

**Draft Transit Traffic Framework Agreement between the Governments of  
the People's Republic of China, Mongolia and the Russian Federation**

The Governments of the People's Republic of China, Mongolia and the Russian Federation (hereinafter referred to as the original Contracting Parties),

Desiring to maintain, further develop and strengthen friendly relations and cooperation among them,

Aware of the growing interdependence of the States of the Contracting Parties regionally,

Bearing in mind the right of landlocked States to access to and from the sea and to freedom of transit, as underlined in the United Nations Convention on the Law of the Sea of 10 December 1982,

Recognizing the importance of adequate transit traffic arrangements for regional and international trade and for acceleration of economic development of the States of the Contracting Parties,

Reiterating their commitment to fostering smooth, rapid and efficient movement of goods between and among the States of the Contracting Parties,

Have agreed as follows:

**Part I  
General provisions**

**Article 1  
Use of terms**

For the purpose of this Agreement:

- (a) "Contracting Parties" means Governments parties to this Agreement by signature, approval or accession;
- (b) "Landlocked State" means a State of a Contracting Party that has no sea coast;

- (c) "Transit State" means a State of a Contracting Party, with or without a sea coast, through whose territory transit traffic passes;
- (d) "Transit traffic" means traffic of goods across the territory of the State of a Contracting Party or Contracting Parties, when the passage of means of transport across such territory with or without transshipment, warehousing, breaking bulk or change in the mode of transport is only a portion of a complete international journey that begins or terminates in the territory of the State of a Contracting Party;
- (e) "Means of transport" means any means of transport, defined in annex..., registered in the territory of the State of one of the Contracting Parties;
- (f) "Carrier" means any person, physical or legal, registered in the territory of the State of one of the Contracting Parties and, in conformity with national legislation, undertaking international carriage of goods, by whom or in whose name a contract of carriage has been concluded with a shipper;
- [(g) "Goods" means material assets, things or other property accepted under a contract of carriage and specified as those in the transportation document. "Goods" includes live animals. Where the goods are consolidated in a container, pallet or similar article of transport or where they are packed, "goods" includes such articles of transport or packaging if supplied by the shipper;]
- [(h) "Customs control" means measures applied by the Customs authorities of the Contracting Parties to ensure compliance with the laws, regulations and agreements that they are responsible for enforcing;]
- (i) "Permit" means a document issued by the competent authority of a Contracting Party and giving the right to a vehicle registered in the territory of the State of another Contracting Party to enter, leave and/or pass in transit through the territory of the State of a Contracting Party while carrying out traffic of goods between and among the States of the Contracting Parties or in transit, including passage without goods.

## **Article 2**

### **Purpose and objective**

1. The purpose of this Agreement is to provide a favourable arrangement for facilitating transit traffic through the territories of the States of the Contracting Parties.
2. The Contracting Parties shall take all necessary measures:
  - (a) For expeditious movement of transit traffic and for the avoidance of unnecessary delays to transit traffic through the territories of their States;
  - (b) To reduce cost on mutually agreed transit traffic conducted via territories of their States; and

- (c) To bring about simplification and harmonization of Customs and administrative documentation and procedures relevant to transit traffic through the territories of their States, in accordance with international standards recognized and accepted by the Contracting Parties.

### **Article 3** **Scope of application**

1. The provisions of this Agreement shall apply to transit traffic that begins or terminates on the territory of the State of any Contracting Party.
2. This Agreement does not in any way entail the withdrawal of facilities for transit traffic that are greater than those provided for in this Agreement, provided the terms and conditions for use of such facilities are consistent with the principles embodied in this Agreement. This Agreement also does not preclude the grant of such greater facilities in the future.
3. The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties arising from the international treaties to which they are parties.
- [4. The provisions of this agreement, as well as special agreements relating to the exercise of the right of access to and from the sea, establishing rights and facilities on account of the special geographical location of landlocked States, are excluded from the application of the most-favoured-nation clause.]** China

