

**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**

The Government of the Republic of ..... and the Republic of ....., (hereinafter referred to as Contracting Parties), having the intention to establish a Framework Agreement setting out the principles of an open access border crossing among themselves and with the neighbouring member states of the European Union by adapting their existing Border Crossing Agreements to the new market requirements with the aim of increasing the competitiveness of the rail services in the region, have adopted the following Framework Agreement which shall be the basis, in structure and contents of all bilateral border crossing agreements, hereinafter called "Agreement" or "Agreements":

**Article 1**

**Definitions**

For the purpose of the Agreements the following definitions are applied:

1. **"Border dispatching"** the implementation of all rules and regulations of the Contracting Parties which are applied for the border crossing of persons as well as the import, export and transit of goods;
2. **"Border Network Statement"** means the statement which sets out in detail the general rules, deadlines, procedures and criteria concerning the charging and capacity allocation schemes of the infrastructure in the **ZONE**. It shall also contain such other information as is required to enable application for infrastructure capacity;
3. **"Border Railway Line"** border line between the infrastructure networks of the Contracting Parties
4. **"Border Section"** the part of the network between the border station and the border railway line of the Contracting Parties.
5. **"Border Station"** a railway station in the **ZONE**,

6. **“Domestic State”** the territory of the State of the Contracting Party, where the border dispatching shall be performed by the official personnel of the other Contracting party.
7. **“Goods”** parcels, luggage, other consignments and the means of transport.
8. **"Infrastructure Manager"** any public or private body or undertaking responsible in particular for establishing and maintaining railway infrastructure. This may also include the management of infrastructure control and safety systems.
9. **"International Rail Service"** any freight and passenger transport service where the train crosses the border of a Contracting Parties; the train may be joined and/or split and the different sections may have different origins and destinations, provided that all wagons or cars cross the border";
10. **"Joint Border Station”** the border station in the **ZONE** where joint border dispatching is carried out
11. **“Neighbouring State”** the territory of the State of the other Contracting Party."
12. **"Network"** means the entire railway infrastructure owned and/or managed by an infrastructure manager;
13. **“Official Personnel”** all personnel who perform, on behalf of the competent state border authorities of the Contracting Parties, the obligatory border dispatching on the territory of the domestic and neighbouring states as well as on the moving trains.
14. **"One-stop-shop (OSS)"** the joint network statement of the infrastructure managers of the Contracting Parties, who manage the infrastructure in the **ZONE**;
15. **“Railway Personnel”** all personnel who participate, on behalf of a railway undertaking or a rail infrastructure manager, in the rail border dispatching.
16. **"Railway Undertaking"** any public or private undertaking licensed according to applicable legislation of the Contracting Parties, the principal business of which is to provide services for the transport of goods and/or passengers by rail with a requirement that the undertaking must ensure traction;
17. **"Single Window"** all customs services carried out at one and the same location in the **ZONE** by the customs authorities of the Contracting Parties;
18. **"Zone"** the part of the territory of the Domestic State, on which the official personnel of the neighbouring state is authorized to perform border dispatching.

## **Article 2**

### **General Provisions, Objectives and Principles**

1. It is the objective of the Agreement to simplify the border dispatching and reduce the waiting times at the Border Crossing Points 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
- by determining;
  - in which stations of the domestic state the neighbouring state can establish border dispatching points
  - in which Zones the border authorities of the neighbouring state can carry out border dispatching in stations and on the trains in both directions on the territory of the domestic state
  - the Zones

2. The Contracting Parties guarantee the:

- open access for rail undertakings which wish to enter into the Zone with the aim of crossing the border by means of a simplified procedure of mutual acceptance of licences, safety certificates, traction, rolling stock and driving licences for locomotive drivers,
- non-discrimination and fair competition in respect to the open access
- acceptance of International Conventions (e.g. COTIF - CIM -/SMGS) as freight and passenger documents,
- acceptance of other internationally accepted transport documents
- freedom of rail undertakings to organise their own rail border dispatching procedures by making agreements with the respective border authorities
- freedom of the border authorities to conclude separate bilateral agreements with each other, in particular,
- right of the border police of the neighbouring state to carry out controls on the territory of the domestic state,
- right of the customs authorities to establish a single window service in the Zone,
- right of phyto-sanitary, sanitary and health and any other authority appointed by either contracting party to carry out controls on the territory of the domestic state and to mutually accept the respective certificates and controls.

3. The Contracting Parties undertake steps to transfer border dispatching to hinterland terminals as far as the laws and regulations render it possible. Such border dispatching will be accepted by the same border authority at the border.

4. The Contracting Parties agree to publish on the website all documents and procedures required by the border authorities and the infrastructure managers for a smooth border crossing.
5. The Contracting Parties agree that their rail infrastructure managers establish a joint network statement containing ensuring:
  - non-discriminatory network admission procedures for the rail undertakings to enter the Zone,
  - one-stop-shop procedures to render easy purchasing of infrastructure services possible,
  - path allocation procedures
  - procedures on infrastructure fee and invoicing that are non-discriminatory, ensure fair competition and render easy payments possible by the rail undertakings.

