

MINUTES

of the Turkish-Bulgarian Technical Expert Meeting on International Road Transport (Sofia, 28-29 March 2013)

Delegations of the Ministry of Transport, Maritime Affairs and Communications of the Republic of Turkey and the Executive Agency Road Transport Administration within the Ministry of Transport, Information Technologies and Communications of the Republic of Bulgaria assembled in Sofia on 28 and 29 March 2013 with a view to discuss the problems of the road transport performed by hauliers of both countries.

The list of the participants is attached in an Annex to this Protocol.

The delegations agreed upon the following agenda:

1. Discussion and review of problems regarding the use of ECMT/CEMT licenses:
 - 1.1. The use of ECMT/CEMT logbooks;
 - 1.2. Origin of goods;
 - 1.3. Time limitation;
2. Discussion and review of problems of Bulgarian goods vehicles using bilateral permits;
3. Miscellaneous.

1. Discussion and review of problems regarding the use of ECMT/CEMT licenses

1.1. The use of ECMT/CEMT logbooks

Both delegations discussed the issue of forged ECMT/CEMT licenses, which was already put forward as a problem during the last bilateral technical expert meeting in Ankara in August 2012. Both delegations expressed their satisfaction for the decreased number of forged ECMT/CEMT licences used by the Bulgarian hauliers since the last technical meeting held in Turkey in August 2012.

The Bulgarian delegation explained that they took all necessary measures against these cases in order to sanction the hauliers. In addition, the Bulgarian delegation stated that they will continue to apply such measures for every case of forged ECMT/CEMT license determined in order to prevent these cases from happening in future. The measures undertaken are as follows:

- Road Transport Administration is about to start an administrative procedure for withdrawing the Community licenses for access to the transport market;
- The hauliers for which was proved to use forged ECMT/CEMT licenses will not be allowed to the national procedure of distribution of ECMT/CEMT licenses; and

- Road Transport Administration already notified the Bulgarian justice and police authorities which have already started criminal procedures against those hauliers in use of forged documents.

The Turkish delegation noted that they will proceed to send copies of illegally used short term ECMT/CEMT licenses when such cases have been established, upon the request of the Bulgarian side.

Both delegations also discussed the issue of some detained Bulgarian vehicles in misuse of ECMT/CEMT licenses at the Turkish border crossing points. The Turkish delegation stated that such problems occur as a result of either the usage of forged ECMT licences by the Bulgarian hauliers or recording of the number of an ECMT licence, which has not been issued by the Bulgarian authorities to its hauliers yet, to the Turkish automation system. The Bulgarian delegation stated that the short-term ECMT/CEMT licenses are personally issued by the employees of the Bulgarian administration to the relevant transport undertaking at the premises of Road Transport Administration.

In order to prevent such cases in future both delegations discussed and agreed upon exchanging the names of the transport undertakings to which annual ECMT/CEMT licenses were distributed together with the serial numbers of the licenses in an Excel file. In addition, the Bulgarian delegation agreed upon sending to the Turkish delegation the names of the transport undertakings to which short-term ECMT/CEMT licenses have been distributed. The Turkish delegation stated that they will explore this matter with their automation unit within the Ministry in order to see the feasibility of this issue through the Turkish automation system at the border gates.

Both delegations discussed the requirements of item 4.1 and 5.9 from the ECMT/CEMT User Guide. Both delegations agreed upon strictly applying the provisions of item 4.1 of the ECMT/CEMT User Guide. Due to difference in the interpretation of item 5.9 of the ECMT/CEMT User Guide, the Turkish side proposed to further investigate the issue of the requirement of the presence of stamps from some transiting countries within the logbook upon the contradictory statements made by the Bulgarian customs authorities and the Turkish hauliers. This issue will be elaborated in the forthcoming meetings. The Bulgarian delegation considers that item 5.9 of the ECMT/CEMT User Guide contains clear and non-contradictory provisions, as it should not be additionally interpreted. In this regard, the Bulgarian delegation stressed upon the fact that these provisions need to be strictly applied as per text.

The Bulgarian delegation assured the Turkish delegation that they are no such cases in which the Bulgarian control authorities have required from Turkish vehicles to present stamps within the ECMT/CEMT logbooks.

