

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF GEORGIA ON INTERNATIONAL ROAD TRANSPORT

The Government of the Federal Republic of Germany and the Government of the Republic of Georgia,

Desiring to regulate and encourage the international transport of passengers and goods by road, have agreed as follows:

Article 1

This Agreement regulates the carriage of passengers and goods in international road transport between the Federal Republic of Germany and the Republic of Georgia, and in transit through these States by carriers who are entitled to effect such carriage in the territory of their own country.

PASSENGER TRANSPORT

Article 2

1. For the purposes of this Agreement, passenger transport means the carriage of passengers and their luggage by motor coaches at their own expense or at the expense of third parties, and also covers journeys made unladen in connection with such transport services.

2. Motor coaches means motor vehicles which, by their design and equipment, are suitable and intended to carry more than nine persons (including the driver).

Article 3

1. Regular line traffic means the regular carriage of passengers along a specified route in accordance with timetables, fares and conditions laid down and published in advance, in which passengers may board and alight at stopping places specified in advance, and also covers transport operations that are performed essentially like regular line traffic.

2. Regular line traffic involving bilateral or transit transport requires a permit issued by the competent authorities of the two Contracting Parties. The permit shall be granted by mutual agreement in accordance with the applicable law of the Contracting Party concerned, and may be granted for up to five years.

3. Changes in the route, the stopping points, the timetables, the fares and the conditions shall require the prior authorization of the competent authorities of both Contracting Parties, as shall a suspension of operations.

¹ Came into force on 7 April 1994, i.e., one month after the date on which the Contracting Parties had informed each other (on 7 March 1994) of the completion of the national requirements, in accordance with article 18 (1).

4. Applications to establish a regular line traffic operation and applications in accordance with paragraph 3 shall be submitted to the competent authority of the Contracting Party in whose territory the carrier has his business headquarters. The applications shall be transmitted, together with comments by the Ministry of Transport of that Contracting Party, direct to the Ministry of Transport of the other Contracting Party.

5. The applications referred to in paragraphs 3 and 4 must contain the following information, *inter alia*:

1. Family name and first name, or company name, and full address of the carrier making the application;
2. Type of transport;
3. Duration of authorization applied for;
4. Operating period and number of journeys (e.g., daily, weekly);
5. Timetable;
6. Precise details of the route (stopping places for picking up and discharging passengers/other stopping points/border-crossing points);
7. Length of the route in kilometres: outward journey/return;
8. Distance to be driven in one day;
9. Driving times and rest times of the drivers;
10. Number of seats in the motor coaches to be used;
11. Fares and conditions of carriage (rates).

Article 4

1. Shuttle transport means a transport service in which groups of passengers formed in advance are carried on several outward and return journeys from the same departure area to the same destination area. These groups, consisting of passengers who have already completed the outward journey, are brought back to their point of departure on a later journey. The departure area and destination area shall be considered to be the location where the journey starts and the location where it ends, as well as locations within a radius of 50 km thereof. In addition to the carriage, the accommodation of the group, including or excluding meals, must be included at the destination and, where appropriate, during the journey. The first return journey and the last outward journey in the series of shuttle journeys must be performed with the coach unladen.

2. The classification of a transport operation as shuttle transport shall not be affected by the fact that, with the approval of the competent authorities of the Contracting Party concerned or of both Contracting Parties, notwithstanding paragraph 1, passengers may make the return journey with a different group.

3. Shuttle transport operations require in each case a permit issued by the competent authority of the other Contracting Party. The application for a permit shall be addressed direct to the competent authority of the other Contracting Party, and must be made 60 days before transport begins.

4. Permit applications for a shuttle transport operation as described in paragraph 3 must contain not only the information described in article 3, paragraph 5, but also the travel dates, the number of journeys and information on the location and

hotels or other facilities in which the passengers will be accommodated during their stay and on the duration of their stay.

5. The principles governing the issue of permits for shuttle transport operations, model permits and the identity of the competent authorities shall be determined in the Joint Commission established in accordance with article 14.

6. In the case of the shuttle transport operations referred to in paragraph 1, the carriers shall carry with them a list of passengers, which shall be stamped by the border authorities of the other Contracting Party at the time of entry into the territory of that Party.

