

รายการอ้างอิง

ภาษาไทย

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ภาคผนวก

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

สมาคม



ASEAN FRAMEWORK AGREEMENT ON THE FACILITATION OF GOODS IN TRANSIT

PREAMBLE

The Members of the Association of South East Asian Nations (hereinafter referred to as “**Contracting Parties**”);

Inspired to maintain, further develop and strengthen friendly relations and cooperation between their countries;

Reiterating their commitment to foster smooth, rapid and efficient movement of goods between and among Contracting Parties;

Recalling the decisions of the First ASEAN Informal Summit held on 30 November 1996 in Jakarta and the Second ASEAN Informal Summit held on 15 December 1997 in Kuala Lumpur, to cooperate in the area of facilitation of goods in transit and to expeditiously study the necessary measures to facilitate the transportation of goods both in transit and inter-State; covering land, maritime and air links, respectively;

Noting Article V of the General Agreement on Tariffs and Trade (GATT 1994) on “Freedom of Transit” and other relevant international conventions on goods in transit;

Agreeing that the ASEAN Framework Agreement on the Facilitation of Goods in Transit (hereinafter referred to as “**this Agreement**”) provides the most effective arrangement for facilitating inter-State traffic and transit transport among ASEAN countries;

Undertaking to encourage and facilitate inter-State traffic and transit transport among the Contracting Parties;



Have agreed as follows :

Article 1

Objectives

The objectives of this Agreement are :

- a) to facilitate transportation of goods in transit, to support the implementation of the ASEAN Free Trade Area, and to further integrate the region's economies;
- b) to simplify and harmonize transport, trade and customs regulations and requirements for the purpose of facilitation of goods in transit; and
- c) to establish an effective, efficient, integrated and harmonized transit transport system in ASEAN.

Article 2

Principles

The Contracting Parties shall be guided by the following principles under this Agreement :

- a) Most Favoured Nation Treatment : Contracting Parties shall accord to transit transport to or from the territory of any other Contracting Parties treatment no less favourable than the treatment accorded to transit transport to or from any other country;
- b) National Treatment : Contracting Parties shall accord to products which have been in transit through the territory of any other Contracting Party treatment no less favourable than that which would have been accorded to such products had they been transported from their place of origin to their destination without going through the territory of such other Contracting Party;
- c) Consistency : Contracting Parties shall ensure the consistent application of the relevant laws and regulations, procedures, and administration guidelines and other rulings within each Contracting Party;



- d) Simplicity : Contracting Parties shall endeavour to ensure the simplification of all transit transport procedures and requirements in ASEAN;
- e) Transparency : Contracting Parties shall make all laws, regulations, procedures and administrative notifications pertaining to the relevant authorities publicly available in a prompt, transparent and readily accessible manner;
- f) Efficiency : Contracting Parties shall ensure the efficient and effective administration of transit transport to facilitate movement of goods in transit;
- g) Appeals : Contracting Parties shall ensure that an effective mechanism for the review of the decisions by the relevant authorities of Contracting Parties is made available and accessible to users and providers of transit transport within ASEAN; and
- h) Mutual Assistance : Contracting Parties shall endeavour their utmost cooperation and mutual assistance between the concerned agencies involved in the facilitation of goods in transit in ASEAN.

PART I GENERAL PROVISIONS

Article 3

Definitions

For the purposes of this Agreement:

- (a) "Transit transport" means transit of goods and means of transport across the territory of one or more Contracting Parties, when the passage across such territory or territories, with or without transshipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of one or more Contracting Parties across whose territory the traffic passes;



- (b) "Internal transport" means the carriage of goods loaded in the territory of a Contracting Party for unloading at a place within the territory of the same Contracting Party;
- (c) "Means of transport" means road vehicles, railway rolling stock, sea and inland waterways craft and aircraft;
- (d) "Dangerous goods" means those substances and articles which may affect the interest of environment, health, safety and national security;
- (e) "Perishable goods" means fresh, chilled or frozen fish, crustacean, molluscs, fruits, vegetables, chilled or frozen meat or poultry, dairy and dairy products, eggs and egg products, and swine and pork products ; and
- (f) "Secretary-General" means Secretary-General of the Association of South East Asian Nations.

Article 4

Scope of Application

1. The provisions of this Agreement shall apply to transit transport.
2. Inter-State transport shall be agreed upon by all the Contracting Parties. For this purpose, the Contracting Parties shall enter into negotiations and expeditiously conclude a separate ASEAN Framework Agreement on the Facilitation of Inter-State Transport.

Article 5

Grant of Rights

1. Subject to the provisions of this Agreement, each Contracting Party shall grant to other Contracting Parties :
 - a) the right of transit transport; and
 - b) the right to load and discharge third countries' goods destined for or coming from Contracting Parties.



2. The Contracting Parties, through whose territory the transit transport takes place, will endeavour to provide facilities for transit transport in accordance with the provisions of this Agreement.
3. Transit Transport shall not be subject to any unnecessary delays or restrictions and shall be exempt from customs duties, taxes and other charges except charges for specific services rendered in connection with such transport.
4. Goods carried in sealed road vehicles, combination of vehicles or container shall not be subjected to examination at Customs offices en route. However, to prevent abuses such as smuggling and fraud, Customs authorities of either Contracting Party, may in exceptional cases, and particularly when irregularity is suspected, carry out an examination of the goods at such offices or other areas designated by Customs authorities.

PART II DESIGNATION OF TRANSIT TRANSPORT ROUTES

Article 6

Designation of Transit Transport Routes and Facilities

1. The Contracting Parties shall adopt a list of designated transit transport routes to be specified in Protocol 1 of this Agreement.
2. For the benefit of safety, the Contracting Parties shall endeavour to provide in their territories vehicle rest areas on these specified routes at appropriate intervals.

Article 7

Frontier Facilities

1. The Contracting Parties agree to designate frontier posts at border points to be specified in Protocol 2 to facilitate transit transport.
2. The Contracting Parties shall provide adequate facilities and related installations at frontier posts over the transit transport routes.



3. The Contracting Parties shall endeavour to:
- (a) Provide, whenever possible, and within their national jurisdiction, frontier posts which are physically adjacent to those of other Contracting Parties concerned with control areas with checking requirements in order to facilitate the clearance and examination of the means of transport and goods in transit, so that repeated unloading and reloading of these goods may be avoided. Nothing shall prevent two or more Contracting Parties from conducting joint examination at the same place by officials of these Contracting Parties;
 - (b) Ensure that adequate manpower resources are made available for the speedy completion and clearance of frontier formalities, such as immigration, customs, health and foreign exchange controls;
 - (c) Allow goods in transit to be temporarily stored in approved places;
 - (d) Coordinate working hours of adjacent posts; and
 - (e) Provide, wherever possible, adequate parking space for containers and for vehicles awaiting goods clearance.
4. The Contracting Parties agree to be guided, wherever possible, by the provisions of the International Convention on Harmonization of Frontier Control of Goods, signed at Geneva on 21 October 1982, in their efforts to harmonise frontier facilities for goods in transit.