### **Article 3**

#### **The Zone**

1. The Zone is defined for each border crossing point.
2. The Zone comprises the premises where the border authorities of the neighbouring state can carry out their functions, the tracks and lines, freight and passenger stations, warehouses, waiting facilities for passengers, other buildings and facilities as well as the trains running in the sections or stations defined as a Zone
3. The general provisions, objectives and principles enumerated in Article 2 are valid in the Zone
4. The following service principles are valid in the Zone:
  - the single window principle for freight customs
  - the one-stop-shop for the use of rail infrastructure in the Zone
  - passenger control on moving trains
5. In the Agreement, the Zone comprises the border stations ..... and .....and the border sections between the two stations.
6. The joint border stations shall be .....
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7. Each border authority of the contracting party is free to extend the Zone for their own purposes in agreement with the general provisions, objectives and principles stipulated in **Article 2**, by concluding separate bilateral agreements.

#### **Article 4**

##### **Border Dispatching in the Zone**

1. In the Zone, the laws and regulations of the neighbouring state are valid concerning the border crossing of persons, of goods (import, export and transit) with the following principles:
  - Persons and goods are treated with the same procedures and with the same legal consequences as if they were in the territory of the neighbouring state.
  - Actions such as police, customs or other interventions and the putting into custody of persons and goods have to be agreed in separate agreements between the respective authorities of the Contracting Parties.
2. In such separate agreements, the border authorities can also transfer their border dispatching powers to each other in order to achieve the objectives and principles stipulated in **Article 2**.
3. As long as the border authorities of the neighbouring state have not transferred border dispatching powers to each other, the border authorities of the domestic state carry out the procedures before the border authorities of the neighbouring state carry out their procedures. The same shall be valid if the official personnel of the exit state refuses performance of border control and procedures
4. Once the border dispatching procedure of the neighbouring state has started, the authorities of the domestic state have terminated their functions unless they have judicial reasons to intervene but only with agreement of the respective authorities of the neighbouring state.
5. The rights concerning political asylum and the human rights of the domestic state remain valid.
6. The personnel of the border authorities of the neighbouring state carrying out their functions shall be liable solely to their own authorities.
7. The personnel of the border authorities of the neighbouring state shall be entitled of performing arrests in the territory of the domestic state. Persons arrested shall be, without any delay, handed over to the respective authorities of the domestic state for clarification of the action. The domestic state shall then notify

immediately the personnel of the respective border authority of the neighbouring state of its decision.

8. In order to facilitate a faster border control, the official personnel may negotiate the ceding of its turn of discharging duties, following the stipulations of **Article 4 Paragraph 7**. In such case the personnel of the respective authority of the entry state shall have the right to arrest a person or confiscate commodities, only when the border dispatching has been terminated. If considered appropriate by the personnel of the respective authority of the entry state, the personnel of the exit state shall be obliged to hand over the persons or the goods to the respective personnel the exit state, before the termination of the border dispatching.
9. The personnel of the Contracting Parties shall co-operate with each other.
10. The official personnel of the neighbouring state shall have the right of free transfer of financial resources and the commodities detained and confiscated in the territory of the domestic state Zone.
11. Commodities detained and confiscated during the checks performed at the exit and returned to the neighbouring country by its official personnel, shall not be subject of border inspection by the personnel of the domestic state.

## **Article 5**

### **Border Dispatching on Board of Passenger Trains**

1. Border dispatching shall be jointly carried out either in trains running in the Zone or stopping in the border stations by the personnel of the border authorities of the Contracting Parties.
2. External security at the border stations shall be ensured by the respective border authorities of the domestic state.

## **Article 6**

### **Border Dispatching on Freight Trains**

1. Border dispatching shall be performed in the Zone by the border authorities of the Contracting Parties.
2. External security in the Zone shall be ensured by the respective border authorities of the domestic state.
3. Any person found by the border authorities of the contracting parities in illegal border crossing, on board of freight trains, shall be subject to the laws of the state on the territory of which the person was found.

## **Article 7**

### **Exchange of Information**

While on duty, the personnel may exchange only non-classified information. Information exchange shall be carried out on the basis of separate agreements concluded between the respective border authorities of the Contracting Parties.

## **Article 8**

### **Status of the Official Personnel**

1. The personnel of the border authorities have, while on duty, free access into the Zone of the neighbouring state, in uniforms and armed. The personnel of the neighbouring state receive the same protection and support as the personnel of the domestic state.
2. For its personnel, the laws and regulations of the neighbouring state are valid in the Zone.
3. Its personnel need special identification cards to act in the Zone. The issuing procedure is defined in **Article 10**.
4. If one of its personnel is killed or injured, loses goods which he carries with him (arms, uniforms etc.), while on duty, the laws and regulations of the neighbouring state apply.
5. Further details concerning duration, prolongation, withdrawal, questions on liability and insurance as well as other issues for the personnel are regulated in separate agreements between the respective border authorities.
6. Criminal acts or violations directed against the official or railway personnel of the neighbouring state on duty shall be treated in accordance with the legislation of the domestic state, under the same conditions as if occurred to the personnel of the domestic state. Further details shall be concluded in separate agreements.
7. Based upon an inquiry for bearing the responsibility for the activities performed by the personnel of the neighbouring state in the Zone, a separate Agreement shall detail the legal assistance. Upon such inquiries the official personnel, citizens of the domestic state and the neighbouring state, shall be entitled to equal rights.
8. The official and the railway personnel of the neighbouring state on duty in the Zone must wear official uniform or visible official insignia.

