

The Contracting Parties shall endeavour to take appropriate measures to ensure the harmonization of road traffic regulations in force in their territories conform in substance to the provisions of the Convention on Road Traffic, signed at Vienna on 8 November 1968, and the Convention on Road Sign and Signals, signed at Vienna on 8 November 1968.

Article 9

Transit Transport Services

1. Each Contracting Party shall allow the use of means of transport registered in other Contracting Parties to provide transit transport services on its territory in accordance with Article 5 of this Agreement.

2. The type and quantity of road vehicles to be used for transit transport shall be agreed upon between all Contracting Parties, to be specified in Protocol 3, before the transport services are inaugurated. Thereafter, the type and quantity of road vehicles shall be discussed from time to time between the Contracting Parties.

Article 10

Road Transport Permits

The Contracting Parties undertake to harmonize road transport permit requirements in order to facilitate transit transport.

Article 11

Technical Requirements of Vehicles

Means of transport used in road transit transport shall conform to the technical requirements regarding vehicle dimensions, maximum weights and loads, emission standards and related matters to be specified in Protocol 4.

Article 12

Mutual Recognition of Inspection Certificates

1. The Contracting Parties undertake to institute periodic inspection of road vehicles registered in each respective territory and used for transit transport operations.
2. The Contracting Parties shall recognize periodic inspection certificates of road vehicles used for transit transport issued by the other Contracting Parties, 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 at Singapore on 10 September 1998.

Article 13

Mutual Recognition of Driving Licenses

The Contracting Parties shall recognize 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 at Kuala Lumpur on 9 July 1985.

Article 14

Motor Vehicle Third-Party Insurance Scheme

1. The road vehicle entering the territory of the other Contracting Party shall strictly comply with the laws and regulations related to third-party insurance covering for the insurance of their means of transport to cover third-party liability incurred in the course of transit transport.

2. The Contracting Parties undertake to harmonize or establish a common ASEAN scheme of compulsory motor vehicle third-party liability insurance to be specified in Protocol 5.

3. The ASEAN scheme of compulsory motor vehicle third-party liability insurance shall provide, at least, all the guarantees required by the laws and regulations governing compulsory motor vehicle third-party insurance in the Contracting Parties.

Article 15

Charges and Other Financial Obligations

The Contracting Parties endeavour to simplify, consolidate and harmonize charges and other financial obligations which are levied on the means of transport.

PART IV

GENERAL CONDITIONS FOR RAIL TRANSPORT

Article 16

Connecting and Transit Services

1. Connecting and transit services on railway lines linking the territories of the Contracting Parties shall be performed at designated interchange stations.

2. Border stations, interchange stations and type and quantity of rolling stock shall be designated in Protocol 6. The Protocol shall also specify basic operational arrangements relating to such matters as technical inspection of rolling stock .

3. The Contracting Parties shall encourage their railways to conclude inter-railway agreements, including arrangements for the acceptance of technical inspection of rolling stock, which are consistent with the provisions of this Agreement and its Protocols.

PART V

CUSTOMS CONTROL, SANITARY AND PHYTOSANITARY MEASURES

Article 17

Harmonization and Simplification of Customs Procedures

1. The Contracting Parties shall simplify and, whenever possible, harmonize the customs control procedures of transit transport to ensure compliance with the laws and regulations which the Customs are responsible for enforcing.
2. The Contracting Parties shall facilitate joint customs inspection, wherever possible, of transit transport at their designated frontier points.
3. The Contracting Parties agree to be guided, whenever possible, by the standards and recommended practices of Annex E1 concerning Customs Transit of the International Convention on the Simplification and Harmonization of Customs Procedures, concluded at Kyoto on 18 May 1973, as amended, under the auspices of the World Customs Organization.

Article 18

Establishment of a Customs Transit System

1. The Contracting Parties shall establish a customs transit system for the purposes of facilitating the movement of goods in their territories.
2. The Contracting Parties agree to apply the customs transit system to be specified in Protocol 7.

Article 19

Establishment of Sanitary and Phytosanitary Measures

The Contracting Parties shall establish sanitary and phytosanitary measures to be specified in Protocol 8, to facilitate the movement of goods in their territories and ensure compliance with the laws and regulations which the relevant authorities are responsible for enforcing.

PART VI

MISCELLANEOUS PROVISIONS

Article 20

Special Provisions on Transport of Dangerous Goods

Transit transport of dangerous goods to be specified in Protocol 9 shall not be permitted under this Agreement, unless there is a special permit of the Contracting Party in whose territory the transportation is undertaken.