PART III GENERAL CONDITIONS FOR ROAD TRANSPORT

Article 8

Traffic Regulations

The Contracting Parties shall endeavour to take appropriate measures to ensure the harmonization of road traffic regulations in force in their territories conform in substance to the provisions of the Convention on Road Traffic, signed at Vienna on 8 November 1968, and the Convention on Road Sign and Signals, signed at Vienna on 8 November 1968.



Article 9

Transit Transport Services

1. Each Contracting Party shall allow the use of means of transport registered in other Contracting Parties to provide transit transport services on its territory in accordance with Article 5 of this Agreement.
2. The type and quantity of road vehicles to be used for transit transport shall be agreed upon between all Contracting Parties, to be specified in Protocol 3, before the transport services are inaugurated. Thereafter, the type and quantity of road vehicles shall be discussed from time to time between the Contracting Parties.

Article 10

Road Transport Permits

The Contracting Parties undertake to harmonize road transport permit requirements in order to facilitate transit transport.

Article 11

Technical Requirements of Vehicles

Means of transport used in road transit transport shall conform to the technical requirements regarding vehicle dimensions, maximum weights and loads, emission standards and related matters to be specified in Protocol 4.

Article 12

Mutual Recognition of Inspection Certificates

1. The Contracting Parties undertake to institute periodic inspection of road vehicles registered in each respective territory and used for transit transport operations.
2. The Contracting Parties shall recognize periodic inspection certificates of road vehicles used for transit transport issued by the other Contracting Parties, in accordance with the Agreement on the



Recognition of Commercial Vehicle Inspection Certificates for Goods Vehicles and Public Service Vehicles Issued by ASEAN Member Countries signed at Singapore on 10 September 1998.

Article 13

Mutual Recognition of Driving Licenses

The Contracting Parties shall recognize domestic driving licenses issued by all other Contracting Parties in accordance with the Agreement on the Recognition of Domestic Driving Licenses Issued by ASEAN Countries signed at Kuala Lumpur on 9 July 1985.

Article 14

Motor Vehicle Third-Party Insurance Scheme

1. The road vehicle entering the territory of the other Contracting Party shall strictly comply with the laws and regulations related to third-party insurance covering for the insurance of their means of transport to cover third-party liability incurred in the course of transit transport.
2. The Contracting Parties undertake to harmonize or establish a common ASEAN scheme of compulsory motor vehicle third-party liability insurance to be specified in Protocol 5.
3. The ASEAN scheme of compulsory motor vehicle third-party liability insurance shall provide, at least, all the guarantees required by the laws and regulations governing compulsory motor vehicle third-party insurance in the Contracting Parties.

Article 15

Charges and Other Financial Obligations

The Contracting Parties endeavour to simplify, consolidate and harmonize charges and other financial obligations which are levied on the means of transport.



PART IV
GENERAL CONDITIONS FOR RAIL TRANSPORT

Article 16

Connecting and Transit Services

1. Connecting and transit services on railway lines linking the territories of the Contracting Parties shall be performed at designated interchange stations.
2. Border stations, interchange stations and type and quantity of rolling stock shall be designated in Protocol 6. The Protocol shall also specify basic operational arrangements relating to such matters as technical inspection of rolling stock.
3. The Contracting Parties shall encourage their railways to conclude inter-railway agreements, including arrangements for the acceptance of technical inspection of rolling stock, which are consistent with the provisions of this Agreement and its Protocols.

PART V
CUSTOMS CONTROL, SANITARY AND PHYTOSANITARY MEASURES

Article 17

Harmonization and Simplification of Customs Procedures

1. The Contracting Parties shall simplify and, whenever possible, harmonize the customs control procedures of transit transport to ensure compliance with the laws and regulations which the Customs are responsible for enforcing.
2. The Contracting Parties shall facilitate joint customs inspection, wherever possible, of transit transport at their designated frontier points.
3. The Contracting Parties agree to be guided, whenever possible, by the standards and recommended practices of Annex E1 concerning Customs Transit of the International Convention on the Simplification and Harmonization of Customs Procedures,



concluded at Kyoto on 18 May 1973, as amended, under the auspices of the World Customs Organization.

Article 18

Establishment of a Customs Transit System

1. The Contracting Parties shall establish a customs transit system for the purposes of facilitating the movement of goods in their territories.
2. The Contracting Parties agree to apply the customs transit system to be specified in Protocol 7.

Article 19

Establishment of Sanitary and Phytosanitary Measures

The Contracting Parties shall establish sanitary and phytosanitary measures to be specified in Protocol 8, to facilitate the movement of goods in their territories and ensure compliance with the laws and regulations which the relevant authorities are responsible for enforcing.

PART VI MISCELLANEOUS PROVISIONS

Article 20

Special Provisions on Transport of Dangerous Goods

Transit transport of dangerous goods to be specified in Protocol 9 shall not be permitted under this Agreement, unless there is a special permit of the Contracting Party in whose territory the transportation is undertaken.



Article 21

Special Provisions on Transport of Prohibited and/or Restricted Goods

Transit transport of goods prohibited and/or restricted in the transit territory of a Contracting Party, to be specified in Protocol 7, shall not be permitted under this Agreement.

Article 22

Special Provisions on Transport of Perishable Goods

Subject to the provisions of this Agreement, the Contracting Parties shall endeavour to facilitate transport of perishable goods.

Article 23

Provision of Greater Facilities

This Agreement does not entail in any way the withdrawal of transit facilities which are greater than those provided for in this Agreement as long as the terms and conditions are consistent with the principles embodied in this Agreement. This Agreement also does not preclude the granting of greater facilities, which may be agreed between Contracting Parties in the future.

Article 24

Domestic Legislation

1. Domestic legislation and regulations relating to transport of goods shall, in so far as this Agreement and its Protocols do not lay down, apply equally and without discrimination to transit transport.
2. The Contracting Parties endeavour to harmonize and simplify their rules, regulations and administrative procedures relating to transit transport in accordance with the provisions of this Agreement.



