

**AGREEMENT
BETWEEN THE GOVERNMENT OF
FEDERATION AND THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN
On international road transport**

(Omsk, April 15, 2003)

The Government of the Russian Federation and the Government of the Republic of Kazakhstan, hereinafter referred to as the Contracting Parties,

Desiring to develop on the basis of reciprocity, passenger and freight between the states of the Contracting Parties and the transit through their territories, and desiring to facilitate this message
Have agreed as follows:

Article 1

In accordance with this Agreement shall operate scheduled and non-scheduled transport of passengers and goods between the states of the Contracting Parties and the transit through their territories, as well as (from) third state motor vehicles registered in the Russian Federation and the Republic of Kazakhstan.

Article 2

The terms used in this Agreement are as follows:

a) "competent authorities":

in the Russian Federation - Ministry of Transport of the Russian Federation, and in the case of paragraph 1 of Article 7, paragraph 2 of Article 12 - as the Ministry of Internal Affairs of the Russian Federation;

in the Republic of Kazakhstan - Ministry of Transport and Communications of the Republic of Kazakhstan, and in paragraph 2 of Article 12 - as the Ministry of Internal Affairs of the Republic of Kazakhstan.

In case of change of the competent authorities referred to in this paragraph, the names of the new authorities communicated to the other Contracting Party through diplomatic channels;

b) "carrier" - any natural or legal person registered in the territory of one of the Contracting Parties and approval in accordance with the laws of the State towards the international transport of passengers or goods;

c) "permit" - a document granting the right to travel (there and back) of the vehicle carrier of one Contracting Party in the territory of the other Contracting Party;

g) "special resolution" - a one-time additional clearance for the passage of the state-owned carrier of one of the Contracting Parties of the vehicle with a heavyweight or bulky or dangerous goods in the territory of the other Contracting Party, as well as one-time permit to travel (there and back) of a carrier of one Contracting The sides of the vehicle from the territory of the other Contracting Party in the territory of a third State or a third country to the territory of the other Contracting Party;

d) "motor vehicle":

for freight transportation - truck, trailer truck, road tractor or road tractor with semi-trailer;

for passengers - the bus, that is a motor vehicle designed to carry passengers and having more than 9 seats, including the driver, possibly with a trailer to carry luggage;

in the possession of the carrier's property rights, or under a lease agreement or lease;

e) "border post" - passenger transport between the villages located on the border territories of the Contracting Parties. A list of locations between which the border post, is determined by the competent authorities of the Contracting Parties;

- g) "regular passenger" - passenger transportation by bus, carried out according to agreed between the competent authorities of the Contracting Parties to the route, schedules, tariffs and stopping points at which the carrier makes embarkation and disembarkation of passengers;
- h) "non-scheduled transport of passengers" - all other types of passenger buses;
- s) "health inspection" - health, veterinary and phytosanitary control.

Article 3

1. Regular passenger buses in bilateral and transit traffic are carried out on the basis of a permit issued by the competent authorities of the Contracting Parties to the section of the route that passes through the territory of the state.

The competent authorities of the Contracting Parties shall agree on the terms and duration of the permit, schedule, fares, itinerary and places of stops at which the carrier will provide embarkation and disembarkation of passengers as well as checkpoints across the state border, through which carriers will have to follow.

2. An application to organize regular passenger buses is considered by the competent authority of the Contracting Party in the territory of which the carrier is registered and sent to the competent authority of the other Contracting Party.

3. Application forms and permits are determined by the competent authorities of the Contracting Parties.

Article 4

The procedure for regular international passenger buses at the border post is determined by the competent authorities of the Contracting Parties.

Article 5

1. Non-scheduled passenger transportation in bilateral and transit traffic subject to the authorization, with the exception of transport referred to in paragraph 2 of this Article.

The competent authorities of the Contracting Parties to pass each other on the basis of an agreed number of free forms of these permits. These forms must have the signature and stamp of the competent authority which issued the permit.

2. Permits are not required for the implementation of non-scheduled passengers in the bilateral and transit traffic, if a group of passengers of the same composition is transported on the same bus at the same time:

- a) The trip begins and ends in the territory of the Contracting Party where the bus;
- b) The trip begins in the territory of the Contracting Party where the coach is registered and ends on the territory of the other Contracting Party, provided that the bus is leaving the area empty;
- c) the bus enters the territory of the other Contracting Party to take delivered earlier that carrier group of passengers.

