

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

AND

THE GOVERNMENT OF THE REPUBLIC OF AZERBAIJAN

ON INTERNATIONAL ROAD TRANSPORT

The Government of the Republic of Lithuania and the Government of the Republic of Azerbaijan (hereinafter referred to as the “Parties”),

Recognizing the importance of road transport in development of bilateral economic and trade relations on the basis of equality and mutual benefit,

Willing to facilitate international road transport performed between the territories of the States of the Parties or in transit through the territories of their States, as well as to/from third countries,

Have agreed as follows:

I. GENERAL PROVISIONS

Article 1

Scope of Application

This Agreement regulates international road transport between the territories of the States of the Parties or in transit through the territories of their States, as well as to/from third

countries performed by the carriers registered in the territory of the State of one of the Parties.

Article 2

Definitions

For the purposes of this Agreement:

1. **“International road transport”** - transport of passengers or goods by road between the territories of the States of the Parties or in transit through the territories of their States, as well as to/from third countries performed by the carriers registered in the territory of the State of one of the Parties;

2. **“Regular transport of passengers”** - transport of passengers by bus between the territories of the States of the Parties or in transit through the territories of their States performed over a previously agreed route, schedule and tariffs with predetermined pick-up and drop-off points;

3. **“Occasional transport of passengers”** - any other transport of passengers by bus irrelevant to the definition of “Regular transport of passengers” set out in paragraph 2 of this Article and performed on the basis of an order contract;

4. **“Transport in transit”** - international road transport performed by a road vehicle registered in the territory of the State of one of the Parties through the territory of the State of the other Party in transit to/from third countries;

5. **“Transport to/from third countries”** - international road transport performed by a road vehicle registered in the territory of the State of one of the Parties to/from the territory of the State of the other Party to/from third countries;

6. **“Carrier”** - any natural person or legal entity registered in the territory of the State of one of the Parties and authorized to perform international road transport in accordance with the national legislation in force in the territory of the country of registration for reward or on its own account;

7. **“Road vehicle”** - any power-driven vehicle manufactured for transport of passengers or goods by motor roads and registered in the territory of the State of one of the Parties at the disposal of a carrier;

8. **“Goods vehicle”** - a road vehicle intended or used for transport of goods by road and having a maximum permissible mass (weight) of over 3,5 tonnes;

9. **“Road tractor”** - a road vehicle manufactured to haul other vehicles which are not power-driven. Tractors and self-propelled machinery are excluded;

10. **“Trailer”** - any non-self-propelled vehicle intended to be drawn by a power-driven vehicle;

11. **“Semi-trailer”** - any trailer intended to be coupled to a road tractor in such a way that part of it rests on the road tractor and that a substantial part of its mass and the mass of its load is borne by a road tractor;

12. **“Bus”** - any road vehicle manufactured for transport of passengers with more than nine seats, including driver’s seat and registered in the territory of the State of one of the Parties;

13. **“Combination of goods vehicles”** - joint combination of any trailer or semi-trailer with a road tractor regardless of the state territory of registration of the trailer or semi-trailer;

14. **“Permit”** - a document issued by the competent authority of the State of one of the Parties which grants a road vehicle registered in the territory of the State of one of the Parties to enter and exit to/from the territory of the State of the other Party or to perform international road transport in transit through its territory, as well as international road transport to/from third countries;

15. **“Special Permit”** - a single-use permit issued by the competent authority of the State of one of the Parties which grants a large-sized and/or heavy-loaded road vehicle registered in the territory of the State of one of the Parties exceeding the limits of maximum permissible mass (weight), axle load, dimensions and other parameters to enter and exit to/from the territory of the State of the other Party or to run in transit through its territory by roads, as well as for the transport of dangerous goods in accordance with the national legislation in force in the territory of the host country;

16. **“Country of registration”** - the State of the Party in which a carrier or a road vehicle is registered;

17. **“Host country”** - the State of the Party where a carrier or a road vehicle is not registered, but performs transport operations;

18. **“Third countries”** - the States which are not parties to this Agreement.

