

AGREEMENT

between the Government of the Kyrgyz Republic and the Government of the Republic of Kazakhstan on transit of commodities by motor transport through territory of the Republic of Kazakhstan

The Government of the Kyrgyz Republic and the Government of the Republic of Kazakhstan (hereinafter referred to as the Parties),

based on the Agreement on single conditions of transit through territories of the state-participants of the Customs Union of 22 January 1998,

in pursuance of provisions of the Protocol on customs control of commodities and means of transport moved between customs houses of states - participants of the Customs Union of 17 February 2000,

aspiring to speed up moving of transit commodities by motor transport on their own territories, intending to simplify international traffic, and

wishing to promote development of international trade,

have agreed as follows:

Article 1

The present Agreement is applied to commodities in transit carried by motor transport through territory of the Republic of Kazakhstan.

The present Agreement is not applied to transportation of commodities accomplished in accordance with the Customs Convention on International Road Transport of Goods with the use of the book of International Road Transport of 1975.

Article 2

The authorized bodies of the states of the Parties on realization of provisions of the present Agreement are as follows:

On behalf of Government of the Kyrgyz Republic: the Department of Customs Service of the Incomes Committee under the Ministry of Finance of the Kyrgyz Republic;

On behalf of Government of the Republic of Kazakhstan: the Customs Control Agency of the Republic of Kazakhstan.

In case of change of official names or functions of the authorized bodies of the states of the Parties, the Parties will be notified about this through diplomatic channels.

Article 3

Transit transportation of freight by motor transport through territory of the Republic of Kazakhstan should be accomplished based on shipping documentation, a document guaranteeing payment of customs payments and taxes in the Kyrgyz Republic, and a document of the consignment delivery control.

The document guaranteeing payment of customs payments and taxes in the Kyrgyz Republic is issued to the carrier by Customs House of the Kyrgyz Republic.

The document of the consignment delivery control is filled in by officials of Customs Houses of the Republic of Kazakhstan in the order stipulated by customs legislation of the Republic of Kazakhstan, and is recognized by the Parties as a document confirming delivery of the consignment to the Customs House of destination.

Article 4

Transportation of commodities according to the present Agreement under the customs control by motor transport through territory of the Republic of Kazakhstan is accomplished without application of measures of guarantee of delivery of commodities and means of transport stipulated by customs legislation of the Republic of Kazakhstan.

Article 5

Transportation of commodities by motor transport through territory of the Republic of Kazakhstan is accomplished in entry points defined by regulations of national legislations of the states of the Parties.

Article 6

Provisions of the present Agreement are not applied to freight, which transit through territory of the Republic of Kazakhstan is accomplished only if requirements introduced by Government of the Republic of Kazakhstan concerning safety of goods and measures in the field of export quotas are observed, as well as requirements to guarantee payment of customs duties and taxes.

Article 7

The authorized bodies of the Parties will exchange monthly information on goods and means of transport moved under the customs control in accordance with the present Agreement.

Article 8

In case of confirmation of the fact of non-delivery of the freight to the customs house of destination the Kyrgyz Party is obliged to guarantee reimbursement of damage to the Kazakhstan Party within 30 days.

The Kazakhstan Party, in order to receive reimbursement because of non-delivery of the freight, should produce to the Kyrgyz Party a written notice to pay due customs duties and taxes accompanied with description of their types, rates and sums.

Calculation of the sums of due customs duties and taxes, in a case of non-delivery of the freight by motor transport up to the customs house of destination, is accomplished in accordance with national legislation of the Republic of Kazakhstan.

Article 9

In case of non-delivery of the freight by motor transport to the customs house of destination, the Parties are obliged to conduct investigations of such facts, and notice in writing of results of investigation of the Party, in which territory the fact of non-delivery of the freight was revealed.

Be mutually agreed by the Parties, to investigate the facts of non-delivery of goods by motor transport joint working groups of representatives of customs houses of the Parties may be formed.

Article 10

By mutual agreement of the Parties, the present Agreement may be amended with modifications and additions, which should be stated in separate Protocols being integral parts of the present Agreement.

The Agreement is enacted temporarily of the date of signing and takes effect of the date of receiving of the last notice in writing of the Parties about fulfilment intra-state procedures necessary to bring the present Agreement into effect.

The present Agreement is concluded for uncertain term and will remain in effect before expiration of six months of the date of when one of the Parties will receive the notice in writing of other Party of its intent to terminate the Agreement.

The Agreement is concluded in city Bishkek, on March 26, 2004 in two original copies, each in Kazakh, Kyrgyz and Russian languages, and all texts are equally authentic.

In case of disagreements in interpretation and application of provisions of the present Agreement, the Party will address to the text in Russian.

On behalf of the Government
of the Kyrgyz Republic
/signature/

On behalf of the Government
of the Republic of Kazakhstan
/signature/