

The European Union's TACIS TRACECA Programme
for Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, Romania, Tajikistan, Turkey,
Turkmenistan, Ukraine, Uzbekistan

Trade Facilitation and Institutional Support Project

*Development and Follow-up of the TRACECA Visa
and Advancement of International Freight Transport Legislation
in the TRACECA Countries*

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GLOSSARY

ADR	European Agreements on Carriage of Dangerous Goods by Road
AETR	European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport, 1 July 1970
AGC	UNECE Convention on Main International Railway Lines 1985
AGN	European Agreement on Main Inland Waterways of International Importance 1996
AGR	European Agreement on Main International Traffic Arteries, 15 November 1975
AGTC	European Agreement on Combined Transport Lines, 1 February 1991
AND	Convention for Transportation of Dangerous Goods by Inland Waterways
ARR authorisation	Auction Revenue Rights authorisation
ASYCUDA	Automated System for Customs Data
ATA Carnet	Admission Temporaire/Temporary Admission- unified international customs guarantee documents
ATA Convention	Customs Convention on the A.T.A. carnet for the temporary admission of goods 1961
ATP	Convention for Perishable Food staff transportation
BIMCO	private shipping organisation;
BOT	Build Operate Transfer
CIM	Uniform Rules concerning the Contract for International Carriages of Goods by Rail
CIS	Commonwealth of Independent States
"CLBTT" Project	TRACECA Common Legal Basis for Transit Transportation
Project	
CMR	Convention on the Contract for the International Carriage of Goods by Road, 19 May 1956
Consultant	Dornier Consulting / KLC Consortium for implementation of the TRACECA Trade Facilitation and Institutional Support Project
"Coordination Team" Project	TRACECA Coordination Team Project
COTIF Convention	Convention concerning the International Carriage by Rail 1980
CVR	Convention on the Contract for International Carriage of Passengers and Luggage by Road, 1 March 1973
DEAD	Additional Unified Administrative Documents



EAD	unified administrative documents
EC	European Commission
EEC	European Economic Community
EU	European Union
FAL Convention	Convention on Facilitation of International Maritime Traffic, 1965
FCD	Freight Customs Declaration
FDI	Foreign Direct Investments
FIATA	International Federation of Freight Forwarders Associations
GATS	WTO General Agreement on Trade in Services (in force 1995)
GATT	WTO General Agreement on Tariffs and Trade which covers international trade in goods
HBCP Project “Project”	Goods Transport by Rail TRACECA Harmonisation of the Border Crossing Procedures
IATA	International Air Transport Association
ICAO	International Civil Aviation Organisation
ICC	International Chamber of Commerce
IGC of TRACECA	Intergovernmental Commission of TRACECA
INTERBUS Agreement	The International occasional carriage of passengers by coach and bus
Member-states	TRACECA member-states
MFN rate	Most Favoured Nation rate
MLA countries	signatory countries of the TRACECA MLA Agreement: Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Romania, Tajikistan, Turkey, Ukraine and Uzbekistan, which have ratified the MLA
MLA	Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor
MoT	Ministry of Transport
NS	TRACECA National Secretary
Parties of the MLA	signatory countries of the TRACECA MLA: Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Romania, Tajikistan, Turkey, Ukraine and Uzbekistan, which have ratified the MLA
Previous TRACECA Projects	“CLBTT”, “Coordination Team” and “HBCP” projects
PS	Permanent Secretariat of IGC
RA	Republic of Armenia
Ra-Ra	Railway in Railway out



SAFETIR	Software system for the control over the cargos shipped
SMSG bill	the railway bill provided by the UNECE Agreement on International
TA	Technical Annex to the MLA
TARIR	Romanian Integrated Tariff
TCDD	Turkish Republic State Railways
TFIS Project	TRACECA Trade Facilitation and Institutional Support Project
THY	Turkish Airlines
TIR Carnet	Customs Convention on International Transport of Goods under the cover of TIR 1975
TIR	Road International Transport
ToR	Terms of reference
TRACECA	Transport Corridor Europe Caucasus Asia
TRACECA countries	Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Romania, Tajikistan, Turkey, Ukraine and Uzbekistan
TRACECA Member-states	signatory countries of the TRACECA MLA: Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Romania, Tajikistan, Turkey, Ukraine and Uzbekistan, which have ratified the MLA
TRIPS	WTO Agreement on Trade-Related Aspects of Intellectual Property Rights
UIFA	Uzbek International Forwarder Association
UN	United Nations
UNCTAD	United Nation Conference on Trade and Development
UNECE	United Nations Economic Commission for Europe
USD	United States Dollars
VAT	Value Added Tax
WTO	World Trade Organisation



EXECUTIVE SUMMARY

Starting from the project mobilisation at the Inception Phase the Consultant began to collect and analyse the documentation in the area of international freight in the region as formulated in the task A - Development and Follow – Up of the TRACECA Visa.

The Consultant analysed the multilateral accords which Basic Agreement's¹ Parties are signatory to having used the collected material and bearing in mind the legislative recommendations developed during the previous TRACECA projects. The Consultant updated the research on international conventions and treaties to be recommended to the Parties with an objective to promote international transport and trade. The profound situation analysis in this respect has been completed in accordance with the project's terms of reference.

The situation with actual implementation of the TRACECA Visa in the member-states was monitored in close cooperation with the PS. This activity was implemented in order to explain the actual state of affairs with this issue, and, consequently, to develop recommendations for the member-states on efficient steps forward..

In addition, the Consultant reviewed the national legislation of each TRACECA country related to customs procedures, transit transportation and freight activities. Special attention was given to legislation which might hamper TRACECA Visa implementation.

The research revealed that in none of the MLA countries legislation was found directly hindering the implementation of the TRACECA Visa terms. It should be explicitly mentioned that the problems observed in relation to fulfilment of the TRACECA Visa are rooted in the procedural processes and ratification mechanisms. They rest upon either willingness and ability of parties to forward relevant the protocols for ratification or upon complexity of decision-making procedures that involve engagement of several statist institutions (e.g. Ministries of Foreign Affairs, Ministries of Finance (Customs) and Ministries of Transport and others). Further to this, the research revealed a discontinuity of the decision-making processes. Given weak succession practices at the institutional level and considering that in many TRACECA countries political changes accompanied by rearrangements in the Ministries and replacements of authorities involved took place, the follow up of TRACECA Visa implementation was deterred or neglected. Such situation is deemed as undermining to the implementation process and putting off the achievements of the PS in this respect.

However, as no legislative provisions preventing from the implementation of the TRACECA Visa were discovered, the Consultant focused its activity on the analysis of the national legislation and regulations of the MLA countries related to transport activities and customs procedures to fulfil the propositions of the ToR. Namely, this activity was to reveal those regulations that create obstacles to trade facilitation and impede international transport, and to highlight the norms that if appropriately implemented may boost trade and create favourable environment for development of the international transport.

The Consultant concluded that the national legislation does not always correspond to the needs of international transport and mainly, does not support implementation of the MLA objectives. Some practices related to transport are also deemed as deterring to trade and transport development. Further to this, the provisions of the national legislation and international treaties encouraging trade and transport are not properly implemented in most of the countries.

Structurally, the present Report is divided into three major parts as follows:

- Part 1 - Introduction of TRACECA Visa Concept and Its Implementation Status

In this part, the Consultant defines conceptual components of the TRACECA Visa and presents its introduction and current ratification status of the Protocol on the amendments to MLA, deemed as part of the TRACECA Visa, including the application of the SMGS railway bill as a common customs transit document. This objectively entails the follow up of the implementation of simplified rules applicable to railway transport and customs procedures.

¹ Basic Agreement on International Transport for Development of the Europe – Caucasus – Asia Corridor



- Part 2 – Transport Sphere in the MLA Countries

In this part the Consultant described and analysed the situation in the transport sector and related areas in the MLA Member States on a case-by case basis. The Consultant considered the particularities of the transport sector in order to facilitate the understanding of the legal and regulatory framework related to international transport and trade.

The Consultant conducted an analysis of the national legislation in the TRACECA countries relevant to rail transportation, multimodal transportation, freight forwarding activities and customs procedures. Also, the Consultant was determined to identify the progress of the national legislation in transport and trade areas, as well as to update the status of countries' accession to the international agreements that could facilitate the transit transportation and customs procedures.

- Part 3 - TRACECA Visa and International Freight Advancement: Recommendations on Steps Forward

This part is devoted to the Action Plan for the implementation of TRACECA Visa and advancement of freight transport practices and performance. This part contains proposals of converting of the technical annexes produced by CLBTT project (TA on Multimodal Transport, TA on Freight Forwarding Activities; amendments to the TA on Customs) into relevant Interstate Agreements to be considered by the member-states. The corresponding Action Plan was developed.

The Consultant also recommended the *priority* international conventions related to transport, trade and customs for adoption by the MLA countries. The Consultant also puts forward general and country specific recommendation aimed at improvement of international transport.

The Consultant's recommendations are addressed to the PS IGC TRACECA and the project partners, beneficiaries and transport sector stakeholders in the MLA countries.

- Annex 1 - List of Transport Legislation in the MLA countries

This Annex contains country-wise the updated list of national legislation related to transport activities and custom procedures and a directory on bilateral and multilateral agreements, conventions and treaties signed and ratified by the MLA countries. The lists summarised in this Annex originate from the implemented research and revision and updating of the activities carried out during the previous TRACECA projects.



PART 1 - INTRODUCTION OF THE TRACECA VISA AND ITS IMPLEMENTATION STATUS

DEFINITION AND INTRODUCTION OF THE TRACECA VISA

In October 2003, the MLA member-states joint their efforts to help Afghanistan restore its economy and mitigate the consequences of the humanitarian catastrophe in this country. Therefore, a Protocol on Amendments to the MLA has been adopted to support the transportation of humanitarian goods and reconstruction material to Afghanistan.

The major proposition of this protocol is outlined below:

– *For 3 years when the given amendment comes into force the Parties have to ensure free issue of single/double-entry visa for persons transporting and/or accompanying humanitarian goods and reconstruction materials to Afghanistan via the TRACECA international transport corridor.*

In addition, some other distinct provisions not related to the transport of humanitarian aid or reconstruction material were agreed on in the framework of this Protocol on Amendments. The essence of these additional provisions is summarised below:

- Removal of custom deposits, bank guarantees, financial risk insurance policies and railway guarantees for transit of goods by railways;
- Amendment to the Appendix 2 of the Technical Annex on International Railways Transport to apply VAT zero-rate;
- Adoption of a new technical annex on international custom transit procedures by using the SMGS² bill for transportation by railway.

Thus, the components above constitute the scope of TRACECA Visa provisions as agreed with the member-states and had been officially forwarded to the implementation in the respective TRACECA countries till present.

It should be noted that the Consultant in charge for the project "Common Legal Base for Transit Transportation (CLBTT)" had recommended the PS to organise the above provisions in the form of amendments to the MLA, rather than as the IGC resolutions to serve consequently a basis for governmental agreements.

Procedure-wise this approach had implications in terms of a considerable implementation lag. Amendments and Technical Annexes were to undergo the ratification processes in all member states. This is a lengthy and rather complex exercise. As per today only the governments of Azerbaijan and Bulgaria ratified this Protocol on Amendments to the MLA. Furthermore, the report on status of implementation made by the Permanent Representatives at the Working Group Meeting of the PS in Kiev on 15-16 November 2005 revealed little progress in the member-states towards the ratification of the Yerevan protocol. The absence of ratified status for these provisions certainly affects and impedes their implementation.

It should be noted that the Consultant with the support of the PS was following-up the process of ratification in each member-state. The results were reported at various working group (WG) meeting of the PS IGC TRACECA. The status of ratification progress of Protocol on Amendments resulting from the III IGC Meeting in Yerevan was constantly monitored, as this issue was on the agenda of every TRACECA event.

² UNECE Agreement on International Goods Transport by Rail (1951). All TRACECA countries except for Turkey and Romania (that are only observers) are parties to this Agreement.



IMPLEMENTATION PROGRESS

In accordance with the information received from the member-states the countries of Armenia, Kyrgyzstan, Moldova, Romania and Tajikistan were in the process to ratify the protocol. It was reported that Kazakhstan is not in the position to endorse this document because of the Reservations made to the Technical Annex on Railway Transport, thus ratification is deemed as an inappropriate effort by the authorities that may negatively replicate on the TRACECA image in this country, as in the case of Kazakhstan would not result in any positive implications. In Ukraine the ratification was not necessary, as these provisions were incorporated into the domestic legislation and were already legally bound. The Republic of Turkey is currently evaluating the advantages of the participation in the SMGS Agreement, so it is premature to mention the applications of this Protocol of Amendments for this country. No precise conclusions can be drawn for the case of Uzbekistan, due to the uncertainties in the sector management. The changes in the Georgian government do not allow obtaining distinct information of the status of ratification as well. It should be however noted that the new Custom Code adopted in Georgia envisages the zero VAT rate for railway transportation.

The Consultant summarised the implementation status in the following table:

Country	Implementation status	Comments
Armenia	Not ratified	Not certain the ratification date
Azerbaijan	Ratified	Since 2003
Bulgaria	Ratified	Protocol became part of the national legislation
Georgia	Compliance of the national legislation with the Protocol was achieved	The Protocol was signed with reservation regarding the amendment 3- the application of the VAT –zero rate on railway transport services. At the beginning of 2005, Georgia adopted the VAT –zero rate on railway transport in the new national Customs Code, so compliance of the Protocol with the Georgian national legislation was achieved.
Kazakhstan	Not signed	Kazakhstan signed the MLA with reservation to Article 4 and Appendix 2 of the MLA's TA on International Railway Transport and still such reservation is not removed.
Kyrgyzstan	Not ratified	The Protocol is at Parliament but due to political instability, no information on the ratification process can be provided.
Moldova	Not ratified	The Protocol is on the agenda of the Parliament but due to election period, it can't be estimated the date of finalisation of the ratification process.
Romania	Not ratified	
Tajikistan	Not ratified	No progress in the ratification process so far
Turkey	Not ratified	Turkey considers its participation in SMGS Agreement to enable the signing and implementation of the Protocol on amendment to the MLA.
Ukraine	Not ratified	Ukraine had reservations to all the provisions of the Protocol since such provisions were part of the national legislation and applied to all international transport corridors passing through Ukraine. In 2004, Ukraine amended the national law on transit, so consistency with the Protocol on amendments to the MLA regarding the use of SMGS railway bill as common custom transit document, was achieved.
Uzbekistan	Not ratified	Under ratification process. Still in Parliament



Despite the discouraging results summarised in the table above, the Consultant emphasises the need of implementation of the TRACECA Visa decided in the Yerevan conference by the MLA countries that includes the application of the SMGS railway bill as a common transit customs document. It should be mentioned that TRACECA countries by implementation of the TRACECA Visa propositions may not only assist in restoration of the Afghani economy and encourage trade facilitation in the whole TRACECA region. Transit freight and trade facilitation issues are advisable to be addressed beyond the scope of the TRACECA Visa provisions in order to avoid confusion and misinterpretation of the this particular term.

From November 2002 till October 2004 the CLBTT project operated to develop the harmonised TRACECA specific legal basis for transit transportation derived from the extension of the MLA. Such measures were misleadingly reckoned and advertised as components of the TRACECA Visa, regardless they had never been officially recorded and agreed as such by the TRACECA member-states at the IGC meetings. Unfortunately, it has to be concluded that none of the proposed measures were adopted till present, so it is untimely to accommodate their implementation process on such an unstable ground. In addition to that it should be noted that the IGC TRACECA strategy which is being developed at the moment contains the proposition in favour of keeping the current scope of the MLA and desisting from its extension and overloading by new technical annexes.

The above is not to discourage the TRACECA countries from following the adapting trade facilitation provisions, but rather to do so in most efficient and internationally recognised manner. There is also a need to understand, treat and implement multimodal transportation, freight forwarding activities and simplified customs procedures in a common way. Due to lots of incoherent aspects of border crossing procedures in the MLA countries, as well as serious contradictions between policies and practices of MLA Parties impeding trade, the Consultant considers necessary to practice the modern procedures in order to facilitate trade and transport.



PART 2 - TRANSPORT SPHERE IN THE MLA COUNTRIES

1. ARMENIA

- Transport in the Country

Most of the transport national legal acts were adopted in the period from 1996 to 2000. In 2002, important reforms in the field of motor transport were implemented creating the regulatory transport arrangements supervised by the Ministry of Transport and Communications as well as by Transport Inspection subdivision in charge of transport activity supervision and legislative control over implementation. After 2002, many relevant legislative and normative acts regarding the passengers transport operators were created. The transport reforms included the privatisation of the motor or railway transport companies, most of the reform packages are finalised.

Improvements in the regulations of the passenger and cargo motor transport were envisaged by preparing draft documents on "Rules of Organisation of the Motor Transportation in the Territory of the Republic of Armenia", "Rules for Passenger Transportation on the Public Motor Transport in the Republic of Armenia", and "Organisation of Issuance, Registration and Destruction of the Authorisations to Carry out Interstate Cargo Transportation on the Motor Transport of the Republic of Armenia".

During the recent years, an increase of cargo and passenger traffic flows was recorded and attributed to the undertaken economic reforms. At the same time, an increase in the prices for vehicle units made it difficult for companies to purchase new fleet. The technical equipment remains a real problem in the transport sector.

In the area of railway transport, Armenia has achieved significant development regarding the technical equipment and the performance of cargo traffic railway line Airum –Yerevan. Carmin Belur as a multimodal terminal specialising in the container transportation by rail plays a significant role in the international transport sphere.

The international cargo traffic flow on roads is regulated by means of the International Road Transport Carriers Authorisations. The Association of Armenian Freight Forwarders is a member of the FIATA, applying the rules and procedures proposed for the international freight forwarding activities.

In 1999, in Yerevan, Armenia and Bulgaria signed an Intergovernmental Agreement on international combined transport of goods, which joined into force in 2001. This agreement assigned an elaboration of modern forwarding system as an alternative to the road transport due to the limited capacity of the road transport infrastructure,. The agreement is applicable:

- For the users of a road and rail/inland waterway/maritime route on the state of one the Contracting Parties and when the road transport section transportation is carried out by a vehicle registered in one of the two signatory countries; and
- When the transport unit is forwarded from, conveyed or is in transit or has its destination at the territory of one of the two signatory countries.

For the combined transport, a permit issued by the Ministry of Transport of Bulgaria and the Ministry of Transport of Armenia is requested. It is also provided that both Parties undertake the necessary actions to transfer the customs clearances relative to such transport from the border crossings to the international terminals (railway stations and harbours). Other provisions refer to exemptions of import



–duty customs under the condition to be re-exported, special taxes and tariffs for transport operations, establishment of a Joint Committee responsible with the application of the agreement

In 2003, in Yerevan, Armenia, Bulgaria and Georgia signed an Agreement on multimodal transportation that demonstrates the conviction of countries that multimodal transport could offer a great option for solving the problems of the international freight. For the implementation of the agreement, a Joint Committee has to be established, but apparently no such entity has been created. The document used for the multimodal transportation has not been decided so far, thus the provisions of this agreement are not applied for the time being.

- Memberships

Armenia has been a member of WTO since 5 February 2003. The country joined this organisation as the 146th member, after completion of negotiations started in 1993.

The international conventions that Armenia joined during the last 3 years are the following:

- Convention on international cargo transport with the use of the booklet of the International Road Transport Carriers, 1975
- Convention on harmonisation of the frontier control of goods, 1982
- Convention on Road Traffic, 1968

In 2002, Armenia joined SMGS Agreement, having upgraded its observership into full membership.

As far as the regulations on customs are concerned, such regulations are set in accordance with the international standards. The Armenian Customs Code is in compliance with the WTO requirements.

- Custom regulations and procedures

There are tariff and non-tariff procedures applied for the foreign trade regimes. Goods that come from countries that have free trade agreements with Armenia are exempt from import customs duties.

No import customs duties are required for:

- Goods transiting Armenia, the transport carried out in compliance with the legal procedure of international transportation goods, luggage and passengers, as well as tools and fuel needed for the transport and food stuff necessary for the passengers,
- Goods imported into Armenia as a humanitarian aid or charitable projects (the definition of humanitarian aid project has to be established by an authorised body for the coordination of humanitarian aid of the Government of Armenia), goods that are temporarily imported into Armenia and exported from Armenia for the purpose of processing or reprocessing, as well as goods stipulated for the non-trade exhibits, shows and other similar activities; etc.

For freight traffic, customs fees are required. The fees for customs registration (except of freight traffic) are paid to the customs office.

Exemptions from customs fees:

- Goods imported in the customs territory of Armenia for humanitarian aid or benevolent programmes. In the cases not clearly indicated in legislation (including international agreements), the definition of programme is to be determined by the authorised body of Armenia Government for the coordination of humanitarian aid;



- Personal goods transported across the customs borders of Armenia by individuals (with the exception of private entrepreneurs) in accordance with the legislation, with the exception of personal transport;
- Goods imported by individuals (with the exception of private entrepreneurs) in quantities that do not exceed the stipulated amounts in the law on Customs Duties;
- Cultural items temporarily exported and then imported in compliance with regulations of Armenia; and the transport during the performance of legal international transportation during the time of such transportation.

The Government regulates the provisions for licenses required for export and import of goods.

The re-export of goods that originate from CIS is performed only under the license issued by a competent authority. The export of goods that originate from other countries is performed without any limitation.

Certificate of country of origin or any other relevant document is required in order to ensure exceptions envisaged by the international agreements for goods transported through the Armenia's customs borders.

Armenia has an agreement with Russia, Belarus, Ukraine, Moldova, Kyrgyzstan, Turkmenistan, Kazakhstan, Tajikistan, Uzbekistan "On Free Trade and Creation of Free Trade Zone" for the goods, originating from their countries and imported into Armenian customs territory, which are exempt from customs duties. According to that agreement, the commodities that originate from Armenia are exempted from customs duties when imported to the aforementioned countries. Based on the provisions of this agreement, the document that confirms the country of origin is the Certificate of the Country of Origin.

Transit shipment of goods and means of transportation through Armenia's territory is regulated by the Customs Code and by the Government Decree N. 887 "On Confirming the Order of Transit Shipment of Goods and Means of Transportation through the RA Customs Territory and Cases of Mandatory Customs Accompaniment".

No customs payments other than customs duties are required for transit. Means of non-tariff regulation shall not be applied either.

There is a maximum of 10 days allocated for the transit in order to accomplish the shipment of goods between two customs points. In case of influence by non-physical obstacles, these goods have to be transferred for responsible storage to customs entities within the mentioned terms.

In case of transit shipment of goods and transportation means, the person conducting shipment bears responsibility for them according to the laws in force.

