

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF MONGOLIA
ON INTERNATIONAL CARRIAGE OF PASSENGERS AND GOODS BY ROAD

The Government of the Republic of Lithuania and the Government of Mongolia (hereinafter referred to as the 'Contracting Parties'),

having regard to the favourable development of bilateral trade and economic relations and with a view to advancing economic cooperation on the basis of equality and mutual benefit;

seeking to develop on a reciprocal basis, the carriage of passengers by bus and/or carriage of goods by goods vehicles or combinations thereof between the Republic of Lithuania and Mongolia (hereinafter referred to as the 'States') as well as in transit via the territories of the States as well as to/from third countries, and seeking to facilitate this transport,

being concerned with the preservation of the environment, rational use of energy, ensuring of traffic safety, and improving of working conditions for drivers,

have agreed as follows:

GENERAL PROVISIONS

Article 1

1. This Agreement shall govern the carriage of passengers by bus and/or goods by goods vehicles or combinations thereof between the territories of the States and in transit via their territories, as well as to/from third countries.

2. This Agreement shall be without prejudice to the rights and obligations of the Contracting Parties under other international treaties and agreements concluded by them or the legislation of the European Union.

3. Authorities of the Contracting Parties responsible for the implementation of this Agreement (hereinafter referred to as the 'Responsible Authorities') are:

For the Republic of Lithuania – the Ministry of Transport and Communications of the Republic of Lithuania;

For Mongolia – the Ministry of Road and Transport Development of Mongolia

Article 2

Terms used in this Agreement:

Bus motor vehicles which, by virtue of their type of construction and equipment, are suitable for carrying more than nine persons - including the driver - and are intended for that purpose.

Goods vehicle means a motor vehicle intended or used for the carriage by road of goods and having a maximum permissible laden weight of over 3,5 tonnes.

Goods vehicle combination means a goods vehicle combined with a trailer or a semi-trailer, irrespective of the place of registration of the trailer or semi-trailer.

Regular carriage of passengers means the carriage of passengers by bus between the territories of the States or in transit via their territories along specified routes and according to a specified schedule, passengers being taken up and set down at predetermined stopping points.

Carrier means any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality, engaged in the transport of passengers, or any natural or legal person engaged in the transport of freight with a commercial purpose.

Article 3

1. Buses and/or goods vehicles or combinations thereof, engaged in the international carriage of passengers and/or goods under this Agreement shall bear their national registration plate and a distinguishing sign.

2. A driver of a bus and/or a goods vehicle or combination thereof shall hold a valid national or international driver's licence, the national documents attesting the registration of the bus and/or the goods vehicle or combination thereof along with other documents required for carriage, and produce them at the request of the State's competent authorities.

Article 4

Cabotage carriage of passengers and/or goods (where goods are loaded and unloaded and passengers taken up and set down at the points in the territory of the same State) shall be banned.

Article 5

The carriers and the drivers of buses and/or goods vehicles or combinations thereof shall comply with the provisions of legal acts of the State in which the carriage takes place.

Article 6

1. The duties and taxes on goods carried by goods vehicles or combinations thereof registered in the territory of one State and temporarily present in the territory of the other shall be levied in accordance with the legislation applicable in the territory of the latter State.

2. Buses and goods vehicles or combinations thereof, registered in the territory of one State and having temporarily entered the territory of the other State, as well as the fuel present therein, shall be exempt from any duties, taxes, or levies in accordance with the legislation applicable in the territory of the latter State.

3. Spare parts that are temporarily brought into the territory of the other State for the repair of buses and/or goods vehicles or combinations thereof that are deficient or were made inoperable or damaged in traffic accidents shall be exempted from customs duties, charges, dues and other fees imposed by the legislation applicable in territory of that State. Replaced parts shall be returned back or destroyed under the supervision of customs officers.

4. The operators of buses and/or goods vehicles or combinations thereof shall be subject to road taxes for the use of road infrastructure (i. e. separate road sections, bridges, tunnels and other road engineering constructions) in compliance with the legislation applicable in the territories of the States.

Article 7

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 legislation in force in the territory of the States.

Article 8

Border controls, customs controls and other controls shall be performed on priority basis according to the legal acts of the States in cases of carriage of animals and perishable goods as well as in the case of regular carriage of passengers by bus.

