Memorandum of Understanding
between
the Royal Government of Cambodia and the Government of the Kingdom of Thailand
On the Exchange of Traffic Rights for Cross Border Transport
Through the Aranyaprathet-Poipet Border Crossing Points

The Royal Government of Cambodia and the Government of the Kingdom of Thailand, hereinafter referred to as "the Parties to the Memorandum of Understanding ("MOU")":

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, Lao People's Democratic Republic, amended at Yangon, Myanmar on 29 November 2001, acceded to by the Kingdom of Cambodia at Yangon, Myanmar on 29 November 2001, acceded to by the People's Republic of China ("PRC") at Phnom Penh, Cambodia on 3 November 2002, acceded to by the Union of Myanmar at Dali, PRC on 19 September 2003, entered into force on 31 December 2003, and amended at Phnom Penh, Cambodia on 30 April 2004 hereinafter referred to as "the Agreement", and Referring to the Memorandum of Understanding on the Initial Implementation of the Agreement at the Aranyaprathet, Kingdom of Thailand and Poipet, Kingdom of Cambodia signed at Kunming, People's Republic of China on 4 July 2005 hereinafter referred to as the "IICBTA MOU", which calls for a bilateral road transport arrangement between the two countries to provide details;

HAVE AGREED AS FOLLOWS:

Article 1: Relationship of the MOU to the Agreement and the IICBTA MOU

The MOU shall form an integral part of the IICBTA MOU and shall be equally binding. The relevant provisions of the Agreement and the IICBTA MOU shall also apply to the MOU.

Article 2: Interim Nature of the MOU

The MOU shall provide interim measures for the exchange of traffic rights between the Parties to the MOU until such time that the relevant Annexes and Protocols of the Agreement enter into force between them.

Article 3: Definition of Commercial and Noncommercial Vehicles

For the purpose of this MOU, (a) Commercial Vehicles shall mean motor vehicles registered in the Home Country, which are used for the transport of persons for remuneration, reward, or other consideration or for the industrial or commercial transport of goods, with or without remuneration; and (b) Noncommercial Vehicles shall mean motor vehicles that are not commercial vehicles.

Article 4: Geographic Scope of Application of the MOU

The MOU shall apply to the cross-border transport of goods and people through the Aranyaprathet-Poipet border crossing points. For commercial vehicles, the cross-border transport of goods and people by road between the two countries through the Aranyaprathet-Poipet border crossing points shall apply to the routes specified in Attachment 1 of Protocol 1 to the Agreement (Attachment 1) in Cambodia and Thailand and roads in the provinces along these routes.

The National Transport Facilitation Committee of one Party to the MOU may issue a request to the other Party to the MOU for the inclusion of additional roads and provinces in the territory of...
the other Party to the MOU, which are outside the above coverage. If the other Party to the MOU grants such request, partly or in full, it should accordingly notify all its relevant Competent Authorities of its decision, including the effective date of the additional coverage. The other Party to the MOU shall notify the requesting National Transport Facilitation Committee of its decision, as soon as possible.

Additional roads and provinces to be included in the geographic scope of application of the MOU shall be mutually agreed by the duly authorized representatives of the National Transport Facilitation Committees of the Parties to the MOU. This shall take effect no later than 30 days after the conclusion of such agreement, except otherwise agreed.

Article 5: Vehicles for Cross-Border Transport through the Aranyaprathet-Poipet Border Crossing Points

(a) A vehicle for cross-border transport through the Aranyaprathet-Poipet Border Crossing Points shall be a “motor vehicle”, which means a power-driven vehicle that is normally used for carrying people or goods by road. It also includes rigid motor vehicles, articulated vehicles (a prime mover drawing a semi-trailer), and semi-trailers (a vehicle drawn by a motor vehicle in such a manner that part of the trailer is superimposed on the motor vehicle and a substantial part of the weight of the trailer and its load is borne by the motor vehicle). It does not cover vehicles that are only occasionally used for carrying persons or goods by road or for drawing on the road, such as agricultural tractors or road works equipment. It also does not cover rail-borne vehicles, mopeds, and motorcycles.

