

**ANNEX I****Scheduled Air Services****Section 1****Routing**

1. The designated airline(s) of each Contracting Party shall, in accordance with the terms of their designation, be allowed to operate from any points in the territory of the Contracting Party designating the airline via any intermediate points to any points in the territory of any other Contracting Party and to any points beyond in any combination or order, provided that all the points are international airports.
2. Notwithstanding the above provisions, 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 points in the territory of any non-Contracting Party, shall be subject to the agreement between the aeronautical authorities of the Contracting Parties concerned.

**Section 2****Operational Flexibility**

1. Each designated airline may, on any or all flights and at its option:
  - a) operate flights in either or both directions;
  - b) combine different flight numbers within one aircraft operation;
  - c) serve behind, intermediate, and beyond points and points in the territories of the Contracting Parties on the routes in any combination and in any order;
  - d) omit stops at any point or points;
  - e) transfer traffic from any of its aircraft to any of its other aircraft at any point on the routes; and
  - f) serve points behind any point in its territory with or without change of aircraft or flight number and may hold out and advertise such services to the public as through services

without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement; provided that the service serves a point in the territory of the Contracting Party designating the airline.

2. On any segment or segments of the routes above, any designated airline may perform international air services without any limitation as to change, at any point on the route, on an one-on-one basis (with the exception of code-sharing) provided that, in the outbound direction, the air services beyond such point is a continuation of the air services from the territory of the Contracting Party that has designated the airline and, in the inbound direction, the air services to the territory of the Contracting Party that has designated the airline is a continuation of the air services from beyond such point.

3. The designated airline(s) of each Contracting Party may be required to submit its envisaged flight schedules for approval to the aeronautical authorities of the other Contracting Party at least thirty (30) days prior to the operation of the agreed services. Any modification thereof shall be submitted for consideration at least fifteen (15) days prior to the operation.

4. For supplementary flights which the designated airline(s) of one Contracting Party wishes to operate on the agreed services outside the approved timetable, that airline must request prior permission from the aeronautical authorities of the other Contracting Party. Such requests shall usually be submitted at least four (4) working days prior to the operation of such flights.

**ANNEX II**

**IMPLEMENTING PROTOCOLS**

The Contracting Parties shall conclude the following Implementing Protocols which shall form integral parts of this Agreement:

- a) Protocol 1      Unlimited Third and Fourth Freedom Traffic Rights Within ASEAN Sub-Region;
- b) Protocol 2      Unlimited Fifth Freedom Traffic Rights Within ASEAN Sub-Region;
- c) Protocol 3      Unlimited Third and Fourth Freedom Traffic Rights Between ASEAN Sub-Regions;
- d) Protocol 4      Unlimited Fifth Freedom Traffic Rights Between ASEAN Sub-Regions;
- e) Protocol 5      Unlimited Third and Fourth Freedom Traffic Rights Between ASEAN Capital Cities; and
- f) Protocol 6      Unlimited Fifth Freedom Traffic Rights Between ASEAN Capital Cities.

**PROTOCOL 1  
ON UNLIMITED THIRD AND FOURTH 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 (date) in (venue) (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, 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 therefrom or any other new sub-regions as the case may be.

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

The designated airline(s) of each Contracting Party shall be allowed to operate air passenger services from any designated points (as listed in Article 4 of this Protocol) in its territory to any designated points in the ASEAN Sub-region to which that Contracting Party belongs and vice versa with full third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) freedom traffic rights.

### **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, which are non-exhaustive, as mentioned in Article 2 are listed below:

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

**Dien Bien Phu, Phu Bai, Cat Bi and  
Lien Khuong**

IMS-GT	:	
- Indonesia		Not Applicable
- Malaysia		Not Applicable
- Singapore		Not Applicable

IMT-GT	:	
- Indonesia		<b>Medan, Padang, Banda Aceh, and Nias</b>
- Malaysia		<b>Langkawi, Penang, Alor Star, Ipoh and Kota Bharu</b>
- Thailand		<b>Hat Yai, Narathiwat, Pattani, Trang and Nakon Si Thammarat</b>

**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 of the Agreement.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 1 On Unlimited Third And Fourth Freedom Traffic Rights Within The ASEAN Sub-Region.

