

Procedure for application of the permit system for transportation of goods from third countries by the method of transshipment or recoupling

International road transport of goods is carried out in accordance with the Convention on the Contract for the International Carriage of Goods by Road dated May 19, 1956 (further - Convention).

Chapter 6 of this Convention establishes provisions concerning carriage by several carriers in succession (transshipment or recoupling), according to which each of them is responsible for the whole carriage, the subsequent carrier becoming a party to the contract of carriage by virtue of his acceptance of the goods and the CMR.

In this case, the consignment note shall contain the information stipulated in Article 6 of the Convention, including, if necessary, a ban on transshipment, a list of documents to be transmitted to the carrier, etc.

Also under Article 11 of the Convention, the shipper is required to attach to the consignment note or make it available to the carrier the necessary documents and provide all information required to complete customs and other formalities prior to delivery.

Thus, the subsequent carrier's acceptance of cargo from his predecessor is carried out on the consignment note with instructions to it and the accompanying documents for transportation.

According to clause 48 of Rules of application of permit system for automobile transportation in the Republic of Kazakhstan in international communication (further - Rules) (Order of Acting Minister on investments and development of RK №353 of 27.03.2015) cargo transportation from third countries to the Republic of Kazakhstan with transshipment (loading/unloading) of cargo in the territory of country which is not the point of cargo departure or destination is subject to permission from third countries to the Republic of Kazakhstan.

Due to amendments to the Rules by the Order № 378 of the Minister of Industry and Infrastructure Development of the RK dated 01.07.2022, transshipment (transshipment) of cargo transported from third countries to Kazakhstan, in a country that is not the point of origin, until 01.01.2023 is allowed on the subsequent foreign carrier in the presence of a domestic permit.

However, according to paragraph 44 of the Rules, in accordance with ratified international treaties of Kazakhstan, the carrier (initial and subsequent) requires a domestic permit to transport goods to Kazakhstan.

According to paragraph 45 of the Rules, the domestic permit is valid for one ride from the point of departure to the point of destination and return back to the point of departure.

Thus, under these Regulations, transportation of goods from third countries to Kazakhstan with transshipment in another country is allowed on the basis of two domestic permits: the original and subsequent carrier.

Meanwhile, according to the Treaty on the EEU, the presence of a domestic permit for the carrier, the conformity of the carriage performed and the vehicle is checked by the transport control authority upon entry into the customs territory of the EEU.

In the absence of a domestic permit, the carrier is issued a notice to be executed at the nearest transport control post upon entry into the territory of the Republic of Kazakhstan, where he must present the permit.

Until the carrier presents the necessary documents, it is not allowed to release the vehicle from the territory of the EEU.

In this case, the implementation of the notice must also be verified by the transport control authority when the carrier leaves the customs territory of the EEU.

According to paragraph 1 of Article 573 of the Code of Administrative Offences of the Republic of Kazakhstan dated July 5, 2014 (hereinafter - CAO) implementation by foreigners or foreign legal entities of international road transport in the Republic of Kazakhstan without permission or a special permit in cases stipulated by the legislation of the Republic of Kazakhstan on road transport shall entail a fine for drivers of vehicles in the amount of two hundred, for legal entities - in the amount of five hundred monthly calculation indices.

According to Part 6 of Article 573 of the CAO, carrying out international road transport in the presence of an unfulfilled notice issued by an authorized body of transport control of member states of the Eurasian Economic Union, as well as deviation from the route specified in the notice - shall entail a penalty in the amount of one hundred monthly calculation indices.