

No. 50793

**Turkey
and
Georgia**

Agreement between the Government of the Republic of Turkey and the Government of Georgia on the facilitation of the construction of the planned railway tunnel on "Kars-Akhalkalaki" section of the "Baku - Tbilisi - Kars" new railroad line in Georgia (with annex). Istanbul, 3 September 2012

Entry into force: *26 December 2012 by notification, in accordance with article 10*

Authentic texts: *English, Georgian and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 21 May 2013*

**Turquie
et
Géorgie**

Accord entre le Gouvernement de la République turque et le Gouvernement de la Géorgie sur la facilitation de la construction du tunnel ferroviaire prévu sur la section «Kars-Akhalkalaki» de la nouvelle ligne de chemin de fer «Bakou - Tbilissi - Kars» en Géorgie (avec annexe). Istanbul, 3 septembre 2012

Entrée en vigueur : *26 décembre 2012 par notification, conformément à l'article 10*

Textes authentiques : *anglais, géorgien et turc*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Turquie, 21 mai 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF GEORGIA
ON
THE FACILITATION OF THE CONSTRUCTION OF
THE PLANNED RAILWAY TUNNEL ON
“KARS-AKHALKALAKI” SECTION OF THE “BAKU – TBILISI – KARS” NEW
RAILROAD LINE IN GEORGIA**

The Government of the Republic of Turkey and the Government of Georgia (hereinafter referred to as “Parties”);

Based on the historical bonds linking their respective countries;

Stressing the importance of taking steps for enhancing the friendship and bilateral cooperation, as well as facilitating the trade relations between their respective countries;

Striving to gain optimal benefit from Customs crossing points existing between their States;

Desiring to attain the objectives of the “Agreement on the Baku – Tbilisi – Kars New Railway” signed between the Government of the Republic of Turkey, the Government of Georgia and the Government of the Republic of Azerbaijan in Tbilisi on 07.02.2007;

Have agreed upon the following:

DEFINITIONS

Article 1

For the purposes of this Agreement:

1. “Agreement” shall mean the Agreement Between the Government of the Republic of Turkey and the Government of Georgia on the facilitation of the construction of the Planned Railway Tunnel on “Kars - Akhalkalaki” Section of the “Baku – Tbilisi – Kars” New Railroad Line in Georgia.
2. “Goods” shall mean construction materials composed of consumables, spare parts and equipment and other goods enumerated in the attached list used for tunnel construction according to the Project Design. Additions and amendments may be made to such list, under the written agreement of the competent authorities of the Parties.

“Duties” shall mean any taxes, duties, levies, charges, fees and etc., collected on importation and/or exportation.

4. “Competent Authorities” shall mean: for the Government of the Republic of Turkey; Ministry of Customs and Trade, Ministry of Interior, Turkish General Staff and for the Government of Georgia; LEPL Revenue Service of the Ministry of Finance, Patrol Police Department and the Border Police of the Ministry of Internal Affairs.
5. “Customs formalities” shall mean the entire transactions that should be completed by the relevant persons and customs authorities in accordance with the Customs legislations of the Parties.

OBJECT AND SCOPE OF THE AGREEMENT

Article 2

The Parties have agreed to facilitate the movement and crossings through Turkey – Georgia border of persons, means of transport and goods related with the construction, during the construction of the planned railway tunnel on “Kars – Akhalkalaki” section of the “Baku – Tbilisi – Kars” new railroad line in Georgia.

EXEMPTIONS

Article 3

1. Goods on entering or leaving the Customs territory of Georgia shall be exempted from any duties.
2. The Company conducting the construction works of tunnel will be defined by the competent authorities of Republic of Turkey upon which the competent authorities of Georgia will be notified accordingly.

