

No. 17579

**FRANCE
and
AFGHANISTAN**

**Agreement concerning the international carriage of goods
by road (with annex). Signed at Kabul on 17 April 1978**

Authentic texts: French and Dari.

Registered by France on 20 February 1979.

**FRANCE
et
AFGHANISTAN**

**Accord sur le transport routier international de marchan-
dises (avec annexe). Signé à Kaboul le 17 avril 1978**

Textes authentiques : français et dari.

Enregistré par la France le 20 février 1979.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF AFGHANISTAN CONCERNING THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD

The Government of the French Republic and the Government of the Republic of Afghanistan,

On the basis of the friendly relations between the two States,

Desiring to facilitate goods traffic between them and in transit through their territories,

Bearing in mind the fact that the Republic of Afghanistan is a land-locked country, without a railway, depending for its trade on road transport,

Pending the definition of a long-term régime governing road transport between the two States,

Have agreed to adopt the following interim provisions:

Article 1. Each of the two Contracting Parties shall permit the carriers of the other Party to engage in the international carriage of goods by road between the two countries and in transit through their respective territories, in accordance with the provisions of this Agreement.

Article 2. The Contracting Parties further agree, in their common interest, to enable road traffic to and through their respective territories to be effected under the best possible conditions.

In particular, they shall ensure that the necessary administrative controls are carried out in the shortest time possible.

Article 3. (1) Road haulage firms whose vehicles are registered in the territory of one of the two Contracting Parties must be in possession of a permit issued by the other Contracting Party in order to engage in the international carriage of goods by road:

- (a) Between the territory of the Contracting Party in which the vehicle being used is registered and the territory of the other Contracting Party (bilateral transport);
- (b) Across the territory of the other Contracting Party (transit).

(2) Transport permits, valid for one round trip, shall be issued to the firms by the competent authorities of the country in which the vehicles used for the transport operations are registered, within the limits of quotas to be fixed annually by the Contracting Parties on the basis of reciprocity.

To that end, the competent authorities of the Contracting Parties shall exchange the necessary documents.

¹ Came into force on 30 November 1978, i.e., one month after the date of the exchange of the instruments of ratification or approval, in accordance with article 16.

(3) The carriage of goods by vehicles registered in one of the Contracting Parties shall not be authorized when the whole journey takes place between two points situated in the territory of the other Contracting Party.

(4) Goods transport vehicles registered in one of the Contracting Parties, which proceed, with a permit, to the territory of the other Contracting Party, shall have the right to pick up goods destined for their country of origin for the return journey.

(5) Transport effected by carriers of one of the two Contracting Parties between a third State and the territory of the other Contracting Party or vice versa shall require a special permit from the Contracting Party concerned.

(6) Permits shall be personal and nontransferable. They shall be returned to the issuing authority after use or, if they are not used, upon the expiry of their term of validity.

Permits shall be issued free of charge.

(7) The two administrations shall send each other periodically a statement of the permits issued; they shall exchange the statistical information obtained from the permits issued.

Article 4. (1) The members of the crew of the vehicle may import temporarily free of duty and without an import licence their personal effects, such equipment as may be needed for urgent repairs and a reasonable quantity of lubricants required for driving the vehicle for the length of their stay in the country of importation. They may re-export the said articles without a licence.

(2) Spare parts required for the repair of vehicles carrying out transport operations covered by this Agreement shall be admitted free of entry duties and charges and without import prohibition or restrictions, provided that they are covered by a temporary import licence. Parts which have been replaced shall be re-exported or destroyed under the supervision of the customs authorities.

(3) The conditions of admission of the fuel contained in the ordinary tanks of the vehicles shall be determined within the limits set by the regulations of each State.

Article 5. Firms carrying out transport operations covered by this Agreement shall be subject to the taxes and charges levied in the territory of the other Contracting Party on transport operations carried out in that territory.

However, the two Contracting Parties may grant reductions in or exemptions from such taxes and charges, to the extent specified in the Protocol referred to in article 15 below.