(b) Each Party to the MOU shall mutually recognize registration certificate, KH-T cross-border transport permit, inspection certificate, and registration plate (for Thailand, attached with a sticker containing the appropriate English translation) of the other Party to the MOU.

(c) The following provisions concerning vehicles for cross-border transport through the Aranyaprathet-Poipet border crossing points shall apply:

(i) Motor vehicles engaged in cross-border transport through the Aranyaprathet-Poipet border crossing points shall comply with the traffic and safety laws and/or regulations of the Host Country.

(ii) Motor vehicles engaged in cross-border transport through the Aranyaprathet-Poipet Border Crossing Points shall comply with the following technical requirements:

(1) Goods Vehicles
   a. Maximum length of vehicle as detailed in Appendix A and B,
   b. Maximum width of vehicles as detailed in Appendix C,
   c. Maximum height of vehicles as detailed in Appendix D,
   d. Rear overhang as detailed in Appendix E; and
   e. Maximum permissible gross vehicle weight subject to relevant national laws or regulations of the Host Country, which shall be provided to the relevant Competent Authorities of the two countries

(2) Passenger Vehicles
   a. Maximum length of vehicle not exceeding 12.0 meters
   b. Maximum width of vehicles not exceeding 2.5 meters
   c. Maximum height of vehicles not exceeding 4.2 meters

(3) Emission standards as follows:
   Exhaust emission (smoke)-50% (Opacity or Bosch unit) or 50 HSU; and

(4) Other related requirements, viz:
a. Brake Efficiency: 50% of the axle weight, and
b. Side slips: plus (+) or minus (-) 5m/km.

(iii) The motor vehicle and the containers used for cross-border transport of goods through the Aranyaprathet-Poipet Border Crossing Points shall be constructed and equipped in such a manner that:

(1) any smuggling of goods by clandestine substitution, removal from or introduction in the load compartment without leaving obvious traces of tampering or without breaking the customs seal is prevented;
(2) it allows the simple and efficient affixing of customs seals and tracking devices;
(3) it does not contain any concealed spaces where goods may be hidden; and
(4) all spaces where goods can be stored are readily accessible for customs inspection.

Article 6: Distinguishing Nationality Sign

(a) Every motor vehicle in cross-border traffic shall in addition to its registration number, display at the rear a distinguishing sign of the Country in which it is registered. This distinguishing sign shall consist of one to three letters in capital Latin Characters, at least 0.08 meter high and with strokes at least 0.01 meter wide. The letters shall be painted in black on white background in the shape of an ellipse with the major axis horizontal.

(b) The distinguishing sign shall not be incorporated in the registration number or be affixed in such a way that it could be confused with that number or impair its legibility.

(c) The way of display shall follow the rules with respect to the registration number.

(d) The distinguishing sign for the motor vehicles of each Party to the MOU shall be as follows:

Cambodia: KH
Thailand: T

Article 7: Temporary Importation of Vehicles through the Aranyaprathet-Poipet Border Crossing Points

As an interim measure until such time that a guaranteeing mechanism is established between the two countries in accordance with Article D5 (iii) of the IICBTA MOU, the following provisions shall apply:

(a) A list of commercial vehicles that are eligible for cross-border transport mutually agreed by the Parties to the MOU shall be exchanged between their respective relevant Competent Authorities. Only the vehicles carrying the KH-T cross-border transport permit shall be temporarily admitted to the Host Country without the payment of guarantee.

(b) Motor vehicles temporarily admitted in the Host Country shall be re-exported in the same general state, except for wear and tear, within the allowable period of validity indicated in the Customs declaration form for the vehicle. Otherwise, the motor vehicles shall be considered illegally imported in the Host Country, and subject to relevant action(s) prescribed under the national laws and regulations of the Host Country.
(c) Unused spare parts or defective components dismantled from motor vehicles shall either be re-exported or paid import duties and taxes for.

(d) A temporarily admitted motor vehicle that has been heavily damaged in an accident shall be exempt from the obligation of re-exportation, provided: (a) the import duties and taxes are paid, or (b) it has been abandoned and accepted by the relevant Competent Authority of the Host Country, or (c) it has been destroyed under official Host Country supervision at the expense of the temporary importer and any salvaged parts are either re-exported or paid import duties and taxes for.

