

Support for Implementing Measures for South East Core
Regional Transport Network Multi Annual Plan 2008-2012
(EuropeAid/125783/C/SER/MULTI)

Railways (Network Access / Cross Border)
Road Safety Auditing
(RWR/RSA)

**Challenges and major issues concerning border-
crossing in SEE**

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Consortium: White Young Green Int. Ltd (WYG) as Leading Partner
TRADEMCO S.A.
VIENNA Consult
TRL Ltd



GOAL, PURPOSE AND RESULTS OF PROJECT

- **Goal:** “to continue to pursue joint efforts for fostering a harmonised reform and integration process in the transport sector across the SEE region and to support the improvement in the efficiency of the SEE Core Regional Transport Network”
- **Purpose and the results:** “assisting the participants of SEE Core Regional Transport Network for implementing 2007 – 2011 MAP soft measures in:
 - Railway infrastructure access & pricing regime and network statements;
 - Railway border crossings;
 - Road safety auditing.”

Project duration: July 2008 – December 2009



RWR/RSA Consultant: WYG – TRADEMCO – VIENNA CONSULT - TRL



ACTIVITIES OF COMPONENT A: RAILWAYS

Task A2: Reduce Border Delays for Railway Passengers & Freight

Facts:

- Border delays on railways for passenger and freight remain unacceptably high, accounting for about 15% of passenger journey time and 25% of transit time of freight
- Improving BC procedures increases the:
 - competitiveness of SEETO participants in rail transit services to Greek and Turkish markets
 - competitiveness of regional railway undertakings
 - revenues for railways and the economy
 - employment in the railway sector



Customer requirements – the point of departure -

Overall objective:

- Reduce the incidence of transport cost on the total cost of the product.

Measures to achieve the overall objective:

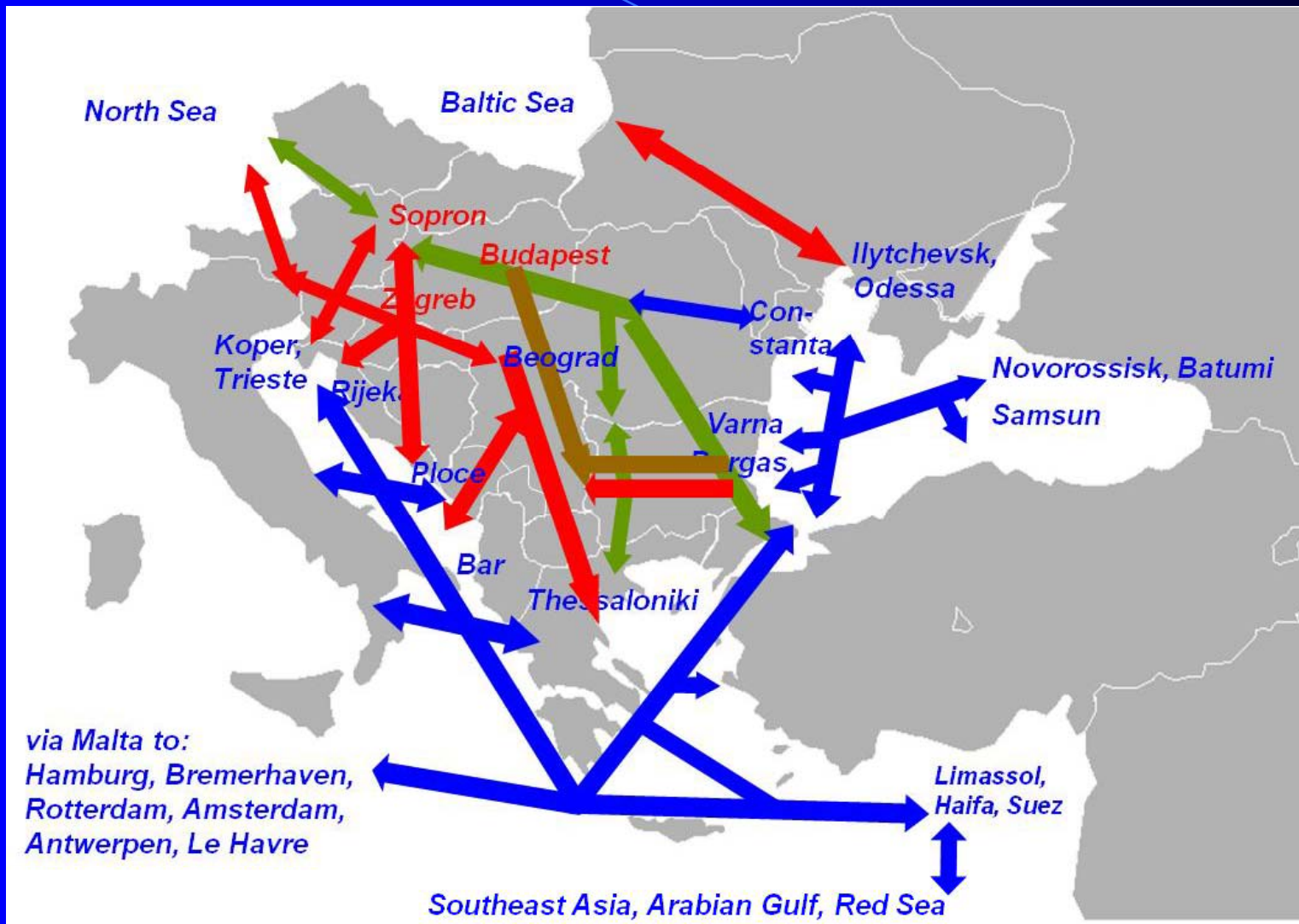
- Reduce dead weight of means of transport .
- Stay on water as long as possible.
- Stay on land as short as possible.
- If on land, by rail or by any ecological combination of mode of transport.

