

AGREEMENT
ON THE TRANSIT OF GOODS
between
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
and
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

THE GOVERNMENT OF THE KINGDOM OF CAMBODIA and THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM, hereinafter referred to as the " Contracting Parties ",

BEING desirous of further strengthening and expanding trade and economic cooperation, in order to develop the economy of each country, on the principles of equality and mutual benefit.

HAVE AGREED AS FOLLOWS :


ARTICLE 1

The Contracting Parties allow the goods and commodities meant for export to or for import from a third country or for transfer from one locality to the others of either Contracting Party to be transited through the territory of their respective countries.

ARTICLE 2

The goods and commodities for transit shall be permitted to go through the following entry/exit border gates :

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|--|---|
| 1/ Kaam Samnor - Koh Roka
Mekong River
(Kandal/Prey Veng) | Vinh Xuong – Thuong Phuoc
Tien River (Cuu Long)
(An Giang-Dong Thap) |
| 2/ Bavet (Svay Rieng)
Highway No 1 | Moc Bai (Tay Ninh)
Highway No 22A |
| 3/ Trapeang Phlong (Kg. Cham)
Highway No 7 | Xamat (Tay Ninh)
Highway No 22B |



4/ O rang (Mundolkiri) Highway No 14	Bu Porang (Dac Lac) Highway No 14
5/ Andaung Pich (Ratanak Kiri) Highway No 19	Le Thanh (Gia Lai) Highway No 19
6/ Snuol (Kratie) Highway No 13	Bonue (Binh Phuoc) Highway No 13
7/ Phnom Den (Takeo) Highway No 2	Tinh Bien (An Giang) Highway No 2
8/ Lork (Kampot) Highway No 17	Xa Xia (Kien Giang) Highway No 17

in order to create more favorable conditions for the transit of goods, other border gates might be opened if need be and with mutual consent of the Contracting Parties.

ARTICLE 3

The forms of transit consist of:

- 1- Transit form with storage, changing means of transport, changing the packing, repacking the goods and commodities in the transit country.
- 2- Transit form without storage, no changing of means of transport in the transit country, referred to as direct transit.

ARTICLE 4

The transportation of the transit goods must be in compliance with the following regulations :

- 1- It must be in compliance with the regulations on Customs Law of the transit country.
- 2- The quantity and specification of the goods and commodities transferred

through the last exit border gate must be exactly the same as that transferred through the first entry border gate. The goods and commodities must be in its original conditions of packing or sealed by the Customs. In case of losses, damages or breakages, there must be a written certification given by the local Customs where such things happened. In case of losses and damages of the goods and commodities due to the force majeure such as natural calamity, accidents, fires ... they must be certified by the local Authorities or the local Customs where such things happened.

3- The transit goods and commodities must follow the prescribed land or waterway routes, go through prescribed border gates, be on right means of transport and capacity, in timing as agreed in Transit License (if any) and supervised by the Customs of the transit country.

4- If the goods and commodities for transit are to be kept in warehouse and depot in a transit country, they must be with permissions on time and places and under supervision by the Customs of the transit country.

ARTICLE 5

Each Contracting Party allows the goods and commodities of the other Contracting Party to be transited across its territory according to the following regulations :

As to the goods and commodities in the List of export and import ban :

1.1- It is prohibited to transit through the territory of the Contracting Parties goods and commodities that are not in compliance with international rules and practices such as narcotics, toxic chemical substances, radioactive materials, depraved cultural items or those harmful to the independence, sovereignty and security of any of the Contracting Parties, as well as wild, rare and endangered animals.

1.2- The transit of goods and commodities such as weapons, explosives, military technical facilities and equipment for national defense and national security must be done only with the permission the Ministry of Trade in the transit country further to the written proposal of the Minister of Trade of the country applying for transit.

1.3- If the goods and commodities are banned to export and to import in transit

country but are not banned in the country applying for transit, the transit shall be carried out as follows :

a- In case the goods and commodities are transited by shipping route along the Tien River (Cuu Long) - Mekong River through the respective exit/entry waterway gates as in stipulated in Article 2 of this Agreement, the owner or its legal authorized shipper (referred to as the carrier) shall apply and make customs clearance for the transit of goods and commodities by waterway in the entry border gate's original Customs. No permission from the Ministry of Trade of the country for transit is required.

b- If the goods and commodities are transited by landway (including the International Transportation Railways if any) through respective exit/entry border gates as stipulated in Article 2 of this Agreement, the owner or its carrier must get the permissions for the transit of goods and commodities from the Ministry of Trade of transit country further to the written request of the Minister of Trade of the country applying permission for transit.