(e) If a person or entity who has temporarily entered the motor vehicle is unable to timely re-export the vehicle due to circumstances beyond his/her control, he/she is to file a request for an extension of the re-exportation period with the Host Country's Customs Authorities before the expiry date. The Host Country's Customs Authorities will grant such extension if they are satisfied that the timely re-exportation is prevented by force majeure or other reasonable cause.

(f) Temporarily admitted motor vehicles shall be allowed to stay in the territory of the Host Country for an initial period of 60 days, which can be extended only once by a maximum of 30 days.

(g) Evidence of temporary admission of the motor vehicle and its re-exportation shall be documented by the Customs declaration form for entry/exit of vehicles through the border checkpoint.

Article 8: Transport Operator

Transport operators duly licensed by their Home Country in accordance with Appendix F shall be entitled to perform cross-border transport operations under this MOU.

The Parties to the MOU shall, from time to time, communicate their updated list of licensed transport operators allowed for cross-border transport under this MOU, to each other as necessary.

Article 9: Exchange of Traffic Rights

The following provisions concerning exchange of traffic rights shall apply:

(a) Transport operators of one Party to the MOU shall be entitled to perform cross-border transport operations under this MOU in the territory of the other Party to the MOU only if they hold a KH-T Cross-Border Transport Permit in accordance with this MOU.

(b) The KH-T cross-border transport permit shall be issued and distributed by the National Transport Facilitation Committee of the Home Country or by its authorized Competent Authority to its transport operators, while observing the principle of non-discrimination. The Parties to the MOU will mutually recognize the permits so issued.

(c) Initially for a period of 12 months from the entry into force of this MOU, the total number of KH-T cross-border transport permits that a Party to the MOU is entitled to issue for non-scheduled passenger transportation and cargo transportation through the Aranyaprathet-Poipet border crossing points, shall not exceed 40; thereafter and prior to the entry into force of Protocol 3 of the Agreement between the Parties to the MOU, the total number of KH-T cross-border transport permits shall be discussed and mutually agreed, from time to time, between the Parties to the MOU.
(d) For scheduled passenger transportation, the Parties to the MOU shall make appropriate arrangements on the terms and conditions and/or on the number of KH-T cross-border transport permits.

(e) The KH-T Cross-Border Transport Permit shall: (1) be continuously valid for a period of one year as from the date of its issuance; (2) be nominative, non-negotiable and non-transferable; and (3) if applicable, have its validity subject to its holder holding a valid transport operator license in accordance with Appendix F of the MOU.

(f) The KH-T cross-border transport permit shall include the following minimum particulars in the English language without prejudice to the parallel use of national languages:

(i) the title: KH-T Cross-Border Transport Permit
(ii) the name and logo of the Issuing Competent Authority, its address, country, and authentication (seal, stamp, and/or signature);
(iii) a reference to the MOU and Article E.1(ii) of the IICBTA MOU;
(iv) country code (KH for Cambodia and T for Thailand) and permit number;
(v) the period of validity;
(vi) the type of permit and the type of transport operation it covers (cargo/passenger, scheduled/non-scheduled)
(vii) for scheduled passenger transport vehicles, the itinerary (including the points of origin and destination), frequency of operations, and the maximum capacity of vehicles, as appropriate;
(viii) the identity of the transport operator beneficiary of the permit, (i.e., name and address, license, place of issue, date of issue, period of validity, date of expiry);
(ix) 6 blank boxes to contain the registration number of the vehicle(s) to which the KH-T cross-border transport permit is allocated;
(x) the place and date of issuance; and
(xi) an authentication (seal/stamp, signature).

The Parties to the MOU shall exchange samples of their respective KH-T cross-border transport permit, within 30 days of the entry into force of the MOU.

(g) The holder shall allocate KH-T cross-border transport permits to the vehicles of his/her choice employed in cross-border transport operations, but he/she can use a permit only for one motor vehicle at the same time.

(h) The motor vehicle to which the KH-T cross-border transport permit is allocated, shall carry the original permit form on board at all times during cross border transport operations. Each KH-T cross-border transport permit shall be valid only for a motor vehicle of which the registration number is latest entered on the permit form.