**DONE** at \_\_\_\_\_, this ..... day of .....in the Year **Two Thousand and Eight**, in a single original copy in the English language.

For Brunei Darussalam:

.....  
**PEHIN DATO ABU BAKAR APONG**  
Minister of Communications  
For the Kingdom of Cambodia:

.....  
**SUN CHANTHOL**  
Minister of Public Works and Transport

For the Republic of Indonesia:

.....  
**JUSMAN SYAFII DJAMAL**  
Minister for Transportation

For the Lao People's Democratic Republic:

.....  
**SOMMAD PHOLSENA**  
Minister of Public Works and Transport

For Malaysia:

.....  
**DATUK ONG TEE KEAT**  
Minister of Transport

For the Union of Myanmar:

.....  
**MAJOR GENERAL THEIN SWE**  
Minister for Transport

For the Republic of the Philippines:

.....  
**GEN. LEANDRO R. MENDOZA (Ret.)**  
Secretary of Transportation and Communications

For the Republic of Singapore:

.....  
**RAYMOND LIM**  
Minister for Transport

For the Kingdom of Thailand:

.....



*Updated Draft (as of 12 August 2008)*

**SANTI PROMPHAT**  
Minister for Transport

For the Socialist Republic of Viet Nam:

.....  
**HO NGHIA DUNG**  
Minister of Transport

**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 (date) in (venue) (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
- Indonesia

**Bandar Seri Begawan  
Balikpapan, Manado, Pontianak and**

- Malaysia	<b>Tarakan</b>
- The Philippines	<b>Kota Kinabalu, Labuan, Kuching and Miri</b>
CLMV	<b>Davao, General Santos, Puerto Princesa and Zamboanga;</b>
	:
- Cambodia	<b>Phnom Penh</b>
- Lao PDR	<b>Vientiane, Luang Phabang and Pakse</b>
- Myanmar	<b>Yangon and Mandalay</b>
- Viet Nam	<b>Ha Noi, Ho Chi Minh City, Da Nang</b>
	<b>Dien Bien Phu, Phu Bai, Cat Bi and Lien Khuong</b>
IMS-GT	:
- Indonesia	Not Applicable
- Malaysia	Not Applicable
- Singapore	Not Applicable
IMT-GT	:
- Indonesia	<b>Medan, Padang, Banda Aceh, and Nias</b>
- Malaysia	<b>Langkawi, Alor Star, Ipoh and Kota Bharu</b>
- Thailand	<b>Hat Yai, Narathiwat, Pattani, Trang and Nakon Si Thammarat</b>

#### 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 \_\_\_\_\_, this ..... day of .....in the Year **Two Thousand and Eight**, in a single original copy in the English language.

For Brunei Darussalam:

.....  
**PEHIN DATO ABU BAKAR APONG**  
Minister of Communications

For the Kingdom of Cambodia:

.....  
**SUN CHANTHOL**  
Minister of Public Works and Transport

For the Republic of Indonesia:

.....  
**JUSMAN SYAFII DJAMAL**  
Minister for Transportation

For the Lao People's Democratic Republic:

.....  
**SOMMAD PHOLSENA**  
Minister of Public Works and Transport

For Malaysia:

.....  
**DATUK ONG TEE KEAT**  
Minister of Transport

For the Union of Myanmar:

.....  
**MAJOR GENERAL THEIN SWE**  
Minister for Transport

For the Republic of the Philippines:

.....  
**GEN. LEANDRO R. MENDOZA (Ret.)**  
Secretary of Transportation and Communications

For the Republic of Singapore:

.....  
**RAYMOND LIM**  
Minister for Transport

For the Kingdom of Thailand:

.....  
**SANTI PROMPHAT**  
Minister for Transport

For the Socialist Republic of Viet Nam:

.....  
**HO NGHIA DUNG**  
Minister of Transport



**PROTOCOL 3  
ON UNLIMITED THIRD AND FOURTH FREEDOM TRAFFIC  
RIGHTS BETWEEN THE ASEAN SUB-REGIONS**

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 (date) in (venue) (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, 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.

