

Transit and Transport Cooperation Agreement (Lapis Lazuli Route Agreement)

Preamble

The Islamic Republic of Afghanistan, the Republic of Azerbaijan, Georgia, the Republic of Turkey and Turkmenistan hereinafter referred to as "the Contracting Parties",

Recognizing the full benefits of an integrated transit and transport system of the Contracting Parties in the region,

Reaffirming the commitment to ensure smooth movement of goods and passengers through the territories of the Contracting Parties,

Desiring to improve intraregional connectivity, in particular the smooth flow of traffic in transit between the Contracting Parties by simplifying procedures on transport, customs and border crossing, and

Noting the Contracting Parties' membership in various international organizations and participation in international treaties,

Have agreed as follows:

PART I GENERAL PROVISIONS

Article 1 Purposes and Objectives

The main purposes and objectives of this Agreement are as follows:

- a) to facilitate smooth movement of goods, passengers, and means of transport through the territories of the Contracting Parties and to provide all necessary assistance to the traffic in transit according to the provisions of this Agreement;
- b) to ensure the safety of goods, passengers, and means of transport through the territories of the Contracting Parties;
- c) to simplify necessary administrative arrangements and procedures dealing with traffic in transit using advanced technologies where necessary;
- d) to take necessary measures to increase the competitiveness of this route.

Article 2 Definitions

For the purpose of this Agreement:

- a) "Customs control" - measures taken by the customs authorities of the Parties, in order to ensure the compliance with the customs legislation;

b) "Dangerous goods" - goods which are capable of posing a significant risk to health and environment, security (including state and public security), safety and property when being transported or kept in storage etc.;

c) "Traffic in transit" - the transportation of goods or the movement of passengers (including unaccompanied baggage) or the movement of unladen means of transport across the territory of a Contracting Party without loading and unloading, warehousing, breaking bulk, with or without change in the mode of transport, subject, that is only a portion of a complete journey which begins and ends beyond the borders of the Contracting Party across whose territory the traffic passes;

d) "Permit" - a document issued by the competent authorities of one of the Contracting Parties, allowing to enter-exit or pass in transit through the state territory of the Contracting Party which issued this permit by the motor vehicle registered in the state territory of the other Contracting Party;

e) "Means of transport"- any transport mean used for movement of passengers, goods and luggage;

f) "National legislation" - the entire body of legal acts in force in the territory of a Contracting Party;

g) "Multimodal transport" - combination of two or more modes of transport means;

h) "Motor Vehicle" - a self - propelled transport vehicle which, by virtue of its construction, is intended for the carriage of goods or passengers by road or for pulling a trailer/semi trailer without a motor intended for the carriage of goods;

i) "A passenger" - any natural person travelling en route.

Article 3

Scope of the Agreement

Provisions of this Agreement shall apply to all traffic in transit, which begins, proceeds or ends in the territory of Contracting Party.

Article 4

Application of the Agreement

Any Contracting Party shall refrain from any unilateral actions resulting in taking advantages of the present Agreement with respect to third countries and/or violating state sovereignty and territorial integrity of other Contracting Party.

PART II FACILITIES FOR TRANSIT

Article 5 Infrastructure Facilities

The Contracting Parties shall take adequate measures in order to provide facilities needed for road, railway, civil aviation, inland waterway/maritime transport as well as multimodal transport such as combined transport terminals, border crossing points, gauge interchange stations, ferry-lines, ports, navigation aids and information technology.

Article 6 Multimodal Transport

Multimodal transport operations shall be based on existing internationally recognized documentations and procedures as well as international instruments and administrative practices agreed by the Contracting Parties. The Contracting Parties will take measures to simplify administrative procedures, practices and transportation documents and to facilitate multimodal transport.

