



THIRD ANNUAL MEETING  
OF THE TRACECA INTERGOVERNMENTAL COMMISSION  
Yerevan / Republic of Armenia, October 9-10, 2003

ТРЕТЬЕ ЕЖЕГОДНОЕ ЗАСЕДАНИЕ  
МЕЖПРАВИТЕЛЬСТВЕННОЙ КОМИССИИ ТРАСЕКА  
г. Ереван / Республика Армения, 9-10 октября 2003 г.

## PROTOCOL ON AMENDMENTS

### TO THE BASIC MULTILATERAL AGREEMENT ON INTERNATIONAL TRANSPORT FOR DEVELOPMENT OF THE EUROPE - THE CAUCASUS - ASIA CORRIDOR

In accordance with Article 11 (Presentation of Amendments and Additions) of the Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor and the Final Resolutions of the 2<sup>nd</sup> Annual Meeting of the Intergovernmental Commission TRACECA on the transport corridor Europe - the Caucasus - Asia it was agreed to incorporate the following amendments to the Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor:

1. To make the following amendment to Article 4 (Facilitation of International Transport) of the Basic Multilateral Agreement on International Transport for Development of the Europe - the Caucasus - Asia Corridor adding item 4 stipulated as follows:

" 4. For 3 years when the given amendment comes into force, the Parties have to ensure free issue of single/double entry visas for persons transporting and/or accompanying humanitarian goods and reconstruction materials transported to Afghanistan via the "TRACECA" international transport corridor Europe- the Caucasus-Asia";

2. In accordance with Article 3, Item c) and Article 8, Item 6, p. g) of the Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor to make an amendment to Article 4 (Documentation Procedures) of the Technical Annex on Customs and Documentation Procedures to the Basic Agreement, adding the item 5 stipulated as follows:

"5. The Parties will not apply customs deposits, bank guarantees, financial risk insurance policies, railway guarantees for transit of goods by railway transport".

3. To make an amendment c) to the Appendix 2 of the Technical Annex on International Railway Transport to the Basic Agreement stipulated as follows:

"c) to apply VAT zero-rate on railway transport services on international and transit railway connection, including transportation, forwarding, loading/unloading and storage services" ;

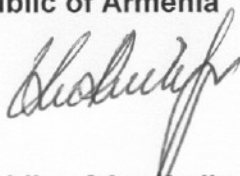
4. In accordance with Article 10 (Technical Annexes) and Article 11 (Presentation of Amendments and Additions) of the Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor to adopt a new Technical Annex to the Basic Multilateral Agreement on International Transport for the Development of the Europe-the Caucasus-Asia Corridor on International Customs Transit Procedures in the TRACECA transport corridor Europe - the Caucasus - Asia for goods transported by railway with SMGS bill. (*Annex: Technical Annex on International Customs Transit Procedures in the corridor Europe - the Caucasus - Asia for carriage of goods by rail using "SMGS" railway bill to the Basic Agreement*).

This Protocol comes into force in accordance with Articles 11 ("Presentation of Amendments and Additions" and 13 ("Entry into force") of the Basic Multilateral Agreement on International Transport for the Development of the Europe-the Caucasus-Asia Corridor.

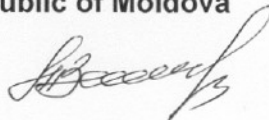
Done on the 3<sup>rd</sup> Annual Meeting of the TRACECA Intergovernmental Commission on the transport corridor Europe - the Caucasus - Asia at Yerevan on 9<sup>th</sup> October 2003 in one original copy in the English and Russian languages, both of them being equally authentic.

In witness whereof, the undersigned plenipotentiary Heads of Delegations have signed this Protocol.

**For the Republic of Armenia**

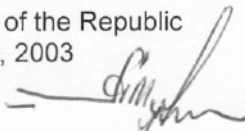


**For the Republic of Moldova**



**For the Republic of Azerbaijan**

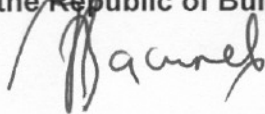
Ratified by Milli Mejlis of the Republic of Azerbaijan, May 13, 2003



