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PROTOCOL 9

DANGEROUS GOODS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, 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 (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, Viet Nam (hereinafter referred to as "the Agreement");

RECOGNISING that Articles 20 and 25 thereof provide for the conclusion of implementing Protocols which shall form integral parts of the Agreement;

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

Article 1
Definition

For the purposes of this Protocol,

(a) "Dangerous Goods", "Means of Transport" and "Transit Transport" shall have the meanings assigned to them in the Agreement.

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(b) "UN Model Regulations" means the United Nations Recommendations on the Transport of Dangerous Goods / Model Regulations.

(c) "ADR" means the European Agreement Concerning the International Carriage of Dangerous Goods by Road.

(d) "Restructured ADR" means the restructured version of the European Agreement Concerning the International Carriage of Dangerous Goods by Road, applicable from 1 July 2001.

(e) "Transit Transport Operators" shall have the meaning assigned to it in Protocol 3-Types and Quantity of Road Vehicles pursuant to the Agreement.

Article 2

Scope of Application

Pursuant to Article 20 of the Agreement, the Contracting Parties hereby agree to apply the provisions of this Protocol to the movement of dangerous goods in transit transport on designated road (or inter-state highway) transit transport routes as specified in Protocol 1 of the Agreement.

Article 3

Classification

Dangerous goods shall be divided into the following classes/divisions:

Class 1:	Explosives	
Class 2:	Division 2.1 :	Flammable gases
	Division 2.2 :	Non-flammable, non-toxic gases
	Division 2.3 :	Toxic gases

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Class 3:	Flammable liquids and liquid desensitized explosives	
Class 4:	Division 4.1 :	Flammable solids, self-reactive substances and solid desensitized explosives
	Division 4.2 :	Substances liable to spontaneous combustion
	Division 4.3 :	Substances which in contact with water emit flammable gases
Class 5:	Division 5.1 :	Oxidizing substances
	Division 5.2 :	Organic peroxides
Class 6:	Division 6.1 :	Toxic substances
	Division 6.2 :	Infectious substances
Class 7:	Radioactive material	
Class 8:	Corrosive substances	
Class 9:	Miscellaneous substances and articles	

Assignment of dangerous goods to the above classes/divisions shall be made in accordance with Part 2 of the UN Model Regulations or of the Restructured ADR.

Article 4

Adoption of the UN Model Regulations, ADR and the Restructured ADR

For the purposes of the implementation of this Protocol, the Contracting Parties hereby agree to adopt the provisions of the UN Model Regulations, ADR and the Restructured ADR, in particular relating to the following:

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(i) detailed classes and divisions of dangerous goods;

(ii) packaging and labeling of dangerous goods;

(iii) vehicle marking and method of packaging;

(iv) transport document and declaration;

(v) training; and

(vi) precautions against Fire and/or Explosions.

Article 5

Permit

1. Transit transport of any goods which falls within any category or classification as stated in Article 3 and the provisions of Article 4 herein shall not be carried out by any transit transport operators unless a permit for such purpose has been issued by the relevant authorities of the Contracting Parties across whose territory the transit transport passes.

2. Application for the said permit shall be made to the National Transit Transport Coordinating Committee of the relevant Contracting Party.

3. When an application is made to the National Transit Transport Coordinating Committee of the relevant Contracting Party, that National Transit Transport Coordinating Committee shall liaise with the National Transit Transport Coordinating Committee of the Contracting Party across whose territory the transit transport passes.

4. Any permit if not drawn up in English shall be accompanied by a certified translation in English issued by the relevant competent authority.

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5. For the avoidance of doubt, the National Transit Transport Coordinating Committees shall not be deemed to be the approving authority of the said permit but merely to facilitate and provide liaison between the applicant and the relevant approving authority.

Article 6

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, 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 7

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 shall supplement and form an integral part of the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Viet Nam and, as between the Contracting Parties to this Protocol, the Agreement and this Protocol shall be ready and interpreted together as one single instrument.

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 shall be effected by consent of all the Contracting Parties.

6. References in this Protocol to the UN Model Regulations, ADR and the Restructured ADR shall be to the versions of these instruments in existence as of the date of signature of this Protocol. The applicability of future revisions or amendments to the UN Model Regulations, ADR and the Restructured ADR 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 9 - Dangerous Goods to implement the ASEAN Framework Agreement on the Facilitation of Goods in Transit.



DONE at **Jakarta, Indonesia** on the **20th** day of **September 2002**, in a single copy in the English language.

For Government of Brunei Darussalam

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PEHIN DATO ZAKARIA SULAIMAN
Minister of Communications

For the Government of Kingdom of Cambodia

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KHY TAINGLIM
Minister of Public Works and Transport

For the Government of the Republic of Indonesia

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AGUM GUMELAR
Minister of Communications

For the Government of the Lao People's Democratic Republic

.....

BOUATHONG VONGLOKHAM
Minister of Communication, Transport, Post and Construction

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For the Government of Malaysia

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DATO' SERI DR. LING LIONG SIK
Minister of Transport

For the Government of the Union of Myanmar

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MAJOR GENERAL HLA MYINT SWE
Minister of Transport

For the Government of the Republic of the Philippines

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ARTURO T. VALDEZ
Undersecretary of Transportation

For the Government of the Republic of Singapore

.....

YEO CHEOW TONG
Minister for Transport

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For the Government of Kingdom of Thailand

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NIKORN CHAMNONG
Deputy Minister of Transport and Communications

For the Government of the Socialist Republic of Viet Nam

.....

DR. TRAN DOAN THO
Vice Minister of Transport

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SECRETARY

BỘ NGOẠI GIAO	CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Số: 28/2018/TB-LPQT	**Độc lập - Tự do - Hạnh phúc**

Hà Nội, ngày 31 tháng 5 năm 2018

THÔNG BÁO

Về việc điều ước quốc tế có hiệu lực

Thực hiện quy định tại Điều 56 của Luật Điều ước quốc tế năm 2016, Bộ Ngoại giao trân trọng thông báo:

Nghị định thư số 9 về Hàng hóa nguy hiểm thuộc Hiệp định khung ASEAN về Tạo Điều kiện Thuận lợi cho hàng hóa quá cảnh (Protocol 9 on Dangerous Goods under the ASEAN Framework Agreement on Facilitation of Goods in Transit) ký tại Ma-ni-la, ngày 20 tháng 9 năm 2002, có hiệu lực đối với Việt Nam từ ngày 13 tháng 9 năm 2017.

Nơi nhận:
- Ủy ban Đối ngoại Quốc hội (để báo cáo);
- Văn phòng Chủ tịch nước (để báo cáo);
- Văn phòng Chính phủ (để báo cáo);
- Phòng Công báo, Văn phòng Chính phủ;
- Bộ Tư pháp;
- Bộ Giao thông Vận tải;
- Bộ Công an;
- Lưu: LPQT, (Lan8).

TL. BỘ TRƯỞNG
KT.VỤ TRƯỞNG
VỤ LUẬT PHÁP VÀ ĐIỀU ƯỚC QUỐC TẾ
PHÓ VỤ TRƯỞNG

Chu Tuấn Đức

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