

**Agreement between the Government of the Republic of Kazakhstan
and the Government of the Republic of Tajikistan on International Road Transport**

(entered into force on 28 December 2006)

The Government of the Republic of Kazakhstan and the Government of the Republic of Tajikistan, hereinafter referred to as the Parties,

guided by the necessity to develop further the cooperation between the states of the Parties in the field of international road transport,

aspiring to facilitate international road transport between two states and transit through their territories,

have agreed as follows:

Article 1

The present Agreement is applied to transport of passengers and goods between the states of the Parties and transit transport through their territories as well as to (from) third states by vehicles registered in state one of the Parties.

Article 2

For the purposes of this Agreement:

a) "competent authorities" shall refer to:

- on behalf of Kazakhstan – Ministry of transport and communications of the Republic of Kazakhstan, with respect to the Articles 6, 10 and 15 – jointly with the Ministry of Internal Affairs of the republic of Kazakhstan, with respect to the Articles 11 and 12 – jointly with the Ministry of Finance of the Republic of Kazakhstan.

- on behalf of Tajikistan – Ministry of Transport of the Republic of Tajikistan, with respect to the Articles 6, 7, 8, 10 and 15 – jointly with the Ministry of Internal Affairs of the Republic of Tajikistan.

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

b) "carrier" shall refer to a natural or juristic person registered in the territory of state of one of the Parties and permitted in accordance with national legislation of that Party to perform international road transport of passengers or goods;

c) “vehicle” shall refer to:

in case of transport of goods – truck, truck with trailer, motor tractor and motor tractor with semi-trailer;

in case of transport of passengers – bus, i.e. motorized vehicle designed for carrying passengers with more than nine seats including the driver's seat, including luggage trailer, which is in disposition of a carrier on a right of ownership or on the basis of rental or leasing contract;

d) “permit” shall refer to a document issued by the competent authority of state of one of the Parties which gives a vehicle registered in the territory of state of one of the Parties the right to transport in the territory of state of another Party;

e) “regular transport of passengers” shall refer to transport of passengers by a bus which is carried out on routes, timetable, tariffs and stops for boarding and disembarkation of passengers agreed with the competent authorities of states of the Parties.

f) “irregular transport of passengers” shall refer to transport of passengers by a bus which does not correspond with the definition of “scheduled transport of passengers”.

Article 3

1. Regular bilateral or transit transport of passengers by buses shall be carried out on the basis of permits issued by the competent authorities of states of the Parties for the route sections situated in the territories of their states.

The competent authorities shall agree in written the terms and validity of permits, timetable, tariffs, and route map with indication of bus-stops for boarding and disembarkation of passengers, as well as state border crossings between states of the Parties.

2. Applications for a permit granting the right to carry out regular transport of passengers by buses on the prescribed routes shall be submitted to the competent authorities of states of the Parties.

3. Content, form of application and permit shall be determined by the competent authorities of states of the Parties.

Article 4

1. Permits shall be required for irregular bilateral and transit transport of passengers by buses registered in the territory of states of the Parties with the exception of cases indicated in paragraphs 2 and 3 of this Article.

2. No permits shall be required for irregular bilateral and transit transport of passengers by buses in case of transport of the same group of passengers by the same bus and:

a) the transport starts and ends in the territory of state of the Party where the bus is registered;

b) the transport starts on the territory of state of the Party where the bus is registered and ends on the territory of state of another Party on condition that the bus shall leave this territory being empty.

3. No permits shall be also required:

a) for entry of empty buses with purpose of return transport by the same carrier of the group of passengers from the point on the territory of state of another Party, where this group was previously transported (the case specified in sub-paragraph “b” of paragraph 2), to the start point.

b) in case of replacement of a damaged bus by another.

4. In case of irregular transport of passengers specified in paragraph 2 and sub-paragraph “a” of paragraph 3 of this Article, driver of a bus must have the list of passengers made in special form approved by the competent administrations of states of the Parties.

Article 5

No permit shall be required for transport of goods between the states of the Parties or transit transport through their territories as well as transport to (from) third states.

Article 6

1. Road transport under this Agreement may be carried out only by the carriers permitted to undertake international road transport in accordance with their national legislation.

2. Vehicles used in international road transport should have registration and specific signs of their states. Trailers and semi-trailers may have registration and specific signs of other states on condition that trucks and motor tractors have registration and specific signs accordingly of the Republic of Kazakhstan or the Republic of Tajikistan.