Article 21

Special Provisions on Transport of Prohibited and/or Restricted Goods

Transit transport of goods prohibited and/or restricted in the transit territory of a Contracting Party, to be specified in Protocol 7, shall not be permitted under this Agreement.

Article 22

Special Provisions on Transport of Perishable Goods

Subject to the provisions of this Agreement, the Contracting Parties shall endeavour to facilitate transport of perishable goods.

Article 23

Provision of Greater Facilities

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

Article 24

Domestic Legislation

1. Domestic legislation and regulations relating to transport of goods shall, in so far as this Agreement and its Protocols do not lay down, apply equally and without discrimination to transit transport.
2. The Contracting Parties endeavour to harmonize and simplify their rules, regulations and administrative procedures relating to transit transport in accordance with the provisions of this Agreement.

Article 25

Working Groups

After the signing of this Agreement, related Working Groups shall be established or designated, to conclude the Protocols which shall form integral parts of this Agreement.

These are:

- Protocol 1 Designation of Transit Transport Routes and Facilities
- Protocol 2 Designation of Frontier Posts
- Protocol 3 Types and Quantity of Road Vehicles
- Protocol 4 Technical Requirements of Vehicles

- Protocol 5 ASEAN Scheme of Compulsory Motor Vehicle Third-Party Liability Insurance
- Protocol 6 Railways Border and Interchange Stations
- Protocol 7 Customs Transit System
- Protocol 8 Sanitary and Phytosanitary Measures
- Protocol 9 Dangerous Goods

Article 26

Compliance with National Laws

Except where otherwise provided in Agreements between the Contracting Parties, including this Agreement:

- a. means of transport of one Contracting Party including persons and goods shall, when in the territory of the other Contracting Party, comply with national laws and regulations in force in that territory ; and
- b. neither of the Parties shall impose on persons or goods of the other Contracting Party requirements which are more restrictive than those applied by its national laws and regulations on its own means of transport.

Article 27

Transparency

1. The Contracting Parties shall ensure transparency of its respective laws, regulations and administrative procedures which affect the facilitation of transit transport of goods under this Agreement and its Protocols.
2. For this purpose, all Contracting Parties shall deposit with the ASEAN Secretariat, not later than six months after this Agreement has entered into force, their aforementioned laws, regulations and administrative procedures.
3. If the aforementioned documents are not in the English language, their English translation shall also be deposited within one year after this Agreement has entered into force.

Article 28

Assistance for Traffic Accidents

Should the means of transport of one Contracting Party including persons and goods be involved in traffic accidents in the territory of another Contracting Party, the latter shall provide all possible assistance to the means of transport, including persons and goods, and notify the appropriate authorities of the Contracting Party concerned as soon as possible.

PART VII

INSTITUTIONAL ARRANGEMENTS

Article 29

Institutional Arrangements

1. A National Transit Transport Coordinating Committee shall be established in each of the Contracting Parties for the effective and efficient coordination and implementation of this Agreement.
2. A Transit Transport Coordinating Board shall be established and composed of senior official nominated from each Contracting Party and a representative of the ASEAN Secretariat, to oversee the overall coordination and implementation of this Agreement. The Board is also authorized to invite and seek the assistance of other relevant ASEAN coordinating bodies, for 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, and in particular, in 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 VIII

FINAL CLAUSES

Article 30

Dispute Settlement

The provisions of the ASEAN Protocol on Dispute Settlement Mechanism, done at Manila on 20th day of November 1996, shall apply to consultation and the settlement of disputes under this Agreement.

Article 31

Accession of New Members

New Members of ASEAN shall accede to this Agreement on terms and conditions consistent with it and which have been agreed between them and the existing Members of

ASEAN. Accession shall be through the signing and deposit of the Instrument of Accession of this Agreement with the Secretary – General of ASEAN, who shall promptly furnish each Contracting Party a certified true copy thereof.

Article 32

Other Agreements in Force

This Agreement or any actions taken thereto shall not affect the rights and obligations of the Contracting Parties under any existing agreements or International Conventions to which they are also Contracting Parties.

Article 33

Final Provisions

1. This Agreement is subject to ratification or acceptance by the Contracting Parties.
2. The Instrument 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 Agreement shall enter into force upon the deposit of Instruments of Ratification or Acceptance by all Contracting Parties with the Secretary-General of ASEAN.
4. No reservations may be made to this Agreement either at the time of signature or ratification.
5. Any amendment to the provisions of this Agreement shall be effected by consent of all the Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized to sign by their respective Governments, have signed the ASEAN Framework Agreement on the Facilitation of Goods in Transit.

DONE at Hanoi, Vietnam on the 16th day of December 1998, in a single copy in the English language.