

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2003 Nr. 22

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en Bosnië-
Herzegovina betreffende het internationale vervoer over de weg;
Sarajevo, 20 november 2002*

B. TEKST

**Agreement between the Kingdom of the Netherlands and Bosnia
and Herzegovina on international road transport**

The Kingdom of the Netherlands

and

Bosnia and Herzegovina,

hereinafter referred to as the Contracting Parties,

Desirous of promoting, in the interest of their economic relations, the development of transport of goods and passengers by road in, to and from their countries and in transit across their territories,

Have agreed as follows:

Article 1

Scope

1. The provisions of this Agreement shall apply to the international carriage of goods and passengers by road for hire or reward or on own account between the territories of the Contracting Parties, in transit through their territories, to or from third countries, and to cabotage, effectuated by carriers using vehicles as defined in Article 2 of this Agreement.

2. The present Agreement shall not affect the rights and obligations of the Contracting Parties, arising from other international agreements.

3. The application of this Agreement shall be without prejudice to the application by the Kingdom of the Netherlands, as Member State of the European Union, of the law of the European Union.

Article 2

Definitions

For the purposes of this Agreement:

1. the term “carrier” means a person (including a legal person) who is established in the territory of either Contracting Party and legally admitted in the country of establishment to the market for the transport of goods or passengers by road for hire or reward or on own account in accordance with the relevant national laws and regulations;
2. the term “vehicle” means a motor vehicle or a combination of vehicles of which at least the motor vehicle is registered in the territory of one of the Contracting Parties and which is used and equipped exclusively for the carriage of goods or passengers by bus;
3. the term “cabotage” means the operation of transport services within the territory of a Contracting Party by a carrier established in the territory of the other Contracting party;
4. the term “transport” or “carriage” means the conveyance of laden or unladen vehicles by road, even if for part of the journey the vehicle, trailer or semi-trailer travels by rail or waterway.

Article 3

Access to the market

1. Each of the Contracting Parties can allow any carrier established in the territory of the other Contracting Party to carry out transport of goods or passengers:
 - a. between any point in its territory and any point outside that territory, and
 - b. in transit through its territory, subject, unless otherwise agreed by the Joint Committee, to permits to be issued by the competent authorities or other authorized agencies of each Contracting Party.
2. No permits shall be required for the following types of transport or for unladen journeys made in conjunction with such transport:
 - a. carriage of mail as a public service;
 - b. carriage of vehicles which have suffered damage or breakdown;
 - c. carriage of goods in motor vehicles, the permissible laden weight of which, including trailers, does not exceed six tons or the permissible payload of which, including trailers, does not exceed 3.5 tons;
 - d. carriage of medical goods and equipment or other goods necessary in case of emergency, in particular in the event of natural disasters;
 - e. transport on own account;

f. transport to and from intermodal terminals.

3. A carrier may not undertake cabotage, unless specially authorized thereto by the competent authorities or other authorized agencies of each Contracting Party.

Article 4

Weights and dimensions

1. The weights and dimensions of vehicles must be in accordance with the official registration of the vehicle and may not exceed the limits in force in the host country.

2. A special permit of the host country is required if the weights and/or dimensions of a laden or unladen vehicle engaged in transport under the provisions of this Agreement exceed the permissible maximum in the host country.

Article 5

Compliance with national law

1. Carriers of either country and the crews of their vehicles must, when in the territory of the other Contracting Party, comply with the laws and regulations in force in that country.

2. In the case of cabotage the Joint Committee shall specify the laws and regulations applicable in the host country.

3. The laws and regulations referred to in paragraphs 1 and 2 of this Article shall be applied under the same conditions as for residents of the host country in order to exclude discrimination on the grounds of nationality or place of establishment.

Article 6

Infringements

In the event of any infringement of the provisions of this Agreement by a carrier established in the territory of one of the Contracting Parties, the Contracting Party in whose territory the infringement occurred shall, without prejudice to its own legal proceedings, notify the other Contracting Party which will take such steps as are provided for by its national laws. The Contracting Parties shall inform each other about any sanctions that are imposed.

Article 7

Fiscal matters

1. Vehicles, including their spare parts, that are engaged in transport in accordance with this Agreement, shall be mutually exempted from all

taxes and charges levied on the circulation or possession of vehicles as well as from all special taxes or charges levied on transport operations in the territory of the other Contracting Party.

