

FRAMEWORK AGREEMENT FOR RAIL BORDER CROSSINGS IN SEETO PARTICIPANTS

prepared by:

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Introduction, sources of information, meetings held

- Objective: to propose the harmonized border crossing agreements for SEETO Participants according to border crossing legal bases of EU
- The Consultant prepared draft border crossing agreements according to the proposed Structure and discussed them in meetings with officials in Ministries and railway companies during the missions carried out in October - December 2008 and February - March 2009
- The Consultant has prepared a framework agreement for rail border crossing between Participants as well as between SEETO Participant and EU country taking into account the legal bases of the EU of the border crossings agreement

Proposal of the Framework agreement SEETO/EU

FRAMEWORK AGREEMENT
between
the Government of the Republic
the Government of the Republic
On
Border Dispatching for Rail Transport in the SEETO
Region and with the neighbouring countries of the
European Union

General Provisions, Objectives and Principles

Article 2

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

General Provisions, Objectives and Principles

Article 2 – continuation

It is the objective of the Agreement to simplify the border dispatching and reduce the waiting times at the Border Crossing Points 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

General Provisions, Objectives and Principles

Article 2 - continued

- 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

General Provisions, Objectives and Principles

Article 2 - continued

The Contracting Parties guarantee the:

- 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



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General Provisions, Objectives and Principles

Article 2 - continued

- 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.



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General Provisions, Objectives and Principles

Article 2 - continued

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.



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THE ZONE

Article 3

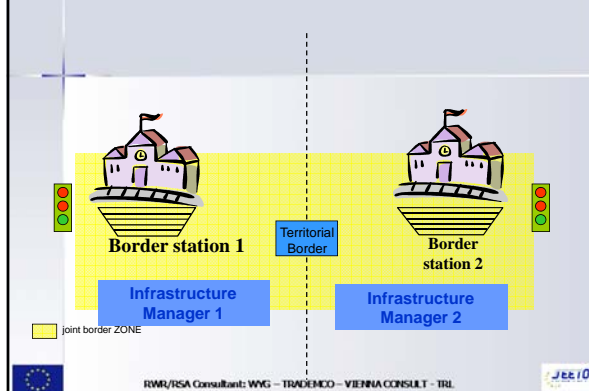
- The following service principles are valid in the Zone:
- the single window principle for freight customs
- the one-stop-shop for the use of rail infrastructure in the Zone
- passenger control on moving trains



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Scheme of the Joint Border Zone



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Border dispatching in the ZONE

Article 4

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 as 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.**



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Principles of procedures of control for border authorities in the ZONE

Article 4 - continued

- 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.**



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Border Dispatching on Board of Passenger Trains

Article 5

- 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.
- External security at the border stations shall be ensured by the respective border authorities of the domestic state.



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Border Dispatching on Freight Trains

Article 6

- Border dispatching shall be performed in the Zone by the border authorities of the Contracting Parties.
- External security in the Zone shall be ensured by the respective border authorities of the domestic state.
- Any person found by the border authorities of the contracting parties 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.



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Border Crossing Commission

Article 16

- 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



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Border Crossing Commission

Article 16 - continued

- 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
- The activities of the Border Crossing Commission do not exclude any diplomatic intervention or solution between the Contracting Partners.



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Border Crossing Commission

Article 16 - continued

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



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Thank you for your attention!



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