Consequences:

- Turn multi-modal.
- Away from the ideology of rail versus road versus water.
- Towards the development of customer-oriented transport products and supply chains.



Competitive Situation of Corridor V + X



Major challenges for border crossing

According to the status – quo analysis the main problems causing delays are similar for all analysed border crossing points in SEEurope:

Legal basis

⇒ The legal basis setting up the rules and relationship between railway administrations needs actualisation and harmonisation. It does not correspond with market requirements.

Technology

⇒ The technology for train processing does not correspond with the characteristics and requirements of today's international railway traffic.

Information flows

⇒ Information flows are inadequate and too slow with regards to the requirements for faster and more efficient train processing.

Inaccurate documents

⇒ Irregular or incomplete documents are identified as a significant problem for delays.

Investment is not the biggest problem

⇒ Some limited investment in new equipment (e.g. computers, copying machines etc.) is needed, but existing capacities and equipment of border stations are no major cause for delays.



Requirements for improved border-crossing in SEE

- **High need for new border crossing agreements**
 - Free access for non-state railway undertakings
 - Freedom to conclude individual arrangements with the “players” at the border with respect to border dispatching
- **What are the fundamental conditions for new border crossing treaties in the case of SEE?**
 - Establishment of “free” border zones and border corridors
 - Deregulation of border procedures
 - **Border dispatching should be carried out in the last terminal before the border and sealed trains should be implemented respectively**



Seamless railway transport options

At the border:

- **Change of traction and traction driver (Classical option)**
- **No change of traction but change of traction driver (increasingly used inside EU)**
- **No change of traction nor of locomotive driver (ideal scenario, already used in EU)**



Agreement for border crossing points – Objectives (1)

- contribute to increasing the competitiveness of the two neighbouring states
- contribute to increasing the competitiveness of the railway sector on the respective corridors (routes)
- comply with the EU transport policy of an open rail market as outlined in the EU Treaty



Agreement for border crossing points – Objectives (2)

- **simplify the border procedures and reduce the waiting times at the Border Crossing Points (BCP) by:**
 - carrying out border dispatching activities of one state on the territory of the other state
 - establishing the rules for the border dispatching of one state on trains that are moving on the territory of the other state



Determine by means of agreement:

- in which stations of the one state border dispatching can be carried out by border authorities of the other state,
- on which sections of railway lines the border authorities of one state can carry out border dispatching on the territory of the other state,
- in which zones the border authorities of one state can carry out border dispatching on the territory of the other state, be it in stations facilities or moving trains



Open access for licensed rail operators to cross border

- Open access for any licensed rail operator to the rail infrastructure at least in **the zone**
- Non-discriminatory access and fair competition