19. **“Cabotage”** - transport of passengers or goods performed by a carrier registered in the territory of the State of one of the Parties between the points located in the territory of the State of the other Party.

20. **“Dangerous goods”** - materials and articles as defined in the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) dated 30 September 1957.

21. **“Perishable goods”** - goods understood in accordance with the provisions of the Agreement on International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) dated 1 September 1970.

22. **“National legislation”** - legislation in force in the territories of the States of the Parties. The national legislation of the Republic of Lithuania also includes the legal acts of the European Union that are applicable in the Republic of Lithuania.

II. TRANSPORT OF PASSENGERS

Article 3

Regular Transport of Passengers

1. Regular transport of passengers between the territories of the States of the Parties or in transit through the territories of their States is performed by mutual consent of the competent authorities of the States of the Parties. Competent authorities of the States of the Parties shall grant written consent (permit) for the part of the route passing through the territories of their States.

2. Applications for the regular transport of passengers shall be submitted to the competent authority of the State of the Party where the carrier is registered. Competent

authority of the country of registration shall inform the competent authority of the host country in case of its consent to this application. Competent authorities of the States of the Parties shall define the form of application in accordance with the national legislations in force in the territories of their States.

3. Proposals for regular transport of passengers shall be submitted in advance to each other by the competent authorities of the States of the Parties. These proposals shall include following information:

3.1. Name of the carrier;

3.2. Route of the transport, in particular locations of departure and destination, border crossing points, stopping points where the passengers are picked up and dropped-off;

3.3. Schedule;

3.4. Estimated period and frequency of transport;

3.5. Tariffs;

3.6. Terms of transport.

4. Decision on performing regular transport of passengers shall be made within three (3) months upon the submission of the proposal.

5. The period of validity of the regular transport of passengers shall be defined by mutual consent of the competent authorities of the States of the Parties in accordance with the national legislations in force in the territories of their States.

6. Permit is not required for unladen run of the bus sent to replace the damaged or broken bus while performing regular transport of passengers.

7. Permit for regular transport of passengers shall lapse at the end of its period of validity or ninety (90) days after receiving the written notification of the carrier of its intention to terminate the service by the competent authority of the State of the Party issuing the permit. Written notification of the carrier on termination of regular transport of passengers shall be submitted ninety (90) days in advance to the competent authority of the State of the Party granting the permit and to the passengers.

8. The Joint Commission established in accordance with Article 15 of this Agreement shall define the form of the application for performing regular transport of passengers and other required documents, as well as terms of transport.

Article 4

Occasional Transport of Passengers

1. Occasional transport of passengers between the territories of the States of the Parties or in transit through the territories of their States, as well as to/from third countries is performed on the basis of permits issued by the competent authorities of the States of the Parties. Permit shall be issued by the competent authorities of the States of the Parties for the part of the route passing through the territories of their States. Each occasional transport of passengers shall be the subject of a separate permit authorizing a single return journey, unless otherwise specified in the permit.

2. Competent authorities of the States of the Parties shall exchange mutually agreed number of blank permits for occasional transport of passengers in accordance with the terms defined by the Joint Commission established in accordance with Article 15 of this Agreement. These blank permits must be stamped and signed by the competent authority of the State of the Party issuing them. Permits can be used only by the carrier to whom it has been issued and are not transferable to other carriers without the permission of the competent authority of the State of the Party issuing them.

3. Permit is not required for the following types of occasional transport of passengers:

3.1. Shuttle transport of the same group of passengers (excursions of tourists, transport of delegations attending cultural events, etc.) from the location of departure in the territory of one of the States of the Parties to the location of destination in the territory of the State of other Party and carry them back to the location of departure by the same bus;

3.2. Laden run of a bus from the territory of the country of registration to the territory of the host country, on condition that the bus leaves the territory of the host country unladen;

3.3. Unladen run of a bus from the territory of the country of registration to the territory of the host country to carry back the passengers previously transported by the same bus;

3.4. "Closed door" transport of the same group of passengers through the journey by the same bus where the transport begins and ends in the territory of the country of registration;

3.5. First unladen run of a newly purchased bus;

3.6. Unladen run of a bus sent to replace the damaged or broken bus.

4. The list of passengers properly filled and signed by the carrier at the country of registration must be kept on board during the occasional transport of passengers set out in paragraph 3 of this Article and must be presented by the bus crew at the request of the authorized representatives of the control authorities of the host country.

