PROTOCOL 3
ON DOMESTIC CODE-SHARE RIGHTS BETWEEN POINTS WITHIN THE TERRITORY OF ANY OTHER ASEAN MEMBER STATES

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

RECALLING the ASEAN Multilateral Agreement on the Full Liberalisation of Passenger Air Services signed on 12 November 2010 in Bandar Seri Begawan, Brunei Darussalam (hereinafter referred to as "Agreement");

FURTHERING the effective implementation of the Agreement;

RECOGNISING paragraph 3 of Article I of the Framework Agreement on Enhancing ASEAN Economic Cooperation signed on 28 January 1992 in Singapore, that, in the implementation of economic arrangements, two or more Member States may proceed first if other Member States are not ready to implement these arrangements; and

DESIRING to remove restrictions on air services,

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HAVE AGREED AS FOLLOWS:

Article 1
Definitions

For the purpose of this Protocol, the term "domestic code-share rights" means domestic code-share rights which shall only be available as part of an international journey.

Article 2
Domestic Code-Share Rights

1. The designated airline(s) of each Contracting Party shall be allowed to exercise domestic code-share rights as marketing airline(s) provided that there shall be no exercise of cabotage rights. For the avoidance of doubt, the term "cabotage rights" in the aforementioned sentence includes the holding out of air services for sale on purely domestic routes by the marketing airline(s) of that Contracting Party.

2. In operating or holding out the code-share services on the specified route(s), the designated airline(s) of each Contracting Party may, market and sell, in addition to the points mentioned in Section 1 of Annex I of the Agreement, any other points within the territory of the other Contracting Parties. The domestic route, subject of the code-share rights, shall be operated by the airline(s) designated by those Contracting Parties. For avoidance of doubt, Section 2 of Annex I of the Agreement shall apply in the exercise of domestic code-share rights.

3. For Indonesia, the domestic code-share rights shall be exercised through five entry points: Jakarta, Denpasar, Makassar, Medan and Surabaya to any other points in Indonesia.

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4. Either the operating or marketing airline may be required to file for approval, any cooperative marketing arrangements entered into in accordance with paragraphs 1, 2 and 3 of this Article, before its proposed introduction, with the aeronautical authorities of each Contracting Party.

5. When holding out air services for sale, the marketing airline(s) shall make it clear to the purchaser of tickets for such services, at the point of sale, which airline(s) will be the operating airline on each sector of the services and with which airline(s) the purchaser is entering into a contractual relationship.

Article 3
Capacity and Frequency

There shall be no limitation on capacity, frequency and aircraft type with regard to air passenger services operated under this Protocol exercising domestic code-share rights as provided in Article 2 of this Protocol.

Article 4
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 is subject to ratification or acceptance by the Contracting Parties. The Instruments of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly notify all Contracting Parties of such deposit.

3. Notwithstanding paragraph 2 of Article 16 of the Agreement, this Protocol shall enter into force on the date of the deposit of the third (3rd) Instrument of Ratification or Acceptance with the Secretary-General of

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ASEAN and shall become effective only among the Contracting Parties that have ratified or accepted it. For a Contracting Party depositing its Instrument of Ratification or Acceptance after the date of entry into force of this Protocol, this Protocol shall enter into force for that Party on the date of its deposit of Instrument of Ratification or Acceptance.

4. This Protocol shall be added as Protocol 3 to Annex II of the Agreement which shall be amended pursuant to paragraph 2 of Article 16 of the Agreement to read as follows:

ANNEX II

IMPLEMENTING PROTOCOLS

The following Implementing Protocols shall form integral parts of this Agreement:

a) Protocol 1 Unlimited Third and Fourth Freedom Traffic Rights Between Any ASEAN Cities;

b) Protocol 2 Unlimited Fifth Freedom Traffic Rights Between Any ASEAN Cities; and

c) Protocol 3 on Domestic Code-Share Rights between Points within the Territory of Any Other ASEAN Member State."

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed this Protocol.

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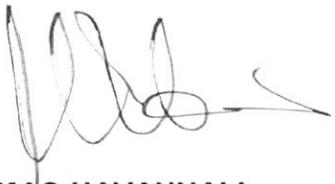
DONE at **Singapore,** this **Thirteenth** Day of **October** in the **Year Two Thousand and Seventeen,** in a single original copy in the English language.

For Brunei Darussalam:



DATO MUSTAPPA SIRAT
Minister of Communications

For the Kingdom of Cambodia:



MAO HAVANNALL
Secretary of State
State Secretariat of Civil Aviation

For the Republic of Indonesia:



BUDI KARYA SUMADI
Minister of Transportation

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For the Lao People's Democratic Republic:

BOUNCHANH SINTHAVONG
Minister of Public Works and Transport

For Malaysia:

DATUK SERI HJ. SARIPUDDIN HJ. KASIM
Secretary General
Ministry of Transport

For the Republic of the Union of Myanmar:

THANT SIN MAUNG
Union Minister for Transport and Communications

For the Republic of the Philippines:

ARTHUR P. TUGADE
Secretary of Transportation

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For the Republic of Singapore:

KHAW BOON WAN
Coordinating Minister for Infrastructure and Minister for Transport

For the Kingdom of Thailand:

ARKHOM TERMPITTAYAPAISITH
Minister of Transport

For the Socialist Republic of Viet Nam:

LE DINH THO
Vice Minister of Transport

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ASSOCIATION
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CERTIFYING STATEMENT

Protocol 3 on Domestic Code-Share Rights between Points within the Territory of Any Other ASEAN Member States

I, THE UNDERSIGNED Deputy Secretary-General of ASEAN for Community and Corporate Affairs, hereby certify that the attached text is **a true and complete copy** of the Protocol 3 on Domestic Code-Share Rights between Points within the Territory of Any Other ASEAN Member States, signed on 13 October 2017 in Singapore.

Jakarta, 21 February 2018

AKP Mochtan
Deputy Secretary-General of ASEAN
Community and Corporate Affairs
Department
The ASEAN Secretariat



Salinan naskah resmi
Certified true copy
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Number

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NIP. 19740603 199803 2 001

Sekretaris Direktorat Jenderal Hukum dan Perjanjian Internasional
Kementerian Luar Negeri, Republik Indonesia
Secretary of Directorate General for Legal Affairs and International Treaties
Ministry of Foreign Affairs, Republic of Indonesia

Tanggal : 24 Agustus 2022
Date