2. Taxes and charges on motor fuel, Value Added Tax on transport services, tolls and user charges are not exempted.

3. The fuel contained in the normal tanks of vehicles, as well as the lubricants contained in vehicles for the sole purpose of their operation, shall be mutually exempted from import duties and any other taxes and payments.

Article 8

Joint Committee

1. The competent authorities of the Contracting Parties shall regulate all questions regarding the implementation and the application of this Agreement.

2. For this purpose the Contracting Parties shall establish a Joint Committee.

3. The Joint Committee shall meet regularly at the request of either Contracting Party and shall comprise representatives of the Contracting Parties who may also invite representatives of the road transport industry to attend. The Joint Committee shall draw up its own rules and procedures. The Joint Committee shall meet alternately in each country. The host country shall chair the meeting. The agenda for the meeting shall be submitted by the Contracting Party hosting the meeting at least two weeks before the beginning of the meeting. The meeting shall be concluded by drawing up a protocol to be signed by the heads of the delegations of each Contracting Party.

4. Pursuant to Article 3, paragraphs 1 and 3, the Joint Committee shall decide upon the type and number of permits to be issued and the conditions governing access to the market, including labour market aspects. Notwithstanding Article 3, paragraph 2, the Joint Committee may extend or modify the list of types of transport for which permits are not required.

5. The Joint Committee shall give particular consideration to the following matters:

a. the harmonious development of transport between the two countries, taking into account, among other things, environmental aspects involved;

b. the coordination of road transport policies, transport legislation and its implementation by the Contracting Parties at national and international level;

c. the formulation of possible solutions for the respective national authorities if problems occur, notably in the field of fiscal, social, customs and environmental matters, including matters of public order;

- d. the exchange of relevant information;
- e. the method of fixing weights and dimensions;
- f. the promotion of cooperation between transport enterprises and institutions;
- g. the promotion of intermodal transport, including all questions concerning market access.

Article 9

Application for the Kingdom of the Netherlands

With respect to the Kingdom of the Netherlands, this Agreement shall apply to the territory of the Kingdom in Europe only.

Article 10

Modification

Any modification to the present Agreement agreed upon by the Contracting Parties shall come into force on the first day of the second month following the date on which the Contracting Parties have informed each other in writing that the constitutional requirements necessary in their respective countries have been complied with.

Article 11

Entry into force and termination

1. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties have informed each other in writing that the constitutional requirements necessary for the entry into force of the Agreement in their respective countries have been complied with.

2. The Contracting Parties may terminate this Agreement at any time by giving six months' written notice to the other Contracting Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in duplicate at Sarajevo, on 20 November 2002, in the English language.

For the Kingdom of the Netherlands

(sd.) CAREL D. L. BRANDS

For Bosnia and Herzegovina

(sd.) SVETOZAR MIHAJLOVIC

D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het Verdrag kan worden gebonden.

G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge artikel 11, eerste lid, in werking treden op de eerste dag van de tweede maand volgend op de datum waarop de Verdragsluitende Partijen elkaar er schriftelijk van in kennis hebben gesteld dat aan hun respectieve, constitutionele vereisten voor inwerkingtreding is voldaan.

J. GEGEVENS

Verwijzingen

- | | |
|---------------------|--|
| Titel | : Verdrag betreffende de Europese Unie, met Protocol-
len;
Maastricht, 7 februari 1992 |
| Tekst | : <i>Trb.</i> 1992, 74 (Nederlands) |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 1998, 12 |
| Titel | : Verdrag van Amsterdam houdende wijziging van het
Verdrag betreffende de Europese Unie, de verdragen
tot oprichting van de Europese Gemeenschappen en
sommige bijbehorende akten;
Amsterdam, 2 oktober 1997 |
| Tekst | : <i>Trb.</i> 1998, 11 (Nederlands) |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2002, 153 |
| Titel | : Verdrag van Nice houdende wijziging van het
Verdrag betreffende de Europese Unie, de verdragen
tot oprichting van de Europese Gemeenschappen en
sommige bijbehorende akten;
Nice, 26 februari 2001 |

Tekst : *Trb.* 2001, 47 (Nederlands)
Laatste *Trb.* : *Trb.* 2001, 74

Uitgegeven de *vierentwintigste* januari 2003.

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER