

AGREEMENT

**between the Council of Ministries of Bosnia and Herzegovina and the
Government of the Republic of Estonia**

on International Road Transport of Passengers and Goods

PREAMBLE

The Council of Ministries of Bosnia and Herzegovina and the Government of the Republic of Estonia, (hereinafter called the "Contracting Parties"),

Anxious to contribute to the development of trade and economic relations between their countries;

Determined to promote co-operation in road transport within the framework of the market economy;

Concerned about environment protection, the rational use of energy, road safety and the improvement of drivers' working conditions;

Aiming towards the development of transport intermodality;

Taking into account the resolutions and principles adopted within the framework of the United Nations Economic Commission for Europe and the European Conference of Ministers of Transport;
Recognising the mutual advantage and interest of an agreement on road transport;

Have decided and agreed as follows:

I GENERAL PROVISIONS

Article 1 Scope

1. The present Agreement applies to road transport by transport operators established on the territory of a Contracting Party by means of vehicles registered on that territory and operating to, from, in or in transit through the territory of the other Contracting Party.
2. The present Agreement does not affect the rights and obligations arising from the other international commitments of the Contracting Parties.

Article 2 Definitions

In this Agreement:

"Transport Operator" means any natural person or any legal person with the permanent residence or establishment in the territory of one of the Contracting Parties authorised by the competent authority in Bosnia and Herzegovina or in the Republic of Estonia to operate the international road passengers and goods transport in conformity with the relevant national laws and regulations.

"Vehicle" means a motor vehicle:

- on its own or a combination of vehicles;
- intended for the carriage of passengers or goods by road,
- at the disposal of the transport operator through being its own property or through a hiring or leasing contract.

"Registration" means the allocation of an identification number to the vehicle by a competent authority. In case of a combination of vehicles, the identification number of the motor vehicle is the determining factor in permit issue or exemption, even if the trailer or semi-trailer is not registered under the same identification number, or is registered in another country, or authorized to operate in another country.

"Transport" means the operations of a vehicle, either laden or unladen even if the vehicle, trailer or semi-trailer is carried by train or boat for part of the journey.

"Cabotage" means the transport operations on the territory of the host country, with the loading and unloading points being located on that territory, of a transport operator established on the territory of the other Contracting Party. The unladen runs of a vehicle within a territory between two international transport operations and the initial or terminal national legs of an international combined transport operation are not considered to be cabotage.

"Combined transport" means the transport of goods whereby the lorry, trailer, semi-trailer, swap body or container, with or without tractor, use the road for the initial or terminal leg of the journey, which is as short as possible, and travel by rail, waterway or sea for the major part of the journey.

"Territory of a Contracting Party" means respectively the territory of Bosnia and Herzegovina and the territory of the Republic of Estonia.

"Country of establishment" means the territory of a Contracting Party within which the transport operator is established and the vehicle registered.

"Host country" means the territory of a Contracting Party in which the vehicle is operating without being registered there and without the transport operator being established there.

"Bus" and "Coach" mean vehicles which are built and designed specially for the transport of persons which has, in addition to the driver's seat, more than eight sitting places.

"Regular passenger service" means a service by bus or coach which carries passengers over a specified route according to a timetable, and for which set fares are charged. Passengers are picked up or set down at predetermined stopping points and the service is accessible to everyone notwithstanding, in some cases, the need to book.

"Occasional service" means a service by bus or coach which do not meet the definition of a regular passenger service and which is characterized above all by the fact that they carry groups of passengers assembled on the initiative of

the customer or the transport operator himself. The frequency or number of services does not affect their classification as an occasional service.

"Control document" means the waybill for buses and coaches, the form of which is agreed upon and confirmed by the Joint Committee set up under Article 14 of the present Agreement.

II PASSENGER TRANSPORT

Article 3 Regular services

1. Regular services operated by bus or coach are subject to a system of permits issued by the competent authorities in the countries of departure and destination on the reciprocity basis and, if necessary, of the transit countries.

2. The permit application should be made to the competent authority in the country of establishment of the transport operator. If the authority approves the permit application, the approved application is communicated to the competent authority of the host country.

a) The decision to grant or refuse a permit should be taken by the competent authority of the host country within a period of three months unless there are special circumstances.

b) If the competent authority of the host country approves the permit application, the competent authority of the country of establishment communicates the approved application also to the competent authorities of the countries of transit.

c) The Joint Committee decides on the form that the permit application takes and the supporting documents required.

