

Technical Annex to the Basic Agreement on Fundamental Principles of Railway-Ferry Terminals Operation on the Black Sea and the Caspian Sea (Draft)

Article 1. General Provisions

The provisions of this Technical Annex shall regulate transportation of goods in international direct railway-ferry connections with the participation of ports, national railway and shipping companies of the Parties to the Basic Agreement operating on the Black Sea and the Caspian Sea:

- a) bilateral, between the Parties;
- b) transit, through the territories of the Parties.

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Article 3. Implementation of the Technical Annex

- 1. The competent authorities of the Parties (hereinafter referred to as the Competent Authorities) for the implementation of this Technical Annex are enumerated in **Appendix 1** to this Technical Annex.

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Article 4. Activity of Competent Authorities

- 1. The Parties shall empower the Competent Authorities to enter into agreements (bilateral, multilateral) regulating technical, technological, working and other issues arising from this Technical Annex in compliance with international rules and national legislation of the Parties.

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Article 5. Boards of Directors

- 1. To ensure efficient management, operation and arrangement of transportation in direct international railway-ferry connections on the Black Sea and the Caspian Sea, there shall be established the Board of Directors from the representatives of the Competent Authorities of the Parties to the Basic Agreement.
- 2. The procedure of the Board of Directors' activity shall be defined by the Regulations on the Board of Directors to be approved by the Intergovernmental Commission.

Article 6. Sea Carriers and Ports

- 1. With the view of maintaining regular railway-ferry service via the ports of the Parties, sea carriers of the Parties to the Basic Agreement shall assign to the operation along the identified routes the agreed number of ferry-boats adequately equipped with special aids for wagons rolling in and out, provided with 1520 and 1435 mm railway gauges.

2. By mutual agreement, sea carriers of the Parties are entitled to increase or decrease total number of ferry boats operating along indicated lines, depending on the planned volumes of transported goods agreed with the Competent Authorities of the Parties, guided by the principle of the right of each sea carrier to equal number of voyages during a calendar year.
3. Rolling-in and rolling-out of the railway wagons to/from ferry boats shall be exercised at special ferry berths/terminals of the sea ports of the Parties, in accordance with Service Conditions of ferry terminals operation, which are approved by the Boards of Directors.
4. Sea carriers and ferry terminals operators of the Parties shall independently operate their vessels, as well as coastal mooring facilities, ferry terminals and bear all related costs and responsibilities for advanced claims and suits.
5. The movement of ferryboats shall be performed according to the schedule. The procedure of making, approval and publication of the schedule shall be determined by sea carriers of the Parties by agreement between the Parties.
6. The fees for the transportation of goods by wagons within the sea area of railway-ferry connection shall be calculated by the tariff approved by sea carriers of the Parties.
7. Transportation of goods by ferryboats with participation of ports of the Parties shall be implemented in accordance with the Rules for Freight Carriage in international direct railway-ferry connection , and/or other normative documents regulating this carriage.
8. SMGS consignment note or CIM, or CIM/SMGS shall be applied for international railway-ferry transportation of goods subject to the route and transportation players.
9. Railway-ferry related port services shall be paid by the sea carriers of the Parties, in accordance with the rules and tariffs effective in the port of service, and in compliance with the provisions of Article 6 of the Basic Agreement and the Articles of its Technical Annexes.
10. The fees for rolling-in and rolling-out of railway wagons to/from ferry boats using ferry bridge at the ports of loading/discharge shall be paid by cargo owners and/or forwarders entered into an agreement with consigners /consignees, national railway companies and ports , in accordance with the approved tariffs of the Parties.
11. Approval of volumes and nomenclature of goods transported in international direct railway-ferry connection and requiring the observance of special conditions of shipping shall be done by the competent authorities.
12. Transportation of dangerous goods shall be performed in accordance with the International Maritime Dangerous Goods Code (IMDG CODE), Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID) and Appendix 2 to the SMGS in terms of the route and transportation players by prior consent with sea carriers (ferry boats' owners). Dangerous goods, the transportation of which is not provided either prohibited by Appendix 2 to the SMGS, RID, IMDG CODE may be accepted for the carriage upon consent with the Competent Authorities in the field of carriage of dangerous goods.

Article 7. Railway Carriers

1. To ensure the transportation of goods in international direct railway-ferry connection with participation of ports of the Parties, the Competent Authorities of the Parties shall use freight railway wagons of 1520 and 1435 mm gauge appropriate for formation of the junction.
2. The conditions of operation of freight wagons, and the conditions of granting and using wagons are regulated by the relevant Agreements and Regulations on the organization of operation of freight wagons, containers in international direct freight railway-ferry service, with participation of ports of the Parties, concluded between the Competent Authorities.
3. The transportation of goods by railways of the Parties, SMGS members, or the Parties using SMGS in international railway-ferry connection to the port station and backwards shall be performed pursuant to the SMGS consignment note in accordance with the Agreement on International Goods Transport by Rail (SMGS) of November 1, 1951 (as amended) .
4. The transportation of goods in transit to the ports and backwards through the territory of member Parties of the Intergovernmental Organization for International Carriage by Rail (OTIF), where SMGS Transport Law is not effective, shall be performed in accordance with the Convention concerning International Carriage by Rail (COTIF) of May 9, 1980 as amended to the Protocol of Amendments of June 3, 1999, pursuant to the CIM consignment note.
5. The transportation of goods in international direct railway-ferry connection among the member Parties which joined the CIM/SMGS Manual shall be carried out according to the unified CIM/SMGS consignment note.
6. The transfer procedures of railway freight wagons and containers from the railway carrier to the sea carrier and from the sea carrier to the railway carrier are defined in accordance with the provisions of the relevant Regulations and Agreements applied by the Parties.
7. Payment for services of bogie exchange, transfer of goods from one gauge to the other gauge wagons, fixing of overloaded goods and other services , should be effected by cargo owners or freight forwarders having a contract with the consignors /or consignees, to the national railway companies of the Parties at the existing tariffs of the Parties.
8. Transport charges from the beginning of wagons formation in railway-ferry station up to the loading of wagons onto the board of railway ferry, as well as in the opposite direction shall be effected by cargo owners and/or freight forwarders having a contract with the consignor /or consignee of each Party, based on the tariffs defined by each of the Competent Authorities of the Parties, carrying out these transport operations.
9. The transportation of dangerous goods and special-purpose equipment used for dangerous goods transportation along the railways of the Parties shall be carried out in accordance with Appendix 2 to the SMGS (for the SMGS member states) and RID (for the COTIF member states), and other international rules, applied by the Parties.