

## **AGREEMENT**

### **Between the Government of the Republic of Armenia and the Government of Romania on international combined transport**

The Government of the Republic of Armenia and the Government of Romania, hereafter referred to as "Contracting Parties",

Being aware that the international transport of goods is essential for the commercial exchanges between their countries,

Realising that due to ecological reasons, economic effectiveness of the medium and long distance transport, for a reduced consumption of energy, for the transport safety, and because of the limited capacity of the road transport infrastructure, a modern forwarding system has to be established, in order to create an alternative for the road transport, which alternative is acceptable both from economic and ecological point of view,

Convinced that the combined transport offers a great option for solving the problems of the international transport of goods,

Agreed under the following terms and conditions on the international combined transport:

#### **Article 1 Field of applicability**

The provisions of this Agreement are to be applied to the combined transport during which:

1. The transport unit uses a road and rail/inland waterway/maritime route on the State's territory of one of the Contracting Parties, and the road transport section is carried out by a vehicle registered in the State's territory of that Contracting Party.
2. The transport unit is forwarded from, convey in transit, or has its destination on the State's territory of one of the Contracting Parties.

#### **Article 2 Definitions**

For the purpose of this Agreement:

- a. the term "intermodal transport of goods" means the movement of goods in one and the same loading unit, wagon or vehicle, which uses successively, several modes of transport without handling of the goods themselves in changing modes.
- b. the term "international combined transport of goods" means the intermodal transport of goods where the major part of the journey is by rail or water and any initial or final leg carried out by road is as short as possible.

c. the term "road vehicle" means any mean of road transport which is mechanically propelled, constructed and used for the carrying of goods, and is registered in the territory of one of the two countries. There is also considered as a road vehicle the ensemble made up of a lorry, a tractor and a trailer or semi-trailer, the lorry or the tractor being registered in the State's territory of one of the Contracting Parties.

d. the term "transport unit" means transport equipment which could be a road vehicle, a trailer or a semi-trailer without a tractor, as well as the intermodal transport units.

e. the term "intermodal transport unit" means any container, wagon and swap bodies suitable for intermodal transport.

f. the term "transport to/from intermodal terminals" means the road transport leg of the transport unit from the border crossing point/loading-unloading place to the intermodal terminal or from the intermodal terminal to the loading-unloading place/border crossing point.

g. the term "intermodal terminal" means the place on the railway network or on the inland waterways/sea's ports where a modal change take place.

h. the term "accompanied transport" means the transport of complete road vehicles through an other mean of transport, other than road transport means, accompanied by the driver.

i. the term "unaccompanied transport" means the carriage of road vehicles using a mean of transport other than road one, not accompanied by the driver.

j. the term "bonus quota" means the number of road permits without payment of road tariffs/taxes that are granted for the use of combined transport.

k. the term "State's territory of the Contracting Party" means the territory of Romania and, respectively the territory of the Republic of Armenia.

l. the term "Joint Committee" means the Joint Committee on international combined transport established according to Article 13 of this Agreement.

### **Article 3**

#### **Unaccompanied transport**

1. The carriage of transport units to/from intermodal terminals on the State's territory of a Contracting Party must be performed only with road vehicles registered in State's territory of the respective Contracting Party.

2. The intermodal terminals that may be used for such a transport will be agreed on the occasion of the Joint Committee.

### **Article 4**

#### **Accompanied transport**

1. The circulation of the road vehicles registered on the State's territory of either Contracting Party between the border crossing/loading-unloading point on

the State's territory of the other Contracting Party and the intermodal terminals on that territory is carried out without permits on a distance to be agreed by the competent authorities of the Contracting Parties.

2. In case the above mentioned distance is exceeded, such transport shall be carried out on the basis of a special permit. The special permit shall be issued by the competent authorities of the Contracting Parties. On it will be mentioned TC, will be with or without the payment of road taxes/tariffs and will be valid only for such transport.