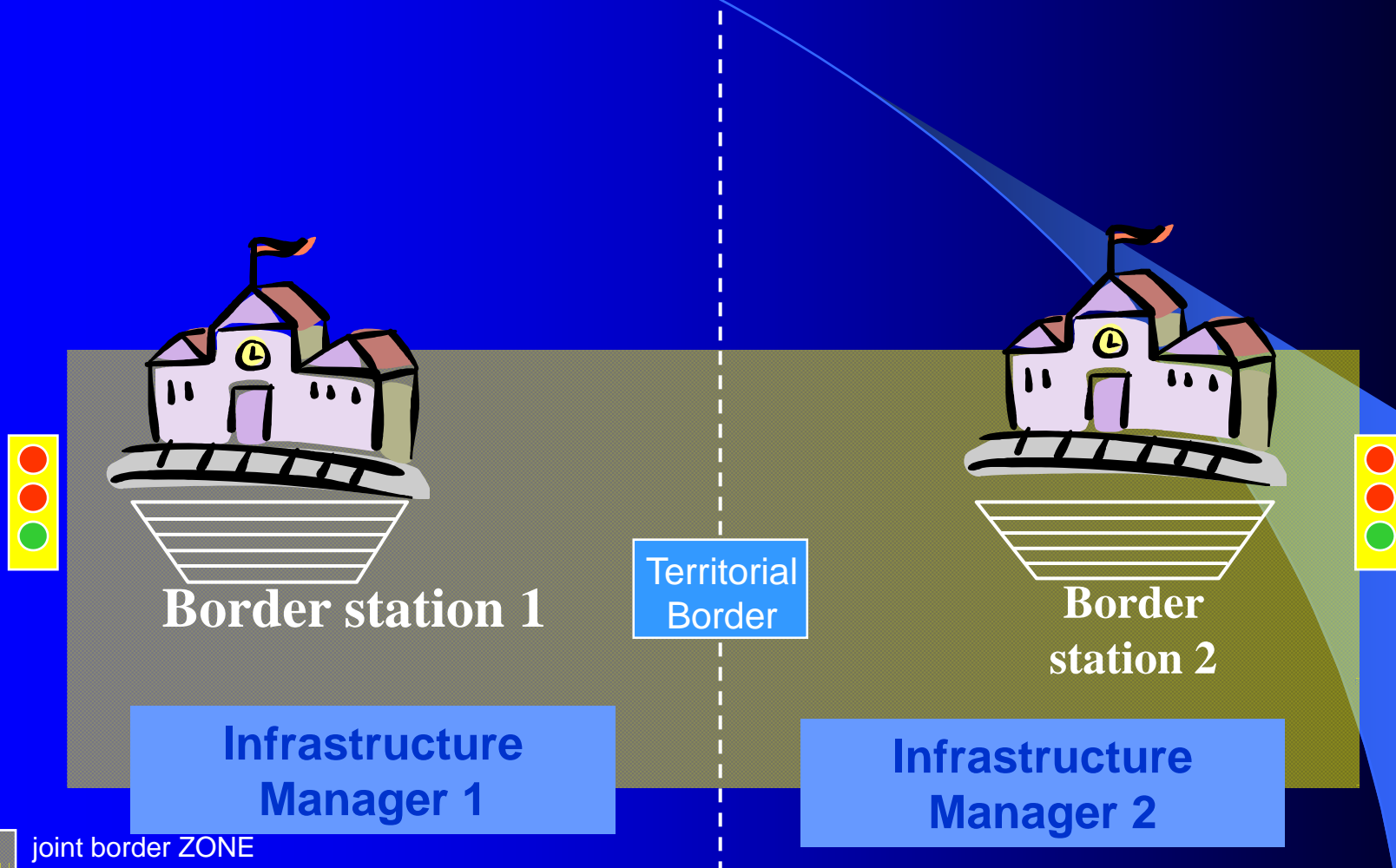


The ZONE

- **The zone is defined for each border crossing point**
 - The zone can comprise the fixed installations (buildings etc.) where the border authorities of the other state can carry out their functions, the tracks and lines in the defined area, the trains moving between the defined sections or stations



Scheme of the Joint Border Zone



Border dispatching in the ZONE

- In a zone, the laws and regulations of the other state are valid with the following principle:
 - Persons and goods are treated with the same procedure and with the same legal consequences as if it were in the territory of the state.
 - It also includes actions such a police intervention and the putting into custody of persons with the exceptions that have to be agreed in **the agreement** or in a **separate agreement between the customs and police authorities of the two countries.**