Goods and transportation means under transit shipment through Armenian territory are declared in "Transit Shipment" customs mode, in the customs point through which the goods and transportation means are entered into the Armenian Customs territory.

If the goods and transportation means under transit through Armenian territory have been alienated or lost, or did not reach the exit customs point from the Armenian customs territory, due to other reasons without permission from customs entities, then the person conducting the shipment of goods, within ten days following the period envisaged for transit shipment, shall re-declare in "Import for free turnover" customs mode and pay the customs payments defined within that customs mode, as well as penalties and fees envisaged by the law, for making the payments later than the defined terms counted from the day the goods were imported.



According to the Armenian Customs legislation, there are three types of transit: simple, complicated and transit shipment by means of changing the transportation means (multimodal transportation) The simple type of transit shipment is used when goods in transit through Armenian customs territory are transported with means that are not loaded with any other goods and are not loaded additionally or unloaded during the transit shipment. In this case, only "Transit Shipment" customs mode shall be filled in three copies by mentioning the following in the corresponding boxes:

- the exit customs point, by taking into account the destination country of the goods and transportation means under transit,
- the route of transit, by taking into consideration the roads more suitable for that particular type of transportation means choosing among the possible routes the one that allows the transfer of goods under transit to the exit customs point within the shortest period of time and possibly bypassing the inhabited areas;
- time frame of transit, taking into consideration the technical capacities of the given transportation means, the specific features of goods under transit, the route of transit and the maximal time frame defined by the Customs Code of Armenia.

After being transferred to the exit customs point, the goods and transportation means under transit shall undergo the checking of the accompanying documents, then the data of the declaration presented to the exit customs point shall be compared and cross-checked with the data received by radio-telegram, in the presence of customs security/guaranty means on the transportation means under transit put by the entry customs point, as well as possibility of unloading and additionally loading of the transportation means (cargo-boxes) without harming/breaking the customs security/guarantee means.

If no violations of customs rules are observed, the goods and transportation means under transit are allowed to be exported from Armenian customs territory and a radio-telegram concerning the transit, along with the third copy of the declaration, is sent to the Customs Committee not later than the day following the date that the goods and transportation means have reached the exit customs point.

If violations of customs rules are observed, the exit of goods and transportation means under transit is banned and an investigation on violations of customs rules is initiated.

The complicated type of transit shipment is applied when, during transit, goods declared in other customs regimes should be unloaded from (or additionally loaded to) the transportation means used for transit. A customs declaration in three copies for the part of the goods designed for transit is filled in the entry customs point. Customs processing and customs control for cargo that is not subject to transit are implemented in a separate customs regime in an order provided by the Customs legislation, filling out a shipment document.

If the part of cargo not subject to transit (but declared in other customs regimes) should, in the defined order, undergo customs processing, or the transportation means designed for transit should be additionally loaded with goods declared in other customs regimes in one of the regional intermediary customs points, then:

- the intermediary customs houses should be mentioned in a sequential manner in the corresponding box of the declaration filled for goods under transit shipment in the entry customs point,
- The goods under transit (also goods declared in other customs regimes, if available) and transportation means together with transfer manifest and under mandatory customs accompaniment are directed from entry customs point to the first intermediary customs house located on the route chosen by the entry customs point. Notes about transit goods and goods imported in other customs modes are made in the transfer manifest.



In this case, also the entry customs point shall decide and note in the relevant boxes of the declaration:

- the exit customs point, by taking into account the destination country of the goods and transportation means under transit
- the route of transit, by taking into consideration the roads more suitable for that particular type of transportation means choosing among the possible routes the one that allows to transfer the goods and transportation means under transit to the exit customs point in shortest period of time and possibly bypassing the inhabited areas;
- time frame of transit, taking into consideration the technical capacities of the given transportation means, the specific features of goods under transit, the route of transit and the maximal time frame defined by the Customs Code of Armenia.

When cargo reaches the first intermediary customs house, the customs security means put on cargo in entry customs point are taken away in the customs house, the part of cargo subject to customs processing in the given customs house is unloaded, or (and) the goods, that underwent customs processing in the given customs house and should be transferred on the vehicle used for transit shipment, are additionally loaded. If possible, customs security means are put on the transportation means/vehicle used for transit, and the cargo together with transfer document is directed to the next intermediary customs house.

When goods and transportation means under transit reach the exit customs point, the following procedure shall be applied:

- Checking of the accompanying documents
- The data of the declaration presented to the exit customs point shall be compared
- Cross-checking against the data received by radio-telegram,
- Presence of customs security/guaranty means on the transportation means under transit put by the entry customs point,
- Checking the possibility of unloading and additionally loading of the transportation means without harming/breaking the customs security/guarantee means.

If no violations of customs rules are observed, the goods and transportation means under transit are allowed to be exported from Armenia customs territory and a radio-telegram concerning the transit together with the third copy of the declaration is sent to the Customs Committee not later than the day following the date when the goods and transportation means have reached the exit customs point.

If violations of customs rules are observed, exit of goods and transportation means under transit is banned and an investigation on violations of customs rules is initiated.

In case the transit was not possible to be completed within the defined terms due to insurmountable conditions, the persons transporting the goods within the time frames envisaged for transit in accordance to the acting order can deliver transit goods for responsible storage to any customs entity close to the transit route.

The receiving customs entity getting the application for the delivery of transit goods for responsible storage shall on the same day inform the Customs Committee about that transaction by means of radio-telegram by mentioning:



- The name of entry customs point,
- Date of release of goods from the entry customs point
- The type and registration number of declaration filled in the entry customs point.

If the transportation means used for transit of goods imported into Armenia should be changed in the Armenian border customs point of entry, the goods and transportation means can be declared either "Entry into Free Customs Warehouse" or "Entry into Customs Warehouse" mode, then, after having trans-shipped goods on another transportation means within the territory of free customs warehouse or customs warehouse, they can be declared in "re-export" customs mode and exported from Armenia.

- Factors complicating international transport

It should be noted that the structure of the Railway Company (Freight) and its functionality create obstacles and undermine incentives for adequate development of the international transport sector. Armenia practices time consuming and very complex customs procedures, especially hindering is lack of transparent inspection procedures. Transit traffic is obligatory to be escorted and convoyed through Armenian territory. This old-fashioned procedure does not go together with actual requirements of the international transport companies, and is extremely inefficient.

Among other reasons that hamper international transport are scarcity of international agreements adopted by Armenia, lack of provisions for technical specifications in accordance with international standards, and lack of provisions related to multimodal transportation and freight forwarding activities. There are some unnecessary procedures coupled with complicated mechanisms of their practical implementation such as complicated and costly procedure for the issuance of Certificate of origin for transit of goods.

Finally, low level of implementation of the Customs procedures and application of customs documents should be mentioned among the most essential factors that hold Armenia away from adequate development of the international transport and creation of conditions to facilitate transit through its territory.

2. AZERBAIJAN

- Transport in the Country

In 2002, in Azerbaijan, a legitimate Ministry of Transport was completed. In 2003 the Charter of the Ministry of Transport which describes its functions and duties was adopted. However, the country needs major transport reforms for the delimitation of the regulatory and commercial functions in transport and trade sectors. A draft transit strategy was initiated and is being currently under development. The strategy would provide a comprehensive framework for border agencies cooperation and improved efficiency of transport operators.

The railway network needs repair of its facilities to be financed by the international financial institutions. Sea and inland-water cargo transportation are vital for Azerbaijan as well. The highways and roads are in poor condition and in urgent need of upgrading and proper maintenance.

In 2004, the Ministry of Transport established the Maritime Administration. As the regulatory authority in the field of maritime transport, entrusted with the sector's management implementation, its functions include participation in the formulation of state policy in relation to maritime transport, consideration of demands of legal entities and physical persons for the transportation of goods and passengers and for other types of maritime transport services.



Among the priority issues that need reforms in the transport sector of Azerbaijan, it should be mentioned the transfer of regulatory functions exercised by various stakeholders/companies to the Ministry of Transport, a comprehensive framework for improved efficiency of the transport operators, a transparent process of tariff settings for the sea port, air and rail sector and a monitoring system by the Ministry of Transport.

FIATA Association interrupted the activities of the National Association of Azerbaijan as member of FIATA two years ago.

- Memberships

Azerbaijan has an observer status in the WTO, and applied for membership in 1997. In order to prepare for WTO membership, Azerbaijan was provided with considerable assistance by EU the last years.

Azerbaijan has acceded to the Customs Convention on Containers, 1972 on 17 January 2005. The Convention came into effect for Azerbaijan on 17 July 2005.

In the area of international railway transport, as a member of SMGS Agreement, Azerbaijan agreed to apply the SMGS bill as a common transit customs document, after ratification of the Protocol on amendments to the MLA of 2003.

- Customs regulations and procedures

The Customs Code regulates the transit of commodities and means of transport, and the customs warehouses.

The transit of commodities apply the customs conditions, the application of economic policy measures is not required for them.

The requirements for transit of commodities within Azerbaijan territory are as follows:

To remain in unchanged conditions, except normal wear and tear or losses during the transportation and storage must not be used for any other objectives besides transit;

To be delivered to the customs body of destination within the term specified by the customs body of departure depending on the capacity of means of transportation, chosen route and other conditions of transportation;

Transit of commodities over the territory of Azerbaijan might be carried out by any roads and in any directions, if not specified otherwise by the national legislation of Azerbaijan. If customs authority of Azerbaijan has enough grounds to believe that carrier or its means of transportation cannot guarantee observance of provisions of the Customs Code, the customs authority will have the right to place commodities under the customs regulations of transit, provided that respective means of transportation will be duly equipped, there will be customs escort or commodities will be transported by special customs carrier in an order specified by the Customs Code and normative acts of authorised competent bodies of Azerbaijan. The state bodies shall not reimburse expenditures borne by carrier in compliance with special equipping of transportation means, or transportation of commodities by customs carrier.

A customs permit for the transit of goods and means of transportation is required. The carrier is responsible for the transit of goods in case of loss of undelivered goods to the customs body of destination.

Regarding the international transport, Azerbaijan concluded various bilateral agreements with the CIS on maritime, railway and road, which offer the legal ground for transportation on the Azerbaijan territory.

There are no provisions in the national legislation regarding multimodal transportation.

There is no direct Law in the national legislation regulating freight forwarding activities.

- Factors complicating international transport



It should be mentioned that lack of implementation or postponement of the transport reforms hampers development of international transport in Azerbaijan, reduces the incentives for the private sector to participate in the this sphere of economy.

Absence of clear and transparent provisions for the transport operators prevents new companies from entering this market, and complicates the functioning environment for the existing ones. Same applies to insufficient and unclear provisions for the customs certification and customs clearance.

It should be mentioned that duplication of complex and cumbersome provisions for the customs brokers do not add to the transparency of the transportation process, equally as absence of direct regulation in multimodal transportation and freight documentation is a real obstacle.

In addition, there is a major need to accede to the international agreements on transport and trade and the WTO.

3. BULGARIA

- Transport in the Country

As a future member of the EU, the national legislation of Bulgaria in the transport sector was amended and harmonised in compliance with the EU "acquis communautaire", during the last years.

Harmonising the Bulgarian legislation with the European legal standards in the transport sphere was one of the most important points of the negotiations on Chapter 9 – "Transport Policy". The progress in accomplishment of the requirements led to the successful closure of Chapter 9 – "Transport Policy" on 2 June 2003.

The legal framework of the transport sector, introducing the European legislation, is either already implemented or in the last stage before its adoption. During the harmonisation process, special attention was paid to the safety requirements in all transport modes and institutional building and development.

A fiscal harmonisation plan for the road transport was elaborated and presented to the European Commission (road charges for heavy vehicles for the use of certain infrastructure and minimum road tax level for the automobiles) introducing the vignette system for collecting road charges from 1 January 2004 and equalisation of the rates of the charges for the use of road infrastructure of the Bulgarian and European member states registered vehicles.

The Amendment to the Road Transport Law was adopted in August 2002 by the Council of Ministers. On the basis of this legal framework, considerable efforts have been made for the approval of the secondary legal acts in the road transport.

The multimodal transportation is regulated by the Bulgarian legislation under the Instruction No 53/2003 on Multimodal Cargo Transportations and is in compliance with the Directive 92/106/EE and the Agreement between Bulgaria and EU for the establishment of some determined conditions for road transportation and enhancement of multimodal transportation.

In 2000, the restructuring of the railway transport sector was commenced, by harmonizing the national transport legislation with the requirements of the EU.

Below there is a selective list of EU Directives and regulations on railway transport which were transposed in the national legislation of Bulgaria:

Directive 80/723/EC on the transparency of financial relations between Member States and public undertakings;

Directive 91/440/EC on the development of the Community's railways (Ensuring the management independence of railway undertakings; Separating the management of railway operation and infrastructure from the provision of railway transport services, separation of accounts being



compulsory and organisational or institutional separation being optional; Improving the financial structure of undertakings; Ensuring access to the networks);

Directive 92/106/EC on the establishment of common rules for certain types of combined transport of goods between Member States;

Directive 93/38/EC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors;

Directive 95/18/EC on the licensing of railway undertakings (provision of the criteria applicable to the issue, renewal or amendment of licenses by a Member State intended for railway undertakings);

Directive 95/19/EC on the allocation of railway infrastructure capacity and the charging of infrastructure fees;

Directive 96/35/EC On the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (Reduction of risks arising out of the transportation of dangerous goods and appointment of safety advisers);

Directive 96/48/EC On the interoperability of the trans-European high-speed rail system;

Directive 96/49/EC On approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (scope: harmonisation of the Member Countries legislation in compliance with RID; facilitation of free movement of goods and services and to guarantee high level of safety performance. Exempt from the scope of this Directive, the transport of dangerous goods conducted by means of transport equipment belonging to or under the responsibility of the armed forces. It does not cover that area, in particular as regards: the marshalling of freight wagons in trains in national traffic; operating rules for operations ancillary to transport such as marshalling and stabling; the training of staff and the management of information concerning the dangerous goods transported;

Directive 2000/18/EC on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail and waterway;

Directive 2001/12/EC amending Council Directive 91/440/EC on the development of the Community's railways;

Directive 2001/13/EC amending Council Directive 95/18/EC on the licensing of railway undertakings;

Proposal for a Directive 2002/23/ EC Establishing an European Railway Agency;

Regulation 1017/68/EC applying rules of competition to transport by rail, road and inland waterway;

Regulation 2183/78/ EC determining uniform costing principles for railway undertakings;

Commission Decision 82/529/EC on the fixing of rates for the international carriage of goods by rail (The railway undertakings and the harmonisation of rules governing financial relations between such undertakings and railway undertakings should be managed in accordance with economic principles and to this end determine their transport rates, aiming to achieve optimum financial results and financial balance; Whereas the attainment of these objectives presupposes the principle of commercial management of the carriage of goods by rail within a framework of sufficient commercial independence);

Council Decision 83/418/EC on commercial independence of the railways in the management of their international passenger and luggage traffic;

Commission Decision 85/13/EC relating to the setting up of a Joint Committee on Railways;

Commission Decision 93/465/EC concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives;

Commission Decision 1692/96/EC Concerning the Community guidelines for the development of the trans-European transport network (of trans-European transport network through integration of land, maritime and air transport networks within the territory of the Community; the guidelines treat issues



of infrastructure and transport management. The transport infrastructure comprises of road and railway network, inland waterway network, sea ports, airports and the interfaces between them);

According to the new law on Railway Transport, a separation of the infrastructure from the operator functions is ensured. Accordingly, the National Company "Railway Infrastructure" and the shareholding company "BDZ" EAD were established.

Bulgaria has already implemented the Directive 96/53 of the EC and norms for maximum weights, dimensions and loading capacity have been introduced in compliance with the EC law.

The Ministry of Transport and Communications developed a Programme for combined transport development until 2010.

Structural reform and privatisation in transport sector have been carried out. Nearly 90% of the companies of the transportation industry have been already privatised.

A directorate "Road Administration" has been established under the Ministry of Transport and Communications. This directorate is responsible for road policy matters including licensing and relations with other countries.

With the entering into force of the new Road transport law – on 17.09.1999 - the former GRD (General Road Directorate) under the Ministry of Regional Development and Public Works was transformed into the Implementing Agency "Roads" under the Minister of Regional Development and Public Works.

All road sections have been categorised in accordance with the European and regional programmes for infrastructure development and conditions are under development and enable the application of European regulations and Technical Standards in the road sector.

The Bulgarian National Forwarders Association is a member of FIATA and IATA.

Bulgaria possesses the following railway terminals handling large tonnage containers: Sofia freight, Plovdiv – Philipovo, Dimitrovgrad, Stara Zagora, Tchestovo freight, Pleven West and Vratza. The railway container terminals in Bulgaria are freight stations. The other specialised container terminals are located in inland waterways and seaports. The upgrading and construction of new infrastructure for combined transport is part of the transport investment programme, where the development of environmentally friendly combined transport is one of the priorities of the transport policy of Bulgaria.

- Memberships

Bulgaria has been a member of WTO since 1 December 1996 and since then Bulgaria has undertaken significant reforms including, liberalisation of its trade policies. A report on the trade policies and practices of Bulgaria, released on 17 October 2003 by the WTO Secretariat, notes that the broad trade policy reforms undertaken by Bulgaria cover its customs, tariff, import licensing, contingent trade instruments, standards, government procurement, trade-related intellectual property, and services regimes.

Agreement for Transit of goods by road entered into force in May 2001. INTERBUS agreement was ratified in 2002.

Bulgaria has ratified to the following relevant international conventions:

AGC (European Agreement on Main International Lines), Geneva 1985;

AGTC (European Agreement on Important International Combined Transport Lines and Related Installations), Geneva 1991;

"Multilateral Agreement on multimodal transport of goods", signed by Armenia, Georgia and Bulgaria in 2003.

- Customs regulations and procedures

The customs tariff adopted by Bulgaria in 2002 is in compliance with the changes to the Harmonised System and Combined Nomenclature for 2002. It also includes the changes to the lists of countries to



which preferential and MFN rates are to be applied, and changes to MFN tariff rates made in accordance with Bulgarians WTO obligations.

All goods of foreign origin are eligible for import under the relevant control procedures. The responsibility for declaring the goods for import lies within the importing company or its attorney. The payment of the customs obligations (duties, taxes, etc.) typically also lies within the declarer. The declaration is submitted at the customs on whose territory the country is entered.

Export regime applies to goods of local origin only. The term "local origin" is defined in Art. 1, Para. 6 of the Customs Act. The owner or an authorised person of the goods is responsible for declaring the export and paying the export fees and/or duties. The export is declared at the customs establishment on the territory of which the expedition and loading of goods are prepared.

The customs legislation provides for three more simplified declaration procedures for the trade of goods and one for exporting personal belongings.

For the transport of goods exported by legal entities and private merchants under cover of a TIR Carnet, the customs authorities require the following documents:

- Export Licence. This document is required only for goods, which according to the Bulgarian legislation are under a licence regime or under a registration regime.
- Export Invoice - Unified Administrative Document (EAD) (the official form of a written customs declaration) When the consignment comprises goods with different tariff numbers under the Customs Tariff of Bulgaria, if the data required for certain boxes of the customs declaration coincide, one or more Additional Unified Administrative Documents (DEAD) may be attached to the Unified Customs Document. They form an integral part of the customs declaration and contain the required number of forms for classifying the goods under the respective customs regime. Both documents (EAD and DEAD) are provided in a set of forms required for the imports, exports and transit of goods.
- TIR Carnet - CMR (international consignment note)
- Customs Information List, issued by the customs administration of the Republic of Bulgaria.
- The ATA Carnet is a unified international customs guarantee document for the temporary import, export and transit of goods under the International Convention ATA. Under the Bulgarian legislation, its use is regulated by the Rules for the Application of the Law on Customs.
- The international transit is carried out under the TIR and ATA Conventions, to which Bulgaria is a party.

According to the national legislation, there are three other modes of internal transit:

- Entry transit – from a border to an inland customs;
- Exit transit – from an inland to a border customs;
- Inland transit – between two inland customs.

The regulations applicable to cargoes transited through Bulgaria are Articles 61-62, 90-103 of the Customs Act and Articles 219-327, 801-806 of the implementing regulations of the Customs Act. The person responsible for the transit of cargo through Bulgaria has to make sure that the goods are presented to the receiving customs establishment in an unchanged form and within the deadlines set by the sending customs establishment.

- Factors complicating international transport

Many legislative and institutional problems, hindering combined transport development, have been tackled. For full-fledged development of the combined transportation of goods, not only advancement of the legal framework is needed, but also proper maintenance of the infrastructure, the construction of new links and terminals, and the reconstruction of the existing inter-modal container terminals are necessary.



4. GEORGIA

- Transport in the Country

The international transport of goods and passengers by road is supervised and coordinated by the Administration Road Transport, which is responsible for the use of authorisations by non –residents.

The countries that have free movement of passenger's regime in Georgia are: Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine and Uzbekistan.

The demand for freight and passenger transport of Georgia collapsed after its independence. The downturn also reflects the unstable political and economic environment. Transport sector development is essential for the achievement of sustainable economic growth and smooth progress is recorded within the last years.

The Georgian Railways is completely independent and has agreements with the railways of Azerbaijan and Armenia for transit and exchange of traffic.

The poor condition of roads in Georgia, caused by a lack of financing, represents a large barrier to investment and growth. The government introduced user charges and a Road Fund, improved collection of payments, but full enforcement has yet to occur.

In 2003, the Minister of Transport issued an "Order for the approval of the Rules on Railway Cargo Transportation" providing for the rights, obligations and liabilities of the parties to transactions related to railway transportation of cargo with the Georgian territory.

According to the national legislation, Customs authorities and the road administration authorities are responsible for:

- the authorisations for international road transport;
- the special authorisations for carriage of passengers and other related documents;
- TIR Carnets (only customs authorities); and
- Road user charges.

The Civil Code regulates the activities on freight forwarding.

The Georgian legislation does not provide for the term "Certification" but for "licensing or authorisation".

There is no Law of direct application in the national legislation regulating freight forwarding activities.

It should be noted that a Ministry of Transport established with an assistance of the EC programmes was eliminated, as a department responsible for the transport sector within the Ministry of the Economic Development was established. The department is accountable to the relevant deputy minister. The Consultant deems important to strengthen the capacities of the Ministry in regards of the transport sector development.

- Memberships and Agreements

Georgia is a member of WTO since 14 June 2000. It became an observer to the Agreement on Government Procurement in July 1999 and, in line with the Protocol of Georgia's accession to the WTO.