## **Part II** **Facilitation of transit traffic of the Contracting Parties**

### **Article 4** **Right of transit**

1. Each Contracting Party shall grant the other Contracting Parties the right of transit by means of transport through its national territory, under the conditions provided for in this Agreement and its annexes. The Contracting Parties shall provide each other with facilities and guarantees required for this purpose.
2. Except in the case of force majeure, Contracting Parties shall take all appropriate measures to ensure smooth, most direct and unimpeded movement of transit traffic of the Contracting Parties, including transshipment of transit goods, and to avoid delays or other difficulties in such transit.
3. Landlocked States shall have the right of access to and from the sea through the territories of transit States for the purpose of exercising the freedom of transit provided for in paragraph 1 of this Article, as stipulated in the United Nations Convention on the Law of the Sea.

4. For the convenience of transit traffic, Customs control facilities may be provided in accordance with relevant domestic laws and regulations at the ports of entry and exit in the territories of the States of the Contracting Parties.

5. Transit States, in the exercise of their full sovereignty over their territories, shall have the right to take all measures necessary to ensure that the rights and facilities provided for in this Part of the Agreement for landlocked states shall in no way infringe on their legitimate interests.

#### **Article 5 Transit routes**

1. The routes designated by the Contracting Parties for transit traffic are specified in annex....

2. In conformity with this Agreement, it is permitted, on the routes designated for transit traffic by road transport, to carry out traffic between, among and through the territories of the States of the Contracting Parties.

#### **Article 6 Transit traffic requirements and discipline**

1. [Carriers and personnel engaged in transit traffic that enter the transit State shall abide by the laws and regulations of that State. Any violation shall be subject to the penalty of the transit State.]

**[Carriers and personnel of means of transport of the States of the Contracting Parties shall abide by the laws of the transit State on the territory of which its means of transport is located.]** Russia

2. Means of transport engaged in transit traffic that enter the territory of the transit State shall follow the routes designated under annex ... and shall not deviate from these routes unless authorized by relevant authorities of the transit State.

3. **[Any violation shall be subject to penalty in accordance with the laws of the State of the Contracting Party where such a violation occurs.]** Russia

**[Vehicles engaged in transit traffic shall be registered by the competent domestic authorities, and drivers shall bear driving licenses issued by those authorities.]** China

#### **Article 7 Tariffs, taxes and charges**

**[1. Goods and means of transport, self-carried fuels and lubricants, self-carried accessories and easily worn parts for the round-trip transport shall be exempted from tariffs under the supervision of the Customs authority, except charges for specific management and services rendered in connection with such transport in accordance with the principle of national treatment.]** China

2. [Carriers undertaking carriage on the basis of permits issued to carriers by one of the Contracting Parties in the territory of the State of another Contracting Party within the framework of this Agreement, except for carriage by heavy and large-sized vehicles, shall be exempted from charges related to the issuing of permits, ownership and use of road vehicles. Charges for the use and maintenance of highways and toll sections of roads, bridges and tunnels shall be imposed in the same way as for domestic users.]

**[Carriers undertaking transit traffic within the framework of this Agreement shall be exempted from customs duties, taxes and other charges, except charges for services rendered in accordance with the domestic legislation of the States of the Contracting Parties, in particular charges for the use of toll sections of roads and highways, bridges and tunnels.]** Russia

### **Article 8 Combined and multimodal transport**

1. The Contracting Parties shall encourage and promote combined and multimodal transport.
2. Multimodal transport operations mentioned in paragraph 1 above shall be based on internationally recognized documentation and procedures.

### **Article 9 Measures designed to expedite clearance of transit traffic**

[To ensure smooth and expeditious transit traffic, the Contracting Parties shall make efforts to establish, where necessary and possible, posts at designated frontier points with Customs control areas in such a way that means of transport and goods can be examined at the same place, so that repeated unloading and reloading may be avoided. Specific provisions related to customs issues shall be elaborated in annex...]

