ANNEX 3: CARRIAGE OF PERISHABLE GOODS

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 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 at Vientiane on 26 November 1999, 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 at Phnom Penh on 3 November 2002, and acceded to by the Union of Myanmar at Dali City on 19 September 2003, and amended at Phnom Penh on 30 April 2004 (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 Articles 3(m) and 10(b) of the Agreement, calling for this Annex to provide technical details,

HAVE AGREED AS FOLLOWS:

Part I: General Provisions

Article 1: Definition

For the purpose of this Annex, "Perishable Goods" shall mean organic substances or living organisms that are vulnerable to easy deterioration beyond marketability or to death under the combined effect of duration and conditions of transport such as temperature (heat or cold), humidity or draught, or movement.

Article 2: Priority Regime

(a) Perishable Goods listed in the Attachment shall be granted a priority border crossing clearance regime according to the order set out in Article 9 of Annex 4 to the Agreement. This list may be modified from time to time subject to agreement by the Contracting Parties through the Joint Committee.

(b) For the purpose of transport facilitation, the Contracting Parties shall inform each other of their respective lists of Perishable Goods for which quarantine clearance can be expedited, and any changes thereof, through the points of contact called for in Article 4(b) of this Annex.

Article 3: Health, Sanitary and Phytosanitary Requirements and Documentation

Perishable goods shall be transported across the border only if they meet the relevant national health, sanitary and/or phytosanitary regulation(s) and are accompanied by the relevant national health, sanitary and/or phytosanitary certificate(s)/document(s). Relevant parts of both requirements shall be in accordance with Article 9 of the Agreement.

Article 4: Institutional Mechanism

(a) The Contracting Parties shall coordinate their activities for the implementation of this Annex, and resolve any issues arising therefrom through the Health/Sanitary and Phytosanitary Sub-committee of the Joint Committee, established on 30 April 2004 in Phnom Penh, and other such mechanisms between and among them.

(b) The Contracting Parties shall notify each other of their respective points of contact for the implementation of this Annex, and of any changes thereof.

Article 5: Standards for Particular Categories of Perishable Goods

For two particular categories of perishable goods, i.e., (a) live animals, and (b) perishable foodstuffs for human consumption, live and ornamental plants, and cut flowers, this Annex provides more detailed transportation standards.

Article 6: Recommendatory Nature of Standards

Parts II and III of this Annex provide recommendations that may serve as guidance for the Contracting Parties in their regulation of the cross-border carriage of (a) live animals, and (b) perishable foodstuffs for human consumption, live and ornamental plants, and cut flowers.

Part II: Live Animals

Article 7: Scope of Application

This Part should apply to the cross-border carriage of live animals by road transport vehicles.

Article 8: Fitness

An animal should be transported only if it is fit for the intended journey. An animal that is ill or injured should not be considered fit for transportation. The same goes for animals in the perinatal period.

Article 9: Marking of the Means of Transportation

Vehicles and containers in which animals are transported should be marked with a symbol indicating the presence of live animals and a sign indicating the animals' upright position.

Article 10: Comfort, Safety, and Hygiene

(a) Animals should not be transported in a way that may cause injury or unnecessary suffering of that animal. Care should be taken not to subject the animals to sudden changes of speed or direction.

(b) The means of transportation should be easy to clean, escape-proof, and so constructed and operated as to withstand the weight of the animals, to avoid injury and unnecessary suffering, and to ensure their safety during transport.

(c) Animals should be loaded in means of transportation that are equipped with a dropping collecting device and that have been thoroughly cleaned and where appropriate disinfected.

(d) Dead animals, litter, and droppings should be removed as soon as possible and disposed of in accordance with relevant national health/sanitary regulations.

(e) Lactating animals not accompanied by their suckling young should be milked at intervals of about 12 hours.

Article 11: Space Requirements

Animals should be provided with adequate space in the means of transport so that they may stay in their natural position (standing, sitting, or lying down as the case may be) and when necessary, with partitions to protect them from motion of the means of transport. The loading density should allow sufficient ventilation and air space.

Article 12: Shelter and Ventilation

The means of transport should be constructed and operated so as to protect animals against inclement, extreme, or unfavorable weather conditions and marked differences in atmospheric conditions. Among other things, they should be equipped with a roof and a sufficient number of vents or other means of ensuring that it is adequately ventilated.

