



## **PROTOCOL 3**

### **TYPES AND QUANTITY OF ROAD VEHICLES**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam, Member States of the Association of Southeast Asian Nations (hereinafter referred to as "**Contracting Parties**");

**RECALLING** the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Vietnam (hereinafter referred to as "**the Agreement**");

**RECOGNISING** that Articles 9 and 25 thereof provide for the conclusion of implementing Protocols which shall form integral parts of the Agreement;

**RECALLING** further the Hanoi Plan of Action which was adopted by the Heads of State and Government of ASEAN at the Sixth ASEAN Summit in Hanoi, Vietnam on 16 December 1998 stipulates to operationalise the Agreement by the year 2000;

**NOW, WHEREFORE**, the Contracting Parties have agreed as follows:

Article 1  
**Definitions**

For the purposes of this Protocol:

- (a) **“Transit transport operators”** means owners, drivers and/or agents of road transit transport vehicles who (1) have the appropriate national permit or licence to operate transport services and who have a proven compliance record to the rules and procedures under the said permit or licence, and (2) are duly registered as transit transport operators by the respective National Transit Transport Coordinating Committee (NTTCC);
- (b) **“Road transit transport vehicle”** means the type of road vehicles specified under Article 3 herein for the use of carrying goods 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 vehicle passes;
- (c) **“Transit transport”** shall have the meaning assigned to it in the Agreement;
- (d) **“Protocol 4”** means Protocol 4 – Technical Requirements of Vehicles made pursuant to the Agreement.

## Article 2

### **Scope of Application**

1. Pursuant to Article 9.2 of the Agreement, the Contracting Parties hereby agree to apply the provisions of this Protocol to a road transit transport vehicle engaging in transit transport.
2. This Protocol shall apply to all road transit transport vehicles and transit transport operators as defined in Article 1 of this Protocol.

## Article 3

### **Types of Vehicle**

The Contracting Parties hereby agree that any transit transport operators shall not be permitted to engage in transit transport using road vehicles other than those specified as road transit transport vehicles in Annex 1.

## Article 4

### **Quantity**

Pursuant to Article 9.2 of the Agreement, the Contracting Parties hereby agree that the number of road transit transport vehicles which shall be allowed to be used for transit transport shall be no more than sixty (60) vehicles per Contracting Party. Thereafter, the quantity of road transit transport vehicles shall be discussed from time to time between the Contracting Parties.

Article 5  
**Obligations**

1. Subject to Article 24 of the Agreement, the Contracting Parties hereby agree to authorize the unhindered access and movement of road transit transport vehicles on designated transit transport routes.
2. The Contracting Parties shall take appropriate measures to ensure that their respective road transit transport vehicles comply with the road traffic rules and regulations of the Contracting Party across whose territory the vehicle passes.

Article 6  
**Mandatory Technical Requirements**

The road transport transit vehicle to which this Protocol applies shall not be allowed to engage in transit transport unless it complies with the Mandatory Technical Requirements as specified in Protocol 4.

Article 7  
**Institutional Arrangements**

1. The ASEAN Senior Transport Officials Meeting shall be the responsible body for the monitoring, review, coordination and supervision of all aspects relating to the effective implementation of this Protocol.

2. The ASEAN Senior Transport Officials Meeting shall submit, through the ASEAN Secretariat, regular reports of the progress of implementation of this Protocol to the Transit Transport Coordinating Board established pursuant to Article 29.2 of the Agreement, for further action.
3. The ASEAN Secretariat shall provide the necessary technical support and assistance to the ASEAN Senior Transport Officials Meeting in its functions and responsibilities under this Protocol.

Article 8  
**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 and its Annex shall form an integral part of the Agreement.
3. This Protocol is subject to ratification or acceptance by the Contracting Parties. 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.
4. This Protocol shall enter into force upon the deposit of Instruments of Ratification or Acceptance by all Contracting Parties with the Secretary-General of ASEAN.
5. Any amendment to the provisions of this Protocol and its Annex 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 Protocol 3 on the Types and Quantity of Road Vehicles to implement the ASEAN Framework Agreement on the Facilitation of Goods in Transit.

**DONE** at Hanoi, Vietnam on the **15<sup>th</sup>** day of September 1999, in a single copy in the English language.

## Annex 1

### Types of Vehicle

The road transit transport vehicles which are allowed under this Protocol shall fall into the following types:-

1. "Rigid Motor Vehicle" means a motor vehicle other than an articulated vehicle, particularly a commercial vehicle carrying the payload on its own axles.
2. "Articulated vehicle" means a prime mover drawing a semi-trailer.
3. "Semi-trailer" means a vehicle drawn by a motor vehicle in such a manner that part of the trailer is superimposed on the motor vehicle and a substantial part of the weight of the trailer and its load is borne by the motor vehicle.

For the purpose of this Protocol, rigid motor vehicles and articulated vehicles are classified into:

- |                |   |               |
|----------------|---|---------------|
| - Boxed        | } | <b>SEALED</b> |
| - Refrigerated | } |               |
| - Tanker       | } |               |
| - Container    | } |               |

Where sealed vehicle is defined as a vehicle the load compartment of which is constructed and equipped in such a manner that:

- a. Customs seal can be easily and effectively affixed to it;
- b. No goods can be removed, or introduced into, the sealed part of the vehicle without leaving visible traces of tampering or without breaking the Customs seal;
- c. It contains no concealed space where goods may be hidden; and
- d. All spaces capable of holding goods are readily accessible for Customs inspection.