

STRUCTURE OF THE MODERN BORDER CROSSING AGREEMENT

Compliance of existing BCA with legal base of EU

prepared by:

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Introduction, sources of information, meetings held

- Objective: to demonstrate degree of alignment of border crossing agreements in SEETO Participants vis a vis legal basis of the EU for the border crossing agreement
- The Consultant reviewed all border crossing agreements in Participants and discussed them in meetings with officials in Ministries and railway companies during the missions carried out in October, November, December 2008 and February, March and April 2009
- The Consultant has prepared a set of criteria to structure a modern BCA and using those criteria an analysis of compliance of SEETO rail border crossing agreements with legal basis of EU

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Structure and contents of the modern Border Crossing Agreement

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

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Structure and contents of the modern Border Crossing Agreement

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)
11. Freedom of the use of transport documents other than CIM/SMGS

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Structure and contents of the modern Border Crossing Agreement

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

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Structure and contents of the modern Border Crossing Agreement

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

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Analysis of existing border crossing agreements – Corridor X

Num. according to Structure	Criteria	Corridor X				Corridor Xb		Corridor Xc		Corridor Xd	
		SLO-CRO	CRO-SER	SER-BUL	BUL-MAC	HR-SER	SER-BUL	HR-SER	SER-BUL	HR-CRO	BUL-CRO
1	Scope of agreement (individual or all)	Individual	Individual	Individual	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	No	No	No	No
4	The zone is defined (Yes/No)	No	No	No	No	No	No	No	Yes	No	No
5	The border dispatching in the zone	No	No	No	No	No	No	No	Yes	No	No
6	Principles of the procedures of control for the border authorities (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
7	Status of the employees of the border authorities (Yes/No)	No	No	No	No	No	No	No	Yes	No	No
8	Border dispatching points	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
9	Service principle in the Zone (Yes/No)	Partially (CRO)	Partially (CRO)	No	No	No	No	No	Yes	No	No
10	Acceptance of International Conventions (e.g. COHRE - CIM - SMOU) (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
11	Freedom of the use of transport documents other than CIM/SAGS (Yes/No)	No	No	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	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	Yes	Yes	Yes	Yes	Yes

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Analysis of existing border crossing agreements – Corridor X (continuation)

Num. according to Structure	Criteria	Corridor X				Corridor Xb		Corridor Xc		Corridor Xd	
		SLO-CRO	CRO-SER	SER-BUL	BUL-MAC	HR-SER	SER-BUL	HR-SER	SER-BUL	HR-CRO	BUL-CRO
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	No	No	No
15	Principle of transferring commercial and technical aspects to hinterland terminals (Yes/No)	No	No	No	No	No	No	No	No	No	No
16	Independent authority (Border Crossing Commission) as regulator/arbiter/quality commission (Yes/No)	No	No	No	No	No	No	No	No	No	No
17	Freedom of choice of language (Yes/No)	Yes	Yes	Yes	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	No	No	No

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Analysis of existing border crossing agreements – Corridor V

Num. according to Structure	Criteria	Corridor Vb		Corridor Vc		Corridor Vd	
		HR-CRO	CRO-SLO	HR-CRO	CRO-BUL	HR-CRO	BUL-MAC
1	Scope of agreement (individual or all)	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
4	The zone is defined (Yes/No)	No	No	No	No	No	No
5	The border dispatching in the zone	No	No	No	No	No	No
6	Principles of the procedures of control for the border auth. (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes
7	Status of the employees of the border authorities (Yes/No)	No	No	No	No	No	No
8	Border dispatching points (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes
9	Service principle in the Zone (Yes/No)	No	No	No	No	No	No
10	Acceptance of International Conventions (COHRE) (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes
11	Freedom of the use of transport documents other than CIM/SAGS (Yes/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
13	Freedom of the border authorities to conclude separate bilateral agreements with each other, in particular (Yes/No)	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
15	Principle of transferring commercial and technical aspects to hinterland terminals (Yes/No)	No	No	No	No	No	No
16	Independent authority (Border Crossing Commission) as regulator/arbiter/quality commission (Yes/No)	No	No	No	No	No	No
17	Freedom of choice of language (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes
18	Agreement to publish all border crossing requirements by website (Yes/No)	No	No	No	No	No	No

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Analysis of existing border crossing agreements – Routes 2,4 and 10

Num. according to Structure	Criteria	Route 2		Route 4		Route 10	
		SLO-CRO	CRO-SER	SER-MNE	SER-KOS	MNE-BUL	BUL-MAC
1	Scope of agreement (individual or all)	Individual	Individual	Individual	Non-existent (1)	Non-existent (2)	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	Yes	-	No	No
5	The border dispatching in the zone (Yes/No)	No	No	Yes	-	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	Yes	-	No	No
8	Border dispatching points (Yes/No)	Yes	Yes	Yes	-	Yes	Yes
9	Service principle in the Zone (Yes/No)	No	No	Yes	-	No	No
10	Acceptance of International Conventions (COHRE) (Yes/No)	Yes	Yes	Yes	-	Yes	Yes
11	Freedom of the use of transport documents other than CIM/SAGS (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 Crossing network statement (Yes/No)	No	No	No	-	No	No
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/arbiter/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

(1) Only the agreement between Serbian Railways and UMSK Railways from 2012

(2) Only the agreement between Macedonian Railways and UMSK Railways from 2005

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Thank you for your attention!

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