**[To ensure smooth and expeditious transit traffic, the Contracting Parties shall make efforts to:**

- (a) Establish posts at designated border-crossing points with control areas in such a way that means of transport and goods can be examined and cleared at the same place, so that repeated unloading and reloading may be avoided;**
- (b) Ensure the expeditious carrying out of control procedures;**
- (c) Define the working hours of vis-à-vis border-crossing points.]** Russia

### **Article 10 Safety of transit traffic**

1. [The Contracting Parties shall take all measures necessary to ensure the safety of traffic and to prevent infectious diseases of humans and animals, other diseases, insect pests and weeds dangerous to plants, and other harmful organisms that might be brought with

goods, equipment, facilities and personnel engaged in transit traffic and environmental protection along transit routes.]

**[The Contracting Parties shall take all measures necessary to ensure the safety of traffic, safety of goods and environment protection.]** Russia

2. [The Contracting Parties shall provide all possible immediate assistance in the event of traffic accidents in their territories involving transit vehicles, especially when persons, dangerous goods and perishable foodstuffs are involved.]

**[The Contracting Parties shall provide all possible immediate assistance in the event of traffic accidents in their territories involving means of transport engaged in transit traffic, especially when persons, dangerous goods and perishable foodstuffs are involved.]** Russia

**[The former paragraph 3 to be deleted.]**

3. [Carriers for transit vehicles shall purchase third party motor insurance valid in the transit State.]

#### **Article 11 Establishment of offices**

1. [The Contracting Parties shall grant permission to transport companies engaged in transit traffic services in the territories of their States to establish offices for the purpose of operating such services.]

**[The carriers of the State of one Contracting Party may establish offices on the territory of the States of other Contracting Parties for the purpose of operating transit traffic of goods in accordance with the domestic legislation of the respective Contracting Parties.]** Russia

**[The former paragraphs 2 and 3 to be deleted]**

2. [Establishment of the offices mentioned in paragraph 1 above shall be in accordance with the domestic legislation of the Contracting Party in which the offices are established.]

3. [The above-mentioned offices shall also assist in handling traffic accidents of vehicles involved in transit operations.]

#### **Article 12 Visa facilitation**

1. Each Contracting Party shall facilitate visa issuance for transit personnel.

2. In case of illness or injury of persons, or accident or damage to vehicles, the period of stay shall be extended for a period consistent with the anticipated delay.

3. Procedures for the granting and extending of visas mentioned in paragraphs 1 and 2 above shall be in accordance with the domestic legislation of the Contracting Party concerned.

### **Part III**

#### **Article 13 Road transport**

[Within the framework of this Agreement, the Contracting Parties shall establish a special group of experts to coordinate and settle issues arising in the process of carrying out international traffic in the territories of the States of the Contracting Parties. Specific provisions related to terms and conditions for road traffic shall be elaborated in annexes...]

[1. Where road transport permits are prescribed as a condition of carriage between and among the States of the Contracting Parties, the Contracting Parties shall provide for the issue of such permits.] Russia

**[2. The Contracting Parties shall grant each other permits to carry out transit traffic in the territory of the States of the Contracting Parties in the amount required for carriers for the implementation of this Agreement.]**  
[The former alternatives 1 and 2 to be deleted.] Russia

### **Part IV**

#### **Article 14 Railway transport**

In respect of transit traffic undertaken by the rail transport on the basis of this Agreement, procedures and rules of the Organization for Railway Cooperation shall be applied.

### **Part V**

#### **Article 15 Maritime ports**

[The Contracting Parties shall undertake to provide the necessary maritime ports and facilities to other Contracting Parties. The conditions of such provisions shall be specified in annex...]

**[The Contracting Parties that have maritime ports in the territory of their States shall grant the required port handling capacities to customers from the States of other Contracting Parties on terms not exceeding the established tariffs that are applied to other foreign customers.]** Russia

## Part VI

### Article 16 Air transport

[1. The Contracting Parties agree to strengthen the subregional airline industry, enhance its overall performance and sustain its competitiveness.]

