



Uzbekistan No. 3 (2013)

Agreement

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Uzbekistan concerning the procedure for the ground transit of cargo from the Islamic Republic of Afghanistan through the territory of the Republic of Uzbekistan in connection with the participation of the United Kingdom of Great Britain and Northern Ireland in efforts to ensure the Security, Stabilisation and Reconstruction of the Islamic Republic of Afghanistan with mandatory involvement of the state joint-stock Railway company “Uzbekiston temir yullari”

Tashkent, 5 September 2012

[The Agreement has not entered into force in the United Kingdom.]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2013*



Uzbekistan No. 3 (2013)

Agreement

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Uzbekistan concerning the procedure for the ground transit of cargo from the Islamic Republic of Afghanistan through the territory of the Republic of Uzbekistan in connection with the participation of the United Kingdom of Great Britain and Northern Ireland in efforts to ensure the Security, Stabilisation and Reconstruction of the Islamic Republic of Afghanistan with mandatory involvement of the state joint-stock Railway company “Uzbekiston temir yullari”

Tashkent, 5 September 2012

[The Agreement has not entered into force in the United Kingdom.]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2013*

© Crown copyright 2013

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

Any enquiries regarding this publication should be sent to us at Treaty Section, Foreign and Commonwealth Office, King Charles Street, London, SW1A 2AH

This publication is also available on <http://www.official-documents.gov.uk/>

ISBN: 9780101852227

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID P002532891 02/13 26600 19585

Printed on paper containing 30% recycled fibre content minimum.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF UZBEKISTAN CONCERNING THE PROCEDURE FOR THE GROUND TRANSIT OF CARGO FROM THE ISLAMIC REPUBLIC OF AFGHANISTAN THROUGH THE TERRITORY OF THE REPUBLIC OF UZBEKISTAN IN CONNECTION WITH THE PARTICIPATION OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN EFFORTS TO ENSURE THE SECURITY, STABILISATION AND RECONSTRUCTION OF THE ISLAMIC REPUBLIC OF AFGHANISTAN WITH MANDATORY INVOLVEMENT OF THE STATE JOINT-STOCK RAILWAY COMPANY “UZBEKISTON TEMIR YULLARI”

The Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Republic of Uzbekistan (hereinafter referred to as the “Parties”),

Striving to establish constructive and mutually beneficial relations in military and other areas of cooperation, including combating terrorism, extremism and transnational threats,

Confirming that such cooperation is based on complete respect for the state sovereignty of each of the Parties, on non-interference in the internal affairs of the other Party as well as on other principles and goals of the United Nations Charter¹, (“hereinafter referred to as the UN”)

Mindful of Resolution 1386 (2001) of the United Nations Security Council adopted on 20 December 2001 on the basis of Chapter VII of the United Nations Charter as well as all relevant resolutions of the United Nations Security Council that call upon neighbouring states of the Islamic Republic of Afghanistan and other member states of the United Nations to provide to the International Security Assistance Force (ISAF), including the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the “UK”), any such necessary assistance as may be required,

Desiring to establish necessary measures and procedures with a view to organise the transit through the territory of the Republic of Uzbekistan of cargo originating from units of the UK Armed Forces deployed on the territory of the Islamic Republic of Afghanistan,

Have agreed the following:

¹ Treaty Series No. 067 (1946) Cmd 7015

ARTICLE 1

The following definitions are used for the purposes of this Agreement:

“Transit” – movement of cargo from the Islamic Republic of Afghanistan through the territory of the Republic of Uzbekistan by rail, for which the departure and destination points are outside the Republic of Uzbekistan;

“Competent authorities” - authorities of the Parties entrusted in accordance with the legislation of the Parties, with authority to make decisions on the transit of cargo in accordance with this Agreement;

“Authorisation” – a document granting the right for the transit of cargo;

“Cargo” – supplied items, except for the cargo listed in the Annex to this Agreement, accepted for transport in accordance with the legislation of the Republic of Uzbekistan by the Uzbekiston Temir Yullari;

“Supplied items” – fuels and lubricants, emergency rescue and airfield technical equipment, logistics equipment and materials, repair equipment, military uniforms and accessories, foodstuffs, medicines and medical equipment, systems to support the daily activities of armed forces personnel, collective and individual means of protection against weapons of mass destruction, as well as other property not intended for waging combat but intended to support the everyday activities of personnel;

“SMGS” – the Agreement on International Goods Transport by Rail dated 1 November 1951 with amendments;

“Hazardous cargo” – cargo that, because of the cargo’s inherent characteristics and features when in the presence of specific factors, during transportation through the territory of the Republic of Uzbekistan in accordance with its legislation, and during shunting, loading, unloading and storage could cause an explosion, fire, chemical or other type of pollution of the environment, or cause harm to technical means, devices, equipment and expose other rail transport infrastructure or third parties, during which human life and health or the environment may be exposed to danger;

“Emergency card” – a document used during an emergency that regulates the actions of railway company employees as well as rescue teams responding to the consequences of transportation accidents. The form of the document is determined in accordance with the legislation of the Republic of Uzbekistan;

“Transport accident” – any event which occurred during transport by rail and involved injury to human life or health or damage to the environment or to the property of physical or legal persons;

“Oversize cargo” – cargo the size of which exceeds loading dimensions indicated in the Technical Conditions for Loading and Securing of Cargo, Rules for the Storage and Securing of Cargo in SMGS railway Cars and Containers, as well as normative legal acts of the Republic of Uzbekistan depending on the form of transport.

ARTICLE 2

The provisions of this Agreement apply in respect of the transit through the territory of the Republic of Uzbekistan of cargo being transported from the Islamic Republic of Afghanistan in connection with the participation of the UK in efforts to ensure the security, stabilization and reconstruction of the Islamic Republic of Afghanistan.

ARTICLE 3

Within the framework of this Agreement any transit from the Islamic Republic of Afghanistan through the territory of the Republic of Uzbekistan of cargo being transported of military contingents and of arms, ammunition, military stores and equipment specified in the Annex to this Agreement shall not be permitted.

ARTICLE 4

The Parties intend to effect the transit of cargo within the framework of this Agreement on the basis of commercial agreements (contracts) concluded between the forwarding agencies (companies) on behalf of the UK and the Uzbekiston Temir Yullari as follows:

- a. The transit through the territory of the Republic of Uzbekistan of cargo entering from the territory of the Islamic Republic of Afghanistan (via the “Galaba” border railway station) bound for the Republic of Kazakhstan (via the “Karakalpakstan” border railway station) shall be effected by the rail transport of the Uzbekiston Temir Yullari.
- b. Loading for the transit through the territory of the Republic of Uzbekistan of cargo being transported from the Islamic Republic of Afghanistan shall be organised by the forwarding agencies (companies) authorised by the UK, on the territory of the Islamic Republic of Afghanistan.
- c. The transportation documents shall be processed in the territory of the Republic of Uzbekistan. In this connection, loading and unloading while the cargo is inspected during processing shall be done by

representatives of the forwarding agency (company) authorised by the UK.

- d. After the appropriate bodies have been set up in the Islamic Republic of Afghanistan to oversee the Afghan railway, loading shall be organised, and transportation documents for the transit through the territory of the Republic of Uzbekistan of cargo being transported from the Islamic Republic of Afghanistan shall be processed on the territory of the Islamic Republic of Afghanistan.

ARTICLE 5

1. When cargo is in transit, the UK and the forwarding agency (company), acting in accordance with its instructions according to the terms of the contract, shall ensure compliance with the SMGS, the legislation of the Republic of Uzbekistan and other rules and regulations in force on the railways of the Republic of Uzbekistan, including the sanitary and epidemiological standards of the Republic of Uzbekistan.

2. The UK is committed to carry out disinfection and insect and rodent extermination measures and other forms of decontamination in accordance with the requirements of international public health regulations on the territory of the Islamic Republic of Afghanistan in respect of cargo in transit through the territory of the Republic of Uzbekistan, in order to prevent cross border transmission of infectious diseases (zoonotic, parasitic and vector-borne infections).

ARTICLE 6

Cargo in transit through the territory of the Republic of Uzbekistan in accordance with this Agreement shall be subject to border and customs control and processing in accordance with the legislation of the Republic of Uzbekistan.

ARTICLE 7

1. Cargo transit shall be effected on the basis of a single authorisation issued by the Ministry of Defence of the Republic of Uzbekistan in accordance with the legislation of the Republic of Uzbekistan and as provided for by this Agreement. The authorisation shall be automatically cancelled in the event that this Agreement is terminated. In this case any shipments started shall be completed in accordance with the authorisation that has been granted.

2. To obtain the authorisation for transit specified in paragraph 1 of this Article, the competent authorities of the UK shall send via diplomatic channels a request to the Ministry of Defence of the Republic of Uzbekistan in Russian or in English

with a translation into Russian attached. The following shall be stated in the request:

- a) a list of the cargo requiring transit, with an indication of its specification, a certificate of the country of origin, an environmental certificate in cases prescribed by law, the number (or quantity) in conventional units of measurement, the Foreign Economic Activity Commodity Nomenclature code of the Republic of Uzbekistan, and the purpose of the transit;
- b) the planned transit period, and the names of the despatcher and the authorised forwarding agency (company);
- c) the route, including the point of departure and destination of the cargo and the planned crossing points over the State border of the Republic of Uzbekistan for the completion of border and customs procedures;
- d) information:
 - aa) in relation to the cargo requiring transit: overall dimensions, weight; where necessary, coordinates of the centre of gravity of the cargo; surface weight bearing characteristics, whether or not there are moving parts or components, means of attachment during shipment, fastening and lifting the cargo with a sling; drawings of any oversize cargo; where necessary a diagram of the loading and attachment of the cargo with an explanatory note and calculations annexed to it with information on the methods of transfer and transshipment of the cargo;
 - bb) in respect of hazardous cargo: the type of material or product, the UN list number, packing information, whether or not there is an emergency card; if the materials or products are not on the UN list – information to the extent provided for in the “Informational Passport to be Provided to the UN for Classification or Reclassification of Substances” (UN Recommendations on the Transport of Dangerous Goods);
- e) a document confirming that the forwarding agency (company) authorised by the UK to transport hazardous cargo is backed up by guarantees in the form of an insurance policy, a bank guarantee or other indemnity to compensate for any damage that may be caused to human life or health, property or the environment while implementing this Agreement.

3. In the event of any need to clarify the information submitted in the request, the UK shall immediately supply the further information necessary to grant the authorisation for transit as requested.

4. Furthermore, the request shall include information on the types of cargo wagons and containers required, and on the attachment of the cargo being shipped on open and closed rolling stock in the event of transshipment. When hazardous cargo is transported, a list of available fire-fighting, neutralisation and decontamination equipment and information on safety precautions for the purposes of individual protection of persons escorting and/or guarding the cargo shall be provided.

5. The authorisation of the Uzbek Party for transit shall include:

- a. the consent of the Uzbek Party for transit in bulk and in conformity with the cargo schedule and specification and within a timescale set by the Uzbek Party, and the conditions for making the transit;
- b. a statement as to whether the cargo to be shipped needs to be escorted and/or guarded;
- c. the procedure for settling any other matters to do with the planning, organisation and carrying out of the transit, which fall under the authority of the Uzbek Party;
- d. the name of the shipping organisation and the recipient organisation;
- e. information on the nature of the cargo according to the Foreign Economic Activity Commodity Nomenclature code of the Republic of Uzbekistan.

6. In the event of there being no obstacles to the transit, the Ministry of Defence of the Republic of Uzbekistan shall grant and despatch an authorisation for transit to the UK no later than 30 days from the date of receipt of the request.

ARTICLE 8

1. The Uzbek Party has the right to refuse to grant authorisation or to suspend action on the granting of authorisation requested by the UK or to cancel an authorisation that has been granted if the cargo being transported is not consistent with the purposes of this Agreement, including data specified in the accompanying documents, or if it poses a threat to the national security of the Republic of Uzbekistan.

2. The Uzbek Party shall inform the UK in as short a time as possible of any refusal to grant authorisation or suspension of action on a request for authorisation by the UK or of the cancellation of any authorisation that has been granted.

ARTICLE 9

1. The choice of rolling stock for the transportation of cargo on the railways of the Republic of Uzbekistan shall be made in accordance with the legislation of the Republic of Uzbekistan.
2. Cargo shall be stowed on railway rolling stock and fastened during transshipment according to the requirements of the regulations for the loading and fastening of cargo in force on the railway of the Republic of Uzbekistan.
3. The forwarding agency (company) acting on behalf of the UK shall if necessary draw up a cargo loading and fastening diagram and provide means of fastening and install such means at their own expense, unless otherwise agreed in a specific case.
4. In order to ensure the effective operation of the Uzbekiston Temir Yullari in transporting cargo over the territory of the Republic of Uzbekistan, the forwarding agencies (companies) acting on behalf of the UK may use the empty rolling stock of other owners, and agree in advance with the Uzbek Party the date of loading and the number of wagons to be despatched at any one time.

ARTICLE 10

1. To proceed on the railway of the Republic of Uzbekistan transit shall be registered by an international railway waybill in accordance with the SMGS.
2. The transportation of Hazardous cargo shall be carried out in accordance with the regulations for the transport of hazardous cargo stipulated by the legislation of the Republic of Uzbekistan.

ARTICLE 11

Measures to prevent transport accidents and to handle them in relation to the transit of cargo and to respond to such accidents, as well as measures to deal with the consequences of such accidents and to establish the causes of such accidents shall be implemented by the competent authorities of the Republic of Uzbekistan within the framework of their powers and notified to the UK.

ARTICLE 12

Any claims for damages resulting from shipments by the forwarding agency (company) regulated by contracts signed under the framework of this Agreement shall be settled in accordance with the legislation of the Republic of Uzbekistan.

ARTICLE 13

1. The cost of railway services for transit and export cargo shipments through the territory of the Republic of Uzbekistan shall be calculated by the rates of the International Rail Transit tariff using a coefficient of 1.5.
2. Charges for cargo shipments as well as for other services shall be levied between the forwarding agency (company) acting on the instructions of the UK and the Uzbekiston Temir Yullari according to the contractual conditions and the legislation of the Republic of Uzbekistan.
3. The transit of UK cargo shall not be subject to custom duties, dues and taxes in Uzbekistan.

ARTICLE 14

The Uzbek Party shall take on the territory of the Republic of Uzbekistan the necessary measures to ensure the safety and security of the transit of cargo and shall offer assistance in carrying out the transit in accordance with the legislation of the Republic of Uzbekistan.

ARTICLE 15

In order to speed up customs control procedures at the border crossing points of the Republic of Uzbekistan, the UK shall consider the possibility of making available free of charge inspection equipment and technology including scanning equipment for high-capacity means of transport.

ARTICLE 16

This Agreement shall not affect the rights and obligations of either Party under any international agreements to which it is party.

ARTICLE 17

Any disputes which may occur as a result of the application or interpretation of this Agreement shall be resolved by consultations and negotiations between the Parties.

ARTICLE 18

Any issues arising from the shipment of cargo by the forwarding agency (company) on the basis of this Agreement shall be determined in accordance with the legislation of the Republic of Uzbekistan.

ARTICLE 19

1. This Agreement shall enter into force on the date of the last written notification via diplomatic channels of the Parties' completion of the internal procedures necessary for it to enter into force.
2. By written consent of the Parties amendments and supplements may be made to this Agreement, to be covered by separate protocols, entering into force in accordance with the procedure specified in paragraph 1 of this Article and shall be an integral part of this Agreement.
3. Amendments may be made to the Annex to this Agreement by exchange of diplomatic notes and shall be an integral part of this Agreement.
4. This Agreement shall remain in force for a period of one year and if necessary its period of validity may be extended for a year by mutual written consent of the Parties by notification via diplomatic channels.
5. Either Party may terminate at any time the operation of this Agreement by giving at least 30 days written notice via diplomatic channels of their intention to terminate.

Done in Tashkent on this 5th day of September 2012 in duplicate, in the English and Russian languages, both texts being equally authentic.

**For the Government of the
United Kingdom of Great
Britain and Northern Ireland:**

**AIR VICE MARSHAL
GRAHAM HOWARD**

**For the Government of
the Republic of Uzbekistan:**

ABDULAZIZ KOMILOV

Annex

LIST OF ARMS, AMMUNITION, EQUIPMENT AND MILITARY PROPERTY GOODS EXCLUDED FROM AUTHORISED COMMERCIAL TRANSIT

The following categories of cargo, including all of their subcategories, are not subject to commercial transportation.

360100 000 0	Powder [propellant]
360200 000 0	Military explosives other than powder
3603 00	Safety fuses; detonating cords; percussion fuse or disruptive detonators; primers; electric detonators
3604 90 000 0	Signal flare rockets, cloud-seeding missiles, anti-fog signals and other pyrotechnic items
8526	Radar equipment, radio navigation equipment, and radio equipment for remote control of weapons and combat equipment, and also remote tactical control of troops
8710 00 000 0	Tanks and other combat automotive armoured vehicles, with or without armament, and spare parts thereof
8801, 8802, 8803, 8805	Aircraft (helicopters and aeroplanes); spacecraft (including satellites) and suborbital and space boosters
8906	Warships and lifeboats, auxiliary military ships apart from rowing boats
9013	Weapon-attachable telescopic sights; periscopes; image amplification devices manufactured as parts of machines, or other image augmenting devices which could be used with weapons if they are not fitted to a firearm or are not accompanied by a firearm to which they should be fitted; laser sights which could be used with a weapon if they are not fitted to a firearm or are not accompanied by a firearm to which they should be fitted
9301	Military weapons apart from revolvers, pistols and weapons numbered 9307 in the Commodity Classification for Foreign Trade list
9302 00 000 0	Revolvers and pistols apart from those numbered 9303 and 9304 in the Commodity Classification for Foreign Trade list
9303	Firearms and other explosive charge-activated devices
9305	Spare parts of items numbered 9301-9303 in the commodity list
9306	Bombs, grenades, torpedoes, mines, rockets and similar devices for combat operations, parts thereof; cartridges, projectiles, other ammunitions and parts thereof, including a canister and wads for cartridges, and also cartridges for smoothbore weapons and parts thereof



information & publishing solutions

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Order through the Parliamentary Hotline Lo-Call: 0845 7 023474

Fax orders: 0870 600 5533

Email: customer.services@tso.co.uk

Textphone: 0870 240 3701

The Houses of Parliament Shop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders: 020 7219 3890/General enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: shop@parliament.uk

Internet: <http://www.shop.parliament.uk>

TSO@Blackwell and other accredited agents

ISBN 978-0-10-185222-7



9 780101 852227