Article 7 Safety of Traffic in Transit

a) The Contracting Parties shall take all necessary measures for the safety of transportation and environmental protection along transit routes.

b) The means of transport of the Contracting Party engaged in international transportation shall be in compliance with technical conditions for environmental protection and transportation safety in accordance with its national legislation.

c) The Contracting Parties shall provide all possible assistance in the event of traffic accidents in their territories involving transit vehicles especially when passengers, dangerous goods and perishable foodstuffs are involved.

Article 8 Visa

a) The Contracting Parties agree to grant relevant visas, in accordance with national legislation, to drivers of the vehicles and persons engaged in international transport operations who are subject to visa requirements.

b) For this purpose, the simplification procedures on granting visas will be agreed in a separate protocol adopted by the Contracting Parties constituting the integral part of this Agreement.

Article 9

Road Vehicle Permit

The Contracting Parties may consider the establishment of a system of special road permits for facilitation of road transportation without prejudice to the existing bilateral agreements.

Article 10

Mutual Cooperation

The Contracting Parties shall endeavor to cooperate in the following areas:

- a) Mutual recognition of certificate of road worthiness and driving licenses;
- b) Technical certification of vehicles by the countries of registration, application of single window and other intelligent electronic transportation systems;
- c) Exchange of relevant information.

Article 11

Ports and Port Facilities

Each Contracting Party shall accord to the vessels flying under the flag of the other Contracting Parties the same treatment as it accords to its own vessels engaged in international maritime transport, in respect of free access to ports open for international navigation, allocation of berths and use of port facilities for loading and unloading cargoes, transshipment, embarking and disembarking of passengers, use of services intended for navigation.

For using the services of dry ports, each Contracting Party shall apply its national legislation.

Article 12

Railway Facilities

a) The Contracting Parties shall transport in their respective areas of responsibility with the transport document in conformity with the governing international agreements in carriage of goods and passengers.

b) For smooth railway transportation, related procedures including liabilities for lost or damaged goods may be regulated in a separate protocol adopted by the Contracting Parties constitutes the integral part of this Agreement.

PART III CUSTOMS RELATED ISSUES

Article 13 Customs Duties and Taxes

- a) Goods in transit shall be exempted from customs duties and taxes.
- b) Vehicles carrying out transportation in accordance with this Agreement and their standard spare parts assigned for their operation shall be mutually exempted from customs duties and taxes, with the exception of road taxes, fees for usage of transport infrastructure, levied on the circulation or possession of the vehicles, as well as any other charges that may be applied by customs authorities, including for non-compliance with the prescribed time limit and route requirements in course of a transit operation.
- c) Standard spare parts required for the repair of a vehicle already imported shall be admitted temporarily under a temporary importation title without payment of import duties and other taxes, and free of import prohibitions and restrictions. Replaced parts shall be subject to customs clearance and re-exportation.
- d) Exemptions referred to in paragraph "a" of this Article shall not be applied to the charges rendered for specific services provided according to the national legislation of the Contracting Parties.

Article 14 Customs Transit System

- a) The Contracting Parties shall apply in their territories relevant international conventions and agreements to which they are parties, for the purpose of facilitating the movement of goods.
- b) The Contracting Parties, which are already parties to the Customs Convention on the International Transport of Goods under cover of TIR Carnets (TIR Convention 1975), will apply the provisions of that Convention amongst themselves.

Article 15 Simplification of Customs Procedures

- a) The Contracting Parties will take measures to simplify the Customs control mechanism for all means of transport carrying goods and passengers passing through their territories in accordance with the provisions of this agreement.
- b) The Contracting Parties agree:

b.a) That all cargo to be transited through their territory will be transported in the means of transport adequately sealed or provided with other types of customs security measures, reflecting the results of customs control and clearance;

b.b) To ensure that the requirements, in accordance with their national legislation of Parties, are met for transportation of bulk, overweight or oversize cargo, which cannot be placed in sealed means of transport sufficiently secured for customs control purposes;

