

No. 10585

**TURKEY
and
IRAK**

Transit Agreement (with protocol and exchanges of letters). Signed at Ankara on 25 September 1968

Authentic text : English.

Registered by Turkey on 8 July 1970.

**TURQUIE
et
IRAK**

Accord relatif au transit (avec protocole et échanges de lettres). Signé à Ankara le 25 septembre 1968

Texte authentique : anglais.

Enregistré par la Turquie le 8 juillet 1970.

TRANSIT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE GOVERN- MENT OF THE REPUBLIC OF IRAQ

The Government of the Republic of Turkey and the Government of the Republic of Iraq being desirous of expanding the economic and trade relations between their two countries and with a view of a better organization of transit operations in respect of transit transport of goods, passengers and means of transport between both countries have agreed as follows :

Article 1

Each of the Contracting Parties recognize the right of free transit in respect of passengers, their personal belongings, goods and road vehicles of the other Contracting Party which will pass or be carried through its territory in conformity with the provisions of the present Agreement.

The passengers, goods or road vehicles traveling or being carried in the territory of a Contracting Party are considered in transit therein, in case the points of departure and destination of which are located outside the territory of that Contracting Party.

Transshipment unloading, maintenance, temporary storage, manipulation and packing of the transit goods in conformity with the purpose of transit do not alter their transit nature.

Article 2

The stipulations in the domestic legislation of each of the Contracting Parties, according to which transit transport of certain goods is prohibited or subject to special permission, are reserved.

No provision in this Agreement will prevent the Contracting Parties from taking measures which they deem necessary regarding goods, transit transport of which is prohibited or restricted by the stipulations of an international or regional agreement or convention to which the Contracting Parties are signatories.

¹ Came into force on 4 October 1969 by the exchange of the instruments of ratification, which took place at Baghdad, in accordance with article 14.

Article 3

The transit traffic of passengers, goods and means of transport will take place on the roads open to international traffic in both countries.

Frontier crossing will be done at the frontier posts mutually agreed upon by the Contracting Parties.

Article 4

Each of the Contracting Parties, with a view to facilitating transit transport of goods and passengers, will take all the measures which it considers necessary to simplify and accelerate to the maximum extent possible customs and other formalities relating to transit.

In order to achieve this purpose, the measures indicated in the annexed Protocol are taken.

Article 5

Each of the Contracting Parties will grant permission to the enterprises and companies — physical and juridical — of the other Contracting Party dealing with transit transport of passengers and goods to carry out transit transport in its territory in accordance with the laws and regulations in force therein.

Article 6

The Contracting Parties, will not impose any import or export duty or tax (including customs duty) on personal effects of passengers, goods and vehicles which are in transit in their respective territories, except the following:

- a) Taxes, duties, charges and fees collected to meet the expenses relating to the administration, maintenance and protection of transport.
- b) Charges or fees collected in return for services extended in respect of transport.

However, taxes, duties, charges or fees collected in connection with paragraph (a) above can be abolished, on the basis of reciprocity, by mutual agreement between the two Parties.

Article 7

Each of the Contracting Parties, for the purpose of facilitating and organizing transit transport, will accord permission to the enterprises and companies of goods and passenger transport, licenced in both countries, to

establish branches in their territories in the places to be agreed upon by both Parties. Such branches will be, when licenced, subject to the laws and regulations in force in both countries.

Article 8

No tax will be imposed on oil and fuel in standard tanks of motor-vehicles.

Article 9

In case the two Contracting Parties become a party to an international agreement facilitating transit transport further than what is provided in this agreement, they will apply to each other such facilities without a necessity to amend the present Agreement.

Article 10

Each of the Contracting Parties has the right to take all the measures they deem necessary with a view to maintaining safety of traffic on the roads in its territory.

This Agreement will not prevent the Contracting Parties to take necessary measures for safeguarding their national security.

Article 11

The questions which are not envisaged by the provisions of this agreement or by the provisions of Protocol annexed thereto will be subject to the national legislation of each of the Contracting Parties.

Article 12

A mixed commission composed of the representatives of the two countries would be set up in order to ensure the effective implementation of this Agreement and to settle any probable difficulties which may arise therefrom. The Commission will hold its meetings upon the request of either Contracting Party alternatively in Baghdad and Ankara, and will submit its recommendations and proposals to the governments of both countries for taking the appropriate decisions in respect thereof.

