

AGREEMENT

between the Government of the Republic of Moldova and the Government of the Republic of Serbia concerning international road transport

The Government of the Republic of Moldova and the Government of the Republic of Serbia (hereinafter referred to as the „Contracting Parties“),

Wishing to contribute to the development of trade and economic relations between the two countries;

Being determined to establish collaboration in road transport within the framework of market economy;

Have agreed as follows:

GENERAL PROVISIONS

The purpose Article 1

This Agreement shall apply, corresponding to the national legislation of the states of the Contracting Parties, to the international transport of passengers and goods by road between the Republic of Moldova and the Republic of Serbia (bilateral transport), transport in transit through them and transport to and from third countries performed by transport operators authorized in the states of the Contracting Parties to perform such transport.

The definitions Article 2

For the purpose of this Agreement:

1. A "transport operator" is any physical or legal person duly authorized either in the Republic of Moldova or in the Republic of Serbia:

- 1) to perform the international transport of passengers and goods by road for hire or reward;
- 2) to perform transport on own account;

2. A "vehicle" means:

1) In the case of transport of passengers, any motor vehicle intended for the carriage of passengers with more than 9 seats – including the driver's seat, as well as trailers for transport of passenger's luggage;

2) In the case of transport of goods, any lorry, including tractor, tractor with semi-trailer, combination of vehicle, trailer and semi-trailer, provided that they are registered in the territory of the state of either Contracting Party and owned by the transport operator or put at his disposal by means of leasing or hiring contract;

3. A "transit" is the transport performed by a transport operator established in the territory of the state of one of the Contracting Parties, through the territory of the state of the other Contracting Party, without boarding/alighting of passengers or loading/unloading goods in that territory.

4. A "quota" means the number of permits established and exchanged annually by the competent authorities of the state of each Contracting Party.

TRANSPORT OF PASSENGERS

Types of Services

Article 3

1. The transport services of passengers to be performed under the provisions of this Agreement may be:

- 1) Regular services;
- 2) Occasional services.

2. "Regular services" are services, which provide for the carriage of passengers on specified routes, according to previously determined itinerary, schedule fares and stopping points for collecting or setting down of passengers.

3. "Occasional services" are services which do not fall within the definition of regular services.

Regime of Authorizations

Article 4

1. Any passenger transport services performed under this Agreement are subject to an authorization, apart from the exceptions referred to in Article 5 of the present Agreement.

2. The establishment of a regular service, as well as the modification of the operating conditions thereof, shall be authorized by common agreement between the competent authorities of the states of the Contracting Parties, provided that an approval is obtained from the competent authorities of the transit countries. An authorization issued by the competent authority of the state of one Contracting Party, shall be valid only on that part of the route which is situated on the territory of that state. The term of validity of an authorization can not exceed five years.

3. The application for the authorization shall be presented to the competent authority of the state of the Contracting Party on the territory of which the transport operator is established. The application shall include:

- 1) the name and the address of the transport operator;
- 2) the itinerary, the frequency and the established timetable;
- 3) the map of the itinerary.

4. The competent authority of the state of the Contracting Party on the territory of which the transport operator is established, shall send a copy of the application to the competent authority of the state of the other Contracting Party, and to the competent authority of the transit countries.

5. A regular service shall be approved upon exchange of the respective authorizations by both Contracting Parties, and if necessary, upon approval of transit countries.

Transport Services Exempted from Authorizations

Article 5

The following occasional services do not require authorization:

- 1) „Closed door tours“, i.e, services whereby the same vehicle carries the same group of passengers throughout the journey and brings them back to the place of departure, provided that the place of departure and destination is situated on the territory of the state of the Contracting Party where the vehicle is registered;
- 2) Services involving a laden journey from a place of departure situated on the territory of the state of the Contracting Party where the vehicle is registered to a place of destination on the territory of the state of the other Contracting Party, followed by an empty journey to the place of departure;
- 3) Services, of which the outward journey is unladen and the return journey is laden, provided that all passengers are picked up in the same place and that:

- They are grouped by a transport contract concluded before their entry into the territory of the state of the other Contracting Party; or
 - They have been previously carried by the same transport operator to the territory of the state of the other Contracting Party; or
 - Have been invited to come to the territory of the state of the Contracting Party where the transport operator is established, the costs of transport being at the charge of the person responsible for the invitation.
- 4) Unladen runs of a bus sent to replace a bus, which has broken down in another country.