Article 9

1. In the event of a violation of any of the provisions of this Agreement in the territory of one of the States, the competent authority of the State of establishment of the carrier may, at the request of the competent authority of the State where the violation occurred, issue a warning to the carrier.

2. In the event of repeated violations of the provisions of this Agreement in the territory of one of the States, the competent authority of the State of establishment of the carrier may, at the request of the competent authority of the State, where the violation

occurred, prevent the carrier from entering the territory of the State where the violation occurred.

3. Information about the measures taken shall be forwarded to the competent authority of the other State.

Article 10

1. For the purposes of the implementation of this Agreement, the responsible authorities of the Contracting Parties shall exchange information on any amendments to the legislation applicable in their respective national territories that may have an effect on the implementation of this Agreement.

2. In case of a dispute or disagreement regarding the interpretation or application of the provisions of this Agreement, the Contracting Parties shall resolve them through consultation or negotiations.

Article 11

For the purposes of implementation of this Agreement, the Responsible Authorities shall form a joint commission out of representatives of competent authorities of their respective States, which shall hold meetings in the territories of the States on a periodic basis. The meeting of the joint commission shall be convened on proposal of the Responsible Authority which shall be sent in writing to the other Responsible Authority one month prior to the date of the meeting. Decisions of the joint commission shall be recorded in the form of minutes.

Article 12

Traffic restrictions may be imposed in the territory of the States for national security purposes. The Responsible Authority of the State that has imposed such restrictions shall notify the Responsible Authority of the other State as soon as possible.

CARRIAGE OF PASSENGERS

Article 13

1. The regular carriage of passengers shall be organised by mutual agreement of competent authorities of the States and shall be subject to permits issued upon their mutual agreement.

2. The competent authorities of the States shall deliver such proposals to organise carriage to each other in advance. The proposals shall contain the following information:

- a) name of the carrier;
- b) route of carriage;
- c) traffic schedule;
- d) tariff on carriage of passengers;
- e) the stopping points where the carrier picks on and sets down passengers;
- f) the estimated period and the regularity of carriage.

3. Competent authorities of the States may request from each other additional information necessary for the issue of the permit.

4. Competent authorities of the States shall issue permits for the road section within the territory of their respective State. The maximum term of validity of the permit shall be five years. The permit shall specify the operating conditions.

5. Where the regular passenger carriage service is no longer in demand, the carrier may terminate it, having informed the States' competent authorities that issued the permits and the customers three months in advance.

6. The competent authority of the State shall adopt the decision on the issue of the permit or refusal to issue the permit within three months after the date of receipt of the application for the permit.

7. Where the regular passenger carriage service is provided by a group of carriers, permits shall be issued to all the carriers in the group. The permit shall list the names of all the carriers.

Article 14

1. Passenger carriage by bus on a non-regular route between the States' territories or in transit via their territories, except for carriage under Article 15 of this Agreement, requires permits issued by the competent authorities of the States.

2. An individual permit shall be issued for each carriage of passengers, entitling the carrier to make a single return trip.

3. Competent authorities of the States shall exchange, on an annual basis, an agreed number of permits referred to in paragraph 1 above. The permits shall be stamped and signed by the issuing competent authority.

4. The permits referred to in paragraph 1 above shall be valid for 13 months starting from the beginning of each calendar year. The permit shall be valid for the bus used for the carriage of passengers.

Article 15

1. Permits to provide the non-regular passenger carriage service referred to in Article 14(1) above shall not be required in the following cases:

a) where the same group of passengers is carried in the same bus the entire journey, which starts and ends on the territory of the State of registration of the bus;

b) where the same group of passengers is carried by transit through the territory of the State in the same bus the entire journey, which starts and ends on the territory of the State of registration of the bus;

c) the journey begins in the territory of the State where the bus is registered and ends in the territory of the other State, provided that the bus subsequently returns to the former States territory without passengers;

d) the journey begins in the territory of the State where the bus is registered without passengers, on condition that the passengers will be returned to the territory of the State where the bus is registered;

e) a broken-out bus is being replaced.

2. When conducting carriage under paragraph 1, the bus driver must hold a journey form completed prior to the start of the journey.

3. Permits under Article 14(1) shall not be required if the first journey to the State's territory where the bus is to be registered is carried out with newly acquired buses without passengers.

CARRIAGE OF GOODS

Article 16

1. Carriage of goods between the territories of the States or in transit via their territories as well to/from third countries shall be carried out by goods vehicles or

combinations thereof, with permits issued by competent authorities of the States, except for the carriage referred to in Article 17 of this Agreement.