Article 6. The driver and his crew-mates on board vehicles used for international road transport shall not be liable to tax on income or wages during their temporary presence in the territory of the other Contracting Party.

Article 7. Road transport vehicles registered in one of the Contracting States travelling in the territory of the other Party shall be covered by insurance issued by an approved insurer in accordance with the legislation applicable in that territory. In the case of a vehicle lacking such insurance, the entry and/or passage of the vehicle may be made conditional upon the obtaining of insurance at the frontier.

Article 8. Vehicles engaging in transport operations governed by the rules of this Agreement, properly registered in the territory of one of the Contracting Parties and imported temporarily into the territory of the other Contracting Party, shall be admitted upon presentation of the International Motor Vehicles Registration.

Article 9. Each Contracting Party shall ensure that the crews of the vehicles regularly used in international road transport operations in accordance with the provisions of this Agreement possess visas of a duration of up to six months enabling them to make several journeys during this period.

Article 10. The transport permit shall not exempt the bearer from such formalities as may be required in the territory of one of the Contracting Parties for the carriage of dangerous goods or articles whose weight or dimensions exceed the maximum laid down in the Highway Code.

In particular, such transport operations may be required to follow a compulsory itinerary.

Article 11. Transport firms and their personnel shall be required to respect the provisions of this Agreement as well as the laws and regulations concerning transportation and road traffic, customs and police in force in the territories of the Contracting Parties.

The permits required must be carried on the vehicle and be produced at the request of any authorized inspecting officer.

Article 12. In the case of serious or repeated violations of the provisions set forth in article 11 above committed in the territory of one of the Contracting Parties, the competent authorities of the State in which the vehicle is registered shall, at the request of the competent authorities of the other Contracting Party, apply one of the following penalties:

- (a) Warning;
- (b) Temporary or permanent cancellation of the transport permits provided for by this Agreement.

The authorities which impose the penalty shall so inform those which requested it.

The above-mentioned penalties shall be independent of those provided for by law which may be applied by the courts or competent authorities of the Contracting Party in whose territory the violation has been committed.

Article 13. The two Contracting Parties agree to refrain from abusively holding up international transport vehicles or their drivers for minor violations of local legislation. In the case of serious violations, the competent embassy or consulate shall receive, by telephone, telegram or telex and as soon as possible, a notification giving the essential details of the incident as well as the action envisaged.

Article 14. In order to ensure the proper implementation of the provisions of this Agreement, the two Contracting Parties shall establish a Mixed Commission composed of representatives of the two Ministries of Transport.

This Commission shall meet, at the request of either Contracting Party, alternately in the territory of each of the Contracting Parties.

Article 15. The Contracting Parties shall determine the procedures for the application of this Agreement in a Protocol signed at the same time. The Mixed Commission referred to in article 14 above shall be competent to make any necessary amendment to the said Protocol.

Article 16. This Agreement shall enter into force one month after the date of the exchange of the instruments of ratification or approval by the two Governments and shall be valid for a period of two years.

The Contracting Parties shall consider, at an appropriate time, the steps to be taken to determine the régime to be applied at the end of the two-year period referred to above.

DONE at Kabul on 17 April 1978, in duplicate in the French and Dari languages, both texts being equally authentic.

For the Government of the French Republic:

[Signed]

GEORGES PERRUCHE
Ambassador of France to Afghanistan

For the Government of the Republic of Afghanistan:

[Signed]

HAMIDULLAH TARZI
Deputy Minister of Trade

ANNEX

PROTOCOL ESTABLISHED PURSUANT TO ARTICLE 15 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF AFGHANISTAN CONCERNING THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD

For the purpose of applying the Agreement between France and Afghanistan on the carriage of goods by road, the following procedures have been established:

I. *With respect to article 3*

(1) The permits shall conform to the model adopted by agreement between the two Parties. They shall be drawn up in the French and Dari languages. Their term of validity shall be three months.

(2) The permits shall bear, in the upper left-hand corner, the letter "F" for those valid in French territory and the letters "AFG" for those valid in Afghan territory.

(3) Unladen vehicles entering the territory of the other Contracting Party must already be carrying the permits necessary for the return journey.

