

PROTOCOL

of the meeting held at Chisinau of the Joint Committee mentioned in Article 8 of the Agreement between the Kingdom of the Netherlands and the Republic of Moldova on international road transport, signed on 22 October at Chisinau.

The composition of the two delegations is given in the Annex.

The delegations have agreed on the following agenda :

1. Entering into force of the bilateral Agreement on Road Transport between the Republic of Moldova and the Kingdom of the Netherlands.
2. Present status and future development of road transport of goods and passengers between the Republic of Moldova and the Kingdom of the Netherlands.
3. Exchange of permits for 1999.
4. Miscellaneous.

1. Exchange of statistical information

As to the transport of goods in 1997 there was in comparison with 1996, a slight decrease of the actual number of trips to Moldova and a small increase of trips from Moldova. As to third country transport trips a similar pattern was to be seen. In 1997 the number of these trips realised under a CEMT-permit has decreased considerably in comparison with the number in 1996.

As to the transport of passengers, until now no regular bus services have been realised.

The Netherlands figures complied with the Moldova statistical data.

2. Implementation of the Agreement

The delegations have agreed as follows :

General provisions

1. Permits shall be issued to the carrier and shall be kept during the journey in the vehicle whether it is laden or unladen.

2. The competent authorities for the purposes of Article 3, paragraph 1 of the Agreement shall be :

in the Netherlands,

for the carriage of goods :

Nationale en Internationale Wegvervoer Organisatie (NIWO)

Veraartlaan 10

2288 GM Rijswijk

tel : ++31.70.3992011

fax: ++31.70.3908704

for the carriage of passengers:

Rijksverkeersinspectie

P.O.Box 11063

3004 EB Rotterdam

tel: ++31.10.4370888

fax:++31.10.4152251

in Moldova :

for the carriage of passengers and goods:

Ministry of Transport and Communications

of the Republic of Moldova

134 Stefan cel Mare street,

MD- 2012 Kishinau

phone/fax: 373 2 54-65-57

phone:373 2 54-65-51

Telex: 163227 MCI MD

E-mail: untila@mci.gov.md.

3. The competent authorities for the purposes of article 4, paragraph 2 of the Agreement shall be:

in the Netherlands :

RDW, Centrum voor voertuigtechniek en Informatie

Europaweg 205

2711 ER Zoetermeer

tel: ++31.79.3458100

fax: ++31.79.3458021

in Moldova :

Ministry of Transport and Communications

of the Republic of Moldova

134 Stefan cel Mare street,

MD- 2012 Kishinau

phone/fax: 373 2 54-65-57

phone: 373 2 54-65-51

Telex: 163227 MCI MD

E-mail: untila@ mci.gov.md.

4. Following Article 8, paragraph 3 of the Agreement, the Joint Committee will endeavour to create, as soon as possible and in so far as market conditions allow, a liberal transport regime between the two countries. In view thereof the delegations will exchange information on road transport markets and its developments on their territories. If market conditions deteriorate on the territory of one of the Contracting Parties, the Contracting Party concerned will bring up the matter as soon as possible for discussion in the Joint Committee. If necessary, the Joint Committee will decide on measures to be taken.

5. Convinced that an uniform and reciprocal system of charges and levies for carriage of goods and passengers by road will contribute substantially to the process of making markets compatible of which transport operators of both countries will benefit directly. The following fiscal policy for road transport in view of Article 7 of the above-mentioned agreement will be followed :

- . fiscal instruments applied to carriers by road, should be limited to motor vehicle tax, excise duty, VAT, toll and user charges,
- . tariffs should be reasonable and comparable,
- . user charges like toll, Eurovignette, ton-kilometer charges and the like should not be cumulated.

Provisions for the carriage of goods

1. Permits for carriage of goods shall be valid for bilateral, transit and third country transport for a period of 13 months starting 1 January of each calendar year.
2. Permits will be issued in accordance with the needs of transport. Additional permits will be issued by one of the countries on request of the other country.
3. In accordance with Article 8, paragraph 3 a model of the permit is attached as an Annex to this Protocol.
4. Following Article 8, paragraph 3 and Article 3, paragraph 2 of the Agreement, no permits are required for the following types of transport or for unladen journeys made in conjunction with such transport :
 - transport to and from intermodal terminals

Provisions for the carriage of passengers

1. With reference to article 2, paragraph 2, of the Agreement :
 - 1.1. A vehicle for the carriage of passengers shall be suitable by virtue of its construction and equipment for the carriage of more than nine passengers, including the driver, and shall be intended for that purpose.
2. With reference to article 3 of the Agreement :
 - 2.1. A permit shall be required for the regular services between the two countries.
 - 2.2. Regular services shall be those which provide for the carriage of passengers in accordance with fixed timetables on fixed routes, with passengers being taken up and set down at fixed points along those routes.

