



**PROTOCOL 2**  
**ON UNLIMITED FIFTH FREEDOM TRAFFIC RIGHTS WITHIN**  
**THE ASEAN SUB-REGION**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to as "Lao PDR"), 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 (ASEAN) (hereinafter referred to collectively as "Contracting Parties" or individually as "Contracting Party"),

**RECALLING** the ASEAN Multilateral Agreement on Air Services signed on 20 May 2009 in Manila, Philippines (hereinafter referred to as "the Agreement");

**RECOGNISING** that Annex II of the Agreement thereof provides for the conclusion of Implementing Protocols which shall form integral parts of the Agreement;

**RECOGNISING** also paragraph 3 of Article I of the Framework Agreement on Enhancing ASEAN Economic Cooperation signed on 28 January 1992 in Singapore, that, in the implementation of economic arrangements, two or more Member States may proceed first if other Member States are not ready to implement these arrangements; and

**DESIRING** to remove restrictions on air services with a view of achieving full liberalisation in ASEAN by 2015,

## **HAVE AGREED AS FOLLOWS:**

### **Article 1 – Definitions**

For the purposes of this Protocol:

1. The term “ASEAN Sub-region” means:
  - a) The Brunei Darussalam, Indonesia, Malaysia, Philippines-East ASEAN Growth Area (BIMP-EAGA);
  - b) The Sub-regional Cooperation in Air Transport among Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV);
  - c) The Indonesia, Malaysia, Singapore-Growth Triangle (IMS-GT);
  - d) The Indonesia, Malaysia, Thailand-Growth Triangle (IMT-GT); or
  - e) Expansion there-from or any other new sub-regions as the case may be.
  
2. The term “Sub-region fifth (5<sup>th</sup>) freedom traffic rights” means intermediate and beyond fifth (5<sup>th</sup>) freedom traffic rights which are to be operated wholly within an ASEAN Sub-region.

### **Article 2 – Routing and Traffic Rights**

1. The designated airline(s) of each Contracting Party shall be allowed to operate air passenger services from any designated points in its territory to any designated points in the ASEAN Sub-region to which that Contracting Party belongs and vice versa with full Sub-region fifth (5<sup>th</sup>) freedom traffic rights.

2. Notwithstanding paragraph 1 of this Article, the right to take on board or put down, in the territory of any other Contracting Party, passengers, baggage, cargo or mail carried for remuneration and destined for or coming from any other points, shall be subject to the agreement between the aeronautical authorities of the Contracting Parties concerned.

### **Article 3 – Capacity and Frequency**

There shall be no limitation on capacity, frequency and aircraft type with regard to air passenger services operated under this Protocol as provided in Article 2.

### **Article 4 – Specification of Points**

The designated points as mentioned in Article 2 are listed below:

- |                     |   |  |
|---------------------|---|--|
| BIMP-EAGA           | : |  |
| - Brunei Darussalam |   | <b>Bandar Seri Begawan</b>                                       |
| - Indonesia         |   | <b>Balikpapan, Manado, Pontianak<br/>and Tarakan</b>             |
| - Malaysia          |   | <b>Kota Kinabalu, Labuan, Kuching<br/>and Miri</b>               |
| - The Philippines   |   | <b>Davao, General Santos, Puerto<br/>Princesa and Zamboanga;</b> |
| CLMV                | : |  |
| - Cambodia          |   | <b>Phnom Penh</b>  |
| - Lao PDR           |   | <b>Vientiane, Luang Phabang and</b>                              |
| - Myanmar           |   | <b>Pakse, Yangon and Mandalay</b>                                |

- Viet Nam

**Ha Noi, Ho Chi Minh City, Da Nang Dien Bien Phu, Phu Bai, Cat Bi and Lien Khuong**

IMS-GT

:

- Indonesia  
- Malaysia  
- Singapore

Not Applicable  
Not Applicable  
Not Applicable

IMT-GT

:

- Indonesia  
- Malaysia  
- Thailand

**Medan, Padang, Banda Aceh, and Nias  
Penang, Langkawi, Alor Star, Ipoh and Kota Bharu  
Hat Yai, Narathiwat, Pattani, Trang and Nakon Si Thammarat**

### **Article 5 – 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 is subject to ratification or acceptance by the Contracting Parties who have ratified or accepted the Agreement, and shall become effective only among the Contracting Parties that have ratified or accepted it. The Instruments of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly inform each Contracting Party of such deposit.

3. Any amendment to the provisions of this Protocol, except the inclusion of additional designated points, shall be effected by consent of all the Contracting Parties, as provided for under Article 16 in the Agreement.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 2 on Unlimited Fifth Freedom Traffic Rights within the ASEAN Sub-Region.

**DONE** at **Manila, Philippines**, this 20<sup>th</sup> day of May..... in the Year **Two Thousand and** Nine....., in a single original copy in the English language.