Article 5

1. Occasional transport means transport which is not regular line transport as described in article 3, paragraph 1, nor shuttle transport as described in article 4.

2. Occasional transport operations involving bilateral or transit transport shall not require a permit if they concern:

(a) Journeys performed with a single motor vehicle which carries the same travel party along the whole route and takes them back to their place of departure (closed-door circular tour); or

(b) Trips in which passengers are taken on for the outward journey and the return trip is made unladen (return trip unladen); or

(c) Unladen trips to pick up a travel group which had previously been carried by the same carrier in the manner described in subparagraph (b), and to return it to the place of departure.

3. In occasional transport operations, passengers may neither be taken on nor discharged en route, unless the competent authority of the Contracting Party concerned has so authorized.

4. Occasional transport operations which do not meet the requirements of paragraph 2 require in every case a permit issued by the competent authority of the other Contracting Party. The application for a permit shall be sent direct to the competent authority of the other Contracting Party, and must be made at least six weeks before transport begins.

5. The applications referred to in paragraph 4 must contain the following information, *inter alia*:

1. Family name and first name, or company name, and full address of the carrier and, where appropriate, of the tour operator who has placed the order for carriage;
2. State in which the travel group is formed;
3. Place of departure and destination of the journey;
4. Route to be travelled, with border-crossing points;
5. Dates of the outward and return journeys;
6. Driving times and rest times of the drivers;
7. Registration numbers and number of seats in the motor coaches to be used.

6. Control documents for permit-free occasional transport operations as described in paragraph 2 shall be agreed by the Joint Commission established in accordance with article 14.

Article 6

Permits issued in accordance with article 3, paragraph 2, article 4, paragraph 3, and article 5, paragraphs 3 and 4, may be used only by the carrier to whom they were issued. They may not be transferred to another carrier nor, in the case of occasional transport, be used for vehicles other than those stated in the permit. In regular line transport operations, the carrier to whom the permit has been issued may make use of contract carriers of either or both Contracting Parties. It is not necessary for the carriers to be named in the permit, but they must carry an official copy of the permit with them.

TRANSPORT OF GOODS

Article 7

The carriage of goods by road between the territory in which the vehicle used is registered and the territory of the other Contracting Party (bilateral transport) or transit transport through the territory of one Contracting Party requires a permit issued by the competent authority of that Contracting Party.

Article 8

1. The permit shall be issued to the carrier. It shall be valid only for the specific carrier, and shall not be transferable.

2. A permit is required for every lorry and for every tractor unit, and shall also cover the trailers or semi-trailers being towed, regardless of where the latter are registered.

3. In bilateral and transit transport operations, a permit shall be valid either for any number of journeys within the time specified therein (time permit) or for one or more outward and return journeys within the period of time stated therein (journey permit).

4. Carriage between the territory of the other Contracting Party and a third State shall be permitted only if the territory in which the vehicle is registered transits the country on the customary route or if specific permits have been issued for this purpose.

5. The permit shall not authorize the carriage of goods between two locations in the territory of the other State.

6. Any transport of goods under this Agreement shall require consignment documents, which shall conform to the internationally established standard.

Article 9

1. No permit shall be required for:
 1. Bilateral or transit carriage of objects or material exclusively for publicity or educational purposes (for example, goods intended for fairs or exhibitions);

2. Bilateral or transit carriage of equipment and accessories to or from theatrical, musical, film or sporting events or circuses, or to or from the making of radio or television broadcasts or films;
3. Return carriage of damaged vehicles;
4. Transport of human remains;
5. Carriage of medicines, medical equipment and devices and other goods intended to provide aid in emergencies, in particular in the event of natural disasters.
 2. The Joint Commission established in accordance with article 14 may exempt other types of carriage operations from the permit requirement.

Article 10

1. The permits required for carriers in the Republic of Georgia shall be issued by the Ministry of Transport of the Federal Republic of Germany and delivered by the competent authority in the Republic of Georgia.
2. The permits required for carriers in the Federal Republic of Germany shall be issued by the Ministry of Transport of the Republic of Georgia and delivered by the Ministry of Transport of the Federal Republic of Germany or by the authorities mandated by it.

Article 11

1. The Joint Commission established in accordance with article 14 shall determine the number of permits to be made available to each Contracting Party each year, taking into account external trade and transit transport operations. The agreed number of permits may, if necessary, be altered by agreement between the two sides.
2. The content and form of the permits shall be agreed by the Joint Commission.

