



**Greater Mekong Subregion
Statement of the Fifth Meeting of the Joint Committee
for the Cross-Border Transport Facilitation Agreement**

Preamble

We, the members of the Joint Committee for the Cross-Border Transport Facilitation Agreement (referred to as the “CBTA”) between and among the Governments of the Kingdom of Cambodia, the People’s Republic of China (PRC), the Lao People’s Democratic Republic (Lao PDR), the Republic of the Union of Myanmar, the Kingdom of Thailand, and the Socialist Republic of Viet Nam for the facilitation of cross-border transport of goods and people in the Greater Mekong Subregion, met in Chiang Mai, Thailand, for the Fifth Meeting of the Joint Committee on 16 December 2016. We were pleased to be joined in our discussions by staff of the Asian Development Bank.

Recognizing that the reduction of non-physical barriers to transport and trade is key to increasing the benefits of improved connectivity among our countries, and cognizant of the importance of intraregional trade, tourism, and investments in boosting economic growth and improving standards of living in the GMS, we remain committed to fast tracking and streamlining transport and trade facilitation (TTF) measures between and among our countries. We will continue to accelerate our common goals of transforming transport corridors into economic corridors and logistics hubs, and aligning our transport and trade facilitation efforts with the ASEAN Economic Community Blueprint 2025 and with the investment needs identified in the GMS Regional Investment Framework through pragmatic, realistic, and results-oriented TTF initiatives. Regarding the CBTA, we will pursue a practical approach of ‘early harvest’ CBTA implementation through the launch of GMS Road Transport Permits and Temporary Admission Documents for commercial vehicles starting in 2017, alongside a more comprehensive CBTA updating process, to include the extension of the current network of corridors, routes and border crossings under CBTA Protocol 1.

We encourage the senior officials of the National Transport Facilitation Committee (NTFC), through regular meetings and Sub-committee meetings to be held once a year or as needed, to address operational issues and bottlenecks, monitor the progress and outcomes of these actions, and to bring to our immediate attention emerging issues during implementation.

We appreciate the continued support from ADB and other development partners. We request ADB to continue to serve as the Secretariat of the Joint Committee and to coordinate and facilitate implementation of the CBTA ‘early harvest’ and updating process, and to mobilize support from other development partners since a long-term focus on capacity development is critical and is needed to continue ongoing and newly initiated activities.

We believe that effective and sustainable strengthening of TTF through the implementation and updating of the CBTA, complemented by bilateral and trilateral MOUs, provides a strong foundation for the GMS pillars of enhancing connectivity, improving competitiveness, and building a greater sense of community. Through this endeavor, we will contribute to our shared goal of a prosperous, integrated, and harmonious subregion.

Ways forward on CBTA implementation

Recalling the decisions taken on 'early harvest' CBTA implementation, including the expeditious 2017 launch of the GMS Road Transport Permit scheme, taken at the Joint Committee Retreat, held in Bangkok, Thailand on 14 July 2016, and recognizing the need to allow sufficient time to prepare stakeholders including officials and the private sector for the launch of the scheme, we took note that, to the extent possible:

- (i) The 'early harvest' will be based on the text of the Memorandum of Understanding on the 'Early Harvest' Implementation of the CBTA provided in **ANNEX 1** of this Joint Committee Statement, noting that it includes simplified procedures, such as simplified, standardized, Temporary Admission Documents for vehicles, the waiver of guarantees for vehicles and containers, and waiver of TADs for containers, on a pilot basis, subject to annual review.
- (ii) The Memorandum of Understanding on the 'Early Harvest' Implementation of the CBTA will be signed by the Contracting Parties to the CBTA on an *ad referendum* basis, with the signing process expected to be completed by all Contracting Parties by 1 March 2017.
- (iii) Contracting Parties may start to issue GMS Road Transport Permit and Temporary Admission Documents to licensed international transport operators in their country once the Memorandum of Understanding on the 'Early Harvest' Implementation of the CBTA has been signed by them.
- (iv) Actual movement of vehicles and mutual recognition of GMS Road Transport Permits and Temporary Admission Documents is expected to commence on 1 March 2017, allowing countries to exchange information on the GMS Road Transport Permits and Temporary Admission Documents issued in the period between signature and 1 March 2017 as the effective launch date for CBTA transport operations.
- (v) Myanmar will join the 'early harvest' CBTA implementation through Initial Implementation of the CBTA-type agreements with neighboring countries, during a grace period until 1 January 2019.
- (vi) The NTFC will ensure that the required preparations are undertaken for the timely implementation of the 'early harvest', review the implementation of the GMS Road Transport Permit scheme, and recommend any required further improvements to facilitate TTF in the GMS.

