



3 LEGAL ENVIRONMENT IN THE FIELD OF TRANSPORT

The basis of the transport legislation is presented by norms of the Civil code. In Chapters 34 «Transportation» and 35 «Transport expedition» main provisions on transportations are fixed, including concepts of contracts of cargoes transportation, passengers, luggage, transport expedition, responsibility of a carrier, a rule of a presentation of claims and actions, mutual relations on transport expedition and etc.

The founding law «About transport in Republic Kazakhstan» was adopted practically at the beginning of market economy, in 1994. It defined the bases of legal, economic and organizational activities in the transport sector of the Republic of Kazakhstan.

Legal regulation acts were then adopted for each sector of the transport:

- «About transport in Republic Kazakhstan» (1994);
- «About use of air space and aviation activity» (2010);
- «About trading navigation» (2002);
- «About railway transport» (2001);
- «About internal water transport» (2004);
- «About road transport» (2003)
- «About licensing» (2007).

These laws establish legal, organizational and financially-tariff operating conditions of each type of transport, define its communications with state structures, consumers of services, fix bases of conceptually new approach to the organization of transportations, including new competitive market conditions.

Construction, operation and development of highways, traffic safety are also regulated by the specific Laws «About highways» (2001) and «About traffic safety» (1996).

The transport legislation of Kazakhstan is based on the transport legislation of USSR and has incorporated all its substantive provisions. It concerns the positions connected with the conclusion of the contract of transportation, giving of vehicles, responsibility of a carrier for loss, shortage, damage of cargo or luggage, and also not giving vehicles, etc. Legal rules borrowed the USSR, continue to remain invariable for many years, despite economic reforms spent in the state and transformations. However as a whole the modern national legislation regulating transport activity, it is possible to characterize the instability connected with constant modification and additions in regulatory acts, caused by development of market relations and carrying out of reforms.

Bilateral Basis

The main problems for transport operators running along the Euroasian routes include a long waiting time at borders, difficulties in reception of visas to professional drivers, quotas on trips and permissions; unreasonable financial expenses which are often added to transit taxes. As a rule, these questions become a subject of bilateral international contracts.

Kazakhstan has concluded a significant amount of agreements on motor traffic, in the field of railway, water, air transport and customs. Intergovernmental agreements in the field of transport have generated necessary legal base to enhance the efficiency of international transportation and have created favourable conditions for their development.



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The main standard documents adopted by the Republic of Kazakhstan, on bilateral cooperation with the beneficiary countries of the LOGMOS project are presented on Table 1 below.

Table 1: Bilateral Agreements with LOGMOS Beneficiary Countries

Countries	Transport issues				Customs
	Maritime	Road	Railway	General	
Armenia		On international road transport 06.11.2006			On cooperation and mutual assistance in customs issues 02.09.1999
Azerbaijan	On trading navigation 10.06.1997	On international road transport 16.09.1996		On general principles of cooperation in the field of transport 24.02.1993	On cooperation on customs issues 03.02.1993
Bulgaria					
Georgia		On international road transport 06.03.2007	On cooperation in the field of railway transport 01.06.1993	On order of transit 17.09.1996	On general principles in the field of customs 01.06.1993
Kyrgyzstan		On international road transport 26.10.1993 On transit carriage of goods by road via the territory of Kazakhstan 26.03.2004	Agreement on peculiarities of legal regulations of activities of enterprises, institutions and organizations in the railway sector 08.04.1997 Agreement on tariffs policy regulation in the sector of railway transport 07.08.1997		On cooperation and mutual assistance in customs issues 04.04.2000
Moldova		On international road transport 15.07.1999			
Romania		On international road transport			



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		for goods 22.11.2007			
Tajikistan		On international road transport 04.05.2006			Agreement on collaboration and recognition of customs documents and customs duties 13.06.2000
Turkey		On international road transport 01.05.1992			On cooperation and mutual assistance in customs issues 22.05.2003
Turkmenistan	On usage of ports for the handling and transport of transit cargoes 27.02.1997	On road services 10.05.1992 On international road transport for passengers and goods 27.02.1997		On general principles of cooperation in the field of transport and communication 19.05.1993	On cooperation and mutual assistance in customs issues 05.07.2001
Ukraine		On international road transport 22.02.1993	On cooperation in the field of railway 22.02.1993	On general principles of cooperation in the field of transport 22.02.1993	On cooperation on customs issues 17.09.1999 On customs statistics sharing 06.06.2006
Uzbekistan		On international road transport 20.03.2006	On cooperation in the field of railway transport 02.06.1997	On transit of people, goods, baggage, their security via roads and railways links between Kazakhstan and Uzbekistan 27.03.1998	On cooperation on customs issues 31.10.1998

Ferry connections between Azerbaijan and Kazakhstan restarted in the signature in April 2009 of an agreement between all the national Authorities, CASPAR and the Ports.

Multilateral Conventional Basis

International transport issues are also tackled through multilateral conventional agreements. 120 international agreements and conventions regulating various aspects of transport activity





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exist. Almost half of their total number - 55 agreements and conventions - were concluded under the aegis of the United Nations Economic Commission for Europe (UNECE).

With a view of maintenance of a legal basis of land transportations in 1992 the special Resolution 48/11 Road and rail transport modes has been agreed and ratified. It was recommended to states of the Asian continent to join seven base conventions and agreements:

- Convention on Road Signs and Signals, 1968;
- Convention on Road Traffic, 1968
- International Convention on the Harmonisation of Frontier Controls of Goods, 1982;
- Convention on the Contract for the International Carriage of Goods by Road (CMR), 1956;
- Customs Convention on the International Transport of Goods Under Cover of TIR CARNETS, 1975;
- Customs Convention on Containers, 1972;
- Customs Convention on the Temporary Importation of Commercial Road Vehicles, 1956.

Kazakhstan joined practically all conventions recommended by the Resolution 48/11, with the exception of the Customs Convention on the Temporary Importation of Commercial Road Vehicles (1956).

Table 2: Multilateral Agreements with LOGMOS Beneficiary Countries

Signatory countries	Title of the agreement	Place and date of signature
Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan	On Principles of Cooperation and Terms of Relations in Transport Area	Bishkek, 23.04.1992
Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan	On Coordination of the Activity of Railway Transport	Bishkek, 23.04.1992