

Analytical Note on Joint Border Crossing Points

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Introduction

International road and railway transport are often hindered by numerous barriers leading to inordinate delays that happen at the land border crossing checkpoints due to elaborate, repetitive, uncoordinated, and often cumbersome procedural requirements.

Presently, the land border crossings between TRACECA countries are organized by placing border checkpoints in accordance with the national legislation of the countries at roads and railway stations in the immediate vicinity of the state border. At the border crossing, usually two border crossing checkpoints are located on the territory of each neighbouring country. The transport means have to stop twice at each checkpoint for the corresponding formalities and border controls of each country to take place. The TRACECA routes are characterized by movements across several countries and changes of mode of transport; therefore, it is essential to streamline border crossing movements and reduce the border crossing time.

Recognizing the need for an integrated and comprehensive approach to support border crossing facilitation, in 2021, the Permanent Secretariat prepared a draft TRACECA Model Agreement on the organization of joint border crossing points, and TRACECA countries have been encouraged to consider the establishment of joint border crossing points that operate with “one-stop” technology for crossing the border between two neighboring countries. Joint border crossings enable the transport means not to stop twice at the border checkpoints in each of the neighbouring countries. Instead, the transport means will stop only once (only at the country where the joint border crossing is located) that could have a positive impact on border crossing organization.

The economic, infrastructural, and social positive aspects of the organization of joint checkpoints are obvious. If joint checkpoints are introduced, countries can significantly reduce the infrastructure burden on border control services and reduce the costs necessary for the operation of checkpoints. In addition, the level of cooperation of officials performing control functions will significantly increase, with the possibility of enhancing interactions and building trust. No less significant may be the consequences for persons and goods crossing the border - the ability to make only one stop at the border crossing instead of the usual two will allow for reducing the waiting time and queues at the borders, both for commercial goods and for passengers.

Five of the MLA countries (Azerbaijan, Kazakhstan, Kyrgyzstan, Türkiye, and Ukraine) have provided some feedback to the PS IGC TRACECA on the Model Agreement on the organization of joint border crossing points suggested in 2021. The responses received are quite diverse. Some countries informed about existing legal frameworks (e.g., bilateral agreements) and already operational joint border crossings (e.g., at the border between Ukraine and Moldova). Initiatives for the consideration of opening of joint border crossings have also been reported (e.g., at the border between Azerbaijan and Georgia). Some countries have expressed concerns that national and union legislation (e.g., of the Eurasian Economic Union) does not provide for the organization of joint border crossing points as suggested by the Model Agreement and questioned further promotion of the draft agreement as not appropriate (e.g., Kazakhstan, Kyrgyzstan). Some countries pointed out the significant differences between countries when exercising control at joint checkpoints and suggested replacing

binding provisions and/or making references to national legislation and/or bilateral agreements (e.g., as suggested by Türkiye and Ukraine).

The TRACECA Model Agreement given in the Annex of this Analytical Note is an updated version of the initial Model Agreement suggested in 2021. One of the most significant changes in the updated Model Agreement is expanding the joint border crossing point definition in order to make it possible to include an option for a sole checkpoint (located entirely in one of the countries) in addition to adjacent checkpoints (one checkpoint located on each side of the border) as originally proposed. The updated Model Agreement is envisioned as a general model for a bilateral arrangement that interested countries may use and adjust. For each individual joint border crossing point that the Parties may agree to be introduced, it will be necessary to conclude an additional Annex to the Agreement (based on already agreed general principles). Consequently, the competent authorities of the Parties could sign additional interdepartmental Protocols for effective management of the joint border crossing point. With the updated text of the Model Agreement, several clarifications are also suggested.

Establishing joint border crossing points is a complex undertaking with several legal, procedural, and infrastructural challenges, and cooperation among different border agencies within and across the border. Moreover, each border crossing is unique and has its own challenges; therefore, a uniform prescription might not be effective. However, based on the experience of already implemented joint border crossing points, some useful lessons can be drawn to ensure that obvious and recurring challenges are addressed appropriately.

This Analytical Note examines experiences and current developments in the implementation of joint border crossing points and recommends an updated TRACECA Model Agreement on the organization of joint border crossing points. The Model Agreement, intended for bilateral signing, could be adapted according to the specific needs of interested TRACECA countries. Shared experiences and the recommended Model Agreement could support the efforts of interested TRACECA countries for the introduction of joint border crossing points.

It should be noted that the potential introduction of joint checkpoints on the territories of the TRACECA countries could certainly contribute to the goals and objectives of the MLA in terms of facilitating the international transportation of goods and passengers, and harmonization of transport policies. The introduction of joint border crossing points could effectively address facilitation concerns while improving the quality of controls at border crossings.

Chapter 1 Background and Objectives

Border crossings are critical points in international trade and transport, where multiple procedures and formalities take place. Many transport facilitation initiatives have been developed around the world in order to tackle the challenges at border crossings, where both security and facilitation objectives have to be achieved. Effective border crossing controls in accordance with national legislation have to be conducted with limited resources available, while the movement of goods and transport means across the border is facilitated. The realization of such complex objectives depends on cooperation between the main stakeholders on national as well as cross-border levels.

Transport facilitation and border crossing initiatives may differ in their scope, participants involved, level of integration, and various implementation modalities. Acknowledging that numerous transport facilitation issues are interconnected, this Analytical Note is focused on the development of joint border crossing points that operate with “one-stop” technology.

Joint Border Crossing Point - definition

There is no universally recognized definition of a joint border crossing checkpoint. Based on a comprehensive analysis of related international arrangements, as presented with this Analytical Note, the proposed TRACECA Model Agreement offers a generic definition of the term “joint border crossing point” as:

“a border crossing point, which is jointly used by the competent authorities of the Parties for conducting of border controls and formalities required for crossing the common state border, in both exit country and entry country (one-stop technology)”.¹

A joint border crossing point is located in the territory of the host country (as the neighboring countries may agree). At a joint border crossing point, the competent authorities of the “other” neighbouring country (not the host country) conduct border controls in addition, or rather jointly, with the competent authorities of the host country. Border control conducted could be any type of measures, procedures, and/or checks that are carried out by authorized persons during the crossing of the state border of persons, transport means, and goods, both in the case of exit from and entry into the territory of the country, in accordance with the national legislation of each party concerned.

1.1 Joint border crossing point and international initiatives

The joint border crossing point concept relates to several transport and border crossing initiatives, such as UN harmonization and facilitation instruments; WCO Revised Kyoto Convention and SAFE Framework of standards; Coordinated Border Management concept promoted by WCO, and similar initiatives advocated by WTO, World Bank, and other development partners.

¹ See Article 1 Definition of terms TRACECA Model Agreement on the organization of joint border crossing points.

