

**PROTOCOL**

**BETWEEN Customs General Directorate A**

**AND Customs General Directorate B**

**FOR IMPLEMENTATION OF THE AGREEMENT BETWEEN A AND B ON CONDUCTING BORDER RAIL TRANSPORT BETWEEN BOTH COUNTRIES**

MC Mobility Consultants GmbH  
A-1180 Vienna, Gentzgasse 64 – 66/9  
Telephone: +43 (0) 8923600  
office@vienna-mc.com  
www.vienna-mc.com  
Skype: office.vienna-mc



Klaus – Jürgen Uhl



**General principles:**

- Establish jointly single window procedures for the customs dispatching in the Zone.
- "Single Window" means the place where all custom services are carried out at one and the same location in the ZONE by the custom authorities of the Contracting parties.
- Permission of the officials to execute their national functions in the ZONE.

1. Terms used in the Protocol have the same meaning as the terms used in the Border Crossing Agreement.

2. Other Terms such as, for example:

- "Customs control" - is the control carried out by the customs authorities of the contracting parties;
- "Country of control" - is the place where the party carries out customs control;
- "Passenger" means any person who entering/leaving the customs territory.

**Principle:**

For joint activities in accordance with the Border Crossing Agreement, the Zone is where the officials of the contracting parties jointly carry out the customs controls.

The ZONE shall include:

- the premises where the border authorities of the neighbouring state may carry out their functions, the tracks and lines, freight and passenger stations, warehouses, waiting facilities for passengers, other buildings and facilities;
- trains moving between defined part of the rail or station where border authorities perform their activities.

- Joint border station C
- Border stations C and D,
- the border sections between the two stations,
- section between station A and B for the control of passengers' vehicle on move,
- section between station A and B for movement of goods trains.
- Freedom of the border Authorities to extend the Zone for their own purposes.

The general provisions, objectives and principles listed in Article 2 of the Model Agreement shall be valid in the Zone:

- Carrying out border dispatching activities of one state on the territory of the other state by official and railway personnel;
- Establishing the rules for the border dispatching of one state on trains that are moving on the territory of the other state by official and railway personnel;

#### Guaranties in the ZONE (1)



- open access for rail undertakings by means of a simplified procedure of mutual acceptance of licences, safety certificates, traction, rolling stock and driving licences for locomotive drivers;
- non-discriminatory and fair competition in respect to the open access;
- acceptance of the International standards as well as goods and passenger documents;
- acceptance of other internationally accepted transport documents;
- freedom for rail undertaking to organise their own rail border dispatching procedures by making agreements with the respective border authorities;

#### Guaranties in the ZONE (2)



- freedom of the border authorities to conclude separate bilateral Protocols with each other, individually;
- right of the border police of the neighbouring state to carry out controls on the territory of the domestic state in the Zone;
- right of the customs authorities to establish a Single Window service in the Zone;
- right of phyto-sanitary, veterinary, sanitary and health-anti-epidemiological and any other authority appointed by either contracting party to control in the Zone of the territory of the domestic state and to accept the respective certificates and controls mutually.

#### Use of electronic systems



- Connections internal and external
- Electronic equipment to be mutually used

#### Customs control (1)



- Employees of each Contracting Party shall have the right to retain any person during the customs control, but only in accordance with the respective national legislation.
- When officials of the one Contracting Party take action, this action will immediately be informed to officials of the other country.
- In joint border station customs control is mandatory.
- Customs control at the exit is at the discretion of the exit country. If both checks are carried out, the priority of the country is one of the exit country of goods.

#### Customs control (2)



- The goods are subject to customs control only once. If there is any doubt of one party, it has the right to repeat control.
- Customs violations will be dealt with under the national legislations.
- In cases of unforeseen, extraordinary circumstances, risk to public safety, the parties may agree to terminate in principle - a stop and reinstated separate controls.
- The customs authorities of country D may accompany the goods and passengers to their national territory

#### Obligation of the infrastructure managers



- Prepare and establish a **joint network statement** containing:
- Non-discriminatory network admission procedures for the rail undertakings to enter the Zone,
  - One-Stop-Shop procedures to render easy purchasing of infrastructure services,
  - Path allocation procedures,
  - Procedures on infrastructure fee and invoicing that are non-discriminatory, ensuring fair competition and render easy payments possible by the rail undertakings.

Obligations of the carriers



- The railway undertaking is the legal person responsible for carrying out relevant customs formalities.
- The transport document to be sent electronically in advance at least ..... hours, before performing the import or export procedures.

Obligation of the sender/receiver/dispatcher



- Inland customs declaration, at least .... hours before departure of Train with respective sealing
- Border declaration
- Transit declaration

Passenger Traffic



Procedure:

- Declaration of goods
- Diplomatic couriers, accompanied by a diplomatic note, are not subject to customs control.

Exchange of information



Principle:

Exchanging information and providing mutual assistance.

- Exchange of information electronically through contact persons appointed for this purpose.
- Exchange of the names of contact persons
- Basis: Protocol on Electronic Exchange of Customs Data between Customs

Application of national laws



Principles:

- All laws (bylaws) of the Contracting Parties concerning customs controls will be valid in joint border station.
- Violation of these laws has the same legal effect as if it had occurred in the territory of each contracting party.
- Daily activities of the employees in the joint border station of the other country shall be considered as carried out in their own country.
- Respective officials of both Contracting Parties have equal rights and obligations.

Use of force



- The use of force shall be in accordance with the risk and should not exceed the limits of the need for concrete situation.
- Contracting Parties during the procedure of customs control can use official dogs in accordance with the respective national legislation.

**Official Equipments and premises**

- Technical equipment and the premises can be used by customs officials of both countries, including internal circulation in the other country.

**The use of assets for official needs**

- No restrictions, tariffs, customs duties, taxes or other fees. The same will apply for official vehicles used by officers during the performance of their duties.
- Documents, technical equipments and information containing data as well as the official mail and other devices will not be checked or seized by officers of the other Contracting Party.

**Principle:**

Each Party bears its cost in the joint border station:

- cost of electricity and alternative energy;
- cost of water supply;
- cost maintenance of facilities / items, hygiene in facilities and other expenses related to them and to office premises given for use to.

Contracting Parties by written consent may amend or complement the Protocol.

- Any dispute concerning the interpretation or implementation of this Protocol shall be resolved by the Border Crossing Committee (BCC).
- If BCC cannot find a solution accepted by both Parties within three months, the disputes will be resolved through bilateral negotiations by diplomatic channels by the end of next month.

- Refusal of entry of goods
- Seizure of goods
- Identification Cards
- Inscriptons (Coat of Arms)
- Official languages
- Entry into force (Validity)