

**AGREEMENT
BETWEEN THE GOVERNMENT OF GEORGIA
AND
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
ON INTERNATIONAL COMBINED TRANSPORT OF GOODS**

The Government of Georgia and the Government of the Republic of Turkey (hereinafter referred to jointly as the "Contracting Parties", in a singular form as the "Contracting Party"),

Desiring facilitation of international freight transport;

Taking into account that the cooperation in the field of international combined transport is an important prerequisite for development of trade between the Contracting Parties,

Realizing the necessity to foster modern railway and maritime transport systems in addition to road with the aim of providing alternative solutions with social, economic and environmental benefits,

Believing that combined transport system has high-potential and capacity to facilitate international freight transport,

Referring to the international treaties related to the combined transport of goods,

have agreed as follows:

**Article 1
Scope**

(1) This Agreement comprises international combined transport of goods by rail, maritime and/or by road performed by a vehicle registered in the territory of the State of either Contracting Party, between the territories of the States of the Contracting Parties or in transit through the territory of the state of one or both Contracting Parties.

(2) This Agreement shall not affect the rights and obligations of the Contracting Parties, arising from other international treaties which they are Parties to.



Article 2 Definitions

For the purpose of this agreement:

- a) **Intermodal freight transport** – Movement of goods in one and the same loading unit or a vehicle by successive modes of transport without handling of the goods when changing modes.
- b) **Combined freight transport** – Intermodal transport of goods where the major part of the journey is by rail, or sea and any initial and/or final leg carried out by road is as short as possible.
- c) **Road vehicle** - a motor vehicle on its own or in combination with trailer or semi-trailer which is registered on the state territories of one of the Contracting Parties, intended for the carriage of goods by road and at the disposal of a transport operator, either as its own property or under the rent or leasing contract conditions.
- d) **Intermodal/Combined transport loading unit** – Any container (the length should not be less than 20 feet), swap body, semi-trailer/trailer, goods road motor vehicle, or wagon suitable for intermodal transport.
- e) **Combined freight terminal** –Sea port or rail network where the change of transport modes can be enabled.
- f) **Transport to/from combined freight terminal** – the journey of intermodal/combined transport loading unit from border crossing or origin point on the territory of each Contracting Party to the nearest railway terminal or sea port on the route; the road or rail journey from a railway terminal or sea port to the nearest border-crossing point on the route or a final destination point.
- g) **Accompanied combined transport** – Transport of a road vehicle, accompanied by the driver, by another mode of transport.
- h) **Unaccompanied combined transport** – Transport of a road vehicle or trailer, not accompanied by the driver, by another mode of transport.
- i) **Permit** – The document (in the form of Permit or Authorization) issued for a road vehicle registered in one of the Contracting Parties by the other Contracting Party to permit the vehicle to enter and leave or travel through the territory of the latter.

- j) **Premium Permit** – the Permit that enables the carrier to perform freight transport without paying road tax/road user charges as a result of using combined freight transport system.
- k) **State border of the Contracting Parties** – The state border of Georgia and of the Republic of Turkey.
- l) **Joint Committee** – “Joint Committee on International Combined Transport” established in conformity with the provisions of the Article 8 of this Agreement.
- m) **Carrier** – any physical or legal person authorized to carry passengers and goods by renting, purchasing or leasing any loading unit in conformity with the laws, regulations and rules of the Contracting Parties.
- n) **Maximum weight of the transport vehicles** – Permissible weight of the laden or unladen transport vehicles.

Article 3 Competent Authorities

In this Agreement, the competent authorities of the Contracting Parties are:

- In Georgia, “The Ministry of Economy and Sustainable Development”
- In Turkey, “The Ministry of Transport, Maritime Affairs and Communications”

Article 4 Accompanied Combined Freight Transport

(1) The operations of cargo transportation by registered road motor vehicles that begin on the state territory of one of the Contracting Party from the border crossing point or any other cargo point and ends in a combined transport terminal (and/or vice versa) on the state territory of another Contracting Party, must be performed without interruption on the basis of permits/premium permits. The permit should include the phrases such as "road fees/ the fee for road users will be paid or not". Such phrases are valid only for combined transport operations.

