

AGREEMENT

**between the Department of Defense of the United States of America
and the Ministry of Defense of the Republic of Uzbekistan
on the procedure for ground transit of cargo shipped
from the Islamic Republic of Afghanistan
through the territory of the Republic of Uzbekistan
in connection with the participation of the United States of America
in efforts to ensure the security, stabilization, and reconstruction
of the Islamic Republic of Afghanistan
with mandatory involvement of the State Joint Stock Railway Company
“Uzbekiston Temir Yullari”**

The Department of Defense of the United States of America and the Ministry of Defense 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 countering terrorism, extremism, and transnational security threats;

Confirming that such cooperation is based on complete respect for the state sovereignty of each Party, on non-interference in the internal affairs of the other Party, as well as on other principles and goals of the Charter of the United Nations;

Mindful of Resolution 1386 (2001) of the UN Security Council, adopted on December 20, 2001 on the basis of Chapter VII of the UN Charter, as well as all relevant resolutions of the UN Security Council that call upon the neighboring states of the Islamic Republic of Afghanistan and other UN Member States to provide to the International Security Assistance Force (ISAF), including the United States of America, such necessary aid as may be required; and

Desiring to establish necessary measures and procedures with a view to organize the transit through the territory of the Republic of Uzbekistan of cargo sent by units of the U.S. Armed Forces deployed on the territory of the Islamic Republic of Afghanistan;

Have agreed as follows:

Article 1

For the purposes of this Agreement, the following definitions shall apply:

"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 states of the Parties entrusted, in accordance with the laws of the states of the Parties, with authority to make decisions on the transit of cargo in accordance with this Agreement;

"Authorization" – 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 State Joint Stock Railway Company (SJSRC) "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 and intended to support the everyday activities of personnel;

"SMGS" – the Agreement on International Goods Transport by Rail of November 1, 1951, with amendments of July 1, 2011;

"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 other facilities of railway transport and third parties, in which human life and health or the environment could 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;

“Transportation accident” – an incident that occurs during the process of railway transportation and that results in injury to human life or health or damage to the environment or 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 Stowage and Securing of Loads in SMGS Railway Cars and Containers, as well as other normative legal acts of the Republic of Uzbekistan depending on the type of vehicle.

Article 2

The provisions of this Agreement shall apply to the transit of cargo through the territory of the Republic of Uzbekistan that is being shipped from the territory of the Islamic Republic of Afghanistan in connection with the participation of the United States of America in efforts to ensure the security, stabilization, and reconstruction of the Islamic Republic of Afghanistan.

Article 3

Within the framework of this Agreement, the transit of military contingents and of arms, munitions, equipment, and military property specified in the Annex to this Agreement from the Islamic Republic of Afghanistan through the territory of the Republic of Uzbekistan shall not be permitted.

Article 4

1. The Parties intend to conduct the transit of cargo through the territory of the Republic of Uzbekistan within the framework of this Agreement on the basis of commercial agreements (contracts) concluded between expediting organizations (companies) on behalf of the U.S. Party and the SJSRC "Uzbekiston Temir Yullari" as follows:

2. The transit of cargo coming from the territory of the Islamic Republic of Afghanistan (through the border railway station "Galaba") in the direction of the Republic of Kazakhstan (through the border railway station "Karakalpakiya") shall be carried out by rail by the SJSRC "Uzbekiston Temir Yullari."

3. The organization of loading operations for the transit through the territory of the Republic of Uzbekistan of cargo coming from the Islamic Republic of Afghanistan shall be carried out in the territory of the Islamic Republic of Afghanistan by expediting organizations (companies) authorized by the U.S. Party.

4. Transport documents shall be processed in the territory of the Republic of Uzbekistan. In this connection, unloading and loading operations during inspection of cargo in the course of its processing shall be carried out by representatives of an expediting organization (company) authorized by the U.S. Party.

5. After the relevant Afghan railway management bodies have been established in the Islamic Republic of Afghanistan, loading operations will be organized, and transport documents for the transit through the territory of the Republic of Uzbekistan of cargo coming from the Islamic Republic of Afghanistan will be processed, in the territory of the Islamic Republic of Afghanistan.

Article 5

1. When conducting transit of cargo, the U.S. Party, and the expediting organization (company) acting on its instructions pursuant to the contract terms, shall ensure compliance with the requirements of the SMGS, legislation of the Republic of Uzbekistan, as well as other regulatory enactments in effect on the railways of the Republic of Uzbekistan, including the sanitary-epidemiological standards of the Republic of Uzbekistan.

2. The U.S. Party undertakes to ensure that disinfection, insect and rodent extermination measures, and other types of decontamination measures are carried out in accordance with the requirements of international medical and sanitary rules in the territory of the Islamic Republic

of Afghanistan for cargo transiting through the territory of the Republic of Uzbekistan in order to prevent the transborder transport of infectious diseases (zoonotic, parasitic, and vector-borne infections).