Time frame for full CBTA implementation

Pursuant to the decision of the 14 July 2016 Joint Committee Retreat on the need for a parallel process of CBTA updating, including those measures that have proven difficult to implement, we welcome the submission by ADB of a full draft package of revised 'CBTA 2.0' texts to officials at the October 2016 NTFC, held in Bangkok, Thailand. We acknowledge the proposed timeline for full CBTA implementation by 2019, and task the NTFC to report on progress achieved at the Sixth Joint Committee meeting.

Status and treatment of IICBTAs

We reaffirm the decision of the 14 July 2016 Joint Committee Retreat to retain an upper limit of 500 Permits under CBTA Protocol 3 for the purposes of the ‘early harvest’, with permits issued under bilateral or trilateral IICBTAs (i.e. agreements between two or three CBTA Contracting Parties on the Initial Implementation of the CBTA) considered to be ‘additional’ permits on top of this 500 GMS Road Transport Permit quota. We acknowledge the timeline to phase out the current IICBTAs by 1 January 2019, with the NTFC to submit annual progress reports to the Joint Committee.

Other progress in transport and trade facilitation

In the context of TTF, we note:

- The progress made on the facilitation of frontier formalities through implementation of full Single Stop Inspection/Single Window Inspection (SSI/SWI) at the Lao Bao – Dansavanh border crossing between Lao PDR and Vietnam and look forward to the 2017 launch of SSI/SWI at the Savannakhet – Mukdahan border crossing, and at other border crossings listed in Protocol 1 of the CBTA;
- The signature by Cambodia and Thailand of an Addendum to their MOU on the Exchange of Traffic Rights to increase the current vehicle quotas, and signature of an agreement on the construction of a new border bridge at Ban Nong Ian – Stung Bot;
- The issuance of guidelines on the promotion of international road transport facilitation by PRC’s NTFC-member Ministries, developed in the context of its Belt and Road Initiative; and
- The progress made on preparations for the signature of a bilateral transport agreement between Thailand and Myanmar for a commencement of cross-border transport operations between them on 1 December 2017, and intention of Myanmar to conclude similar agreements with her other geographical neighbours.

We encourage all GMS countries to continue championing efforts to facilitate transport and trade in the GMS subregion.

Monitoring and evaluation

Recognizing the importance of data collection, monitoring and evaluation in gauging TTF progress, and in informing GMS policy decisions, we agree to enhance monitoring and evaluation of TTF in the GMS, including CBTA implementation, through the annual collection and submission of TTF data at border crossings listed under CBTA Protocol 1. We encourage the NTFC to continue to improve the accuracy of data collected and the alignment of data between countries at shared border crossings.

Chairmanship of the Joint Committee

We thank Thailand for its chairmanship of the Joint Committee and related meetings in 2016, and look forward to the chairmanship of the Joint Committee and NTFC by Viet Nam in 2017.

Acknowledgments

We express our appreciation and gratitude to the Government of the Kingdom of Thailand for its warm hospitality and excellent arrangements made for the Fifth Meeting of the Joint Committee, and to the NTFC, Sub-committees, ADB and development partners for their continued support for TTF in the GMS.