During the last ten years, Georgia has concluded numerous bilateral agreements on road transport, railway, maritime, most of them with the TRACECA countries. The bilateral agreements are the cooperation basis between Georgia and other countries in the transport sector. Apart from that, numerous laws for various types of transport were adopted specially during 1997-1999 and amendments to the laws were adopted after 2001. Georgia jointed to more than 40 international agreements and conventions. Presently, Georgia is making tremendous efforts in developing legal reforms in the transport field, in line with the EU regulations and international standards.



Georgia concluded and ratified bilateral agreements on international road/auto transport with Turkey, Greece, Kyrgyzstan, Armenia, Azerbaijan, Uzbekistan, etc which provide for the terms and conditions on transport according to the international regulations.

The National Association of Freight Forwarders of Georgia is a member of FIATA.

The multimodal transportation is very important for Georgia due to its transit potential.

In 1998, Georgia ratified the Intergovernmental Agreement with Romania on International Combined Transportation.

Georgia is also a Party to the Agreement on multimodal transportation of goods, signed by Bulgaria and Armenia in Yerevan in 2003, but no progress in the implementation of the agreement has been recorded so far.

- Customs regulations and procedures

The Customs Code provides for the customs regime for the crossing of the border of Georgia with goods and transportation, as well as types of customs duties, customs declaration and basic principles for control.

Amendments of the Customs Code were necessary for transparency and predictable customs rules and the simplification of customs clearance procedure as well as improvement of transit procedures for the sea / railway / air conveyers, provisions for authorisation for import of goods with some duties exemptions and additional specifications for the customs valuation and origin of goods.

New amendments of the Customs Code have been adopted in 2003 concerning mainly the following:

The obligatory payment of customs duties to the State budget upon movement of goods at the customs border;

The object of taxation is the customs value of goods, which includes the price at the time the goods are purchased, expenses for transportation expenses, loading and unloading, insurance, commission and brokerage service until crossing of Georgian customs border, license and other taxes paid directly or indirectly by the purchaser for the use of intellectual property objects;

Tax exemptions apply to the export of goods (except cases enumerated by law), re-export, transit, temporary import, import of sixteen types of pharmaceuticals, baby and diabetic food, wheat and a number of other products.

In the customs clearance three forms of declaration are applied:

- Cargo-Customs Declaration;
- Physical Persons' Declaration;
- Declaration for mailing.

The customs control is performed by the customs bodies and consist of the examination of goods and transportation, the required documentation, the data, checking of the territory of the temporary storage, customs warehouses, duty-free storage places, free customs zones and duty free shops, enumeration of goods and transportation, interviews of physical persons as well as physical searches.

Within their competence, customs bodies have the right to appoint or to carry out examination of economic activity of the persons who perform activity falling under the control of the customs bodies. The custom control is responsible for the investigation of violations of the customs legislation.

A custom temporary regime is defined as the regime under which exported or imported goods must be returned in an unaffected condition, excluding those changes caused as a result of their exploitation, transportation or normal wear and tear. New conditions for placing goods under the temporary import/export regime were introduced, limiting the number of people who are eligible to own customs warehouse and the introduction of permits for customs warehouses, tax free customs trade, the customs brokering and customs shipping.



To sum up, the Customs Code determines the customs regimes of: import, re-import, transit, storage of goods at the customs, customs-free trade, production at the customs territory, production under the customs supervision, temporary import or export, location and/or use of goods at the duty free zone, location and/or use of goods at the duty free storage, production outside the customs territory, export, re-export, liquidation, refusal in favour of the state.

During the border crossing at the Georgian customs posts, goods and transportation are subject to declaration at the customs bodies. The declaration is performed according to the approved form, requesting exact data about the goods and transportation as well as their customs regime. The person in charge of those goods and transportation or the customs broker must file the declaration (According to the legislation of Georgia, a customs broker with a license from the Customs Department may represent the enterprise; one of the main conditions for the receipt of a license as a customs broker is a guaranteed deposit).

The new Tax Code of Georgia was adopted on December 2004 and came into force in January 2005. The new provisions on VAT refer to the time of the taxable transaction, which shall be considered.

The VAT customs value included customs fee, customs duty and excise of all taxable goods imported into the territory of Georgia.

The New Tax Code included the VAT zero rate, which applies for:

- Export of goods;
- Services related to international air transportation of passengers and goods as well as aviation fuel supplied on board for international flights;
- Supply/import of goods intended to official use by diplomatic representative offices.

The new provisions of the Tax Code regulate the excise zero rate for the export of excise goods.

- Factors complicating international transport

There is still a major need for cooperation between the different border agencies (customs, border police), transport authorities, and service suppliers both within and between countries and with countries along the same transport corridors in order to reduce waiting times at the borders and to provide essential cost savings and growth of legal trade and transit.

In order to reduce the cost of international transport, Georgia is advisable to commit carrying out reforms of customs agencies and introduction of selectivity. There are many gaps in provisions of the law on insurance related to the limits on coverage and equity.

Very complicated, costly and time consuming customs procedures are deemed as one of the major factor to impede trade and transport. Absence of provisions for multimodal permit constitute a stumbling block for international transport operators and freight forwarding companies crossing Georgian territory with their cargoes.

5. KAZAKHSTAN

- Transport in the Country

Due to the geographic size of Kazakhstan and its key location between Europe and Asia, the economy of Kazakhstan is one of the most freight intensive and dependent on efficient transport in the region.

During the last years, important progress has been recorded in the road transport sector and transport infrastructure. The legal and regulatory framework in the road and air transport sectors, although greatly improved, has shortcomings with either gaps or overlaps in regulations and inadequate allocation of responsibilities for enforcement, which has made the development of the private sector more difficult than necessary and increased transport costs. This has an impact on



other countries, such as the Kyrgyzstan, which need to use Kazakhstan's transport network in order to reach foreign markets.

The facilitation of international trade and transport could be ensured by the improvement of the performance of customs, implementation of the international transport agreements through the Kazakh legislation, development of the freight forwarding industry, harmonisation of transport regulations with those of the neighbouring countries, and better interregional coordination of rail transport.

One of the Government priorities is the development of the role of Kazakhstan as a key transit country between Europe and Asia. A railway line with a European gauge is under construction to connect the railway network of China with the Port of Aktau and in the later via Turkmenistan with the Iranian railway network that grants a direct access to the open sea port.

- Memberships

Kazakhstan applied for accession to the WTO in 1996 and accession negotiations are still in progress. Bilateral market access negotiations in goods and services began in October 1997 and are continuing on the basis of revised offers in goods and services.

- Custom regulations and procedures

A major development for Kazakhstan is the creation of the Customs Automated Information System that contribute to the speeding up of the customs clearance and simplification of the procedure of crossing customs borders for tracks. Also the SAFETIR software system for the control over the cargoes shipped was introduced. In April 2003, a new Customs Code of the Republic of Kazakhstan was adopted and three months later, the Resolution of the Government of the Republic of Kazakhstan No. 669 "On Adoption of Rates of Customs Fees, Charges and Payments Levied by Customs Bodies" joined into force.

The Resolution No 669 adopted in 2003 provides for the rates of Customs Charges, fees and payments levied by customs bodies. The customs charges are required provided for:

- Customs clearance goods and vehicles transported through customs border;
- Storage of goods at customs warehouses and temporary storage warehouses owned by customs bodies;
- Storage of goods at customs warehouses and temporary storage warehouses owned by customs bodies;
- Special premises using specific equipment and creating special temperature regime;
- Customs escort of goods;
- Issuance of license for customs storage warehouse;
- Issuance of license for establishing temporary storage warehouse;
- Issuance of license for performing activity as a customs broker;
- Issuance of certificate of competence for a customs clearance specialist.

The Order No 258/ 29 .05. 2003 of the Acting Chairman of the Customs Control Agency of the Republic of Kazakhstan should also be mentioned, which provides the rules for the Participants in Foreign Economic Activity to the Minimal Risk Category and Application of Simplified Customs Clearance Procedures.

Imported goods are subject to VAT at the point of customs clearance. VAT on imports is currently calculated at 15% of the customs value of goods, including freight and customs levies and taxes. Goods exported outside the territory of Kazakhstan are zero-rated for VAT purposes. Kazakhstan has specific agreements for VAT purposes with other countries. In this case, an export to a country with who such an agreement is in force, such as Turkmenistan or certain exports to Russia may not be a zero-rated export for Kazakhstan VAT purposes. The VAT zero-rate does not apply on railway



transport services on international and transit railway connection, including transportation, forwarding, loading/unloading and storage services.

The customs clearance procedures, concerning crossing borders and transit with the countries adjoining Kazakhstan and within the region, are insufficiently harmonised and they don't comply with the international standards. Complicated and diverse procedures and documents hamper trade flows both inside the region and with the countries outside the region.

In 2004, the Intergovernmental Agreement between Kazakhstan and Kyrgyzstan on transit of goods by trucks via Kazakhstan was signed. The implementation of this agreement ensures movements of goods from/to Kyrgyzstan both without transferring on deposit customs payments due and without accompanying. This procedure is an exception for Kazakhstan. In order for similar facilities to be provided to cargoes from other states, it is necessary to develop appropriate systems.

- Factors complicating international transport

There is certainly a need to develop a regional system of guarantees for the improvement of the regional transit. In general terms lack of legal provisions encouraging the regional transit transportation and insufficient amount of adopted and ratified international agreements, as well as lack of their implementation constitute a major gap for proper development of the international transport.

The absence of the provisions for establishment of administrative bodies for road and air transport, regulations encouraging participation of the private sector in the transport are considered among the most crucial factors hampering international transport development.

It should be mentioned that in Kazakhstan there is no direct law regulating the freight forwarding activities, also SMGS railway bill is not applied as a common customs transit document. The railway does not practice the application of VAT zero rate for the international railway transport due to the absence of such a norm.

6. KYRGYZSTAN

- Transport in the Country

Road transport is the principal mode of transportation in this mountainous country. The country has 18,560 km of highways. Significant privatisation has been developed in the sector. Most goods are transported by privatised joint-stock companies. However, most formally independent companies are mainly state owned. There is a lack of real competition between these enterprises although the informal sector is increasingly offering competitive, if relatively small scale service alternatives. More than 60% of the national roads are in poor condition.

Due to the present political overthrow, there is not yet a clearly defined transport strategy of Kyrgyzstan available. However, the still existing "Conception on Transport Development of the Kyrgyz Republic for the period of 2010" stresses the need for increased regional transport operations and networks.

Kyrgyzstan is not a member of FIATA, it was established FIATA National Associations two years ago.

A large volume of cargo and passengers has traditionally been carried by rail in Kyrgyz Republic. In addition, air transport and infrastructure were extensively developed with airports being built in all major cities. Still, tracks carry more than 97% of cargo in the country and automobiles, which carry 80% of all passengers, also dominate the passenger transportation.

Private companies and individuals can pay license fees. Major part of public transportation is now provided by the private sector. Cargo and intercity passenger transportation is provided by state-owned and private companies. Customers can hire trucks that belong to self-employed drivers in order to transport goods. Rail transport services are provided by the state-owned Kyrgyz Railroad Department. According to Kyrgyz Rail, passenger service is not profitable and is subsidised by its freight service.



- Memberships

Kyrgyzstan became a member of the WTO in late 1998 and consequent reduction of import duties in 1999 has created favourable conditions for import.

- Custom regulations and procedures

Generally market of customs services, including commercial services on customs clearance, forwarding goods and transport vehicles through custom boundary, are executed by customs brokers as well as by importers themselves. The activity of customs brokers was not fully legal due to existing contradictions in Kyrgyz legislation. The Customs Code stipulated rules for activity of customs brokers, although their activity was not made provisional by the existing licensing system. The same situation existed in respect to customs regimes where licensing was requested for opening customs warehouses, duty free shops and others. This requirement was replaced by obtaining permission of the Customs Service Department and necessity to be included into internal register of the Customs Service Department.

A new Customs Code was prepared and passed by Legislative Assembly on April 2004. The Code was expected to become into effect on January 2005.

The new Customs Code provides licensing of customs services according to the Law on Licensing amended by Law No 129/2004 "On amendments to the law on Licensing" which came into force in January 2005. According to the law, customs services (customs carrier, owner of temporary storage, owner of duty free shop, customs broker) are included in the list of activities to licensing.

Major improvements of the Customs Code include adoption of provisions of the Kyoto Convention including principle of ensuring the reasonable balance of interests in trade between the state and the entrepreneurs. Customs procedures have also been simplified and customs declarations must be checked within 3 days.

The procedure of the customs clearance is based on 3 phases:

First phase: submission of documents by filling out customs cargo declaration, payment of due payments and statement to custom bodies about cargo arrival.

Second phase: verification of the due payments calculation accuracy by the customs payment inspector

Third phase: goods' physical examination/inspection

Customs clearance process must be carried out within 3 days from the day of filing a declaration.

- Customs brokers

A customs agent (broker, intermediary) may be a legal entity-enterprise, organisation, and establishment created in accordance with the legislation of Kyrgyzstan and obtained a permission to act as a customs broker from the Customs Service Department.

Customs broker can commit under his own name transactions associated with customs clearance and carry out intermediary functions in customs business at expense and on assignment of represented entity. Executing customs clearance procedure, a customs broker must carry out all relevant obligations and bear full responsibility. Rights, obligations and responsibility of customs broker in relation to customs bodies cannot be restricted by agreement with represented entity.

- Temporary customs warehouse

Goods and transport vehicles from the moment of presentation to the customs body until their release or issuing for disposal to an entity in accordance with selected customs regime must be under a temporary storage under customs control. Warehouses of temporary storage may be open type and closed type.

The Customs bodies may determine obligatory requirements regarding the structure, equipment and location of warehouses of temporary storage. Usually, the owner of a warehouse of temporary



storage bears the responsibility for making customs payments in respect of goods and transport vehicles, which are stored in his warehouse.

Transit of goods is a customs regime that applies when goods can be transferred under customs supervision between two customs bodies of Kyrgyzstan, and also through territory of a foreign state without levying customs duties and taxes. Goods in transit are subject to custom control at the place of their receipt.

Internal customs transit from customs point of departure to customs point of destination is intended to ensure conveyance of goods under supervision of customs inspector from customs point of destination. Internal customs transit procedure is free of charge. Goods conveyed in transit between two Kyrgyz customs bodies must remain in an unchanged condition, except for changes consequential to natural wear or loss under normal conditions of transportation and storage and not be used for any other purposes.

Transit of goods within the Kyrgyz Republic can be made in all directions and ways and under the permission of customs bodies.

In case the customs body has reasons to believe that a carrier or its transport vehicles may not guarantee compliance with provisions of the Customs Law, customs bodies can place goods under customs regime of transit, only if due equipment of transport vehicle, conveyance of goods by a customs carrier or customs accompaniment is provided. Expenditures incurred by carrier in relation to ensuring due equipment of transport vehicle or by carriage of goods by customs carrier will not be reimbursed by state bodies.

In case of an accident or force majeure situations, goods may be unloaded and carrier is obliged:

- to adopt every necessary measure to ensure safety of goods and prevention of any unauthorised use;
- to immediately report to the nearest customs body on circumstances of case, location of goods and transport vehicles; and
- to ensure conveyance of goods to the nearest customs body or delivery of customs body officials to the place of goods location.

Customs bodies will not reimburse to carrier expenses incurred in relation to taking above-mentioned measures.

Carrier is fully responsible for transit of goods. When issuing goods without permission of customs body or in case of their loss or failure to deliver them to destination customs body, carrier must pay customs payments, which would be due appropriately under customs regimes of release for free circulation or in case of export, unless goods are destroyed, irretrievably lost as a consequence of an accident or force majeure, or shortage in goods occurred due to natural wear or loss under normal conditions of transportation and storage, or goods were disposed as a result of unlawful acts of foreign state bodies or officials.

Export of goods must be carried out under condition of payment of export customs duties and any other customs payments. In case of export, goods are exempted from taxes or amounts paid must be subject to refund in accordance with the current legislation.

- Factors complicating international transport

It should be mentioned that no direct law in the national legislation regulating freight forwarding activities exists in the country. The legislation lack clear and proper provisions on multimodal transportation. Also clear and sufficient provisions for the licensing system and customs brokers lack in this country. As in the majority of the TRACECA countries proper implementation of the customs procedures regarding the declaration on customs borders and provision for customs brokers liabilities are missing.



7. MOLDOVA

- Transport in the Country

Moldova is a net importer of transport services. Except for road transport services and some civil aviation, the transport sector is dominated by state-owned enterprises. Moldova's extensive transport infrastructure is seriously deteriorated. Road and rail transport are the two most important modes of transport. Both road and rail freight traffic were decreased as a result of the economic decline in Moldova during the last decade. Passenger traffic shows a similar decline, though less acute, with road transport playing a leading role and constantly increasing to the detriment of railway transportation. Trade and transport suffer from corrupt practices of Customs and other border agencies and lack of modern and transparent border procedures.

Regarding the railway transport, there is a lack of electric railway lines while Romania and Ukraine use the electric transportation.

The development of transport corridors and their integration in the Pan-European transport system is the national priority for the development of the routing and transport network.

The Concept for creation and development of the national net of international transport corridors adopted by the Government of Moldova in 2002 is in accordance with its national legislation and the provisions of the international conventions on transport infrastructure where Moldova is a party.

The road transport needs rehabilitation and maintenance of the existing roads as well as adjustment of the technical level of the national road network in accordance with the international standards.

Within the development of the international transport corridors on the Moldova's territory, it is envisaged the creation of extensive network of combined transport. In this sense, development of the necessary measures to be undertaken is:

The creation of terminals storage of goods as well as the multi-functional multimodal system which would offer the whole set of customs and transport of goods services;

The establishment of the national operators of the inter-modal transport for export;

The provision of complete services and the control of the transport carriage based on the direct tariff rates;

The legal basis of the international road transport is mostly regulated by the bilateral agreements concluded by Moldova.

Moldova is working on the creation of the favourable conditions for the attraction of international flow of transport on the national routes and improvement of communications lines within the country. In view of the creation of the international transport corridors, the necessary measures to be undertaken are:

Reduction of tariffs of the transport of passengers and goods within the internal traffic;

The rationalised interaction of various means of transport in the inter-modal chain is based on logical principles and improvement of the informational assistance;

Technical international specifications in line with EU requirements and in compliance with the international conventions –AGR 1975, AGC 1985, AGTC 1991, AGN 1996. are in an implementation process.

- Memberships

Moldova has been a member of WTO since 26 July 2001.

Moldova commenced its accession process in 1993 and has implemented legally the three major sets of WTO Agreements: GATT, GATS, and TRIPS. Enquiry points for customs and trade regulations, agriculture and GATS have been established.



The international transport of passengers are carried out in accordance with the international conventions where Moldova is a party, the national legislation of the transit countries and the Regalement No 1348/2003 issued by the Government of Moldova on the auto transport of passengers and luggage and other related international conventions.

The provisions of the Convention on the Contract for the International Carriage of Goods by Road and the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport are applied.

- Customs regulations and procedures

The import procedure ensures the implementation of the measures of the trade regime.

The importing company or its representative is responsible for declaring the goods for import.

The import is to be declared at the place of entry.

The documents required for the import of goods in Moldova territory, are as follows:

- Invoice including quantity and price of the goods;
- Declaration of value if required;
- Documents required for applying preferential rates (e.g. certificates of origin);
- Forwarding documents;
- Insurance bill if goods are insured;
- Packing list.

The export refers to goods that are permanently brought out of Moldova.

The owner of the goods is responsible for declaring the export and paying the export fees and duties.

The export is declared where the freight is loaded.

The documents required for the export of goods from Moldova, are listed below:

- Invoice or pro-forma invoice including quantity and price of the goods;
- Documents for use in the destination country: (e.g. certificates of origin);
- Forwarding documents (bills of lading);
- Insurance bill if goods are insured;
- Documents about the previous customs regime (where applicable), e.g. internal transit declaration from the starting customs office;
- Packing list

Documents required for vehicles and drivers:

- Documents for vehicles /drivers;
- Ecological Control certificate;
- Contract on the basis of which the goods were delivered;
- Transport documents (see above);
- The commercial documents (see above);
- Licenses of drivers, authorisations of driver if not owner;
- Certificate of concordance;
- Certificate of origin;



- Declaration of repatriation;

According to the Order 276/2002, the transport documents required at the customs clearance of the goods are:

For transport by air:

- air bill (freight) foreseen by the Convention for the unification of certain rules relating to international Carriage by Air (Warsaw 12.10.29).

For transport by road:

- The international carriage letter foreseen by the International Convention on the Contract for the International Carriage of goods by Road (Geneva 12.05.1956);
- TIR carnets foreseen by the international Convention on the international transport for goods under cover of TIR carnets (Geneva 01.11.1951).

For transport by rail:

- the carriage letter foreseen by the International Agreement on the International Goods transported by rail (entered into force 01.11.1951).

For transport by sea:

- the bill of lading foreseen by UN Convention on the Carriage of Goods by sea (Hamburg 1978).

- Factors complicating international transport

The research revealed absence of the direct law in the national legislation regulating freight forwarding activities and multimodal transportations create obstacles for efficient development of the international transport and limit the capacities of the national transport sector stakeholders.

It should be noted that non-transparent practices on the customs borders, time consuming procedures at the transit of goods and absence of imperative provisions for the customs agencies in case of failure to fulfil their obligations undermine the transit processes and hamper export and import operations.

Moldova does not demonstrate strong commitment to implementation of the signed and ratified international treaties and agreements. In addition, the country lacks transparent provisions for the transport of goods and passengers.

In the railway transport a carriage letter is applied instead of SMGS railway bill as common customs document.

8. ROMANIA

- Transport in the Country

The goods and passengers volume has increased due to economic development, the improvement of the legal environment and the increase of infrastructure investments. The maritime and inland water transport registered high growth due to access to the Black Sea and the Danube and the low cost of those transport modes.

During 2003, Romania concluded major part of the harmonisation of the national legislation with EU regulations for the road transport, in this sense making applicable the international standards of the road transport.

The railway network covers all the territory of Romania. It accounts 10.981 km and currently is under rehabilitation and modernisation in order to allow the passenger traffic to reach 160 km/hour, while the cargo transport is envisaged to reach 120km/hour.

The road transport network is of 73.435 km covering 70% of the national road traffic.



The maritime network is situated in south and south east of Romania and accounts 1.779 km out of which 1.075 km is served by the navigable international transport of Danube.

In order to recover and modernise the transport infrastructure, the Ministry of Transport is responsible for the reorganisation or privatisation of some strategic infrastructure and transport companies (maritime and railway), such as the National Company of Cargo Railway Transport "CFR Marfa" - S.A., the National Company "Administration of Maritime Ports" S.A. Constanta.

In August 2005, the Romanian Government issued the Government Decision 817/2005, which approves the Programme regarding the long-term strategy for the railway sector in view of reestablishment of financial balance of the infrastructure administration and the infrastructure modernisation and renewal.