TRANSPORT OF GOODS

Regime of Authorizations and Exemptions

Article 6

1. The transport of goods (for hire or reward or on own account) performed under the provisions of this Agreement by a transport operator established on the territory of the state of one Contracting Party, by vehicles registered on the territory of the state of the same Contracting Party, is subject to an authorization issued by the competent authority of the state of the other Contracting Party, and granted by the competent authority of the state where the transport operator is established.
2. The term of validity of each authorization is from the 1st of January of each year to the 31st of January of the next year. The authorization shall be used for one run (including outward and return transport). The forms of permits will be numbered and signed by the competent authority, as will be stamped by them.
3. The following transports are exempted from permit:
 - 1) Transport of goods by motor vehicles whose Total Permissible Laden Weight (TPLW), including trailers, does not exceed 6 tons, or whose permitted payload, including trailers, does not exceed 3.5 tons;
 - 2) Transport of goods to or from airports, in cases where air services are diverted;
 - 3) Transport or towing of vehicles which are damaged or have broken down by specialized breakdown repair vehicles;
 - 4) 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;

- 5) Transport of spare parts and provisions for aircraft;
 - 6) Transport of medical supplies and equipment needed for emergencies, particularly in response to natural disasters as well as for humanitarian aid;
 - 7) Transport of works and objects for fairs and exhibitions;
 - 8) Transport for non commercial purposes of material, accessories and animals to and from theatrical, musical, film, sportive, circus performances or fairs, as well as transport of material intended for radio recordings or for film or television production;
 - 9) Transport of mail (as public service);
 - 10) Funeral transport.
4. The Joint Commission, referred to in article 18 of the present Agreement, may extend the list of transportations exempted from permits.

Quotas Article 7

Competent authorities of the states of the Contracting Parties, on the proposal of the Joint Commission, shall establish and exchange quotas of permits for the transport of goods.

COMMON PROVISIONS

Cabotage Article 8

A transport operator established in the territory of the state of one of the Contracting Parties shall not be entitled to perform transport of passengers or goods within the territory of the state of the other Contracting Party, unless there is a special authorization issued by the competent authority of the state of the other Contracting Party.

Fiscal Regime Article 9

1. Vehicles that are registered on the territory of the state of one of the Contracting Parties to perform transport services in accordance with this Agreement shall be exempt, on the basis of the principle of reciprocity, from

taxes on the possession and circulation of vehicles, levied on the territory of the state of the other Contracting Party.

2. The provision of paragraph 1 of the present Article shall not apply to tolls or charges related to the use of motorways, similar infrastructures, bridges and tunnels, neither to services performed by non-standard dimension vehicles, nor vehicles carrying dangerous goods, which shall be levied on the basis of the principle of non discrimination.

Customs Facilities

Article 10

1. In transport operations carried out under this Agreement, the exemption from import duties, shall be mutually granted to:

- 1) Fuel contained in the normal tanks of the vehicles, which have been built-in by the vehicle's manufacturer;
- 2) Lubricants in the necessary quantity to ensure the maintenance of the vehicle during the journey;
- 3) Spare parts and instruments meant for repairing a vehicle performing international transport operations.

2. Each Contracting Party shall allow the temporary import of spare parts meant for repairing a vehicle performing international transport operations, under the present Agreement, provided that the non used parts or those having been replaced shall be re-exported or destroyed, in accordance with the legislation in force on the territory of the respective state.

Weight and Dimensions of Vehicles

Article 11

1. In what concerns weights and dimensions of vehicles, each Contracting Party undertakes not to submit vehicles registered in the territory of the state of the other Contracting Party to more severe conditions than those that are imposed on vehicles registered in its own country.

2. When the weight and/or the dimensions of a vehicle exceed the maximum limits admissible in the territory of the other Contracting Party, a special authorization is required from the respective authority of the state of that Contracting Party.

3. Whenever the authorization stipulates the itinerary, the vehicle shall use only that itinerary.

Intransferableness

Article 12

Authorizations and permits, as required under the provisions of this Agreement, are personal and intransferable.