Article 6

Cargo transiting 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. The transit of cargo shall be performed on the basis of a one-time authorization issued by the Ministry of Defense of the Republic of Uzbekistan in accordance with legislation of the Republic of Uzbekistan and in accordance with the procedure provided for in this Agreement. The authorization shall be canceled automatically in case of termination of this Agreement. In such case, shipping operations in progress shall be completed in accordance with the issued authorization.

2. In order to obtain authorization for the transit mentioned in paragraph 1 of this Article the competent authorities of the U.S. Party shall send the request through diplomatic channels to the Ministry of Defense of the Republic of Uzbekistan in the Russian language, or in the English language with a Russian translation attached. The request shall include the following information:

a. a list of the transit cargo along with its specification, certificate of country of origin, quantity in accepted measuring units, the Foreign Economic Activity Commodity Nomenclature code, and the purpose of transit;

b. scheduled transit dates and the names of the consignor of goods and the authorized expediting organization (company);

c. route, including the points of departure and destination of cargo as well as the scheduled check points of the State Border of the Republic of Uzbekistan for the carrying out of border and customs procedures;

d. Information:

aa) regarding cargo subject to transit:

dimensions, weight;

if necessary, cargo center of gravity coordinates;

surface weight bearing characteristics, presence of moving parts or units,

means of fastening during transportation, cargo securing and strapping;

drawings of oversized items of the cargo;

if necessary, cargo loading and securing diagram with attached explanatory

note and calculations, and information on methods of transshipment and

transfer of the cargo.

bb) regarding hazardous cargo:

name of the substance or product, number according to the UN list,

information about packing, emergency card availability;

in case the substances or products are not on the UN list, information as per

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 expediting organization (company) authorized by the U.S. Party to transport hazardous cargo is secured by guarantees in the form of an insurance policy, bank guarantee, or other indemnity to compensate for possible damage to human life or health, property, or the environment, while implementing this Agreement;

f. should information contained in the request require clarification, the U.S. Party shall provide immediately additional requested information required for granting authorization for transit;

g. additionally, the request shall contain information on the required types of freight cars and containers and the securing of the cargo being transported on the open and closed rolling stock in case of transshipment activities. While transporting hazardous cargo, the list of available fire-fighting, neutralizing, or de-gassing equipment is required as well as the information on precautionary measures for personal protection of cargo escort and/or guard staff.

3. Authorization of the Uzbek Party for the transit shall contain:

a. consent of the Uzbek Party to the transit in the amount and in accordance with cargo nomenclature and specification, as well as within the period of time specified by the Uzbek Party and conditions of performing the transit;

- b. instructions on whether escort and/or guard of the transported cargo is needed;
- c. the procedure for regulating other issues related to planning, organization and performing the transit, in the purview of the competent authorities of the Uzbek Party.

4. Should there be no obstacles to conducting the transit, the Ministry of Defense of the Republic of Uzbekistan shall issue and forward the authorization for transit to the U.S. Party not later than 30 days from the date the request is received.

Article 8

The Uzbek Party shall have the right to deny or suspend action on a request by the U.S. Party for an authorization or to cancel an authorization that has been issued if the cargo being transported is not in line with the objectives of this Agreement, including the data specified in the shipping documents or constitutes a threat to the national security of the Republic of Uzbekistan. The Uzbek Party shall notify the U.S. Party as expeditiously as possible of the denial or suspension of action on a request by the U.S. Party for an authorization and the cancellation of an authorization that has been issued.

Article 9

1. The rolling-stock for transportation of the cargo on the railways of the Republic of Uzbekistan shall be selected in accordance with the legislation of the Republic of Uzbekistan.

2. The placement of cargo on the railway rolling-stock, as well as securing of the cargo during the transshipment activities, shall be performed in accordance with the requirements of the rules for loading and securing cargo which are in effect on the railway of the Republic of Uzbekistan.

3. Acting on behalf of the U.S. Party, an expediting organization (company) shall, if necessary, develop a diagram for loading and securing the cargo, and shall provide means of securing, and shall install such means of securing at its own expense unless otherwise agreed in a specific case.

4. In order to ensure effective activities by the SJSRC "Uzbekiston Temir Yullari" in transporting cargo through the territory of the Republic of Uzbekistan, the expediting organizations (companies) acting on behalf of the U.S. Party may use empty rolling-stock of

other owners, and shall agree with the Uzbek Party in advance on the loading date and the number of cars being shipped simultaneously.

Article 10

1. In order to proceed along the railway of the Republic of Uzbekistan, the transit shall be documented by international railroad waybill in accordance with the SMGS.

2. Hazardous cargo shall be transported in accordance with the rules established by the legislation of the Republic of Uzbekistan for the transport of hazardous cargo and with the SMGS.