BORDER CROSSINGS OF THE GOODS AND VEHICLES

Article 4

1. The Customs clearance for goods shall be conducted at the Customs Offices defined by the customs authorities of the parties.
2. The border control procedures of such goods shall be conducted within the area of the boundary stone no. 162.
3. The border crossing procedures and record of entries – exits of vehicles and vehicles carrying goods shall be defined by the “Joint Commission”. If the Joint Commission decides that the entries – exits of vehicles and vehicles carrying goods will not be possible within the area of the boundary stone no. 162 because of extraordinary conditions, the Joint Commission may give permission to use Çıldır/Aktaş – Kartsakhi BCP for those vehicles mentioned in this paragraph.

4. Following the necessary customs controls conducted by the Turkish side, information related to exportation and copies of records for goods and vehicles carrying the goods will be handled to the drivers of the vehicles and forwarded to Georgian side.
5. The entry and exit procedures required for the tunnel construction shall be defined by the "Joint Commission".
6. The Parties shall facilitate the Customs and border control procedures for the vehicles and goods covered herein.
7. The goods, entering the Georgian territory from the Turkish territory through the railway tunnel, shall be free from any customs formalities, providing that goods entering through the tunnel on the Georgian territory will not be further transferred to other parts of the Georgian customs territory without customs formalities.
8. The materials excavated from the Georgian territory in the tunnel during the construction, which have been started at the Turkish territory and will continue at the Georgian territory, and being afterwards exported to the Turkish territory shall be free from any customs formalities.
9. The provisions of paragraph "7" and "8" of this article shall apply until the construction activities of the tunnel will be finished.

PROCEDURES FOR BORDER CROSSING BY PERSONS

Article 5

1. Citizens of the Republic of Turkey and Georgia related to the construction of tunnel: specialists, workers, and other persons (hereinafter referred as "personnel") shall enter/exit the territory of Georgia in the area of the boundary stone No. 162. Border entry/exit of the personnel will be allowed upon presenting "Border Crossing Certificate", defined by the "Joint Commission".
2. Information regarding the personnel involved in construction activities of the "Baku – Tbilisi – Kars" railway tunnel will be submitted to the border authorities of the Parties.
3. Local Border Authorities of the Parties will exchange issued "Border Crossing Certificates", which will be signed and returned within 3 days. Also, they will conduct entry/exit registry in the area of the boundary stone No. 162.
4. The "Border Crossing Certificate" shall contain signatures and seals of the competent local border authorities of the Parties, photo of the holder, identity information, issuing purpose and validity.
5. "Border Crossing Certificate" authorizes the holder to enter/exit Turkish – Georgian state border in the area of the boundary stone No. 162 at any time during the day – night period within the construction area.

6. Border authorities of the Parties will simplify border crossing procedures.

BORDER INFRASTRUCTURE

Article 6

1. The Turkish – Georgian State Boundary line will be marked by the Parties inside the Railway tunnel.
2. The company will construct temporary premise for the representatives of competent authorities at mutually agreed place.

JOINT COMMISSION

Article 7

1. In order to reach the objectives of this Agreement, the competent authorities shall undertake all necessary measures to establish a “Joint Commission” composed of their assigned representatives, who will be in charge for the implementation of this Agreement.
2. When necessary, the “Joint Commission” shall meet upon the request of either Party.
3. The “Joint Commission” shall take its decisions unanimously and shall promptly give notice to the competent authorities on any issues not decided unanimously.
4. The Parties shall jointly chair the “Joint Commission”, and subsequent to its establishment, the “Joint Commission” shall identify the new mechanisms and processes regarding its activities and decisions for the implementation of this Agreement.
5. If necessary, the “Joint Commission” may decide to set up working groups.

CONSULTATIONS AND SETTLEMENT OF DISPUTES

Article 8

1. Either Party may request consultation from the other Party, regarding the interpretation, implementation and amendment of this Agreement or the settlement of any possible dispute that may occur. The consultations to be conducted between the Parties within the scope of the “Joint Commission” meetings shall start within 20 days following the receipt of the written request, unless otherwise decided.
2. If no consensus is reached within the “Joint Commission” regarding the settlement of a dispute, the dispute shall be settled by diplomatic channels between the Parties.