ANNEX 12: BORDER CROSSING AND TRANSIT FACILITIES AND SERVICES

To the Agreement between and among the Governments of the Kingdom of Cambodia, the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar, the Kingdom of Thailand, and the Socialist Republic of Viet Nam for the Facilitation of Cross-Border Transport of Goods and People (hereinafter referred to as "the Annex")

The Governments of the Kingdom of Cambodia, the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar, the Kingdom of Thailand, and the Socialist Republic of Viet Nam (hereinafter referred to as "the Contracting Parties"),

Referring to the Agreement between and among the Governments of the Lao People's Democratic Republic, the Kingdom of Thailand, and the Socialist Republic of Viet Nam for the Facilitation of Cross-Border Transport of Goods and People, originally signed on 26 November 1999 at Vientiane, amended at Yangon on 29 November 2001, acceded to by the Kingdom of Cambodia at Yangon on 29 November 2001, acceded to by the People's Republic of China on 3 November 2002 at Phnom Penh, and acceded to by the Union of Myanmar on 19 September 2003 at Dali City (hereinafter referred to as "the Agreement"),

Referring to Articles 3(b) and (n) of the Agreement to the effect that Annexes and Protocols contain technical details or time- and/or site-specific variable elements and that they form an integral part of the Agreement and are equally binding,

Referring to Article 36 of the Agreement, as amended, per which the Agreement may be signed and ratified or accepted and enter into force separately from the Annexes and Protocols,

Referring to the Ninth GMS Ministerial Conference held in Manila in January 2000, the Seventh Meeting of the Subregional Transport Forum held in Ho Chi Minh City in August 2002, and the 11th GMS Ministerial Conference held in Phnom Penh in September 2002, where the Governments agreed to a work program to finalize the Agreement and its Annexes and Protocols by 2005, and

Referring to Article 27 of the Agreement, calling for this Annex to provide technical details,

HAVE AGREED AS FOLLOWS:

Article 1: Availability of Required Services, Facilities, and Personnel

The Contracting Parties will see to it that the required services, facilities, and personnel for a smooth border crossing are available in the border crossings mentioned in Protocol 1 of the Agreement.

Article 2: Vehicles

The Contracting Parties will make the following minimum services, facilities, and personnel available for vehicles: vehicle repair and maintenance services, a fuel station, a parking lot on hard surface and facilities for vehicle disinfection.

Article 3: Cargo

The Contracting Parties will make the following minimum services, facilities, and personnel available for cargoes: hard surfaced areas and covered shelters from the weather condition for loading and unloading, transshipment, and inspections of the cargo; warehousing facilities; storage room (including refrigerated space) and a container depot (among other things, for storing the cargo pending the disclosure of results of sanitary or veterinary inspection or for quarantine purposes) to assure the safe storage of the merchandise without risk of damage, decay, or loss; customs warehouses; plant quarantine and disinfection facilities; and staging points, allowing to rest, feed, and water and if required unload and accommodate consignments of live animals and facilities for live animals isolation.

Article 4: Crew and Passengers

The Contracting Parties will make the following minimum services, facilities, and personnel available for crew and passengers: a facility for the purpose of searching travelers, rest areas, sanitary equipment (toilets), and medical first aid.

Article 5: Miscellaneous Services, Facilities, and Equipment

The Contracting Parties will make the following minimum services, facilities, and personnel available: a communication center with mail and telecommunication (telephone, telex, fax, internet); a travel information center; a bank and currency exchange office; police forces among other things to assure the safety and security of foreign drivers, passengers, vehicles, and cargoes when parked or stopped at the border crossing point or terminals, vehicle weighing stations, parking lots, or depots designated by the Host Country; and qualified personnel (among other things, with English-language proficiency).

Article 6: Road and Border Crossing Infrastructure

The Contracting Parties will make arrangements for dual channel border crossing so as to allow priority border clearance of transport operations. Where required, the Contracting Parties will also build a traffic change-over lane.

Article 7: Future Equipment

The Contracting Parties will endeavor to keep up with technological developments and to implement at their earliest convenience modern and advanced border crossing techniques such as: machine reading of passports, X-ray machine for goods and container inspection, automatic vehicle identification (license plate readers), and bar code readers for other documents.

Article 8: Amendment

Any Contracting Party may propose amendments to the Annex via the Joint Committee. Such amendments shall be subject to the unanimous consent of the Contracting Parties.

Article 9: Ratification or Acceptance

The Annex is subject to ratification or acceptance of the Governments of the Contracting Parties. The same applies to an amendment to the Annex, if any.

Article 10: Entry into Force

The Annex will enter into force on the day that at least two Contracting Parties have ratified or accepted it, and will become effective only among the Contracting Parties that have ratified or accepted it. The same applies to an amendment to the Annex, if any.

Article 11: Conforming National Law

Where necessary, the Contracting Parties undertake to conform their relevant national legislation with the contents of the Annex.

Article 12: Reservations

No reservation to the Annex shall be permitted.

Article 13: Suspension of the Annex

Each Contracting Party may temporarily suspend wholly or partly the application of the Annex with immediate effect in the case of emergencies affecting its national safety. The Contracting Party will inform the other Contracting Parties as soon as possible of such suspension, which will end as soon as the situation returns to normal.

Article 14: Relationship with the Agreement

As a measure to implement the principles laid down in the Agreement, the Annex cannot depart from or be contrary to these principles. In case of incompatibility between the Annex and the Agreement, the latter shall prevail. In case of incompatibility between the Annex and another annex or protocol, such incompatibility shall be interpreted in light of the Agreement.

Article 15: Dispute Settlement

Any dispute between or among two or more Contracting Parties on the interpretation or application of the Annex shall be settled directly or by amicable negotiation in the Joint Committee.

Article 16: Denunciation

Once entered into force, the Annex cannot be denounced separately from the Agreement.

In witness whereof, the undersigned, being duly authorized, have signed this Annex.

Done at Phnom Penh on 30 April 2004 in six originals in the English language.

Signed:

For the Royal Government of Cambodia

.....

His Excellency Tram Iv Tek
Secretary of State, Ministry of Public Works and Transport

For the Government of the People's Republic of China

.....

His Excellency Hu Xijie
Vice Minister of Communications

For the Government of the Lao People's Democratic Republic

.....

His Excellency Sommad Pholsena
Vice Minister of Communication, Transport, Post and Construction

For the Government of the Union of Myanmar

.....

His Excellency Thura Thaung Lwin
Deputy Minister of Rail Transportation

For the Government of the Kingdom of Thailand

.....

His Excellency Nikorn Chamnong
Deputy Minister of Transport

For the Government of the Socialist Republic of Viet Nam

.....

His Excellency Pham The Minh
Vice Minister of Transport