

AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LATVIA AND THE GOVERNMENT OF
THE REPUBLIC OF AZERBAIJAN ON INTERNATIONAL ROAD TRANSPORT

The Government of the Republic of Latvia and the Government of the Republic of Azerbaijan (hereinafter called "the Parties"),

desiring to promote transport of passengers and goods by motor vehicles between and in transit through the territories of both countries,

have agreed as follows:

I. GENERAL PROVISIONS

Article 1

Definitions

1. The term "*home country*" means the territory of the Party in which a vehicle is registered.
2. The term "*host country*" means the territory of the Party in which a vehicle is being used in transport operations but other than the vehicle's country of registration.
3. The term "*carrier*" means any physical or legal person, established on the territory of the Republic of Latvia or the Republic of Azerbaijan, and authorized in accordance with the relevant national laws and regulations to engage in the international carriage of passengers or goods by road.
4. The term "*vehicle*" means:
 - a) in the carriage of passengers - any power driven road vehicle which is adapted for carriage of passengers, has more than nine seats, including the driver's seat, and is registered in the territory of one of the Parties;
 - b) in the carriage of goods - any power driven road vehicle which is registered in the territory of either Party and adapted and normally used for goods transport. For the purposes of this Agreement the term "vehicle" also applies to any trailer or semi-trailer, coupled to any motor vehicle disregarding the place of registration of trailer or semi-trailer as well as to any combination of road vehicles.
5. The term "*regular service*" means passenger transport along routes and according to schedules agreed in advance and whereby passengers may enter or exit the vehicle at predetermined stops.

6. The term "*occasional services*" denotes services not falling within the definition of regular services provided in the paragraph 5 of this Article.

7. The term "*cabotage*" means carriage of passengers or goods by vehicles registered in the territory of one of the Parties between the two points located in the territory of the host country.

Article 2

Scope

This Agreement applies to international road transport operations performed by the carrier who in his home country according to its national legislation is entitled to perform international road transport operations, on hire and reward or on own account, and may perform such operations to, from, or in transit through the other country's territory.

Article 3

Joint Committee and competent authorities

1. For the application of the provisions of this Agreement, the Competent Authorities of both Parties establish a Joint Committee, which is formed from the delegates designated by these authorities.

2. This Joint Committee shall meet at the request of competent authorities of the either Party at meetings that will be held alternately in the territories of the Parties.

3. Any issue concerning the interpretation or the application of this Agreement shall be solved by the Joint Committee.

4. Under this Agreement, the competent authorities shall be:

- for the Republic of Latvia, the Ministry of Transport;
- for the Republic of Azerbaijan, the "Azeravtonagliyyat" State Concern (before forming of the Ministry of Transport).

II. PASSENGER TRANSPORT

Article 4

Authorization

All transport operations by passenger motor vehicles between the territories of the Parties and in transit through them, except those specified in Article 6.1, must have the respective authorization issued by the competent authority of the host country.

Article 5

Regular services

1. Regular services operated between the territories of the Parties or in transit through them shall be approved jointly by their competent authorities in advance.

These regular services shall be established on reciprocity basis. Each competent authority shall issue the permits for the section of the itinerary operated in its territory.

2. Carriers must address applications for authorizations for regular services to the competent authority of their home country. If that competent authority approves the application, it forwards the said application to the competent authority of the host country along with a recommendation.

Article 6

Occasional services

1. The following occasional services carried out using vehicles registered in the territory of one Party will not require any transport permit in the territory of the host country:

a) round trip services, i.e. services whereby the same vehicle is used to transport the same group of passengers throughout the journey and to bring them back to the same place of departure;

b) services which make the outward journey laden and the return journey unladen;

c) services which make the outward journey unladen and the return journey laden, provided that passengers:

- constitute a group formed under a contract of carriage entered into before their arrival in the territory of the Party where they are picked up and carried to the territory of the country of establishment;

- have been previously brought by the same carrier into the territory of the Party where they are picked up again and carried into the territory of the country of establishment;

- have been invited to the territory of the country of establishment, the cost of transport being born by the person issuing the invitation;

d) transit transport performed in services defined in indent a), b) or c);

e) runs by bus or coach sent to replace a bus which has broken down.

2. Services included in point 1 must have in their vehicles a properly completed waybill containing the list of passengers, which has been signed by the carrier and stamped by the competent custom authorities.

3. The waybill shall be completed at the home country and must be kept in the vehicle throughout the journey for which it has been issued, and produced on the request of any authorized control officials.

III. GOODS TRANSPORT

Article 7

Regime of permits

1. If not otherwise provided for by the Joint Committee, carriers may, by virtue of previously obtained permits issued by the competent authority of the host country, perform goods transport between the territories of the Parties, in transit through them, as well as to/from third countries.

2. The permit shall be used only by the carrier to whom it is issued and shall not be transferable.

The permit must be kept in the vehicle during the whole journey and must be produced at the request of any authorized control officials.

3. The competent authorities of both Parties shall annually exchange a jointly approved number of permits for goods transport.