Those initiatives do not necessarily identify the cooperation mechanisms as a joint border crossing point; however, they do refer to similar facilitation and border crossing principles, including joint or one-stop border control checkpoints.

The **International Convention on the Harmonization of Frontier Controls of Goods**, agreed in Geneva on 21 October 1982, was developed under the auspices of the United Nations Economic Commission for Europe (UNECE) and entered into force on 15 October 1985. The Harmonization Convention currently has 58 contracting parties, among them all 14 TRACECA countries.²

Among the numerous issues relevant for the reduction of border crossing impediments and support for transport facilitation, the Harmonization Convention is addressing the co-operation between adjacent countries. One of the recommended measures for facilitation of the passage of goods across common inland frontiers is an endeavour to arrange for joint control of goods and documents through the provision of shared facilities.³

The provisions regarding joint border controls are further elaborated in the Annexes of the Harmonization Convention, which address the facilitation of border crossing procedures in international road and rail transport.⁴ In particular, the endeavour to enable facilities for joint controls between neighboring countries, based on one-stop technology, is highlighted as an option for streamlined and accelerated formalities at border crossing points.⁵

The **UN ESCAP Regional Strategic Framework for Facilitation of International Road Transport (RSF)** was adopted by ESCAP member countries at the Ministerial Conference of Transport in March 2012, with the objective of supporting the efforts to increase the effectiveness of facilitation programmes and projects and accelerate the development of international road transport.⁶ Promotion of joint control at border crossings is one of the modalities recommended for the facilitation of international road transport in the region.

The complexity of joint controls and differences from border crossing to border crossing are well recognized. Therefore, the UN ESCAP RSF recommends undertaking of specific, comprehensive, and detailed studies, sharing of experiences and design of appropriate solutions regarding infrastructure and operation options for each border crossing considered for joint controls.

The **WCO Revised Kyoto Convention (RKC)** is one of the main international instruments developed to support the simplification and harmonization of customs

² The text of the Harmonization Convention (including amendments) and list of contracting parties is available at UNECE website on Legal instruments in the field of transport:
http://www.unece.org/trans/conventn/legalinst_51_BCF_HFCG.html

³ Article 7 of Harmonization Convention

⁴ Annexes 8 of HC for road transport and 9 Annex of HC for rail transport

⁵ Article 6 of the Annex 8 of Harmonization Convention

⁶ ESCAP, Regional Strategic Framework for the Facilitation of International Road Transport. Available at: <http://www.unescap.org/resources/regional-strategic-framework-facilitation-international-road-transport>

formalities.⁷ The WCO RKC principles, standards, and recommending practices represent a blueprint of modern national border crossing legislation and offer a common ground for international cooperation in this field.

Presently, there are 136 contracting parties to the RKC, and among them are 13 out of 14 TRACECA countries.⁸ Some of the RKC standards with direct linkages to joint border crossing point principles are:

- correlation of the business hours and the competence of Customs offices located at a common border crossing (Standard 3.3.)
- operation of joint customs controls at common border crossings, whenever possible (Transitional Standard 3.4.)
- co-operation with neighbouring Customs to establish a juxtaposed Customs office at common border crossings, wherever possible (Transitional Standard 3.5.)

The principles of joint controls and juxtaposed border offices (Transitional Standards 3.4 and 3.5) support coordination and cooperation that may lead to establishing joint border crossing points with one-stop joint border facilities.

The **WCO SAFE Framework of Standards to Secure and Facilitate Global Trade** is based on a three-pillars strategy on: Customs-to-Customs, Customs-to-Business and Customs-to-other Government Agencies coordination, partnership, and cooperation.⁹ Some of the SAFE Framework standards that could be relevant for joint border crossing point principles include:

- joint targeting and screening, the use of standardized sets of targeting criteria, and compatible communication, and/or information exchange mechanisms (Pillar 1 – Standard 2.7)
- harmonization of national control measures including risk management and risk mitigation (Pillar 3 – Standard 2.4)
- mutual cooperation between customs and other competent government agencies across borders or within Customs Unions (Pillar 3 – Standard 2.7)
- development of cooperative arrangements or protocols among their agencies that are working side by side on a shared border or within a Customs Union (Pillar 3 – Standard 2.8)
- harmonization of security programmes (Pillar 3 – Standard 2.9)
- harmonization of cross-border control measures (Pillar 3 – Standard 2.10)

⁷ WCO, “International Convention on the Simplification and Harmonization of Customs Procedures”, adopted in 1973 and revised in 1999, it is often referred to as the Revised Kyoto Convention. Accessible at: http://www.wcoomd.org/Kyoto_New/Content/content.html.

⁸ Only Moldova is not a contracting party to the RKC. The RKC contracting parties are listed on WCO website: http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/conventions/pf_revised_kyoto_conv/instruments.aspx

⁹ WCO, SAFE Framework of Standards to Secure and Facilitate Global Trade was first adopted in 2005 by WCO members and updated several times since then. The current 2021 edition is accessible at: <https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe-framework-of-standards.pdf>

The standards advocated by the WCO SAFE Framework support the achievement of coordinated cross-border management functions and harmonization of control measures between customs administrations and between customs and other border control agencies. Numerous potential forms of the mutual cooperation may include: joint inspection (physical and/or administrative); sharing common facilities, equipment, and databases; exchange of information; coordinated risk management and jointly conduct targeting/risk assessment; and mutual recognition of controls.

The **WCO Coordinated Border Management (CBM)** concept promotes coordination among border control agencies on both domestic and international levels in order to achieve efficient information and physical flow of goods and passengers, while compliance requirements are effectively fulfilled. The CBM is based upon international standards (e.g., WCO RKC standards), and it could be developed through a series of general principles, such as information sharing; streamlined checks and clearance; congestion management; improved utilization of manpower, infrastructure, and equipment. The CBM could be supported with the application of several WCO tools and instruments (e.g., WCO Data Model, WCO Time Release Study). The solutions developed under CBM are not “one-sized fits all”. Efficient border management could be achieved in various ways with flexible implementation and adapted solutions for the circumstances in different countries. Some of the options that could be considered include sharing of resources between different border agencies, co-location and working in the same facilities, conducting control on behalf of another control agency, and joint or one-stop border posts.

The Coordinated Border Management concept is also known as “Border Agency Cooperation” by the WTO Trade Facilitation Agreement, “Collaborative Border Management” by the World Bank, “Comprehensive Border Management” by the OSCE and “Integrated Border Management” by the European Union.

Box 1: WTO – Trade Facilitation Agreement

Article 8 - Border Agency Cooperation

8.1. A Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.

8.2. Members shall, to the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom they share a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:

- (i) alignment of working days and hours;
- (ii) alignment of procedures and formalities;
- (iii) development and sharing of common facilities;
- (iv) joint controls;
- (v) establishment of one-stop border post control.