Article 7

In cases when vehicle’s dimensions or weight or axle load exceed values established for the territory of the other Party (heavyweight and large dimension), a carrier should receive a special permit from the competent authorities of the other Party.

Article 8

Transport of dangerous goods shall be carried out under condition of fulfilment of all requirements of international treaties joined by the Parties, as well as national legislation of states of the Parties.

Article 9

A carrier of state of one Party shall not be permitted to undertake transport of passengers and goods between points situated on the territory of state of another Party.

Article 10

1. Drivers shall be in possession of a national or international driver's license for the relevant to type of vehicle they drive, as well as national vehicle registration documents.

2. Permit and other documents required under the provisions of this Agreement shall accompany the driver of the vehicle and be presented upon request of the competent authorities of states of the Parties.

Article 11

Transport of passengers and goods under this Agreement undertaken by carriers of state of one of the Parties on the territory of state of another Party, as well as vehicles used for this transport, shall be exempted from taxes and duties related to use or maintenance of roads, ownership or use of vehicles, excluding charges for use of toll roads, bridges and tunnels if such payments prescribed (including from carriers of state of this Party).

Article 12

1. During transportation under this Agreement the following items carried to the territory of another Party shall be mutually exempted from Customs duties and taxes:

a) fuel in main tanks installed for a relevant type of vehicle that are technologically and structurally connected to the engine's fuel system, as well as additional fuel in quantity of two hundred litres for each cooling or other equipment of tracks or special containers;

b) lubricants in quantity necessary for transportation;

c) temporarily imported units, spare parts and tools necessary to repair a vehicle damaged during international road transport.

2. Unused spare parts and tools shall have to be re-exported, and replaced spare parts shall have to be re-exported or converted to another Customs regime as required by national legislation of state of the Party in the territory of which the converting to another Customs regime is carried out.

Article 13

Transport of passengers and goods under this Agreement shall be carried out under condition of obligatory third party liability insurance for damage inflicted on third parties.

The carrier must insure each vehicle used in international road transport in advance.

Article 14

Border, sanitary and customs controls shall be carried out without waiting during transportation of persons in need of emergency medical assistance, regular transport of passengers, as well as transportation of animals and perishable goods.

Article 15

1. Carriers of states of the Parties shall be obliged to adhere to the provisions of this Agreement as well as to national legislation, including traffic rules of state of the Party on the territory of which the vehicle is located.

2. In case of violation of any provisions of this Agreement on the territory of state of one of the Parties, the competent authority of state of the Party, where the vehicle is registered, upon request of the competent authority of state of another Party shall carry out all relevant measures to provide abidance of the Agreement.

3. Provisions of this Agreement shall not exempt application of sanctions against the carriers of state of the Parties in accordance with the national legislation of state of the Party on the territory of which a violation is happened.

Article 16

Issues not covered by this Agreement and international treaties joined by both Parties shall be solved in accordance with the national legislation of state of each Party.

Article 17

1. For implementation of this Agreement the competent administrations of states of the Parties shall exchange information on all amendments in the national legislation of their states affecting to realization of this Agreement.

2. Disputes between the Parties with regard to interpretation or implementation of this Agreement shall be resolved by way of negotiations and consultations.

Article 18

The Parties shall hold meetings on the level of competent administrations for implementation of this Agreement and handling the issues in the field of international road transport.

The meetings shall be held on the territories of states of the Parties on rotation basis upon proposal of one of the Parties which shall be sent through diplomatic channels one month in advance. Each Party shall individually bear the costs related to implementation of this Agreement.

Article 19

By mutual consent of the Parties, amendments and additions to this Agreement may be done by way of separate protocols, which shall constitute an integral part of this Agreement and enter into force in order specified in Article 21 of this Agreement.

Article 20

This Agreement shall not affect the rights and obligations of the Parties under other international agreements they concluded.

Article 21

1. This Agreement shall enter into force from the date of receipt of the last written notification on completion by the Parties of domestic procedures necessary for its entry into force.

2. This Agreement shall be concluded for unlimited period of time and continue to be in force six months after one of the Parties has informed another Party in writing on its intention to terminate the Agreement.

Done in Astana on 4 May 2006 in two original copies in Kazakh, Tajik and Russian languages each, all texts being equally authentic.

In case of disputes with regard to interpretation of the provisions of this Agreement, the Parties shall refer to the text on Russian language.

For the Government
of the Republic of Kazakhstan

For the Government
of the Republic of Tajikistan