**[The Contracting Parties agree to strengthen the subregional airline industry, and enhance its overall performance and competitiveness.]** Russia  
**[The former paragraph 2 to be deleted.]**

[2. In order to promote the provision of better and more efficient air transport, the Contracting Parties undertake to strengthen their bilateral agreements and elaborate a regional agreement which will be an annex to this Agreement.]

## Part VII

### Article 17 Border entry/exit inspection and control procedures

[1. The Contracting Parties shall, on the basis of mutual agreement, take measures to simplify border entry/exit inspection and control of means of transport, goods, drivers, crew members and luggage engaged in transit traffic.

2. Means of transport, goods, including plants and live animals, drivers and crew members engaged in transit traffic shall pass through the frontier posts on the routes designated for transit traffic within the framework of this Agreement and are subject to inspection by the relevant authorities of the transit State.

3. Customs seals and identification marks affixed by the Customs of departure in the territory of the State of one of the Contracting Parties or by the Customs of a third country should be accepted for the purposes of the transit traffic of goods unless:

- They are considered not to be sufficient; or
- They are not secure.

4. [Where customs seals and identification marks are accepted in accordance with paragraph 3, no goods shall be delayed en route for the purpose of customs inspection or other purposes.]

5. Drivers and crew members engaged in transit traffic shall bear legitimate documents for international travel or other documents mutually accepted by the Contracting Parties and shall abide by the entry administration regulations of the transit States.]

**[1. Means of transport, crew members and goods shall pass through the border-crossing points on the routes designated for transit traffic within the framework of this Agreement and are subject to inspection by control authorities of the transit State.**



**2. In respect of the control procedures, the provisions of international treaties to which Parties are Contracting Parties shall be applied. To solve issues that are not covered by these treaties, the legislation of the State in whose territory the control is carried out shall be applied.**

**3. The Contracting Parties shall undertake measures to simplify control procedures concerning crew members, means of transport and goods engaged in transit traffic.**

**4. Customs seals and identification marks affixed by the Customs of departure in the territory of the State of one of the Contracting Parties or by the Customs of a third State should be accepted for the purposes of the transit traffic of goods unless:**

- They are considered not to be sufficient; or
- They are not secure.

**5. Where Customs seals and identification marks are accepted in accordance with paragraph 4, no goods shall be delayed en route for the purposes of Customs inspection or other purposes. ] Russia**

## **Part VIII Documentation and procedures**

### **Article 18 Consolidation and alignment of documentation**

[The Contracting Parties recognize that documentation and procedures represent important cost and time-cost elements affecting the efficiency of transit operations. In order to keep these costs and delays to a minimum, the Contracting Parties shall make efforts to:

- (a) Minimize, as appropriate, the number of documents and reduce, to the extent possible, procedures and formalities required for transit traffic;
- (b) Align their documents, when necessary, with the United Nations layout key for trade and transport documents;
- (c) Reduce to a minimum the number of competent agencies involved in handling documents referred to in subparagraph (a) of this paragraph; and
- (d) Harmonize the nature of the information to be contained in documents referred to in subparagraph (a) of this paragraph.]

**[The Contracting Parties acknowledge that documentation and procedures represent important cost and time-cost elements affecting the efficiency of transit operations. In order to keep these costs and delays to a minimum, the Contracting Parties shall make efforts to:**

- (a) **Minimize, as appropriate, the number of documents and reduce, to the extent possible, procedures and formalities required for transit traffic;**
- (b) **Align their documents with the United Nations layout key for trade and transport documents;**
- (c) **Reduce to a minimum the number of competent agencies involved in handling documents referred to in subparagraph (a) of this paragraph;**
- (d) **Harmonize the nature of the information to be contained in documents referred to in subparagraph (a) of this paragraph.]** Russia

**Article 19**  
**Basic documentation and procedures**

[The basic documentation and procedures to be applied by the competent authorities of the Contracting Parties in the implementation of this Agreement are specified in annex...]