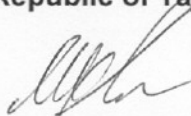
**For Romania**



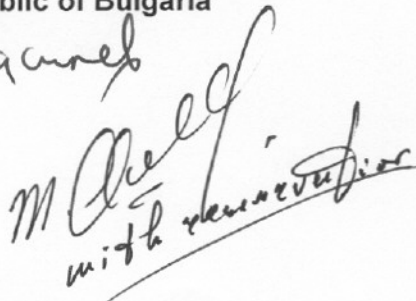
**For the Republic of Bulgaria**



**For the Republic of Tajikistan**



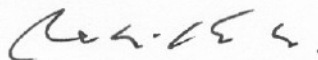
**For Georgia**



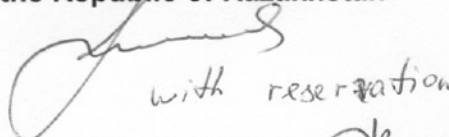
*with reservation*

**For the Republic of Turkey**

*with reservation*

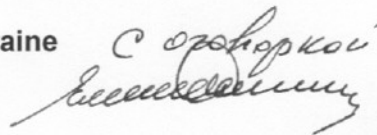


**For the Republic of Kazakhstan**

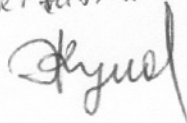


*with reservation*

**For Ukraine**



**For the Kyrgyz Republic**



**For the Republic of Uzbekistan**



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**ТРЕТЬЕ ЕЖЕГОДНОЕ ЗАСЕДАНИЕ  
МЕЖПРАВИТЕЛЬСТВЕННОЙ КОМИССИИ ТРАСЕКА**  
г. Ереван / Республика Армения, 9-10 октября 2003 г.

**TECHNICAL ANNEX  
ON THE INTERNATIONAL CUSTOMS TRANSIT PROCEDURES IN THE CORRIDOR  
EUROPE - THE CAUCASUS - ASIA FOR THE CARRIAGE OF GOODS BY RAIL USING  
THE "SMGS" RAILWAY BILL  
TO THE BASIC AGREEMENT**

**Article 1  
General provisions**

The provisions of this Technical Annex shall regulate the international customs transit procedures for the carriage of goods by rail in the frame of "Basic Multilateral Agreement on international transport for development of the Europe – the Caucasus – Asia corridor" using the SMGS railway bill:

- a) bilateral, between the Parties;
- b) in transit, through the territories of the Parties.

**Article 2  
Definitions**

For the purpose of this Technical Annex terms have the following meaning:

- a) "international customs transit" - means a customs procedure under which goods are carried across one or more frontiers under customs controls from a customs office of departure to a customs office of destination;
- b) "SMGS Agreement" - means the Agreement on International Goods Transport by Rail, which entered into force on 01.11.1951 with changes and editions on 01.01.1998;
- c) "railway bill" - means the SMGS Railway bill subject to the Agreement on International Goods Transport by Rail; the railway bill may consist of a system of electronic exchanges of data;
- d) "competent authorities" - means the customs authority or any other authority responsible for applying of this Technical Annex;
- e) "customs office of departure" - means any customs office in a country, where an international customs transit operation begins in respect of all or part of a consignment;
- f) "customs office of destination" - means any customs office in a country, where an international customs transit operation ends in respect of all or part of a consignment;
- g) "customs office of transit" - means any customs office, through which a consignment enters or leaves the territory of a Party during an international customs transit operation;
- h) "customs payments" - means the customs duties and all other duties, taxes, fees and other charges which are collected on, or in connection with the importation or exportation of goods, but not including fees and charges limited in amount to the approximate cost of services rendered;
- i) "principal" - means a private individual or legal entity which itself or, if need be, by means of an authorized representative, manifests through a declaration designed for this purpose a willingness to carry out an international customs transit operation;

**Article 3  
Objective**

The objective of this Technical Annex is to establish the TRACECA international customs transit procedure for the carriage of goods undertaken by railway transport, with usage of SMGS Railway bill.

#### **Article 4** **Scope**

Each Party recognizes the SMGS Railway bill, used in accordance with the provisions of this Technical Annex, as a customs transit document.

#### **Article 5** **Modification of the railway bill**

For the purposes of this Technical Annex, the railway bill may not be modified in form or content without the prior agreement of an Intergovernmental Commission "TRACECA".

#### **Article 6** **Legal value**

1. A railway bill used in accordance with this Technical Annex and indemnifications measures taken by the competent authorities of a Party shall have the same legal effect in the other Parties as a railway bill used in accordance with the rules and identification measures taken by each Party's own competent authorities.
2. Finding reached by the competent authorities of the Party when inspections are carried out under this Technical Annex shall have the same probative force in the Parties as findings of each Party's own competent authorities.

#### **Article 7** **Mutual assistance**

The competent authorities of the Party shall communicate to one another, insofar as their laws permit, all information available to them, which might contribute to the satisfactory application of this Technical Annex.

As a result, the competent authorities shall communicate to one another all findings, documents, reports, and records of proceedings and information relating to transit operations carried out under the cover of a railway bill, and to infringements and irregularities, which have occurred in the course of or in connection with such operations.