Implementation of the joint border crossing point concept can take different paths, and distinctions exist from country to country regarding the methodology of organization. While recognizing the need for adapting the joint border crossing point concept to the national and local circumstances, harmonization efforts regarding the main guiding principles are supported by a number of relevant international instruments.

The instruments developed by the UN, WCO, and other international agencies and developing partners that are relevant for the joint border crossing point concept could support planning and implementation of joint border crossing point solutions.

The TRACECA Model Agreement on the organization of joint border crossing points, which is in line with the relevant international initiatives and arrangements, is designed to support the efforts of interested TRACECA countries to analyze and develop suitable solutions for joint border crossing points.

1.2 Joint border crossing point objectives

Transport facilitation border-crossing measures, including introduction of joint border crossing points, have a goal to increase intra-regional trade and enhance international transport by providing seamless movement across the borders of persons, transport means and goods, while necessary border controls are duly conducted.

The joint border crossing objectives include:

- increased border control capabilities due to improved cooperation of border control authorities (potentially enhanced with the sharing of information and intelligence);
- improved capacities to deal with the traffic flow at border crossing checkpoints due to optimized use of resources (human, infrastructure, and equipment);
- reduction of border crossing delays for transporters and passengers due to streamlined processing and simplified formalities;
- reduction of transport costs for crossing the border;
- reduction of operational costs for running the border crossing checkpoint;
- improved revenue collection due to reduced corruption and revenue evasion.

The joint border crossing points enable the elimination of some repetitive border crossing formalities at both sides of the border and aim to increase the efficiency of border crossing management. The border crossing authorities could efficiently achieve their duties, and at the same time, favourable conditions are being created for international transport and cross-border trade.

The joint border crossing point concept is not a new idea. Cooperation between neighboring countries in the organization of border crossing facilities in the form of juxtaposed, co-located, joint, and one-stop border posts has been put into practice all over the world. However, the joint border crossing points are still not common in many parts of the world, mainly due to a lack of political will and concerns regarding sovereignty, rather than other demanding challenges to be addressed (e.g., legal, infrastructural, and operational issues).

The joint border crossings have been successfully implemented in many countries around the world in a number of modalities, introduced through different legal frameworks and variations of design solutions. The experience in the implementation of the joint border crossing concept shows that there are various forms of operational models in practice, depending on priorities and specific characteristics of each border crossing. An overview of joint border crossing practices around the world is presented in the next chapter of this Analytical Note.

Chapter 2 Existing Joint Border Crossing Initiatives in TRACECA countries

Several TRACECA countries have some experience with joint border crossing initiatives. Presently, there are already implemented joint border crossing points among TRACECA countries, only at several border crossings between Ukraine and Moldova. Ukraine and Poland are presently evaluating a potential Agreement on control at joint border checkpoints. Azerbaijan and Georgia have initiated the development of a joint border crossing (which is not implemented yet). Kazakhstan and Kyrgyzstan used to explore the possibility of introducing joint controls based on the one-stop principle. Georgia and Türkiye have developed a model on joint use of border crossings based on cross-border electronic data exchange (however, this could not be considered as a joint border crossing point with one-stop technology).

Joint border crossing points between Moldova and Ukraine

Joint border crossing points between Moldova and Ukraine operate based on the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on joint control of persons, vehicles, goods, and items at joint checkpoints across the Ukrainian-Moldovan state border, signed in October 2017, that entered into force in May 2018.¹⁰ The Agreement defines the basis for cooperation of control authorities at joint border crossing points. Joint control is agreed to be conducted at common checkpoints in accordance with international principles of “single window”, “single stop”, and selective inspection. According to the Agreement, common checkpoints could be introduced for road as well as for rail transport. Joint border crossing point could be established in different modalities: entirely located in the territory of one Party or located in the territories of both Parties.

For the implementation of the Agreement, separate international agreements (protocols) are concluded between the competent authorities of both Parties for each joint border crossing. Additionally, the management of the checkpoint has to develop technological schemes of joint control.

As of December 2023, joint control at the border of Ukraine with the Republic of Moldova is carried out at 7 border crossing points for road traffic, of which three are located on the territory of both states (“Mamalyga – Krivaya”, “Kelmenti – Larga”, “Reni – Giurgiulesti”), three are located on the territory of Ukraine, (“Rossoshany – Briceni”, “Cuciurgan – Pervomaisk (temporarily suspended)”, “Platonove - Goianul Nou”) and one checkpoint “Mayaki - Palanca – Udobnoe” is on the territory of the Republic of Moldova. In 2023, joint control technology was introduced at two railway checkpoints on the Ukrainian - Moldovan border: Serpneve 1 (Berezino) - Basarabeasca - on the territory of the Republic of Moldova; Kuchurgan - Novosavitskaya - on the territory of Ukraine (temporarily suspended).¹¹

¹⁰ https://zakon.rada.gov.ua/laws/show/498_005-17#Text

¹¹ As reported by Ukraine to the PS IGC TRACECA in December 2023.

The 2017 Agreement regulates general provisions on the sequencing of controls and the extraterritoriality principle that allows exercise of control by the control authorities in the territory of the State of the other Party with the same legal consequences as if they were carried out in the territory of its State. Additionally, the possibility for delegation of powers is given, where the control authorities of one Party can transfer the performance of their official powers (e.g., conducting controls) to their counterpart control authorities of the other Party (however, it is not clear if such delegation of power is implemented).

The number of other issues relevant for operation at common checkpoints is addressed with the Agreement as well (e.g., returning of persons, vehicles; right to detain; mutual assistance, wearing uniform; use of service dogs; use of means for technical control, etc.). This Agreement does not allow for controls officers to cross the state border with weapons. Main principles for maintenance of public order, protection of objects, persons, vehicles, and goods, as well as security of control officers at common checkpoints, are agreed. Based on the principle of reciprocity, the Party in whose territory the common checkpoint is located shall provide, free of charge, premises and working areas necessary for border control to the control authorities of the other Party. The Agreement from 2017 also addresses the issues of establishing necessary telecommunication systems at common checkpoints and exchange of information, including in electronic form, as well as dealing with personal data.

The separate international agreements (protocols) concluded between the competent authorities of both Parties for each joint border crossing are brief documents where the common checkpoint is identified and the modality for organizing joint control is established (e.g., upon entry in each Party or entirely in one Party). The Parties undertake to create appropriate conditions for control bodies and exercise joint control with separately developed Standard technological schemes of joint control.¹² The technological schemes for the organization of joint control of persons, vehicles, goods, and items at the common checkpoints are more detailed and expand on the general issues already agreed upon in the Agreement (e.g., by providing details on control of separate types of traffic (passenger / cargo), responsibilities of control authorities, designated areas, lanes, and premises at the checkpoint, equipment with information stands, use of “green corridor”, “red corridor”, documents to be used (use of control coupon) (or its electronic version, however the e-ticket system was not implemented), detailed sequencing, use of risk analysis and in-depth inspection, exchange of information, etc.).¹³

One example of the joint border crossing points between Ukraine and Moldova that operates on the basis of “single window” and “one stop” principles is Palanca - Maiaki – Udobnoe (located in Moldova), that became fully operational in December 2018.