5. The Joint Commission established in accordance with Article 15 of this Agreement is entitled to make suggestion to amend the list of occasional transport of passengers exempted from permit set out in paragraph 3 of this Article and determine additional documents to be carried on board during such transport.

III. TRANSPORT OF GOODS

Article 5

Permits for Transport of Goods

1. Transport of goods by road vehicles between the territories of the States of the Parties or in transit through the territories of their States, as well as to/from third countries regardless of the third country from which the goods have been brought and to which other third country goods are carried out is performed on the basis of permits issued by the competent authorities of the States of the Parties or permits of the International Transport Forum , except transport operations set out in Article 6 of this Agreement. The types of transport of goods shall be determined by the places of loading and unloading of the goods specified in the International Consignment Note (CMR). Permits issued by the competent authorities of the Parties are not required if the transport of goods is performed on the basis of permits of the International Transport Forum.

2. Each transport of goods shall be the subject of a separate permit authorizing a single return journey, unless otherwise specified in the permit.

3. The competent authorities of the States of the Parties shall exchange mutually agreed number of blank permits set out in paragraphs 1 and 2 of this in accordance with the

terms defined by the Joint Commission established in accordance with Article 15 of this Agreement. These blank permits must be stamped and signed by the competent authority of the State of the Party issuing them.

4. The quantity of Permits shall be mutually agreed each year by the competent authorities of the States of the Parties during the meeting of the Joint Commission. Permits issued in the course of each year shall be valid until January 31 of the following year.

5. Permit can be used only for one road vehicle and is not transferable to other carriers without the permission of the competent authority of the State of the Party issuing them.

6. Permit is valid for the use of the combination of goods vehicles, regardless of the country of registration of the trailer and semi-trailer.

Article 6

Transport of Goods Exempted from Permit

1. Permit is not required for the following types of transport of goods:

1.1. Transport by road vehicles with maximum permissible mass (weight), including trailers, does not exceed 6 tones, or road vehicles which maximum permissible payload including trailers, does not exceed 3.5 tones;

1.2. Transport of necessary medical equipment and supplies for medical aid, as well as humanitarian cargo in case of emergencies, particularly in response to natural disasters;

1.3. Transport of artworks, exhibits and artefacts to be exhibited at fairs and exhibitions;

1.4. Transport of equipment, decors, accessories and animals required for theatrical, musical, film, sports or circus performances, exhibition, fairs or other events, as well as production equipment for radio recordings, or for film or for television programs;

1.5. Unladen run of a road vehicle sent to replace or carry back the damaged in an accident or broken road vehicle, trailer or semi-trailer, entrance and exit of technical service vehicles, also road vehicles sent to carry spare parts and to return of damaged parts;

1.6. First unladen run of a newly purchased road vehicle or combination of goods vehicle;

1.7. Transport to/from an airport, in cases of cancellation of a flight;

1.8. Transport of spare parts to repair ships and aircrafts;

1.9. Transport of corpses, remains and ashes of deceased persons;

1.10. Transport of postal consignments;

1.11. Transport of movable properties during resettlement.

2. The Joint Commission established in accordance with Article 15 of this Agreement is entitled to make suggestion to amend the list of transport types exempted from permit set out in paragraph 1 of this Article and determine additional documents to be carried on board during such transport.

Article 7

Transport of Dangerous or Perishable Goods

1. Transport of dangerous goods by road vehicles between the territories of the States of the Parties or in transit through the territories of their States, as well as to/from third countries by carriers registered in the territory of the State of one of the Parties shall be regulated in accordance with the provisions of the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) dated 30 September 1957 and national legislation in force in the territory of the host country.

2. Transport of perishable goods by road vehicles between the territories of the States of the Parties or in transit through the territories of their States, as well as to/from third countries by carriers registered in the territory of the State of one of the Parties shall be regulated in accordance with the provisions of the Agreement on International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) dated 1 September 1970 and national legislation in force in the territory of the host country.

