PROTOCOL 1
ON UNLIMITED THIRD AND FOURTH FREEDOM TRAFFIC RIGHTS BETWEEN ANY POINTS IN CONTRACTING PARTIES

The Governments of the Member States of the Association of Southeast Asian Nations (hereinafter referred to collectively as "**ASEAN**" or "**ASEAN Member States**", or individually as "**ASEAN Member State**") which comprise 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,
the Socialist Republic of Viet Nam;

and

the Government of the People's Republic of China (hereinafter referred to as "China");

referred to collectively as "**the Contracting Parties**" or individually as an ASEAN Member State or China as "**a Contracting Party**";

RECALLING the Air Transport Agreement Between the Governments of the Member States of the Association of Southeast Asian Nations and the Government of the People's Republic of China signed on 12 November 2010 in Bandar Seri Begawan, Brunei Darussalam (hereinafter referred to as "the Agreement");

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RECOGNISING that Annex III of the Agreement thereof provides for the conclusion of Implementing Protocols of the Agreement;

DESIRING to remove restrictions on air services with a view of achieving full liberalisation between and beyond ASEAN and China;

HAVE AGREED AS FOLLOWS:

Article 1 – Routing and Traffic Rights

1. The designated airline(s) of each ASEAN Member State shall be allowed to operate scheduled air passenger and/or cargo services from any point in its territory with an international airport to any point in the territory of China with an international airport and vice versa with full third (3rd) and fourth (4th) freedom traffic rights by 31 December 2010.

2. The designated airline(s) of China shall be allowed to operate scheduled air passenger and/or cargo services from any point in its territory with an international airport to any point in the territory of an ASEAN Member State with an international airport and vice versa with full third (3rd) and fourth (4th) freedom traffic rights by 31 December 2010.

Article 2 – Capacity and Frequency

There shall be no limitation on capacity, frequency and aircraft type with regard to air passenger and cargo services operated under this Protocol as provided in Article 1 of this Protocol.

Article 3 – Final Provisions

1. This Protocol shall be deposited with the Depositary, who shall promptly furnish a certified copy thereof to each Contracting Party.

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2. Each Contracting Party shall complete its relevant internal legal procedures necessary for the entry into force of this Protocol. After the completion of its internal legal procedures, each Contracting Party shall give written notification to the Depositary, who shall promptly inform each Contracting Party of such deposit.

3. This Protocol shall enter into force on the date of deposit with the Depositary of:

(a) the written notification from China; and

(b) written notifications from at least two ASEAN Member States;

whichever date is later, and shall enter into force only among the Contracting Parties that have deposited their written notifications. For each of the Contracting Parties depositing their written notifications after the Protocol has entered into force, the Protocol shall enter into force for that Contracting Party on the date of deposit of its written notification.

4. Any amendment to the provisions of this Protocol shall be effected by consent of all Contracting Parties, as provided for under Article 22 (Amendment and Modification) 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 Between Any Points in Contracting Parties, on the dates herein below indicated, in duplicate in the English and Chinese languages, both texts being equally authentic. In the event of divergence of interpretation, the English text shall prevail.

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For the Government of
Brunei Darussalam:

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PEHIN DATO ABDULLAH BAKAR
Minister of Communications
Date: 12 Nov 2010

For the Government of the
People's Republic of China:

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LI JIAXIANG
Administrator
Civil Aviation Administration of
China
Date: 2010-11-19

For the the Government of Kingdom
of Cambodia:

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MAO HAVANNALL
Secretary of State
State Secretariat of Civil Aviation
Date: 12 Nov 2010

For the Government of the Republic
of Indonesia:

.....

MOH. IKSAN TATANG
Secretary General
Ministry of Transportation
Date: 12 Nov 2010

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For the Government of the Lao People's Democratic Republic:

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SOMMAD PHOLSENA
Minister of Public Works and Transport
Date: 12 Nov 2010

For the Government of Malaysia:

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DATO' SERI KONG CHO HA
Minister of Transport
Date: 12.NOV.2010

For the Government of the Union of Myanmar:

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U THEIN SWE
Minister for Transport
Date: 12.NOV.2010

For the Government of the Republic of the Philippines:

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JOSE P. DE JESUS
Secretary of Transportation and Communications
Date: 12 Nov 2010

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For the Government of the Republic
of Singapore:

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RAYMOND LIM
Minister for Transport
Date: 12 Nov 2010

For the Government of the Kingdom
of Thailand:

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SOPHON ZARAM
Minister of Transport
Date: 13 Jan 2011

For the Government of the Socialist
Republic of Viet Nam:

.....
HO NGHIA DZUNG
Minister of Transport
Date: 12 Nov 2010

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