ANNEX 1: CARRIAGE OF DANGEROUS 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(e) and 10(a) of the Agreement, calling for this Annex to provide technical details,

HAVE AGREED AS FOLLOWS:

Article 1: Definition

The term "Dangerous Goods" shall mean those substances and articles, which may affect the interest of environment, health, safety, and national security.

Article 2: Classification

(a) Dangerous Goods shall be divided into the following classes/divisions:

Class 1: Explosives

Class 2: Gases

Division 2.1: Flammable gases
Division 2.2: Non-flammable, non-toxic gases
Division 2.3: Toxic gases

Class 3: Flammable liquids and liquid desensitized explosives

Class 4:

Division 4.1: Flammable solids, self-reactive substances, and solid desensitised 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 dangerous substances and articles

(b) Assignment of dangerous goods to the above classes/divisions shall be made consistent with the substantive provisions of Part 2 of the United Nations Recommendations on the Transport of Dangerous Goods/Model Regulations (UN Model Regulations), and/or the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), signed in Geneva on 30 September 1957, including subsequent and future amendments thereto.

Article 3: Standards Governing the Cross-Border Movement of Dangerous Goods

If the Contracting Parties permit on a case-by-case basis the cross-border movement of Dangerous Goods as defined above, they should require the full application of the measures under the ADR and/or the UN Model Regulations in particular relating to:

(a) packing and labeling of dangerous goods;
(b) vehicle marking, handling, stowing, and lashing;
(c) transport documentation and declaration;
(d) crew training; and
(e) precaution against fire and/or explosions.

Article 4: 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 5: 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 6: 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 7: Conforming National Law

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

Article 8: Reservations

No reservation to the Annex shall be permitted.

Article 9: 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 10: 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 11: 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 12: 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 Vientiane on 16 December 2004 in six originals in the English language.

Signed:

For the Royal Government of Cambodia

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His Excellency Khy Tainglim
Senior Minister and Minister In-charge of GMS

For the Government of the People's Republic of China

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His Excellency Liao Xiaojun
Vice Minister of Finance

For the Government of the Lao People's Democratic Republic

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

For the Government of the Union of Myanmar

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His Excellency Soe Tha
Minister for National Planning and Economic Development

For the Government of the Kingdom of Thailand

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His Excellency Nikorn Chamnong
Deputy Minister of Transport

For the Government of the Socialist Republic of Viet Nam

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His Excellency Tran Dinh Khien
Vice Minister of Planning and Investment