Endorsement

This Statement of the Fifth Meeting of the Joint Committee for the Cross-Border Transport Facilitation Agreement was endorsed in Chiang Mai on 16 December 2016 by members of the Joint Committee,

- (i) His Excellency, Sun Chanthol, Senior Minister, Ministry of Public Works and Transport, Kingdom of Cambodia;
- (ii) His Excellency, Liu Xiaoming, Vice Minister of Transport of the People’s Republic of China;
- (iii) His Excellency, Viengsavath Siphandone, Vice Minister, Ministry of Public Works and Transport, Lao People’s Democratic Republic;
- (iv) His Excellency, Thant Sin Maung, Union Minister, Ministry of Transport and Communications, Republic of the Union of Myanmar;
- (v) His Excellency, Arkhom Termpittayapaisith, Minister, Ministry of Transport, Kingdom of Thailand;
- (vi) His Excellency, Le Dinh Tho, Vice Minister, Ministry of Transport, Socialist Republic of Viet Nam.





National Transport Facilitation Committee, Cambodia

GMS Road Transport Permit¹

This document is issued in accordance with Protocol 3 and Article 23 of 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 the Facilitation of Cross-Border Transport of Goods and People.

Permit No.	Country Code	Permit Number	Bar Code
------------	--------------	---------------	----------

- Type of Permit/Transport Operation²:
- Scheduled passenger
 - Non-scheduled passenger
 - Cargo

1. Issuing Authority:

- 1.1 Name:
- 1.2 Address:
- 1.3 Contact Data³:

2. Beneficiary of the Permit⁴:

- 2.1 Name:
- 2.2 Address:
- 2.3 Contact Data:
- 2.4 Road Transport Operator’s National License Number:⁵

3. Particulars for Scheduled Passenger Transport Operations Only:

- 3.1 Itinerary:
- 3.2 Frequency of operations for the beneficiary:
- 3.3 Maximum Capacity (number of seats/persons):
- 3.4 Other Restrictions:⁶

4. Period of Validity: from until⁷

5. Allocated Vehicle Registration Number⁸:

	Prime mover/Truck/Bus	Semi-trailer		Prime mover/Truck/Bus	Semi-trailer
1			5		
2			6		
3			7		
4			8		

Place and date of Issuance:

Authentication (Seal/Stamp, Signature):

1. Warning: Counterfeiting is a criminal offence. This permit entitles its holder to perform cross-border road transport operations in the GMS region, subject to compliance with national laws of the Host Country, and the other conditions of the Agreement. The transport operator shall keep the original of this permit on board the vehicle at all times during cross-border transport operations for inspection and control purposes by authorities. This permit shall be valid only for the vehicle of which the registration number is entered on the permit form. Except for scheduled passenger transport operations, the Itineraries are restricted to the exit/entry point, routes, and corridors defined in Protocol 1 to the Agreement.
2. Please tick the type of transport operation.
3. Contact data may include: telephone number, fax number, email address, etc.
4. This permit is nominative and non-negotiable and non-transferable.
5. The validity of this permit shall be subject to the validity of the holder's transport operator license.
6. Other restrictions on this type of transport operations flowing from the arrangements on terms and conditions by the Country whose territory is traversed as per Article 5(b) of Protocol 3 to the Agreement.
7. Provided the permit was used before the expiry of its validity date by entering the territory of another GMS country than that of its holder transport operator, it shall remain valid until the completion of the transport operation by the return of the vehicle to its Home Country. A cross-border transport operation shall be completed by the exit of the vehicle from the Host Country territory within a period of 30 days from the date of entry in the Host Country territory. If the transport operator is unable to timely leave the Host Country territory, he/she shall inform the Host Country Competent Authority and may be required to file a request for extension.
8. Type of vehicle should be entered. Only the number(s) entered in the last box prevail(s). If the form has become full within its validity period, the issuing authority shall upon a simple request from its holder forthwith replace the original form.