Article 10: Required Documentation

The following valid documents shall be carried on a motor vehicle for cross-border transport through the Aranyaprathet-Poipet border crossing points at all times when it is in the territory of the Host Country:

(a) For drivers:

(i) Valid Passport or International Travel Document in lieu of Passport, and, if required, visa;
(ii) Domestic Driving License and its Certified Translation/International Driving License;
(iii) Arrival-Departure Card (for submission to Immigration Authorities); and
(iv) Any other relevant documents in accordance with the laws and regulations of the Host Country.

(b) For motor vehicles:
   (i) Vehicle Registration Certificate;
   (ii) KH-T cross-border transport permit;
   (iii) Passengers' manifest;
   (iv) Vehicle Inspection Certificate;
   (v) Customs Declaration Form for temporary admission of the motor vehicle;
   (vi) Compulsory third party motor vehicle liability insurance certificate or policy, and/or passenger liability insurance certificate or policy, as required by the Host Country
   (vii) List of crew members; and
   (viii) Any other relevant documents in accordance with the laws and regulations of the Host Country.

(c) For passengers and crew members:
   (i) Valid Passport or International Travel Document in lieu of Passport, and, if required, visa;
   (ii) Arrival-Departure Card (for submission to Immigration Authorities); and
   (iii) Any other relevant documents in accordance with the laws and regulations of the Host Country.

(d) For goods (cargo)
   (i) Customs Declaration Form;
   (ii) Cargoes' Manifest;
   (iii) Commercial Invoice and Packing List, if any;
   (iv) Consignment Note, if any
   (v) Multimodal transport document, if any; and
   (vi) Any other relevant documents in accordance with the laws and regulations of the Host Country.

Article 11: Charges Concerning Cross-Border Traffic through the Aranyaprathet-Poipet Border Crossing Points

The Parties shall exchange information on charges on cross-border traffic in accordance with Article 31 of the Agreement and communicate to the relevant Authorities of the other Party any subsequent amendment to the cross-border traffic charges regime at least 15 days prior to its taking effect.

Each Party to the MOU shall ensure that the collected charges conform to its respective laws and regulations.

However, the least developed country (determined on the basis of the United Nations' designation of least developed countries) may apply preferential toll rates and other charges to the vehicles registered within its territory, when undertaking domestic transport.

Article 12: Amendment

The Parties to the MOU may propose amendment(s) to the MOU. Such amendment(s) shall be subject to the mutual consent of the Parties to the MOU, and shall be effected by the signing of an addendum to the MOU by the duly authorized representatives of their National Transport Facilitation Committees.
Article 13: Entry Into Force
The MOU becomes effective 90 days from the date of its signature.

Article 14: Reservations
No reservation to the MOU shall be permitted.

Article 15: Suspension of the MOU
Each Party to the MOU may temporarily suspend wholly or partly the application of the MOU with immediate effect in the case of emergencies affecting its national safety and security. The Party to MOU will inform the other Party to the MOU as soon as possible of such suspension, which will end as soon as the situation returns to normal.

Article 16: Dispute Settlement
The Parties to the MOU shall settle dispute(s) on the interpretation or application of the Agreement in accordance with Article G (ii) of the IICBTA MOU.

Attachment 1: List of Corridors, Routes, and Border Crossings of Protocol 1 of the Agreement

Appendixes:
A. Maximum Length of Rigid Motor Vehicles
B. Maximum Length of Articulated Vehicles
C. Maximum Width of Vehicles
D. Maximum Height of Vehicles
E. Diagram of Rear Overhang of Vehicle
F. Minimum Conditions for Transport Operators Engaged In Cross-Border Transport Operations through the Aranyaprathet-Poipet Border Crossing Points

In witness whereof, the undersigned being duly authorized by their respective Governments, have signed this Memorandum of Understanding.

Done at Vientiane on 30 March 2008, in two originals in the English language.

For the Government of the Kingdom of Cambodia

His Excellency Sun Chanthol
Minister of Public Works and Transport

For the Government of the Kingdom of Thailand

His Excellency Somchai Wongsawat
Deputy Prime Minister and Minister of Education