

ANNEX XIX

REFERRED TO IN ARTICLE 3.21

INTERNATIONAL ROAD TRANSPORT AND LOGISTICS SERVICES

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SECTION I

GENERAL PROVISIONS

Article 1

Scope

1. This Annex applies to measures by Parties affecting trade in international road transport and logistics services.
2. Subject to Article V of the GATT 1994 and the relevant provisions of the WTO Agreement on Trade Facilitation, this Annex also applies to traffic in transit, where applicable.
3. This Annex shall not apply to services falling within the scope of cabotage.

Article 2

Objectives

This Annex aims to establish a sound competition environment, high quality international road transport services and smooth operation of carriage of freight with a view to further liberalise access by international road transport service suppliers of the Parties to each other's markets, while recognising the right of the Parties to regulate in order to meet national policy objectives, and recognising the already existing degree of approximation of the Parties' legal frameworks applicable to transport of freight by road.

Article 3

Definitions

For the purposes of this Annex:

- (a) "cabotage" means the transport of goods between two internal places in the territory of a Party by a vehicle of another Party, including transport of freight from seaport, airport or railway terminal of a Party to another point

in the territory of that Party by a vehicle of another Party;

- (b) “combined transport” means road transport of goods where the tractor unit, trailer, semi-trailer, their swap bodies and containers are transported by rail, sea or by inland waterway for a part of the journey;
- (c) “international road transport” means a laden or unladen journey undertaken by a vehicle, the point of departure and the point of arrival of which are in the territory of two different countries;
- (d) “logistics services” means services classified under CPC 741, 742, 748 and 749 which are supplied in support of international road transport;¹
- (e) “professional driver” means an individual who acts as the driver of a vehicle to supply road transport services, as well as other persons engaged in the driving of the vehicle, who hold a valid driving license issued by the competent authorities of a Party;
- (f) “road transport” means the transport of freight by a road vehicle, including incidental unladen journeys;
- (g) “swap body” means the part of a vehicle which is intended to bear the load, equipped with supports and, by means of a device which is part of the vehicle, detachable from the vehicle and re-incorporated therein by a carrying unit strong enough for repeated use, but not enough to be top-lifted or stackable when loaded, designed for intermodal transport of which one leg is road;
- (h) “vehicle” means a motor vehicle or a coupled combination of vehicles registered in the territory of a Party, used exclusively for the carriage of goods.

Article 4

Domestic Regulation

1. Where a Party requires specific procedures such as licensing, registration or authorisation for the supply of road transport services, it shall ensure that such procedures are processed expeditiously and it shall not introduce changes to such procedures without prior notice.

2. Formalities, documentation requirements and customs controls in connection with international road transport shall not be more burdensome than necessary to ensure that the objectives of relevant national legislation are met.

¹ In the relations between Liechtenstein, Switzerland, and Turkey, this definition covers services classified under CPC 741, 742, 748 and 749 which are supplied in support of land transport, air transport and combined transport, whether international or domestic, except maritime transport.

Article 5

*Transparency*²

1. Each Party shall make publicly available on official websites all necessary up-to-date information on conditions for the supply of road transport services in its territory. This shall include, *inter alia*, measures concerning:

- (a) weight and dimensions of vehicles;
- (b) administrative fees and infrastructure user charges;
- (c) border formalities;
- (d) traffic bans;
- (e) specific rules on perishable goods, dangerous goods, exceptional or special transport, priority transport, if they exist; and
- (f) social regulations.

2. Each Party shall establish contact points which include a relevant website and e-mail address in order to respond to requests of international road transport service suppliers of another Party regarding measures affecting the supply of road transport services.

² This Article does not apply to Iceland.

SECTION II

ROAD TRANSPORT

Article 6

Quantitative measures

1. No Party may maintain or adopt measures in the form of numerical quotas on the number of journeys undertaken in its territory in conjunction with an international road freight transport by vehicles of another Party.
2. In the relations between Norway and Turkey, this article shall not apply to transport to/from third countries.