National Transport Facilitation Committee, PRC

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- Scheduled passenger
 - Non-scheduled passenger
 - Cargo

1. Issuing Authority:
 - 1.1 Name:
 - 1.2 Address:
 - 1.3 Contact Data³:
2. Beneficiary of the Permit⁴:
 - 2.1 Name:
 - 2.2 Address:
 - 2.3 Contact Data:
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National Transport Facilitation Committee, Lao PDR

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Permit No.	Country Code	Permit Number	Bar Code
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- Type of Permit/Transport Operation²:
- Scheduled passenger
 - Non-scheduled passenger
 - Cargo

1. Issuing Authority:
 - 1.1 Name:
 - 1.2 Address:
 - 1.3 Contact Data³:
2. Beneficiary of the Permit⁴:
 - 2.1 Name:
 - 2.2 Address:
 - 2.3 Contact Data:
 - 2.4 Road Transport Operator's National License Number:⁵
3. Particulars for Scheduled Passenger Transport Operations Only:
 - 3.1 Itinerary:
 - 3.2 Frequency of operations for the beneficiary:
 - 3.3 Maximum Capacity (number of seats/persons):
 - 3.4 Other Restrictions:⁶
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5. Allocated Vehicle Registration Number⁸:

	Prime mover/Truck/Bus	Semi-trailer		Prime mover/Truck/Bus	Semi-trailer
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National Transport Facilitation Committee, Myanmar

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 - Non-scheduled passenger
 - Cargo

1. Issuing Authority:
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 - 1.2 Address:
 - 1.3 Contact Data³:
2. Beneficiary of the Permit⁴:
 - 2.1 Name:
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National Transport Facilitation Committee, Thailand

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National Transport Facilitation Committee, Viet Nam

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[National language]

**Greater Mekong Subregion
Cross-Border Transport Facilitation Agreement**

[...]

**Motor Vehicle
Temporary Admission Document**

[National language]

Kingdom of Cambodia

[...]

**National Transport Facilitation
Committee**

[...] TAD No.: _____

[...] GMS Road Transport Permit No.: _____

[...]

Greater Mekong Subregion Motor Vehicle Temporary Admission Document (TAD)

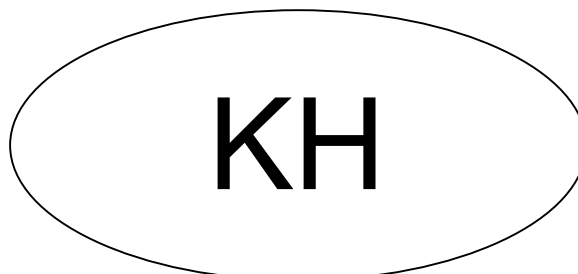
[...] Type of Vehicle:

[...] Passenger Transport Vehicle

[...] Goods Transport Vehicle

[...] Vehicle Registration Number and Year of Production

[...] Distinguishing Sign



[...] Particulars of the Vehicle

1. [...] Technical Data

[...] _____

Vehicle Category

Brand

Model

[...] _____

[...]

[...]

[...]

Colour

Steering Wheel

Left

Right

[...] Engine No.

[...] Chassis No.

[...] Dimensions

[...]

[...],

[...]

[...],

[...]

[...]

Width _____ mm, Length _____ mm, Height _____ mm

[...] _____

Number of Seats (~~For Bus~~)

[...] _____

Maximum Gross Weight (~~For Truck~~)

[...] _____

Net Weight

[...] _____

Vehicle Value (in local currency at time of TAD issue)

2. [...] Additional articles and equipment (if any) *

[...] Spare parts

[...] Maintenance supplies

[...] Others

* In reasonable quantities. Please tick.

3. [...] Additional Data

[...] _____

Name of **Company**/Vehicle Owner

[...] _____

Mobile Phone

[...]: Address:

[...] Street _____

[...] City _____

[...] County (District) _____

[...] Province _____

[...]

I undersigned _____ [Full Name] as the vehicle owner and/or legally authorised representative of _____ [Company] undertake to respect the laws and regulations of the Host country, including the timely discharge of the TAD. I understand that failure to do so make me and/or my company liable for the payment of Customs duties, taxes, fines, and interest in the Host country.