Infringements

Article 13

1. If a transport operator or his driving personnel, when on the territory of the state of the other Contracting Party, infringes the provisions of this Agreement or the national legislation from the field of road transportation of the state of the other Contracting Party, the competent authority of the state where the transport operator is established shall, at request of the competent authority of the state of the other Contracting Party, adopt one of the following measures:

- 1) Issue a warning; or
- 2) Suspend the issuance of authorizations to the transport operator or withdraw already issued authorizations or
- 3) Temporary suspension of the right to perform transportation.

2. The competent authority having requested the adoption of the measures shall be informed as soon as possible about its effective adoption.

3. The provisions of this Article shall apply without prejudice of any sanction provided for by the national legislation of the Contracting Party in whose territory the infringement was committed.

Authorization and Control Document Forms

Article 14

The forms for authorizations and control documents, as required by this Agreement, shall be agreed upon by the competent authorities of the Contracting Parties referred to in Article 17 of the present Agreement.

The Control

Article 15

The authorizations or certified copies thereof in the case of regular passenger services, if in accordance with the national legislation of the states of the

Contracting Parties, as well as any control document required under the provisions of this Agreement shall be carried on board the vehicle and be presented upon request of the competent control authorities.

Implementation of National Legislation Article 16

The legislation of the states of the Contracting Parties shall be applied in all the matters that are not regulated by the provisions of this Agreement or by other international agreements, which are binding Both for the Republic of Moldova and the Republic of Serbia.

Competent Authorities Article 17

The responsible competent authorities for the implementation of the present Agreement are:

- for the Republic of Moldova: The Ministry of Transport and Road Infrastructure
- for the Republic of Serbia: the Ministry of Construction, Transport and Infrastructure

Contracting Parties shall inform each other of any change of the competent authority.

The Joint Commission Article 18

1. The Joint Commission shall be formed in order to assure the implementation of this Agreement, and in order to solve all the controversies which may appear regarding its application. In the case of necessity, the representatives from other institutions may be invited to participate in the Joint Commission meetings.

2. At the request of the competent authority of the state of one of the Contracting Parties, the Joint Commission shall meet at least once a year, on the territory of the state of each Contracting Party alternatively.

Amendments Article 19

The Contracting Parties, on the basis of the reciprocal agreement, may amend this Agreement, through Additional Protocols, being a component part of the

present Agreement and entering into force in accordance with the procedure under Article 20 of the present Agreement.

FINAL PROVISIONS

Entry into Force Article 20

The present Agreement is concluded for an unlimited period of time, and shall enter into force the 30th day from the day of the receipt, through diplomatic channels, of the second notification on completion of the internal procedures of the state of the Contracting Party, necessary for entering into force of the present Agreement.

Denunciation Article 21

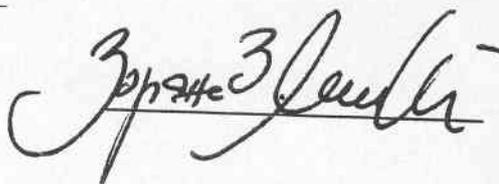
Either Contracting Party may inform the other Contracting Party through diplomatic channels, at least three months before the end of each calendar year, of its intention to terminate this Agreement. In this case, the present Agreement shall cease to be in force from the first of January of the following year.

Done in Belgrade, on 1 November 2016 in two original copies in Romanian, Serbian and English languages, all the texts being equally authentic. In case of any divergences in interpretation of this Agreement, the English text shall prevail.

**For the Government
of the Republic of Moldova**



**For the Government
of the Republic of Serbia**



ACORD

Guvernul Republicii Moldova și Guvernul

Prin prezenta confirm că textul alăturat este o copie autentică a Acordului între Guvernul Republicii Moldova și Guvernul Republicii Serbia privind transporturile rutiere internaționale de pasageri și de mărfuri (Belgrad, 1 noiembrie 2016), originalul căruia este depozitat la Arhiva Tratatelor a Ministerului Afacerilor Externe și Integrării Europene.



A. Cebuc

Anatol CEBUC,
Șef al Direcției Generale Drept
Internațional a Ministerului Afacerilor
Externe și Integrării Europene al
Republicii Moldova

COPIE CERTIFICATĂ
16/14/02/2016/001