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

The designated airline(s) of each Contracting Party shall be allowed to operate air passenger services from any designated point(s) in its territory to any designated point(s) in the territory of the other Contracting Parties other than those of the ASEAN Sub-region to which that Contracting Party belongs and vice versa with full third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) freedom traffic rights.

## **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</b>
- Malaysia		<b>Labuan and Miri</b>
- The Philippines		<b>Davao, General Santos, Puerto Princesa and Zamboanga;</b>
CLMV	:	
- Cambodia		<b>Phnom Penh</b>
- Lao PDR		<b><u>[Vientiane, Luang Phabang and Pakse]</u></b>
- Myanmar		<b>Yangon and Mandalay</b>
- Viet Nam		<b><u>[Ha Noi, Da Nang, Dien Bien Phu, Phu Bai, Cat Bi and Lien Khuong]</u></b>
IMS-GT	:	
- Indonesia		Not Applicable
- Malaysia		Not Applicable
- Singapore		Not Applicable
IMT-GT	:	
- Indonesia		<b>Medan and Padang</b>
- Malaysia		<b>Alor Star and Ipoh</b>
- Thailand		<b>Hat Yai, Narathiwat, Pattani, Trang and Nakhon Si Thammarat</b>

## **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. 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. This Protocol shall enter into force on the date of the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance from at least two (2) different ASEAN Sub-regions with the Secretary-General of ASEAN and shall become effective only among the Contracting Parties that have ratified or accepted it. For each Contracting Party ratifying or accepting the Protocol after the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance, the Protocol shall enter into force on date of the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.

4. 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 of the Agreement.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 3 On Unlimited Third And Fourth Freedom Traffic Rights Between The ASEAN Sub-Regions.

**DONE** at \_\_\_\_\_, this ..... day of .....in the Year **Two Thousand and Eight**, in a single original copy in the English language.

For Brunei Darussalam:

.....  
**PEHIN DATO ABU BAKAR APONG**  
Minister of Communications

For the Kingdom of Cambodia:

.....  
**SUN CHANTHOL**  
Minister of Public Works and Transport

For the Republic of Indonesia:

.....  
**JUSMAN SYAFII DJAMAL**  
Minister for Transportation

For the Lao People's Democratic Republic:

.....  
**SOMMAD PHOLSENA**  
Minister of Public Works and Transport

For Malaysia:

.....  
**DATUK ONG TEE KEAT**  
Minister of Transport

For the Union of Myanmar:

.....  
**MAJOR GENERAL THEIN SWE**  
Minister for Transport

For the Republic of the Philippines:

.....  
**GEN. LEANDRO R. MENDOZA (Ret.)**  
Secretary of Transportation and Communications

For the Republic of Singapore:

.....  
**RAYMOND LIM**  
Minister for Transport

For the Kingdom of Thailand:

.....  
**SANTI PROMPHAT**  
Minister for Transport

For the Socialist Republic of Viet Nam:

.....  
**HO NGHIA DUNG**  
Minister of Transport

**PROTOCOL 4  
ON UNLIMITED FIFTH FREEDOM TRAFFIC RIGHTS  
BETWEEN THE ASEAN SUB-REGIONS**

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 (date) in (venue) (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 “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 ASEAN.

## Article 2 – Routing and Traffic Rights

The designated airline(s) of each Contracting Party shall, in accordance with the terms of its designation, be allowed to operate air passenger services from any designated point(s) in its territory to any designated point(s) in the territory of the other Contracting Parties via any designated intermediate point(s) to any designated point(s) in the territory of any other Contracting Party to any designated beyond point(s) in any combination or order provided that the points are in ASEAN Sub-regions (as

provided in Article 4) and vice versa with full third (3<sup>rd</sup>), fourth (4<sup>th</sup>) and fifth (5<sup>th</sup>) freedom traffic rights.