#### **Article 8** **Control of records**

1. National railway companies of each Party, if it is necessary, in accordance with the national legislation supply the competent authorities of the Parties in which they established with copies of the transport documents, which they have at their disposal.
2. National railway companies must arrange to keep the transport documents, which they have at their disposal for at least one year.

#### **Article 9** **Responsibilities**

1. A national railway company which accepts goods for carriage under TRACECA international Customs transit procedures shall be a principle and shall as such be responsible to the competent authorities of the Party whose territory is entered in the course of such carriage for the proper conduct of the international Customs transit operation.
2. Where a consignment is accepted for carriage from a railway company of a third country, national railway company which takes over the consignment under international Customs transit procedures shall when that consignment enters the territory of the Parties become a principal and be responsible to the competent authorities of the Parties whose territory is entered in the course of such carriage for the proper conduct of the international Customs transit operation.
3. National railway companies of the Parties shall be jointly and strictly responsible with national railway companies referred to in paragraphs 1 and 2 to the competent authorities of the Parties for the proper conduct of International Customs transit operations entering the territories of the Parties.
4. In accordance with the responsibilities stipulated in paragraphs 1 to 3, national railway companies shall be liable for any Customs payments, which may become due as a result of an infringement or irregularity

committed by national railway company in the course of or in connection with the undertaken transit operation.

#### **Article 10** **Exemption from duties and taxes**

A national railway company responsible for the proper conduct of an international Customs transit operation in accordance with the provisions of this Technical Annex shall be exempted from Custom payments in relation to goods which:

- a) Have been destroyed as a result of force majeure or unforeseeable circumstances, duly established;
- b) Are recognized as missing for reasons deriving from their nature and characteristics, including natural wear or shrinkage under normal conditions of transport.

#### **Article 11** **Guarantee waiver**

For the purpose of applying this Technical Annex, national railway companies of the Parties shall be exempted from the obligation to furnish a guarantee.

#### **Article 12** **Label**

National railway companies shall ensure that when consignments are carried by rail under International Customs transit procedures in accordance with the provisions of this Technical Annex, that the Railway bill bears a special mark (stamp), a specimen of which is given in Appendix 1.

#### **Article 13** **Amendment of the carriage contract**

If it necessary, national railway companies shall be permitted to modify a carriage contract only with prior agreement from Customs in accordance with a written statement of consignee or consignor of goods.

#### **Article 14** **Formalities on departure**

At the start of a transport operation the railway bill shall be presented to Customs at the office of departure together with the documents required for the custom purpose of completing formalities and controls.

#### **Article 15** **Identification measures**

As a general rule, and having regard to identification measures applied by a national railway company, Customs at the office of departure may not apply additional measures of identification.

#### **Article 16** **Waiver of Formalities at the Customs office of transit**

Pursuant to this Technical Annex, simplified procedures are carried out at Customs offices of transit, active on the territories of contracting parties, i. e. representing to the customs offices of transit in these countries SMGS railway bill, which should contain all necessary information for custom purposes.

The competent authorities as documents enabling them to check the proper conduct of transit operations shall treat the transport documents provided for in article 8.

**Article 17**  
**Formalities at the Customs office of destination**

In accordance with rules, acting on the territory of the Parties, SMGS railway bill should be submitted to the Customs office of destination.

The Customs office of destinations shall forthwith return the railway bill to the railway company after stamping sheet 1 and shall retain the additional copy of the freight bill.

**Article 18**  
**Infringements and irregularities**

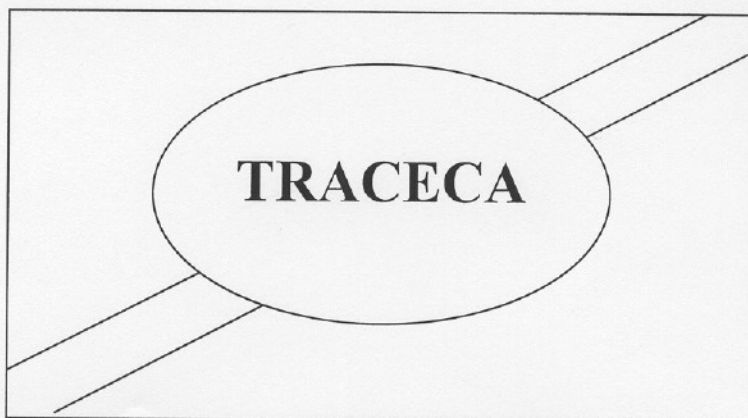
Where an infringement or irregularity is committed in the course of the connection with an International Customs transit procedure, culpable persons will be held responsible to these competent authorities of the Party in the territory of which the infringement or irregularity was committed.

