ANNEX 16: CRITERIA FOR DRIVING LICENSES

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 Article 17 (as amended) of the Agreement, calling for this Annex to provide technical details,

HAVE AGREED AS FOLLOWS:

Article 1: Mutual Recognition of Domestic Driving Licenses

(a) The Contracting Parties shall mutually recognize the domestic driving licenses issued by the Competent Authorities of the Home Country ("Issuing Authorities"), except for learners', temporary/provisional, and probational driving licenses, and the like.

(b) Drivers of motor vehicles in cross-border transport operations shall hold a valid and appropriate driving license issued by their Home Country or one of the other Contracting Parties.

(c) Upon entry in the Host Country the driving license shall have a remaining period of validity of at least two months.

Article 2: The Driving License

(a) A driver shall in the territory of the Host Country carry at all times a valid driving license, and if necessary, a certified translation of the driving license in accordance with Article 3 of this Annex, for the purpose of inspection by the Competent Authorities.

(b) The driving license shall contain at least the following particulars:

(i) the title "driving license";
(ii) name or symbol of the Issuing Authority/issuing country
(iii) the particulars of the holder:
- name
- date/year of birth
- address
- photograph

(iv) validity of the license:
- vehicle category
- expiry date, or duration of validity and beginning date

(v) authentication:
- serial number of the license
- stamp and/or signature of the Issuing Authority
- date of issuance

Article 3: Translation of the Driving License

(a) The translation of a valid driving license shall be in the English language and Arabic numerals, and certified by the respective Issuing Authority.

(b) The Contracting Parties shall mutually recognize the certified translation of the driving license.

Article 4: Communication

(a) The Contracting Parties shall notify each other of their respective Issuing Authorities and of any changes thereof.

(b) The Issuing Authorities of the Contracting Parties shall notify each other of the format/model and subsequent changes of the domestic driving licenses.

Article 5: 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 6: 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 7: 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 8: Conforming National Law

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

Article 9: Reservations

No reservation to the Annex shall be permitted.

Article 10: 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 11: 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 12: 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 13: 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

.....

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

For the Government of the People's Republic of China

.....

His Excellency Liao Xiaojun
Vice Minister of Finance

For the Government of the Lao People's Democratic Republic

.....

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

For the Government of the Union of Myanmar

.....

His Excellency Soe Tha
Minister for National Planning and Economic Development

For the Government of the Kingdom of Thailand

.....

His Excellency Nikorn Chamnong
Deputy Minister of Transport

For the Government of the Socialist Republic of Viet Nam

.....

His Excellency Tran Dinh Khien
Vice Minister of Planning and Investment