The List of goods banned to export and to import of each Contracting Party is set forth in Annex 01 (of Vietnam) and Annex 02 (of Cambodia) attached hereto. This List may be amended every year. When there is any amendment of this List by either Party, the other Party shall be advised timely and accordingly and the amended List shall automatically supersede the previous List and shall be the attached Annex of this Agreement for the prevailing year.

2- For other goods not under Sub-item 1.1; 1.2; 1.3 and 1 of this Article which are to be transited through the territory of the other Contracting Party by land or waterway, the owner or its carrier shall apply and make customs clearance for transit goods and commodities in the entry border gate. No permission from the Ministry of Trade of the country for transit is required.

ARTICLE 6

The transit of timber and timber products through the territory of either Contracting Party shall be implemented as follows :



1. Round logs (i.e. wood in the rough, whether or not stripped of bark or sapwood, or roughly squared) shall not be permitted to transit through the territory of any Contracting Party.
2. Transit Licenses of the Ministry of Trade of transit country, further to the written request of the Minister of Trade of the country applying permission for transit shall be required for the transit of sawn wood.
3. For the transit of other wooden products, the owner or its carrier shall apply and make customs clearance at the entry border gate's original Customs. No permission from the Ministry of Trade of the country for transit is required.
4. The country applying for transit shall impose every measure necessary to ensure that the commodities mentioned in Paragraph 3 of this Article are legally-allowed-for-export commodities.

ARTICLE 7

The transit goods are not for sale in the transit country. In special case when the Ministry of Trade of the transit country gives permissions to sell the transit goods in the transit country, the owner of goods shall pay all taxes and charges in accordance with the law and regulations in force of the transit country.

ARTICLE 8

1-In the event of transit goods transported by land, the owners or its carrier may use their own means of land transport or hire means of land transport of the transit country.

2-In the event of transit goods transported by waterway, the owners or its carrier may use their own means of waterway transport or hire means of waterway transport of the transit country or the third country but they must abide by all regulations of transit country relating to those means.

3-All procedures relating to means of transport to transfer the transit goods, transshipment must be in compliance with the present regulations in the transit

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country and implemented in accordance with Agreement on Land Transportation, signed on 1st June, 1998 and Agreement on Waterway Transportation signed on 13th December, 1998 between the Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Vietnam.

ARTICLE 9

The arising costs and expenses related to transit goods as stipulated in this Agreement shall be made in the local currency of the transit country or in freely convertible currency in accordance with the regulations on foreign currency management of each country.

ARTICLE 10

1- Based on the actual situations, the Ministry of Commerce of the Kingdom of Cambodia and Ministry of Trade of the Socialist Republic of Vietnam shall negotiate and sign the specific documents for implementation of this Agreement.

2- After the signature of this Agreement, the two Contracting Parties shall put into force the relating documents instructing/guiding the implementation of this Agreement and advise the other Contracting Party to carry out accordingly.

ARTICLE 11

Any disputes relating to the interpretation or implementation of this Agreement shall be resolved by friendly consultations and negotiations between the authorized representatives of the Contracting Parties through diplomatic channels.

ARTICLE 12—

A written request is required if one Party desires to make any amendment of or additions to any of the signed Articles within the validity of this Agreement.

Within three months from the date of receipt of such a request, the other Contracting Party shall formally respond in writing. The amendments of or additions to of the Articles agreed by the two Parties shall be incorporated as such which shall from an integral part of this Agreement and shall take in force as Agreement.

ARTICLE 13

1. The present Agreement is valid for two years from the signing date and supersedes the Agreement on the Transit of Goods between the two countries signed on 3rd April, 1994, the Protocol on Amendment of and Addition to some Articles of the Agreement on the Transit of Goods signed on 18th January, 1995 and Official Letters between the Ministers of Trade of the two countries on 30th October, 1995.