Article 13

Each Contracting Party will inform the other Contracting Party of the competent authority which will be in charge of the implementation of the present Agreement.

Article 14

The present Agreement and Protocol annexed thereto will be ratified in accordance with the legislation of the two countries and they will remain in force for a period of five years from the date of exchange of instruments of ratification which will take place in Baghdad and they will be automatically renewed for another five years unless either party informs the other in writing, six months before their expiry, of its decision to terminate them.

DONE in Ankara on 25th September, 1968, in two original copies in English, the two copies being equally authentic.

For the Government
of the Republic of Turkey :
RAHMI GÜMRÜKÇÜOĞLU

For the Government
of the Republic of Iraq :
MÜNİR SAİD

PROTOCOL

(On the simplification of customs formalities)

In pursuance of Article 4 of the Transit Agreement concluded today between the Governments of the Republic of Turkey and the Republic of Iraq for facilitating the customs formalities relevant to transit transport, both Parties agreed as follows :

Article 1

Road vehicles of both Contracting Countries that possess international travel documents (tryptique or carnet de passage) valid for the two countries when entering the territory of the other Party, such documents will be accepted as customs guarantee.

Article 2

If the transit transport is carried out by enterprises and companies which the Contracting Parties will recommend each other, with vehicles having the following specifications, the customs authorities of the Contracting Parties will simplify the customs formalities to the greatest extent possible as regards the goods carried in these vehicles.

The amount of guarantee and conditions for the deposit of this guarantee to be applied in this case are indicated in the letter annexed hereto.

Following are the specifications referred to above :

The dimensions and tonnage of the road vehicles to be employed in surface road transportation should conform to the international standards and specifications indicated in international conventions.

However, in the transportation of heavy and bulky goods, internal laws and regulations of the Contracting Parties should be complied with. Among others, the road vehicles carrying heavy and bulky goods should possess a special permission obtained from the competent authorities of the Contracting Party, in the territory of which such goods will be transported.

The freight compartment of the vehicle should be closed like that of a railroad freight wagon. The compartment should have a single door and once it is sealed by the customs authorities the contents of it should not be accessible.

Goods too heavy and bulky to be carried in the compartments described above can be transported in open trucks provided that they are inaccessibly covered with a tilt which is tied to the truck with a rope void of knots, the two ends of which are joined with a seal.

Article 3

If the lead seals affixed by the customs authorities of one of the Contracting Parties to the vehicles belonging to the enterprises and companies referred to in Article 2 of this Protocol are found intact in the same places and numbers as indicated in the manifests of goods and if there exists no reason for suspicion and no denunciation, vehicles will be inspected by the customs authorities of the other Contracting Party externally; be sealed off and be permitted to enter and leave the country.

Article 4

In respect of transportation effected by the enterprises and companies recommended by the Contracting Parties to each other, with the vehicles not having the specifications referred to in Article 2 above as well as in respect of transportation effected by the enterprises or companies or persons not recommended by the Contracting Parties, the internal legislation of each Contracting Party will be applied as regards customs guarantee and formalities.

Article 5

All articles other than personal belongings which are carried with passengers and which will later be taken out of the country will be subject to relevant customs formalities.

Article 6

The drivers of vehicles should have an international driving licence.

Article 7

Vehicles registered in one Contracting Country and entering into the other Contracting Country shall have a third party liability insurance, valid in the latter Contracting Country.

Article 8

In case an infraction occurred in the course of transportation carried out under the present Agreement, the relevant laws and regulations of the Contracting Parties will be applied.

Article 9

In case the customs authorities of the Contracting Parties consider appropriate to apply procedures which simplify and facilitate customs guarantee and formalities further than the provisions of this Protocol, such procedures will be applied without a need to modify the present Protocol.