Article 25

Working Groups

After the signing of this Agreement, related Working Groups shall be established or designated, to conclude the Protocols which shall form integral parts of this Agreement. These are :

- Protocol 1 Designation of Transit Transport Routes and Facilities
- Protocol 2 Designation of Frontier Posts
- Protocol 3 Types and Quantity of Road Vehicles
- Protocol 4 Technical Requirements of Vehicles
- Protocol 5 ASEAN Scheme of Compulsory Motor Vehicle Third-Party Liability Insurance
- Protocol 6 Railways Border and Interchange Stations
- Protocol 7 Customs Transit System
- Protocol 8 Sanitary and Phytosanitary Measures
- Protocol 9 Dangerous Goods

Article 26

Compliance with National Laws

Except where otherwise provided in Agreements between the Contracting Parties, including this Agreement:

- (a) means of transport of one Contracting Party including persons and goods shall, when in the territory of the other Contracting Party, comply with national laws and regulations in force in that territory ; and
- (b) neither of the Parties shall impose on persons or goods of the other Contracting Party requirements which are more



restrictive than those applied by its national laws and regulations on its own means of transport.

Article 27

Transparency

1. The Contracting Parties shall ensure transparency of its respective laws, regulations and administrative procedures which affect the facilitation of transit transport of goods under this Agreement and its Protocols.
2. For this purpose, all Contracting Parties shall deposit with the ASEAN Secretariat, not later than six months after this Agreement has entered into force, their aforementioned laws, regulations and administrative procedures.
3. If the aforementioned documents are not in the English language, their English translation shall also be deposited within one year after this Agreement has entered into force.

Article 28

Assistance for Traffic Accidents

Should the means of transport of one Contracting Party including persons and goods be involved in traffic accidents in the territory of another Contracting Party, the latter shall provide all possible assistance to the means of transport, including persons and goods, and notify the appropriate authorities of the Contracting Party concerned as soon as possible.

PART VII INSTITUTIONAL ARRANGEMENTS

Article 29

Institutional Arrangements

1. A National Transit Transport Coordinating Committee shall be established in each of the Contracting Parties for the effective and efficient coordination and implementation of this Agreement.



2. A Transit Transport Coordinating Board shall be established and composed of senior official nominated from each Contracting Party and a representative of the ASEAN Secretariat, to oversee the overall coordination and implementation of this Agreement. The Board is also authorized to invite and seek the assistance of other relevant ASEAN coordinating bodies, for all matters related to the implementation of this Agreement.
3. The Transit Transport Coordinating Board shall make periodic reports on the implementation of this Agreement, and seek appropriate guidance on significant issues as necessary, from the relevant ASEAN Ministerial bodies.
4. The ASEAN Secretariat shall assist the Transit Transport Coordinating Board in its functions and responsibilities under this Agreement, and in particular, in the monitoring and reporting of the progress of the implementation of this Agreement. The ASEAN Secretariat shall submit evaluation reports to the Transit Transport Coordinating Board, for further action.

PART VIII FINAL CLAUSES

Article 30

Dispute Settlement

The provisions of the ASEAN Protocol on Dispute Settlement Mechanism, done at Manila on 20th day of November 1996, shall apply to consultation and the settlement of disputes under this Agreement.

Article 31

Accession of New Members

New Members of ASEAN shall accede to this Agreement on terms and conditions consistent with it and which have been agreed between them and the existing Members of ASEAN. Accession shall be through the signing and deposit of the Instrument of Accession of this Agreement with the Secretary – General of ASEAN, who shall promptly furnish each Contracting Party a certified true copy thereof.



Article 32

Other Agreements in Force

This Agreement or any actions taken thereto shall not affect the rights and obligations of the Contracting Parties under any existing agreements or International Conventions to which they are also Contracting Parties.

Article 33

Final Provisions

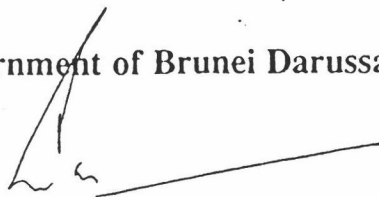
1. This Agreement is subject to ratification or acceptance by the Contracting Parties.
2. The Instrument of Ratification or Acceptance shall be deposited with the Secretary General of ASEAN who shall promptly inform each Contracting Party of such deposit.
3. This Agreement shall enter into force upon the deposit of Instruments of Ratification or Acceptance by all Contracting Parties with the Secretary General of ASEAN.
4. No reservations may be made to this Agreement either at the time of signature or ratification.
5. Any amendment to the provisions of this Agreement shall be effected by consent of all the Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized to sign by their respective Governments, have signed the ASEAN Framework Agreement on the Facilitation of Goods in Transit.

DONE at Hanoi, Vietnam on the 16th day of December 1998, in a single copy in the English language.



For the Government of Brunei Darussalam



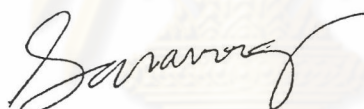
ABDUL RAHMAN TAIB
Minister of Industry and Primary Resources

For the Government of the Republic of Indonesia



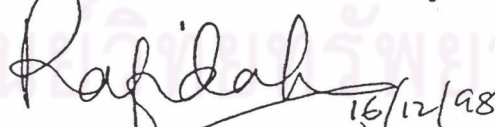
GINANDJAR KARTASASMITA
Coordinating Minister for Economy, Finance and Industry

For the Government of the Lao People's Democratic Republic



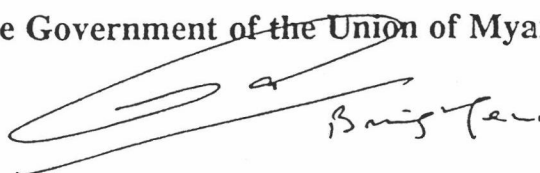
SOULIVONG DARAVONG
Minister of Industry and Handicrafts

For the Government of Malaysia



DATO' SRI RAFIDAH AZIZ
Minister of International Trade and Industry


For the Government of the Union of Myanmar



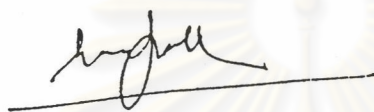
BRIGADIER GENERAL DAVID O. ABEL
Minister at the Office of the Chairman
of the State Peace and Development Council



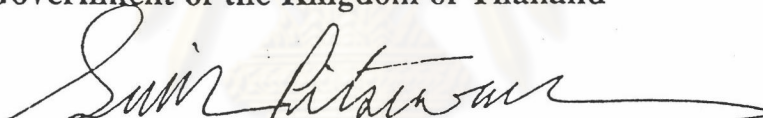
For the Government of the Republic of the Philippines


