

A graphic of the Greater Mekong Subregion (GMS) map, overlaid with a series of overlapping, semi-transparent diamond shapes in shades of purple, blue, and yellow. The map shows the geographical outline of the subregion.

Greater Mekong Subregion Cross Border Transport Facilitation Agreement (CBTA) 'Early Harvest' 2024 RELAUNCH

Training Module One (B) – **Compliance Issues**

Developed under Project TA 6579-REG: 'Early Harvest' Implementation of the Cross-Border Transport Facilitation Agreement in the Greater Mekong Subregion

Co-financed by the Government of the United Kingdom

Introduction

- The 'Early Harvest' MOU is based on commitments made under the GMS Cross-Border Transport Facilitation Agreement (CBTA)
- Compliance issues fall under the jurisdiction of either the 'Home' country or the 'Host' country
- The '**Home**' country is the GMS country in which the transport operator is registered and its vehicles are based
- The '**Host**' country refers to other GMS countries visited as part of transport operations carried out under the CBTA 'Early Harvest'

'Home' country compliance

- Each GMS country may issue up to 500 multiple journey GMS Road Transport Permits and Temporary Admission Documents (TADs). To obtain Permits and TADs for their vehicles, applicants must be:
 1. Registered as an international transport operator in their Home country and fulfil the conditions described in Articles 2, 3, 4, 5 and 6 of Annex 9 of the CBTA i.e.:
 2. At least 51% owned and directed by citizens of their Home country
 3. Free from issuing country convictions or sanctions, with a clean legal record and no current and/or unresolved bankruptcy proceedings
 4. Professionally competent to operate (i.e., with respect to legal matters, operational management, road safety issues and technical matters relevant to the road transport business in the countries in which it plans to operate)
 5. Financially solvent and insured for any operational and/or contractual liability

‘Home’ country compliance (continued)

- Operators must also ensure their drivers and vehicles satisfy the conditions for admittance described in Articles 11-18 of the main CBTA text, with respect to:
 - a) vehicle registration
 - b) vehicle technical requirements (safety and emissions standards)
 - c) availability of technical inspection certificates
 - d) compulsory 3rd party vehicle insurance (for the entire journey)
 - e) driving permits
- Vehicle owners/operators must further sign the undertaking included on page 5 of each vehicle TAD and be aware of the conditions of use outlined therein

'Host' country compliance

- Vehicles must carry with them the original Permit and TAD issued by the competent authorities in their Home country at all times
- The TAD is the vehicle 'passport' and must be signed or stamped and dated at the border by the Host country Customs officials when entering and exiting that country
- There is no limit on the number of journeys that can be undertaken, but no single stay in another Host country can last more than 30 days
- Vehicles may enter through one border crossing point and exit through another, but may only use the route network described in Protocol 1 of the CBTA
- At the time of launch, Lao PDR will open NR3 and NR9 from Houayxay to Boten and Savannakhet to Dansavanh plus NR13 from Boten to Nong Nok Khiene
- Bilateral agreements are being negotiated with Myanmar

'Host' country compliance (continued)

- Vehicles must comply with the technical standards for vehicle weights, axle loads, and dimensions that apply along the Host country route network for their planned itinerary (which may include several GMS countries)
- Routes and loads must be planned with this in mind since failure to respect such rules (essential to maintain the quality of the CBTA route network) may result in the cancellation of Permits and the offending operators' exclusion from the EH
- When crossing, picking up or dropping off goods or passengers at places along the CBTA route network (as listed in Protocol 1 of the CBTA) operators will be given the same access accorded to local vehicles of equivalent type and load
- Cabotage (i.e. the picking up and dropping off of goods and passengers within the same Host country) is not allowed since 'Early Harvest' operations must be 'cross-border'
- Due care and attention should be paid to speed restrictions, traffic signs and general road safety – including when operating left-hand drive vehicles on right-hand drive roads (and vice versa)
- Vehicles must be in possession of valid third party liability insurance at all times

'Host' country compliance (continued)

- Goods transported will continue to observe current domestic Customs procedures (i.e. the CBTA Annex 6 provisions for a subregional system of transit and inland transport will not apply to the 'Early Harvest')
- Where such arrangements exist, operators may use other (e.g. national) systems for the Customs transit of goods traffic in line with current practice
- No financial guarantees (Customs bonds) are required for the movement of vehicles and containers as described by the 'Early Harvest' MOU and in the spirit of CBTA Article 18
- Host country customs officials at the participating Protocol 1 border crossings will control the Permits and TADs by stamping and dating the TADs of foreign vehicles on entry and exit

- Further details on the CBTA 'Early Harvest', including the text of the signed 'Early Harvest' MOU, specimen copies of the Permits and TADs and copies of the EH brochures, are available at www.greatermekong.org/ttf

Thank you!

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