¹² For example, see the Protocol between the Administration of the State Border Guard Service of Ukraine, the State Customs Service of Ukraine and the Department of Border Troops of the Republic of Moldova, the Customs Department of the Republic of Moldova on the organization of joint control at the international road checkpoint "Mamaliga - Criva" signed on 12.01.2004 (https://zakon.rada.gov.ua/laws/show/498_130)

¹³ See the example of Standard technological schemes for the joint border crossing Pervomaisk-Kuchurgan ([https://dpsu.gov.ua/upload/file/tehnolog_chna_shema_kuchurgan22.01.2016%20%D0%B3%D0%BF%D1%81%D1%83%20\(1\).doc](https://dpsu.gov.ua/upload/file/tehnolog_chna_shema_kuchurgan22.01.2016%20%D0%B3%D0%BF%D1%81%D1%83%20(1).doc)) and the joint border crossing Palanca - Maiaki – Udobnoe (https://dpsu.gov.ua/upload/file/tehnologicheskaya_shema_palanka17.10.17.docx)

The project on Construction of the Jointly Operated Border Crossing Point (JOBCP) Palanca on the territory of the Republic of Moldova which is financed by the EU (4.5 million euros), co-financed by the Government of Moldova (1.06 million euros), and implemented by UNDP, was conducted in the period 2014 – 2018. This border crossing is specific since border guard and Customs controls used to be carried out at three places at a 7.6 km section of the Ukrainian highway Odessa-Reni that passes through the territory of the Republic of Moldova (at BCP Palanca on the Moldovan side, and at two BCPs located on the Ukrainian side, BCP Maiaki located 3.5 km from BCP Palanca, as well as BCP Udobnoe located 4.3 from BCP Palanca).

Upon approval of the technical specifications for the construction of this joint border crossing, the tender for design services was announced in April 2015. The design for the JOBCP Palanca was elaborated from June 2015, and the tender for the construction of JOBCP Palanca was launched in May 2016. The construction works on this border crossing started in May 2017. The protocol on the organization of joint controls at the common border crossing Palanca - Maiaki - Udobnoe was signed among the control authorities of both countries in June 2017. The joint border controls among the four partners (border guards and Customs of both countries) started in December 2017 in temporary facilities. With minimal interruption of border crossing during construction works of the new JOBCP Palanca (for the period of two months only), the construction of the facilities, accessing road and equipment was finalized in December 2018. The constructed JOBCP Palanca was transferred into the property of the Customs Service of the Republic of Moldova as the main project counterpart, and the border crossing became fully operational and officially opened on December 28, 2018.

Figure 1: JOBCP Palanca - Maiaki - Udobnoe (in Moldova)



Source: UNDP Moldova - <https://undpmoldova.exposure.co/fast-comfortable-and-efficient-welcome-to-palanca-border-crossing-point> (design option of the JOBCP Palanca - left); Odessa Journal <https://odessa-journal.com/video-control-was-implemented-on-the-odessa-reni-highway/> (operational JOBCP Palanca - right)

The JOBCP Palanca has resolved the issue of frequent interruption of traffic, since all controls from both parties are conducted at one place only (at the Palanca jointly operated border crossing point), without any further controls at the border crossings Maiaki and Udobnoe). With this previously imposed restriction on moving agricultural goods, have been lifted. Accelerated traffic flow due to simplification of border crossing procedures and using the one-stop-shop principle is expected to reduce the border crossing time by 20 per cent.¹⁴

¹⁴ European Union, May 2019: Construction of Jointly Operated Border Crossing Point Palanca on the territory of the Republic of Moldova (Final Report). Available at: [https://info.undp.org/docs/pdc/Documents/MDA/Palanca%20Final%20Report%20%202019%20\(GoM\).pdf](https://info.undp.org/docs/pdc/Documents/MDA/Palanca%20Final%20Report%20%202019%20(GoM).pdf)

Further facilitation of the traffic at the Odessa - Reni transit section that passes through the territory of Moldova was achieved in October 2021, with the introduction of video traffic control instead of issuing paper coupons. The border guards can monitor the movement of Ukrainian passenger cars without the need to stop them and without traditional border control. The video traffic control system allows continuous surveillance of the 7.6 km transit section. The cars could be selected and checked by the border guards only if they stop during this section.¹⁵

[Joint customs control initiative between Kazakhstan and Kyrgyzstan](#)

In the past, Kazakhstan and Kyrgyzstan have explored the possibility of introducing joint controls based on the one-stop principle with a goal of improving the efficiency of the controls at their state border. The initial activities started in 2003, and pilot trials, with the participation of Customs authorities of both countries, were conducted at the Korday (Kazakhstan) – Ak Zhol (Kyrgyzstan) border crossing in July 2004. The promising results of the pilot trial confirmed the possibilities for expedited and simplified customs procedures and indicated that the control time at the border crossing could be decreased significantly. The pilot trials have shown the need for infrastructural improvements (e.g., construction shed, road lanes, and parking lot).¹⁶

The Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on joint control at the Kazakh-Kyrgyz state border was signed in July 2006 and entered into force in April 2008.¹⁷ The Agreement established the main principles of the joint control at the border crossing points between Kazakhstan and Kyrgyzstan, such as: exchange of information; responsibilities of control authorities; supervision and control principles at joint border stations.

The Protocol signed between the Ministry of Finance of the Republic of Kazakhstan and the State Customs Service of the Government of the Kyrgyz Republic in 2014 has addressed some implementation aspects of the Agreement.¹⁸ The Protocol specified that the joint pilot project will be first introduced at Korday - Ak Zhol border crossing point; detailed practicalities for Customs staff appointed to conduct their control functions at the border crossing on the territory of the neighboring country; and addressed some joint customs control issues, including the use of technical equipment for customs control and development of technological schemes for the joint customs control of goods and transport means.