**Article 19**  
**Additional facilities**

This Technical Annex shall not prevent the application of additional facilities which Parties grant or may wish to grant either by unilateral provisions or by virtue of bilateral or multilateral agreements provided that such facilities do not impede the application of the provisions of this Technical Annex.

Appendix 1

An example of a mark (stamp)  
(In accordance with Article 12)




(White mark on blue background)  
size 5,0 cm X 3,0 cm

**Reservation  
of the Republic of Bulgaria  
to the Technical Annex  
of the International Customs Transit Procedures in the corridor Europe – the  
Caucasus – Asia for the carriage of goods by rail using the “SMGS” railway bill  
to the Basic Multilateral Agreement on International Transport for Development of  
the Europe – the Caucasus – Asia Corridor**

1. For the Republic of Bulgaria the text of the Article 9, item 4 is acceptable with the following correction “In accordance with the responsibilities stipulated in paragraphs 1 to 3q national railway companies shall be liable for any Customs payments, which may become due as a result of an infringement or irregularity committed in the course of or in connection with the undertaken transit operation”.
2. Concerning Article 17, paragraph 2: In relation of the Republic of Bulgaria, the procedure should be applied as follows “The Customs office of destinations after drawing up SMGS railway bill shall forthwith return the railway bill to the railway company after stamping sheet 2 and keeping up sheet 4 and the necessary documents”.

Deputy Prime Minister and  
Minister of Transport and Communications  
of the Republic of Bulgaria



Nikolay Vassilev

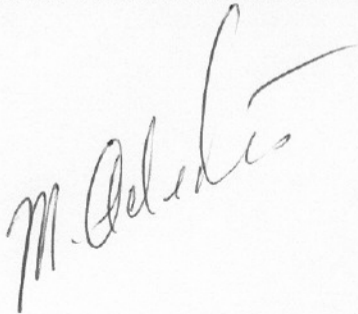
**Reservation of Georgia**  
**to the Protocol on Amendments to the Basic Multilateral Agreement on International**  
**Transport for Development of the Europe – the Caucasus – Asia Corridor**

Regarding clause 3 of the said Protocol, Georgia will consider this issue after appropriate amendments to the “Tax Code of Georgia”.

Head of Delegation of Georgia

09.10.2003

Yerevan

A handwritten signature in black ink, appearing to read 'M. Adeishvili', written in a cursive style.

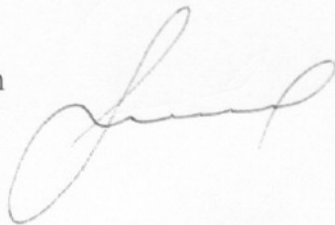
M. Adeishvili



**Reservation of Republic of Kazakhstan  
to the Protocol on Amendments to the Basic Multilateral Agreement on International  
Transport for Development of the Europe – the Caucasus – Asia Corridor**

Clauses 2 and 4 of the Protocol could not be accepted by Kazakhstan Party due to the fact, that Basic Multilateral Agreement was signed with reservation on railway transport.

Head of Delegation of Republic of Kazakhstan

A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a series of loops and a long horizontal stroke.

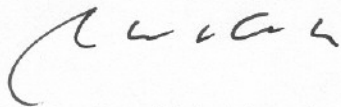
Baydauletov N. T.

09.10.2003

Yerevan

**Reservation  
of Republic of Turkey  
to the Protocol on Amendments to the Basic Multilateral Agreement on  
International Transport for Development the Europe-the Caucasus – Asia  
Corridor**

Regarding the article 4 of the said protocol, Turkey will consider this issue when it becomes a party to the SMGS Agreement.



Head of Turkish delegation

9.10.2003

**Reservation of the Ukraine  
to the Protocol on amendments  
to the Basic multilateral Agreement on international transport for  
development of the Europe - Caucasus – Asia corridor**

Supporting Protocol's positions, Ukraine does not consider the necessary for itself to make them as amendment to the Basic multilateral Agreement.

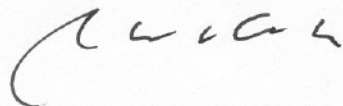
The Protocol's positions are realized by the Government of Ukraine by means of the national legislation for all 6 international transport corridors which cross the territory of Ukraine.

Head of delegation of Ukraine  
Deputy Minister of transport

S. Krol'

**Reservation  
of Republic of Turkey  
to the Protocol on Amendments to the Basic Multilateral Agreement on  
International Transport for Development the Europe-the Caucasus – Asia  
Corridor**

Regarding the article 4 of the said protocol, Turkey will consider this issue when it becomes a party to the SMGS Agreement.



Head of Turkish delegation

9.10.2003