## **Article 9**

### **Border Dispatching Facilities**

1. On trains, the rail undertakings offer reserved compartments, free of charge, for the official personnel on duty.

2. Concerning the space and rooms in the Zone assigned to the border authorities of the neighbouring state, the border authorities conclude the respective agreements detailing the rent, compensation for services rendered as well as issue of liability for damage.

3. Space and rooms are to be identified by inscription and the national coat-of-arms. The inscriptions on office premises shall be written in the official languages of the Contracting Parties and any other languages, with the official language of the neighbouring state inscribed first.

4. No customs formalities for the personnel on duty are required. Material, including motor vehicles of the border authorities and of its personnel used for the execution of the duties is not subject to customs declaration and excise duties or other duties.

5. The border authorities are free to conclude the respective agreements concerning the issues mentioned in this Article in accordance with **Article 2** of this Agreement.

## **Article 10**

### **Identification Card for the official and railway personnel**

1. In accordance with **Article 8, Paragraph 3**, official identification cards shall be issued by the competent authorities of the Contracting Parties for the length of one year. Its term of validity and must be legalised by the competent authorities of both Contracting Parties. The model is shown in the **Attachment No.1**.

2. The issuing authority shall be obliged to immediately invalidate the identification card if the respective person does not carry out any longer his duties in the Zone.

3. The issuing authority shall immediately notify the competent authority of the neighbouring state.

4. In order to facilitate the rail dispatching operations, the railway personnel without identification card must be registered in the Staff List. The model is shown in the **Attachment No. 2**

The persons mentioned on the Staff List shall have the right to cross the state border inside the ZONE while on duty and to stay in the territory of the state of the other Contracting Party during the performance of their duties. All the persons, whose names are on the Staff List, must possess identification cards with passport photos.

## **Article 11**

### **Communication Devices**

The domestic state shall grant the permission of installing communication devices for the border authorities of the neighbouring state on its territory. The installation,

maintenance and operation of communication devices shall be subject of supplementary agreements between the respective institutions.

## **Article 12**

### **Language**

The Contracting Parties guarantee that the border authorities are free to choose which language to use, in separate agreements.

## **Article 13**

### **Management Funds of Railway Personnel**

The railway personnel shall have the right to carry the amounts collected for the rail services across the border in both directions.

## **Article 16**

### **Border Crossing Commission**

1. The Contracting Parties agree to establish an independent commission - Border Crossing Commission - the objectives of which are to ensure:
  - non-discriminatory access for rail undertakings into the Zone
  - an environment fostering fair competition
  - arbitration between infrastructure managers and rail operators concerning the border network statement
  - arbitration between rail undertakings using rail border facilities
  - problems arising from the cooperation of the border authorities in the Zone
  - improvement of border services
  - any other differences between the Contracting Parties resulting from the present Agreement
2. The activities of the Border Crossing Commission do not exclude any diplomatic intervention or solution between the Contracting Partners.
3. The Border Crossing Commission shall include representatives of the border authorities. They are free to invite to their meetings rail undertakings and infrastructure managers that are involved in the border dispatching.

4. The representatives of the Rail Regulators of the Contracting Partners shall be permanent members of the Border Crossing Commission.
7. The Border Crossing Commission shall meet at least once a year
8. The rules and regulations of work of the Border Crossing Commission shall be decided at its first meeting.

**Article 17**

**Validity**

1. This Agreement is concluded for an indefinite period. Any Contracting Party has the right to terminate it.
2. This Agreement shall be terminated 6 (six) months after the receipt of the diplomatic note by which the other Contracting Party notifies its intention to terminate the Agreement.
3. With the Agreement entering into force, the following Agreement(s)
  - .....
 shall cease its (their) validity.

**Article 18**

**Concluding Provisions**

1. The Agreement shall be subject to ratification and shall enter into force .....days after the Contracting Parties have informed each other by diplomatic notes that the ratification has been performed in compliance with the provisions of their national legislation.
2. All separate agreements mentioned in the present Agreement must be signed not later than ..... days after the present Agreement has come into power.

IN WITNESS WHEREOF, the undersigned, duly authorized by their Governments, have signed this Agreement.

Signed in..... on ..... 200X in two (2) original copies in ..... and ..... languages, all texts being equally authentic.

**FOR THE GOVERNMENT OF THE REPUBLIC OF .....**                      **FOR THE GOVERNMENT OF THE REPUBLIC OF .....**