In August 2015, the Agreement on accession of Kyrgyzstan to the Eurasian Economic Union (EAEU) entered into force, and the territory of Kyrgyzstan became part of the single customs territory of the Customs Union. Accordingly, the abolition of Customs

¹⁵ Odessa Journal, 26 October 2021, Video control was implemented on the Odessa-Reni highway: <https://odessa-journal.com/video-control-was-implemented-on-the-odessa-reni-highway/>

¹⁶ CAREC, 2005, Trade Facilitation Seminar: Information on joint control at Kazakhstan-Kyrgyz border. Available at: <https://www.carecprogram.org/uploads/Day3-Joint-Control-KAZ-KGZ-Border.pdf>

¹⁷ The Text of the Agreement (Rus: Соглашение между Правительством Кыргызской Республики и Правительством Республики Казахстан о совместном контроле на кыргызско-казахстанской государственной границе от 4 июля 2006 года.) is available at: <https://adilet.zan.kz/rus/docs/Z080000024>

¹⁸ The Text of the Protocol (Rus: Протокол о порядке осуществления совместного таможенного контроля при таможенном оформлении товаров и транспортных средств в пунктах пропуска, расположенных на территории Кыргызской Республики) is available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/211130>

controls at the Kazakh-Kyrgyz state border started.¹⁹ Therefore, the initiative for joint controls at the Kazakh-Kyrgyz state border has been halted and never implemented. In April 2021, the renovated border crossing point Korday - Ak Zhol was opened with a significant expansion of the border crossing capacity. The movement of people and goods between the two countries proceeds within the EAEU procedures of free movement without the use of customs declarations and state control. Yet, the Kazakh - Kyrgyz border sometimes experiences obstacles related to the remaining mechanisms of border control.²⁰

Joint use of border crossing points between Georgia and Türkiye

Intending to simplify and harmonize border procedures, Georgia and Türkiye have developed a model on joint use of border crossings based on cross-border electronic data exchange and elimination of duplicated controls and processes at both sides of the border. The main principle behind this model is that the country of exit is responsible for processing information/declaration regarding the goods at exit, as well as information on the vehicle driver and the means of transport. Those data are transmitted to the country of entry, which uses them as an input in its information systems (e.g., for entry declaration of goods). The model provides not only elimination of repeated data entries in the country of entry, but also reduction of control requirements at the country of exit (because the responsibility for verification of declarations generally rests with the country of entry).²¹

To implement this model, Georgia and Türkiye have signed multiple institutional arrangements, which provide a legal basis for data exchanges and procedural modifications on border procedures under the pilot project. Implementing challenges, such as interoperability of the IT systems and differences due to country specifics, are being addressed. Technical infrastructure is established (e.g., VPN secured lines) and technical details agreed (scope, methods, and formats for data exchanges). The exchange of electronic data between Georgia and Türkiye, under the project for joint use of land crossing points, was tested in 2013 and was put in production mode in April 2014.²²

Even though this model could not be considered as a joint border crossing point with one-stop technology (analyzed with this Analytical note), it could be noted as a good example of cross-border cooperation for the facilitation of border crossing formalities. The concept of electronic data exchange between neighbouring border control authorities could be used at joint border crossing points as well.

¹⁹ Supreme Eurasian Economic Council, Decision No 5 from May 8, 2015, on abolition of customs control in relation to goods and vehicles transported through the Kyrgyz-Kazakh section of the state border: <https://docs.cntd.ru/document/420273258>

²⁰ Eurasian Research Institute, Enhancing the Capacity of the Korday - Ak Zhol Checkpoint: Implication of Bilateral Cooperation: <https://www.eurasian-research.org/publication/enhancing-the-capacity-of-the-korday-ak-zhol-checkpoint-implications-for-bilateral-cooperation/>

²¹ Additional information available at ADB, 2013, "At the border" and "behind the border", Maka Khvedelidze, Joint Customs Control - <http://www.carecprogram.org/uploads/docs/CAREC-Publications/At-the-Border.pdf>

²² UNDA, Dec 2014, Informal doc.1213AA/No. 2, July 2014 Report on Gap Analysis of Current Legal and Technical Framework for Electronic C2C Exchange of Transit Information between Georgia and Neighboring Countries.

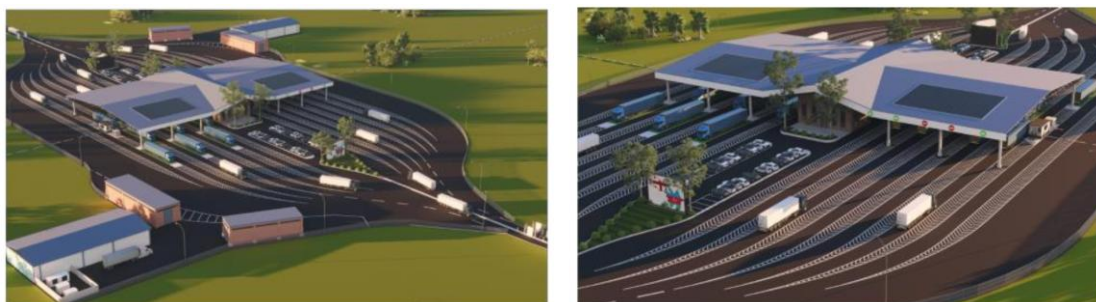
Joint border crossing point initiative between Azerbaijan and Georgia

With the Agreement between the Government of the Republic of Azerbaijan and the Government of Georgia on checkpoints of the state border between Azerbaijan and Georgia, signed in Baku on September 29, 2021, both parties agreed to construct a new joint state border crossing point “Silk Road” (Azerbaijan) - "Abreshumis Gza" (Georgia).

Working groups consisting of representatives of the corresponding state organizations of both sides started discussions on legal, financial and technical issues related to the establishment of this joint border crossing point in 2022. Works are being continued in the direction of reaching an agreement on the coordinates of the area and developing a concept project related to the operation of the point. The draft bilateral legal agreement, Silk Road JBCP Operational procedures and design inputs have been elaborated with the support of ADB CAREC experts.

The suggested concept is based on procedures where the customs controls are conducted within a common area where customs offices of both administrations are established in a single facility, and the customs controls of the exporting and importing administrations are conducted simultaneously by officers from both customs administrations. Comparable and harmonized procedures, as well as mutual recognition of customs formalities from Azerbaijan and the Georgian side, are recommended.

Figure 2: Potential design of Azerbaijan – Georgia JBCP



Source: ADB CAREC, presentation 24 -25 May 2023, Tbilisi, Georgia

The benefits expected from the introduction of JBCP between Azerbaijan and Georgia include a significant increase in throughput capacity as a result of improved procedures and the adoption of the one-stop, single window principles. It is estimated that cross-border time could be reduced to about 2-5 minutes, especially with further digitalization and elimination of paper-based procedures, harmonization of Customs control processes and improvement of risk management.²³

²³ ADB CAREC, Giorgi Doborjginidze, Presentation at the 20th Transport Sector Coordinating Committee Meeting, 24-25 May 2023, Tbilisi, Georgia; Improving cross-border transportation between Azerbaijan and Georgia. Available at: https://www.carecprogram.org/uploads/20th-TSCC-6-AZ-Geo_BCP-Improvement_Doborjginidze-EN-rev.pdf

Chapter 3

Examples of Joint Border Crossing Implementation Worldwide

This Chapter provides a non-exhaustive overview of joint border crossing point experiences and practices around the world (in addition to the examples already elaborated in the previous chapter).

