

AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN
AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA ON
INTERNATIONAL ROAD TRANSPORT OF PASSENGERS AND GOODS

The Government of the Republic of Estonia and the Government of the Republic of Tajikistan, hereinafter referred to as “the Contracting Parties”;

Developing trade and economic relations between the two countries;

Considering the importance to protect the environment and to ensure traffic safety;

Guided by the intention to develop cooperation in the field of international road transport;

Have agreed as follows:

I. SCOPE

Article 1

1. The provisions of this Agreement shall apply to the international road transport of passengers and goods between the states of the Contracting Parties and in transit through their territories as well as to/from the third countries, performed by carriers and vehicles registered in the territory of the state of one of the Contracting Parties.

2. This Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international agreements, to which their states are parties.

II. DEFINITIONS

Article 2

For the purposes of this Agreement:

1. “**Carrier**” means any natural or legal person registered in the territory of the state of one of the Contracting Parties and authorized to perform international road transport in accordance with the national legislation of the country of registration.

2. “**Vehicle**” means a motor vehicle:

for passenger transportation – a bus, designed for the transport of passengers that has more than 9 seats, including driver's seat,

for goods transportation – a motor vehicle, designed for the transport of goods, including truck, truck with a trailer, road tractor or road tractor with semi-trailer.

3. “**Regular passenger transportation**” means passenger transportation by bus, carried out in accordance with routes, schedules, tariffs (rates) and stations where passenger can board and disembark the bus, approved in advance between the competent authorities of the states of the Contracting Parties.

4. “**Occasional passenger transportation**” means all other passenger

transportation by buses that do not come within the term “regular passenger transportation.

5. **“Permit”** means a document issued by the competent authority of the state of the Contracting Party, granting the vehicle, registered in the territory of the other Contracting Party the right to perform international road transport in its territory.

6. **“Transit”** means passengers and goods transportation through the territory of the state of the Contracting Party when the points of departure and destination are outside the territory of the state of that Contracting Party.

7. **“Transportation to/from third countries”** – means a goods transportation by motor vehicle of a carrier registered in the territory of the state of one Contracting Party, between two points, one of which is located in the territory of the state of the other Contracting Party, and the other is located – in the territory of a third state, being non-party to this Agreement.

8. **“Dangerous goods”** mean substances, materials, products and wastes, which, due to their characteristics and features in presence of certain factors, during transportation, loading or unloading process may cause explosion, fire or damage to carried goods, technical facilities, equipment, buildings, constructions and other objects, as well as damage to human health, life and environment.

III. PASSENGER TRANSPORTATION

Article 3

1. Regular passenger transportation shall be organized based on a system of authorizations issued by the competent authorities of the Contracting Parties and, if necessary, of the transit countries.

2. Regular passenger transportation between the states of Contracting Parties or in transit through their territories shall be performed on the basis of authorization given by the competent authorities of the states of the Contracting Parties for the section of a route which passes through the territory of their state.

3. The authorization application should be made to the competent authority in the country of establishment of the carrier and shall contain the following data:

- a) name of the carrier;
- b) route;
- c) schedule of transportation and tariffs;
- d) planned period and regularity of transportations to be performed;
- e) stopping points where passengers can board and disembark the bus and points of border crossings,
- f) the joint contract, if the service is provided jointly by several carriers.

4. If the competent authority approves the authorization application, the approved application is communicated to the competent authority of the other Contracting Party.

5. The decision to grant or refuse an authorization should be taken by the

competent authority of the other Contracting Party within a period of two months.

6. If the competent authority of the other Contracting Party approves the authorization application, the competent authority of the country of establishment of a carrier communicates the approved application also to the competent authorities of the transit countries, if needed.

7. The authorizations from the competent authorities of the Contracting Parties and, if needed, from the transit countries, for providing regular passenger transportation on the sections of the route that passes through the territory of their state shall be delivered to the carrier by the competent authority of the country of establishment of the carrier.

Article 4

1. Occasional passenger transportation between the states of the Contracting Parties or in transit through their territories, except for transportation provided for in Article 5 of this Agreement, shall be carried out on the basis of a permit issued by the competent authorities of the Contracting Parties.

2. The competent authorities of the states of the Contracting Parties shall issue a permit for the section of the route that passes through the territories of their countries.

3. A separate permit shall be issued for each occasional passenger transportation, which grants the right to perform a one round-trip, unless otherwise stipulated in the permit itself.