1.2. Origin of goods in bilateral transport operations

Both delegations also discussed the issue of the origin of the goods in bilateral transport operations. The position of the Bulgarian delegation is that transport of goods to/from third country means the transport performed by a vehicle registered in one of the two countries to/from a third country to/from the territory of the other country. The Bulgarian delegation

considers that the type of the transport operation should be defined based on the points of loading and unloading of the goods, given in the CMR consignment note, and not according to the country of the origin of the goods which may be different from the country of loading of goods.

The position of the Turkish delegation is that the transport of third country goods by the Bulgarian hauliers to Turkey or from Turkey to a third country is considered as a third country transport operation which requires either an ECMT/CEMT license or a third country permit and cannot be performed by a bilateral permit. They also added that the CMR, invoice and export declaration are taken into consideration by the Turkish side in the transport operations which are not made under ECMT licenses.

1.3. Time limitation

The Bulgarian delegation put forward the issue of the time limitation introduced by the Turkish side in 2009. The Bulgarian delegation noted the time limitation is based on calculations for only one driver and insisted upon adjusting the time limitation in case two drivers are operating one vehicle. In this regard, the Bulgarian delegation will prepare and propose an alternative table in addition to the time limitation of the Turkish side, in which the calculations are based on data for two drivers. The Bulgarian proposal will be in full compliance with the provisions of AETR, according to which it is possible international transport to be carried out with two drivers (i.e. multi-manning provisions).

The Turkish delegation stated that the time limitation precaution was started as a result of the frequent use of the ECMT/CEMT licenses by the Bulgarian transport operators in contrary to article 4.1 of the ECMT/CEMT User Guide. The Turkish delegation explained that the durations of time limitation were calculated by taking into account the driving and resting times of the AETR Agreement and it will not be possible to change the existing practice.

2. Discussion and review of problems of Bulgarian goods vehicles using bilateral permits

The Bulgarian delegation raised a question related to the following requirement of the Turkish customs authorities: when a Bulgarian vehicle tries to enter the territory of Turkey empty by using a third country permit, with the aim to load with destination a third country, it is not allowed to enter Turkey until it does not present an "empty-full" permit at the border gate. The Bulgarian side pointed out that they do not have such a requirement on the side of the Bulgarian customs authorities because such a requirement would be contradictory to the provisions of the bilateral Agreement. In that relation, the position of the Bulgarian side is that when performing one kind of transport operation (for example, to/from third country transport of goods), then there should not be such a requirement for presenting two different kinds of permits (i.e. to/from third country permit and "empty-full" permit).

The Turkish delegation informed the Bulgarian delegation about the functioning of the Turkish automation system which requires an empty-full permit when an unloaded Bulgarian vehicle enters Turkey.

In relation to the above-mentioned cases, the Bulgarian delegation also stated that the Bulgarian customs authorities allow the Turkish vehicles to enter the territory of Bulgaria with a third country permit without requesting another kind of permit in full compliance with the bilateral Agreement. After discussing the issue, the Turkish delegation stated that they will investigate the subject through the automation system and inform the Bulgarian side accordingly.

3. Miscellaneous

The Turkish delegation put forward the issue of fining system applied by the Bulgarian authorities. In cases when Turkish hauliers do not have the proper, valid permit for the relevant transport operation, they are not only fined but also required to buy a new permit from the Bulgarian authorities instead of getting a new valid permit from the Turkish side. The Bulgarian delegation explained that, when entering the territory of Bulgaria, the vehicles without a proper, valid permit may either bring a valid permit, or buy one at the border gates. However, in case a violation of the permit regime is committed after the customs procedures are completed, then the relevant sanction is imposed on the vehicle in violation and the driver is issued a penalty permit. The Bulgarian delegation indicated that this is required under the Bulgarian legislation in force for all foreign hauliers.

The Turkish delegation declared that a fining system will also be introduced by Turkey.

The Turkish delegation also stated that the fines that are imposed on the hauliers in Bulgaria are too high and requested the assistance of the Bulgarian delegation on this subject. The Bulgarian delegation asserted that these fines are imposed on both the domestic and foreign hauliers according to the legislation in force. In addition, these fines are fixed and not defined in particular amount, as for every violation there is only one fine.