JOSE TRINIDAD PARDO
 Secretary of Trade and Industry

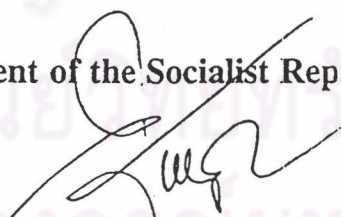
For the Government of the Republic of Singapore


LEE YOCK SUAN
 Minister for Trade and Industry

For the Government of the Kingdom of Thailand


SURIN PITSUWAN
 Minister of Foreign Affairs

For the Government of the Socialist Republic of Vietnam


TRUONG DINH TUYEN
 Minister of Trade



PROTOCOL 2

DESIGNATION OF FRONTIER POSTS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (hereinafter referred to as "**Contracting Parties**");

RECALLING the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Viet Nam (hereinafter referred to as "**the Agreement**");

RECOGNISING that Articles 7 and 25 thereof provide for the conclusion of implementing Protocols which shall form integral parts of the Agreement;

RECALLING further the Hanoi Plan of Action which was adopted by the Heads of State/Government of ASEAN at the Sixth ASEAN Summit in Hanoi, Viet Nam on 16 December 1998 stipulates to operationalise the Agreement by the year 2000;

DESIRING to encourage and facilitate inter-state and transit transport operations among the Contracting Parties;

REITERATING that the conclusion of this Protocol shall provide for the efficient and effective arrangement for transit trade among the Contracting Parties;

NOW, WHEREFORE, the Contracting Parties have agreed as follows:

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

Article 1 Scope of Application

1. Pursuant to Article 7.1 of the Agreement, the Contracting Parties hereby designate frontier posts, the details of which appear as an Annex to this Protocol, for the clearance and examination of the means of transport and goods in transit.
2. The Contracting Parties may ~~also mutually agree to~~¹ allow the clearance and examination of the means of transport and goods in transit at other frontier posts, in addition to those designated in the Annex to this Protocol, ~~in exceptional situation~~¹ as long as the terms and conditions are consistent with the principles embodied in the Agreement and this Protocol.

Article 2 Institutional Arrangements

1. The ASEAN Directors-General of Customs Meeting shall be the body responsible for the monitoring, review, coordination and supervision of all aspects relating to the effective implementation of this Protocol.
2. The ASEAN Secretariat shall provide the necessary administrative support and assistance to the ASEAN Directors-General of Customs Meeting in carrying out its functions and discharging its responsibilities under this Protocol.

Article 3 Final Provisions

1. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified true copy thereof to each Contracting Party.
2. This Protocol shall supplement the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Viet Nam and, as between Contracting Parties to this Protocol, the Agreement and this Protocol shall be read and interpreted together as one single instrument. ~~In the event of inconsistency or conflict, the Agreement shall prevail over the Protocol.~~²

¹ The amendments were proposed by Malaysia. Singapore is of the view that the proposed amendments severely narrow the rights of a Contracting Party, as recognised in Article 23 of the Framework Agreement, to unilaterally grant greater transit facilities. At the 6th ECCM Meeting, Singapore did not agree to include the words "mutually" and "in exceptional situation" and Malaysia agreed to consider Singapore counter-proposal.

² The additional sentence was proposed by Malaysia and further modified by Singapore. At the 6th ECCM Meeting, all Member Countries agreed to the insertion of the additional sentence.

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3. This Protocol and its Annex shall form an integral part of the Agreement.
4. This Protocol is subject to ratification or acceptance by the Contracting Parties. The Instrument of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly inform each Contracting Party of such deposit.
5. This Protocol shall enter into force upon the deposit of Instruments of Ratification or Acceptance by all Contracting Parties with the Secretary-General of ASEAN.
6. No reservation may be made to this Protocol either at the time of signature or ratification or acceptance.
7. Any amendment to the provisions of this Protocol, including the Annex, shall be effected by consent of all Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 2 on Designation of Frontier Posts to the ASEAN Framework Agreement on the Facilitation of Goods in Transit.

DONE at _____ on the _____ day of _____ 2000, in a single copy in the English language.

For the Government of Brunei Darussalam

For the Government of the Kingdom of Cambodia

KEAT CHHON
Senior Minister, Minister of Economy and Finance

For the Government of the Republic of Indonesia

BAMBANG SUDIBYO
Minister of Finance

For the Government of the Lao People's Democratic Republic

LIANE THYKEO
Vice Minister of Finance

DRAFT

DRAFT

(As at 10 Nov 2000, based on comments submitted after 26 Apr 2000)

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For the Government of Malaysia

For the Government of the Union of Myanmar

KHIN MAUNG THEIN
Minister for Finance and Revenue

For the Government of the Republic of the Philippines

JOSE TRINIDAD PARDO
Secretary of Finance

For the Government of the Republic of Singapore

RICHARD HU TSU TAU
Minister for Finance

For the Government of the Kingdom of Thailand

TARRIN NIMMANAHAEMINDA
Minister of Finance

For the Government of the Socialist Republic of Viet Nam

NGUYEN SINH HUNG
Minster of Finance

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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Annex (Article 1.1)

Designated Frontier Posts of the Contracting Parties

Brunei Darussalam

- Sungei Tujuh

Kingdom of Cambodia

- Poy Pet
- Bavet
- Kaom Samnor
- Dong Kralor
- Sihanouk Ville Port

Republic of Indonesia

- Entikong, West Kalimantan

Lao People's Democratic Republic

- Thanaleng Customs Checkpoint, Vientiane Municipality
- Nampaow Customs Checkpoint, Bolikhamsay Province
- Thakhek Customs Checkpoint, Khammouan Province
- Daensavanh Customs Checkpoint, Savannakhet Province
- Vengtao Customs Checkpoint, Champasack Province
- Khanthaboury Customs Checkpoint, Savannakhet Province
- Houei Xai Customs Checkpoint, Bokeo Province

Malaysia

- Bukit Kayu Hitam
- Padang Besar
- ~~Johor Bahru~~³
- Tanjong Kupang
- Tebedu
- Sungai Tujuh

Union of Myanmar

- Tachileik
- Myawaddy

Republic of the Philippines

- Nil

³ Malaysia has proposed to withdraw Johor Bahru as a designated frontier post. Singapore and Thailand are of the view that Johor Bahru should be designated as a frontier post.