Article 8

Exemptions from permit requirements

1. The following categories of transport shall be exempted from permit requirements:

a) transport by vehicles whose Total Permissible Laden Weight (TPLW), including trailers, does not exceed 6 tonnes, or where the permitted payload, including trailers, does not exceed 3,5 tonnes;

b) transport on an occasional basis, to or from airports, in cases where air services are diverted;

c) transport of vehicles which are damaged or have broken down and the transport of breakdown repair vehicles;

d) unladen runs by a goods vehicle sent to replace a vehicle which has broken down in another country, and also the return run, after repair, of the vehicle that had broken down;

e) transport of spare parts and provisions for ocean-going ships and aircraft;

f) transport of medical supplies and equipment needed for emergencies, more particularly in response to natural disasters and humanitarian aid;

g) transport of works and objects of art for fairs and exhibitions or for non-commercial purposes;

h) transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances, fair or fetes, and those intended for radio recordings, or for film or television production;

i) funeral transport;

j) mail transports as public service;

k) first unladen run of newly purchased motor vehicles;

l) transport of household removal goods.

2. The Joint Committee is entitled to amend the list of transport categories exempted from the permit requirements set out in paragraph 1 of the present Article, and to agree upon documents to be carried on the board when performing the above mentioned transports.

IV. OTHER PROVISIONS

Article 9

Cabotage

Carriers cannot perform cabotage transport in the territory of the host country.

Article 10

Compliance with national legislation

Carriers and their staff must comply with national laws and provisions in force in the territory of the host country while performing road transport operations within the host country's territory.

The provisions of this Agreement do not exclude the possibility to apply transport circulation restrictions for reasons of national security of either Party.

Article 11

Infringements and sanctions

1. In the event that a carrier or the staff on board of a vehicle registered in one Party have not observed the legislation in force on the territory of the host country, or the provisions of this Agreement or the conditions mentioned in the permit, the competent authority of the home country could, at the demand of the competent authority of the host country, take the following sanctions:

a) to issue a warning for the carrier who committed the infringement;

b) to cancel or withdraw temporarily the permits allowing the carrier to perform transports in the territory of the Party where the infringement was committed.

2. The competent authority which has adopted such a sanction shall notify it to the competent authority of the host country which had proposed it.

3. The provisions of this Article shall not exclude the lawful sanctions which may be applied by the courts or administration authorities of the country where the infringement was committed.

Article 12

Taxation

1. Vehicles which are registered in the territory of one Party, when performing

a) regular carriage of passengers,

b) occasional services mentioned in Article 6, paragraph 1,

c) haulage of goods within the limits of quota,

d) transport operations mentioned in Article 8 of this Agreement,

in the host country under the framework of this Agreement, shall be exempt, according to the reciprocity principle, from the taxes and charges levied on the circulation or possession of vehicles and from taxes and charges levied on transport operations carried out in the territory of the host country.

2. However, this exemption shall not apply to the payment of road tolls, bridge tolls and other similar charges, which shall always be required on the basis of the principle of non-discrimination.

3. On the vehicles mentioned in the paragraph 1 of this Article customs duties shall be exempted on:

a) the vehicles;

b) lubricants and fuel contained in the ordinary supply tanks of the vehicles and in the tanks for the refrigerating equipment not exceeding the maximum allowed by the host country;

c) spare parts imported into the territory of the host country, intended for the breakdown service of a vehicle. Replaced parts shall be re-exported or destroyed, under the supervision of the competent customs authorities.

Article 13

Dangerous goods

When transporting dangerous goods internationally, carriers who are registered in the territories of either of the two Parties must comply with provisions of the European Agreement Concerning the International Carriage of Dangerous Goods by road (ADR). When transporting dangerous goods in the host country, special permit issued by the competent authority of that country is needed, if not otherwise agreed by the Joint Committee.

Article 14

Weights and dimensions

1. With respect to the weights and dimensions of vehicles, each Party undertakes not to impose on vehicles registered in the territory of the other Party conditions which are more restricted than those imposed on vehicles registered within its own territory.

2. If weights and dimensions of the vehicle with or without load used in transport operations exceed the maximum permissible limits being in force in the territory of the host country, a special permit issued by the competent authority of that country is needed.

The carrier should fully comply with the requirements specified in such permit.

Article 15

International obligations

The provisions of this Agreement shall not affect the rights or obligations of the two Parties contained in International Conventions, Agreements and Regulations, which apply to them.

Article 16

Entry into force and duration

1. The Agreement shall be provisionally applied from the date of its signature and shall come into force on the thirtieth day after the receipt of the last diplomatic Note by which the Parties notify each other that their respective constitutional requirements have been fulfilled.

2. Any amendments to this Agreement shall be included in the Protocol, which enters into force under procedure mentioned in paragraph 1 of this Article and shall be an integral part of this Agreement.

3. This Agreement shall remain in force unless it is terminated through diplomatic channels by one of the Parties. In that case, the termination of the Agreement shall take effect six months after the other Party has been notified about it.

DONE in two originals at Baku, on "10"July, 2001, each in the Latvian, Azerbaijani and English languages, each text being equally authentic. In case of divergence of interpretation, the English text shall prevail.

For the Government of the Republic of Latvia:

Indulis Bērziņš Minister of Foreign Affairs

For the Government of the Republic of Azerbaijan:

Vilayat Guliyev Minister of Foreign Affairs