The present programme for railway, road and maritime international transport envisages the improvement of the safety and security in the transport sector.

The international transport is regulated by the national legislation in compliance with the EU regulations and directives and the international treaties that Romania is a party to.

The national carrier's regulations regarding the carrier liability are as follows:

For international post the International Postal Union Treaty and the Post Office Regulation is applied. The period of liability is from receipt by the Post Office until the delivery. Notice of claim after receipt of damaged goods is 7 years.

For the international railway transport, the uniform Rules concerning the contract for carriage of Goods by Rail (CIM) are applied. The period of liability is from collection until delivery. The notice of claim after receipt of damaged goods is visible damage on delivery.

The Government Ordinance 19/1997 regarding the transports, amended and supplemented in 2000 and 2002, provides among several types of transportation, the multimodal and combined transportation.

For the forwarding, there are no special regulations.

For the combined or multimodal transport, there are no binding regulations.

- Membership

Romania has been a WTO member since 1 January 1995.

For the international road transport, the Convention on the Contract for the International Carriage of Goods by Road is applied (CMR 1956).

For the air freight, the Aviation Code of Romania and the Warsaw Convention 1929/1955 are applied.

For the sea transport, the UN Convention regarding the transport of goods by Sea is applied (Hamburg 1978)

Romania is a party to the International Convention regarding the facilitation of the international marine traffic– FAL Convention is ratified by law 80/2000.

- Custom regulations and procedures

Romania applies the provisions of the international road transport treaties on cargo regarding the tax on general turnover required when the value of the cargo is not stated in the accompanying documents, except for the cases of mutual exemptions; it is charged on cargo value basis or on fixed tall.

The customs clearance tax is required when crossing the Romanian state border, for the customs clearance operations of international cargo transport, at a rate of 20 USD per vehicle and per trailers and half-trailer. The forwarding companies from the border points are authorised to cash the taxes in foreign currency. The Romanian registered vehicles and those registered in countries where these taxes are exempt for the Romanian vehicles, are exempt from the customs clearance taxes. The



failure to present at the exit customs point a document issued upon entering the country, necessary to clear out the goods, is taxed with a penalty for replacement of document.

According to the Order of the Customs General Directorate No 2/2000, since 7.02.2000, the new tariffs for the customs escorts and parking of vehicles in the customs were introduced.

The customs escorts carried out for cargo irrespective the TIR carnet coverage. The customs authorities initiate the escorts operation as appropriate measure for the alleged irregularities.

If the driver is not the carrier, a certificate from the employer stating that the goods are covered by a TIR or an ATA Carnet is required.

According to the national legislation, the documents required for international transit of cargo are:

- CMR international consignment note;
- Bill or freight list;
- Certificate of origin of the goods;
- Sanitary or veterinary certificate, if needed;
- TIR or ATA Carnet, as appropriate.

According to the national provisions, the necessary documents for foreign vehicles are required.

For drivers these are:

- the passport with entrance visa;
- the medical insurance;
- the green card of the vehicle (insurance on foreign territory);
- the ARR authorisation for each transit country;
- the TIR agreement certificate;
- the Transportation licence (for legal persons);
- the Consignment licence (for each vehicle);
- the International driving licence;
- the Certificate of registration of the vehicle;

According to the customs code, import and export have a definitive customs regime.

Transit has a suspense customs regime within the territory of Romania.

The import of goods is subject to customs duties established in a special list by the customs authorities.

Customs duties shall not be levied on export of goods.

The passengers can import or export goods, which are carried in the personal luggage without being subject to customs taxes pursuant to the Romanian legislation or in accordance with the international agreements and conventions where Romania is a party.

The forms used for the general statement of bill of lading and for the multimodal transportation are the ones recommended by the International Marine Organisation.

Article 100 of the customs code provides that in case of existence of customs documents set up in accordance with the international conventions and agreements signed by Romania, the customs authority shall accept them without issuing internal documents.

The customs brokers can carry out expedition activities and international transportation activities for goods pending the customs regime.



For the customs reforms and the compliance of the customs procedures with EU regulations, the Government envisages the following measures:

- the legal framework for shifting the customs administration to the subordination of the Ministry of Public Finance was drawn up on the basis of Law No.602/30.12.2004 concerning the capacity of the Government to issue ordinances;
- draft Government Decision concerning organisation and functioning of the customs administration subordinated to the Ministry of Public Finances;
- The legal basis needed to introduce the Romanian Integrated Tariff (TARIR) and its publication on the site of the customs administration, as well as its dissemination by electronic means to the economic operators concerned;
- an inventory, on the basis of the current customs norms, of the procedures for notification, approval and authorisation, with a view to drastically reduce bureaucracy, shifting competency from the central level to the locations where the customs clearance takes place, and increasing transparency of decision;
- changing norms on simplified procedures for their complete harmonisation with the community norms by promoting measures for easier access to such procedures;
- re-assessment of the implementation phase of the Common Transit Convention and approaching the national and Community authorities with a view to speeding up the full accession to this Convention;
- strengthening the administrative capacity in order to implement the legal provisions updated with the latest modifications of the *acquis* on combating counterfeiting, piracy and the illicit drugs traffic, reallocation of logistical and personnel resources, mainly to the customs offices at the non-Community border. Within a given deadline which was estimated for April 2005 the following tasks had to be executed;
- identification and gap analysis between the provisions of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code with subsequent modifications, on the one hand, and Law No.141 on the Customs Code and Government Decision No.1114/2001 on the Regulation of Application of the Customs Code of Romania, on the other hand;
- setting up a "green line" procedure on Giurgiu – Nadlac – Bors - Varsand road for the consignment carried under TIR carnet with a view to removing excessive customs formalities and to immediately decreasing the lines of means of transportation at the western border;
- generalising introduction of the simplified customs procedures for the heavy tax-payers economic operators that do not have debts to the consolidated state budget, as well as for other economic operators that comply with the harmonisation criteria;
- drawing up the Customs Code and Regulations drafts, harmonised with the Community *acquis*. Presentation of the Customs Code and Regulations drafts for public debate.

- Factors complicating international transport

The lack of proper implementation of transport regulations in line with EU and international practices, bureaucratic procedures for the approval and authorisation procedures on customs borders create obstacles for transport sector development. Specifically, weak implementation of the Common Customs Procedures and absence of direct provisions for multimodal transportation and freight documentation constitute major factors impeding international trade.



9. TAJIKISTAN

- Transport in the Country

Tajikistan is a landlocked country located in the South-Eastern part of Central Asia. Due to its geographical position a specific mountainous relief (93% is occupied by mountains) the railway and aircraft networks and the automobile roads are insufficiently developed. Road transport is the main transport mode and 90% of cargo transportations are undertaken by road vehicles. The Government of Tajikistan gives the highest priority to the road sector. The Government considers the rehabilitation of the national road network an enhanceive basis for economic development of the country, which gives a basis for integration into transport corridors of Central Asian countries westwards.

Of the total roads in Tajikistan, 20 % estimated to be in fair condition, 48% in poor condition, and 32% in very poor condition. Practically none of the roads is estimated to be in good or very good condition.

The transport sector is dominated by inefficient state-owned enterprises that operate under incentives procedures from market realities. Although much of the fleet is inoperable, many enterprises still maintain fleets and conduct operations as well as predicted levels of demand for transport.

The Government is developing a legal and regulatory framework for transport activities to operate in a market economy. Basic laws on transportation have been passed by Parliament. The government wants to reform the management of the sector – involving separation of operational and functional responsibilities. Competition is expected to increase through privatisation of state-own firms and the increasing number of private companies.

The Civil Code of Tajikistan regulates transport expedition activity.

The international transport of passengers and goods are regulated by bilateral agreements with the neighbouring countries.

The national legislative framework on transport needs a lot of support from the Ministry of Transport and legislative bodies, as well as transport and freight forwarders expertise.

- Memberships

Tajikistan has a WTO observer status for which the country applied in 2001. Tajikistan submitted a Memorandum on the Foreign Trade Regime in February 2003 and a first set of replies to questions from Members in September 2003. Bilateral market access negotiations have been initiated, following the circulation of initial offers on goods and services in February 2004.

The international agreements on transport concluded by Tajikistan so far are as follows: Convention on Road Traffic, 1968; The Convention on Contract Road Goods Transport – CMR, 1956; and TIR Convention, 1975.

- Custom regulation and procedures

The Tax Code regulating the customs regime of goods was adopted in 1995. A new Customs Code was prepared in 2004, providing customs procedures and related activities that improve the ambiguous and deficit provisions of the previous Customs Code.

Taxation regime for imported goods is the same as for national products.

During customs clearance process it is unavoidable to interact with customs authorities and to learn customs clearance procedures and rules, and the order in which the process is carried out. According to customs legislation, all goods and transportation means imported to customs territory are subject to customs clearance. The order of customs clearance is not the same for all goods and transportation means because goods cross the customs border in a variety of ways.



The phases of the customs procedures are:

- notification on import transaction;
- inspection of temporary storage warehouse to make sure they are in accordance with storage requirement of the goods and transportation means prior full completion of the customs clearance;
- Supervision over conveyance of goods and transportation means to a temporary storage warehouse until full completion of customs clearance and control. All kinds of goods can be stored in the warehouse, given that they will not harm other goods already being stored at the warehouse. Duration of storage of goods in storage warehouses is determined by customs authorities; however it cannot exceed 2 months;
- Review, measuring, selection of probes and samples is carried out at temporary storage warehouse. This procedure is carried out to identify customs value of the goods.
- Preparation of notification by export-import entity to express the necessity to present.

According to the Customs Code, 1995 customs broker is a firm, with status of a legal entity incorporated under the laws of Tajikistan, and licensed by the Customs Department of the Ministry of State Revenues and Duties to perform responsibilities of and services as a customs broker. Relationship between customs broker and representative are based on a notarised contract.

Customs Department is responsible for publication and maintaining a list of customs brokers.

Customs specialist has custom clearance rights on behalf of the customs broker. However, such custom specialist must have a qualification certificate issued by the Customs Department. Customs specialist is a key person as he is the one who actually fills out the customs cargo declaration.

Once arrived to a port, the goods will remain in a temporary storage under control of the customs officials, until they are released according to specified customs regime. Goods can be temporarily stored in appropriate facilities or locations. List of temporary customs warehouses is published by the Customs Department periodically.

Generally, in order to place goods in a warehouse customs, officials request only documentation that enables them to identify goods.

The owner of the temporary customs warehouse is responsible for payment of customs dues for goods stored. If the Customs authorities own the temporary customs warehouse the owner of the goods or entity, which placed the goods in the warehouse, is responsible for duties.

- Factors complicating international transport

Tajikistan lacks implementation of international agreements on international transport and trade. Likewise in many TRACECA countries there is direct law in the national legislation regulating freight forwarding activities and multimodal transportation. Tajikistan is not a member of FIATA, so it is difficult for this country to adequately apply the international freight procedures and use internationally recognised documents.

Also transparent procedures regarding the customs clearance are missing, and accompanied by complex and time-consuming customs procedures. In addition there is no clear practice of specifically established competences of the customs bodies for the issuance of certificates for customs clearance, as well as status of the customs brokers and specialists is not clearly defined.

10. TURKEY

- Transport in the Country

Turkey's transport network comprises approximately 63.000 km of state and provincial roads (including motorways), 11.000 km of electrified and non-electrified main and secondary railway, lines,



7 major public ports operated by the railways, several other public ports operated by TDI (Turkish Maritime Administration) as well as 34 commercial airports.

In 2003, the total passenger traffic amounted to 186 billion passenger-km and the total domestic freight to 173 billion ton/km. 95% of passengers transport (not air) were carried by road and 5% by railways. 90% of domestic goods were carried by road, 4% by rail and 3% by maritime transport. The international freight transportation, which in 2003 amounted to 615 billion ton-km, was mostly performed using maritime transport (95%).

Railway and road infrastructure are constructed and maintained from public budget. Operators on road are private. Railway operation is under the monopoly of government (TCDD), but most recently it can also be executed by third parties with permission of TCDD. For construction of sea and airports, especially in the last decade, BOT (Build-Operate-Transfer) type concessions have been used. Maintenance of ports and airports is generally financed by public budget. Turkey's flag carrier airline company is Turkish Airlines (THY) but many private airline operators for domestic and/or international operation are available. Sea transport operators are mostly private, but there is a government company, TDI, which focuses on passenger transportation as well as Ra-Ra ferries operated by Turkish Railways (TCDD).

The 8th five-year development plan (2001-2005) analyses some of the major problems of the transportation sector as the lack of an up-to-date transportation master plan, lack of a transportation database and an unbalanced distribution among transportation modes.

Turkey's international trade relies heavily on maritime transport and on road haulage (which is a very important industry in the country). Railways, although they have an extended network, do not contribute much to international transport and do not perform combined transportation (with the exception of the Samsun – Constanta Ra - Ra services). The initiation of the under-Bosporus rail tunnel is expected to bring about in the near future an important impulse to the usage of railways for international passenger and mainly freight transport.

In a report prepared by the EC in 2001, it was recommended to Turkey to considerable working on the improvement of the transport legislation in compliance with EU acquis.

Already in 2003 the EC took notice of important progress regarding the preparation of transport legislation, which needed an appropriate implementation and improvements regarding maritime safety, road and railway transport.

A road transport Law adopted in 2003 provides a general framework for both national and international road transport market activities. Following the adoption of the framework Law, a regulation was adopted in 2004, setting further implementing rules for road transport activities, including licensing procedures and setting out the rights and obligations of road transport operators and vehicle requirements.

Turkey's transport relations in Europe and Asia are carried out in the framework of several bi-lateral, regional and international agreements.

Law 4925/2003 regulates the road transportation operations and determines the terms of forwarding depot operations and cargo operations and similar services of the forwarders, rights and duties of the forwarders, etc. The law is applicable to passengers and freight transportation operations by motor/road transport.

The international passenger freight transportation operations are mentioned as well in law 4925/2003 including:

- The transit transportation operations that are undertaken by the land vehicles that enter Turkey by the sea from a port or by land or by railway from a border point.
- The transportation operations to third countries via land vehicles from the landing point in Turkey after they have entered Turkey by railway, by sea or by air.
- The transportation operations to other countries from Turkey by land vehicles.
- the transportation operations to Turkey from other countries by land vehicles



Article 15 of the law provides the regulation of the transportation operation:

"For the transportation operations to Turkey and for the transit land transportation operations over Turkey in order not to delay the transportation operations in Turkey and to ensure that the international transportation operations over Turkey are performed in a fast and orderly way, a quota system may be applied in the context of the laws, related with the determination of the routes and physical limits of the infrastructure so that these operations will be performed together and in a complementary way with other transportation systems. The vehicles that will be utilised in the transportation operations of the countries, which have not signed any land transportation agreements, are subject to the permits, which will be given by the Ministry."

According to article 6 of the Road Transport Regulations, international transports are exempted from transit permit.

According to the Road Transport Regulations, the international transport of passengers and goods acknowledges:

The transit transports performed by loaded road transport vehicles without any trans-shipment, which enter to Turkey by road or railway through a frontier gate or arrival a port in Turkey by sea on board a ship.

The transport of passengers, goods or cargo, arriving to Turkey by railway, sea or air, from the points of destination, while the transport of passengers, goods or cargo arriving Turkey by road, from the customs administrations outside the frontier gates, to third countries by road vehicles.

The bilateral transport operations realised to other countries from Turkey by road vehicles.

The bilateral transports from other countries to Turkey by road vehicles,

The third country transports where the places of unloading and loading are located in countries other than the country that the vehicle used in transportation belongs to.

Each vehicle with a foreign license plate shall charge a transit pass fee in Euro, or in its Turkish Lira.

No waybill shall be required in international transport of goods; instead, the documents valid for international transport shall be required.

- Memberships

Turkey has been a member of WTO since 26 March 1995.

European agreement on the work of personnel of vehicles engaged in international road haulage - AETR European Agreement concerning the international carriage of dangerous goods by road (ADR).

INTERBUS Agreement on the International Occasional Carriage of Passengers by Coach and Bus.

Turkey has 2 national associations registered to FIATA that apply the rules and procedures internationally recognised.

- Customs procedures

The most significant phenomenon in Turkey's foreign trade policy is the Customs Union established between the EU and Turkey as of 1 January 1996. This development initiated the duration needed for the legal infrastructural consistency of foreign trade strategy with the EU's norms, and thus both import and export regimes have been made consistent with the regulations of the EU. The Customs Union between Turkey and the EU is a unique case due to the fact that Turkey is the first and only country that entered into such integration without being a member of the European Union. This process involved the abolition of all customs duties and charges, the prohibition of all quantitative restrictions between the parties and implementation of a common customs tariff to the outside world. Besides, Turkey was demanded to harmonise its commercial and competition policies, including intellectual property laws, with those of the Union, and extends most of the EU's trade and competition rules to the Turkish economy.

Within the framework of the modifications made in the laws, the export support regime applied until 1 January 1996 was modified in compliance with the Customs Code of the Community.



In place of the export support regime applied in the framework of the export support decision No. 94/5782 based on obtaining raw materials at world market prices, the Inward Processing Regime numbered 95/7615, published in the Official Gazette 31.12.1995, the newly Inward Processing Regime numbered 99/13819 published in the Official Gazette 31/12/1999 and prepared as being parallel to the provisions of the Community Customs Code, entered into force as of 1 January 1996.

According to the modifications in the Export Regime, (article 4(e) of the Export Regulation), "an exporter" is defined as a person who is a member of the related Exporters' Association.

Export is the "de facto" exportation of goods or their value in compliance with the current Export Regulations, customs regulations and bringing the value of the goods back to the country through Turkish currency legislations or other ways of leaving country which can be accepted as an export by the Undersecretariat for Foreign Trade.

All goods, other than those whose exportation is prohibited by laws, decrees and international agreements, can be freely exported within the framework of the Export Regime Decree.

The Import Regime of 2005, reflecting both Turkey's international rights and obligations and the country's economic needs, has been prepared by taking into account the agreement establishing the WTO, the Customs Union Agreement between Turkey and the European Union, the free trade agreements signed with various countries, the preferential treatments granted by Turkey to the least developed countries and some developing countries within the framework of generalised system of preferences and also the specific needs and requirements of the agricultural and industrial sectors.

Customs duties are levied ad valorem on scales drawn up using the Customs Tariffs based on the European Union customs tariffs. Imports of industrial goods from EU countries are no longer subject to customs duties and fund levies because of the Customs Union. Turkey implements the Common Customs Tariff on implementation form non-EU countries for industrial products.

The VAT is levied on imports at the relevant rates. Most cases are 18%. The documentation procedures follow the EU system. The importer needs to present the import permit.

Turkey maintains a transparent and open trade regime.

Notification of loss of damages

The person entitled to take delivery of the goods shall notify the Freight Forwarder in writing and will provide a general statement of any loss of or damage to the goods at the time of delivery. If this duty is not complied with, the goods shall be presumed as received in good condition. In cases where loss or damage cannot be seen from the outside, the presumption of delivery in good condition shall take effect in the absence of any written notification within 7 days following delivery.

For every other kind of loss and damage, any claim related to a service undertaken or actually provided shall be made in writing within 14 days following the date at which the event giving rise to the loss or damage is effectively learned or ought to have been learned by the Customer. Otherwise such claim shall be deemed as waived and shall become void. However, if the Customer proves that it was impossible to comply with the time limitation and it has made its claim at the first opportunity, then such claim shall be valid.

The temporary import is valid 6 months and it can be extended depending on the commodity and value of goods. The Temporary Import Bond is provided by the forwarder and it has to be guaranteed by the freight forwarder as well.

The ATA carnet is accepted as Customs Document.

The Decree on the safeguard measures imports published in Official Gazette No 25476/29 May 2004, covers the procedures and principles related to taking safeguard measures where a product is imported in increased quantities and under conditions as to cause or threaten to cause serious injury. Such measures are temporary and limited to the injury or threat of injury by taking the international obligations and the interests of the country into consideration. The Under-Secretariat for Foreign Trade is the authority responsible for the application of the degree and the preparation of the regulations concerning the implementation of the degree.



According to the State Customs of Ukraine, the Black Sea Customs has been reorganised. The Black Sea Customs was the main custom service as sea, river, and air communications were under its jurisdiction.

In comparison with rail, motor and air transport, the infrastructure of water transport has substantial growth reserves in traffic capacity and the modernisation water routes is much cheaper with a relatively short investment payback time.

The main framework law "On Transport" (1994), does not contain any environmental regulations except the requirement for all vehicles to comply the environmental standards.

Two main documents defined the development of the transport sector: the "Conceptual framework for development of transport and road complex until 2020" and the law "On complex programme of strengthening transit activities in Ukraine".

Ukraine has concluded various governmental agreements on motor vehicle transport and international road transport which set up the legal principles of international cooperation between Ukraine, the signatory countries in the field of motor vehicle transport, the regular and irregular transportations of passengers and cargos between them, as well as transit transportations through the territory of these states along the roads which are open for international communication. Border and customs control shall be conducted according to provisions of international agreements to which Ukraine and the other signatory country are members and when such provisions do not exist, the domestic legislation shall apply.

– Transit transportation

The state policy of Ukraine in area of international transit is implemented on the basis of principles of ensuring free of charge, safe and unimpeded passing of goods, passengers and transport means through the territory of Ukraine, warranty of rights of the transit participants, and improvement of conditions for the customers of transit services.

The legislation referred to transit consists on:

- Law on transit of cargos with the amendments and supplements from November 2003 and May 2004, which regulates the transit of loads by air/motor car, railway, maritime and river transport through the territory of Ukraine.
- Customs code of Ukraine
- International agreements of Ukraine
- Other legal acts on transit of loads

The transit can be carried out in direct or combined connection. The transit of cargos in direct connection foresees their transportation in a unique transporting document during all transportation. Regarding the document for transit of loads, the law was amended in May 2004 and provides for the following documents, depending on the type of transport:

- Aviation freight invoice – Air Waybill
- International motor car invoice- CMR
- Railway transport –SMGS railway bill
- Maritime transport- bill of lading

Except for those, the transit of cargos can be accompanied by the account invoice or other document, which specifies the cost of commodity, packing sheet, freight list (Cargo Manifest) or the TIR Carnet.

According to the customs legislation of Ukraine, it is required the freight customs declaration or the invoice issued by the customs bodies.

Regarding the transit by a railway transport in customs organs, the Convention about the International railway transportation is applied (COTIF). In case of transit of loads by a railway transportation of other areas, customs organs recognise the SMGS bill which contain the necessary information for the customs control.



Provisional safeguard measures can take the form of customs duties, additional financial charges, restrictions on quantity/value of imports, tariff quota or a combination of these forms.