Article 13: Segregation

(a) Animals that are naturally hostile to each other because of group, age, sex, or origin should be kept separated from each other.

(b) Animals with different sanitary requirements should not be transported in the same means of transport.

(c) Animals transported should be segregated from persons or other species of animals.

Article 14: Care and Medical Treatment

(a) Appropriate care is to be administered to the animal transported.

(b) Animals fallen ill or injured en route should receive first aid treatment as soon as possible; they should be given appropriate veterinary treatment and, if necessary, undergo emergency slaughter in accordance with relevant national health/sanitary regulations.

(c) Sedation should not be administered, unless in exceptional circumstances and then only under the direct supervision of a veterinarian.

Article 15: Inspection Arrangements

The means of transport should allow easy observation and inspection of the animals contained therein (e.g., via a window or hatch).

Article 16: Transport Time

(a) Animals should be transported without delay. The Contracting Parties should make arrangements in order to expedite the transport of live animals. Live animal consignments should benefit from a priority regime in the border clearance order according to Article 9 of Annex 4 to the Agreement.

(b) For journeys exceeding 24 hours, the itinerary is to be chosen so as to allow a staging point, where the animals are rested, fed, and watered, and if necessary unloaded and given accommodation. Places and duration of time for unloading animals should be defined in accordance with relevant national health/sanitary regulations.

Part III: Perishable Foodstuffs and Other Perishable Commodities

Article 17: Scope of Application

This Part should apply to the cross-border carriage by road transport vehicle of perishable foodstuffs for human consumption, live and ornamental plants, and cut flowers.

Article 18: Hygiene of Means of Transportation

(a) The inside surfaces of the means of transportation should be finished in such a way that they resist corrosion and are inert vis-à-vis the products carried and do not transfer substances to the products carried. They should be smooth and constructed of a material that is waterproof, easy to clean and to disinfect.

(b) Except for the required ventilation and water drainage, the cargo hold should allow the hermetic and watertight closing so as to avoid the inward or outward

movement of dust, dirt, soil, and pests (e.g., microbes, vermin, insects), and to protect the products and the surrounding environment from mutual influences, contamination, and impairment. Any required ventilation and water drainage should be designed so as to take place in a closed circuit.

(c) The means of transportation used for perishable foodstuffs should not be used for conveying live animals or other products that may be detrimental to or contaminate the foodstuff unless they have, after unloading of those products, been thoroughly cleansed, disinfected, and where necessary deodorized.

Article 19: Segregation

Fresh foodstuffs should not be transported with live animals. Fresh foodstuffs should also not be transported with other products that may contaminate, affect their hygiene, or give them a smell, unless the fresh foodstuffs are packaged in such a way as to provide satisfactory protection.

Article 20: Ventilation

Appropriate ventilation should be provided to regulate the degree of humidity in the cargo hold.

Article 21: Drainage

Adequate drainage should be provided in order to evacuate the condensation and melting water so as to prevent damage to the products and the environment.

Article 22: Transport Time

Perishable foodstuffs should be transported without delay. They should benefit from a priority regime in the border clearance order according to Article 9 of Annex 4 to the Agreement.

Article 23: Temperature

The temperature of the cargo should be maintained throughout the journey in accordance with international standards, such as those set out in the latest edition of the Perishable Cargo Manual of the International Air Transport Association and the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage ("ATP"), Geneva, 1 September 1970.

Article 24: Transportation of Live and Ornamental Plants and Cut Flowers

(a) Plant Health: Transportation should be restricted to only healthy pest-free plants.

(b) Segregation: Fresh cut flowers should be segregated from ripening fruits, leaves, and trimmings and other sources of ethylene gas, which induces their decay.

(c) Packaging: Live plants should be packaged in a filling compound, in a manner to minimize desiccation, movement, and damage during transport and to allow ventilation.

(d) Ventilation: Live plants should be stored in such a manner that they have adequate ventilation.

(e) Humidity: For live plants, shipment containers should be kept dry and not be exposed to desiccating conditions. For fresh cut flowers, a high relative humidity (e.g., 95% to 98%) should be maintained in order to avoid drying out.

(f) Temperature: Shipment containers should not be left exposed to the sun, extreme heat, or freezing conditions. Appropriate temperature should be maintained for fresh cut flowers (e.g., 2°C to 4°C, and 10°C for tropical species).