[...] _____

Done At

[...] _____

Date

[...] _____

Signature

4. [...]

Valid Until

[...]

Done At

[...]

Date

[...]

Signature and Seal
of Issuing Authority

[...]

Extension of Validity

[...]

Valid Until

[...]

Done At

[...]

Date

[...]

Signature and Seal
of Issuing Authority

[...]

Introduction

1. [...];

In accordance with Article 18 and Annex 8 of the GMS CBTA (the “Agreement”), this Motor Vehicle Temporary Admission Document (TAD) allows the registered vehicle to operate cross-border transport along the corridors, routes and points of entry and exit designated in Protocol 1 of the GMS CBTA.

2. [...];

It is prohibited to erase, add or falsify any terms specified in this TAD. Such offences shall be prosecuted.

3. [...];

In case of loss of this TAD, the holder shall immediately inform the nearest competent authorities of the Host country. The issuing authority of the Home country shall be notified in due course.

4. [...];

This TAD shall be used for the specified vehicle only and shall be renewed one month before the expiry date.

5. [...].

The permitted vehicle shall carry this TAD, which is subject to inspection and stamping for each cross-border transport operation by the Host country Customs authorities. This TAD shall be carried in the vehicle and produced to the competent authorities of GMS CBTA

Contracting Parties upon request.

6. [...].

Dates and points of exit and entry shall be recorded on the pages that follow, signed and stamped by the Host country Customs authorities, including any extensions granted by these authorities to the 30-day time limit for completion of the cross-border transport operation, caused by *force majeure* or other reasonable cause.

7. [...].

In case of any irregularity (e.g., breach of Host country Customs laws and regulations, lack of response, or lack of timely discharge of the TAD) the Company/Vehicle Owner listed in Section 3 of the TAD shall be liable for payment of duties, taxes, fines, and interest owed to the Host country Customs authorities.

[...] 60 [...], [...]

This permit contains 60 pages excluding the cover

[...]

Record

[...] Departure (date, **point of exit**)

[...] Arrival (date, **point of entry**)

Memorandum of Understanding on the 'Early Harvest' Implementation of the Greater Mekong Subregion Cross-Border Transport Facilitation Agreement

The Governments of the Kingdom of Cambodia, the People's Republic of China, the Lao People's Democratic Republic, the Republic of the Union of Myanmar, the Kingdom of Thailand, and the Socialist Republic of Viet Nam as Contracting Parties (hereinafter referred to as "*the Contracting Parties*") to the GMS Cross-Border Transport Facilitation Agreement (hereinafter referred to as "*the Agreement*"), originally signed by the Governments of the Lao People's Democratic Republic, the Kingdom of Thailand, and the Socialist Republic of Viet Nam 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 Republic of the Union of Myanmar at Dali City on 19 September 2003, and amended at Phnom Penh on 30 April 2004,

Recognizing that the reduction of nonphysical barriers to transport and trade is key to increasing the benefits of improved connectivity among our countries, and cognizant of the importance of intraregional trade, tourism, and investments in boosting economic growth and improving standards of living in the GMS, we remain committed to fast tracking and streamlining transport and trade facilitation measures between our countries through pragmatic, realistic, and results-oriented transport and trade facilitation initiatives,

Welcoming the steps taken bilaterally and plurilaterally between and among our countries to engage in cooperative arrangements to facilitate cross-border transport with respect to bilateral/trilateral traffic rights agreements and memoranda of understanding on the Initial Implementation of the CBTA,

Acknowledging the singular potential of the CBTA to establish an efficient subregional transport market and to achieve these aims, including through simplification and harmonization of legislation, regulations, procedures and requirements relating to cross-border transport, the reduction of the procedures and formalities required for cross-border traffic, and the elimination of documents and formal requirements that are superfluous,

Noting that ratification of the Agreement and its Annexes and Protocols was completed by all Contracting Parties in 2015,