Where the provisional safeguard measures take the form of customs duties, the difference between the customs duty set in the Import Regime Decree and the customs duty set as a provisional safeguard measure shall be collected as a security in accordance with the relevant provisions of customs legislation.

Once the Decree entered into force, the Decree on Surveillance and Safeguard Measures for Imports and the Administration of Quotas and Tariff Quotas which put into force in accordance with the Council of Ministers Decree No: 95/6814 of 30 April 1995, and Decree on Surveillance and Safeguard Measures for Imports of Products Originating in Certain Countries which put into force in accordance with the Council of Ministers Decree No: 95/7348 of 6 October 1995 have been repealed.

- Factors complication international transport

Despite relative efficiency of the Turkish transport sector, still there are insufficient provisions for multimodal and combined transportation. There are incidences of inappropriate implementation of the international treaties and conventions adopted by this country. There are no clear and transparent provisions related to the administration and operation of the Ministry of Transport in view of implementing transport facilities. Not being a signatory of SMGS convention, Turkey cannot apply the SMGS railway bill. The transparent provisions regarding the freight forwarding services are missing.

Despite many transportation agreements, land transportation is the most important problem for the trade. Some parts of the railway route that connects Turkey with its huge market, CIS has not been completed by Turkey yet, it is difficult to say direct railway ties have been established by the CIS. On trade and economic relations with CIS countries, the main problems arise from the insufficiency in adaptation of national legal regulations to the rules of the free market economy. Passengers within Caucasian and Central Asian region face settlement problems and visa formalities.

11. UKRAINE

- Transport in the Country

Ukraine possesses a large network of roads (22.5.000 km) and railways (168.500 km). The major transport load in Ukraine is carried by public transportation of which the auto transport and railway used to carry up to 90% of all passengers and freight.

Road transport is the most popular mode for passenger transport but also the most energy intensive and environmentally dangerous transport mode.

The main priority of the official transport policy of Ukraine is the development of international transit traffic through the country. Besides supporting the development of international transport corridors, Ukrainian government proposes two more options of regional transport links: Black Sea-Baltic Sea and Europe-Asia.

Most of the present transport initiatives of the Government are aimed at restructuring and repair of the existing transport network.

The main obstacles for the development of transport sector stated by the new government are: complicated tax and customs system; relatively high prices for freight traffic; poor roads condition; rail tracks incompatible with the international standards; and outdated equipment (especially passengers and goods cars).

While tax and customs obstacles can be solved by changes in the legislation, the existing road and rail networks need remediation and the outdated vehicles have to be replaced.

According to the Ukraine Ministry of transport and communications, in January-April 2005 the cargo volumes of the Ukrainian water sector amounted to 2.737 million tons (+24.8% year-on-year). Yuzhny, Odessa and Mariupol ports became the leaders of the transit cargo handling.



In case of transit of cargos by a motor transport, the customs organs issue the freight customs declaration (FCD) or the TIR Carnet.

No other documents are applicable except for the above mentioned and the ones provided in the international agreements where Ukraine is a party.

The transit tariffs are determined by the agreements (contracts) where Ukraine is a party, if not otherwise provided in the national legal acts.

Laws and international agreements where Ukraine is a party institute the customs control of transit transportation exceptionally.

The obligatory conditions for the realisation of the transit of cargos are:

- clear regulations regarding the control by competent authorities provided in legal ;
- skilled entitled competent authorities;
- presence of the necessary certificated controls;
- amplified and speeded-up order of control;
- complex, simultaneous and continuous conducting of all types of control according the agreements

The freight forwarding activities are regulated by:

- the Civil Code of Ukraine
- The Economic Code of Ukraine
- The Laws on transport
- The Law on transit
- Law on foreign economic activity
- Law 1955/2004 on transport dispatching activity
- Other laws, transporting codes and regulations
- International agreements which Ukraine is a party

The Law 1955/2004 determines the legal framework and the principles of freight forwarding activity in Ukraine, as well as the terms of its development. This law was already signed and ratified by National Rada in autumn last year. The law applies to the transportation expedition of cargos by all types of transport, except for a pipeline.

The law provides the possibility of association of forwarders for the development of freight activities and participation in international organisation of transport. The state can intervene with the freight forwarding activity, only for the formulation of the economic policy and control in the field of freight forwarding activity.

The law also provides for the types of freight forwarding activities, the agreement of freight forwarding activities as the contractual basis between the client and the forwarder, the rights of the forwarders and client, the duties of the forwarders and the client, the liabilities of the forwarders towards the client.

The law also mentions that the Cabinet of Ministers of Ukraine shall adopt compatible documents and forms that are used in international practice for the freight forwarding activity.

The law on railway transport adopted in 1996 was severally amended and supplemented n 2002 and 2003. The amendments refer to calculations of tariffs on railways transportation of cargo and passengers, which uses the rolling stock and is carried out through a unique system of calculation, the management of railway transport, etc.

- Memberships



Negotiations on Ukraine's accession to the WTO commenced in 1993 and accession negotiations are in progress. A detailed examination of Ukraine's evolving trade policies has been undertaken by WTO members who have encouraged Ukraine to acquire the capacity to support transition to a market economy, implement and administer laws affecting trade in conformity with WTO rules, commit to WTO requirements, and provide a sound foundation for liberal, secure and predictable market access. Ukraine is in the process of amending its trade laws to bring them into line with WTO rules.

Through a Presidential Decree, it was decided for Ukraine to join the International Convention for Approval of Conditions for Frontier Control of Goods

- Customs regulations and procedures

In 2004, it came into force the new Customs Code of Ukraine.

The terms for submission of customs declarations - at the moment of acceptance of a cargo, are being legislatively determined for the first time. Customs regimes, covering practically all possible situations, arising at moving of the goods through borders of the country, are precisely designated. To already existing regimes, new ones - re-export and re-import were added.

The legal and normative status of a customs carrier has been established allowing the licensing of a corresponding kind of activity.

The Code also provides for the improvement of cargoes control and registration procedure.

It introduced new concept of customs value that complies with WTO requirements.

It imposed new requirements for use of certain customs regime:

Re-import This regime applies to goods previously exported outside Ukraine and brought into Ukraine for free circulation if such goods: originate from Ukraine; were imported into Ukraine no later than one year after export from Ukraine; were not used outside Ukraine for obtaining profits; remained unchanged since the date of export except natural wear.

Temporary import (export)

The Customs Code does not limit the goods, which can be imported or exported temporarily. There is Permission for temporary import (export) with full conditional exemption from taxation for specific reasons described in the Code.

There are not determined procedures for admission of goods to temporary import/export regime and listing of goods whose customs clearance under this regime must be guaranteed pursuant to the law.

At present, goods imported temporarily are exempt from import duty whereas effective laws do not provide exemptions from VAT and excise duty for such goods. Importing goods of foreign origin for processing in Ukraine is subject to permission of the customs authorities.

The Customs Code changes the rules for determining the goods country of origin: "Most favoured nation treatment or preferential regimes may apply retroactively upon submission of origin certificate within a year after customs clearance".

National Law regulation a combined transport is under elaboration.

An electronic clearance form for export and import cargo will be implemented in 2006. It will be connected to the electronic systems used in the EU Countries.

- Factors complicating international transport

It should be mentioned that regulations on combined transport are not yet in force in the Ukraine. The country does not apply SMGS railway bill. The procedures are complex, time consuming, transparent and clear customs procedures are missing. It should be noted that international agreements related to transport adopted by Ukraine are not fully endorsed.



12. UZBEKISTAN

- Transport in the country

Uzbekistan with its transport network of air, railway and motor road communications is one of the focal traffic centres within Central Asian region, as well as dependable link of international transit.

The development and modernisation of the transport sector has been a government priority, given the urban population's high dependence on public transport and the importance of domestic and international trade for the economy. Restructuring of the railway, Uzbekiston Temir Yullari, has been proceeding and involves spinning off unrelated businesses, laying off redundant workers, and rationalising tariffs. In the road and air transport sectors, the government has focused on investments, including the modernisation and rehabilitation of equipment and facilities, and the creation of a key road link between the Ferghana Valley and the rest of the country.

The transport sector is still dominated by state-owned enterprises and there is no appropriate financial, regulatory, and institutional framework as yet for competitive provision of transport services.

Uzbekistan has a large rail network, which is important for freight transport movement accounting for approximately 90% of all freight, and for approximately 65 % of long distance passenger movement. Total length of railways is 3655 km, including 680 km of two-way track and 498 km of electrified track.

The length of general use roads is 43,463 km, and that of intrafarm, departmental and city roads is 95,200 km.

The Uzbek International Forwarders Association (UIFA) plays an important role in the transport freight forwarding services, transportation of cargoes by rail under the customs control, air/road transportation, transportation of export-import and transit cargoes in large tonnage containers of the international standard, insurance of cargos, etc.

The National Joint Stock Railroad Company "Uzbekistan Railways is an important player of the Uzbek transport sector. The railway system transports the bulk of international freight. 90% of the Uzbek import and exports are transported by railways.

The tracks coming from Turkey and Iran using the southern route dominate the international road transport.

The Uzbek Automobile and River Transport Agency has been reorganised and its functions were improved in 2001. The Agency is empowered to control the compliance with operation rules of ships and floating constructions, compliance with safety rules and requirements, control over observance by foreign and national operators of main provisions and rules of the international agreements and conventions where Uzbekistan is a party in the field of automobile and river transport.

The FIATA documents and practices are familiar to Uzbekistan thanks to the activities carried out by the UIFA.

The Multimodal transport is at an initial stage and no provisions are regulating it although it was planned to set up a specialised multimodal transport organisation and to develop multimodal terminals throughout the country.

Since October 2004, substantial changes has been underway in the transport sector of the Republic of Uzbekistan. In accordance with the Presidential Decree dated 11 October 2004, the Uzbek Association of Transport and Transport Communications was established in order to reinforce coordination activities in transport sector. This entails optimisation of freight and passenger traffic and transportation efficiency. The Association got a mandate to develop transport links and communications, as well as to extend of the international collaboration in the transport sphere.

The main targets and activities of the Association include:

- coordination between railway, air, road and water transport to optimise the operation of transport modes;



- research activity and implementation of programs for the future development of the unified transport network in Uzbekistan;
- facilitation to establishment of transport networks and logistic infrastructure;
- rendering necessary assistance to attract investments, including FDI, for construction and rehabilitation of transport communication networks,
- monitoring of the investment projects;
- cooperation with international institutions and foreign countries to develop project proposals to improve functioning of international transport corridors;
- presentation of Uzbekistan's interests in transport field to the international organisations and donors;
- promotion of safety and security in transportation.

The Association unites the all transport sector authorities and stakeholders in Uzbekistan.

Memberships

Uzbekistan holds a WTO observer status for which it applied in 1994. Uzbekistan submitted its Memorandum on the Foreign Trade Regime in September 1998 and is yet to submit offers to initiate bilateral market access negotiations with interested Members.

- Customs regulations and procedures

Since 2002, Uzbekistan applies the Commodity List of Foreign Economic Activity based on the Harmonised System of describing and coding products. (Resolution of Cabinet of Ministers 3 May 2002)

Customs clearance is a difficult bureaucratic process in Uzbekistan. Delays affect all imports, since there is no procedure for releasing goods under bond. In order to avoid the delays, many companies contract for pre-shipment inspection. Excessive documentation requirements make the customs clearance a costly and time-consuming process. There is not a system of pre-arrival clearing and no systematic risk analysis, therefore, the customs clearance is only possible after physical inspection of the consignment. List of countries, participants of the Agreement on creating a Free Trade Zone is registered by the Ministry of Justice on 8 April 1998 as № 429. Given regime is used in trade with Azerbaijan, Armenia, Republic of Belarus, Georgia, and Kazakhstan.

Uzbekistan applies the system of tariff preferences in accordance with the Agreement signed with EU in trade of textiles. The tariff rates quoted are charged on imports from the countries with which Uzbekistan has bilateral trade agreements. Goods from CIS countries, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia Ukraine, Turkmenistan and Tajikistan can freely enter in Uzbekistan under the Agreement on Creation of a Free Trade Area. In addition, Uzbekistan has bilateral free trade agreements with all CIS countries, except Armenia.

Uzbekistan concluded various intergovernmental agreements on trade and economic cooperation, which provides for preferential tariff regimes.

According to the Tax Code, the VAT on imports is 20% with some exceptions. In the Resolution of the Cabinet of Ministers No 567/ 25/12/2003 rates of excise tax stated for products imported and exported from Uzbekistan. The VAT of 20% and excise duties of up to 90%, both calculated on the tariff inclusive cost, are both levied and added by the customs service.

Regarding the Customs regime, the most commonly used trade regime is the "Free Circulation" The Free circulation is the regime under which goods imported into customs territory remain there permanently without obligation to export from this territory. The regime stipulates payment of customs duties, taxes and other customs fees always in line with the measures of economic policy.

Other customs regimes are: re-import, export, re-export, transit, temporary Import (Export), temporary storage, Customs Warehouse, free customs zone, free warehouse, duty free, processing in customs territory, processing under customs control, processing beyond customs territory, destruction, refusal in favour of state.



According to the "Decree of the Cabinet of Ministers of the Republic of Uzbekistan on Additional measures on satiation of the internal market with timber was published" issued on July 7, 2003, the following rates were fixed: import customs duty for imported timber and wood for legal entities shall be 0 %; single customs duty for natural persons, who are registered as individual entrepreneurs without establishment of legal entity and have right for export-import transactions shall be 0 % in case of import of timber and wood for commercial purposes.

The Customs Code provides that customs formalities have to be performed within 10 days after receipt of the customs declaration and presentation of all necessary documents and information. The goods can be declared by a physical entity, legal entity that transfers the goods or a customs broker and they have to fulfil all obligations and carry full responsibility provided under the legislation. The customs broker is the legal entity that conducts customs clearing operations on behalf of the person/entity he represents and may carry out other functions related to customs. The customs brokers are registered at the Customs Committee of Uzbekistan without licensing procedure. The use of customs broker is convenient for the consignee because after signing an agreement with the customs broker, all responsibility for customs formalities is transferred to the customs broker.

The responsibilities of the customs broker are: to declare shipment and submit customs declaration to the customs body; to submit to the customs body documents and additional information, necessary for customs procedures; on demand of customs body, to present/show declared shipment; to pay customs and other payments envisaged by the customs legislation of Uzbekistan; and to assist customs authorities in carrying out customs formalities.

The Customs warehouses are designated for storage of goods under regime of temporary storage or customs warehouse.

The transit of goods has to be declared to the customs authorities of Uzbekistan upon entry and after release, the goods may move into the customs territory of Uzbekistan only along the route determined by the customs authorities.

No duties and charges are required for the transit of goods.

The goods in transit must remain in unchanged conditions, except for a natural depreciation. Also the goods must not change their economic purpose during the in transit.

If the goods are not presented at the customs authorisations when released, the carrier is responsible to pay all duties and taxes because of the goods released in free circulation, unless it has been proved that the goods were imported, destroyed or lost due to an accident.

There are some categories of goods that are restricted from transit, mostly armament and machine tools for making armament.

In 2004, many customs duty rates were modified through the Decree of the Cabinet of Ministries "On Measures to Further enhance Customs Tariff Regulation".

Goods that are not produced in Uzbekistan have zero rate, while the goods which are not produced in sufficient volume in Uzbekistan have 5% rate.

There is no direct Law in the national legislation regulating freight forwarding activities and multimodal transportation.

- Factors complicating international transport

Likewise in many TRACECA countries Uzbekistan does not apply SMGS railway bill as a single transit document. The country lacks provisions on multimodal transportation and practices complicated customs clearance procedures.



PART 3 - TRACECA VISA AND INTERNATIONAL FREIGHT ADVANCEMENT: CONCLUSIVE RECOMMENDATIONS

TRACECA VISA – STEPS FORWARD

10 years after the TRACECA Programme was put into force, the countries of Central Asia and Caucasus have achieved a certain level of development regarding the legal environment for the transit transport, but the objectives provided in the Basic Multilateral Agreement (MLA) signed in Baku 1998 are still actual and need accurate implementation. It is agreed that the MLA offers the general legal framework for the cooperation of the TRACECA countries in the transport field complemented with the Technical Annexes, such as international railway transport, international road transport, international commercial maritime navigation and customs and documentation procedures. In the Yerevan conference the MLA Member States agreed on the provisions relevant "TRACECA VISA" as described in part 1 of this report.

The Consultant conducted an analysis of the national transport sectors and updated the list of multilateral conventions signed or ratified by the TRACECA countries in order to identify the improvements achieved in the national and regional legal framework.

- The follow up of results achieved by the CLBTT Project

The main result achieved by the CLBTT project was that the MLA member states are well aware about the necessity of:

- joining the International Conventions in Transport;
- developing the TRACECA Network;
- simplifying the international transport;
- harmonising freight documentation;
- using electronic possibilities for custom clearance;
- focusing on the promotion of intermodal transport; and
- using electronic data interchange for cargo documentation and documents.

In several working groups the MLA member states have been working together on the before mentioned subjects in order to facilitate Trade and Transport in TRACECA region and simplify the international freight transportation rules, procedures and documentation.

All this was in line with the article 8, paragraph 6 (f and g) of the MLA,

- "the IGC shall formulate decisions for adoption by Parties and appropriate recommendations on questions within the Basic Agreement, including the following subjects:
- promotion of multimodal transport;
- simplifying customs procedures and practices which are to be applied at established crossing points":

The CLBTT Consultants have developed several annexes and amendments to the MLA and brought them forward to the National Secretaries Working Group Meetings for consideration with the aim to present these documents to the Intergovernmental Commissions Conference in Baku, April 2005. These documents were dedicatedly developed:

- on Multimodal Transport to offer transparency procedures and an international uniform regime to govern liability for loss, damage or delay arising from multimodal transport which do not exist at present or are not sufficiently provided in the national legislation. The TA on multimodal transport aims to unify the rules that apply to multimodal transport operators dealing with international transport and improves predictability of transportation costs.



- on Freight Forwarding activities to ensure fair distribution of rights and liabilities of the participants of the transportation contract executed by a freight forwarding company. The TA on Freight Forwarding activities aims to decrease the cost of transportation by putting in good order the relations between transport operators of different transport modes, freight forwarding organisations and transport services users.
- amendments to the TA to the MLA on Customs Documentation and Procedure to widen the range of international agreements applied by the TRACECA member states and unify the rules applicable to international transport operations within the TRACECA Corridor and to approximate with EU regulations.

As it was mentioned in the Part 1, the proposed provisions were recommended to take a form of the additional technical annexes to the Basic Agreement, and thus for their endorsement and implementation would require a ratification in each member state. Despite the value and apparent necessity of such provision, legal mechanisms of their introduction in the form of the technical annexes did not prove to be efficient and practical overtime.

- Results of the activities of the CLBTT Project in regard of the TA and Amendments described before

The Final draft of the Technical Annexes and amendments to MLA were proposed for signature by the 4th IGC meeting, but based on the results of the readiness of the MLA Parties to sign them, as stipulated in the table below, it was not possible to sign the proposed documents:

Country	New Technical Annex on Multimodal	New Technical Annex on Freight Forwarding Activities	Article 6 Of MLA	TA on Customs Documentation and Procedures
Armenia	YES (upon finalisation of the internal procedures)	NO	YES	YES
Azerbaijan	YES	YES	YES	YES
Bulgaria	NO	YES	YES with reservation	YES
Georgia	YES	YES	YES	NO
Kazakhstan	YES	YES	YES ³	YES
Kyrgyzstan	YES	YES	YES ⁴	YES
Moldova	YES	YES	YES	YES
Romania	YES	YES	YES With reservation	YES
Tajikistan	YES	YES	YES	YES
Turkey	YES	NO	YES	YES
Ukraine	YES (with reservation)	YES (with reservation)	YES (with reservation)	YES
Uzbekistan ⁵	NO	NO	NO	NO

Based on this result the Consultant discussed the subject with the PS of TRACECA. The preliminary conclusion was, to try to achieve the adoption of the above provisions by means of the Intergovernmental Agreements. This subject was discussed at the Working Group Meeting of the National Secretaries in Kiev on 15-16 November in accordance to the following action plan:

³ No authorization for signature

⁴ No authorization for signature

⁵ No authorization for signature



Steps	Actions	Timeframe	Assumptions
Preliminary Step	PS to address to the NS at the working group meeting to investigate on the preliminary readiness to support the Interstate agreements mechanism instead of the TA – an item should be included into the agenda of the PS WG	November 2005 - WG	Cooperation of the PS, cooperation of the NS Results of the WG – source of verification – recommendations of the PS
Step 1 Letter of PS to National Secretaries of TRACECA	In case the MLA countries consider such proposal appropriate, PS should send a letter to the NS of TRACECA for confirmation of elaboration of Interstate Agreement on Multimodal transportation and Freight Forwarding Activity	the starting point will be defined after a preliminary step brings positive results – Immediately November 2005	will of MLA and cooperation of PS
Step 2 Draft Interstate Agreements on Multimodal Transportation & Freight Forwarding Activity	The PS of IGC and if required, assisted by the Consultant should draft intergovernmental Agreements <ul style="list-style-type: none"> • on Multimodal Transportation • on Freight Forwarding Activities 	in parallel to the step 1 - 1 month November-December 2005	will of MLA and cooperation of PS
Step 3 Discussions during the National Secretaries	If the PS requests it, the Consultant could assist the PS in the discussions and consultations with the NS for both intergovernmental Agreements	in parallel to the step 1 1 month November-December 2005	NS of TRACECA and PS cooperation Results of NS Working Group
Step 4 Further consultations with MLA Parties	PS shall carry out further consultations and discussions, including written submission of the draft agreements before the next WG proceeding the IGC TRACECA Annual Meeting	1 month December 2005 - January 2006, submission in the end of December 2005 beginning of January 2006	Feed-back of the PS and NS
Step 5 Recommendations of the PS for next IGC	Recommendations of PS to the IGC for the signature of both intergovernmental Agreements by acceding countries – inclusion of the item into the agenda of the WG in February 2006.	February 2006	Recommendations of PS to IGC
Step 6 Next IGC Meeting	Signature of the intergovernmental agreements on multimodal transportation and freight Forwarding Activities	Spring 2006	PS IGC TRACECA

The PS addressed the meeting with a question on further handling of the issues dealt in the framework of Technical Annexes and Amendments to the MLA drafted by the CLBTT Project. The meeting was reminded on the process of these developments and current status of implementation. It was emphasised that the provision in the documents were finalised and are of relevant importance for the countries, but none of the draft proposals were adopted. Partly this resulted from the fact that parties failed to reach consensus on the subject, and partly because an authorised delegation of one of the MLA parties was not present at the IGC meeting. The PS urged the participants in order to secure the results achieved to redraft the provisions of the TAs in the form of the intergovernmental agreements.