Article 7

Transport Equipment

To the extent that border crossing of transport equipment such as containers and swap bodies is required for the continuation of services covered by this Annex, such border crossing movement shall be permitted, and, where possible, facilitated, without prejudice to generally applicable administrative procedures and customs duties. Parties shall ensure that such procedures are applied on a non-discriminatory basis and are not more burdensome than necessary.

Article 8

Specific Routes

Requirements to follow specific routes shall be applied on a non-discriminatory basis.

Article 9

Free Choice of the Mode of Transport

If a Party adopts or maintains measures that require specific modes of transport, it shall ensure that such measures are applied on a non-discriminatory basis.

Article 10

*Norms and Standards*³

1. In the relations between Norway and Turkey, this Annex does only confer rights to service suppliers of a Party fulfilling the Quality Charter for International Road Haulage Operations under the ECMT Multilateral Quota System (ITF (2005)3/FINAL).⁴
2. It is understood that this Annex is without prejudice to a Party's domestic laws or regulations concerning the protection of the integrity and proper operation of transportation infrastructure as well as requirements for compliance with safety and environmental standards. Such laws and regulations shall be applied on a non-discriminatory basis, and shall not be more restrictive than necessary to achieve their objective.
3. No Party shall subject vehicles of another Party to norms and standards that are more restrictive than those in force for its own.
4. In the relations between Norway and Turkey, this Article presupposes that professional drivers who drive in winter conditions are proficient to drive under such conditions and that they can provide documentation on this, issued by the competent authority of the Party.

Article 11

Access to and Use of Public Infrastructure

1. Each Party shall permit international road transport service suppliers of another Party, on a non-discriminatory basis, access to or use of public infrastructure, facilities or services necessary for the supply of international road transport services, whether they are located on roads, on roadsides or elsewhere. Entry and exit points at border crossings that are open to domestic vehicles shall be open on identical terms to vehicles of the other Parties.
2. Each Party shall ensure access to, and use of, public infrastructure and/or services offered to the public on reasonable terms and conditions.
3. Each Party shall permit international road transport service suppliers of another Party the access to cargo handling equipment and dry ports.

³ Turkey and Norway shall in written notification agree on the basis for and the nature of the relevant documentation considered to fulfil the Quality Charter for International Road Haulage Operations under Article 7(1) and the proficiency to drive in winter conditions under Article 7(4).

⁴ In case of any amendments to the Quality Charter, the latest version of the document shall apply.

Article 12

Passage Fees

No Party shall impose any discriminatory passage fees.

Article 13

Truck Waiting Areas

Each Party shall ensure that public truck waiting areas on its territory are organised in a manner as to not discriminate vehicles of the other Parties. Where applicable and economically feasible, each Party shall endeavour to ensure that real-time information on the availability of parking areas is made easily accessible along main transport routes.

Article 14

Infringements

1. In case of infringement of the Articles in this Annex by a road transport service supplier of one of the Parties, the competent authorities of the Party on whose territory the infringement took place, without prejudice to any legal action taken by that Party, shall notify the competent authorities of the Party where the road transport service supplier is established. The competent authority will take the measures accounted for in the national legislation of its country. The competent authorities of the Parties shall inform each other of the measures taken. If a service supplier has serious and/or repeated infringements of the regulations, a Party can decide to carry out an appropriate administrative procedure which can include denial of supply of services by that service supplier according to this Annex in its territory⁵

2. Where possible, each Party shall ensure that the service suppliers are informed about the legal basis of the penalties and fines charged by its competent authorities, and the available appeal procedures.

Article 15

Safeguard Measures

1. In the relations between Norway and Turkey, in the event of serious disturbance of the national markets or substantial weakening of road safety standards, the Parties may adopt safeguard measures. Before such measures are adopted the Party shall consult with the other Party with a view to finding a mutually acceptable solution. The Parties shall notify each other of the measures they intend to take. The notification shall contain all relevant information regarding the justification for the measures

⁵ This paragraph shall only apply in the relations between Norway and Turkey.