4. Permits for transportation of passengers are personal and not transferable to other carriers or third parties.

5. The competent authorities of the states of the Contracting Parties shall agree the procedure for permits exchange.

Article 5

1. The permit specified in article 4 of this Agreement is not required for performance of occasional passenger transportation in the following cases:

a) if the group of passengers in the same composition is transported by the same bus throughout all trip and at the same time:

the trip begins and comes to an end in the territory of the state of the Contracting Party where the bus is registered;

the trip begins in the territory of the state of Contracting Party where the bus is registered, and comes to an end in the territory of the state of other Contracting Party provided that the bus leaves the territory of the state of this other Contracting Party being empty; or

the empty bus enters the territory of the state of other Contracting Party to take away the group of passengers brought in earlier by the same carrier;

b) in case of replacing the broken-down bus by another bus.

2. During performance of transportation provided by subparagraph a of paragraph 1 of this Article, the bus driver shall have the list of passengers in the form agreed by the competent authorities of the states of the Contracting Parties.

IV. GOODS TRANSPORTATION

Article 6

1. Goods transportation between the states of the Contracting Parties, in transit through their territories, as well as to/from third countries, except for transportation provided for in Article 7 of this Agreement shall be carried out by vehicles in accordance with permits issued by the competent authorities of the states of the Contracting Parties.

2. A separate permit shall be issued for each vehicle. Each such permit grants the right to perform one round-trip transportation. Permits submitted within the current year shall be valid until the 31st of January of the next year. Permit shall also be required for empty run (deadheading).

3. Permits for transportation of goods are personal and not transferable to other carriers or third parties.

4. The competent authorities of the states of the Contracting Parties annually exchange the mutually agreed quantity of permits for goods transportation. Permits must bear a stamp of the competent authority of the state of the Contracting Party and the signature of a person issuing this permit. On the request of one of the Contracting Parties, additional exchange of permits may be performed.

5. The competent authorities of the states of the Contracting Parties shall agree on the procedure of permits exchange.

Article 7

1. Permits are not required for the following transportation:

- a) movable properties during resettlement;
- b) materials and objects including art works intended for fairs and exhibitions;
- c) vehicles, live animals, as well as various equipment and belongings intended for sporting events and circus performances;
- d) theatrical decorations and requisites, musical instruments, materials and objects used for radio broadcasting recordings, film and TV shootings;
- e) remains or ashes of the dead;
- f) transportation for the purposes of humanitarian and medical aid, rescue operation in response to natural disasters;
- g) transportation by vehicle with a total laden weight which, including trailer, does not exceed 6 tons or with a carrying capacity which, including trailer does not exceed 3,5 tons;
- h) postal consignments.

2. A permit is also not required for the passage of a technical assistance vehicle intended for repair or towing of broken-down vehicles.

V. GENERAL PROVISIONS

Article 8

1. Transportation under this Agreement shall be performed on roads open to international road traffic, through the designated check points on the state border of each of the Contracting Parties.

2. Vehicles performing international road transport must have registration plates and signs of their state of registration. Trailers and semi-trailers may have registration plates and signs of other countries if trucks or road tractors have registration plates and signs of the states of the Contracting Parties.

3. Carriers are not allowed to transport passengers or goods between the two points within the territory of the state of the other Contracting Party.

Article 9

1. The drivers of vehicles of the states of the Contracting Parties shall have national or international driving licenses, corresponding to the category of their vehicles, and national registration documents for a vehicle.

2. National or international driving license and national registration documents for a vehicle must comply with requirements established by the Convention on Road Traffic, done at Vienna on 8 November 1968.

3. Permits and other documents required under the provisions of this Agreement shall be on board of the vehicle that they relate to, and shall be presented upon request of the control authorities of the states of the Contracting Parties.

Article 10

1. The carrier must obtain a special permission of the competent authority of the state of the other Contracting Party in accordance with the national legislation of that state when dimensions or weight parameters of a vehicle, following without or with cargo exceed the limits established in the territory of the state of that Contracting Party.

2. The transportation must be carried out only in accordance with the requirements specified in the special permission.

Article 11

1. Vehicles carrying dangerous or perishable goods must be fitted out and equipped in accordance with the requirements of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for Such Carriage (ATP Agreement).

2. Equipment used to monitor crew driving and rest time on vehicles must comply with the provisions of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR Agreement).