The proposal did not result in the explicit feedback from the meeting. The representative of the Ukraine argued that most favourable conditions provisions would never be suitable for the Ukrainian policy in neither forms of the documents. The representative of Azerbaijan commented that intergovernmental agreements could be a solution to avoid overload of the MLA in accordance with the future IGC Strategy. This position was also supported by Turkey, but with a remark that documents need further elaboration in terms of content, as it was stated by Turkey at the 4th IGC Annual Meeting. The representative of Armenia pointed out that just recently these documents were through the internal state procedures in the form of the technical annexes to the MLA. He explained that if after the meeting, same subject but in the frame of the interstate agreement would be re-discussed, it could not result in positive outcomes. The PS pointed out that at least the provisions of the multimodal annex can be put forward, as multimodal transportation was set as a priority in the strategy. Still, this appeal was left unattended and not accompanied with a specific reply of the participants. Based on the outcome of this discussion the following text was formulated by the PS in the recommendations of this working group:

Follow-up to the earlier proposed amendments to the Basic Agreement

Considering that the Parties failed to adopt by consensus the protocols amending the Basic Agreement during the 4th IGC TRACECA Annual Meeting, the PS addressed to the Parties a proposal to consider the possibility of adoption of the provisions of the Technical Annexes in the format of Interstate Agreements, provided that the PS submitted the relevant drafts. In the course of the discussion, some of the participants had reservations towards this proposal, as these documents had just been recently through the internal national consideration procedures and were approved subsequently by some governments to be adopted in the format of technical annexes to the MLA. Another format would require to start the process from the beginning. In view of this reason it was proposed not to re-approach with a request to consider the same issue for the time being.

Given such an outcome of the preliminary step, it becomes obvious that the Action Plan developed by the Consultant cannot be applied at the moment. Taking into account sovereign rights of the TRACECA member-states and relying upon the recommendations of the PS, such items will not be followed upon, unless there is a clear willingness of the parties to commit themselves for fulfillment of such initiatives in either form.



PRINCIPLE RECOMMENDATIONS

As explained in the previous chapters, in none of the MLA countries the legislation directly hinders the implementation of the TRACECA Visa. The problems observed in relation to fulfilment of the TRACECA Visa are rooted in the procedural processes and ratification mechanisms. The difficulties also rest upon observed discontinuity of the decision-making processes. Unfortunately, with weak succession practices at the institutional level the political changes, rearrangements in the Ministries and replacements of authorities that took place in many TRACECA countries, resulted in postponement or negligence of TRACECA Visa implementation.

As no legislative provisions preventing from the implementation of the TRACECA Visa were discovered, the Consultant focused its activity on the analysis of the national legislation and regulations of the MLA countries related to transport activities and customs procedures to fulfil the propositions of the ToR. Namely, in the Part 2 the regulations that create obstacles to trade facilitation and impede international transport are highlighted. Many practices related to transport are deemed as deterring to trade and transport development. Further to this, the provisions of the national legislation and international treaties encouraging trade and transport are not properly implemented in most of the countries. The Consultant concluded that the national legislation does not always correspond to the needs of international transport and mainly, does not support implementation of the MLA objectives.

Therefore, Consultant recommended the *priority* international conventions related to transport, trade and customs for adoption by the MLA countries. In addition, the *general* and *country specific recommendations* on the legal and organisational aspects of national transport sectors are summarised. The Consultant's recommendations are addressed to the PS IGC TRACECA and the project partners, beneficiaries and transport sector stakeholders in the MLA countries.

- **Recommendations of the priority international conventions**

To summarise the situation the table below shows the agreements signed on transport and customs by the TRACECA Countries:

AGREEMENTS	Afghanistan	Armenia	Azerbaijan	Bulgaria	Georgia	Iran	Kazakhstan	Kyrgyzstan	Moldova	Tajikistan	Turkey	Romania	Ukraine	Uzbekistan
TIR Convention, 1975	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Convention on Road Traffic, 1968		X		X	X		X		X			X	X	X
Convention on the liability of operators of transport terminals in international trade, 1991					X									
Road Network (AGR), 1975			X	X	X		X				X	X	X	
Rail Network (AGC), 1985				X	X		X		X		X	X		
Comb. Tr. Network (AGTC), 1991		X		X	X		X		X		X	X		
Int. Water Network (AGN), 1996				X					X			X		
Road Traffic, 1968		X	X	X	X	X	X		X	X	X	X	X	X
Protocol on Road Signs & Signals, 1968				X	X			X				X		
Suppl. 1968 Conv. Road Signs & Signals, 1971				X	X							X	X	
Protocol Road Markings, 1973				X	X						X	X	X	
Vehicles Regulations, 1958			X	X							X	X	X	
Construction Traffic Arteries, 1950				X							X	X		
Global Vehicles Regulations, 1998			X								X	X		
Work of Crews Int. Road transport (AETR), 1970			X	X			X		X		X	X		X
Taxation Priv. Road Vehic, 1956									X			X		
Taxation Road Goods Vehicle, 1956												X		X



AGREEMENTS	Afghanistan	Armenia	Azerbaijan	Bulgaria	Georgia	Iran	Kazakhstan	Kyrgyzstan	Moldova	Tajikistan	Turkey	Romania	Ukraine	Uzbekistan
Contract Road Goods Transport (CMR), 1956				X	X	X	X	X	X	X	X	X		X
Protocol to CMR, 1978					X	X		X			X	X		X
Collision Int. Navigation, 1960							X					X		
Measurement Int. Navigation Vessels, 1966				X					X			X		
Customs Treatment Pallets, 1960				X							X	X		
Touring Facilities, 1954				X		X					X	X		
Temp. Import. Priv. Road Vehicles, 1954				X		X					X	X		
Temp. Import. Commerc. Vehicles, 1956	X		X	X				X				X		X
Customs Container Convention, 1972				X	X						X	X	X	X
Harmoniz. Frontier Controls Goods, 1982		X	X	X	X			X				X	X	X
Dang. Goods by Road (ADR), 1957			X	X			X		X			X	X	
Protocol to ADR, 1993				X								X		
Dang. Goods by Inland Waterways (AND), 2000				S										
Perishable Foodstuffs (ATP), 1970			X	X	X		X					X		X
Customs Convention on the Temporary Importation of Commercial Road Vehicles, 1956			X	X				X				X		X
Road Signs & Signals, 1968				X	X	X	X	X		X	X	X	X	X

Based on this table the Consultant recommends in the view of simplification of international transport in the MLA countries the following steps:

- The "International Convention on the Harmonisation of Frontier Controls on Goods 1982" is presently signed by Armenia, Azerbaijan Georgia, Kyrgyzstan Ukraine, Uzbekistan, Bulgaria, Romania. Kazakhstan has acceded to the International Convention on 25 January 2005. The Convention entered into force for Kazakhstan on 25 April 2005. In order to harmonise the legal framework on cross border control, the Consultant recommends for the Moldova, Tajikistan, and Turkey to accede to the Agreement as well.
- The adoption of the "Customs Convention on Containers 1972" which is signed only by Georgia, Ukraine, Uzbekistan, Turkey, Bulgaria and Romania. Azerbaijan has acceded to the Customs Convention on Containers on 17 January 2005. The Convention will enter into force for Azerbaijan on 17 July 2005. Taking into account the upward trend of container transportation development and obvious necessity of participation in the containerisation for the TRACECA countries, the Consultant recommends the rest of MLA parties to accede to this convention and to establish proper monitoring mechanism of its practical application and implementation in the member-states.

Further to that the Consultant recommends the following priority international conventions and agreements to be acceded by the MLA Parties:

- International Convention on the Simplified and Harmonised of Customs Procedures 1973 (as amended);
- Convention on Customs Treatment of Pools Containers Used in International Transport 1994 which presently is signed only by Uzbekistan
- Agreement Concerning the Establishing of Global Technical regulations for Wheeled Vehicles, Equipment and Parts which can be fitted/or be used on Wheeled Vehicles 1998 which is signed only by Azerbaijan, Romania and Turkey



- United Nation Convention on the Liability of Operators of Transport Terminals in International Trade 1991 which facilitate the movement of goods by establishing uniform rules concerning liability for loss of, damage to or delay in handling over such goods while they are in the charge of operators of transport terminals, and are thus not covered by the laws of carriage arising out of conventions applicable to the various modes of transport. It is ratified only by Georgia.
- The accession of Armenia, Azerbaijan, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan to the European Agreement on Combined Transport Lines (AGTC) in order to integrate the TRACECA routes into the Europe wide network for combined and multimodal transport. As per today, the TRACECA countries which signed the AGTC Agreement are: Georgia, Kazakhstan, Moldova, Bulgaria, Romania and Turkey.

- **General recommendations on national legislation related to TRACECA Visa**

Following the analysis of the conditions in the TRACECA countries related to transport and customs procedures, the Consultant makes the following recommendations:

- to continue reducing road taxes on foreign vehicles on a reciprocal basis;
- to encourage the cooperation across border agencies. This should be further elaborated by the design of the "Freight and Passenger Pilot Schemes" as explained in the TFIS progress reports II and III;
- to harmonise import taxations for all flows in the Central Asia and Caucasus countries;
- to implement the customs procedures provided in the new Customs Codes adopted the last 2 years by Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Ukraine;
- to apply the provisions of the revised Kyoto Convention (1993);
- to upgrade customs facilities and border stations in the Caucasus countries including physical, institutional and electronic infrastructure. In the same time, provisions for technical equipment are necessary for the facilitation of station work;
- to improve cooperation between countries in regional trade and transport;
- to create a regional carrier within the TRACECA area; and
- to strengthen the regional railway network.

- **Country specific recommendations**

Armenia

- to strengthen the Freight Railway Company in terms of functioning and market rules;
- to improve of the customs procedures by the Armenian Customs service at the border in respect to inspection;
- to abolish current requirement of escorting / conveying for transit traffic traversing Armenia;
- to adopt other international conventions and agreements related to international transit customs documents and freight forwarding activity;
- to implement the signed three Conventions;
- to adopt the regulations on technical specifications in accordance with the international standards;
- to introduce the multimodal permit.

Azerbaijan

- to strengthen institutionally the Ministry of Transport
- to advance the transport reform;



- to implement the transit strategy including the cooperation of border agencies and improved conditions for the transport operators;
- to improve the technical and institutional communication between different public agencies involved in certification and customs clearance;
- to clearly define the legal basis for the issue of a license for a customs broker;
- to introduce legislative changes in the Customs Code regarding the definition on commodities;
- to introduce provisions for multimodal transportation and freight forwarding.

Bulgaria

- to Implement secondary legislation adopted during the last 3 years in compliance with EU acquis on domestic and international transport;
- to enforce the Agreement on multimodal transportation signed with Georgia and Armenia;
- to implement the national provisions on combined and multimodal transportation;
- to prepare technical regulations and standards for multimodal transportation in line with EU transport legislation.

Georgia

- to implement the international and bilateral agreements that Georgia signed in the transport sector;
- to continue the transport reform;
- to strengthen the Transport Department within the Ministry of Economic Development and to provide sustainability in its activity;
- to introduce in the national legislation the term "certification" in order to ensure the common language in the freight forwarding services;
- to implement the Multimodal transportation Agreement signed with Armenia and Bulgaria;
- to establish a multimodal permit;
- to review the limits on coverage and required equity contained in the Georgia Law on Insurance , to ensure that the limits do not impede the development of trade.

Kazakhstan

- to enforce administrative bodies responsible for the road and air transport;
- to introduce the regulations that could encourage the private sector's involvement into the transport sector;
- to establish regulations that would facilitate the decrease in the transport costs;
- to improve the performance of services by the customs authorities;
- to improve the interregional coordination of rail transport;
- to apply the SMGS railway bill as a Common Customs Document;
- to consider application of VAT zero rate on international railway transport.

Kyrgyzstan

- to elaborate the multimodal transportation provisions in the national legislation;
- to improve freight forwarding services;
- to elaborate the licensing system for the customs brokers;



- to implement new Customs provisions on customs declaration and simplified customs procedures;
- to define customs brokers liabilities clearly.

Moldova

- to improve the international flow of transport;
- to improve communication lines within Moldova;
- to encourage privatisation in the transport sector;
- to apply technical international specifications in compliance with the international treaties that Moldova is a party (AGR), (AGC), (AGTC), (AGN);
- to electrify railway lines;
- to introduce transparency procedures for the transport of goods and passengers;
- to apply SMGS bill as Common Customs Document instead of carriage letter.

Romania

- to implement the transport regulations in line with EU legislation;
- to enforcement of the customs administration under the supervision of the Ministry of Public Finance;
- to introduce the Romanian Integrated Tariff and its publication and dissemination for the operators;
- to elaborate customs norms for the reduction of bureaucracy for the approval and authorisation procedures and decentralisation of the customs clearance from the central to the local level;
- to implement the Common Transit Convention.

Tajikistan

- to adopt the international agreements on international transport;
- to elaborate the provisions on multimodal transportation;
- to elaborate transparent procedures of the customs clearance;
- to establish specific competences to the customs organs for the issuance of certificates necessary to the customs clearance without involving numerous authorities (Ministry of Agriculture, Ministry of Economy, Chamber of Commerce and Industry, State Quarantine Agency of the Ministry of Agriculture; etc);
- to clarify the status of customs broker and customs specialist.

Turkey

- to extend maritime and inter-modal transport opportunities, including railways, combined transport and motorways of the sea (objectives stated in EC White Paper - European Transport Policy for 2010) which will link Turkey with the enlarged EU and will alleviate current bottlenecks at road border crossings;
- to focus on transit transport infrastructures within Turkey;
- to improve regulatory framework of MoT concerning administration, operation and implementation of transport facilities;
- to improve the provisions related to maritime safety;
- to implement the AETR and ADR European Agreements;
- to apply of the SMGS railway bill as a Common Transit Document.



Ukraine

- to implement the SMGS railway bill as a Common Transit Document;
- to improve customs procedures (partly done);
- to enforce of the Agreement on the Cooperation of the CIS Member States in the Sphere of Automobile Cargo Carriages signed in 2003 in Yalta;
- to implement the international agreements where Ukraine is a party.

Uzbekistan

- to adopt the SMGS railway bill as a Common Customs Document
- to adopt provisions regarding the multimodal transportation
- to simplify the customs clearance procedures



ANNEX 1 – LIST OF TRANSPORT LEGISLATION IN THE MLA COUNTRIES

ARMENIA

National legislation	In force
Law on transport adopted on 7.03.1998	1998
Draft document Rules of organisation of the motor transportation in the territory of Armenia	2002
Draft document Rules for passenger transportation on the public motor transport in Armenia	2002
Organisation of issuance, registration and destruction of the authorisations to carry out inter-state cargo transportation on the motor transport of the Republic of Armenia	2002
Customs Code	2000
Law on Value Added Tax	1997
Law on the Route Payments	1997
President's Decree of 3 July, 2000 On Approving the Agreement On Commonwealth of Independent States External Economic Activity Harmonised Commodity Code List"	2000
Law "On Making Additions in the RA Customs Code",	2000
Law "On Making Amend. and Add. in the RA Customs Code severally amended during 2002	2002
Law "On Customs Service"	2002
Law "On confirming the list of commodities with 0 percent customs duty tariff and not subject to excise tax imported by legal entities and physical persons, the VAT from which is not calculated and collected by customs entities"	2001
Gov.N. 887 Decision of 27 December, 2000 "On Confirming the Order of Transit Shipment of Goods and Transportation Means through the RA Customs Territory and the Cases of Mandatory Customs Accompaniment", "RA Official Bulletin" N.1, 2001,	2001

Bilateral Agreements	In force
Agr. b/w the Gov. of RA and the Gov. of Lebanon on the int. transport signed in 1 May 1995	Oct. 1998
Agr. between the Gov. of RA and the Gov. of Bulgaria on int. combined transport of goods signed in Yerevan on 1 st December 1999	22 April 2001
Agr. with Russia, Belarus, Ukraine, Moldova, Kyrgyzstan, Turkmenistan, Kazakhstan, Tajikistan, Uzbekistan "On Free Trade and Creation of Free Trade Zone"	1993

Multilateral Agreements	In force
Int. cargo transport with the use of the booklet of the Int. Road Transport Carriers	14 .11.1975
Int. Conv. on harmonisation of the frontier cargo control	21 .11. 1982
Int. Conv. of road traffic 1968	Acceded 2005
Multilateral Agr. on multimod. transp. of goods signed b/w Bulgaria, Armenia and Georgia in Yerevan 2003	Signed in 2003

AZERBAIJAN

National legislation	In force
Regulations on the Ministry of Transportation of the Azerbaijan	10.06.2003
Law on traffics	22.12.1999
Law on transport	11.06.1999
Law on compulsory third party insurance of transport vehicle owners in the Azerbaijan	31.05.1996
Presidential Decree on application of the Law on traffics	10.03.2000
Presidential Decree No 165 on application of the Law on transport	27.07.1999
Customs Code of Azerbaijan approved by law 311	10.06.1997
Decree of Cabinet of Ministers 91/1998 on rates of custom duties on export-import operations in the Azerbaijan with the amendments and changes of Decree No 25/1999	1998 Amend.1999
Decree of the Cabinet of Ministers No 25/1999 on regulations of full or partial release from custom duties and taxes of goods temporary imported(exported) to Azerbaijan	1999



National legislation	In force
Decree of Cabinet of Ministers No 124/2000 on the list of commodities being exempted from the value tax while imported to the territory of Azerbaijan	2000
Law on customs tariffs	1995
Tax Code approved by law 905-IG /2000	11.06. 2000

Bilateral Agreements	In force
Agr. on the principles of withholding of direct taxes upon import and export of goods (work, services) between the Gov. of the Republic of Azerbaijan and the Gov. of Georgia	1997
Intergovernmental Agr. between Azerbaijan and Russia on railway transport	In force
Intergovernmental Agr. between Azerbaijan and Ukraine on railway transport	In force
Intergovernmental Agr. between Azerbaijan and Georgia on railway transport	In force
Intergovernmental Agr. between Azerbaijan and Turkey on road transport	In force
Intergovernmental Agr. between Azerbaijan and Georgia on road transport	In force
Intergovernmental Agr. between Azerbaijan and Belarus on road transport	In force
Intergovernmental Agr. between Azerbaijan and Bulgaria on road transport	In force
Intergovernmental Agr. between Azerbaijan and Romania on road transport	In force
Intergovernmental Agr. between Azerbaijan and Uzbekistan on road transport	In force
Intergovernmental Agr. between Azerbaijan and Kazakhstan on road transport	In force
Intergovernmental Agr. between Azerbaijan and Moldova on road transport	In force
Intergovernmental Agr. between Azerbaijan and Russian on road transport	In force
Intergovernmental Agr. between Azerbaijan and Kazakhstan on maritime transport	In force
Intergovernmental Agr. between Azerbaijan and Turkmenistan on maritime transport	In force
Intergovernmental Agr. between Azerbaijan and Georgia on maritime transport	In force
Intergovernmental Agr. between Azerbaijan and Ukraine on maritime transport	In force
Intergovernmental Agr. between Azerbaijan and Turkey on maritime transport	In force
Intergovernmental Agr. between Azerbaijan and Romania on maritime transport	In force

Multilateral Agreements	In force
Int. Conv. on Road Traffic 1968	1968
Int. Conv.s on vehicles regulations 1958	1958
Int. Conv. on Global Vehicles regulations 1998	1998
Int. Conv. on Work of Crews Int. Road Transport AETR 1970	1970
Conv. on TIR Carnet 1954	1954
Int. Conv.s on Harmonisation of Frontier Control Goods 1982	1982

BULGARIA

National legislation	In force
Civil Aviation Act adopted in 1972 and amended in 1972, 1990, 1997, 1998, 2000, 2001, 2004	1972-2004
Roads Act, promulgated State Gasette No 26/29.03.2000	2000
Amendments to the law on road transport	2002
Order 53/2003 of the Minister of Transport and Comm. on Multimodal Cargo Transportation	10.02.2003
Ordinance No 11 on the Int. Road Transport of Passengers and Goods. The Ordinance transposes Regulation 684/92/EEC, Regulation 881/92/EEC and fully introduces Directive 96/26/EC and 98/76/EC on the access to the profession of road transport operator of passengers and goods;	2003
Ordinance No 33/1999 on the Public Transport of Passengers and Goods on the Territory of the Bulgaria with amendments transposing the EC Dir. 96/26, amended by Directive 98/76 regarding the access to the profession of road transp. operator of passengers and goods;	1999
Ordinance No 32 on the Periodical Checks of the Technical Condition of the Road Vehicles, promulgated in SG No 74/1999, in force from 1.09.1999. The Ordinance transposes Dir.	1999



96/96;	
Ordinance No 11/2001 (promulgated SG No 65/2001) for circulation of oversized and overweight road vehicles, completely reflecting the requirements of Directive 96/53, excluding the requirements for axle loading	2001
Ordinance No 12/.2002 on the requirements for compulsory use of control devices for registering the data of the movement of the vehicles and the work of the crews fully transposes Regulation 3821/85 on the recording equipments in road transport	2002
Railway Transport Act promulgated in 2000, in force as of 01.01.2002(amended in SG 47/10.05.2002 and SG 96/11.10.2002	2000 2002
Ordinance No 41 /2001 on the conditions for use and access to the railway infrastructure, promulgated in SG 64/20.07.2001, transposing Directives 91/440, 2001/12 and 2001/14.	2001
Ordinance No 42/2001 on licensing of railway operators for transportation of passengers and/or goods and on licensing of bodies, issuing safety certificates, promulgated in SG No 67/31.07.2001 (amended SG No 14/2003, in force as of 12.02.2003), transposing EC Directives 95/18, 2001/13 and 2001/14	2001
Ordinance No 43/.2001 on railway transport of passengers, luggage and pouches, promulgated in SG No 86/05.10.2001, implementing COTIF Conv.	2001
Ordinance No 44/.2001 on railway transportation of freight, promulgated in SG 91/23.10.2001, implementing COTIF Conv.	2001
Ordinance No 46 of 30.11.2001 on carriage of dangerous goods by rail, promulgated in SG No 107/11.12.2001, transposing Directives 96/49, 00/62, 96/35 and 00/18.	2001
Decree of the Council of Ministers No 302 / 2001 adopting the Tariff on fees for use of railway infrastr. collected by NC "Railway infrastructure", promulgated in SG No 1 of 04. 01. 2002.	2001
Ordinance No 50 of 28.12.2001 on working time of managerial and executive staff involved in passenger and freight transportation safety in the field of railway transport, promulgated in SG No 4 of 11.01.2002, transposing Directive 2001/16.	2001 promulgated 2002
Ordinance No 83/01.08.2001 on application of Article 83bis of the Conv. on int. civil aviation and on the requirements for signing of aircraft lease agreements, promulgated in SG No 70/2001, transposing Council Regulation 2407/92;	2001
Ordinance No 45 /2001 on numbering of int. and domestic passenger and cargo trains	2001
Ordinance No 919 on collecting statistical information for operators and owners of port facilities in Bulgaria- promulgated in SG No 106/22.12.2000	2000
Ordinance No 53/2003 on the requirements for combined transport of goods	2003
New Railway Transport Act	01.01.2002
Law on maritime spaces, inland waterways and ports of Republic of Bulgaria	11.02.2000

