

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

Article 1

General Provisions

The provisions of this Technical Annex shall regulate transport of goods in international direct railway-ferry connection with the participation of port authorities, port operators, national railway carriers/undertakings 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,

Article 2

Definitions

For the purposes of this Technical Annex definitions used have the following meaning:

1. “Sea carrier”, “railway carrier/undertaking” – any legal or natural persons established and registered according to the national legislation of the state of the corresponding Party, having the right to carry out maritime or railway transport, respectively, involved in international direct railway-ferry connection.
2. “Railway ferry” – a specialized vessel, which has a railroad track and is intended for the transport of railway rolling stocks, as well as vehicles.
3. “Operators of railway ferries and ferry terminals” – any legal and/or natural persons established and registered according to the legislation of the corresponding Party, operating railway ferry(-s) or ferry berth(-s)/terminal(-s) on ownership, leasing or other lawful basis.

4. «Port dues» – total charges imposed on vessels and cargo in the ports and approved in compliance with the existing national legislation and officially published tariffs.
5. Responsible Authorities – legal persons assigned by the Party to the Basic Agreement, participating in the transportation process in international direct freight railway-ferry connections responsible for the implementation of provisions of this Annex.
6. Competent Authorities – authorities of the Party to the Basic Agreement empowered by the state to control and regulate the activity in its territory related to cargo transportation in international direct freight railway-ferry connections.
7. Normative documents, technical regulations, rules and agreements – any international agreements, rules, technical regulations effective at the time of exercising carriage and applying to carriage in international direct freight railway – ferry connections.
8. International direct freight railway-ferry connection – transport of goods, baggage by different modes of transport applying single transport document during the whole travel of cargo.

Article 3

Implementation of the Technical Annex

1. Responsible Authorities of the Parties (hereinafter referred to as the Responsible Authorities) for the implementation of this Technical Annex are listed in Appendix 1 to this Technical Annex.
2. The Parties shall cooperate and render the necessary assistance to each other for further development of international direct freight railway-ferry connections between the Parties.
3. The Parties shall abide by the existing rules of cargo carriage in accordance with the Basic Agreement and other international agreements in the field of transport the participants whereof are the Parties.
4. Each of the Parties taking part in the particular type of carriage shall within its national legislation and the existing international regulations ensure necessary conditions for unimpeded transport of goods, passage of the rolling stocks of the Parties both in international direct freight railway ferry connections, and in transit to third countries.

5. Responsible Authorities shall have the right to establish their representations in the territory of ferry terminals of other Parties and to appoint their representatives in the territory of the other Party in accordance with their national legislation.
6. Railway carriers, sea carriers, operators of ferry terminals of the Parties shall have the right to establish branches and to appoint their representatives in the territory of the state of the other Party in accordance with its national legislation.
7. The Parties shall exchange information and statistical data in the field of international direct freight railway-ferry transport.
8. The Parties shall introduce state-of-the-art methods of preliminary exchange of information on cargo and vehicles with the view of facilitating trade in international direct freight railway-ferry operations. The content, volume, form and other aspects of the exchange of information shall be agreed by the Coordinating Board.
9. Service tariffs, port dues and other charges ensuring transit traffic shall be established on preferential terms by mutual agreement of the Parties in accordance with Article 6 of the Basic Agreement and its Technical Annexes.
10. The Parties shall within their national legislation take all adequate measures to facilitate the activity of railway-ferry terminals ensuring the reduction of unproductive demurrage of vessels and wagons, and to maximally accelerate and simplify customs, border and other control procedures.

Article 4

Rights and Duties of Responsible Authorities

1. The Parties shall empower the Responsible 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.
2. The Responsible Authorities of the Parties shall ensure immediate awareness of each other on the obstacles in international direct freight railway-ferry connection in the territories of their states, as well as on the measures taken to

remove these obstacles, and in case of need undertake joint actions with the view of removing them.

3. The Responsible Authorities shall, by agreement, have the right to dispatch the staff to the territory of each of the Parties for execution of tasks, arising from this Technical Annex. The staff of the Responsible and Competent Authorities of the Parties shall carry out its duties in the territories of other Parties in compliance with international rules, observing the national legislation of the receiving Party

Article 5

Coordinating Board

1. To ensure efficient management, operation and arrangement of transport in international direct freight railway-ferry connection on the Black Sea and the Caspian Sea, there shall be established the Coordinating Board out of the representatives of the Responsible Authorities of the Parties .
2. The working procedure of the Coordinating Board shall be defined by the Regulation on the Coordinating Board to be approved by the Intergovernmental Commission.

Article 6

Sea Carriers and Ports

1. With a view to maintaining regular railway-ferry service via the ports of the Parties there shall be used adequately equipped ferry boats, provided with 1520 and/or 1435 mm railway gauges.
2. Rolling-in and rolling-out of the railway wagons to/from railway ferries shall be exercised at ferry berths/terminals of the sea ports of the Parties, in accordance with Service Conditions of ferry terminals operation.
3. Sea carriers and ferry terminals operators of the Parties shall independently operate their vessels, coastal mooring facilities, and bear all related costs and responsibilities for claims and suits.
4. The movement of ferryboats shall be performed according to the schedule agreed by the Responsible Authorities of the Parties. The scheduling, publishing and fulfillment of the schedule shall be exercised by sea carriers.

