

Technical Annex on International Road Transport to the Basic Agreement

Article 1 General Provisions

The provisions of this Technical Annex shall regulate the international road transport of goods and passengers:

- a. bilateral, between the Parties;
- b. in transit, through the territories of the Parties.

Article 2 Definitions

For the purpose of this Technical Annex terms have the following meaning:

1. The term “carrier” means any natural or legal person, registered in the territory of one of the Parties and admitted to carrying out the international road transport of goods or passengers in accordance with the national legislation in force.
2. The term “motor-vehicle” means:
 - when transporting goods - a motor-lorry, motor-lorry with trailer, motor-tractor or motor-tractor with semi-trailer;
 - when transporting passengers - a bus, i.e. motor vehicle designed for transport of passengers and which has not less than 8 seats, not taking into account a driver’s seat as well as a trailer for carriage of luggage.
3. The term “transport” means the movement of laden or unladen motor-vehicles by road, even if for a part of the journey the motor-vehicle, trailer or semi-trailer is using waterways or rail.
4. The term “dangerous goods” means goods considered as dangerous according to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) of 1957.
5. The term “perishable goods” means goods considered as perishable according to the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) of 1970.
6. The term “permit” means a document issued by the competent authority of a Party and giving the right to a motor-vehicle registered in another Party to enter, leave and pass in transit through the territory of the first Party.
7. The term “special permit” means a document issued by the competent authority of a Party and giving the right to a motor-vehicle registered in another Party to carry out special categories of transport in the territory or through the territory of the first Party.
8. The term “registration” means registration in a Party of a motor-vehicle in accordance with requirements of its competent national authorities.

Article 3
Access to the Market

1. Each Party shall allow any carrier registered in another Party to carry goods or passengers between any point in its territory and any point on the territory of other Parties, or vice-versa, and in transit through its territory, subject to permits, and without any groundless delays or restrictions.
2. A carrier may undertake third country transport only if a special permit from the competent authorities or the organizations of the Parties for such transport is available.

Article 4
Weights and Dimensions

1. Weights and dimensions of laden or unladen motor-vehicles shall be in conformity with the terms set out in the official registration documents for these motor-vehicles and may not exceed the limits in force in the host Party.
2. A special permit is required if the weight or dimensions of a laden or unladen motor-vehicle when engaged in transport under this Technical Annex exceed the maximum permissible limits of those in the host Party.

Article 5
Specific Categories of Transport

1. The transport of dangerous goods and perishable goods shall be carried out in accordance with the national legislation of the Parties.
2. A special permit is required for the transport of dangerous and perishable goods by motor-vehicles within the territory of the Parties.

Article 6
Driving Licences and Certificates of Roadworthiness

Driving licences, certificates of roadworthiness and official registration documents for motor-vehicles issued by the competent authority of one Party and valid on its territory shall be recognized on the territories of other Parties.

Article 7
Infringements

In the event of any infringement of the provisions of this Technical Annex by a carrier of a Party, the Party on whose territory the infringement occurred shall be obliged as soon as possible to notify the other Party which shall take such measures as provided for by its national legislation. These Parties shall inform each other of all the sanctions imposed by them.

Article 8
Fiscal matters

When carrying out transport in accordance with this Technical Annex, the following items imported onto the territory of any Party shall be mutually exempted from customs duties, charges, taxes:

1. motor fuel and lubricants within the norms stipulated by the internal legislation of a Party contained in standard tanks of a vehicle installed by the manufacturer;
2. spare parts and tools designated for repair of the damaged motor-vehicle which carries out such transport.

Unused spare parts are subject to re-export and replaced spare parts must be re-exported, destroyed or turned in according to the procedures established on the territory of the relevant Party.

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Technical Annex on International Railway Transport to the Basic Agreement

Article 1 General Provisions

The provisions of this Technical Annex shall regulate the international railway transport of goods and passengers:

- a. bilateral, between the Parties;
- b. in transit, through the territories of the Parties.

Article 2 Definitions

For the purpose of this Technical Annex, terms have the following meaning:

1. the term “national railway company” means any legal person, which is established in one of the Parties and has a legal access in the country of establishment to international railway transport in accordance with national legislation;
2. the term “train” means a locomotive and/or wagons registered in one of the Parties, which are used and equipped for the transport of goods and/or passengers;
3. the term “transport” means the movement of freight and passenger trains by railway, even in those cases when a part of the transport is carried out by waterways.