(2) The annual number of Permits/Premium Permits issued for accompanied combined freight transport operations specified in the first paragraph of this Article shall be determined by the Contracting Parties in Joint Committee meetings on reciprocal basis. Any changes on the condition of the Permit/Premium Permit shall be made taking into account the transport demands of the Contracting Parties.

Article 5
Unaccompanied Combined Freight Transport

(1) The carriage of intermodal transport loading unit between two Combined Freight Terminals located within the territory of the state of the Contracting Party shall only be performed by the vehicles registered in the state of the Contracting Party concerned.

(2) The carriage of intermodal transport loading unit between two combined freight terminals located within the territory of the state of the Contracting Party can be performed by the vehicles registered in the other Contracting Party on the basis of an additional permit that may be issued on the basis of reciprocity by the competent authority of the Contracting Party in which the carriage is taken place.

(3) Carrier can perform unaccompanied combined freight transport to/from terminals only if it is authorized by the shipper or combined transport company.

(4) Combined freight terminals dedicated for the use of such transport operations shall be determined in Joint Committee Meetings.

Article 6
State Border Crossing

(1) Permit authorizing to perform transport by combined loading units shall be kept in the vehicle which is loaded on either railcar or ship along with the other documents necessitated by international treaties in force.

The documents authorizing to perform combined transport of goods are to be kept in the vehicle during the entire trip and they are to be presented upon request to the relevant competent authorities of the Contracting Parties.

In the absence of such permit, the vehicle concerned is considered to be unauthorized and its state border crossing shall not be allowed.

Any illegal modification or changes made in the permit document will result in annulment of that permit. Such permits should be revoked accordingly.

(2) Provided that the provisions in the first paragraph of Article 4 of this Agreement are satisfied, competent authorities shall issue transport document authorizing to perform combined freight transport to the carrier or service provider at border gates while goods are transported by combined freight vehicles. It is compulsory that when leaving the territory of the state, all the relevant documents authorizing to perform combined transport operations (CIM-SMGS Common Consignment Note and any other documents) shall be kept on board.

(3) On entering or leaving the territory of the state of either Contracting Party, the vehicles, natural and legal persons performing combined transport of goods as well as the transported goods are checked according to the provisions of the national legislation of the given Contracting Parties.

(4) Carrier or service provider and their crew will act in conformity with the legislation and instructions of the Contracting Parties.

(5) In accordance with international norms the Contracting Parties will make effort the time for crossing the state border not to exceed 30 minutes for the trains with intermodal transport unit.

Article 7 **Promotion of Combined Freight Transport**

(1) The Contracting Parties agreed to stimulate combined freight transport. Incentives for combined transport shall be negotiated in Joint Committee Meetings.

(2) The Contracting Parties stimulate combined transport service providers and railway, maritime and road transport companies which are engaged in combined transport operations.

(3) The Contracting Parties may take efforts to provide assistance to their own railway companies and port authorities in order to develop infrastructure for combined transport.

(4) The Contracting Parties make necessary efforts to remove the weekend and holiday traffic restrictions for combined transport operations performed to/from combined freight terminals.

(5) The Contracting Parties will attempt to establish, as far as possible, the favorable conditions required for the movement of road vehicles of maximum 44-ton gross weight carrying intermodal transport loading units for initial and final legs of combined transport chain.

(6) The Contracting Parties shall perform transactions defined in the relevant national legislation in order to accelerate controls on the documents pertaining to combined freight transport operations.

(7) The Contracting Parties shall conduct mutual cooperation and assist each other for the creation of favorable conditions for the promotion of combined transport. They also work together for the development of routes commonly used by both parties' carriers.

Article 8
Cooperation and Joint Committee

(1) The Contracting Parties assist in providing mutual exchange of information among the competent authorities for the implementation of this Agreement.

(2) A Joint Committee consisting of representatives of the two Contracting Parties shall be formed in order to regulate all questions regarding the implementation and the application of this Agreement. This Committee comprises Government officials of the two Contracting Parties as well as representatives from combined transport sector.