3. During transport of dangerous or perishable goods, border and customs control procedures shall be carried out on a priority basis in accordance with the national legislations

in force in the territories of the States of the Parties or the international agreements to which the States of the Parties are party.

IV. OTHER PROVISIONS

Article 8

Cabotage

Carriers registered in the territory of the State of one of the Parties are not allowed to perform transport of passengers or goods between the points located in the territory of State of the other Party.

Article 9

Masses (Weights) and Dimensions

1. The maximum permissible mass (weight), axle load, dimensions and other parameters of the road vehicle or its combination used for performing international road transport under this Agreement, must comply with the official registration documents of the road vehicles or its combination and national legislation in force in the territory of the host country.

2. If the maximum permissible mass (weight), axle load, dimensions and other parameters of the road vehicle or its combination exceed the permitted limits declared in the host country, the carrier must obtain a special permit in advance from the competent authority of the State of that Party in accordance with the national legislation in force in the territory of its State.

3. Competent authorities of the States of the Parties must respond to the request for special permit no later than ten (10) days after receiving relevant request.

4. If a certain route has been specified for the run of a road vehicle or its combination in the special permit set out in paragraph 2 of this Article, transport must be performed in pre-defined route.

Article 10

Taxes and Duties

1. In the framework of this Agreement, taxes, fees and charges for usage and ownership of road vehicles and the usage and maintenance of motor roads, as well as taxes and charges for usage of toll roads, highways, bridges, tunnels and other transport facilities shall be applied to the road vehicles registered in the territory of the State of one of the Parties performing transport of passengers or goods in the territory of the State of the other Party, in accordance with the national legislation in force in the territory of the host country, as well as the provisions of the Convention between the Government of the Republic of Lithuania and the Government of the Republic of Azerbaijan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital signed in Vilnius on April 2, 2004.

2. The following items and materials brought in the road vehicle registered in the territory of the State of one of the Parties while performing international road transport in the territory of State of the other Party under this Agreement are reciprocally exempted from taxes and customs duties to the extent permitted by the national legislation in force in the territory of the host country:

2.1. Fuel contained in manufacturer-made fuel tanks of the vehicle technologically and structurally related to the power supply system of the engine, as well as fuel contained in fuel tanks installed by the manufacturer of trailers and semi-trailers and intended for heating or cooling systems;

2.2. Lubricants in a reasonable quantity required for the road vehicle maintenance during international road transport;

2.3. Temporarily imported spare parts and tools for repairing a road vehicle damaged or broken in the course of international road transport.

3. Unused or replaced spare parts and tools set out in semi-paragraph 2.3 of this Article must be returned back or destroyed under the customs control in accordance with the national legislation in force in the territory of the host country.

Article 11

Application of Legislations

1. Performance of border, customs control and other control, as well as dealing with other issues not specifically covered in this Agreement shall be subject to the provisions of the international agreements to which the States of the Parties are participants and in matters not covered by these agreements, the provisions of national legislations in force in the territories of the States of the Parties.

2. In order to ensure the implementation of this Agreement, the competent authorities of the States of the Parties shall exchange information on any changes in the national legislation in force in the territory of its State which may affect the implementation of this Agreement.

Article 12

Documents of a Driver and a Road Vehicle

1. Driver of a road vehicle must be in possession of a driving license valid for the category of the road vehicle used for performing international road transport under this Agreement, as well as the registration documents of the road vehicle and/or its combination.

2. The road vehicle used for performing international road transport under this Agreement shall have state registration plate of the country of registration. Trailers and semi-trailers may have state registration plate of the country of registration or other States.

3. National and international driving licenses and registration documents of the road vehicles used for performing international road transport under this Agreement must

comply with the requirements set out by Vienna Convention on Road Traffic dated 8 November 1968.

4. The carriers must have a valid mandatory certificate of third party civil liability insurance of the road vehicles used for performing international road transport under this Agreement. The provisions of this paragraph is not applicable to the cases of the civil liability of the owners of road vehicles regulated by the International Green Card Agreement in the territory of State of the other Party.

