

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

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

Developed under Project TA-8748 REG Sub-project 2 (SP2) - Support for Implementing the Action Plan for Transport and Trade Facilitation in the GMS

Supported by the Asian Development Bank and Australian Department of Foreign Affairs and Trade

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



GMS Road Transport Permit*

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	Barcode
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Type of Permit/Transport Operation:⁷ Scheduled passenger Non-scheduled passenger Cargo

1. Issuing Authority:

1.1 Name: _____
 1.2 Address: _____
 1.3 Contact Data:⁸ _____

2. Beneficiary of the Permit:⁹

2.1 Name: _____
 2.2 Address: _____
 2.3 Contact Data: _____
 2.4 Road Transport Operator's National License:¹⁰ _____

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:⁷ from _____ until _____

5. Allocated Vehicle Registration Number:⁸

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

Place and date of issuance: _____ Authentication (Seal/Stamp, Signature) _____

* 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 entry point, routes, and conditions defined in Protocol 3 to the Agreement.

4. Please tick the type of transport operation.
 5. Contact data may include: telephone number, fax number, email address, etc.
 6. This permit is non-refundable and non-transferable.
 7. The validity of the permit shall be subject to the validity of the holder's/transport operator license.
 8. Other restrictions on this type of transport operations arising from the arrangements on terms and conditions by the Country whose territory is traversed as per Article 3(b) of Protocol 3 to the Agreement.
 9. 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.
 10. 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.

Hiệp định Tạo thuận lợi vận tải người và hàng hoá qua lại biên giới giữa các nước Tiểu vùng Mê Kông mở rộng

Greater Mekong Subregion Cross-Border Transport Facilitation Agreement



Sổ theo dõi Tạm nhập Phương tiện vận tải

Motor Vehicle Temporary Admission Document

Cộng hoà xã hội chủ nghĩa Việt Nam
Socialist Republic of Viet Nam

'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 akin to a 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
- Myanmar will join the 'Early Harvest' in June 2020

'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
- Questions related to ‘Early Harvest’ implementation may be addressed to ADB as follows:

Ms. Kanya Sasradipoera (kanyass@adb.org)

Thank you!

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