Article 3 Implementation of the Technical Annex

Bodies responsible for the implementation of the provisions of this Technical Annex are enumerated in Appendix 1 to this Technical Annex.

Article 4 Preferential Terms and Tariffs

Preferential terms and tariffs shall be established in accordance with Articles 6 and 8 of the Basic Agreement and Appendix 2 to this Technical Annex.

Article 5 Documents

The Parties shall recognize the licences for carrying out transport, freight forwarding and other activities, issued in accordance with the national regulations of the Parties, as well as the certificates and other documents for operation and convoy of trains on the territories of the Parties.

Article 6

Cooperation Objectives

1. The Parties shall cooperate at the governmental level:

- a. to develop international railway transport, including multimodal connections;
- b. to maintain and develop the railway connections, established between the national railway infrastructures of the Parties and the mutual organizational management of national railway systems;
- c. to establish direct economic relations, including the joint use of terminals and warehouses between the national railway companies and other related enterprises on the most preferential terms;
- d. to open representations of national railway companies on the territories of the Parties;
- e. to exchange information including statistical data.

2. The Parties shall cooperate at the level of competent authorities:

- a. to facilitate border crossing operations;
- b. to provide energy resources for international railway transport;
- c. to work out the agreed methods of cost calculation as a basis of preferential tariffs and common operational rates;
- d. to establish a system of liability for infringement of the technological parameters of the transport operations, loading and unloading, return of trains, belonging to national railway companies of the Parties as well as for environmental pollution;
- e. to perform obligations on acquisition, repair of trains, containers, equipment and machinery mutually agreed by the national railway companies;
- f. to develop training of railway personnel based on international training standards;
- g. to render assistance to railway personnel during its stay and when on duty on the territory of another Party, and in case of sudden illness or injury, to render free first medical aid.

Appendix 1
to Technical Annex on International Railway Transport

Responsible bodies according to Article 3 of the Technical Annex on international railway transport are:

1. For the Republic of Armenia – State closed joint stock company “The Railway of the Republic of Armenia”
2. For the Republic of Azerbaijan - Azerbaijan State Railway
3. For the Republic of Bulgaria - National company “Bulgarian State Railways”
4. For Georgia - Department of Railway Transport
5. For the Republic of Kazakhstan - Republic State Enterprise “Kazakhstan Temir Zholy”
6. For the Kyrgyz Republic - Department of Kyrgyz Railway
7. For the Republic of Moldova - State Enterprise “Railway of Moldova”
8. For Romania - Ministry of Transport of Romania
9. For the Republic of Tajikistan - Tajikistan Railway Administration
10. For the Republic of Turkey – State Railways Administration (TCDD)
11. For the Ukraine - The Ukrainian Railways “Ukrzaliznytsya”
12. For the Republic of Uzbekistan - State-Shareholder’s Railway Company “Uzbekiston Temir Yullary”

Appendix 2
to Technical Annex on International Railway Transport

Pursuant to Article 4 of the Technical Annex on International Railway Transport, the following preferential terms and tariffs apply for the Parties to the Basic Agreement :

- a. up to 50% discount on the full current tariffs for transport of goods by railway, except on preferential tariffs existing in relevant agreements and contracts;
- b. For transport of empty wagons by train ferry, up to 50% reduction on the full current tariffs.

Payment for transport of empty wagons by train ferry is to be made by the consignor directly to the owners of ferries or to forwarders having a contract with the owners of ferries.

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Technical Annex on International Commercial Maritime Navigation to the Basic Agreement

Article 1 General Provisions

The provisions of this Technical Annex shall regulate the international commercial maritime navigation between the Parties and in transit through the territories of the Parties effected by vessels of any Party.

Article 2 Definitions

For the purpose of this Technical Annex terms have the following meaning:

1. the term “Vessel” means any merchant vessel entered in the Register Book or in any other official list of a Party and sailing under the flag of this Party in accordance with its legislation. However, this term does not include:
 - a. warships and vessels used for non commercial purposes;
 - b. fishing boats.
2. the term “Crew Member” means the master and any person occupied on board the ship with functions connected with steering, exploitation and servicing of the vessel and included in the crew list of this vessel within the period of the voyage.

Article 3 Facilitation of Transport

The Parties shall adopt, within the limits of their respective national legislation, all appropriate measures to facilitate commercial maritime transport, to prevent unproductive delays to vessels and to expedite and simplify as much as possible the carrying out of customs formalities required in ports.