5. The permits and other documents that are required for performing international road transport under this Agreement must be kept on board of the road vehicle and must be presented at the request of the authorized representatives of the control authorities of the host country.

6. The Parties shall mutually recognize the valid driving licenses, registration documents of the road vehicles and state registration plates issued by the competent authorities of their States.

Article 13

Monitoring of Driving and Rest Period

Driving and rest period of a drivers operating the road vehicles used for performing international road transport, as well as the requirements for the use of the equipment to monitor the driving and rest period shall be regulated in accordance with the provisions of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR Agreement) dated 1 July 1970 and national legislations in force in the territories of the States of the Parties.

Article 14

Infringements and Measures

1. Carrier registered in the territory of the State of one of the Parties must adhere to the road traffic and safety regulations and obligations arising from the national legislation in

force in the territory of the host country while performing international road transport in the territory of the State of other Party.

2. If a carrier or the crew on board of a road vehicle registered in the territory of the State of one of the Parties have not complied with the national legislation in force in the territory of the host country, provisions of this Agreement or conditions set out in the permit while performing international road transport in the territory of the State of other Party, the competent authority of the country of registration might take the following measures at the demand of the competent authority of the host country:

2.1. Warning the carrier which committed the infringement;

2.2. Temporarily banning the carrier from performing transport operations in the territory of the State of the Party in which the infringement was committed.

3. The competent authority of the country of registration shall inform the competent authority of the host country about taken measures at its request.

4. The provisions of this Article do not exclude adoption of legal measures by the competent authorities or courts of the State which the infringement was committed.

5. The provisions of this Agreement shall not affect the rights of the Parties to apply restrictions on international road transport that may harm the national security of their States. Competent authorities of the States of the Parties shall promptly exchange of information on relevant restrictions.

Article 15

Joint Commission and Competent Authorities

1. The competent authorities of the States of the Parties shall establish a Joint Commission for the implementation of the provisions of this Agreement and resolution of issues that may arise.

2. The Joint Commission shall meet once a year alternately in the territories of the States of the Parties. The extraordinary meeting of the Joint Commission may be convened at the request of the competent authority of the State of one of the Parties. Protocol shall be signed on discussed issues and adopted decisions at the meeting of Joint Commission.

3. The Joint Commission is granted the right to determine the quota of permits for performing transport operations and to propose amendments to this Agreement.

4. For the purposes of this Agreement the competent authorities of the States of the Parties shall be:

For the Government of the Republic of Lithuania:

Ministry of Transport and Communications of the Republic of Lithuania

For the Government of the Republic of Azerbaijan:

Ministry of Digital Development and Transport of the Republic of Azerbaijan

V. FINAL PROVISIONS

Article 16

International Obligations

The provisions of this Agreement shall not affect the rights and obligations deriving from treaties to which the States of the Parties are party.

Article 17

Settlement of Disagreements

Any disagreement arising from the interpretation or implementation of this Agreement shall be settled between the Parties by negotiations and consultations through diplomatic channels.

Article 18

Amendments

This Agreement may be amended by written mutual consent of the Parties. Such amendments shall be made in a form of separate protocols being an integral part of this

Agreement and shall enter into force in accordance with the provisions of Article 19 of this Agreement.

Article 19

Entry into Force, Duration and Termination

1. This Agreement shall enter into force on the date of receipt by the Parties of the last written notification through diplomatic channels confirming the completion of their respective internal procedures required for the entry into force of this Agreement.

2. This Agreement is concluded for a period of five (5) years and shall remain in force automatically thereafter for the five-year periods unless either of the Party at least six (6) months in advance notifies through diplomatic channels the other Party in written of its intention to terminate this Agreement.

Done at Baku, on "18" of May 2022 in two original copies, each in the Lithuanian, Azerbaijani and English languages, all texts being equally authentic. In case of divergence in interpretation of this Agreement, the English text shall prevail.

**For the Government of
the Republic of Lithuania**



**For the Government of
the Republic of Azerbaijan**