Principles of procedures of control for border authorities

- The state to which the territory belongs, carries out the procedures before the authorities of the other state carry out their procedures
- Once the procedure of the import, immigration has started, the authorities of the other state have terminated their functions unless they have judicial reasons to intervene but only with agreement of the state. Such exceptions have to be agreed in **the agreement** or in a **separate agreement between the customs and police authorities of the two countries.**



Status of the employees of the border authorities

- Free access into the zone of the other state, in uniforms and armed, in order to carry out their duties.
- In the zone are valid the laws and regulations of the other state concerning its employees.
- The employees of the other state need special identification cards to act in the zone.
- If an employee of the other state is killed or injured, loses goods which he carries with him (arms, uniforms etc.) during the execution of his functions, the laws and regulations of the other state apply.



Border dispatching points

- On trains, the rail undertakings offer reserved compartments free of charge for the employees of the border authorities while they are carrying out their functions.
- Concerning the space and rooms assigned to the border authorities of the other state, the respective border authorities conclude the respective agreement detailing the rent and compensation for other services (means of communication such as telephone, mail, internet etc.).
- No customs formalities for the employees



Service principle in the ZONE

- **Single window principle (Guichet unique) for freight customs**
- **Passenger Control on the moving trains**
- **The one-stop-shop for the use of rail infrastructure in the zone is based on a separate agreement between the Infrastructure Managers (the border crossing network statement)**



Acceptance of International Conventions

Freedom of use of transport documents

- Bills of Lading (Combined B/L, Through B/L, Multimodal B/L)
- other documents (air bills?)
- in order to promote multi-modal international (intercontinental) transport



Freedom of organising one's own rail border dispatching

- every rail undertaking is free to make its own agreements with the respective border authorities,
- every rail undertaking is free to organise its own border dispatching procedures with its partner railway undertaking (in accordance with the existing laws and regulations as well as the **agreement of the two Infrastructure Managers**)



Separate bilateral agreements with each other

- Border police on how to proceed in detail during controls on the territory in the other state, persecuting persons, prisoners etc.
- Customs on how to establish a single window service
- Phyto-sanitary, sanitary and health authority, in particular, on the mutual acceptance of certificates and control



Border Crossing network statement

- network admission procedures of the two infrastructure managers for railway undertakings
- one-stop-shop procedures
- path allocation
- infrastructure fee and invoicing



Transferring commercial and technical aspects to hinterland terminals

- acceptance of customs and other documentation carried out in the hinterland

Freedom of choice of language

- All contracting partners can agree on which language to use in separate agreements



Border Crossing Commission

- non-discriminatory access for rail undertakings.
- arbitration between infrastructure managers and rail undertakings.
- arbitration between rail undertakings and the border authorities
- problems arising from the cooperation of the border authorities in the zone
- improvement of services



Publishing all border crossing requirements

- Documents required by the border authorities
- network statements by the Infrastructure Managers
- opening hours
- other useful information
- at least in the official languages of the states and other languages according to the principle of customer orientation.



Structure and contents of the modern Border Crossing Agreement (1)

1. Scope of agreement
2. Objective of the Agreement
3. Open access for licensed rail operators to cross the border
4. The zone is defined
5. The border dispatching in the zone
6. Principles of the procedures of control for the border authorities
7. Status of the employees of the border authorities
8. Border dispatching points
9. Service principle in the Zone
10. Acceptance of International Conventions (e.g. COTIF - CIM -/SMGS)



Structure and contents of the modern Border Crossing Agreement (2)

11. Freedom of the use of transport documents other than CIM/SMGS
12. Freedom of organizing one's own rail border dispatching
13. Freedom of the border authorities to conclude separate bilateral agreements with each other, in particular
14. Rail Infrastructure managers establish non-discriminatory rules for the rail operations in the zone – the Border Crossing network statement
15. Principle of transferring commercial and technical aspects to hinterland terminals
16. Independent authority (Border Crossing Commission) as regulator/arbitrator/quality commission
17. Freedom of choice of language
18. Agreement to publish all border crossing requirements by website