For the Government
of the Republic of Turkey :

RAHMI GÜMRÜKÇÜOĞLU

For the Government
of the Republic of Iraq :

MÜNİR SAİD

EXCHANGES OF LETTERS

I, *a*

Ankara, September 25, 1968

Mr. President,

Referring to the negotiations which resulted in the signature of an agreement between the Government of the Republic of Iraq and the Government of the Republic of Turkey today, I have the honour to inform that, concerning the customs facilities mentioned in Article 4, of the said Agreement and Article 2 of Protocol annexed thereto, the following has been agreed :

1. Enterprises and companies of transport recommended by one of the Contracting Parties to the other Contracting Party will, as custom guarantee, deposit a sum equivalent to \$12,000, in local currency which can be either in cash or in a letter of credit, in favour of the customs authorities of the other Contracting Party, for each point of entry. This sum, in case of necessity, will be convertible in foreign exchange acceptable to the banks of both parties and be transferred accordingly.

2. The Contracting Parties, if they feel necessary, can decrease or increase by mutual agreement, the amount of guarantee which will be deposited in cash or in a letter of credit.

I would appreciate if you would be kind enough to inform me of your Government's concurrence with the above proposal.

Please accept, Mr. President, the assurances of my highest consideration.

MÜNİR SAİD
Head of the Delegation of Iraq

II, *a*

Ankara, September 25, 1968

Mr. President,

I have the honour to acknowledge the receipt of your following letter :

[See letter I, *a*]

I hasten to inform you of the concurrence of the Government of the Republic of Turkey with the proposal made by the Government of the Republic of Iraq.

Please accept, Mr. President, the assurances of my highest consideration.

RAHMI GÜMRÜKÇÜOĞLU

Head of the Delegation of Turkey

H. E. Münir Said

Head of the Delegation of Iraq

I, *b*

Ankara, September 25, 1968

Mr. President

Referring to Article 6 of the Transit Agreement between the Government of the Republic of Turkey and the Government of the Republic of Iraq which we have signed today September 25, 1968 in Ankara, I have the honour, on behalf of the Government of Turkey, to propose that the taxes, duties and fees mentioned in paragraph (*a*) of Article 6 of the said Agreement will be abolished on the basis of reciprocity on the same date on which the Agreement will enter into force for the vehicles registered in and entering into or crossing our respective territories.

I would appreciate if you kindly confirm the concurrence of your Government with the above proposal.

Please accept, Mr. President, the assurance of my highest consideration.

RAHMI GÜMRÜKÇÜOĞLU

Head of the Delegation of Turkey

H.E. Mr. Münir Said

Head of the Delegation of Iraq

II, b

Ankara, September 25, 1968

Mr. President,

I have the honour to acknowledge the receipt of your letter of today as follows :

[See letter I, b]

I have the honour on behalf of my Government to concur with the contents of your letter.

Please accept, Mr. President, the assurances of my highest consideration.

MÜNİR SAİD

Head of the Delegation of Iraq

H. E. Rahmi Gümrükçüoğlu
Head of the Delegation of Turkey

I, c

Ankara, September 25, 1968

Mr. President,

Referring to the Transit Agreement signed between the Governments of the Republic of Turkey and the Republic of Iraq today, September 25, 1968, I have the honour to propose on behalf of the Turkish Government that the facilities accorded to the transit transport within the framework of the above-mentioned Agreement be also extended to the transports of goods, passengers and means of transport between our two countries to the extent that they are relevant, by an exchange of notes through diplomatic channels without a necessity to amend the present Agreement or by concluding a separate Agreement to that effect.

I appreciate if you kindly inform me which of the above proposals your Government concurs with.

Please accept, Mr. President, the assurances of my highest consideration.

RAHMI GÜMRÜKÇÜOĞLU

Head of the Delegation of Turkey

H. E. Mr. Münir Said
Head of the Delegation of Iraq

II, c

Ankara, 25th September 1968

Mr. President,

I have the honour to acknowledge the receipt of your letter of today as follows :

[*See letter I, c*]

I have the honour to assure you that the Iraqi Delegation will bring to the attention of its Government the proposal of the friendly Turkish Government to expedite the meeting of their representatives to consider the subject.

I am confident, Mr. President, that your proposal will obtain the consent of the Iraqi Government.

Please accept, Mr. President, the assurances of my highest consideration.

MÜNİR SAID

Head of the Delegation of Iraq

H. E. Rahmi Gümrukçüoğlu
Head of the Delegation of Turkey
