ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

The ASEAN Secretariat
70 A Jl. Sisingamangaraja
Jakarta 12110
Indonesia

Phone:(62-21) 726 2991
(62-21) 724 3372
Fax: (62-21) 739 8234
(62-21) 724 3504

public@asean.org
www.asean.org

CERTIFYING STATEMENT

PROTOCOL 5 ON OWN STOPOVER RIGHTS BETWEEN POINTS WITHIN THE TERRITORY OF ANY OTHER ASEAN MEMBER STATE

I, THE UNDERSIGNED Deputy Secretary-General of ASEAN for Community and Corporate Affairs, hereby certify that the attached text is **a true and complete copy** of the Protocol 5 on Own Stopover Rights between Points within the Territory of any other ASEAN Member State, signed on 21 February 2025 in Kuala Lumpur, Malaysia.

Jakarta, 25 March 2025

Nararya S. Soeprapto
Deputy Secretary-General of ASEAN
Community and Corporate Affairs

PROTOCOL 5
ON OWN STOPOVER RIGHTS BETWEEN POINTS WITHIN THE TERRITORY OF ANY OTHER ASEAN MEMBER STATE

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of 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 the Full Liberalisation of Passenger Air Services signed on 12 November 2010 in Bandar Seri Begawan, Brunei Darussalam (hereinafter referred to as "the Agreement");

RECOGNISING 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,

HAVE AGREED AS FOLLOWS:

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Article 1
Definitions

For the purposes of this Protocol, the term "own stopover rights" refers to the right of the designated airlines of each Contracting Party to discharge and take on its own traffic between two or more points in another Contracting Party on the same routing after a stopover. Such own stopover rights shall only be available as part of an international journey and subject to the co-terminal rights as provided under Protocol 4 on Co-Terminal Rights between Points within the Territory of any other ASEAN Member State.

Article 2
Own Stopover Rights

1. The designated airlines of each Contracting Party shall be allowed to exercise own stopover rights, provided that there shall be no exercise of cabotage rights. For the avoidance of doubt, the term "cabotage rights" includes the holding out of air services for sale only between two domestic points by the designated airlines of that Contracting Party.

2. In addition to operating or holding out the agreed services on the specified routes, the designated airlines of each Contracting Party shall be allowed to, when exercising own stopover rights, serve, in addition to the points mentioned in Section 1 of Annex I of the Agreement, any additional points with international airports within the territory of other Contracting Parties. For the avoidance of doubt, Section 2 of Annex I (Schedule Air Services) of the Agreement shall apply to the exercise of own stopover rights.

3. For Indonesia, own stopover rights shall only be exercised between five points: Jakarta, Denpasar, Makassar, Medan and Surabaya.

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4. For Myanmar, there shall be no exercise of own stopover rights between Yangon and Mandalay.

5. For the Philippines, there shall be no exercise of own stopover rights between Manila and other points in the Philippines. For purpose of clarity, if an existing bilateral arrangement between the Philippines and a Member State allows the exercise of own stopover rights by the designated airlines of such Member State between Manila and a point or points in the Philippines, such exercise shall continue to be permitted under the pertinent bilateral arrangement.

6. For Thailand, there shall be no exercise of own stopover rights between Bangkok and Phuket, Bangkok and Chiang Mai, Bangkok and Samui.

7. For Viet Nam, own stopover rights shall only be exercised between two points, Can Tho and Van Don, for up to seven days.

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 exercising own stopover rights as provided in Article 2 (Own Stopover Rights).

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.

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2. This Protocol is subject to ratification or acceptance by the Contracting Parties. 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. Notwithstanding paragraph 2 of Article 16 (Consultations and Amendment) of the Agreement, this Protocol shall enter into force on the date of the deposit of the third 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 a Contracting Party depositing its Instrument of Ratification or Acceptance after the date of entry into force of this Protocol, this Protocol shall enter into force for that Contracting Party on the date of its deposit of Instrument of Ratification or Acceptance.

4. This Protocol shall be added as Protocol 5 to Annex II (Implementing Protocols) of the Agreement which shall be amended pursuant to paragraph 2 of Article 16 (Consultations and Amendment) of the Agreement to read as follows:

ANNEX II

IMPLEMENTING PROTOCOLS

The following Implementing Protocols shall form integral parts of this Agreement:

a) Protocol 1 on Unlimited Third and Fourth Freedom Traffic Rights between any ASEAN Cities;

b) Protocol 2 on Unlimited Fifth Freedom Traffic Rights between any ASEAN Cities;

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c) Protocol 3 on Domestic Code-Share Rights between Points within the Territory of Any Other ASEAN Member States;

d) Protocol 4 on Co-Terminal Rights between Points within the Territory of any other ASEAN Member State; and

e) Protocol 5 on Own Stopover Rights between Points within the Territory of any other ASEAN Member State.

5. Any amendment to the provisions of this Protocol shall be effected by consent of all the Contracting Parties, as provided for under Article 16 (Consultations and Amendment) of the Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed this Protocol.

DONE at Kuala Lumpur, Malaysia, this 21st day of February in the Year Two Thousand and Twenty-five, in a single original copy in the English Language.

For the Government of Brunei Darussalam:

PENGIRAN DATO SHAMHARY MUSTAPHA
Minister of Transport and Infocommunications

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For the Government of the Kingdom of Cambodia:

MAO HAVANNALL
Minister in charge of the State Secretariat of Civil Aviation

For the Government of the Republic of Indonesia:

NOVIE RIYANTO R.
Secretary General, Minister of Transportation

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

NGAMPASONG MUONGMANY
Minister of Public Works and Transport

For the Government of Malaysia:

LOKE SIEW FOOK
Minister of Transport

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

For the Government of the Republic of the Union of Myanmar:

GENERAL MYA TUN OO
Union Minister for Transport and Communications

For the Government of the Republic of the Philippines:

JAIME J. BAUTISTA
Secretary of Transportation

For the Government of the Republic of Singapore:

CHEE HONG TAT
Minister for Transport

For the Government of the Kingdom of Thailand:

SURIYA JUNGRUNGREANGKIT
Minister of Transport

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For the Government of the Socialist Republic of Viet Nam:

NGUYEN DUY LAM
Deputy Minister of Transport

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