### 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 and Manado</b>
- Malaysia		<b>Labuan and Miri</b>
- The Philippines		<b>Davao and Zamboanga</b>
CLMV	:	
- Cambodia		<b>Phnom Penh</b>
- Lao PDR		<b>[Vientiane, Luang Phabang and Pakse]</b>
- Myanmar		<b>Yangon and Mandalay</b>
- Viet Nam		<b>[Ha Noi, Da Nang, Dien Bien Phu, Phu Bai, Cat Bi and Lien Khuong]</b>
IMS-GT	:	
- Indonesia		Not Applicable
- Malaysia		Not Applicable
- Singapore		Not Applicable
IMT-GT	:	
- Indonesia		<b>Medan and Padang</b>
- Malaysia		<b>Ipoh and Alor Star</b>
- Thailand		<b>Hat Yai, Narathiwat, Pattani, Trang and Nakon Si Thammarat</b>

## **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. 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. This Protocol shall enter into force on the date of the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance from at least two (2) different ASEAN Sub-regions with the Secretary-General of ASEAN and shall become effective only among the Contracting Parties that have ratified or accepted it. For each Contracting Party ratifying or accepting the Protocol after the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance, the Protocol shall enter into force on the date of the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.
4. 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 of the Agreement.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 4 On Unlimited Fifth Freedom Traffic Rights Between The ASEAN Sub-Regions.

**DONE** at \_\_\_\_\_, this ..... day of .....in the Year **Two Thousand and Eight**, in a single original copy in the English language.

For Brunei Darussalam:

.....  
**PEHIN DATO ABU BAKAR APONG**  
Minister of Communications

For the Kingdom of Cambodia:

.....  
**SUN CHANTHOL**  
Minister of Public Works and Transport

For the Republic of Indonesia:

.....  
**JUSMAN SYAFII DJAMAL**  
Minister for Transportation

For the Lao People's Democratic Republic:

.....  
**SOMMAD PHOLSENA**  
Minister of Public Works and Transport

For Malaysia:

.....  
**DATUK ONG TEE KEAT**  
Minister of Transport

For the Union of Myanmar:

.....  
**MAJOR GENERAL THEIN SWE**  
Minister for Transport

For the Republic of the Philippines:

.....  
**GEN. LEANDRO R. MENDOZA (Ret.)**  
Secretary of Transportation and Communications

For the Republic of Singapore:

.....  
**RAYMOND LIM**  
Minister for Transport

For the Kingdom of Thailand:

.....  
**SANTI PROMPHAT**  
Minister for Transport

For the Socialist Republic of Viet Nam:

.....  
**HO NGHIA DUNG**  
Minister of Transport

**PROTOCOL 5  
ON UNLIMITED THIRD AND FOURTH FREEDOM TRAFFIC  
RIGHTS BETWEEN ASEAN CAPITAL CITIES**

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 (date) in (venue) (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 – Routing and Traffic Rights**

The designated airline(s) of each Contracting Party shall be allowed to operate air passenger services from its capital city to the capital cities of the other Contracting Parties and vice versa with full third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) freedom traffic rights by 31 December 2008.

**Article 2 – 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 1.

**Article 3 – Specification of Points**

The capital cities of the Contracting Parties as mentioned in Article 1 are listed below:

Brunei	:	Bandar Seri Begawan
Darussalam	:	
Cambodia	:	Phnom Penh
Indonesia	:	Jakarta
Lao PDR	:	Vientiane
Malaysia	:	Kuala Lumpur
Myanmar	:	Yangon
Philippines	:	Manila
Singapore	:	Singapore
Thailand	:	Bangkok
Viet Nam	:	Ha Noi



#### **Article 4 – 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. 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. This Protocol shall enter into force on the date of the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance with the Secretary-General of ASEAN and shall become effective only among the Contracting Parties that have ratified or accepted it. For each Contracting Party ratifying or accepting the Protocol after the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance, the Protocol shall enter into force on the date of the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.

4. Any amendment to the provisions of this Protocol 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 5 On Unlimited Third And Fourth Freedom Traffic Rights Between ASEAN Capital Cities.

**DONE** at....., this ..... day of .....in the Year **Two Thousand and Eight**, in a single original copy in the English language.