3. The permits of the competent authorities of the countries of departure, destination and transit are delivered to the transport operator by the competent authority of the country of establishment.

Permits are valid for a maximum of five years. They set out the operating conditions.

4. Changes in operating conditions and the cancellation of the service are decided under the procedures set out in paragraph 2 of the present Article.

5. If a service is being operated on a pool basis, the permits are issued to all transport operators. The permit must include the names of all the pool members.

Article 4 Occasional services

1. The services listed below, including transit services, are exempt from any permit system on the territory of the host country:

closed-door tours whereby the same bus or coach is used to carry the same group of passengers throughout the journey and to bring them back to the place of departure;

services which make the outward journey laden and the return journey unladen;

services which make the outward journey unladen and the return journey laden, provided that passengers:

- a) constitute a group formed under a contract of carriage entered into before their arrival in the territory of the Contracting Party where they picked up and carried to the territory of the country of establishment;
- b) have been previously brought by the same carrier into the territory of the Contracting Party where they are picked up again and carried into the territory of the country of establishment;
- c) have been invited to the territory of the country of establishment, the cost of transport being borne by the person issuing the invitation.

1.4 mns by bus or coach sent to replace a bus which has broken down in the host country.

2. The occasional services not mentioned in paragraph 1 of the present Article operated by bus or coach are subject to a system of permits issued by the competent authority in the countries of departure and destination, and, if necessary, in the transit countries.

3. Picking up of passengers on a liberalised service journey exempted from the permit requirement is not permitted unless special authorisation is granted as it is set out in paragraph 2 of the present Article.

The Joint Committee may extend the permit exemption to other occasional services.

4. The permit application should be made to the competent authority in the country of establishment of the transport operator. If the authority approves the permit application, the approved application is submitted the competent authority of the host country.

The Joint Committee decides on the form that the permit application takes and the supporting documents required.

The permits of the competent authorities of the countries of departure, destination and transit are delivered to the transport operator by the competent authority of the country of establishment.

5. The occasional services exempted from permit requirements and operated using buses or coaches must be covered by a control document.

Article 5 Provisions common to passenger services

1. Transport permits are personal and are not transferable to other transport operators.

2. Cabotage is only permitted with the special permit of the host country.

III. GOODS TRANSPORT

Article 6 Permit system

1. Transport operators established on the territory of a Contracting Party may, under the agreed permit system undertake:
 - a) transport between the territories of the two Contracting Parties;
 - b) transport between a point in the territory of the other Contracting Party and a point in the territory of a third country;
 - c) transit transport.
2. Cabotage is only permitted with the special permit of the host country.

Article 7 Exemption from permit requirements

1. As an exception to Article 6 of the present Agreement, the following categories of transport are exempted from permit requirements:
 - a) transport by vehicles whose total permissible laden weight, including trailers, does not exceed 6 tonnes, or when the permitted payload, including trailers, does not exceed 3.5 tonnes;
 - b) transport to or from airports, in cases where air-services are diverted;
 - c) transport of vehicles which are damaged or have broken down and the transport of breakdown repair vehicles;
 - d) unladen runs by a goods vehicle sent to replace a vehicle which has broken down in another country, and also the return run, after repair, of the vehicle that had broken down;
 - e) transport of spare parts and provisions for ships and aircraft;

f) transport of medical supplies and equipment needed for emergencies, more particularly in response to natural disasters and for humanitarian aid;

g) transport of works and objects of art for fairs and exhibitions or for non-commercial purposes;

h) transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances, fairs or fetes, and those intended for radio recordings, or for film or television production;

i) funeral transport;

j) post transport;

k) first unladen run of newly-purchased motor vehicles;

1) transport of household removal goods for non-commercial purposes.

2. The Joint Committee may accomplish to the list of transport-categories exempted from the permit requirements set out in paragraph 1 of the present Article.

Article 8 Permit conditions

1. The competent authorities of the two Contracting Parties exchange an agreed number of blank permit forms every year. Permits are issued to resident transport operators by the competent authority or by a body designated by the said authority.