European joint border crossing point experiences and practices

There are many examples of well-established border crossing cooperation mechanisms in Europe, including joint border crossing points. Some of them are presently operational, and many of them have been implemented in the past. The first co-located border facilities were reported between France and Belgium in the 1920s.²⁴

The joint border crossing point modalities used to be more visible in European countries; however, due to the open border policies introduced in the European Union (EU), some of them are no longer operational. Historically, the EU enlargement process provided strong impetus for increased border crossing cooperation, including the introduction of mechanisms for joint border controls and joint border stations, which was evident in several Central and Eastern European Countries in the past (e.g., joint border crossings between Germany and Poland, Romania and Bulgaria, Slovenia and Croatia (at over 35 locations), Croatia and Hungary (at 7 locations),²⁵ etc.).

The EU integration process and introduction of common customs legislation have created a single common customs territory without customs control at internal borders between EU member states.²⁶ In addition, the introduction of the Schengen Area with the Schengen Agreement contributed to abolishment of systematic immigration checks at the internal borders of the Parties and enabled free and unrestricted movement of people, goods, and services.²⁷ As a result, many joint border crossing points on internal EU borders cease to exist.

For example, the border crossing between Germany and Poland (in Ludwigsdorf) was an active joint border crossing post prior to Poland's accession to the EU. This joint border station, located entirely on German territory (approximately 1 km away from the German/Polish border), was identified as a good practice example for common border crossing with joint facilities in each direction for customs offices, inspection areas, parking lots, temporary storage, etc.

²⁴ IBRD/WB, 2011, Border Management Modernization, Chapter 4 – Borders, their design and their operation (by Michel Zarnowiecki) (p.64); Available at: <https://openknowledge.worldbank.org/handle/10986/2544>

²⁵ Narodni list: <http://www.narodni-list.hr/posts/14645002>

²⁶ More information on EU Customs Union is available at: https://ec.europa.eu/taxation_customs/customs-4/eu-customs-union-facts-and-figures_en

²⁷ More information Schengen Area is available at: <https://www.schengenvisainfo.com/schengen-visa-countries-list/>

Figure 3: Joint Border Facility between Germany and Poland



Source: WTO, Trade Facilitation Implementation Guide, Joint Border Controls (photo provided by German Customs). Available at: <http://tfig.itcilo.org/contents/joint-border-controls.htm>

Present EU experiences include juxtaposed and joint facilities between some EU countries with EFTA countries (e.g., Switzerland and Norway), as presented below. It should be noted that many of these joint border crossing points have a long tradition, and the cooperation in the border control processes has evolved over time. For example, after Switzerland's accession to the Schengen Area, the juxtaposed/joint facilities at the French-Swiss and the German-Swiss borders mainly cover customs control functions. While before that, they used to include systematic immigration control as well.

[Juxtaposed facilities at the border between France and Switzerland](#)

The juxtaposed facilities at the border between France and Switzerland are established in accordance with the bilateral Convention on juxtaposed national controls and controls en route (1960).²⁸ The Convention enables the competent officials of one of the two countries to exercise their functions in the territory of the other country, within the framework of the present Convention (Art.1 of the Convention).

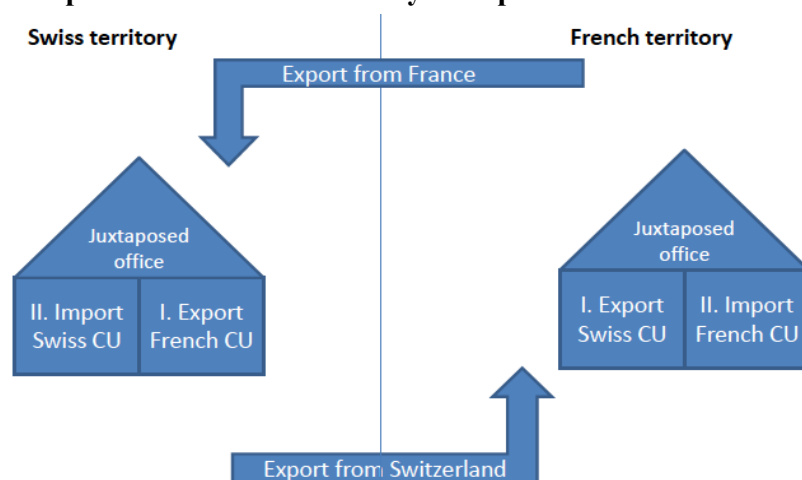
The juxtaposed offices in the Geneva area are processing the commercial and transit goods in cargo traffic, in each country of entry, where the Swiss Customs office and the French Customs office are located side by side.

While crossing the border between France and Switzerland, the truck drivers have to stop only once at the juxtaposed border crossing office of the import country. There, they have to first submit the export declaration at the customs office that operates on an extraterritorial principle and then continue with import clearance at the customs office of the import country located in the same building. The physical control may

²⁸ The Convention concluded between Switzerland and France in 1960 and entered into force in July 1961. The text of the Convention is available at: <https://www.admin.ch/opc/fr/classified-compilation/19600148/index.html>

include X-ray inspection and detailed control, which is normally concluded by the importing customs.²⁹

Figure 4: Juxtaposed offices in the country of import



Source: Mariya Polner, WCO; Presentation on Coordinated Border Management: From Theory to Practice, Manaus, Brazil, 27 October 2011. Available at: <http://www.suframa.gov.br/fiam/arquivos/serminarios2011/9/painel-2-palestra-1-mariya-polner.pdf>

Common border facilities between Germany and Switzerland

The common juxtaposed facilities at the border between Germany and Switzerland are established in accordance with the bilateral Convention on juxtaposed national controls and controls on vehicles en route (1961).³⁰ The Convention enables the competent officials of one of the two countries to exercise their functions in the territory of the other country, within the framework of the present Convention (Art.1 of the Convention).

The bilateral ministerial arrangement further details the conditions for establishing a juxtaposed national control office at the Basel/Weil am Rhein motorway in the German territory.³¹ The Basel common juxtaposed office, where both customs administrations share all the facilities located entirely in German territory, became operational in the 1980s.