**[The basic documentation and procedures to be applied for transit traffic in accordance with this Agreement are specified in annex....]** Russia

**Part IX**

**Article 20**  
**Applicable laws**

Transit transportation in the territory of the transit State shall be subject to its relevant domestic laws and regulations.

**Part X**  
**Intergovernmental consultative mechanism**

**Article 21**  
**Liaison Officers**

Each Contracting Party shall appoint Liaison Officers to supervise jointly the working of this Agreement and to refer for expeditious solution to the competent authorities of their own countries any question arising from the operation of this Agreement. The Liaison Officers of all Contracting Parties shall meet as often as may be mutually agreed. Such consultation shall take place annually.

## **Part XI**

### **Article 22 Issues not covered**

[Issues that are not covered by the present Agreement shall be settled by mutual consultations among the Contracting Parties.]

**[Issues that are not covered by the present Agreement and other international treaties to which the Contracting Parties are parties shall be dealt with in accordance with the legislation of the States of each Contracting Party.] Russia**

## **Part XII**

### **Article 23 Consultations**

The Contracting Parties agree to resolve any differences relating to the interpretation of this Agreement through consultations.

## **Part XIII Final clauses**

### **Article 24 Depositary**

1. The depositary shall be ... [the State of the original Contracting Party in whose territory this Agreement is signed].

The depositary shall:

- (a) Receive and keep custody of the original texts of this Agreement;
- (b) Prepare certified copies of the original texts of this Agreement, and transmit them to the other Contracting Parties;
- (c) Receive and keep custody of any instruments, notifications and communications relating to it;
- (d) Examine whether any instrument, notification or communication relating to this Agreement is in due and proper form and, if need be, bring the matter to the attention of the State in question;
- (e) Inform the Contracting Parties and the States entitled to become Parties to this Agreement of acts, notifications and communications relating to this Agreement; and

(f) Register this Agreement, including its annexes and the amendments, to be agreed later on with the Secretary-General of the United Nations.

2. In the event of any difference appearing between the Contracting Parties and the depositary as to the performance of the latter's functions, the depositary or the State concerned shall bring the question to the attention of the Contracting Parties.

#### **Article 25 Amendment**

1. Amendments may be made to this Agreement. Any proposed amendment shall be sent to the depositary, who shall inform all the other Contracting Parties.

2. Amendments shall enter into force after the Contracting Parties reach agreement and sign separate protocols, [unless otherwise provided in the amendment itself.]

#### **Article 26 Accession**

1. After entering into force, this Agreement is open to non-signatory States, who may accede to it only upon the agreement of all Contracting Parties.

2. The instruments of accession shall be deposited with the depositary. The depositary shall notify the Contracting Parties to this Agreement.

3. This Agreement shall enter into force for the State acceding to it on the thirtieth day following the date of deposit of the instrument of accession with the depositary.

#### **Article 27 Entry into force**

This Agreement shall enter into force on the thirtieth day following the date of deposit through diplomatic channels of the third and last written instrument of completion by the Contracting Parties of the internal procedure required for its entering into force.

#### **Article 28 Denunciation**

Any Contracting Party may denounce this Agreement by written notification forwarded to the depositary through diplomatic channels. The denunciation shall take effect on the ninetieth day following the date of receipt of the notification by the depositary.

#### **Article 29 Status of the Annexes and amendments**

The annexes, as well as valid amendments approved by the Contracting Parties, form an integral part of this Agreement. Any reference to this Agreement includes the annexes and valid amendments relating thereto.

Done in XXXX on the XX day of XX, XXXX in four originals in the Chinese, Mongolian, Russian and English languages, all texts being equally authentic **[and having equal force]**. In case of any divergence in interpretation of this Agreement, the English text shall prevail.

For the Government of the People's Republic of China

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For the Government of Mongolia

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For the Government of the Russian Federation

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