

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

The Government of the Republic of Latvia and the Government of Georgia (hereinafter called "the Contracting Parties") on the basis of principles of co-operation and bilateral interests and for the purpose of liberalization of international transport by road as well as 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. "*Country of establishment*" means the territory of the Contracting Parties within which a carrier is established and a vehicle registered.

2. "*Host country*" means the territory of a Contracting Party in which a vehicle is being used in transport operations but other than the vehicle's country of registration.

3. "*Carrier*" means any physical or legal person, established on the territory of the Republic of Latvia or Georgia, and authorised 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:

* 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 Contracting Parties;

* in the carriage of goods - any power driven road vehicle which is registered in the territory of either Contracting Party and adapted and normally used for goods transport. For the purposes of this Agreement this term also applies to any trailer or semi-trailer coupled to any vehicle disregarding the place of registration of trailer or semi-trailer as well as to any combination of road vehicles.

5. "*Permit (authorisation)*" means a document authorising a carrier to perform transport operations under the framework of this Agreement.

6. "*Transit*" means transporting of passengers (without boarding or leaving) or goods (without loading or unloading) by a carrier of one of the Contracting Parties through the territory of the host country.

7. "*Quota*" means a number of permits, agreed upon by the Joint Committee, established under Article 4 of this Agreement, and annually exchanged by the competent authorities of the Contracting Parties.

8. "*Cabotage*" means carriage of passengers or goods by vehicles registered in the territory of one of the Contracting 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 country of establishment 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

Compliance with national legislation and recognition of documents

1. 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.

2. When performing transport operations under this Agreement a driver must have a valid national or international driving licence, vehicle registration documents and the distinguishing sign of the country of establishment.

Article 4

Joint Committee and competent authorities

1. For the application of the provisions of this Agreement the two Contracting Parties establish a Joint Committee formed from the delegates designated by the competent authorities of the Contracting Parties.

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

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 Georgia, Ministry of Transport.

II. PASSENGER TRANSPORT

Article 5

Authorisation

All transport operations by vehicles between the territories of the Contracting Parties and in transit through them, except those specified in Article 7.2, must have the respective authorisation issued by the competent authority of the host country.

Article 6

Regular and shuttle services

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

2. The term "*regular service*" means passenger transport along routes and according to schedules and tariffs agreed in advance and whereby passengers may

enter or exit the vehicle at predetermined stops. 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.

3. Shuttle services are services whereby, by means of repeated outward and return journeys, groups of passengers assembled in advance are carried from a single place of departure to a single place of destination.

Each group, consisting of the passengers who made the outward journey, is carried back to the place of departure on a later journey.

4. Carriers must address applications for authorisations for regular and shuttle services to the competent authority of their country of establishment. If that competent authority approves the application, it forwards to the competent authority of the host a recommendation and relevant documents.

5. The Joint Committee should:

a) establish the conditions and requirements that must be fulfilled by the applications and the list of documents to be forwarded in accordance with paragraph 4 of this Article;

b) define the concepts of place of departure and destination on shuttle services.

Article 7

Occasional services

1. Occasional services denote services falling neither within the definition of regular service nor within the definition of shuttle service provided in article 6 of this Agreement.

2. The following occasional services carried out using vehicles registered in the territory of one Contracting 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 Contracting 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 Contracting Party where they are picked up again and carried into the territory of the country of establishment;

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

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

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

4. The document shall be completed at the country of establishment and must be kept in the vehicle throughout the journey for which it has been issued, and produced on the request of any authorised control officials.

5. All other services not mentioned within articles 6 and 7.2 are subject to a permit issued by the competent authorities in accordance with national laws and regulations of the host country.

III. GOODS TRANSPORT

Article 8

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 Contracting Parties as well as in transit through them.

2. Carriers may perform goods transport between the territories of the host country and third countries only if they have previously obtained special permits issued by the competent authority of the host country.

3. 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 authorised control officials.

4. The competent authorities of both Contracting Parties shall annually exchange a jointly approved number of permits for goods transport within the limits of jointly approved quota.

Article 9

Exemption 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 when the permitted payload, including trailers, does not exceed 3,5 tonnes;

b) transport on an occasional basis, to or from airports, in cases where 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 of 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 10

Cabotage

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

Article 11

Infringements

1. In the event that a carrier or the staff on board of a vehicle registered in one Contracting 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 country of establishment may, at the demand of the competent authority of the host country, take the following measures:

- 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 Contracting Party where the infringement was committed.

2. The competent authority which has adopted such a measure 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 Contracting Party, when performing haulage of goods within the limits of quota, categories of transport mentioned in Article 9 of this Agreement and regular carriage of passengers in the host country under framework of this Agreement, shall be exempt, according to the reciprocity principle, from the taxes and charges levied on their circulation or possession of vehicles and from taxes and charges levied on transport operations carried out in the territory of the host country, if not otherwise provided for by the Joint Committee.

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;
- 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 countries must comply with the provisions of the European Agreement Concerning the International Carriage of Dangerous Goods by road (ADR).

Article 14

Weights and dimensions

1. With respect to the weights and dimensions of vehicles, each Contracting Party undertakes not to impose on vehicles registered in the territory of the other Contracting 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 countries contained in International Conventions, Agreements and Regulations which apply to them.

Article 16

Entry into force and duration

1. The Agreement shall come into force on the date of the last diplomatic note by which the Contracting Parties notify each other that their respective constitutional requirements have been fulfilled.

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

DONE in two originals at Tbilisi, on July "5", 2000, each in the Latvian, Georgian 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:

Minister of Foreign Affairs

Indulis Bērziņš

For the Government of the Republic of Georgia:

Minister of Foreign Affairs

Iraklijs Memagaršvili