b.c) To carry out customs controls based on the national legislation under the risk analysis methods, without prejudice to the controls they will be conducting within the framework of their obligations arising from international conventions and agreements, to which they are parties;

b.d) To encourage cooperative and coordinating arrangements between Customs services of the Contracting Parties in order to ensure fast Customs clearance with minimum delay to traffic in transit;

b.e) To be guided, whenever possible, by the standards and recommended practices of the International Convention on the Simplification and Harmonization of Customs Procedures (Revised Kyoto Convention, 1999);

b.f) To authorize the temporary importation of containers without the payment of duties and taxes subject to re-exportation and other conditions laid down in the Customs Convention on Containers (Geneva, 1972).

PART IV MISCELLANEOUS PROVISIONS

Article 16 Joint Consultative Group (JCG)

a) For the purpose of implementation and follow up of this Agreement, the Contracting Parties agree to set up a JCG, composed of the authorized representatives of the Contracting Parties.

b) The JCG shall conduct regular consultations at least once a year and whenever necessary at the high level upon the agreement of the Contracting Parties.

Article 17 International Treaties

The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international treaties to which they are parties.

Article 18

Dispute Settlement

Any dispute arising from the interpretation or implementation of this Agreement shall be settled through consultations provided in Article 16 of this Agreement.

Article 19

Accession

Any State may become a Contracting Party to this Agreement through accession with the unanimous consent of the Contracting Parties.

Article 20

Entry into Force

a) This Agreement shall enter into force thirty (30) days after the date of the receipt through diplomatic channels by the Depository of the last written notification about the completion of internal procedures of the Contracting Parties required for its entry into force.

b) The Government of the Islamic Republic of Afghanistan shall be the Depository of this Agreement.

c) If two or more Contracting Parties so agree, the Agreement, where possible, may apply between those Contracting Parties, which have notified the Depository about the completion of internal procedures in accordance with the present Article.

d) For the acceding State, this Agreement shall enter into force thirty (30) days after the date of the receipt by the Depository through diplomatic channels of the written notification of that State about the completion of its internal procedures required for entry into force of this Agreement.

Article 21

Amendments and Additions

Amendments and additions may be introduced to the Agreement upon the written consent of all Contracting Parties, which shall be formed as a separate document and shall enter into force in accordance with Article 20 of this Agreement. The documents formed thereby, shall constitute an integral part of this Agreement.

Article 22

Duration and Withdrawal

a) This Agreement shall be concluded for indefinite period of time.

b) Each Contracting Party may at any time withdraw from this Agreement by sending the written notification to the Depository through diplomatic channels. The withdrawal shall only take effect six (6) months after the receipt of such written notification by the Depository.

c) Withdrawal of a Contracting Party shall not affect any ongoing project in scope of the Agreement.

Article 23 Notification

The Government of the Islamic Republic of Afghanistan, acting as Depository of the present Agreement, shall notify the Contracting Parties of:

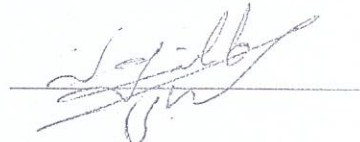
- a) the deposit of any instrument of ratification, acceptance, approval or accession;
- b) any date of entry into force of this Agreement in accordance with Article 20;
- c) any amendment adopted in accordance with Article 21 and the date on which such an amendment enters into force;
- d) any withdrawal in pursuance of the provisions of Article 22;
- e) any other act, notification or communication relating to this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have affixed their signature hereunder on the dates indicated.


Signed in Ashgabat on 15 November 2017, in a single original copy in Dari and Pashtu, Azerbaijani, Georgian, Turkish, Turkmen and English languages, all texts being equally authentic. In case of divergence, the English text shall prevail.

The Depository shall send certified copies of this Agreement to the Contracting Parties.

For the Islamic Republic of Afghanistan



For the Republic of Azerbaijan



For Georgia



For the Republic of Turkey



For Turkmenistan