Bilateral Agreements	In force
Agr. between the Gov. of Armenia and the Gov. of Bulgaria on int. combined transport of goods signed in Yerevan on 1 st December 1999	22 .04. 2001
Agr. between the Gov. of Bulgaria and the Gov. of Georgia for Maritime Navigation	State Gasette 46/ 29.05.1996
Agr. between Bulgaria and Croatia on combined transport of goods	In force
Agr. between Bulgaria and Hungary on combined transport of goods	In force
Agr. between Bulgaria and Lebanon on combined transport of goods	In force
Agr. between Bulgaria and Slovakia on combined transport of goods	In force
Agr. between Bulgaria and Slovenia on combined transport of goods	In force
Agr. between Bulgaria and Serbia on combined transport of goods	In force



Multilateral Agreements	In force
Protocol signed in Brussels 2002 on the accession of the EC to the Eurocontrol Int. Conv. relating to Cooperation for the safety of Air Navigation of 13 December 1960	2002
Agr. between Bulgaria, Ukraine and Georgia for joint exploitation of the ferry boat line between the ports of Varna (Bg), Poti/Batumi (Georgia) and Ilichevsk (Ukraine)	for Bulgaria 07.08.1999
Agr. between the Republic of Bulgaria and the EO for the establishment of particular conditions for carriage of goods by road and the promotion of the combined transportation	2001
Agr. for Org. and Exploitation Aspects of Combined Carriages between Europe and Asia	18.07.1996
European Agr. for Int. Highway Railway Lines	January 1990
Conv. for Int. Railway Carriages (COTIF)	1985
Customs Conv. on Int. Carriage of Goods under TIR Carnets	ratified – State Gasette 61/1977
Conv. on the Agr. of the carriage of goods by road (SMR)	in force for Bulgaria since 01.1978
Conv. on facilitation of int. navigation	1999
Protocol for Combined Carriages in Inland Rivers Ways to the European Agr. on the Most Important Int. Combined Carriages Lines and Related to them Objects (AGTC)	ratified - State Gasette 30/1999
European Conv. on Int. carriage of Dangerous Cargoes by Road (ADR)	ratified - State Gasette 28 /1995
Unified Rules on the Contract for Int. Carriage of passengers and Goods by Rail (CIV)	ratified - State Gasette 46/1982
Customs Conv. on Containers	ratified - 1976
Multilateral Agr. on multimodal transport of goods signed between Bulgaria, Armenia and Georgia in Yerevan 2003	Signed in 2003

GEORGIA

National legislation	In force
Law on amendments and supplementing to the law of the Georgia on highways	20.07.2001
Law on amendments to the Law of Georgia on railway transport	11.11.1997
Law on amendments and supplementing to the Law of Georgia on highways	16.10.1997
Sea Code of Georgia	15.05.1997
Law of Georgia on highways	11.11.1994
New Tax Code of Georgia , adopted in December 2004	January 2005
Ministry of Transport's Order 329 /2003 on approval of the Rules on Railway Cargo Transp.	April 2003
The Railway Transport Code of Georgia	2002
Ministry of Transport's Order 24 /2003 on approval of the Rules on Railway Transportation of Passenger, Shipment of Cargo and Mail	April 2003
Amendments to the Custom Code	23 August 2003
Amendments to the Law on Customs Levies	23 august 2003



Bilateral I Agreements	In force
Agr. on the principles of withholding of direct taxes upon import and export of goods (work, services) between the Gov. of the Republic of Azerbaijan and the Gov. of Georgia	1998
Agr. between the Gov. of Bulgaria and the Gov. of Georgia for Maritime Navigation	In force
Treaty between Gov. of Georgia and Gov. of Turkey On Int. Road Traffic	12.05.1994
Agr. between the Gov. of Georgia and the Gov. of Kazakhstan on the int. road traffic.	1.06. 1993
Agr. b/w the Gov. of Georgia and the Gov. of Kyrgyzstan on the int. road traffic signed	22 April 1997
Cooperation Agr. between the Gov. of Kyrgyzstan and the Gov. of Georgia in the field of railway transport signed in Tbilisi	22 April 1997
Agr. between the Republic of Georgia and the Gov. of Ukraine On Free Trade	02.04.1996
Agr. between Gov. of Georgia and the Republic of Bulgaria On Passengers Convey and Cargo Int. Auto Transportation	02.04.1996
Agr. between Gov. of Georgia and the Republic of Azerbaijan concerning Free Trade	16.04.1997
Agr. between Gov. of Georgia and the Republic of Armenia On Free Trade	28.05.1997
Agr. between Gov. of Georgia and the Republic of Kazakhstan On Transit Regulations	12.06.1997
Agr. between Gov. of Georgia and the Republic of Armenia On Int. Auto Traffic	31.10.1997
Agr. between Gov. of Georgia and Romania On Int. Combined Transportation	12.06.1998
Agr. between Gov. of Georgia and Islamic Republic of Iran On Int. Auto Transportation of Passengers and Cargo	1.10.1998
Protocol between the Department of State Boundary Defence of Georgia and the Ministry of Internal Affairs of the Republic of Bulgaria On an Exchange of Information on Situations at Int. Traffic Roads and State Boundaries of Georgia and Bulgaria	5.03.1999
Agr. between Gov. of Georgia and the Republic of Uzbekistan On Int. Auto Traffic	09.06.1999
Agr. between Gov. of Georgia and Gov. of the Russia Federation On Free Trade	11.02.2000
Agr. between Gov. of Georgia and Turkmenistan On Free Trade	24.03.2000
The Ratification On Changes and Amendments in the "Agr. On the Free Trade between the Gov. of Georgia and the Gov. of Kyrgyz	22.02.2005

Multilateral Agreements	In force
Multilateral Agr. on multimodal transport of goods signed between Bulgaria, Armenia and Georgia in Yerevan 2003	Signed in 2003
Agr. between Bulgaria, Ukraine and Georgia for joint exploitation of the ferry boat line between the ports of Varna (Bg), Poti/Batumi (Georgia) and Ilichevsk (Ukraine)	In force
Agr. on sharing freight cars and containers of the property of the following states: participants of Commonwealth, Azerbaijan, Georgia, Latvia, Lithuania, Estonia, signed in Moscow	1993
Agr. of the coordination of railway transport activity signed by Azerbaijan, Georgia, Turkmenistan and Uzbekistan – Kyrgyzstan acceded in 1997	1997
Basic Multilateral Agr. on Int. Transport for development of TRACECA Corridor	16.04.1999
Protocol On Changes and Amendments in the Agr. On Free Trade Zone Creation in the frames of Independent Countries Commonwealth	06.02.2002
Int. Conv. on the Harmonisation of Frontier Controls of Goods	16.04.1999
Customs Conv. on Containers	16.04.1999
Conv. on the Int. Carriage of Goods by Road	22.07.1999
Protocol to the Conv. on the Int. Carriage of Goods by Road	22.07.1999
Conv. on Road Signs and Signals, concluded at Vienna on 8 November, 1968	25.10.2000
European Agr. Supplementing the Conv. on Road Signs and Signals Opened for Signature at Vienna on 8 November, 1968	25.10.2000

**KAZAKHSTAN**

National legislation	In force
Order OF The Ministry of Transport and Communications on approving the opening Rules and closing the railway stations for performing of all or separate operations	23.07.2004
Resolution of the Gov.on approving an Executive Protocol to Agr. between Gov. of Republic Kazakhstan and Gov. of Republic of Poland on int. car transportation	24.04.2003
Resolution on ratification An Agr. between Gov. of Republic Kazakhstan and Gov.to Russia Federations on int. car message	12.04.2003
Order of the Ministry of Transport and Communications on approving the normative legal acts in the field of transportation of passengers, baggage and cargoes by sea transport a Republic Kazakhstan	06.07.2004
Law on internal water transport	06.07.2004
Resolution on signing an Intergovernmental Agr. on network of Asiatic roads	24.04.2004
Resolution on approving the use Rules by main railway network	16.04.2004
Order of the Ministry of Transport and Communications on approving the Rules of transportation of passengers, baggage rail freight traffic of Republic Kazakhstan	18.03.2004
Resolution of the Gov.on some questions on transportation of dangerous cargoes by car transport	12.03.2004
Order of the Ministry of Transport and Communications on approving the Rules of transportation of passengers and baggage by car transport	10.03.2004
Resolution of the Gov.on approving a List of points of gap of transport facilities through State border of Republic Kazakhstan and posts of transport checking on territory of Republic Kazakhstan	27.02.2004
Resolution of the Gov.on approving the Rules of a referring the water objects to categories of navigable and list of navigable waterways, opened for navigation	29.01.2004
Order of the Ministry of Transport and Communications on approving the Rules of tolerance of air highways to usages by air courts	09.12.2003
Resolution of the Gov.on approving a List of railroad tracks, falling into main railway network	29.11.2003
Resolution on determination of charge per registration of mortgage of ship or building ship and on approving the Rules of presentation information on registrations of mortgage of ship or building ship	17.04.2003
Resolution on approving the Rules of state account of car roads	18.03.2003
Resolution on approving the Rules of accommodation of seaports for their constructions	27.02.2003
Resolution on approving a List of obligatory services of seaport	24.02.2003
Law on commercial seafaring	17.01.2002
Resolution on approving a List of car points of gap on state border of Republic Kazakhstan	03.12.2001
Resolution on approving a Program an changes rail-freight traffic of Republic Kazakhstan on 2001-2005	04.06.2001
Resolution on Concepts of development of int. transport corridors of Republic Kazakhstan	27.04.2001
Resolution on approving a Program of state system improvement on ensuring safety of transportation of passengers and cargoes	30.12.2000
Order on entering the new samples of driver certificate and certificate on registrations of transport facility	27.11.2000
Resolution on measures on development and improvement to organisations of int. car transportation in Kazakhstan Republic	26.07.2000
Resolution on measures on further system development of int. transportation of cargoes with using a book MDP	08.07.2000
Resolution on Concepts of state system improvement on ensuring safety of transportation of passengers and cargoes	17.04.2000
Resolution on joining to Agr. on organizing and field-performance aspects of multifunction transportation in reporting an Europe-Asia	09.08.1999
Resolution on approving the Rules of road moving a Republic Kazakhstan, Main positions on tolerance of transport facilities to usages and duties of executives and road motion	25.11.1997



National legislation	In force
participants on ensuring safety of road motion and List of operative and special services, which transport subjects equipment special light and bleeps and coloration on special coloured schemes	
Res. on measures on system dev.of int. transportation of cargoes with using a TIR Carnet	29.08.1997
Resolution on approving an Order of using oil and terminal in seaport Aktau for export of oil for limits of customs territory of Republic Kazakhstan	24.07.1997
Law on safety of road motion	15.07.1996
Resolution On approving a list of railway points of gap on State border of Kazakhstan	
Law 401/05.04.2003 on Customs Code of the Republic of Kazakhstan	05.04.2003
Resolution of the Gov. of Republic of Kazakhstan No 669 On Adoption of Rates of Customs Fees, Charges and Payments Levied by Customs Bodies	7 July 2003
Order of the Chairman of the Customs Control Agency of the Republic of Kazakhstan No 385/2004 " About Introduction of the Web-Declarant" Electronic Declaration Program in the Customs Control Departments and Customs Offices of the Republic of Kazakhstan	2004
Order No 258 of the Acting Chairman of the Customs Control Agency of the Republic of Kazakhstan" On Approval of the Rules and Referring Participants in Foreign Economic Activity to the Minimal Risk Category and Application of Simplified Customs Clearance Procedures	29 May 2003
Tax Code adopted in 2003	In force 2004

Bilateral Agreements	In force
Executive Protocol to Agr. b/w Gov. of Kazakhstan and Gov. of Poland on int. car transp.	24.04.2003
Agr. between Gov. of Republic Kazakhstan and Gov. to Russia on int. car message	12.04.2003
Agr. between the Gov. of Kazakhstan and the Gov. of Azerbaijan on the int. road traffic signed on September 16, 1996	ratified 11.12.1998, in force 7.02.1999
Agr. between the Gov. of Kazakhstan and the Gov. of Byelorussia on the int. road traffic,	16.09. 1992
Agr. between the Gov. of Kazakhstan and the Gov. of Georgia on the int. road traffic.	June 1, 1993
Agr. between the Gov. of Kazakhstan and the Gov. of Kyrgyzstan on the int. road traffic. Signed on October 26, 1993,	ratified 5.01. 1994, in effect 5.12. 1996
Agr. between the Gov. of Kazakhstan and the Gov. of Moldova on the int. road traffic	July 15, 1999
Agr. between the Gov. of Kazakhstan and the Gov. of Russia on the int. road traffic,.,	March 23, 1992
Agr. between the Gov. of Kazakhstan and the Gov. of Turkmenistan on the int. road traffic signed on 27.02. 1997	ratified 10.12.1998, in force 29.01.1999
Agr. between the Gov. of Kazakhstan and the Gov. of Tajikistan on the int. road traffic	signed on 30.07.1992
Agr. between the Gov. of Kazakhstan and the Gov. of Uzbekistan on the int. road traffic.	signed 12.07. 1995
Agr. between the Gov. of Kazakhstan and the Gov. of Ukraine on the int. road traffic. signed on 22.02. 1993	ratified 15.12. 1993 in force 20.04.1994
Agr. between the Gov. of Kazakhstan and the Gov. of Latvia on the int. road traffic Signed 19.05.1998	1999
Agr. between the Gov. of Kazakhstan and the Gov. of Lithuania on the int. road traffic. signed on July 21, 1993	ratified 20.10.1998, in force 03.12.1998



Agr. between the Gov. of Kazakhstan and the Gov. of Estonia on the int. road traffic	signed on June 15, 2000
Agr. between the Gov. of Kazakhstan and the Gov. of Hungary on the int. road traffic signed 7.10.1996	ratified 21.04.1998 in force 7.08.1998.
Agr. between the Gov. of Kazakhstan and the Gov. of Netherlands on the int. road traffic.	signed 14.06.2000
Agr. between the Gov. of Kazakhstan and the Gov. of Finland on the int. road traffic signed 2.02. 1996	ratified 23.06.1999
Agr. between the Gov. of Kazakhstan and the Gov. of Islamic Republic of Iran on the int. road traffic signed 27.02.1997	ratified 1012. 1998, in force 29.01.1999
Agr. between the Gov. of Kazakhstan and the Gov. of Islamic Republic of Pakistan on the int. road traffic effect signed 27.03.1995	ratified 28.11.1995, No. 2658 in force 9.03.1998
Agr. between the Gov. of Kazakhstan and the Gov. of Turkey on the int. road traffic signed on May 1, 1992	ratified 21.11.1998, in force 7.08.1995
Agr. between the Gov. of Kazakhstan and the Gov. of Bulgaria on the int. road traffic, signed on November 13, 1997	ratified 23.06.1999, in force 19.08.1999
Agr. between the Gov. of Kazakhstan and the Gov. of Poland on the int. road traffic signed on May 25, 1997	ratified 1.10.1997, in force 15.04.1998
Agr. between the Gov. of Republic of Kazakhstan and the Gov. of the Kyrgyz Republic on Transit of Goods by Road Transport Through the territory of the Republic of Kazakhstan	26.03.2004

Multilateral Agreements	In force
Conv. on the int. road transp. of pass. and goods (in the CIS) Signed on 9.10. 1997	22.02. 2000
Agr. on the transit procedure signed in Moscow 1992	1992
Protocol regarding to the questions on the transport tariffs signed in Moscow	1992
Agr. on the coordination bodies of railway transport of the CIS signed in Moscow 1992	1992
Agr. on sharing freight cars and containers of the property of the following states: participants of Commonwealth, Azerbaijan, Georgia, Latvia, Lithuania, Estonia, signed in Moscow	1993
The Agr. on the control of transit transportation of dangerous and other waste products	1996

KYRGYZSTAN

National legislation	In force
Law on Kyrgyz Republic on amendments to the Law of the Kyrgyz Republic on transport	01.08.2003
Law of the Kyrgyz Republic on amendments to the Law of the Kyrgyz Republic on railway transport	24.07.2003
Instruction on transport of over dimensioned and overweight cargoes by automobile transport	26.03.2002
Regulations concerning the Interaction of the UGAI of the Ministry of Internal Affairs of the Kyrgyz Republic and Committee of Transport Inspection of the Ministry of Transport and Communications of the Kyrgyz Republic Concerning the organisation of passenger carriage by automobile transport in the Kyrgyz Republic in accordance with the regulatory legal acts regulating this type of activity	25.02.2002



The Regulations of the Organisation of passenger carriage by automobile transport in the Kyrgyz Republic	03.07.2001
Collection of regulations on carriage of goods	09.04.2001
Decree of the Gov. of the Kyrgyz Republic on establishing at the territory of the Kyrgyz Republic of int., bi-national and simplified points through the state border for freight and passenger communications	03.07.2001
Decree on approving the Rules of the Organisation of passenger carriage by automobile transport in Kyrgyz Republic	03.07.2001
The Regulations on operative planning of carriage of goods and procedure of completing of the registration form on Kyrgyz Railway (to articles 16, 17, 18 Charter of Railway of Kyrgyz Republic)	27.06.2001
Decree on approving the rules on operative planning of carriage of goods and procedure of completing of the registration form on Kyrgyz Railway	27.06.2001
Decree on approving the regulations on services provided for carriage of passengers, luggage, heavy luggage as well as goods for personal (domestic) use by Rail of Kyrgyz Republic	12.02.2001
Decree of the Gov. of the Republic of Kyrgyzstan on measures on regulating the transport activity of foreign auto transport at the territory of the Republic of Kyrgyzstan	11.05.1999
Law No. 90 on railway transport	09.07.1998
Law No. 89 on transport	08.07.1998
Law on highways	02.06.1998
Law 52 on road traffic	20.04.1998
Law 72 on road	2.06.1998
Decree of the Gov. of the Republic of Kyrgyzstan on confirmation the rules of equipment of transport unities (container) for the transport of goods with custom stamps and seals	20.03.1996
Resolution of the Cabinet of Ministries on the collection of customs duties during the registration of auto transports	1998
Decree of the Gov. of the Republic of Kyrgyzstan on the Basel Conv. on control of trans-boarder transport of dangerous waste and their elimination 11.08.1995	1995
Law 18 for the accession to the Agr. between Azerbaijan, Georgia, Turkmenistan and Uzbekistan on coordination of railway transport activity	27.03.1997
Resolution of the Cabinet of Ministries on the draft Agr. between the Gov. of Kyrgyzstan and the Gov. of Islamic Republic of Iran in the field of railway communication	In force
The resolution of the Cabinet of Ministers on the approval of regulations regarding to the rules of payment and duty collection for the transit passage of foreign trucks through Kyrgyz territory to the third countries, and the establishment of payment rates for the entrance to the Kyrgyz territory and for 3 days stay of foreign trucks.	In force
The Resolution of the Cabinet of Ministers No. 315/2000 on the approval of the Statute of National Railway Company	2000

Bilateral Agreements	In force
Agr. between the Gov. of Kyrgyzstan and the Gov. of Ukraine on the int. road traffic.	23.02.1993
Agr. between the Gov. of Kyrgyzstan and the Gov. of Turkmenistan on the transportation of passengers and freights by automobile transport. Ashgabat.	29.11. 1995
Agr. between the Gov. of Kyrgyzstan and the Gov. of Belarus on the int. road traffic. Minsk	14.06. 1995
Agr. between the Gov. of Kyrg. and the Gov. of Kazakh. on the features of legal regulation of the railway enterprises', establishments' and organisations' activity signed in Almaty	18.04. 1997
Agr. between the Gov. of Kyrgyzstan and Armenia on the int. road traffic signed in Yerevan	21.04.1997
Agr. b/w the Gov. of Kyrg. and the Gov. of Georgia on the int. road traffic signed in Tbilisi	22 April 1997
Cooperation Agr. between the Gov. of Kyrgyzstan and the Gov. of Georgia in the field of railway transport signed in Tbilisi	22.04. 1997
Agr. between the Gov. of Kyrgyzstan and Russian Federation on the int. road traffic signed in Moscow signed on 16.04. 2002. Approved by the Resolution no.545/ 9.08. 2002	2002



Multilateral Agreements	In force
Agr. of the coordination of railway transport activity signed by Azerbaijan, Georgia, Turkmenistan and Uzbekistan – Kyrgyzstan acceded in 1997	1997
Resolution on the concept of establishment of agreed tariff policy on the railway transport within CIS framework. Dated on October 18, 1996. Moscow.	1996
Agr. on the principles of creation of the common transport area and cooperation of the CIS states in the field of transport policy. Dated on October 9, 1997. Bishkek	1997
Agr. to carry out agreed tariff policy. Dated on January 17, 1997. Moscow. Approved by the resolution of the Cabinet of Ministers dated on December 18, 2000 no.742.	2000
Agr. on the weight and dimensions of the transp. means, engaged in int. transport. in CIS. Dated on June 4, 1999. Moscow. Approved by CM dated on 01.02.2000 no.50.	Approved 2000
Agr. on the int. transit of goods between Turkmenistan, India, Islamic Republic of Iran signed on 22 February 1997 in Teheran. (Acceded by the Res. No.12 from 15.01.2003).	1997 acceded 2003
The Protocol b/w the Gov. of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan on the coordination of railway trans. activity signed in Bishkek, 23 April 1992.	1992
The Agr. between the Gov. of Kazakhstan, the Gov. of the Kyrgyz Republic and the Gov. of Uzbekistan on carrying out coordinated policy in the field of transport and communications signed in Tashkent on 5 April 1996	1996
Protocol on a customs procedure for the transit of goods, and also for passport and visa regime under quadripartite Agr. on the transit transportation between China, Pakistan, Kazakhstan and Kyrgyzstan as result of meeting of customs' and immigration services' experts, held in Islamabad. Islamabad, 06/07/96.	1996
Agr. between the Gov. of Kazakhstan, Kyrgyzstan and the Republic of Uzbekistan on tariff policy regulation in the field of railway transport signed in Almaty on 7 August 1997	1997

