PROTOCOL 6
RAILWAYS BORDER AND INTERCHANGE STATIONS

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 Vietnam, being the Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Contracting Parties" or individually as "Contracting Party");

RECALLING the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Vietnam (hereinafter referred to as **"the Agreement"**);

RECOGNISING that Articles 16 and 25 thereof provide for the conclusion of implementing Protocols which shall form integral parts of the Agreement;

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

Article 1
Definitions

For the purpose of this Protocol:

1. "Border Station" means a station established at the border of the territory of one Contracting Party, or at any other place as may be mutually agreed, irrespective of the territory where the station is located which links to the railway of the border territory of the neighbouring Contracting Party.

2. "Interchange Station" means a station within the territory of a Contracting Party or at any other place as may be mutually agreed, irrespective of the territory where the station is located where a train changes its direction to a different route or station. Where relevant, an interchange station may also be a border station;

3. "Railway" means the entire system of tracks, together with the stations, land, rolling stock, signalling and communication systems and other property used by Contracting Parties for rail transportation but does not include any part of a railway catering to passenger traffic only;

4. "Railway Organisation" means any:

   (i) organisation(s) owned by the respective Contracting Parties and/or;

   (ii) any organisation(s) licensed by the licensing authority of the respective Contracting Parties to operate railway service;

   The Contracting Parties shall deposit the details of the Railway Organisation(s) to which the Protocol applies with the Secretary-General of ASEAN.

5. "Rate" means any tariff, freight charges or other payments for the transport of goods;

6. "Rolling Stock" means coaches, wagons, locomotives and other wheeled vehicles owned, hired, leased or used by the Contracting Parties for rail transportation;

7. "Station" does not include a station catering to passenger traffic only;

8. "Through Traffic" means the conveyance by rail of goods in transit from a designated point of one Contracting Party to designated points of the other Contracting Parties ;

9. "Train" means the set of wagons, coaches or other wheeled vehicles with or without locomotive(s) operating on the railway line of Contracting Parties; and

10. "Licensing Authority" means an authority in each ASEAN Member State which has the authority to issue licenses for railway services.

Article 2
Scope of Application

Pursuant to Article 16 of the Agreement, the Contracting Parties hereby agree to apply the provisions of this Protocol to connecting and transit services on railway lines carrying goods trains linking the territories of the Contracting Parties.

Article 3
Obligations

1. The Contracting Parties hereby agree to provide facilities on their duly designated railway border and interchange stations for the movement of goods in transit.

2. The Contracting Parties hereby agree to improve cross border facilitation of trains through simplified and harmonised documents and procedures, as well as coordinated working hours, in the duly designated railway border and interchange stations. Details shall be prescribed in the inter-railway agreement to be concluded by the relevant Railway Organisations, in line with applicable international conventions and procedures.

3. The Contracting Parties hereby agree to provide adequate, personnel and facilities for railway rolling stock inspection and standardised railway rolling stock inspection system at border crossings.

Article 4
Designated Railway Border and Interchange Stations

The Contracting Parties hereby adopt their respective duly designated railway border and interchange stations on designated

railway routes, the details of which and its subsequent amendments shall be deposited with the Secretary-General of ASEAN.

Article 5
Basic Operational Arrangements and Type and Quantity of Rolling Stock

1. The Contracting Parties hereby agree to adopt a service of through goods trains which shall be established by mutual agreement between the Contracting Parties who after taking into consideration the requirements and safety of the traffic, shall fix:

   a) the number of through goods trains to be run and the train schedules;

   b) the designated railway border and interchange stations of the Contracting Parties to and from which these trains shall run;

   c) the places at which locomotives shall be serviced and the stations of the Contracting Parties at which these trains shall stop;

   d) the permissible speed at which these trains shall be run;

   e) the different classes of rolling stock of which the trains shall be composed; and

   f) any other arrangement which the Contracting Parties deem fit.

2. The rates for through traffic shall be the sum of the rates which would be payable in respect of the distances traveled by such traffic over the lines of each Contracting Party respectively.

3. The Contracting Parties shall ensure that whilst running on the lines, all goods rolling stock shall be:

a) loaded such that the gross weight accepted by the relevant Contracting Parties is not exceeded; and

b) fitted with the continuous vacuum or air brake apparatus.

4. The Contracting Parties hereby agree that any train running to and from the interchange stations on the lines of one Contracting Party shall be hauled by locomotives operated by Railway Organisations of the respective Contracting Parties, provided that this provision may be modified at any time by mutual agreement between the Contracting Parties.

5. Each Contracting Party shall ensure that the necessary locomotives will be in readiness and worthiness at the interchange stations at all times at which through trains are, according to the timetable in force for the time being, due to be taken on from the said interchange stations over the lines of that Contracting Party.

6. The Contracting Parties shall adhere to the UN Model Regulations on the Transport of Dangerous Goods whilst moving dangerous goods in transit by rail.

Article 6
Inspection of Rolling Stock

1. The Contracting Parties hereby agree that Rolling Stock Examiners shall be provided by each Contracting Party to attend to the running of all trains and rolling stock over its line. The duly designated Rolling Stock Examiners should possess the qualification in accordance with the subsisting Regulations and Instruction for Carriage and Wagon Examiners.

2. The Contracting Parties hereby agree that all rolling stock used for through traffic shall be examined and attended to when necessary by the Rolling Stock Examiners.

3. The Contracting Parties shall provide facilities for the movement of rolling stock on their railway routes for the movement of goods in transit and shall provide an efficient system for rolling stock monitoring.

Article 7
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 established pursuant to Article 29.2 of the Agreement, 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 8
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 form an integral part of the Agreement.

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.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 6 – Railways Border and Interchange Stations to implement the ASEAN Framework Agreement on the Facilitation of Goods in Transit.

DONE at **Phnom Penh**, **Cambodia**, this day of **Sixteenth** Day of **December** in the Year **Two Thousand Eleven** in a single original copy in the English Language.

For the Government of Brunei Darussalam:

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PEHIN DATO ABDULLAH BAKAR
Minister of Communications

For the Royal Government of Cambodia:

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TRAM IV TEK
Minister of Public Works and Transport

For the Government of the Republic of Indonesia:

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E. E. MANGINDAAN
Minister for Transportation

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

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SOMMAD PHOLSENA
Minister of Public Works and Transport

For the Government of Malaysia:

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DATO' SERI KONG CHO HA
Minister of Transport

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

.....

U NYAN HTUN AUNG
Union Minister for Transport

For the Government of the Republic of the Philippines:

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EFREN C. MONCUPA
Undersecretary for Project Implementation and Special Concerns
Department of Transportation and Communications of Philippines

For the Government of the Republic of Singapore:

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LUI TUCK YEW
Minister for Transport

For the Government of the Kingdom of Thailand:

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POLICE LIEUTENANT GENERAL CHATT KULDILOKE
Deputy Minister of Transport

For the Government of the Socialist Republic of Viet Nam:

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DINH LA THANG
Minister of Transport