5. The fees for the transport of goods by wagons within the sea leg of international direct railway-ferry connection shall be calculated by the tariff determined by sea carriers of the Parties. Within the framework of the Coordinating Board there shall be pursued the concerted tariff policy.
6. Transport of goods by railway ferries shall be performed in accordance with the Rules for Freight Carriage in international direct freight railway-ferry connection, and/or other normative documents regulating this carriage.
7. SMGS or CIM consignment note, or CIM/SMGS consignment note shall be used for transport of cargo in international direct freight railway-ferry connections subject to the route and transportation players.
8. Railway-ferry related port services and port dues payments shall be made by the sea carriers of the Parties, in accordance with the rules and tariffs effective in the port, and in compliance with the provisions of Article 6 of the Basic Agreement and the provisions of its Technical Annexes.
9. The fees for rolling-in and rolling-out of railway wagons to/from railway ferries using ferry bridge at the ports of loading/discharge shall be paid by consigners/consignees or forwarders entered into an agreement with national railway companies, railway carriers and/or port operators, in accordance with the approved tariffs of the Parties.
10. Approval of volumes and list of goods requiring observance of special conditions of shipping transported in international direct freight railway-ferry connection shall be performed by the Competent Authorities.
11. Transport 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 as well as other international normative documents and rules in terms of the route and transport players by prior consent with sea carriers (ferry boats' owners). Dangerous goods, the transport of which is not provided or prohibited by Appendix 2 to the SMGS, RID, IMDG CODE may be accepted for the carriage upon consent of the Competent Authorities in the field of carriage of dangerous goods.

Article 7

Railway Carriers

1. To ensure the transport of goods in international direct freight railway-ferry connection via ports of the Parties, the railway carriers shall use freight railway wagons of 1520 and/or 1435 mm gauge in compliance with Special Conditions effective in the member-states of the Basic Agreement.
2. The conditions of operation of technical services, granting and using freight wagons are regulated by the relevant Agreements and Rules on the organization of operation of freight wagons, containers in international direct freight railway-ferry service, via the ports of the Parties, concluded between the Responsible Authorities.
3. The transport of goods by railways of the Parties, member countries of the Agreement on International Goods Transport by Rail (SMGS) of November 1, 1951 (as amended and changed) or the Parties using SMGS in international direct freight railway-ferry connections to the port station and backwards shall be performed pursuant to the SMGS consignment note in accordance with the aforementioned Agreement. Transport of goods between member countries of the SMGS Agreement or the ones using SMGS in the international direct railway-ferry connections are performed pursuant to the single SMGS consignment note including the sea leg of the route.
4. The transport of goods in international direct railway-ferry connections in transit to the ports and backwards through the territory of the participating countries 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. For the transport of goods from/to the SMGS member country to/from COTIF participating country in international direct freight railway-ferry connections within sea leg a CIM consignment note is used provided that the sea leg is included in the list of CIM maritime routes.
5. The transport of goods in international direct freight railway-ferry connection among the Parties, carriers of which joined the CIM/SMGS Manual, shall be carried out according to the unified CIM/SMGS consignment note including the sea leg.

6. SMGS, CIM and CIM/SMGS consignment notes may be applied as the customs document in compliance with the national legislation of the Parties. .
7. The transshipment 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.
8. Consignors and/or consignees or freight forwarders of the Parties in accordance with the existing international Agreements and Rules shall pay for services of bogies exchange, transfer of goods from one gauge to another gauge wagons, fixing of overloaded goods and other services to the railway carriers/undertakings of the Parties in accordance with existing tariffs.
9. Charges for transport operations for providing the wagons 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 performed by consignors and/or consignees or freight forwarders in accordance with the existing international Agreements and Rules on tariffs determined in compliance with the national legislation of the Parties, carrying out these transport operations.
10. The transport of dangerous goods and special-purpose equipment used for dangerous goods transport along the railways of the Parties shall be carried out in accordance with Appendix 2 to the SMGS (for the SMGS member countries) and/or the Rules for International Railway Carriage of Dangerous Goods RID (for the COTIF participating countries), and other international rules, applied by the Parties.

Article 8

Dispute Settlement

1. Any disputes, conflicts or claims among the Responsible Authorities of the Parties, arising in connection with application of this Technical Annex or related to it, shall be subject to consideration at the meeting of the Coordinating Board.
2. In the event that it is found impossible to reach the concerted decision through negotiations at the meeting of the Coordinating Board, all disputes, conflicts

and claims shall be conveyed to the Intergovernmental Commission for consideration in accordance with Article 12 of the Basic Agreement.

To the draft Technical Annex to the Basic Agreement on Fundamental Principles of Railway-Ferry Terminals Operation on the Black Sea and the Caspian Sea.

1. Responsible Authorities of the Parties under Article 3 of this Technical Annex are:
 - a) Poti Sea Port Corporation
 - b) “Batumi Sea Port” LTD
 - c) JSC “Georgian Railway”
 - d) State Unitary enterprise “Rohi ohani Tojikiston”
 - e) Turkish State Railways
 - f) The State Administration of Railway Transport of Ukraine “Ukrzaliznytsia”