2. An individual permit shall be issued for each carriage of goods, entitling the carrier to make a single return trip. When goods vehicle is equipped with trailer or semi-trailer, the permit shall be issued only to lorry or vehicle pulling the trailer or semi-trailer.

3. Competent authorities of the States shall exchange, on an annual basis, an agreed number of permits referred to in paragraph 1 above. The permits shall be stamped and signed by the issuing competent authority.

4. The permits referred to in paragraph 1 above shall be valid for 13 months starting from the beginning of each calendar year. The permit shall be valid for the goods vehicle or a combination thereof irrespective of the state of registration of the trailer/semi-trailer.

5. A carrier conducting the carriage of goods envisaged in this Agreement shall, at the request of the States' competent authorities, produce a document attesting the contract for goods transportation, i.e. the consignment note. The consignment note must take the form prescribed by Convention on the Contract for the International Carriage of Goods by Road (CMR) (Geneva, 19 May 1956) and Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the Electronic Consignment Note (Geneva, 20 February 2008).

Article 17

1. Permits referred to in Article 16 above shall not be required in cases of transportation of:

- a) Movable property when moving to a permanent place of residence;
- b) Remains of the deceased and urns containing ashes of deceased persons;

- c) Materials and exhibits intended for fairs and exhibitions;
- d) technical devices, equipment, animals as well as other gear and property for sporting and other events, sound records or filming of cinema and television programmes;
- e) mail consignment;
- f) Goods intended for the provision of technical assistance to broken-down vehicles;
- g) Medical equipment and medications intended for emergency aid in case of natural disasters as well as for humanitarian aid;
- h) Goods in goods vehicles or combinations thereof with the maximum authorised mass not exceeding 6 tonnes (including trailers);
- i) Items from/to an airport in case of an aircraft accident or landing of the aircraft due to a flight change or delay;
- j) Faulty vehicles or vehicles that broke down in a traffic accident;
- k) Spare parts and stocks intended for seagoing vessels and aircraft.

2. The exceptions provided for under paragraphs 1 (c) and (d) are only applicable where the goods carried have to be removed from the State's territory following the end of the event.

3. The permit for the goods carriage shall not be required for the first journey of a newly acquired unladen goods vehicles, also in case if an unladen goods vehicle is sent to replace a goods vehicle that broke down on territory of the other State, or a repaired goods vehicle is returning to the state of registration.

WEIGHTS AND DIMENSIONS

Article 18

1. Where dimensions, axle load or mass of a bus and/or a goods vehicle or a combination thereof exceeds the limits of dimensions, axle load or mass permitted for

vehicles or combinations thereof in the other State, the carrier shall obtain a special permit issued by the competent authority of that State.

2. Competent authorities of the States shall respond to a request for the special permit under paragraph 1 above not later than within 10 days after receipt of the request.

3. Where the special permit under paragraph 1 above indicates a specific route for buses and/or goods vehicle or combinations thereof, the carriage shall take place along the indicated route.

CARRIAGE OF DANGEROUS GOODS AND PERISHABLE GOODS

Article 19

1. Carriage of dangerous and perishable goods between the territories of the States, in transit via their territories, as well as to/from third countries shall be carried out in accordance with the provisions of the relevant laws and regulations of the Contracting Parties.

FINAL PROVISIONS

Article 20

The provisions of this Agreement may be amended at any time by a mutual written agreement of both Contracting Parties. All amendments shall come into force pursuant to the procedure laid down in Article 21(1) of the Agreement.

Article 21

1. This Agreement shall enter into force 30 (thirty) days after the receipt through diplomatic channels of the final communication in which the Contracting Parties inform each other, that all the relevant internal legal procedures prescribed by the legislation of the States of the Contracting Parties necessary for its entry into force have been completed.

2. This Agreement is concluded for an unlimited period.

3. Either Contracting Party may terminate this Agreement by notifying the other Contracting Party accordingly in writing. In that case, the Agreement shall expire on the 90th (ninetieth) day after the other Contracting Party has received such a notification.

Done at Vilnius on 10th of June, 2019 in two copies in the Lithuanian, Mongolian and English. All the texts having equal legal force.

In case of any divergence in interpretation of provisions of this Agreement, the English text in shall prevail.

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

**For the Government
of Mongolia**