3. The quota (type and number) of permits for accompanied transport, mentioned under paragraph 2 of this Article, will be agreed, on a reciprocity basis, on the occasion of the Joint Committee.

4. The quota of permits agreed on the Joint Committee will be deducted quarterly. Any adjustment of it could be accepted according to the transport necessities of the Contracting Parties.

5. As concerns the accompanied transport on railway (RO-LA), the train will be considered as a passengers train internationally accepted which's stops in the border crossing will not exceed 30 minutes.

6. The road vehicles embarked on the train will be sealed by the competent authorities from the embarking stations. The drivers who will accompany the vehicles will travel in a coach part of the train.

## **Article 5**

### **Crossing of the national border**

1. In case of the international transport of goods using the combined transport, a road vehicle embarked on a train or vessel should possess, among the other documents according to the international regulations in force, a permit for combined transport, excepting the case foreseen under paragraph 1 of Article 3.

The permit shall be produced at the demand of the competent authorities.

In case of lack of this document the road vehicle will be considered without permit and treated accordingly.

Any change or unauthorised correction on the permit entails its cancellation. Such permits will be confiscated.

2. The entrance on the State's territory of a Contracting Party will be allowed according to the legislation in force on the State's territory of the respective Contracting Party.

On leaving the State's territory of a Contracting Party, the use of the combined transport will be acknowledged with a commercial document for combined transport, e.g. CIM-UIRR consignment note, or with other transport documents agreed by both Contracting Parties, one for each mode of transport used.

3. The bonus quotas are issued by the competent authorities of the Contracting Parties and shall be managed by these.

## **Article 6**

### **Support to the combined transport**

1. The Contracting Parties undertake the necessary measures as their railway administrations, combined transport societies and shipping companies to agree upon urgent measures which will support the combined transport of goods, bearing in mind the advantages combined transport offers.

2. The Contracting Parties offer the full support to their own railway companies and harbours in public use opened to the combined transport in order to help the development of their combined transport infrastructure (intermodal terminals, harbours, rail and road infrastructures).

3. The Contracting Parties will take the necessary measures as the bilateral combined transport of goods to/from intermodal terminals on their countries territories not to be subject to the transport prohibitions applied on Saturdays, Sundays and national holidays.

4. To ensure the combined transport's flow, the Contracting Parties will act, as far as possible, to transfer the customs clearances, relative to such transport, from the border-crossings to the intermodal terminals (railway stations and harbours).

5. The Contracting Parties will take measures to promote the development of the routes that will be commonly used for the international combined transport of goods.

## **Article 7**

### **Competent authorities**

The competent authorities implementing the present Agreement are the authorities charged with transport, namely:

for the Republic of Armenia: the Ministry of Transport

for Romania: the Ministry of Transport

The Contracting Parties shall notify each other any change regarding the denomination of the respective competent authority.

## **Article 8**

### **Customs provisions, taxes/tariffs and payments**

1. The road vehicles registered in the State's territory of one Contracting Party, as well as the transport units which are used for the combined transport are temporarily accepted in the State's territory of the other Contracting Party with exemption of import-duty customs, under the condition to be re-exported.

The same conditions are valid for spare parts, as well as for road vehicle accessories and normal equipment needed for transport operations, imported with the mentioned vehicles and re-exported together with these ones.

2. The road vehicles registered on the State's territory of one Contracting Party, performing transport according to the provisions of this Agreement shall be reciprocally exempted from all taxes levied on the circulation or possession of vehicles, as well from all special taxes/tariffs levied on the State's territory of the other Contracting Party for transport operations, according to the laws and regulations in force on the State's territory of that latter Contracting Party.

3. All the payments resulting from the application of the present Agreement shall be made in convertible currency. In case a Payments Agreement between the Contracting Parties will be concluded, its provisions shall apply.