The Turkish delegation expressed that the information exchange system established between the two countries is abused by the Bulgarian hauliers by providing wrong information to the Bulgarian authorities and proposed to stop this practice. The Bulgarian delegation assured the Turkish delegation that in future they will study carefully each case of detained Bulgarian vehicles, gathering all the necessary data before sending a request for assistance to the Turkish authorities.

The Turkish delegation proposed to start applying the exemptions for the type of transport operations according to article 8 of the new bilateral road transport agreement before it enters into force in both countries. The Bulgarian delegation stated that they endeavor to make the new bilateral road transport agreement enacted.

The Turkish customs authorities raised the issue of the ongoing reconstruction of Kapitan Andreevo border crossing point. Due to that, the Turkish delegation informed that lately long lines of vehicles are formed on the Turkish side of the border. In that regard, the Turkish delegation asked the Bulgarian delegation to consider the possibility of restoring the previous way of payment of the disinfection fees for the vehicles.

NT

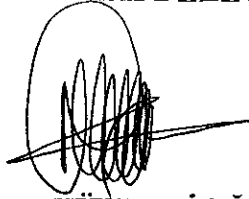


The representative of the Bulgarian customs authorities took the responsibility to inform their management about this issue and to undertake the necessary measures in order to allow at least 600 vehicles per day to pass.

The meeting was held in a friendly and constructive atmosphere.

Done in Sofia on March 29, 2013 in two originals in the English language.

FOR THE TURKISH DELEGATION

A handwritten signature in black ink, featuring a large, stylized 'N' and 'T' with a horizontal line extending to the right.

Nurhan TÜFEKÇİOĞLU

FOR THE BULGARIAN DELEGATION

A handwritten signature in black ink, featuring a stylized 'V' and 'B' with a horizontal line extending to the right.

Valentin BOJKOV

BULGARIAN DELEGATION

Valentin Bojkov	Executive Director, Executive Agency Road Transport Administration, head of the delegation ;
Yordan Arabadzhiev	Deputy Executive Director, Executive Agency Road Transport Administration;
Emil Nikolov	acting Head of Licenses and Permits Unit, Executive Agency Road Transport Administration;
Gabriela Mitova	Head of International Relations Unit, Executive Agency Road Transport Administration;
Tsvetelina Ilieva-Yordanova	Chief Expert, International Relations Unit, Executive Agency Road Transport Administration;
Boryana Peneva-Kutseva	Junior Expert, International Relations Unit, Executive Agency Road Transport Administration;
Dobril Nenov	Chief Expert, Customs Agency;
Kalin Ganchev	Chief Expert, Customs Agency;
Petko Petkov	Member of the Bulgarian Association of the Unions in the Road Transport;
Ilian Philipov	Member of the Bulgarian Association of the Unions in the Road Transport;
Veselin Stoyanov	Member of the National Association of the Bulgarian Carriers;
Evgenia Draganova	Director of Trade, SOMAT;
Ani Stoilova	Chief Expert of Trade Activity, SOMAT;
Ilian Todorov	Logistics Expert, SOMAT;
Muslumet Omer	Interpreter.

TURKISH DELEGATION

Nurhan TÜFEKÇİOĞLU

Head of Department for International Relations and Road Transport Permits, Ministry of Transport, Maritime Affairs and Communications, **head of delegation;**

Leyla ŞAHİNER

Director of Section, Ministry of Transport, Maritime Affairs and Communications;

Ufuk Can AKIN

EU Expert, General Directorate for Road Transport Ministry of Transport, Maritime Affairs and Communications;

Yalcin OZDEN

Chief of TIR Customs Directorate of Kapikule, Ministry of Customs and Trade;

Dilşad KIRBAŞLI

Counsellor, the Embassy of the Republic of Turkey in Sofia;

Ertan DEMİRAY

Commercial Counsellor, the Embassy of the Republic of Turkey in Sofia;

Ali CICEKLI

Secretary General, UND;

Erman EREKE

Customs Expert, UND.