Recalling the view of the Joint Committee Retreat held in Bangkok, Thailand on 14 July 2016, that amendments to the Agreement are required to allow for its full implementation,

Referring to the unanimous consent expressed at the same Joint Committee Retreat to consider such amendments at its future meetings, and to launch the issuance of GMS Road Transport Permits under CBTA Protocol 3 between and among the Kingdom of Cambodia, the People's Republic of China, the Lao People's Democratic Republic, the Kingdom of Thailand, and the Socialist Republic of Viet Nam as a CBTA 'early harvest' in 2017, based on the current CBTA provisions (including, but not limited to, definitions of terms, admittance of road vehicles in other Contracting Parties, vehicle registration, technical requirements, recognition of technical inspection certificates, compulsory third party vehicle insurance, driving permits, temporary importation of motor vehicles, exchange of commercial traffic rights, and miscellaneous provisions) unless otherwise stated herein, with a transitional period for the Republic of the Union of Myanmar until 1 January 2019, and

Recalling that, according to the CBTA texts, Contracting Parties to the Agreement shall not be precluded from granting greater facilities by unilateral national arrangements.

Have agreed as follows:

1. To commence the issuance and distribution by the Contracting Parties to the Agreement of up to 500 GMS Road Transport Permits per Contracting Party, based on Protocol 3 of the CBTA, and the mutual recognition and acceptance of these Permits between and among the Contracting Parties from the date of entry into force of this Memorandum of Understanding.
2. To apply the other provisions of CBTA Protocol 3, including those under Article 5, with respect to the type and number of Permits issued, with the original Permit to be kept on board the vehicle at all times during cross-border transport operations.
3. To apply the GMS Road Transport Permit format for each Contracting Party as approved at the 3 April 2008 Customs Sub-committee Meeting, and attached in Annex 1 of this Memorandum of Understanding. For the purposes of the 'early harvest' implementation, these Permits shall be non-transferable between transport operators, and non-transferable among vehicles.
4. To communicate, every 3 months, updated national registers of licensed road transport operators holding Permits for cross-border road transport operations to the Joint Committee via the appointed NTFC focal points for dissemination to the other Contracting Parties, subject to annual review and modification, as appropriate, in line with Articles 2 and 5 of Protocol 3, using the model register format endorsed at the Fifth Joint Committee Meeting.
5. To operationalise the GMS CBTA regime for the temporary importation of motor vehicles, based on Article 18 of the Agreement, granting temporary admission without the payment of import duties and import taxes, without depositing a Customs guarantee bond, and free of import prohibitions and restrictions, and with simplified arrangements for the 'early harvest' under Annex 8 of the Agreement as follows:
 - a. Motor vehicles temporarily imported into the territory of a Contracting Party acting as Host Country shall carry a Temporary Admission Document (TAD).
 - b. The TAD shall be issued by the competent authority or its authorized agency of the motor vehicle's Home Country. Each Contracting Party shall nominate its competent authority (*e.g.* Ministry of Transport, Customs Department, or NTFC) or its authorized agency, and inform the other Contracting Parties of its nomination through the Joint Committee. The Contracting Parties shall mutually recognize the bodies nominated as the competent authorities for the issuance of TADs.
 - c. The TAD may cover multiple temporary admissions into the territories of Contracting Parties and shall be discharged upon exit and entry. It shall be retained by the motor vehicle operator and kept on board the vehicle at all times during cross-border transport operations.
 - d. The format, appearance, layout, and printing specifications of the TAD shall follow the motor vehicle TAD template endorsed at the Fifth Joint Committee Meeting in the English language, and attached in Annex 2 of this Memorandum

of Understanding (with parallel use of the Contracting Parties' respective national languages), printed in 500 numbered examples per Contracting Party.