The truck drivers have to stop for border clearance only once to complete first the export formalities of one country and then the import formalities of the other country, before moving to the exit lane where they have to be cleared for leaving the territory. The goods in transit are processed at separate facilities for facilitated movement across the border.³²

²⁹ Mariya Polner; World Customs Journal Volume 5, Number 2; 2011; Coordinated border management: from theory to practice; Available at: http://www.wcoomd.org/~media/wco/public/global/pdf/topics/research/research-paper-series/19_cbm_polner_en.pdf?db=web

³⁰ The Convention concluded between Switzerland and Germany on 1st of June 1961 that entered into force on 13th of May 1964. The text of the Convention is available at: <https://www.admin.ch/opc/fr/classified-compilation/19610104/index.html#fn1>

³¹ The Arrangement concluded between the Federal Department of Finance of the Swiss Confederation and the Federal Ministry of Finance of the Federal Republic of Germany on 15 June 2010 that entered into force on 30 May 2011. The text of the Arrangement is available at: <https://www.admin.ch/opc/fr/classified-compilation/20103259/index.html>

³² Mariya Polner; World Customs Journal Volume 5, Number 2; 2011; Coordinated border management: from theory to practice; Available at:

Figure 5: Common Juxtaposed border office at Basel / Weil am Rhein motorway



Source: Mariya Polner, WCO; Presentation on Coordinated Border Management: From Theory to Practice, Manaus, Brazil, 27 October 2011. Available at: <http://www.suframa.gov.br/fiam/arquivos/serminarios2011/9/painel-2-palestra-1-mariia-polner.pdf>

[Border Crossing Cooperation between Norway, Sweden and Finland](#)

The Border Agency Cooperation agreements signed between Norway and Sweden in 1960, and between Norway and Finland in 1969, have established a border crossing cooperation system based on two main principles:

- all formalities should be carried out at a single location; and
- the customs authorities of one of the Contracting Parties may control the implementation of customs, import, export, and any other provisions concerning trade on behalf of the customs authorities of the other Contracting Party involved.

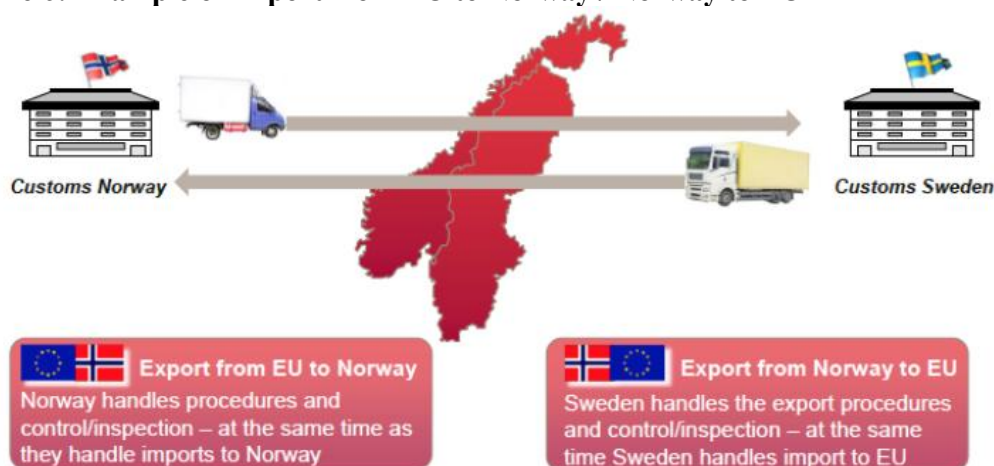
The same concept was kept after the accession of Sweden and Finland to the EU, with the Agreement between the European Community and the Kingdom of Norway.³³

The unique feature of this concept is the empowerment of the national border authorities of each Contracting Party to exercise legal powers on behalf of their neighbouring states. For example, when goods are exported from Norway to Sweden, either a Norwegian or Swedish customs authority may clear the Norwegian export and Swedish import at a single location and vice versa.

http://www.wcoomd.org/~media/wco/public/global/pdf/topics/research/research-paper-series/19_cbm_polner_en.pdf?db=web

³³ Agreement on customs cooperation between the European Community and the Kingdom of Norway, EC Official Journal L 105, 233/04/1997 p. 0017 – 0020.

Figure 6: Example of Export from EU to Norway / Norway to EU



Source: Anita Graff, Norwegian Customs and Excise; 2009; Presentation on Coordinated Border Management; Available at: <http://www.wcoomd.org/~media/wco/public/global/pdf/events/2009/cbm-forum/presentations/norway--anita-graff.pdf?la=en>

This system, established by the border agency cooperation agreements, makes it redundant to establish customs offices and deploy customs officers on both sides of the border. The location for establishing specific border posts, allocation of costs and responsibilities for their management are decided through bilateral negotiations. For example, with joint border control cooperation between Norway and Sweden, 18 Norwegian and 21 Swedish Customs offices have been established along the border.

The border crossing cooperation between Norway, Sweden, and Finland has delivered positive economic results with significant savings of public resources and reduced time and costs for the traders crossing the border. The estimates for savings on the Norwegian side of the border include: eliminated need for opening 10 new Customs offices; and employing about 100 new Customs officers; with approximately 16 million USD savings for the Customs authorities (about 50% of annual costs); and approximately 39 million USD savings for the economic operators (annual costs).³⁴

Joint border crossing points in the Western Balkans

In recent years, the countries of the Western Balkans have been very active in establishing joint border crossings. As part of enhanced EU engagement with the Western Balkans, the development of joint border crossings is often supported by EU programmes (e.g., Instruments for Pre-accession Assistance – IPA). Many of the joint border crossings in the Western Balkans countries are newly constructed, and most of them are for road transport. Some of the joint border crossing points are covering both passenger and cargo transport, while some of them operate as border crossings for passenger transport only. The joint border crossing points in the Western Balkans operate in a variety of modalities (e.g., located on both sides of the border, or located entirely in one of the parties).

Albania and Montenegro

³⁴ WTO, TN/TF/W/48 10 June 2005, Communication from Norway, "Border Agency Cooperation" Customs border cooperation between Norway, Sweden and Finland. Available at: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/TN/TF/W48.pdf&Open=True>

One of the first joint border crossings opened in this region was Muriqan (Albania) – Sukobin (Montenegro) check-post for passenger transport, entirely located in the territory of Albania. This joint border crossing point was built under the Agreement between the two countries signed in 2007.³⁵ The Agreement provided legal basis for establishing a joint expert committee responsible for the implementation of the Agreement. Taking in account recommendations of the joint expert committee, the parties have signed corresponding implementing protocols. The construction of the border crossing, financed with 1.1 million euros from the European Commission, started in April 2008, and the joint border crossing Muriqan – Sukobin became operational in 2009. Presently potential for expansion of the capacity of this joint border crossing is being considered.