(4) Each competent authority shall have the transport permits valid in its territory printed and numbered and send them to the services of the other country responsible for issuing them to carriers.

(5) The permits shall be returned by the recipients to the service which issued them after use or, if they are not used, upon the expiry of their term of validity.

(6) In the application of the provisions of article 3, paragraph 4, no discrimination shall be made between national carriers and carriers of the other Party with regard to the loading of return freight.

(7) For the purposes of the application of the provisions of article 3, paragraph 7, the two administrations shall send each other each year a statement of the permits issued during the past year.

The statement shall provide the following information:

- The numbers of the first and last permits issued, as well as the number of journeys authorized;
- The number of journeys actually made;
- Where applicable, the number of permits cancelled or unused.

Quota

For the first year of the application of the Agreement, the number of round trips which the carriers of one State are allowed to make in the territory of the other State or in transit shall be set at one hundred.

II. *With respect to article 4*

In France, the fuel contained in the ordinary tanks of vehicles registered in Afghanistan shall be imported free of duties and charges up to a quantity currently fixed at 100 litres.

In Afghanistan, the fuel contained in the ordinary tanks of vehicles registered in France shall be imported free of duties and charges.

III. *With respect to article 5*

(a) Firms carrying out transport operations in the territory of one Contracting Party with vehicles registered in the territory of the other Contracting Party shall be exempt in French territory from the special tax on certain road vehicles instituted by article 16 of Law No. 67-1114 of 21 December 1967.

In Afghan territory, no tax is levied on road vehicles at the present time.

(b) The Agreement does not provide for exemption from the value added tax levied on all carriage of goods by road in France or exemption from tolls levied in Afghanistan.

Under current French legislation, international carriage of goods by road effected by Afghan carriers for the purpose of importation into France is subject to the value added tax for the part of the journey between the point of entry into France and the point of destination of the goods. On the other hand, the carriage of goods by road in transit through France effected by Afghan carriers is not currently subject to the value added tax; the same applies to carriage of goods by road between a point in the French territory and the point of exit from France.

IV. *With respect to article 10*

(1) The two Parties have exchanged information regarding the standards for weights and dimensions in force in both States.

(2) Vehicles registered in France shall be authorized without restriction to take Asian highway No. 1, which connects Islam Qala with Torkham via Herat, Kandahar, Kabul and Jalalabad, as well as the link road from Kandahar to Spine Boldak.

Use of other roads shall be contingent upon acquisition of a special permit issued by the Department of Transit and International Transport of the Ministry of Trade, Darulaman Wat, Kabul.

This department shall also be empowered to issue the special permits required for the carriage of dangerous goods.

(3) Vehicles registered in Afghanistan engaged in the carriage of articles the weight or dimensions of which exceed the maximum laid down in the Highway Code must, at least one month before the date scheduled for the transport operations, request a special traffic permit from the Regional Director of Equipment of Ile-de-France (Transport Control, International Quotas Administration), 2 rue Beaubourg, 75004 Paris.

V. *Competent authorities*

For the purposes of the application of the Agreement between France and Afghanistan on the international carriage of goods by road, the competent authorities shall be:

(a) On the French side:

- With regard to the exchange of blank permits: the Regional Director for Equipment of Ile-de-France (Transport Control, International Quotas Administration), 2 rue Beaubourg, 75004 Paris;
- With regard to other questions: the Head of the Goods Transport Department at the Ministry of Equipment and Land Planning (Transport), 244 Boulevard Saint-Germain, 75007 Paris;

(b) On the Afghan side:

- The Head of the Department of Transit and International Transport of the Ministry of Trade, Darulaman Wat, Kabul, Afghanistan.

DONE at Kabul on 17 April 1978, in duplicate in the French and Dari languages, both texts being equally authentic.

For the Government of the French Republic:

[Signed]

GEORGES PERRUCHE
Ambassador of France to Afghanistan

For the Government of the Republic of Afghanistan:

[Signed]

HAMIDULLAH TARZI
Deputy Minister of Trade