MOLDOVA

National legislation	In force
Law 265/2003 on inspection prior expedition –abrogated	26.06.2003
Decision on transportation of dangerous goods on the territory of the Republic of Moldova	28.05.2002
Gov. Decision No 476 on approving the Reg. on transp. of the imported petrol.products	17.04.2002
Gov. Decision 1348/2003 regarding the Rules of auto transport of passengers and luggage	2003
Gov. Decision No 365/2002 on approving the Concept for creation and development of the national net of int. transport corridors	28.03.2002
Law 1163/2000 On Control of Export, Re-Export, Import and Transit of Strategic Goods adopted on July 26, 2000	26.07.2000
Law on highways	15.07.1999
Regulation of the Ministry of Environment and Territory Development concerning the activity of the Ecological Control Service at the state customs border of the Republic of Moldova, published in the Official Monitor No 112-114 dated 05.09.2000	20.06.2000
Law on confirmation of the Code on road transport	29.07.1998
Law on compulsory insurance for civil liability of passenger carriers	25.02.1998
Law on transport	21.05.1997
Customs Code	20.07.2000
Law on highways	22.06.1995
Order of the Customs Department No 276/2002 with last changes date N 327/2003 Concerning the issue of the customs documents at the customs clearance of the goods acquired from the external economic transactions	24.10.2002 Last changes 6.03.2003
Gov. Decision 897/28.08.2000 for the creation of the TRACECA National Commission	28.08.2000



Bilateral Agreements	In force
Agr. between the Gov. of Moldova and Austria on int. traffic of goods	In force
Agr. between the Gov. of Moldova and Azerbaijan on int. road transport	In force
Agr. between the Gov. of Moldova and Byelorussia on int. road transport	In force
Agr. between the Gov. of Moldova and Belgium on road transport	In force
Agr. between the Gov. of Moldova and Bulgaria on int. goods and passenger traffic	12.12.1994
Agr. between the Gov. of Moldova and Check Republic on int. road transport	
Agr. between the Gov. of Moldova and Denmark on int. goods and passengers traffic	21.01.1994
Agr. between the Gov. of Moldova and Switzerland on int. goods and passengers traffic	26.05.1998
Agr. between the Gov. of Moldova and Estonia on int. goods and passengers traffic	21.04.1997
Agr. between the Gov. of Moldova and Finland on int. road transport	In force
Agr. between the Gov. of Moldova and France on int. traffic of goods	In force
Agr. between the Gov. of Moldova and Germany on int. goods and passengers traffic	In force
Agr. between the Gov. of Moldova and Greece on int. road transport	In force
Agr. between the Gov. of Moldova and Italy on int. goods and passengers traffic	In force
Agr. between the Gov. of Moldova and Kazakhstan on int. road transport	In force
Agr. between the Gov. of Moldova and Kyrgyz Republic on int. road transport	In force
Agr. between the Gov. of Moldova and Latvia on int. road transport	In force
Agr. between the Gov. of Moldova and Lithuania on int. goods and passengers traffic	08.06.1995
Agr. between the Gov. of Moldova and Macedonia on int. goods and passengers traffic	30.05.2000
Agr. between the Gov. of Moldova and Romania in the area of road transport	In force
Agr. between the Ministry of Transport and Roads of Moldova and the Ministry of Transport of Russia on motorway communications	In force
Agr. between the Gov. of Moldova and Slovakia on int. goods and passengers traffic	30.05.2000
Agr. between the Gov. of Moldova and Slovenia on int. road transport	In force
Agr. between the Gov. of Moldova and Spain on int. road transport	In force
Agr. between the Gov. of Moldova and Turkey on int. road transport	In force
Agr. between the Gov. of Moldova and Ukraine on int. communications	In force
Agr. between the Gov. of Moldova and Hungary on int. goods and passengers traffic	04.06.1997
Agr. between the Gov. of Moldova and Uzbekistan on int. road transport	In force

Multilateral Agreements	In force
Protocol signed in Brussels 2002 on the accession of the European Community to the Eurocontrol Int. Conv. relating to Cooperation for the safety of Air Navigation of 13 December 1960, as variously amended and as consolidated by the Protocol of 27 June 1997	2002
European Agr. on Railway Network AGC 1985	Ratified
European Agr. on Combined Transport Network AGTC 1996	01.02.1991
European Agr. on Water network AGN 1996	Ratified
Conv. on Road Traffic 1968	Ratified
Conv. of Work of Crews in Int. Road Transport AETR 1970	1998
Conv. on Taxation of Private Road Vehicles 1956	Ratified
Conv. on Contract Road Goods Transport CMR 1956	1998
Conv. on Measurement of Int. Navigation Vessels 1966	Ratified
TIR Conv. 1975	14.11.1975
Conv. on Dangerous Goods by Road ADR 1957	1999
Conv. on Dangerous Goods by Inland Waterways AND 2000, only signed by Moldova	Ratified
Conv. on int. road transport of passengers and luggage from	09.10.1997
Basic Multilateral Agr. of TRACECA	09.09.1998



ROMANIA

National legislation	In force
Law 110 /2002 for the ratification of the Agr. between the European Community and Romania establishing certain conditions for the carriage of goods by road and promotion of combined transport signed in Luxembourg 2001	2002
Gov.Decision 239/2001 regarding the creation of the TRACECA National Commission and TRACECA National Secretary	2001
Law 446/2004 for the ratification of the Agr. between the Gov. of Romania and the Gov. of Ukraine for the cooperation in the railway transport sector signed in Kiev 2003	2004
Law 32/2002 for the ratification of the Agr. between Gov. of Romania and Gov. of Iran on maritime commercial transport	2002
Law 31/2002 for the ratification of the Agr. between the Gov. of Romania and Gov. of Iran regarding the air transport	2002
Law 122/2002 for the approval of the Gov. Ordinance for the road trans. of dang. goods	2002
Law 87/2002 regarding the accession of Romania to the Agr. concerning Establishing Global Technical Regulations concerning the safety performance of motor vehicles and motor vehicle equipment signed in Geneva 1998	2002
Customs Code adopted in 1997 and severally amended until 2005	1997-2005
Law 224/2002 for the approval of the Gov. Ordinance 38/2000 regarding the implementation of int. standards for the security of shipping , prevention of pollution and protection of work and life conditions on board of maritime vessels which use Romanian ports or navigate national waters	2002
Law 424/2002 on the approval of the Gov. Ordinance 15/2002 concerning the introduction of new tools for use of road transport infrastructure which was modified and supplemented by Gov. Ordinance 51/2004	2002
Law 439/2002 for the ratification of the INTERBUS Agr. signed by Rom. in Brussels 2000	2002
Law 191/2003 regarding the penalties in the shipping transport	2003
Law 203/2003 regarding the establishment, development and modernisation of national and European strategic transport networks	2003
Law 355/2003 regarding the liability of the air transporters and operators of civil aircrafts which carry out civil aircraft operations in the national air space	2003
Law 494/2003 for the ratification of the Protocol signed in Brussels 2002 on the accession of the European Community to the Eurocontrol Int. Conv. relating to Cooperation for the safety of Air Navigation of 13 December 1960, as variously amended and as consolidated by the Protocol of 27 June 1997	2003
Decision 175/2003 regarding the approval of the Methodological Norms for the printing, use and application of the detailed customs declaration	2003
Law 455/2004 for the approval of the amendments of the European Agr. on Main Int. traffic arteries signed in Geneva 1975	2004
Gov. Ordinance 19/1997 regarding transports	1997
The Minister of Transport 's Order 41/2002 regarding the approval of the lists including the public roads with restrictions for the maximum legal load for freight vehicles	2002
Ordinance 49/2001 regarding the approval of some amendments for the Customs Conv. on Containers signed In Geneva 1972	2001
Ordinance 69/2001 for the ratification of the Protocol signed at Vilnius on 3 June 1999 for the modification of the Conv. on int. railway transport (COTIF) signed at Berna 1980	2001
Ordinance 56/2002 on the monitoring of the market of route transport and necessary measures for the crisis situations in the field of route transport of goods	2002
Urgency Ordinance 35/2004 for the approval of the payment of the annual contribution of Romania as participating State of the MLA and completion of the Ordinance 41/1994 regarding the authorisation for payments of contributions to the Int. Intergovernmental Institutions where Romania is a Party	2004
Urgency Ordinance 45/2004 to modify and supplement the Rules of applications of the Customs Code of Romania approved by Gov. Decision 1114/2001	2004



Bilateral Agr.s	In force
Agr. between the European Community and Romania establishing certain conditions for the carriage of goods by road and promotion of combined transport signed in Luxembourg	2001
Agr. between the Gov. of Romania and the Gov. of Slovenia regarding the maritime transport signed in Bucharest,	2002
Agr. between the Gov. of Romania and the Gov. of Ukraine for the cooperation in the railway transport sector , signed in Kiev	2003
Agr. between the Gov. of Romania and the Gov. of the Islamic Republic of Iran regarding the maritime commercial transport signed in Teheran	14 August 2000
Agr. between the Gov. of Romania and the Gov. of the Islamic Republic of Iran regarding the air transport signed in Teheran	14 August 2000

Multilateral Agreements	Dates
Eurocontrol Int. Conv. relating to Cooperation for the Safety of Air Navigation of 13 December 1960	In force

TAJIKISTAN

National legislation	In force
Law on roads and road activity	10.05.2002
Decree on amendments and supplementing to the Rule of state registration of mechanic transport facilities and trailers	11.06.2001
Law of the Republic of Tajikistan on transport	29.11.2000
Law on road traffic	29.11.2000
Law on amendments and supplementing to the Law of the RT on road traffic	29.11.2000
Decree on confirmation the Agr. on obligatory insurance of passengers at int. motor-car transports	21.09.2000
Law RT on Amendment and Supplement of the Law RT on Transport	14.05.1999
Law RT on Transport	12.12.1997
Law on amendments and complementing the Law of the RT on road traffic	12.12.1997
Law on road traffic	04.11.1995
Customs Code 1995 amended 1997-2001, 2003	1997, 2001, 2003

Bilateral Agreements	In force
Cooperation Agr. between the Gov. of Tajikistan and Afghanistan and Humanitarian Aid Organisation on the use of river bridge over Puayanj, Signed on 04.07.2001 in Dushanbe (Draft resolution of the Cabinet of Ministries to approve this Agr. has been prepared and sent to the Gov. of Tajikistan.)	signed 2001
Agr. between the Gov. of Tajikistan and the Gov. of Byelorussia on the int. passenger and freight road traffic signed in Minsk 2000 Ratified by Decree No. 252 , 19.06.2000	2000
Agr. between the Gov. of Tajikistan and the Gov. of Byelorussia on the air traffic signed in Minsk 2001; Ratified by Decree 482 , 3.11.2001	3.11.2001
Agr. between the Gov. of Tajikistan and the Gov. of Islamic Republic of Iran on the int. air traffic signed 2002 approved by Gov. Resolution 418/2002	2002
Agr. between the Gov. of Tajikistan and the Gov. of Kyrgyzstan on the development and improvement of int. road traffic signed 1998, approved by Gov. Resolution no 271/1998	1998
Agr. between the Gov. of Tajikistan and the Gov. of Kazakhstan on the int. passenger and freight road traffic signed on 30.07.1992	Draft sent for approval in 2000
Agr. between the Gov. of Tajikistan and the Gov. of Kyrgyzstan on the rules of custom border crossing in mutually agreed checkpoints along Tajik and Kyrgyz state border. Signed 6.05. 1998 , approved by Gov. Resolution 269/30.07.1998	1998
Agr. between the Gov. of Tajikistan and the Gov. of People's Republic of China on the int. road traffic signed on 13.08.1999, Ratified Decree 443/23.10.1999	1999



Bilateral Agreements	In force
Agr. between the Gov. of Tajikistan and the Gov. of Turkish Republic on the int. road traffic signed In Ankara 06/05/1996	1996
Agr. between the Gov. of Tajikistan and the Gov. of Turkish Republic on the int. air traffic signed 1995 , Ratified by Resolution No 666/ 2.11. 1995	1995
Agr. between the Gov. of Tajikistan and the Gov. of Russian Federation on the int. road traffic signed 11.07.2001, approved by Gov. Resolution 484/2001	2001
Agr. between the Gov. of Tajikistan and the Gov. of Russian Federation on the int. air traffic signed 12.09.1997, approved by Gov. Resolution 91/2001	2001
Agr. between the Gov. of Tajikistan and the Gov. of Uzbekistan on the international border crossing points along the state border 12.01.2002	Signed 2002

Multilateral Agreements	Dates
Road Traffic Convention 1978	In force
Convention on Road Signals 1968	In force
Convention on Int. road transport of goods 1956	In force
Customs Convention on int. transport of goods with the use of TIR carnets 1975	In force
Basic Multilateral Agr. signed 1998 Ratified by Decree 543/30.12.1998	1998

TURKEY

National legislation	Dates
Customs Law 4458/1999	1999
Law on road transportation 4925/10.07.2003	17.03.2003
Road Transport regulations published 25.02.2004	25.02.2004

Multilateral Agreements	Dates
Protocol signed in Brussels 2002 on the accession of the European Community to the Eurocontrol Int. Convention relating to Cooperation for the safety of Air Navigation of 13 December 1960, as variously amended and as consolidated by the Protocol of 27.06. 1997	2002
European Agr. on Main Int. Traffic Arteries signed in Geneva	15.11.1975
Protocol on Combined Transport on Inland Motorways to the European Agr. on Important Combined Transport Lines and related Installations (AGTC)	1997
European Agr. on Important Int. Combined Transp. Lines and related Installations (AGTC)	1992
Customs Convention on the Int. Transport of Goods under Cover of TIR Carnets	1975
Customs Convention on Containers	1972
Convention on the Contract for the Int. Carriage of Goods by Road (CMR)	1956
Customs Convention on the Temporary Importation of Private Road vehicles	4.06.1954

UKRAINE

National legislation	In force
Law "On Transit of Cargos" of 20 .10. 1999 amended by law 1297/ 20.11. 2003 and Law 1721/18.05.2004	1999; amend. 2003-04
Law "On the Complex Programme of Establishment of Ukraine as a Transit State in 2002-2010" of 7.02.2002	2002
Law On Transport" (10.11.1994)	1004
Law "On Railway Transport" (04.07.1996)	1996
Law "On Automobile Transport" (05.04.2001)	2001
Law "On the State Special Transport Service" (05.02.2004)	2004
Law "On State Electric Transport" (29.06.2004)	2004
Law "On Transport and Shipping Agency" (01.07.2004)	2004
Law of Ukraine "On Transportation of Dangerous Cargos" (06.04.2000)	2000
Resolution of the Cabinet of Ministers "On Freight Forwarding and Technical Servicing of	1991



National legislation	In force
Automobile Carriages" (29.10.91)	
Resolution of the Cabinet of Ministers adopting the Concept of developing the Transport Sector of Economy (09.11.2000)	2000
Resolution of the Cabinet of Ministers "On the Adoption of the Rules of Rendering Automobile Passenger Transportation Services" of 18 February 1997	1997
Resolution of the Cabinet of Ministers "On Freight Forwarding Servicing of Foreign Trade and Transit Cargos" (21.09.93)	1993
Resolution of the Cabinet of Ministers of Ukraine "On Establishment of Transport Corridors in Ukraine and their Integration into the Int. Transportation System" (30.10.96)	1996
Resolution of the Cabinet of Ministers of Ukraine "On the Adoption of the Programme for carrying out Tenders for Passenger Carriage by Automobile Transport" (02.11.96)	1996
New Customs Code adopted in 2003 and in force since 2004	2004

Multilateral Agreements	Dates
UN Convention on Transit Trade of Land-locked States. New York, 8 July 1965 (Ukraine is a party since 1972)	1972
Basic Multilateral Agr. on Int. Transport as to the Development of the Europe-Caucasus-Asia Corridor. Baku, 8 September 1998 (Ukraine ratified on 10 February 2000).	10.02. 2000
CIS Convention on Int. Automobile Carriage of Passengers and their Baggage. Bishkek 9 October 1997 (in force for Ukraine since 14 September 1999)	1999
Agr. on conducting an Agreed Policy in the Sphere of Natural Gas Transit. Moscow, 3 November 1995 (force for Ukraine since 2 July 1996)	1996
Agr. on conducting an Agreed Policy in the Sphere of transit of Oil and Oil Products through the Main Pipelines. Moscow, 12 April 1996 (in force for Ukraine since 4 November 1997)	1997
Agr. on conducting an Agreed Policy in the Sphere of Transport Tariffs. Moscow, 17 January 1997	1998
Agr. on the Principles for Establishing the Common Transportation Space and on Cooperation between the Member States of the CIS in Sphere of Transport Policy. Bishkek, 9 October 1997 (in force for Ukraine since 31 January 2000)	2000
Agr. on the Order of Transit through the Territories of the Member States of the CIS. Minsk, 4 June 1999 (in force for Ukraine since 7 May 2001)	2001
Agr. on the Cooperation of the CIS Member States in the Sphere of Automobile Cargo Carriages. Yalta, 18 September 2003 (Ukraine just signed, the Agr. is not effective)	Signed 2003
Convention on Conducting an Agreed Policy in Determining Transport Tariffs (17.02.97)	1997
Convention on Int. Automobile Carriage of Passengers and Baggage (08.04.99)	1999
Athens Conv, relating to the Carriage of Passengers and their Luggage by Sea, (1974)	1974
Convention concerning Int. Carriage by Rail (05.06.2003)	2003
Agr. on Weights and Sises of Vehicles performing Interstate Carriages through Automobile Roads of the Member States of the CIS (29.10.99)	1999


**UZBEKISTAN**

National legislation	Dates
Reg. on forwarding enterprises and order of rendering the forwarding services	25.09.2000
Reg. of the Uzbek Agency for Road and River Transport (Dec. No 266, Cab. of Min.)	11.07.1998
Res. on a contributing an addition on forwarding enterprises and order of rendering the forwarding services	25.09.2000
Regulations on the transport-forwarding enterprises and the rules of rendering of transport-forwarding services. The Resolution of the Cabinet of Ministries of Uzbekistan No 348	9.09.2000
Law on rail freight traffic	15.04.1999
Law 674 on car transport	29.08.1998
Law 766-1/1999 on railway transport	15.04.1999
Law on customs tariffs 1997	1997
Law on the state customs service 1997	2997
Law on road transport (Decree 674-1)	1992
Resolution of the Cabinet of Ministries No 11 /2001 regarding the General rules of insurance from civil responsibilities to the third party of the foreign transport means' drivers entering to the customs territory of Uzbekistan	2001
Resolution of the rules of entry, stay and departure of foreign road carriers of the territory of Uzbekistan (Decree 11)	11.01.1995
The statute "On the licensing of passengers and freight transport activities by railway, air and automobile transport" (Appendix 1 of the Resolution of Cabinet of Ministries No.175)	12.05.1996
The resolution of the Cabinet of Ministries No.175 from 12 May 1996 "On the licensing of activity in the field of transport"	12.05.1996
Customs Code 1997	26.12.1997
The Resolution of the Cabinet of Ministries of the Republic of Uzbekistan No 67 from 11 February 1999 «On strengthening measures of customs control over foreign autocarriers»	11.02.1999
The Resolution of the Cabinet of Ministries of Uzbekistan No 11 from January 2000 «On additional conditions of stay of foreign vehicles in the customs territory of Uzbekistan»	11.01.2000
Resolution on amendments to decree of the Cabinet of Ministers on the rules of entry, stay and departure of foreign road carriers of the territory of Uzbekistan (decree № 11)	11.01.1995
Resolution on the measures for strengthening of customs border in Uzb.(decree № 488)	24.11.1998
Res.of the State Tax Committee of Uzb. on intensified customs control of foreign road carriers (decree № 127)	5.06.1995
Res. of the Cab. of Min. on the measures for strengthening of customs road border-crossings in Uzb.(decree № 67)	11.02.1999
Decree of the President of Uzbekistan on establishing of State Customs Committee	10.08.1992
Law on investment activity	24.12.1998
Law on customs tariff	29.08.1997
Law on public customs service	29.08.1997
Law on foreign investments and guarantees for foreign investors	2.05.1994
Law on motor roads	3.05.1992
Law on the guarantees and security measures for foreign investors	30.04.1998
Model rules of civil liability for foreign tracks drivers, entering Uzb., to the third parties	
Res.of the Cab. of Min. on approval of state duty for transp.and comm. activity (decr.№ 89)	19.02.1997
Regulations on licensing of carriage of goods and passengers by rail, air and road transport (Annex 1 to decree of the Cabinet of Ministers of Uzbekistan № 175)	12.05.1996



Bilateral Agreements	Dates
Agr. between the Gov. of Uzbekistan and the Gov. of Italy on the mutual regulation of int. transportation of passengers and freights	21 November 2000
Agr. between the Gov. of Uzbekistan and the Gov. of Russia in the field of int. road traffic	2000
Agr. between the Gov. of Uzbekistan and the Gov. of Czech Republic in the field of int. automobile passenger and freight transportation	1999
Agr. between the Gov. of Uzbekistan and the Gov. of Bulgaria in the field of int. automobile passenger and freight transportation	1998
Agr. between the Gov. of Uzbekistan and the Gov. of Kazakhstan on the transit transportation of passengers, freights and luggage, and on guaranteeing their safety and security in automobile and railway main lines in the territory of Uzbekistan and Kazakhstan,	1998
Agr. between the Gov. of Uzb. and the Gov. of Romania in the field of int. road traffic.	1996
Agr. between the Gov. of Uzbekistan and the Gov. of Turkmenistan in the field of int. automobile passenger and freight transportation.,	1996
Agr. between the Gov. of Uzbekistan and the Gov. of Azerbaijan in the field of int. automobile passenger and freight transportation,	1996
Agr. between the Gov. of Uzbekistan and the Gov. of Kyrgyzstan in int. road traffic	1996
Agr. between the Gov. of Uzbekistan and the Gov. of Moldova in the field of int. road traffic,	1995
Agr. between the Gov. of Uzbekistan and the Gov. of Georgia,	1995
Agr. between the Gov. of Uzb. and the Gov. of Islamic Republic of Iran in int. road traffic,	1993
Agr. between the Gov. of Uzbekistan and the Gov. of Ukraine in the field of int. road traffic,	1993
Agr. between the Gov. of Uzbekistan and the Gov. of Turkey in land communication,	1992
MoU between the State Stock Company of Uzavtoyol and the Ministry of Social Works of Afghanistan and the Ministry of Road and Transport of Iran on the cooperation during rehabilitation of road infrastructure of Afghanistan.	2002

Multilateral Agreements	Dates
Road Traffic 1968	1998
Road Signs and Signals 1968	In force
Taxation Road Goods and vehicles 1956	In force



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