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(As at 10 Nov 2000, based on comments submitted after 26 Apr 2000)

Republic of Singapore

- Woodlands Checkpoint
- Tuas Checkpoint
- Keppel Free Trade Zone
- Pasir Panjang Free Trade Zone
- Jurong Free Trade Zone
- Sembawang Free Trade Zone
- Changi Free Trade Zone

Kingdom of Thailand

- Mae Sai Boundary Post
- Mae Sot Boundary Post
- Aranyaprathet Boundary Post
- Nong Khai Boundary Post
- Sa Dao Boundary Post
- Mook Da Harn Boundary Post⁴
- Chong Mek Boundary Post
- Chiang Kora Boundary Post

Socialist Republic of Viet Nam

- Keo Nua (Cau Treo) Customs Checkpoint
- Lao Bao Customs Checkpoint
- Moc Bai Customs Checkpoint
- Vinh Xuong Customs Checkpoint

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

⁴ Laos has requested Thailand to consider designating the three additional frontier posts.

PROTOCOL 7
CUSTOMS TRANSIT SYSTEM

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter referred to as "**Contracting Parties**");

RECALLING the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Viet Nam (hereinafter referred to as "**the Agreement**");

RECOGNISING that Articles 18[~~21~~]¹ and 25 thereof provide for the conclusion of implementing Protocols which shall form integral parts of the Agreement;

RECALLING further the Hanoi Plan of Action which was adopted by the Heads of State/Government of ASEAN at the Sixth ASEAN Summit in Hanoi, Viet Nam on 16 December 1998 stipulates to operationalise the Agreement by the year 2000;

DESIRING to encourage and facilitate inter-state and transit transport operations among the Contracting Parties;

REITERATING that the conclusion of this Protocol shall provide for the efficient and effective arrangement for transit trade among the Contracting Parties;

NOW, WHEREFORE, the Contracting Parties have agreed as follows:

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

¹ The additional reference to Article 21 of the Framework Agreement was proposed by Malaysia. At the 6th ECCM Meeting, Brunei and Singapore expressed the view that the additional reference to Article 21 should not be included.

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Article 1 Definitions

For the purpose of this Protocol:

- (a) "Customs" means Customs authorities of the Contracting Parties;
- (b) "Customs transit" means the Customs procedure under which goods in transit are transported under Customs control from one Customs office to another;
- (c) "Customs transit operations" means the transport of goods from one office of departure to an office of destination under Customs transit;
- (d) "Office of departure" means any Customs office at which Customs transit operation commences;
- (e) "Office of destination" means any Customs office at which a Customs transit operation is terminated;
- (f) "Transport-unit" means
 - (i) containers having internal volume of one-cubic metre or more
 - (ii) road vehicles, including trailers and semi-trailers
 - (iii) railway coaches or wagons
 - (iv) lighters, barges and other vessels, and
 - (v) aircraft;
- (g) "Sealable transport-unit" means transport-unit that is constructed and equipped such that:
 - (i) Customs seal can be easily and effectively affixed to it,
 - (ii) no goods can be removed from or introduced into the transport-unit without leaving visible traces of tampering or without breaking the Customs seal,
 - (iii) it contains no concealed space where goods may be hidden, and
 - (iv) all spaces capable of holding goods are readily accessible for Customs inspection;

Article 2

Scope of Application

1. Pursuant to Article 18.1 of the Agreement, the Contracting Parties hereby agree to establish a Customs transit system and to apply the provisions of this Protocol to the Customs transit of goods in their territories.
2. The Contracting Parties may accord facilities which are more than those provided in this Protocol as long as the terms and conditions are consistent with the principles embodied in the Agreement and this Protocol.

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Article 3

General Provisions

1. The Contracting Parties shall allow goods, except prohibited and/or restricted goods specified in the Annex to this Protocol, to be transported under Customs transit from an office of departure to an office of destination.
2. Goods transported under Customs transit shall not be subject to the payment of import or export duties and taxes provided that the conditions laid down by the Customs are complied with and any security required under Article 7 has been furnished.
3. The conditions to be fulfilled and Customs formalities to be accomplished for Customs transit operation shall be specified in national legislation and/or administrative notices issued by the Customs.

Article 4

Customs Transit Operation

1. The Customs at the office of departure shall take all necessary actions ~~in accordance with its domestic legislation~~² to enable the office of destination to identify the goods in transit and to detect any unauthorised interference.
2. Goods transported under Customs transit shall, as far as possible, be conveyed in sealable transport-units:
 - (a) where goods in Customs transit are conveyed in a sealable transport-unit, the Customs may allow the original shipper seal to be used as a means of securing the sealable transport-unit;
 - (b) where goods in Customs transit are not conveyed in a sealable transport-unit, the Customs at the office of departure may affix relevant markings/ seals on individual packages so as to allow the Customs at the office of destination to identify the goods.
3. Only when they consider such a measure to be indispensable shall the Customs:
 - (a) require goods to follow a prescribed itinerary; or
 - (b) require goods to be transported under Customs escort.
4. The Customs shall prescribe time limits sufficient for the purposes of Customs transit operation.

² Additional phrase proposed by Malaysia. All Member Countries agreed to this proposed amendment at the 6th ECCM Meeting.

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5. The Customs may examine the goods to prevent and detect any interference en-route. Examination of goods shall normally be carried out at the office of departure or at the office of destination.

Article 5

Termination of Customs Transit Operation

Customs transit operation shall be terminated under the following circumstances:

- (a) the goods under Customs transit are presented to the Customs at the office of destination within ~~the a reasonable~~³ time limit specified ~~by the Customs Authority in the transit state or any other relevant authority as determined by the transit state~~⁴ and without the goods having undergone any unauthorized interference en-route; or
- (b) the goods under Customs transit are placed under another Customs procedure with the approval of the relevant Customs authorities.

Article 6

Goods Declarations and Obligations of the Declarant

1. The Customs may require a Goods declaration for goods to be transported under Customs transit.
2. The Goods declaration, if required, shall be lodged by the consignor, the carrier, the consignee or their agents, or any other person approved by the Customs.
3. The declarant, together with any other persons having control over the goods, shall be responsible to the Customs for compliance with the obligations incurred under Customs transit, in particular, for ensuring that the goods are produced intact to the office of destination in accordance with the conditions imposed by the Customs.

Article 7
Security

1. Where security is required to ensure that obligations arising from the Customs transit operation will be fulfilled, the form in which security is to be provided shall be prescribed in the national legislation or determined by the Customs in accordance with national legislation.

³ Insertion proposed by Singapore. All Member Countries agreed to this proposed amendment at the 6th ECCM Meeting.

⁴ Insertion proposed by Malaysia. All Member Countries agreed to this proposed amendment at the 6th ECCM Meeting.

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2. Where security is required, the amount of security to be provided shall be as low as possible, and in respect of the payment of duties and taxes shall not exceed the amount potentially chargeable.