Status of BCA – Corridor X

	Criteria	Corridor X				Corridor Xb	Corridor Xc	Corridor Xd
		SLO-CRO	CRO-SER	SER-fYRMac	fYRMac-GRE	HU-SER	SER-BUL	BIH-CRO
1	1	2	3	4	5	6	7	8
Review of bilateral agreements								
1	Existing BCA signature date	1997	1997	1996	1976	1972	1963/1980	2001
2.	New BCA initiated by	CRO 2008	SER 2008	SER 2008	none	none	2003	BIH 2008
3.	New BCA first draft existing	NO	NO	NO	NO	NO	2004	NO
4.	New BCA under negotiation						2004	
5.	New BCA ready for signature						Feb. 2005	
6.	New BCA signed						15.04.2005	



Status of BCA – Corridor V

Num.	Criteria	Corridor Vb		Corridor Vc		
		HU-CRO	CRO-SLO	HU-CRO	CRO-BIH	BIH-CRO
1	2	3	4	5	6	7
	Review of bilateral agreements					
1.	Existing BCA signature date	1995	1997	1995	2001	2001
2.	New BCA initiated by	HU 2008	NO	NO	BIH 2008	BIH 2008
3.	New BCA first draft existing	NO	NO	NO	NO	NO
4.	New BCA under negotiation					
5.	New BCA ready for signature					
6.	New BCA signed					



Status of BCA – Routes 2,4,10

Num.	Criteria	Route 2	Route 4		Route 10	
		MNE-ALB	RO-SER	SER-MNE	SER-KOS	KOS-fYRMac
1	2	3	4	5	6	7
Review of bilateral agreements						
1.	Existing BCA signature date	2006	1979	NO agreement	Not existing 1)	Not existing 2)
2.	New BCA initiated by	NO	NO	SER 2007	NO	NO
3.	New BCA first draft existing			YES		
4.	New BCA under negotiation			YES		
5.	New BCA ready for signature			DEC 2008		
6.	New BCA signed			15.12.2008		



Analysis of BCA – Corridor X (1)

Num. according to Structure	Criteria	Corridor X				Corridor Xb	Corridor Xc	Corridor Xd
		SLO-CRO	CRO-SER	SER-fYRMac	fYRMac-GRE	HU-SER	SER-BUL	BIH-CRO
1.	Scope of agreement (individual or all)	Individual	Individual	Individual	Individual	Individual	Individual	Individual
3.	Open access for licensed rail operators to cross the border (Yes/No)	No	No	No	No	No	No (Zone only)	No
4.	The zone is defined (Yes/No)	No	No	No	No	No	Yes	No
5.	The border dispatching in the zone	No	No	No	No	No	Yes	No
6.	Principles of the procedures of control for the border authorities (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
7.	Status of the employees of the border authorities (Yes/No)	No	No	No	No	No	Yes	No
8.	Border dispatching points (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
9.	Service principle in the Zone (Yes/No)	Partially CRO	Partially CRO	No	No	No	Yes	No
10.	Acceptance of International Conventions (e.g. COTIF - CIM -/SMGS) (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
11.	Freedom of the use of transport documents other than CIM/SMGS (Yes/No)	No	No	No	No	No	No	No
12.	Freedom of organizing one's own rail border dispatching (Yes/No)	No	No	No	No	No	No	No



Analysis of BCA – Corridor X (2)

Num. according to Structure	Criteria	Corridor X				Corridor Xb	Corridor Xc	Corridor Xd
		SLO-CRO	CRO-SER	SER-fYRMac	fYRMac-GRE	HU-SER	SER-BUL	BIH-CRO
13.	Freedom of the border authorities to conclude separate bilateral agreements with each other, in particular (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
14.	Rail Infrastructure managers establish non-discriminatory rules for the rail operations in the zone - the Border Crossing network statement (Yes/No)	No	No	No	No	No	No	No
15.	Principle of transferring commercial and technical aspects to hinterland terminals (Yes/No)	No	No	No	No	No	No	No
16.	Independent authority (Border Crossing Commission) as regulator / arbitrator/quality commission (Yes/No)	No	No	No	No	No	No	No
17.	Freedom of choice of language (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
18.	Agreement to publish all border crossing requirements by website(Yes/No)	No	No	No	No	No	No	No



Analysis of BCA – Corridor V (1)