(3) The first meeting of the Joint Committee will be held within the next 3 months after the exchange of the documents certifying the ratification of this Agreement. The Joint Committee shall meet alternately in the territory of the state. The agenda prepared by either Party to be discussed at the Joint Committee meetings shall be communicated to another Contracting Party 2 weeks before the meeting. The decision of the Joint Committee is adopted by consensus.

(4) Joint Committee is entitled to, apart from the execution and implementation of this Agreement, discuss and find possible solutions to problems in the field of combined transport. Joint Committee may propose amendments or additions to any articles of this Agreement.

Article 9
Infringements

(1) In the event of a carrier/person performing transport services, their member or employee who breaches the laws and regulations in force of the State of the other Contracting party or who infringes the provisions of this Agreement, the competent authorities of the Contracting Party in the State where the infringement is taken place may take the following measures:

- a) Warn the concerned carrier on the necessity of complying with the provisions of the legislation in force;
- b) To suspend Permit/Premium Permit and respective benefits for the relevant carrier;
- c) In case of serious violation committed by a carrier or service provider, suspend the concerned carrier's license or prohibit the concerned carrier from performing transport with Permit/Premium Permit.

(2) The competent authorities of the Contracting Parties will inform each other about the measures taken concerning the infringement.

(3) The provisions of the first and second paragraphs of this Article do not obstruct the implementation of the national legislation of the country where the infringement occurred.

Article 10
Data Protection

(1) The Contracting Parties declare that, with the exception of the official statistical data and reports, all data and information regulated by this Agreement will be protected from sharing with the third parties without authorization.

(2) The share of the data and information regulated by this Agreement shall be subject to the written permission of the competent authorities of the Contracting Parties.

Article 11
Force Majeure

Contracting Parties agree to perform any emergency joint action in extraordinary circumstances or in case combined freight transport is being interrupted for more than 12 hours.

Article 12
Compliance with National Laws

Hauliers and transport crew performing transport operations on the territory of each Contracting Party shall comply with the legislation of the subject country.

The provisions of this Agreement shall not prevent the restrictions of such transit traffic or other transport operations that may cause damage to the national security and/or national legislation of the Contracting Parties.

Transport of heavy goods and specific type of cargos are subject to special permissions in accordance with the national legislation of the country where such transport is carried out.

Article 13
Dispute Settlement

The differences that may occur between the contracting parties relating to the implementation and interpretation of this Agreement shall be settled through consultations and/or negotiations in a friendly manner.

Article 14
Amendments to the Agreement

This Agreement may be amended on the basis of the mutual consent of the Contracting Parties. Such amendments, formalized in the form of a separate written document, are deemed as an integral part of this Agreement and enter into force in accordance with the provisions of the Article 15 of this Agreement.

Article 15
Entering into force, Expiry and Termination

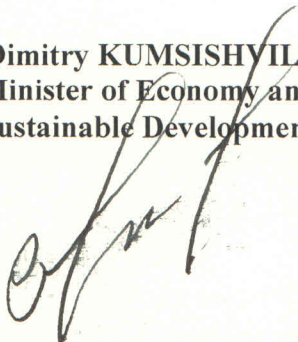
(1) This Agreement is concluded for an indefinite period of time and shall enter into force on the day of the receipt of the last written notification through the diplomatic channels, by which the Contracting Parties shall notify each other on the completion of internal procedures necessary for the entry into force of this Agreement.

(2) Each Contracting Party may terminate this Agreement by written notification through diplomatic channels. The Agreement shall cease to have effect after six months after the date of receipt of the notification on termination.

Done at ...*Ankara*....., on ...*19 July 2016*....., in two original copies, each in the Georgian, Turkish and English languages, each text being equally authentic. In case of divergence in the interpretation of the provisions of the Agreement, the English text shall prevail.

**For the Government
of Georgia**

Dimitry KUMSISHYILI
**Minister of Economy and
Sustainable Development**



**For the Government
of the Republic of Turkey**

Ahmet ARSLAN
**Minister of Transport, Maritime
Affairs and Communications**