2.3. Applications for permit for regular services shall be submitted to the competent authorities in the country in whose territory the points of departure are situated. The competent authorities express the desire that these regular services are executed in collaboration between carriers of both countries.

2.4. A permit shall be issued with the agreement of the competent authorities of the countries in which a point of departure is situated and of those through whose territory a service passes without passengers being taken up and set down.

2.5. The decision to issue a permit shall be taken jointly by the authorities in the countries in which a point of departure is situated.

2.6. Notwithstanding the appreciation of the competent authorities on the desirability of the regular service, an application for a permit may be rejected if, inter alia :

- the applicant is not capable of effecting the carriage in respect of which he has applied for a permit with the equipment which he has at his immediate disposal,

- the applicant has in the past failed to comply with the conditions of the permits for international carriage of passengers by road or has seriously infringed the rules pertaining to road safety, including those on vehicle standards and drivers driving and rest periods,

- in the case of an application for the extension of a permit, the conditions for the permit have not been met.

2.7. A decision on whether a permit shall be issued shall be taken by the competent authorities within three months of the date on which a full application is received. If any of the competent authorities fail to provide an answer within this period, it shall be assumed that they implicitly agree to the issue of a permit. In urgent cases the competent authorities of one of the two countries may issue a provisional permit valid for up to three months. They shall then inform the competent authorities of the other country to this effect without delay.

2.8. A permit shall be valid for up to three years and may be extended on request.

2.9. With the exception of occasional passenger services preceded by an empty journey from one country to the other where passengers are picked up, no permit shall be required for occasional passenger services (including shuttle services with accommodation) to and from or in transit through the two countries. For the definition of occasional services and shuttle services reference should be made to the Agreement of 12 July 1982 on the international carriage of passengers by road by means of occasional coach and bus services (ASOR).

The permit for the above excluded occasional services is to be obtained from the competent authorities of the country where the passengers are picked up. This permit is valid for the duration of the service.

For the services for which no permits are required, passenger waybills completed in full shall be carried on board the vehicle. In stead the names of passengers carried, the number of passengers shall suffice.

3. A model permit is attached to this Protocol as an Annex.

Goods transport

For the year 1998 a total number of 500 permits have already been exchanged.

For the year 1999 a number of 500 universal permits will be provisionally exchanged before 1 December 1998 through diplomatic channels. These universal permits can be used for bilateral, transit and third country trips.

Delegations agreed that in case more permits are needed, these will be supplied on request.

Passengers transport

Delegations agreed that in case of a passenger transport company expresses the wish to start a regular passenger service it has to apply for a permit with the authorities in cooperations with a passenger transport company in the other country.

Other matters

Both delegations exchanged information about the laws and regulations on transport between the two countries, the cooperation between transport enterprises and other questions regarding road transport.

In relation to weights and dimensions the Moldova delegation provided the meeting with an information paper with the essentials on the Moldova regulations:

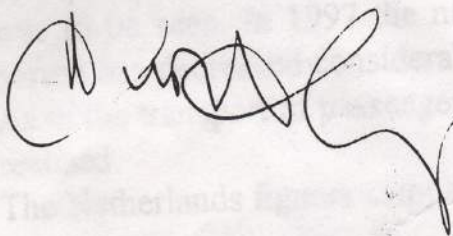
Busses are according to Article 7 of the Agreement exempt of charges while trucks carrying goods are subject to charges only when their dimensions or weights exceed the maximum as stated by the Moldova Government, i.e.: a total weight of 36 tons and an axle weight of 8 tons. These charges will be levied in relation to the distance driven in the territory of Moldova.

Both delegations agreed that if in one country a company wishes to start a Joint - venture with a company in the other country, they will facilitate the procedures to establish their cooperativity giving the necessary information bilaterally.

The discussions were held in a friendly and constructive atmosphere.

Next meeting will be held in The Netherlands. Date and place will be agreed upon through diplomatic channels.

**The head of
the Moldova delegation**



**The head of
the Netherlands delegation**