Article 8

Special Provisions for Transit Transport Involved in Accident

1. In the event of an accident or any other unforeseen event affecting the Customs transit operation, the declarant or any other persons having control over the goods shall report the occurrence promptly to the office of departure, the office of destination or the nearest Customs office.
2. If the transport-unit is rendered unserviceable due to accident or any other unforeseen event, the Customs shall allow the goods to be loaded onto another transport-unit, subject to supervision by Customs or other competent authorities.

Article 9

Offences

Any offences detected in connection with Customs transit operation shall be dealt with in accordance with the national legislation of the respective Contracting Parties.

Article 10

Institutional Arrangements

1. The ASEAN Directors-General of Customs Meeting shall be the body responsible for the monitoring, review, coordination and supervision of all aspects relating to the effective implementation of this Protocol.
2. The ASEAN Secretariat shall provide the necessary administrative support and assistance to the ASEAN Directors-General of Customs Meeting in carrying out its functions and discharging its responsibilities under this Protocol.

Article 11

Final Provisions

1. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Contracting Party.
2. This Protocol shall supplement the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed on 16 December 1998 in Hanoi, Viet Nam and, as between Contracting Parties to this Protocol, the Agreement and this Protocol shall be read and interpreted together as one single instrument.

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~~In the event of inconsistency or conflict, the Agreement shall prevail over the Protocol.⁵~~

3. This Protocol and its Annex shall form an integral part of the Agreement.
4. This Protocol is subject to ratification or acceptance by the Contracting Parties. The Instrument of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly inform each Contracting Party of such deposit.
5. The Protocol shall enter into force upon the deposit of Instruments of Ratification or Acceptance by all Contracting Parties with the Secretary-General of ASEAN.
6. No reservations may be made to this Protocol either at the time of signature or ratification or acceptance.
7. Any amendment to the provisions of this Protocol, except for amendment to the Annex as provided under Article 11.8, shall be effected by consent of all Contracting Parties.
8. The Contracting Parties shall promptly notify the Secretary-General of ASEAN of any changes in their respective list of prohibited and/or restricted goods not permitted to be transported under Customs transit. The Secretary-General of ASEAN shall promptly update the Annex to this Protocol and communicate the updated Annex to the Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed Protocol 7 on Customs Transit System to the ASEAN Framework Agreement on the Facilitation of Goods in Transit.

DONE at _____ on the day of _____ 2000, in a single copy in the English language.

For the Government of Brunei Darussalam

For the Government of the Kingdom of Cambodia

KEAT CHHON
Senior Minister, Minister of Economy and Finance

⁵ The additional sentence was proposed by Malaysia and further modified by Singapore. All Member Countries are agreeable to the insertion of additional sentence.

DRAFT

DRAFT

(As at 10 Nov 2000, based on comments submitted after 26 Apr 2000)

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For the Government of the Republic of Indonesia

BAMBANG SUDIBYO
Minister of Finance

For the Government of the Lao People's Democratic Republic

LIANE THYKEO
Vice Minister of Finance

For the Government of Malaysia

For the Government of the Union of Myanmar

KHIN MAUNG THEIN
Minister for Finance and Revenue

For the Government of the Republic of the Philippines

JOSE TRINIDAD PARDO
Secretary of Finance

For the Government of the Republic of Singapore

RICHARD HU TSU TAU
Minister for Finance

For the Government of the Kingdom of Thailand

TARRIN NIMMANAHAEMINDA
Minister of Finance

For the Government of the Socialist Republic of Viet Nam

NGUYEN SINH HUNG
Minister of Finance

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Annex (Article 3.1)

List of Prohibited and/or Restricted Goods not Permitted for Transit Transport**Brunei Darussalam**

- Arms and explosives
- Dangerous drugs
- Living plants, planting materials and any living animals
- Undesirable publications
- Timber and timber product
- Rice, sugar and salt
- Used or reconditioned vehicles
- Radio receivers, telephonic and communication equipment
- Broadcasting (TVRO) equipment
- Antiques and articles of historic nature made or discovered in Brunei Darussalam
- Petrol and kerosene
- Pens, pencils and other articles resembling syringes
- Medicine
- Cigarettes without health warning written on the packages
- Any meat, poultry including carcasses of birds or any part thereof unless it has been slaughtered in an abattoir approved in writing by the Minister of Religious Affairs of Brunei Darussalam
- Spirits and liquors
- Firecrackers
- Articles bearing the imprint or reproduction of any currency notes
- Quranic verses and State Emblems

Kingdom of Cambodia

- Firearms and ammunition
- Narcotic and psychotropic substances
- Toxic chemicals and hazardous waste
- Ozone-depleting and other harmful to environment substances
- Anti-social and anti-moral products in any forms
- Firecrackers and explosives
- Dangerous materials
- Unregistered and counterfeit goods
- Antiques
- Endangered species of wild fauna and flora
- ~~Cigarettes~~

Republic of Indonesia

- Fire-arms and ammunition
- Narcotics
- Psychotropic substances
- Explosive materials
- ~~Endangered Species of wild Fauna Flora and parts there of classified in Appendix 1 of CITES~~

- ~~Wastes~~
- ~~Fireworks~~
- ~~Defined books and printed materials~~
- ~~Audio and/or visual media~~
- ~~Telecommunication equipment~~
- ~~Colour photo copy, parts and equipment thereof~~
- ~~Endangered species of wild fauna and flora, parts thereof~~
- ~~Certain species of fish~~
- ~~Medicines~~
- ~~Unregistered food and beverages~~
- ~~Dangerous materials~~
- ~~Pesticides~~
- ~~Ozone depleting substances and goods containing ozone depleting substances~~
- ~~Wastes~~
- ~~Culturally valuable goods~~
- ~~Certain products~~
- ~~Certain amount of Rupiah in cash~~

Lao People's Democratic Republic

- All kinds of drugs and chemical precursors used for drug production
- Radioactive materials, scraps or industry residues and chemical products which are dangerous to life and health of humans, plants and the environment
- Printing materials, other media and cultural articles which are against the Lao PDR political regime and influence negatively the tradition and culture of the country
- Rare wild animals and plants
- Logs, all kinds of sawn wood
- Forestry products
- Antiques and valuable historical articles
- Articles used for national defence and security protection such as weapons, ammunition, explosives and other military equipment