Article 4

1. The Parties shall promote the development of merchant shipping, following the principles of equality in rights.
2. When carrying goods and passengers the Parties shall promote close cooperation between their freight, shipping and related enterprises and organizations.

Development of International Commercial Maritime Navigation

Article 5

1. The Parties shall:
 - a. promote the participation of vessels belonging to the Parties in maritime transport and transport on inland waterways between the ports of the Parties as well as the use of sea routes and inland waterways of the Parties when carrying the transit goods of third countries and remove any difficulties in this field;
 - b. guarantee free access on the land side to multimodal transport, without prejudice to the legislation of the host Party.
2. The provisions of this Article shall not prejudice the right of vessels of third countries to take part in carriage between the ports of the Parties.

Article 6

The Parties shall, in accordance with their legislation in force, render necessary assistance to the shipping and related enterprises and commercial organizations of any Party in opening of lines to ports or from ports of another Party as well as in establishment of their representatives or joint ventures on the territory of another Party.

Article 7

The Parties shall apply their efforts for maintenance and development of effective business relationships between their authorities managing the matters of commercial maritime navigation and shall promote the contacts between their relevant enterprises and organizations, including the following issues:

- a. effective use of merchant fleet and ports, expansion of economic and scientific relations;
- b. exchange of information and experience of work in various maritime operations for the purpose of speeding up and easing of transport flows on sea routes;
- c. coordination of policies regarding activities in international organizations involved in problems of commercial maritime navigation and participation in international agreements on maritime transport.

Article 8

Each Party, shall abstain from any discriminatory measures with respect to the vessels of another Party carrying out liner and tramp navigation between the Parties.

Article 9

Favorable Treatment

1. Each Party shall grant favorable treatment in its ports open to foreign commerce and navigation, to vessels of another Party.
2. The provisions of clause 1 of this Article shall apply to customs formalities, the levying of charges and port duties, freedom of access to the ports and the use of their capacities, as well as to all facilities afforded to navigation and commercial operations in respect of vessels, crew members, goods and passengers.
3. The provisions of clause 1 of this Article:
 - a. do not apply to the ports closed for foreign vessels;
 - b. do not apply to sea cabotage and other activities reserved for own citizens and organizations only;
 - c. do not oblige any Party to extend the exceptions to the rules on compulsory pilotage accorded to its own vessels to the vessels of another Party.

Article 10

Documents

1. Any Party shall recognize the documents certifying the nationality of the vessels and other ship's documents, issued or recognized by another Party.
2. Vessels of any Party provided with the measurement certificates in accordance with the International Convention on Ship Measurement of 1969 shall be released from re-measuring in the ports of another Party and this Certificate shall be assumed as a basis when calculating port duties.

Article 11
Environmental Protection

1. Vessels of Parties shall take necessary measures to prevent environmental damage within the territory of any Party according to the International Regulations.
2. Vessels belonging to owners from any Party shall be liable for any damage referred to in clause 1 of this Article, according to the legislation of the country in which the environmental damage has occurred and according to international agreements.

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Technical Annex on Customs and Documentation Procedures to the Basic Agreement

Article 1 General Provisions

1. The Provisions of this Technical Annex shall regulate the customs and documentation procedures in the international transport of goods and passengers through the territories of the Parties.
2. In all cases not regulated by this Technical Annex the national legislation of the relevant Party shall be applied.

Article 2 International Conventions

1. It is recommended to the Parties to accede as soon as possible to the following International Conventions:
 - a. Customs Convention on International Transport of Goods under cover of TIR Carnets 1975;
 - b. International Convention on the Harmonisation of Frontier Controls on Goods 1982;
 - c. Customs Convention on Containers 1972.
2. The Parties shall agree to manage their activities according to provisions envisaged by the Conventions listed in clause 1 of this Article.

Article 3 Customs Control

1. Customs control shall be performed at specially designated posts of Customs control.
2. Customs officials alone shall have the powers to stop and examine goods in international transport through the territories of the Parties within their own territories.

Article 4 Documentation Procedures

1. Each Party shall retain the customs declaration for goods as the key customs document.
2. A harmonised format for the customs declaration for goods, in the UN aligned form, shall be developed and introduced within the territories of the Parties.
3. Harmonised UN aligned commercial documentation accompanying the goods in bilingual form shall be introduced for use within the territories of the Parties as soon as possible.
4. The Parties shall promote the establishment and development of licensed services of customs brokers.