2. A safeguard measure applied according to this Article, shall be terminated no later than one year from its implementation. A safeguard measure in accordance with this Article, shall not be introduced by the same Party unless a new consultation and notification procedure is applied in accordance with paragraph 1.

3. If a safeguard measure taken by a Party creates an imbalance between rights and obligations under this Agreement, the other Party may take rebalancing measures in any sector covered by this Agreement in respect of that Party.

SECTION III
LOGISTICS⁶

Article 16

Supply of Multiple Logistics Services

1. Subject to the terms, conditions and limitations set out in its Schedule of Specific Commitments, a Party shall not adopt or maintain measures that impede a supplier of logistics services to supply any other logistics services, including road transport services, in its territory.
2. The Parties recognise the importance of avoiding to require separate licences for the supply of different logistics services. In case separate licences for the supply of different logistics services are required, the Parties shall endeavour to ensure that the requirements of a particular licence are not in contradiction to the fulfilment of requirements of another licence.

Article 17

Air Trucking

1. Each Party shall allow:
 - (a) air carriers of the other Party to perform air trucking operations on its territory on terms and conditions no less favourable than applicable to its own air carriers on the condition that the vehicles used for such operations are registered in its territory in accordance with the Party's domestic laws and regulations; and
 - (b) air carriers of the other Party to sub-contract air trucking operations on its territory on terms and conditions no less favourable than applicable to its own air carriers.
2. Air trucking from a Party to a third country or vice versa shall be subject to facilitated border procedures in accordance with the Convention of 20 May 1987 on a Common Transit Procedure when crossing the land border. If possible, freight shall be cleared at the airport.
3. For the purposes of this Article, "air trucking" means the transport of freight by road from an airport of a Party to another airport in the territory of the same Party or of a third country or vice versa, by an air carrier or on its behalf as part of its airfreight transport schedule.

⁶ This Section shall apply only in the relations between Switzerland and Liechtenstein on the one side and Turkey on the other.

Article 18

Access to Infrastructures and Services in Dry Ports

1. When a terminal landing fee in a dry port is imposed by a Party, it shall be set at a level commensurate with the cost of providing the infrastructure.
2. Measures by the Parties regulating the access to and use of dry port infrastructures and services, *inter alia*, forklifts, shall:
 - (a) be impartial and implemented on a non-discriminatory basis with respect to all users; and
 - (b) avoid the creation of unnecessary delays.
3. Each Party shall make its best efforts to ensure that dry ports managed and operated by private entities on its territory are operated in a manner that is non-discriminatory with respect to all users and based on fair competition.
4. For the purposes of this Article:
 - (a) “dry port” means an inland facility connected to one or more modes of transport for the handling, storage and regulatory inspection of goods moving in international trade and the execution of applicable customs control and formalities;
 - (b) “user” means a road transport or logistics service supplier stationing or depositing containers or swap bodies, or using related services, in a dry port.

Article 19

Financial Guarantees

If an authority of a Party requires service suppliers of another Party to deposit a financial guarantee as a precondition for supplying services covered by this Annex on its territory, it shall:

- (a) set such guarantee at a reasonable level having regard to the risk involved; and
- (b) release the guarantee timely upon completion of the operation.

Article 20

Mutual Recognition of Documents

For the purpose of road transport as defined in Article 3, each Party shall recognise as valid the:

- (a) vehicle's certificates; and
- (b) driving licences of professional drivers;

duly issued by the competent authority of another Party in accordance with the Convention on Road Traffic done at Vienna on 8 November 1968.

Article 21

Deadlines for Appeal

Recognising that the transport personnel is often absent from the company base, each Party shall inform, upon request, another Party about applicable deadlines set for appeal with regards to penalties and fines in road traffic in its territory.