- e. Each TAD shall remain valid for a 12-month period (subject to extension by the competent issuing authority) as long as the motor vehicle to which it refers complies with the technical standards of the Host Country, and is used in conjunction with a valid GMS Road Transport Permit issued to the motor vehicle operator concerned.
 - f. An exit endorsement (stamp and signature of the Host Country Customs authorities tasked with controlling TADs at the border) entered in the TAD within a time period not exceeding 30 days from the date of entry, shall have the effect of evidencing the re-exportation of the motor vehicle. Satisfactory alternative evidence of re-exportation may have the same effect. Provided the GMS Road Transport Permit and TAD are valid on the date of entry to a Host Country, they shall remain valid until the return of the motor vehicle to its Home Country.
 - g. The motor vehicle operator shall be directly liable to pay, to the Host Country Customs authorities, the import duties, taxes, fines and interest, where applicable and if in contravention of this Memorandum of Understanding, under the customs laws and regulations in the Host Country in respect of any irregularity (e.g. breach of customs laws and regulations, or lack of timely re-exportation of the motor vehicle) in connection with the temporary admission of the motor vehicle. In case the Customs authority of the Host Country establishes an irregularity, the motor vehicle operator shall pay the duties, taxes, fines and interest due to the Customs authority of the Host Country not later than 30 days commencing from notification. The Host Country Customs authority shall refund to the motor vehicle operator the amount received upon the established absence of any irregularity, without delay, provided that the motor vehicle operator shall claim such refund within the period of time specified by national laws/regulations.
 - h. The competent authorities of the Contracting Parties (including the NTFCs, TAD issuing authorities, and Customs) shall render assistance to each other in accordance with their national legislation with respect to enquiries, investigation of irregularities, and/or recovery of import duties, taxes, fines and interest, where applicable, in connection with cross-border transport operations under the CBTA 'early harvest' implementation.
 - i. The Contracting Parties shall have the right to exclude temporarily or permanently from the CBTA 'early harvest' implementation any motor vehicle operator guilty of a serious offense against their laws/regulations applicable to the cross-border movement of motor vehicles, if in contravention of this Memorandum of Understanding. The competent authorities of the Contracting Parties shall notify this exclusion immediately to all other Contracting Parties, which shall notify, as required, their TAD issuing bodies and other competent authorities.
6. To operationalise the GMS CBTA container Customs regime, in the spirit of Article 18 of the Agreement, granting temporary admission to containers, in a manner akin to that agreed for motor vehicles, without the payment of import duties and import taxes, without depositing a Customs guarantee bond and free of import prohibitions and restrictions, without the requirement of a container TAD, and with simplified arrangements for the 'early harvest' under Annex 14 of the Agreement as follows:

- a. For the purposes of the 'early harvest' container Customs regime, a container means a transport equipment device of 20ft or 40ft in length that is fully or partially closed to constitute a compartment intended for containing goods, of a permanent nature and consequently strong enough to be suitable for repeated use, specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate (un/re)loading of the goods, designed for ready handling, particularly when being transferred from one mode of transport to another, and designed for easy filling and emptying.
- b. The container operator is entitled either to use this 'early harvest' container Customs regime, or to comply with existing Host Country and other relevant Customs procedures if the latter are more trade facilitative in nature (*i.e.* application of this regime shall not preclude the Contracting Parties from granting greater facilities by unilateral national arrangements).
- c. Subject to re-exportation and the other conditions laid down herewith, Contracting Parties shall grant temporary admission to their territories of containers originating from other Contracting Parties, where they are owned or operated by persons registered in the other Contracting Parties, without the payment of import duties and import taxes, without depositing a Customs guarantee bond, free of import prohibitions and restrictions, and without the requirement of a container TAD. Accessories, equipment, and spare parts, in reasonable quantities for the repair of the containers, shall also be exempted from import duties and taxes, and temporarily admitted without the deposit of a Customs guarantee bond.
- d. The marking of containers shall be done in the manner described in the Attachment to Annex 14 of the CBTA. Containers shall leave the territory of the Host Country in the same general state, except for wear and tear, within a period not exceeding 30 days from the date of entry.
- e. Proof of re-exportation of the container shall flow from the Customs declaration document presented by the container operator to the Customs authorities of the Host Country at the time of re-exportation. Satisfactory alternative evidence of re-exportation may have the same effect.
- f. A temporarily admitted container that has been heavily damaged in an accident shall be exempted from the obligation of re-exportation, provided: (i) the import duties and taxes have been paid to the Host Country Customs authority; or (ii) it has been abandoned to and accepted by the Host Country Customs authorities; or (iii) it has been destroyed under official Host Country supervision at the expense of the person or entity which has temporarily entered it and any salvaged parts have either re-exported or paid import taxes and duties for.
- g. The container operator shall be directly liable to pay, to the Host Country Customs authorities, the import duties, taxes, fines and interest, where applicable and if in contravention of this Memorandum of Understanding, under the customs laws and regulations in the Host Country in respect of any irregularity (*e.g.* breach of customs laws and regulations, or lack of timely re-exportation of the container) in connection with the temporary admission of the container. In case the Customs authority of the Host Country establishes an irregularity, the container operator shall pay the duties, taxes, fines and interest due to the Customs authority of the Host Country not later than 30 days commencing from notification. The Host Country Customs authority shall refund to the container operator the amount received upon the established absence of