3. When replacing a faulty bus another bus permit is also not required.

4. For non-scheduled transport of passengers, referred to in paragraph 2 of this Article, the bus driver must have a passenger list, compiled by a special form approved by the competent authorities of the Contracting Parties.

Article 6

Transport of goods between the states of the Contracting Parties or the transit through their territories, travel empty vehicles are carried out without permission, except transport bulky, heavy and dangerous goods, as well as traffic to (from) a third State.

Article 7

1. If the size, weight per axle weight of the vehicle or carrier of one Contracting Party within the established in the territory of the other Contracting Party rules, the carrier must obtain a special authorization from the competent authority of the other Contracting Party.

2. Transportation of dangerous goods on the territory of the Contracting Parties to be made in accordance with the European Agreement concerning the International Carriage of Dangerous Goods by September 30, 1957, as well as the laws of the Contracting Parties governing such transport.

If the performance of the carriage of dangerous goods in accordance with this Agreement or the European law of the Contracting Parties shall require a special permit, the carrier of one Contracting Party shall obtain it from the competent authority of the other Contracting Party prior to the implementation of transportation.

3. If mentioned in this article special permits indicate the movement of the vehicle on a certain route, transportation must take this route.

Article 8

● Carriage of goods under this Agreement are accompanied by bills of lading registration, which must conform to the requirements of the Convention on the Contract for the International Carriage of Goods by May 19, 1956.

Article 9

1. Motor vehicles of the Contracting Parties involved in international transport should have registration and decals of the state.

2. Trailers and semi-trailers may have registration decals and other countries, provided that the trucks, road tractors and buses have registration and decals of the Contracting Parties.

Article 10

● Carrier of one Contracting Party is not permitted to transport passengers and cargo between points within the territory of the other Contracting Party.

Article 11

1. Carrier of one Contracting Party may carry out transport of passengers and goods from the territory of the other Contracting Party in the territory of a third State, as well as the territory of a third country to the territory of the other Contracting Party, where he received a special authorization from the competent authority of the other Contracting Party.

2. The competent authorities of the Contracting Parties to pass each other on the basis of an agreed number of free forms of special permits for ligation to (from) a third State. These forms must have the signature and stamp of the competent authority that issued the special permit.

Article 12

1. The driver of the vehicle must have a national or international driver's license and registration papers for the national motor vehicle meeting the requirements of the Convention on Road Traffic of 8 November 1968.

2. Resolution and other documents required under the provisions of this Agreement shall be retained by the driver of the vehicle and be produced at the request of the competent regulatory authorities.

Article 13

Carriers of the Contracting Parties shall be exempt, on a reciprocal basis of the fees and charges related to the possession or use of vehicles for transportation of passengers and goods within the framework of this Agreement, use or maintenance of highways of the other Contracting Party, except charges for the use of toll roads, highways, bridges and tunnels, where such fees are chargeable on a non-discriminatory basis with vehicle transporters of the state as one or the other Contracting Party.

Article 14

1. When the traffic on the basis of this Agreement mutually exempt from customs duties, taxes and fees are imported into the territory of the other Contracting Party:

a) Fuel contained in the space provided by the manufacturer for each model of vehicle tanks, technologically and structurally related to the power supply system, as well as Fuel contained in the tanks installed by the manufacturer of trailers and semi-trailers and intended for heating or cooling systems of the vehicle;

b) lubricants in quantities required for the operation of the vehicle during transport;

c) Spare parts and tools designed to repair damaged in transit vehicle in international traffic.

2. Referred to in paragraph 1 of this Article the unused spare parts and tools shall be re-exported. Replaced parts must be re-exported or placed under the customs regime of destruction or other customs regime in accordance with the customs legislation of the Contracting Party in whose territory the customs regime change in relation to these parts.

Article 15

Transportation of passengers and freight on the basis of this Agreement shall be subject to compulsory insurance of civil liability of vehicle owners for damages caused to third parties. The carrier is obliged to advance to insure each vehicle that performs the said transport.

Article 16

With respect to the border, customs, transport and sanitation, as well as customs clearance, the provisions of international treaties to which States are Contracting Parties, and in matters not regulated by these treaties, the law of the Contracting Party in whose territory the corresponding control.