2. Permits are personal and are not transferable to other transport operators.

3. Permits can only be used for one vehicle at a time.

4. The Joint Committee determines the quota, categories and any further conditions governing permit use.

IV. COMMON PROVISION

Article 9 Tax provisions

1. Transport by means of vehicles registered on the territory of a Contracting Party temporarily operating on the territory of the other Contracting Party under the terms of this Agreement is exempt from payment of all tax related to the ownership and registration of the vehicle as well as special taxes on transport services.
2. The fuel contained in the normal, by the manufacturer build-in fixed tanks of the vehicle intended to drive the vehicle and for the preservation of goods at controlled temperature, as well as lubricants are exempt from all import duties in the territory of the host country provided that the transport operator complies with the relevant customs regulations.
3. Spare parts temporarily imported into the territory of the other Contracting Party intended for repair service of vehicles operating within the framework of this Agreement shall be exempt from the import duties in accordance with customs regulations. Replaced spare parts shall be re-exported or destroyed under the control of the competent customs authorities of the other Contracting Party.
4. The transport covered by the terms of this Agreement is subject in the host country to the tolls and duties levied for the use of the road network or bridges. The tolls and charges are levied on resident and non-resident transport operators indiscriminately. The Contracting Parties may decide, on the proposal of the Joint Committee, to exempt the initial and terminal legs of combined transport from tolls and duties.

Article 10 Weight and dimensions

1. The maximum permissible weight, axle weight and dimensions of vehicles must not exceed those entered in the registration documents nor the limits in force in the host country.
2. The use in the host country of vehicles whose weight, dimensions or load exceed the permissible limits is permitted only with a special permit applied for in advance. The said permit is subject to the charge according to the national legislation of the host country.

Article 11 Equipment and other characteristics

1. Vehicles carrying dangerous or perishable goods must be fitted out and equipped in accordance with the requirements of the ADR and ATP Agreements.
2. Equipment used to monitor crew driving and rest time on vehicles must comply with the provisions of the AETR Agreement.
3. The Contracting Parties undertake to promote, within the framework of this Agreement, the use of vehicles meeting stringent safety and emission standards. The Contracting Parties, in their road transport relations, shall generally endeavour to apply environmental and safety standards in force in the European Union, having regard to the dates vehicles were first registered and time frames agreed within the framework of international agreements and the European Conference of Ministers of Transport.
4. In line with this policy, the Joint Committee can, when deciding on quotas and future liberalisation, give more favourable treatment to vehicles that meet the most modern safety and emission standards.

Article 12 Control

The permits, control documents and other documents required under this Agreement, as well as the consignment note, insurance certificates and all documents required under multilateral or bilateral agreements or under national law, must be kept in vehicles and be produced at the request of the control officials.

Article 13 Obligations of transport operators and penalties

1. The transport operators of a Contracting Party have a duty, on the territory of the other Contracting Party, to comply with obligations arising from multilateral international agreements to which the two parties are contracting parties, from the present Agreement as well as other bilateral agreements, and from national legislation, particularly traffic and enforcement rules, customs arrangements and any permit conditions and restrictions.
2. Without prejudice to criminal proceedings, the competent authority in the country of establishment may, in the event of serious or repeated infringements committed on the territory of the host country, and at the request of the competent authority of the Contracting Party where the infringement was committed, take the following administrative action:
 - issue a warning,
 - prohibit temporarily or permanently access to the territory of the Contracting Party where the infringement was committed.
3. In particularly serious cases, the competent authority of the host country may temporarily prohibit access pending a decision by the authority in the country of establishment.
4. The Contracting Parties shall keep each other mutually informed on decisions taken.

Article 14 Co-operation and Joint Committee

1. The competent authorities of the Contracting Parties shall take the necessary steps to implement and apply this Agreement and pass on any useful information to each other. The competent authorities shall also keep each other mutually informed of any change in national law affecting the application of the present Agreement.

2. The competent authorities shall render each other mutual assistance for the purpose of implementing this Agreement. Personal data passed on within the framework of co-operation between the Contracting Parties shall be protected by a guarantee of confidentiality and cannot be used for any purpose other than the one for which they were communicated.

3. The competent authorities for the implementation of this agreement shall be as follows:

For Bosnia and Herzegovina: the Ministry of Civil Affairs and Communications.

For the Republic of Estonia: the Ministry of Transport and Communications

4. For the effective implementation of this Agreement and the discussion of any matter arising therefrom, a Joint Committee, composed of members to be appointed by the competent authorities of the Contracting Parties, is established. The Joint Committee shall always meet at the request of either competent authority, at a date convenient to both sides.

Article 15 Implementation of national laws

In the cases not covered by the provisions of this Agreement or international conventions and agreements to which the Contracting Parties are parties to, the provisions of the national laws of each Contracting Party shall be applied.