any irregularity, without delay, provided that the container operator shall claim such refund within the period of time specified by national laws/regulations.

- h. The competent authorities of the Contracting Parties (including the NTFCs, TAD issuing authorities, and/or Customs) shall render assistance to each other in accordance with their national legislation with respect to enquiries, investigation of irregularities, and/or recovery of import duties, taxes, fines and interest, where applicable, in connection with cross-border transport operations under the CBTA 'early harvest' implementation.
 - i. The Contracting Parties shall have the right to exclude temporarily or permanently from the CBTA 'early harvest' implementation any container operator guilty of a serious offense against their laws/regulations applicable to the cross-border movement of containers, if in contravention of this Memorandum of Understanding. The competent authorities of the Contracting Parties shall notify this exclusion immediately to all other Contracting Parties, which shall notify, as required, their competent authorities.
- 7. The provisions of this Memorandum of Understanding may be repealed and/or amended subject to the unanimous consent of the Contracting Parties via the Joint Committee.
 - 8. This Memorandum of Understanding shall enter into force upon signature by the members of the Joint Committee as the authorised representatives of the Contracting Parties, and remain valid for a 12-month period, starting on the date of last signature. The period of validity may be extended by unanimous consent of the Joint Committee.
 - 9. Each Contracting Party may temporarily suspend the application of the Agreement, including the provisions of this Memorandum of Understanding, with immediate effect in the case of emergencies affecting its national safety. The Contracting Party shall inform the other Contracting Parties as soon as possible of such suspension, which shall end as soon as the situation returns to normal.
 - 10. Any dispute between or among two or more Contracting Parties on the interpretation or application of the Agreement or of this Memorandum of Understanding shall be settled directly or by amicable negotiation in the Joint Committee.

IN WITNESS WHEREOF, we the undersigned, being duly authorized, have signed this Memorandum of Understanding.

Done in six (6) originals in the English language.

For the Royal Government of Cambodia

Minister of Public Works and Transport
Signed in Phnom Penh, Cambodia on [/ /2017]

For the Government of the People's Republic of China

Minister of Communications
Signed in Beijing, PRC on [/ /2017]

For the Government of the Lao People's Democratic Republic

Minister of Public Works and Transport
Signed in Vientiane, Lao PDR on [/ /2017]

For the Government of the Republic of the Union of Myanmar

Minister of Transport and Communications
Signed in Nay Pyi Taw, Myanmar on [/ /2017]

For the Government of the Kingdom of Thailand

Minister of Transport
Signed in Bangkok, Thailand on [/ /2017]

For the Government of the Socialist Republic of Viet Nam

Minister of Transport
Signed in Hanoi, Viet Nam on [/ /2017]