GENERAL PROVISIONS

Article 12

Permits, control documents and other required documents shall be carried by the driver on all journeys covered by this Agreement, and, upon request, shall be displayed or surrendered for inspection to representatives of the competent control authorities.

Article 13

1. Carriers of one Contracting Party shall, when in the territory of the other Contracting Party, comply with the provisions of the traffic and vehicle laws in force in that other Party, and also with the customs regulations in force.
2. In the event of severe or repeated infringement of the laws in force in the territory of the other Contracting Party or of the provisions of this Agreement by a carrier or his personnel, the competent authorities of the Contracting Party in whose territory the motor vehicle is registered shall, at the request of the competent authority of the Contracting Party in whose territory the infringement occurred, take one of the following measures:

(a) Issue an instruction to the responsible carrier to observe the regulations in force (warning);

(b) Temporarily exclude the responsible carrier from transport operations;

(c) Suspend the issue of permits to the responsible carrier or withdraw a permit already issued for the period of time for which the competent authority of the other Contracting Party has excluded the carrier from transport operations.

3. The measure specified in subparagraph (b) may also be taken directly by the competent authority of the Contracting Party in whose territory the infringement was committed.

4. The competent authorities of the Contracting Parties shall inform one another of the measures taken, in accordance with their own national legislation.

Article 14

Representatives of the Contracting Parties shall establish a Joint Commission which shall meet at the request of one of the Contracting Parties in order to ensure the proper implementation of this Agreement. If required, the Joint Commission shall prepare, with the participation of other competent bodies, proposals for adapting this Agreement to the developments in traffic and to changed legal provisions.

Article 15

The Contracting Parties shall inform one another of the identity of the competent authorities referred to in articles 3, 4, 5, 10 and 13 of this Agreement.

Article 16

Where on the basis of this Agreement personal data are transmitted in accordance with a country's national legislation, the following provisions shall apply:

1. Use of the data by the recipient shall be permitted only for the purpose stated and under the conditions prescribed by the body transmitting it.

2. The recipient shall inform the transmitting body upon request of the use made of the data transmitted and of the results achieved thereby.

3. Personal data may be transmitted only to law enforcement agencies. Any onward transmittal to other bodies may be undertaken only with the prior approval of the transmitting body.

4. The transmitting body shall be obliged to ensure that the data to be transmitted are accurate and that the transmittal is necessary and in keeping with the purpose for which it is intended. In this context, any prohibitions on such transmittals applicable under relevant national legislation shall be complied with. If it becomes evident that incorrect data or data which should not have been transmitted have been transmitted, this fact shall be communicated to the recipient without delay, and the latter shall be obliged to correct or destroy the data.

5. The information which is available about a person and the use which is to be made thereof must be disclosed to that person upon request. The obligation to disclose information shall become void if, on balance, it is considered that the public interest in not disclosing the information outweighs the interest of the person concerned in receiving it. Additionally, the right to disclosure of information shall be governed by national legislation.

6. When transmitting data, the transmitting body shall draw attention to the deletion dates to be observed under the law by which it is governed. Regardless of

such dates, personal data which have been transmitted shall be deleted as soon as they are no longer required.

7. The bodies of the Contracting Parties responsible for the implementation of this Agreement shall be obliged to keep records of the transmittal and receipt of personal data and to protect the transmitted personal data effectively against unauthorized access, unauthorized modification and unauthorized release.

Article 17

The rights and obligations of the Contracting Parties arising from the various international agreements which they have concluded, including the obligations of the Federal Republic of Germany arising from its membership in the European Community, shall not be affected by this Agreement.

Article 18

1. This Agreement shall enter into force one month after the date on which the two Contracting Parties have notified each other that the national formalities required for its entry into force have been completed.

2. This Agreement shall remain in force until it is terminated in writing by one of the Contracting Parties. In such case, the Agreement shall cease to have effect six months after receipt of notification of the termination by the other Contracting Party.

DONE at Bonn, on 25 June 1993, in two original copies, each in the German and the Georgian languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

KINKEL

M. CARSTENS

For the Government
of the Republic of Georgia:

CHIKVAIDZE