Malaysia

- Any article bearing the imprint or reproduction of any currency note, bank note or coin which are current or have at any time been issued or current in any country
- Any emblem or device in circumstances which raise a reasonable presumption that such emblem or device was intended or was likely to be used in a manner prejudicial to the interest of Malaysia or to promote or foster a purpose prejudicial to or incompatible with peace, welfare and good order in Malaysia
- Indecent or obscene print, painting, photograph, book, card, lithographic or other engraving, film, video tape, laser disc, colour slides, computer diskettes and other media (including unprocessed film) or any other indecent or obscene articles
- Cloth bearing the imprint or reproduction of any verses of the Quran
- Daggers and flick knives
- Broadcast receivers capable of receiving radio communication between the ranges (68-87) MHz and (108-174) MHz except those designed to receive meteorological broadcasts at spot frequencies (except those for use of telecommunication authority)

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(As at 10 Nov 2000, based on comments submitted after 26 Apr 2000)

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- Intoxicating liquors containing any lead or compound of lead of more than 3.46 milligrams per litre, whether in the form of copper or any compound of copper
- Sodium arsenite
- All genus of Piranha fish
- Turtle eggs
- Cocoa pods, rambutans, pulasans, longans and nam-nam fruits
- Pens, pencils and other articles resembling syringes
- Poisonous chemicals as listed: Crocidolite, Polybrominated Biphenyls, Polychlorinated Biphenyls, Polychlorinated Terphenyls, Tris (2, 3-dibromopropyl) phosphate
- Rattans

Union of Myanmar

- Remote controlled toys
- Toy guns
- Burglar alarms
- Drugs (not registered)
- Narcotic drugs and psychotropic substances
- Used clothing
- ~~Clothing bearing imprint of Buddha Image, State Seal or Flag~~
- Recorded audiotapes
- Recorded videotapes
- Telephones
- ~~Fax Facsimile machines~~
- ~~Satellite receivers and accessories antenna~~
- Wild life animals
- Plants and seeds
- ~~Counterfeit currency notes and coins~~
- ~~Any obscene book, pamphlet, paper, drawing, painting, representation, figure or article~~
- ~~Piece goods, not stamped in English on each piece in Yard such as are ordinary sold by length or by the piece which have not stamped in English numerals on each piece the length thereof in standard yards, or in standard yard and a fraction of such a yard, according to the real length of the piece~~
- ~~Goods of counterfeit trade mark~~
- ~~Piece goods~~
- ~~Goods of having a counterfeit trademark or false trade descriptions~~
- ~~Matches made of with white phosphorus~~
- ~~Playing cards~~

Republic of Philippines

- ~~Any vehicle, vessel or aircraft including cargo which shall be used unlawfully in the importation or exportation of articles or in the conveying and/or transporting contrabands or smuggled articles in commercial quantities into or from any Philippine port or place~~
- ~~Any vessel engaging in coastal trade and having on board any article of foreign growth, produce, or manufacture in excess of the amount necessary for sea stores, without such article being properly entered or legally imported~~

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(As at 10 Nov 2000, based on comments submitted after 26 Apr 2000)

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- Any vessel or aircraft into which cargo is transferred unladen, contrary to law prior to the arrival of the impinging vessel or aircraft at her port of destination
- Any part of the cargo, stores or supplies of a vessel or aircraft arriving from a foreign port which is unladen before arrival at the vessel's or aircraft's port of destination and without authority from the customs officials
- Any article which is fraudulently concealed in or removed contrary to law from any public or private warehouse, container yard or container freight station under customs supervision
- Any article of which the importation or exportation is effected or attempted contrary to law, or any article of prohibited importation or exportation, and all other articles which, in the opinion of the Collector, have been used, are or were entered to be used as instruments in the importation or exportation of the former
- Unmanifested article found on any vessel or aircraft if manifest thereof is required
- Sea stores or aircraft stores adjudged by the Collector to be excessive, when the duties assessed by the Collector thereon are not paid or secured forthwith upon assessment of the same
- Any package of imported article which is found by the examining official to contain any article not specified in the invoice or entry, including all other packages purportedly containing imported articles similar to those declared in the invoice or entry to be the contents of the misdeclared package
- Boxes, cases, trunks, envelopes and other containers of whatever character used as receptacles or as devices to conceal article which is itself subject to forfeiture under the tariff and customs laws which is so designed as to conceal the character of such articles
- Any conveyance actually being used for the transport of articles subject to forfeiture under the tariff and customs laws, with its equipage or trappings, and any vehicle similarly used, together with its equipage and appurtenances including the beast, steam or other motive power drawing or propelling the same
- Abaca seeds, seedlings, suckers and root stocks
- Antiques, cultural artifacts and historical relics
- Bakawan
- Bangus fry, mother bangus (sabalo) and eels 15 centimeters in length or less
- Buri seeds and seedlings
- Cement and clinker
- Firearms, ammunition and explosives
- Gold
- Grains and grain by-products
- Logs, poles and piles including log core and fitches/ railroad ties
- Matured coconuts and coconut seedlings
- Philippine notes, coins, checks, money orders and other bills of exchange drawn in pesos against Philippine banks exceeding five hundred pesos
- Prawn spawners (mother prawns) and fry (baby prawns)
- Raw materials for cottage industries including bamboo, buntal or buri fibers, monkey pods (acacia), rattan (including poles) and semi-finished and semi-processed capiz shells
- Shells, corals
- Wildlife species, mammals and birds, including monkey-eating eagles

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Republic of Singapore

- Toxic chemical and its precursors, except where intended for a permitted purpose, as long as the type and quantity are consistent with such a purpose; a munitions or device, specifically designed to cause death or other harm through the toxic properties of such toxic chemical, which would be released as a result of the employment of such munitions or device; any equipment specifically designed for use directly in connection with the employment of such a munitions or device
- Piranhas

Kingdom of Thailand

- Animals, carcasses
- Animal feed
- Antiques and objects of arts
- Any machine which can be used for the purpose of copyright infringement on cassette tapes, video tapes and compact discs
- Aquatic animals
- Aquilaria Malaccensis
- Arms, military and war articles
- Automobiles to Taiwan
- Bean Cake
- Cassette tapes, compact discs, video tapes, computer programs, books or merchandise constituting reproduction or adaptation of copyrighted works of other persons
- Ceramic food containers coated with lead solubility of more than 2 milligrams per litre
- Chain saw and accessories
- Clenbuterol compounds and its salts
- All types of coal except briquette from Honghai anthracite coal
- Coins of which size and weight is similar to official coins
- Cosmetics
- Diamonds from or originated from Angola
- Drugs
- Electrical and mechanically operated games
- Fertilizers and chemical fertilizers
- Food
- Gold-bearing counterfeiting or imitating trademarks
- Hazardous substances
- Household refrigerators using CFC in the production process
- Intaglio printing machines and colour copier machines
- Jute and kenaf, gunny bags off all types (woven, jute or kenaf)
- Jute and kenaf seeds
- Liquor and wine
- Mandatory standard goods
- Marble, travertine, ecaussine and other calcareous monumental building stone and alabaster
- Medical device
- Some minerals
- Narcotics and psychotropic substances

