

AGREEMENT

Between the Government of the Kyrgyz Republic And the Government of the Republic of Kazakhstan Upon International Transportation Communication

The Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic hereinafter called the Contracting Parties,
directed by the Treaty of eternal friendship between the Kyrgyz Republic and the Republic of Kazakhstan, since the 8th of April, 1997,
intending to develop on the basis of mutuality, a passenger and luggage transportation communication between both states and transiting within their according territories, as well as aiming at enhancing this communication,
concurred upon the following:

Article 1

1. In accordance with the present Agreement, the transportation of passengers and luggage should be processed between the Contracting Parties, in transit halts on the according territories of the Contracting Parties, and additionally further to (or from) the third destinations by auto-transporting resources, registered with one of the Contracting Parties.

2. The present Agreement does not implicate the rights and obligations of the Contracting Parties, drawn in from other international agreements made by the Contracting Parties.

Article 2

For the enhancement of comprehension of the provisions of the present Agreement, the following terminologies are defined as follows:

a) "Competent authorities":

- The Party of the State of Kazakhstan – Ministry of Transportation and Communication of the Republic of Kazakhstan,
in accordance with articles 6, 10 and 15 – in assistance with the Ministry of Internal Affairs of the Republic of Kazakhstan.

- The Party of the State of Kyrgyzstan- Ministry of Transportation and Communication of the Kyrgyz Republic,
in accordance with articles 7, 8, 11 and 15- in assistance with Ministry of Internal Affairs of the Kyrgyz Republic;

Within changes of designation or functions of the above-mentioned competent authorities, the Contracting Parties will be informed in time through diplomatic channels;

b) "Carrier" – any natural or legal person, registered on the territory of one of the Contracting Parties, and is authorized in accordance with the national statutory system to perform international transporting of passengers or goods;

c) "Means of Transport":

- for transportation of passengers – bus, as a transporting resource, aimed at providing carriage of passengers, consisting of more than 9 passenger seats, counting the driver's seat;

- for the transportation of goods – luggage-carriage vehicle, vehicle with trailers and semi-trailers

d) "Permit" – document, providing vehicles, registered with one of the Contracting Parties, the right to enter or transit through the territory of another Contracting Party.

e) "Transportation in transit" – transportation of passengers or goods in transiting halts on one of the territories of the Contracting Parties, under the circumstances of the points of departure and destination being located not on that territory;

f) "Regular transportation of passengers" – transportation of passengers by bus, processed within the agreed between the competent authorities of the Governments of the Contracting Parties, routes, schedules, tariffs, departure and destination points;

g) "Irregular transportation of passengers" – the transportation of passengers by bus, which does not fall under the definition of "regular transportation of passengers."

Article 3

Regular transporting of passengers by bus, in two destinations and transiting, will be completed in accordance with an agreement (in written form) of competent authorities of the states of the Contracting Parties. The competent authorities agree and decide upon (in written form) the schedule,

route map, with indications of points of departure and arrival, including customs points on territorial borders.

Article 4

1. Irregular transporting of passengers in two destinations and transiting by bus, registered on the territories of the states of the Contracting Parties, shall be completed with authorization, excluding transporting in accordance to clause 2 and 3 of the present article.

2. Irregular transporting of passengers by bus in two destinations and transiting by bus, will be completed without authorization, when the group of passengers of the same previous inventory, are being transported on the bus; under such circumstances:

a) The trip starts and terminates on the territory where the bus was registered;

b) The trip starts on the territory of one of the Contracting Parties, where the bus was registered, and terminates on the territory of the other Contracting Party, under the condition that the bus departs from that territory.

3. Authorization is also not required:

a) For the departure of empty buses with the intention to transport back, by the same carrier, the group of passengers from a point on the territory of the state of the other Contracting Party, to which the group of passengers were earlier delivered (case indicated in sub-clause *b* of clause 2 of present article) for arrival at point of initial start of the trip;

b) In case of replacement (substitution) of an irreparable bus by another bus.

4. During the completion of irregular transporting of passengers, described in clause 2 and sub-clause *a* of clause 3, of present article, the driver should have a list of passengers, created in a special form, decided and agreed upon by competent authorities of states of Contracting Parties.

Article 5

For the transportation of goods between two states or transiting on their territories from the territory of the other Contracting Party to the territory of the third state and finally to the territory of the state of another Contracting Party, an authorization is not required.

Article 6

1. Transporting, accentuated by the present Agreement, may be completed only by those carriers, who are in accord with the national legal liability of their states to be able to process international transporting.

2. Auto-transporting resources must have registration and distinguishing signs of their states. Trailers and semi-trailers may have registration and distinguishing signs of other states under the circumstances, where heavy-weight vehicles shall have registration and distinguishing signs accordingly of states of either the Kyrgyz Republic or the Republic of Kazakhstan.