3. The Contracting Parties undertake to promote, within the framework of this Agreement, the use of vehicles meeting stringent safety and emission standards.

Article 12

1. Carriers of the state of one of the Contracting Parties carrying out transport operations on the territory of the state of the other Contracting Party in accordance with this Agreement will be exempted on the basis of reciprocity from fees, charges and taxes levied in that territory for the use and possession of vehicles as well as for performance of transport operations in accordance with the national legislation in force on the territory of the state of that other Contracting Party.

2. This exemption does not apply to the payment of fees and charges for the use of roads, bridges and tunnels as well as for the fees and charges for vehicle's weight, dimensions and load capacity exceeding the limits established by the national legislation of the states of the Contracting Parties.

Article 13

During a carriage in accordance with this Agreement the following items imported into or exported from the territory of the states of the Contracting Parties shall be mutually exempted from custom duties, taxes, and charges:

a) fuel contained in the fuel tanks provided by the manufacturer for the respective vehicle model and technologically and structurally integrated with the fuel supply system of the engine, as well as fuel contained in the fuel tanks of trailers and semi-trailers installed by the manufacturer which serves for operation of heating/cooling equipment of this vehicle; and

b) lubricants in quantities necessary for usage during transport operation.

Article 14

Border, customs and sanitary control shall be carried out according to international agreements, in which the Contracting Parties are party to. In cases not regulated by these agreements, the national legislation of the states of each Contracting Party shall apply.

Article 15

The carriers and crews of the vehicles of the states of the Contracting Parties are obliged to follow the traffic regulations and national legislation of the state of the Contracting Party in which territory the vehicle is located.

Article 16

1. In case of a violation by a carrier or its drivers of the provisions of this Agreement, the competent authority of the Contracting Party in which territory the violation occurred shall notify the other Contracting Party about violation, who will

take such steps as are provided for by its national legislation.

2. The competent authorities of the states of the Contracting Parties shall inform each other on measures taken against the carrier that committed violation.

3. Provisions of this Article do not prevent the application to the carrier of the other Contracting Party of sanctions provided by the legislation of the state in which territory the violation has occurred.

VI. JOINT COMMITTEE

Article 17

1. In order to ensure proper implementation of the provisions of this Agreement and prompt resolution of disputes that may arise in course of its application that cannot be solved through direct contacts between the competent authorities of the states of the Contracting Parties, a Joint Committee shall be established.

2. A Joint Committee from the representatives of the authorized bodies of the Contracting Parties, shall be convened, upon the request of one of the Contracting Parties, alternately in the territory of each of them.

3. The Joint Committee may adopt recommendations on supplementing and amending the articles of this Agreement.

Article 18

1. The competent authorities for the implementation of the provisions of this Agreement are:

for the Republic of Tajikistan - the Ministry of Transport of the Republic of Tajikistan,

for the Republic of Estonia - the Ministry of Climate of the Republic of Estonia; in respect of Article 3 – the Ministry of Regional Affairs and Agriculture of the Republic of Estonia.

2. In case of change of the official names and functions of the competent authorities of the Contracting Parties, the Contracting Parties shall promptly notify each other through diplomatic channels.

Article 19

Any disputes arising from interpretation or application of the provisions of this Agreement shall be resolved by the Contracting Parties through consultations and negotiations.

VII. FINAL PROVISIONS

Article 20

The alterations and amendments to this Agreement shall be made by the mutual consent of the Contracting Parties through separate protocols, which shall form integral parts of this Agreement and shall enter into force as provided in Article 21 of this

Agreement.

Article 21

1. This Agreement shall enter into force after expiration of thirty (30) days from the date of receipt through diplomatic channels of the last written notification by the Contracting Parties about completion of their internal state procedures necessary for the entry into force of this Agreement.

2. This Agreement is concluded for an indefinite period and shall be valid until the expiry of six months from the date of receipt by one of the Contracting Parties of a written notification of the other Contracting Party of its intention to terminate this Agreement.

Done at _____ on « ____ » _____ 202__, in two originals, each in Tajik, Estonian and English languages, all texts being equally authentic. In case of divergence of interpretation of provisions of this Agreement, the English text shall prevail.

**FOR THE GOVERNMENT OF THE
REPUBLIC OF TAJIKISTAN**

**FOR THE GOVERNMENT OF THE
REPUBLIC OF ESTONIA**