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(As at 10 Nov 2000, based on comments submitted after 26 Apr 2000)

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- Natural sand or mineral composed of natural sand
- Pathogenic and animal toxins
- Petroleum and liquefied petroleum gas
- Plants, plant pests and carriers, plant seeds
- Playing cards
- Products to Sierra Leone and Yugoslavia (including Kosovo) which are all types of arms, military vehicles, military hardware and spare parts
- Products to ungoverned areas in Angola which are mine equipment, vehicles, motor vehicles and spare parts
- Radioactive materials
- Rattan
- Rice
- Sacred and Buddha images and parts thereof
- Single dial weighing instruments
- Six-wheeled buses with over 30 seats
- Tobacco seeds, tobacco plants, tobacco leaves, pressed tobacco or other tobacco
- Unfinished garments, parts of components except collar, cuffs, waist-band, pocket and cuffs for trousers
- Used diesel engines displacement of 331-1100 cc
- Used engine parts and accessories of motorcycles displacement not over 50 cc and wheels with diameters not over 10 inches
- Used lead-acid batteries
- Used motorcycles
- Used motor vehicles
- Some vegetables
- Wastes characterised as hazardous under the Basal Convention
- Wastes parting and scraps of plastics
- Wild animals and carcass, protected and reserved wild animals and carcass
- Wood and articles of wood, wood charcoal

Socialist Republic of Viet Nam

- Weapons, ammunition, explosive materials and military equipment and facilities
- Antiques and articles of historical, cultural relics and museums
- Narcotics of all kinds, chemical precursors and chemicals used for narcotic production
- Psychotropic substances
- Toxic chemicals
- Hazardous, nuclear wastes and other wastes which are dangerous to life, health of humans and environment
- Goods prohibited for transit transport subject to International Conventions
- Drugs, biological products, pesticides, veterinary medicines, medical device not permitted to use in Viet Nam
- Logs, sawn wood, wood stripped from natural wood, firewood, charcoal, products and semi-products from natural wood
- Wild animals and endangered species of natural fauna and flora

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(As at 10 Nov 2000, based on comments submitted after 26 Apr 2000)

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- Depraved, superstition cultural products and other cultural products which are against the Socialist Republic of Viet Nam's political regime and harmful to education
- Firecrackers of all kind, toys for children which are harmful to ethical education, morality, social order and safety
- Cars with right-handed drive (including knock-down and drive transformed forms prior to arrival at Viet Nam) excluding self-propelled vehicles with right-handed drive for specific purposes for short distance use (including crane lorries, excavators, road sweeper lorries, dumpers, lifting trucks used in port warehouses, passenger motor vehicles used in airports)
- Used goods including:
 - Spare parts, engine, chassis, tires and inner tube of all kinds of automobiles, trailers, vehicles for specific purposes, tractors, motorcycles, motorized tricycles
 - Chassis fitted with automobile engines of all kinds
 - Automobiles designed for transport of persons and manufactured before 1995
 - Ambulance automobiles
 - Under 16-seat passenger automobiles
 - Vans with load under 5 tons and manufactured before 1995
 - Internal-combustion engines
 - Bicycles, bodyworks and spare parts
- Materials or products which contain amiant of amphibole group
 - Ceramic and Granite flooring blocks of size not exceeding 400 mm x 400 mm.
 - Colour glass and flat glass of a thickness from 1.5mm — 12mm excluding flower printed glass, multi-walled white glass, safety glass, steel core glass
 - Newsprint of heading 4801, uncoated paper used for printing and writing of heading 4802
 - Several kinds of construction steels
 - Refined vegetable oil
 - Refined sugar, raw sugar
 - Portland cement and clinker
 - Motorcycles, motorized tricycles, and their SKD, CKD spare parts, in uniform engines, frame of motorcycles, motorized tricycles

ศูนย์วิทยุทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

DRAFT

ประวัติผู้เขียนวิทยานิพนธ์

นายพิพัฒน์ จันทรเมฆา เกิดเมื่อวันที่ 13 กุมภาพันธ์ พ.ศ.2519 ที่จังหวัดนครปฐม จบการศึกษาในระดับมัธยมศึกษาตอนต้นจากโรงเรียนหอแซฟอุปถัมภ์ เมื่อปี พ.ศ. 2534 และมัธยมศึกษาตอนปลายจากโรงเรียนเตรียมอุดมศึกษา พญาไท เมื่อปี พ.ศ.2535 (สอบเทียบชั้นมัธยมศึกษาตอนปลาย) จากนั้นได้เข้าศึกษาต่อในระดับปริญญาตรี เมื่อปีการศึกษา 2536 ในคณะนิติศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย จนกระทั่งสำเร็จการศึกษาเป็นนิติศาสตรบัณฑิต (เกียรตินิยมอันดับสอง) เมื่อปีการศึกษา 2539 และสำเร็จการศึกษาประกาศนียบัตรของสภาพนายความเมื่อปี พ.ศ. 2539 และเป็นเนติบัณฑิตไทย สมัยที่ 50 เมื่อปีการศึกษา 2540 ต่อมาได้เข้ารับราชการในตำแหน่งนิติกร กรมบัญชีกลาง กระทรวงการคลังในปีดังกล่าว และในปีเดียวกันนี้ได้เข้ารับราชการในตำแหน่งนิติกร กรมทางหลวง กระทรวงคมนาคม หลังจากนั้นในปี พ.ศ. 2541 ได้เข้ารับราชการในตำแหน่งนิติกร กรมศุลกากร กระทรวงการคลัง และได้เข้าศึกษาต่อในระดับปริญญาโทในคณะนิติศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย เมื่อปีการศึกษา 2542 ปัจจุบันได้ออมนมารับราชการในตำแหน่งพนักงานอัยการ สำนักงานอัยการสูงสุด

ผลงานทางวิชาการในปี พ.ศ. 2539 ได้เป็นบรรณาธิการวารสารพีพัฒน์ศักดิ์ ซึ่งจัดทำโดยคณะกรรมการนิสิตคณะนิติศาสตร์จุฬาลงกรณ์มหาวิทยาลัยและเป็นผู้ช่วยบรรณาธิการวารสารพีพัฒน์ศักดิ์ในปีต่อมา

ศูนย์วิทยพัทยากร
จุฬาลงกรณ์มหาวิทยาลัย