4. The profits earned as a result of the operation of transport units in the international traffic, as well as the mobile goods in connection with their exploitation, are taxable in the state where the effective leadership of the transport company is situated. In case a Convention on avoidance of the double taxation will be concluded between the two Contracting Parties, its provisions shall apply.

## **Article 9 Co-operation**

1. The Contracting Parties will encourage the railway administrations to elaborate, in close co-operation with the road transport enterprises and shipping companies involved in combined transport, competitive offers for the combined transport, with special emphasis on the quality of transport, for meeting and diminishing of operation times and delivery terms, on the economically reasonable tariffs and the development of the accompanied combined transport of goods.

2. The Contracting Parties shall endeavour to find and to apply effective measures as a greater number of the international transport of goods to be carried out using combined transport.

3. The Contracting Parties shall inform each other on the measures and regulations destined to the improvement of quality and standards of services offered by the international combined transport of goods.

4. The Contracting Parties shall recommend to their railway administrations and to the shipping companies to conclude bilateral conventions concerning the mutual use of the containers owned by them.

5. The Contracting Parties shall recommend to their railway administrations and to the shipping companies to co-operate in establishing new routes for the accompanied combined transport (RO-LA and RO-RO).

## **Article 10 Violation of the provisions – Sanctions**

1. In the event a carrier or the staff on board of a road vehicle registered in the State's territory of one Contracting Party have not observed the legislation in force on the State's territory of the other Contracting Party, the provisions of the

present Agreement or the conditions mentioned in the transport permit, then the competent authority of the country where the road vehicle is registered, could, at the demand of the competent authority of that latter Contracting Party, take the following measures:

a) to issue a warning for the carrier who committed the infringement;

b) to stop issuing permits for the carrier involved, or to withdraw the permits already issued for the period for which the competent authority of the other Contracting Party disclosed him from transport on its territory.

2. The competent authority, which has taken such a measure, shall notify the competent authority of the other Contracting Party on the decisions and measures taken.

3. The provisions of this Article shall not exclude the lawful sanctions, which may be applied by the courts or administration authorities of the country where the infringement was committed, according to the national legislation of the respective country.

## **Article 11**

### **Data protection**

1. The Contracting Parties agree to protect any data and information to third parties, excepting official data, statistics and information.

2. Data and information considered under paragraph 1 of this Article can be provided by one Contracting Party only for the authorities, courts and prosecutors of the other Contracting Party, if so required by a criminal procedure.

Any other data can be transmitted only with the permission of the data provider.

## **Article 12**

### **Critical situations**

The Contracting Parties warrant, in case of a standstill of the combined traffic exceeding more than twelve hours, due to force major or technical disturbances, to take urgent measures.

## **Article 13**

### **Joint Committee and information exchange**

1. With the aim to examine and to solve the matters, which may arise from the interpretation and the application of the present Agreement a Joint Committee, composed of representatives of the competent authorities of the Contracting Parties, shall be established.

2. The Joint Committee shall meet, alternatively, on the State's territory of each Contracting Party, upon request of one of the competent authorities.

3. The Contracting Parties shall meet, on the occasion of the Joint Committee to exchange information and to take any measures necessary for the implementation of the present Agreement.

4. The Contracting Parties can agree upon modifications of the present Agreement, should it be required by the further development of the international combined transport.

#### **Article 14** **Entry into force**

The present Agreement will enter into force thirty (30) days after the date of the last notification by either Contracting Parties confirming that it has completed the necessary legal procedures required by its national legislation with regard to the entering into force of international agreements.

The amendments to the present Agreement shall enter into force following the same procedure.

#### **Article 15** **Validity of the Agreement**

The present Agreement is concluded for an undeterminate period. It will end its validity six (6) months after one of the Contracting Parties has notified its intention to denounce it.

Concluded in Yerevan on July 3, 1998 in two (2) original copies in Armenian, Romanian and English languages, all texts being equally authentic. In case of any divergence of interpretation the English text shall prevail.

*The Agreement has entered into force on December 24, 2000.*