For Brunei Darussalam:

.....  
**PEHIN DATO ABU BAKAR APONG**  
Minister of Communications

For the Kingdom of Cambodia:

.....  
**SUN CHANTHOL**  
Minister of Public Works and Transport

For the Republic of Indonesia:

.....  
**JUSMAN SYAFII DJAMAL**  
Minister for Transportation

For the Lao People's Democratic Republic:

.....  
**SOMMAD PHOLSENA**  
Minister of Public Works and Transport

For Malaysia:

.....  
**DATUK ONG TEE KEAT**  
Minister of Transport

For the Union of Myanmar:

.....  
**MAJOR GENERAL THEIN SWE**  
Minister for Transport

For the Republic of the Philippines:

.....  
**GEN. LEANDRO R. MENDOZA (Ret.)**  
Secretary of Transportation and Communications

For the Republic of Singapore:

.....  
**RAYMOND LIM**  
Minister for Transport

For the Kingdom of Thailand:

.....  
**SANTI PROMPHAT**  
Minister for Transport

For the Socialist Republic of Viet Nam:

.....  
**HO NGHIA DUNG**  
Minister of Transport

**PROTOCOL 6  
ON UNLIMITED FIFTH FREEDOM TRAFFIC RIGHTS  
BETWEEN ASEAN CAPITAL CITIES**

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 (date) in (venue) (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, the term “fifth (5<sup>th</sup>) freedom traffic rights” means intermediate and beyond fifth freedom traffic rights which are to be operated wholly within ASEAN.

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

The designated airline(s) of each Contracting Party shall be allowed to operate air passenger services from its capital city to the capital cities of the other Contracting Parties and vice versa with full third (3<sup>rd</sup>), fourth (4<sup>th</sup>) and fifth (5<sup>th</sup>) freedom traffic rights by 31 December 2010.

### **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 capital cities of the Contracting Parties are listed below:

Brunei Darussalam	:	Bandar Seri Begawan
Cambodia	:	Phnom Penh
Indonesia	:	Jakarta
Lao PDR	:	Vientiane
Malaysia	:	Kuala Lumpur
Myanmar	:	Yangon
Philippines	:	Manila
Singapore	:	Singapore
Thailand	:	Bangkok
Viet Nam	:	Ha Noi

## **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. 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. This Protocol shall enter into force on the date of the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance with the Secretary-General of ASEAN and shall become effective only among the Contracting Parties that have ratified or accepted it. For each Contracting Party ratifying or accepting the Protocol after the deposit of the third (3<sup>rd</sup>) Instrument of Ratification or Acceptance, the Protocol shall enter into force on the date of the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.
4. Any amendment to the provisions of this Protocol shall be effected by consent of all the Contracting Parties as provided for under Article 16 of the Agreement.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 6 On Unlimited Fifth Freedom Traffic Rights Between ASEAN Capital Cities.

**DONE** at \_\_\_\_\_, this ..... day of .....in the Year **Two Thousand and Eight**, in a single original copy in the English language.

For Brunei Darussalam:

.....  
**PEHIN DATO ABU BAKAR APONG**  
Minister of Communications

For the Kingdom of Cambodia:

.....  
**SUN CHANTHOL**  
Minister of Public Works and Transport

For the Republic of Indonesia:

.....  
**JUSMAN SYAFII DJAMAL**  
Minister for Transportation

For the Lao People's Democratic Republic:

.....  
**SOMMAD PHOLSENA**  
Minister of Public Works and Transport



For Malaysia:

.....  
**DATUK ONG TEE KEAT**  
Minister of Transport

For the Union of Myanmar:

.....  
**MAJOR GENERAL THEIN SWE**  
Minister for Transport

For the Republic of the Philippines:

.....  
**GEN. LEANDRO R. MENDOZA (Ret.)**  
Secretary of Transportation and Communications

For the Republic of Singapore:

.....  
**RAYMOND LIM**  
Minister for Transport

For the Kingdom of Thailand:

.....  
**SANTI PROMPHAT**  
Minister for Transport

For the Socialist Republic of Viet Nam:

.....  
**HO NGHIA DUNG**  
Minister of Transport