Article 17

Border, customs, transport and sanitation transportation of persons in need of urgent medical care, regular transport of passengers by bus, as well as the transport of animals, perishable and hazardous goods is carried out of the lineup.

Article 18

Carriers and crews of vehicles of the Contracting Parties are required to obey the traffic rules and laws of the State of the Contracting Party on whose territory the transit.

Article 19

1. In case of violation of the provisions of this Agreement, the competent authorities of the

Contracting Party in the territory of the state where the vehicle is registered shall be obliged, at the request of the competent authorities of the other Contracting Party in the territory of the State where the offense took place, apply one of the measures:

- a) to make a warning to the carrier;
- b) temporarily or permanently deprive the carrier's right to carry traffic in the territory of the Contracting Party where the violation.

2. The competent authorities of the Contracting Parties shall notify each other of the measures taken.

3. The provisions of this Article shall not prevent the application of sanctions against the carrier and the crew of the vehicle of the other Contracting Party, provided by the law of the state where the violation occurred.

Article 20

The Contracting Parties shall resolve all disputes that may arise in connection with the interpretation and application of the provisions of this Agreement by mutual consultations and negotiations.

Article 21

Issues not covered by this Agreement, as well as international treaties to which the Russian Federation and the Republic of Kazakhstan shall be resolved in accordance with the laws of the Contracting Parties.

Article 22

To carry out the provisions of this Agreement and solutions of disputes arising Contracting Parties shall establish a joint commission of representatives of the competent authorities of the Contracting Parties.

Article 23

This Agreement shall not affect the rights and obligations of the Contracting Parties under other international treaties to which the Russian Federation and the Republic of Kazakhstan.

Article 24

1. An integral part of this Agreement is the Protocol on the application of the Agreement between the Government of the Russian Federation and the Government of the Republic of Kazakhstan on international road transport, which is signed by both the Agreement.

2. All changes and additions to this Agreement and the Protocol, drawn up by the Contracting Parties in the form of protocols, which come into force in accordance with paragraph 1 of Article 25 of this Agreement.

Article 25

1. This Agreement shall enter into force 30 days from the date of receipt through diplomatic channels of the last written notification that the Contracting Parties of the internal procedures

necessary for its entry into force.

2. This Agreement is concluded for an indefinite period and is valid until the expiry of six months from the date on which either of the Contracting Parties through diplomatic channels to inform the other Contracting Party of its intention to terminate it.

Done at the city of Omsk April 15, 2003 in two originals, each in Russian and Kazakh languages, both texts being equally authentic.

In the event of a dispute as to the interpretation of the provisions of this Agreement, the Contracting Parties shall apply to the text in Russian.

(Signatures)

PROTOCOL
THE APPLICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT
THE RUSSIAN FEDERATION AND THE GOVERNMENT OF THE REPUBLIC
KAZAKHSTAN on international road transport

(Omsk, April 15, 2003)

As regards the application of the Agreement between the Government of the Russian Federation and the Government of the Republic of Kazakhstan on international road transport, signed in Omsk 15 April 2003 (hereinafter referred to as the Agreement), an agreement was reached on the following:

1. Pursuant to the Agreement, the competent authorities of the Contracting Parties to issue permits for regular passenger service for a period of 5 years.

2. Blank is made of a special resolution:

Russian Party - in Russian;

Party of Kazakhstan - Kazakh and Russian languages.

Forms of special permits should have serial numbers, compiled for the year, as well as the signature of the responsible persons and the press of the competent authorities of the Contracting Party issuing the permit.

3. A special permit for the transportation of dangerous, heavy or bulky cargo carrier of one Contracting Party in the carriage of these goods from the territory of the other Contracting Parties to (from) the third country does not release the said carrier from having to obtain special permission from the competent authority of the other Contracting Party in the performance of the carriage in (from) the third State.

4. The competent authorities of the Contracting Parties notify each other that the implementation of this Agreement, the changes in the legislation of the Contracting Parties relating to international road transport, tax and customs duties, state transportation for the previous year, operating modes of checkpoints across the state border and other issues aimed at improvement of transport. The above information is not a change of this Agreement.

Done at the city of Omsk April 15, 2003 in two originals, each in Russian and Kazakh

languages, both texts being equally authentic.

In the event of a dispute as to the interpretation of the provisions of this Protocol, the Contracting Parties shall apply to the text in Russian.

(Signatures)