Article 7

The carrier must acquire a special authorization of competent authority of the state of the other Contracting Party, if the size and weight of the luggage are exceeding the norms, established on the territory of the state of the other Contracting Party.

Article 8

During the shipping of dangerous goods, the Contracting Parties must follow all the requirements of international agreements, which the states of the Contracting Parties participated in, and also of national legalities of the states of the Contracting Parties.

Article 9

The carrier of the state of one of the Contracting Parties is unauthorized to transport passengers or goods between points, located within the territory of the state of the other Contracting Party.

Article 10

1. Carriers (drivers) are required to have a national or an international driving license, in accordance to the auto-transporting resources that they use and national registration documents for the vehicle.

2. The permit and other documents, which are required accordingly to the present Agreement, must be at hand with the driver of the transporting vehicle and must be presented at the request of the competent authorities of the states of the Contracting Parties.

Article 11

The transportation of passengers and goods, completed by the carriers of the state of one of the Contracting Parties, through the territory of the state of another Contracting Party, on the basis of the present Agreement, along with the transporting vehicles, are free of taxes and charges, required for utilization and provision for the roads, and for the possession and utilization of transportation vehicles, except for charges presented for using toll roads (bridges, under and over-passing roads).

Article 12

1. During the transportation, on the basis of the present Agreement, the carriers are mutually free of customs regulations and dues, while entering the territory of the other Contracting Party's state:

a) Fuel, being specifically suitable for the auto-transporting vehicle and its particular quantities, technically and constructively connected with the system of engine consumption, and also additional fuel in quantities of two hundred liters on each refrigeration set or other type of set for the luggage vehicle or for special containers.

b) Oil materials in quantities, necessary for utility during the trip;

c) Temporary engine formations and emergency details and instruments, essential for the reparation of the vehicle, in case of the breaking down of the vehicle, during international transporting.

Article 13

Transportations of passengers and goods, completed on the basis of the present Agreement, are processed under the conditions of obtaining insurance of civic-legal responsibility by the carriers, for the damage done by third persons.

The carrier is obligated to insure in time, every transporting vehicle, completing transporting tasks.

Article 14

Border and sanitarian control and customs registering, while transporting individuals in need of urgent medical assistance, in regular transporting of passengers and while transporting animals and spoilable goods, will be completed immediately.

Article 15

1. The carriers of the states of the Contracting Parties are obligated to follow the provisions of the present Agreement, and the national statutes, including road regulations of the state of the Contracting Party's territory.

2. In case of a violation of a rule of the present Agreement, committed on the territory of one of the states of the Contracting Parties, a competent authority of the state of that Contracting Party, where the transporting vehicle was registered, by the request of a competent authority of the state of the other Contracting Party, shall take all measures necessary.

The information of the measures taken will be directed to a competent authority of the state of the other Contracting Party.

3. The provisions of the present article do not exclude the placement of sanctions on the carriers of the states of the Contracting Parties, completed by national statutory orders of the state, on the territory of which the violation was committed.

Article 16

Questions, not mentioned by the present Agreement and also by international agreements, in which the Contracting Parties both took membership in, will be resolved accordingly to the national legalities of the states of each of the Contracting Parties.

Article 17

1. With the intention to fulfill the present Agreement, the competent authorities of the state of the Contracting Parties, shall mutually exchange information about all changes made in the national statutory systems, which would affect the realization of the present Agreement.

2. In case of argument and disagreement in comprehending or practicing the provisions of the present Agreement, the Contracting Parties will resolve these situations by consultations and arbitration.

Article 18

For the realization of the present Agreement and the resolution of any questions raised in the international transporting communication, the Contracting Parties shall conduct meetings on the level of the competent authorities of the states of the Contracting Parties.

Meetings will be held on the territories of the states of the Contracting Parties, in preceding order, by the request of either of the Contracting Parties, who will one month ahead direct itself through diplomatic channels.

Article 19

By mutual concurrence of the Contracting Parties, amendments and additions, devised by separate protocols, may be made to the present Agreement, being fully operating parts of the Agreement and in absolute effect, as corresponded in Article 20, of present Agreement.

Article 20

1. The present Agreement will take effect on the date of reception of the final written confirmation of the completion of inter-governmental procedures (essential for this Agreement to be in effect) by the Contracting Parties.

2. The present Agreement is devised for its operation for an undetermined duration of time and will remain in effect for six months from the date on which one of the Contracting Parties declares its intentions of terminating the operation of the Agreement.

3. The Agreement between the Government of the Kyrgyz Republic and the Government of the Republic of Kazakhstan on international transportation communication, from 26 of October 1993, will conclude its operations at the point of full integration into effect of the present Agreement.

Devised in the city of Astana ____ of December 2003, in two versions, each in Kyrgyz, Kazakh and Russian languages, as each text holds equal supremacy.

In case of disagreement and argument upon the provisions of the present Agreement, the Contracting Parties will refer to the Russian text.

For
The Kyrgyz Republic

For
The Republic of Kazakhstan