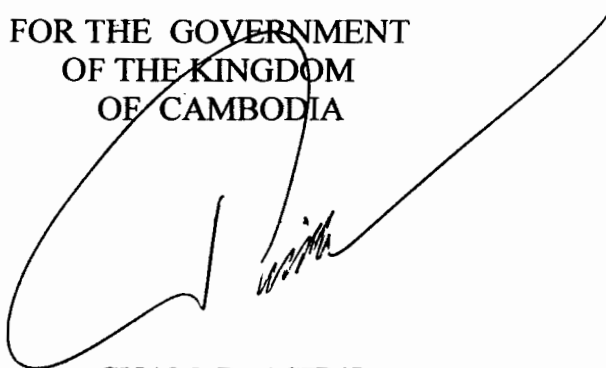
Unless one Party gives to the other Contracting Party a written notice of its desire to terminate the Agreement at least three months prior to its expiration, the present Agreement shall be renewed for successive periods of one year and shall be automatically extended under that form.

2. After the termination of this Agreement, its provisions shall continue to be applied until the full completion in respect of other relating agreements not having been fulfilled as of the date of its termination.

IN WITNESS WHEREOF, the undersigned duly authorized thereto by their respective Government have signed this Agreement.

~~1000~~ Done at Phnom Penh on 7th September, 2000 in two originals in Khmer, Vietnamese and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

FOR THE GOVERNMENT
OF THE KINGDOM
OF CAMBODIA



CHAM PRASIDH
Minister of Commerce

FOR THE GOVERNMENT
OF THE SOCIALIST REPUBLIC
OF VIETNAM



VU KHOAN
Minister of Trade

ANNEX 01

LIST OF BANNED GOODS FOR EXPORT AND IMPORT OF VIETNAM IN THE YEAR 2000

I. BANNED GOODS FOR EXPORT

1. Weapon, ammunition, explosive materials, equipment for technical military.
2. Antiquities.
3. Narcotic drugs of all kinds.
4. Toxic chemicals.
5. Round wood, cut-wood, disbarked wood made from natural forest wood, products and semi-products made of Vietnam's natural forest wood.
6. Wild animals and precious and rare natural plants, animals.

II. BANNED GOODS FOR IMPORT

1. Weapon, ammunition, explosive materials, equipment for technical military.
2. Narcotic drugs of all kinds.
3. Toxic chemicals.
4. Depraved and reactionary cultural items.
5. Firecracker of all kinds, children's toys that badly effected to manner education, social order and security.
6. Cigarettes (excluding quantitative hand-luggage).
7. Second hand consumable goods (except transferred properties including quantitative hand-luggage and individual serving goods of those under foreign status, international organizations).
8. Right hand drive cars including dismantled cars and cars already modified to left hand drive prior to importation into Vietnam except self-driving specialized means with right hand drive for such specialized purposes as: cranes, channel excavating machines, road-sweepers, garbage trucks, road building vehicles, passenger buses at airport, forklifts at warehouses and ports.
9. Second hand goods including: spare parts, combustion engines, frames, tyres and tubes of all kinds for cars, motorbikes, three-wheel vehicles, chassis with engines, bicycles, less than 16 seater buses, passenger cars of all kinds and trucks of less than 5 tones loading capacity manufactured before 1995.
10. Products made of material with amianthus content belongs to amphibole group.

ANNEX 02

LIST OF BANNED GOODS FOR EXPORT AND IMPORT OF CAMBODIA IN THE YEAR 2000

I. BANNED GOODS FOR EXPORT

1. Weapon, ammunition, explosive and military equipment.
2. Illicit drugs and other psychotropic substances.
3. Precious stones: raw gold, uncut precious stones or other raw precious metals shall be subject to prior declaration to the Central Bank if the value of each transaction equals or more than ten thousand US dollars (USD 10,000.00).
4. Forest products:
 - Raw (round) logs, whether debarked or not.
 - Crude and rough sawn timber.
 - Squared logs with a width of more than 25cm, even when smoothed.
 - Firewood, all kinds, even when bundled; and
 - Charcoal.

II. BANNED GOODS FOR IMPORT

1. Weapon, ammunition, explosive and military equipment.
2. Illicit drugs and other psychotropic substances.
3. Precious stones: raw gold, uncut precious stones or other raw precious metals shall be subject to prior declaration to the Central Bank if the value of