Article 11

Measures for the prevention and management of transportation accidents related to the transit of cargo and the response to such accidents, as well as measures for mitigation of their consequences and for the determination of the causes of these accidents, shall be implemented by the competent authorities of the Republic of Uzbekistan within the framework of their competence, with notification to the U.S. Party.

Article 12

Claims for damages that occurred during the process of shipments by the expediting organization (company) that are governed by contracts done within the framework of this Agreement shall be adjudicated in accordance with the legislation of the Republic of Uzbekistan.

Article 13

1. The cost for railway services for transportation of transit and export cargo through the territory of the Republic of Uzbekistan shall be 1.5 times the rate of the International Railway Transit Tariff.

2. Settlement of accounts for the transport of cargo and for other services shall be carried out between the expediting organization (company) acting on instructions of the U.S. Party and the SJSRC "Uzbekiston Temir Yullari" pursuant to the contract terms and the legislation of the Republic of Uzbekistan.

Article 14

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

Article 15

With the aim of expediting customs control procedures at the border crossing points of Karakalpakia and Airtom, the U.S. Party will consider the possibility of providing, on a grant basis, equipment and means of technical control pursuant to a separate arrangement.

Article 16

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

Article 17

Disputes that may arise as a result of application or interpretation of this Agreement shall be resolved through consultations and negotiations between the Parties.

Article 18

Issues that arise in regard to the expediting organization (company)'s shipment of cargo under this Agreement will be regulated in accordance with the legislation of the Republic of Uzbekistan.

Article 19

In case of *force majeure* circumstances, either Party may notify the other Party in writing about the suspension of this Agreement as of 90 days following the date the notice is sent.

Article 20

1. This Agreement shall enter into force on the date of the last written notification, through diplomatic channels, of the completion by the Parties of the internal governmental

procedures required for its entry into force.

2. Modifications and additions to this Agreement may be introduced by written agreement of the Parties, which shall be finalized by separate protocols that enter into force in accordance with the procedure provided for in paragraph 1 of this Article and that are an integral part of this Agreement.

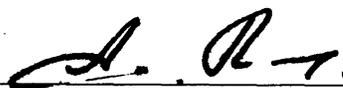
3. Modifications to the Annex to this Agreement may be accomplished through an exchange of diplomatic notes and shall be an integral part of this Agreement.

4. This Agreement shall remain in force for one year and automatically be renewed for subsequent one-year periods. Either Party may terminate this Agreement at any time and shall provide to the other Party at least 30 days advance written notice through diplomatic channels of its intent to terminate this Agreement.

DONE in Tashkent, this 17th day of November, 2011, in duplicate, in the English and Russian languages, both texts being equally authentic.



**FOR THE DEPARTMENT OF DEFENSE
OF THE UNITED STATES OF AMERICA**



**FOR THE MINISTRY OF DEFENSE
OF THE REPUBLIC OF UZBEKISTAN**

Annex

**LIST OF WEAPONS, MUNITIONS, EQUIPMENT, AND MILITARY GOODS
EXCLUDED FROM AUTHORIZED COMMERCIAL TRANSIT**

The following categories of items, including all their subcategories, are prohibited from commercial transport.

360100 000 0	Gunpowder
360200 000 0	Military explosives other than gunpowder
3603 00	Common fuses, detonating fuses, percussion or detonating caps, primers; electric detonators
3604 90 000 0	Signal flares, rain rockets, fog signals and other pyrotechnic items
8526	Radar apparatus, radio-navigation apparatus and radio apparatus for remote control of weapons and combat equipment and remote command and control of troops
8710 00 000 0	Tanks and other self-propelled armored combat vehicles, with or without weapons, and spare parts for them
8802	Aircraft (helicopters and airplanes), spacecraft (including satellites), and suborbital and space launch vehicles
8906	Military and rescue vessels, military support vessels other than rowing boats
9013	Telescopic sights for fitting to weapons, periscopes, telescopes manufactured as parts of machines or other optical devices usable with weapons if such devices are not mounted on firearms or are not accompanied by firearms on which they are to be mounted, laser sights usable with weapons if these sights are not mounted on firearms or are not accompanied by the firearms on which they are to be mounted
9301	Military weapons, except revolvers and pistols and weapons listed under paragraph 9307 of the Foreign Economic Activity Goods Classification
9302 00 000 0	Revolvers and pistols apart from those listed under paragraph 9303 and 9304 of the Foreign Economic Activity Goods Classification
9303	Firearms and other devices activated by an explosive charge
9305	Spare parts for items listed under paragraphs 9301-9303
9306	Bombs, grenades, torpedoes, mines, missiles, and similar combat devices, their parts, cartridges, shells, other munitions and their parts, including small shot and cartridge wadding and cartridges for smooth-bore arms and their parts