(g) Labeling: Live plants should be provided with durable waterproof labels or tags stating:

"LIVE PLANTS – NO EXTREME HEAT OR COLD" on all sides and top. The label or tag should be completed with appropriate restrictions.

"THIS SIDE UP" with arrows indicating the top should always be used where appropriate.

(h) Watering: Clean water should be used to store live and ornamental plants and cut flowers.

Part IV: Final Provisions

Article 25: 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 26: 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 27: 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 28: Conforming National Law

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

Article 29: Reservations

No reservation to the Annex shall be permitted.

Article 30: 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 31: 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 32: Relationship of the Attachment to the Annex

The attachment shall form an integral part of the Annex and shall be equally binding.

Article 33: 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 34: Denunciation

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

Attachment: List of Perishable Goods

ATTACHMENT: LIST OF PERISHABLE GOODS

1. Foodstuffs

1.1 Plant Products (fresh, chilled, frozen)

1.1.1 Fruits and vegetables

1.1.2 Other crops and crop products

1.2 Animal Products

1.2.1 Meat and meat products (fresh, chilled, frozen, cooked)
- 1.2.1.1 Bovine meat
- 1.2.1.2 Bovine meat products
- 1.2.1.3 Porcine (swine) meat
- 1.2.1.4 Porcine meat products
- 1.2.1.5 Poultry meat
- 1.2.1.6 Poultry meat products
- 1.2.1.7 Lamb/sheep and goat meat
- 1.2.1.8 Lamb/sheep and goat meat products
- 1.2.1.9 Horse meat
- 1.2.1.10 Horse meat products
- 1.2.1.11 Other meat
- 1.2.1.12 Other meat products

1.2.2 Aquatic animals and aquatic animal products (fresh, chilled, frozen, cooked)
- 1.2.2.1. Fish, crustacean, molluscs, and cephalopods
- 1.2.2.2. Fish, crustacean, mollusc, and cephalopod products
- 1.2.2.3. Other aquatic animals
- 1.2.2.4. Other aquatic animal products

1.2.3 Dairy and dairy products (fresh, chilled, frozen, pasteurized)

1.2.4 Egg and egg products (fresh, chilled, frozen, cooked)

2. Non-Foodstuffs

2.1 Plant Products

- 2.1.1 Cut fresh or chilled flowers
- 2.1.2 Live ornamental plants
- 2.1.3 Live aquatic plants
- 2.1.4 Other plant parts (e.g., for propagation or research)

2.2 Animal Products

- 2.2.1 Offal
- 2.2.2 Viscera (organs)
- 2.2.3 Carcass
- 2.2.4 Blood
- 2.2.5 Skin and hide
- 2.2.6 Hatching eggs
- 2.2.7 Semen and embryo

2.3 Medical and Veterinary Items (refrigerated and frozen)

2.3.1 Blood, blood plasma, and serum
2.3.2 Vaccines
2.3.3 Biological laboratory reagents
2.3.4 Pathological, biological, and serological materials for research and diagnostic purpose

3. Live Animals

3.1 Cattle and Buffalo
3.2 Sheep and Goats
3.3 Pigs
3.4 Rabbits
3.5 Poultry
3.6 Birds
3.7 Horses
3.8 Aquatic Animals
3.9 Pets (e.g., dogs and cats)
3.10 Laboratory Animals
3.11 Animals for Public Entertainment
3.12 Zoo Animals
3.13 Silkworms
3.14 Bees
3.15 Other Live Animals

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

Done at Kunming on 5 July 2005 in six originals in the English language.

Signed:

For the Royal Government of Cambodia

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His Excellency Sun Chanthol
Minister of Public Works and Transport

For the Government of the People's Republic of China

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His Excellency Zhang Chunxian
Minister of Communications

For the Government of the Lao People's Democratic Republic

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His Excellency Somphong Mongkhonvilay
Minister to Prime Minister's Office

For the Government of the Union of Myanmar

.....

His Excellency Soe Tha
Minister of National Planning and Economic Development

For the Government of the Kingdom of Thailand

.....

His Excellency Suriya Jungrungreangkit
Minister of Transport

For the Government of the Socialist Republic of Viet Nam

.....

His Excellency Bui Ba Bong
Vice Minister of Agriculture and Rural Development