Num . according to Structure	Criteria	Corridor Vb		Corridor Vc		
		HU-CRO	CRO-SLO	HU-CRO	CRO-BIH	BIH-CRO
1.	Scope of agreement (individual or all)	Individual	Individual	Individual	Individual	Individual
3.	Open access for licensed rail operators to cross the border (Yes/No)	No	No	No	No	No
4.	The zone is defined (Yes/No)	No	No	No	No	No
5.	The border dispatching in the zone	No	No	No	No	No
6.	Principles of the procedures of control for the border authorities (Yes/No)	Yes	Yes	Yes	Yes	Yes
7.	Status of the employees of the border authorities (Yes/No)	No	No	No	No	No
8.	Border dispatching points (Yes/No)	Yes	Yes	Yes	Yes	Yes
9.	Service principle in the Zone (Yes/No)	No	No	No	No	No
10.	Acceptance of International Conventions (e.g. COTIF - CIM - /SMGS) (Yes/No)	Yes	Yes	Yes	Yes	Yes
11.	Freedom of the use of transport documents other than CIM/SMGS (Yes/No)	No	No	No	No	No
12.	Freedom of organizing one's own rail border dispatching (Yes/No)	No	No	No	No	No
13.	Freedom of the border authorities to conclude separate bilateral agreements with each other, in particular (Yes/No)	Yes	Yes	Yes	Yes	Yes
14.	Rail Infrastructure managers establish non-discriminatory rules for the rail operations in the zone - the Border	No	No	No	No	No



Analysis of BCA – Corridor V (2)

Num. according to Structure	Criteria	Corridor Vb		Corridor Vc		
		HU-CRO	CRO-SLO	HU-CRO	CRO-BIH	BIH-CRO
15.	Principle of transferring commercial and technical aspects to hinterland terminals (Yes/No)	No	No	No	No	No
16.	Independent authority (Border Crossing Commission) as regulator/arbitrator/quality commission (Yes/No)	No	No	No	No	No
17.	Freedom of choice of language (Yes/No)	Yes	Yes	Yes	Yes	Yes
18.	Agreement to publish all border crossing requirements by website(Yes/No)	No	No	No	No	No



Analysis of BCA – Route 2,4,10 (1)

Num. according to Structure	Criteria	Route 2	Route 4		Route 10	
		MNE-ALB	RO-SER	SER-MNE	SER-KOS	KOS-fYRMac
1.	Scope of agreement (individual or all)	Individual	Individual	Individual	Non existent 1)	Non existent 2)
3.	Open access for licensed rail operators to cross the border (Yes/No)	No	No	No	-	No
4.	The zone is defined (Yes/No)	No	No	Yes	-	No
5.	The border dispatching in the zone (Yes/No)	No	No	Yes	-	No
6.	Principles of the procedures of control for the border authorities (Yes/No)	Yes	Yes	Yes	-	Yes
7.	Status of the employees of the border authorities (Yes/No)	No	No	Yes	-	No
8.	Border dispatching points (Yes/No)	Yes	Yes	Yes	-	Yes
9.	Service principle in the Zone (Yes/No)	No	No	Yes	-	No
10.	Acceptance of International Conventions (e.g. COTIF - CIM -/SMGS) (Yes/No)	Yes	Yes	Yes	-	Yes



Analysis of BCA – Route 2,4,10 (2)

Num. according to Structure	Criteria	Route 2	Route 4		Route 10	
		MNE-ALB	RO-SER	SER-MNE	SER-KOS	KOS-fYRMac
11.	Freedom of the use of transport documents other than CIM/SMGS (Yes/No)	No	No	No	-	No
12.	Freedom of organizing one's own rail border dispatching (Yes/No)	No	No	No	-	No
13.	Freedom of the border authorities to conclude separate bilateral agreements with each other, in particular (Yes/No)	Yes	Yes	Yes	-	Yes
14.	Rail Infrastructure managers establish non-discriminatory rules for the rail operations in the zone - the Border Crossing network statement (Yes/No)	No	No	No	-	No
15.	Principle of transferring commercial and technical aspects to hinterland terminals (Yes/No)	No	No	No	-	No
16.	Independent authority (Border Crossing Commission) as regulator/arbitrator/quality commission (Yes/No)	No	No	No	-	No
17.	Freedom of choice of language (Yes/No)	Yes	Yes	Yes	-	Yes
18.	Agreement to publish all border crossing requirements by website(Yes/No)	No	No	No	-	No



FRAMEWORK AGREEMENT

between

the Government of the Republic
the Government of the Republic

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On

**Border Dispatching for Rail Transport in the SEETO
Region and with the neighbouring countries of
the European Union**



Thank you for your attention!