V. FINAL PROVISIONS

Article 16 Entry into force and termination of the Agreement

1. This Agreement shall enter into force on the date of receipt of the last diplomatic note by which the Contracting Parties notify each other that their respective internal requirements for the entry into force of this Agreement have been fulfilled. The Agreement shall be provisionally applied from the date of its signature.
2. This Agreement may be amended and modified on the basis of mutual agreement of the Contracting Parties. Amendments and modifications shall be made in writing.
3. This Agreement shall remain in force unless it is terminated by written notice through diplomatic channels by one of the Contracting Parties. In that case, the termination of the Agreement shall take effect six months after the other Contracting Party has received the above-mentioned notice.

In witness thereof, the undersigned being duly authorized by their respective legal bodies, have signed the present Agreement.

Signed in two originals at _____ on _____ 2001, in the Bosnian, Serbian, Croatian, Estonian, and English languages, each text being equally authentic. In case of divergence of interpretation the English text shall prevail.

For Council of Ministries
of

of Bosnia and Herzegovina:

For the Government

the Republic of Estonia:

Protocol

of the meeting between the delegations of the Ministry of Transport and Communications of the Republic of Estonia and the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina on international road transport of passengers and goods

Sarajevo, 08.-09. 03.2001

The list of the members of the delegations is attached. The delegations agreed the following agenda:

1. Introduction with the current situation in the area of road transport and the exchange of the relevant data
2. Negotiations on the draft text of the Agreement
3. Discussion on the evolution of transport of passengers and goods and establishment of the permits quota for the year 2001
4. Other Issues

Ad1.

Delegation of Bosnia and Herzegovina informed about the following:

- The major part of the total transport services are carried out by roads and therefore certain difficulties exist
- There have been taken place certain activities during the last couple of years for the carriers to get newer vehicles with latest eco characteristics
- Significant problem has been caused by the lack of permits for Austria and Italy even for EC01 (EUR01) and EC02 (EUR02) vehicles
- The procedure of approach of Bosnia and Herzegovina to the INTERBUS Agreement is going on, which will facilitate the occasional passenger services in the future
- Regular passenger services are well developed and there are 270 international bus lines

In Bosnia and Herzegovina exist 1017 companies for International transport of goods, 84 companies for regular passenger services and approximately 218 companies for the occasional passenger services. These companies operate with 3800 lorries from which 20% meet latest eco characteristics and 726 buses.

Delegation of the Republic of Estonia informed about the following:

- The volume of the road transport services have been increased during the last couple of years
- Certain activities for implementation of the European Union standards are taking place
- Republic of Estonia will sign the INTERBUS Agreement in the nearest future
- There are 1400 registered road transport companies from which 600 companies performing the international transport services. In international transport of goods operate 3500 lorries and 300 buses are used in the international transport of passengers.

Ad2.

The two delegations agreed on the draft text of the Agreement between the Council of Ministries of Bosnia and Herzegovina and the Government of the Republic of Estonia and the draft text of the Agreement has been initialled by the heads of the delegations.

It was agreed that provisions of draft text of the Agreement will be implemented after the initialling of the present draft.

Ad3.

Delegations agreed that until the INTERBUS Agreement enters in to force in both countries, ASOR form of waybill will be used. For the year 2001 delegations agreed to exchange 200 permits for each country. The permits are valid for bilateral, transit and third country transport operations. The number of permits can be increased on the request of each side.

Delegation of Bosnia and Herzegovina handed over the agreed number of permits to the delegation of the Republic of Estonia. The Estonian side will deliver the permits for the carriers of Bosnia and Herzegovina by 01.04.2001.

The permits are valid until 31.01.2002.

Exchange of the permits for the next year should take place by 01.12.2001 and the number of permits for the year 2002 is based on the number of permits exchanged for the year 2001. There is a possibility to increase the said number of permits.

Ad4.

The two delegations exchanged the information related to the international road transport.

The Bosnia and Herzegovina side will inform the Estonian side on the changes in the legislation concerning the maximum permissible weight and dimensions applicable in Bosnia and Herzegovina.

The meeting was held in the friendly and constructive atmosphere.

Delegation of the Republic of Estonia invited delegation of Bosnia and Herzegovina for the next meeting to Estonia, which was accepted with pleasure.

The Protocol has been done in Sarajevo 09.03.2001 in two originals in English language.

For the delegation of

Republic of Estonia

For the delegation

of Bosnia and Herzegovina