The second joint border crossing between Albania and Montenegro, Grabon (ALB) - Zatrijebačka Cijevna (MNE), located entirely in the territory of Montenegro, was agreed to be built in 2012.³⁶ The Protocol between the ministries of internal affairs of the Republic of Albania and Montenegro on the organization of joint border control and payment of costs for the construction of this border crossing was signed in 2014. The EU contributed almost half million Euros for the construction of the border crossing point, with total costs of about 0.72 million euros. This border crossing is also designated for passenger transport. Most of the infrastructure work was done by 2017, and this border crossing became operational in August 2021.

In 2018, Albania and Montenegro signed an Agreement for building and opening yet another joint border crossing Zogaj (ALB) - Ckla (MNE) entirely in the territory of Montenegro.³⁷

[Albania and Kosovo](#)

Albania also has bilateral agreements on joint border crossing points with neighboring Kosovo (e.g., agreements on opening individual joint border crossing points, agreements on implementation of mutual facilities, protocols on the conduct of joint customs control activities, manuals for standard operating procedures). A few joint border crossing points between Albania and Kosovo are already operational. For example, Morine (ALB) – Vermice (KOS) border crossing, which was recently renovated and upgraded and became operational as a joint border crossing point at the end of 2018. At this border crossing, the Border Police of Albania and Kosovo are housed at the Albanian side of the border, whereas the Customs services of both countries share the facilities at the other side.³⁸ In 2021, an Amending Agreement on the opening of the joint border crossing point Shistavec (Kukes) – Krushevo (Dragash) was signed, and in April 2022, this border crossing became operational.³⁹

³⁵ Website of the Government of Montenegro: <https://www.gov.me/en/documents/09c9a54c-5731-4c7c-8ea7-39e1e70274ee>

³⁶ Website of the Government of Montenegro: <https://www.gov.me/dokumenta/aff142c4-db5e-410c-8b97-bc2b9246db92>

³⁷ Website of the Government of Montenegro: <https://www.gov.me/dokumenta/0a4cb529-ab3b-43c5-9b47-fe84e7f39b26>

³⁸ Website of the Albanian Government: <https://kryeministria.al/en/newsroom/morine-godina-e-re-i-parapripikes-se-perbashket-kufitare-shqiperi-kosove/>

³⁹ Albanian Daily News website: <https://albaniandailynews.com/news/albania-kosovo-open-new-shishtavec-krushev-border-crossing>

Albania and North Macedonia

Albania and North Macedonia signed a bilateral Framework Agreement for establishing Joint Border Crossing Points in July 2021 to introduce their first joint border crossing Qafë Thanë (ALB) - Kjafasan (MKD). With this Agreement, it was agreed that at the joint border crossings, the customs control and other border crossing checks of the country of exit will be conducted in the territory of the country of entry. The people, vehicles, and goods, entering and/or exiting from the territory of the Parties are subject to control under the One-Stop Shop Concept. Upon finalizing appropriate infrastructure measures and signing a protocol that details the practical implementation of the Agreement, the One-Stop Shop Concept for the establishment of joint border controls at this border crossing point was officially launched in July 2023.⁴⁰

Bosnia and Herzegovina and Croatia

There are several joint border crossing points at the borders of Bosnia and Herzegovina with its neighboring countries. With the accession of Croatia to the European Union in 2013, Bosnia and Herzegovina and the Republic of Croatia agreed on their latest arrangements on border crossings.⁴¹ The 2013 Agreement on border crossings between Bosnia and Herzegovina and the Republic of Croatia regulates the possibility of having joint border crossings where the responsible authorities of one Contracting Party can control the movement across the state border into the territory of the other Contracting Party based on a separate agreement (Article 3 of the Agreement).

The Agreement between Bosnia and Herzegovina and the Republic of Croatia on the joint location of border crossings that was signed in 2002 and entered into force in 2011 regulated several details on joint border crossings (use of national legislation, building and marking of facilities, rules for working in the host country, personal official weapons and equipment, sequencing of controls, returning of persons and goods, etc.). Details on each individual joint location of border crossings are regulated with the separate Annexes to the Agreement (exact location, size, and manner of using joint locations and facilities, etc.).⁴² Presently, there are seven operational joint locations on border crossings between Bosnia and Herzegovina and the Republic of Croatia. Four of them are located on the territory of the Republic of Croatia (Hrvatska Kostajnica/Kostajnica, Klek/Neum I, Zaton Doli/Neum II and Maljevac/Velika Kladuša), while three of them are located on the territory of Bosnia and Herzegovina (Doljani/Metković, Izačić/Ličko Petrovo Selo i Gradina/Jasenovac).⁴³

Bosnia and Herzegovina and Montenegro

Bosnia and Herzegovina and Montenegro signed an agreement on border controls at joint border crossings in 2009 that allows the introduction of zones of joint border crossing points where the officials from both countries are authorized to conduct joint border controls. The Agreement regulates a wide range of issues such as the determination of places for border controls, the area of joint border crossings, border controls and responsibilities of officials, exit and entry controls, weapons and

⁴⁰ Website of the Customs Administration of the Republic of North Macedonia <https://customs.gov.mk/en-GB/ns-newsarticle-oficijalno-pustane-na-one-stop-shop-na-gp-kafasan.nspx>

⁴¹ Website of Bosnia and Herzegovina Border Police: <http://www.granpol.gov.ba/Publication/Read/936300?title=sporazumi-sa-republikom-hrvatskom-&pageId=18>

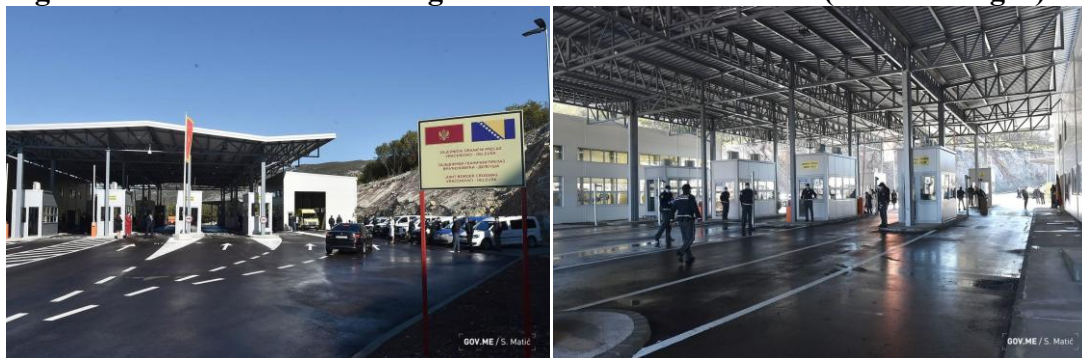
⁴² Croatian Legislation website: <https://zakon.poslovna.hr/public/ugovor-izmedu-republike-hrvatske-i-bosne-i-hercegovine-o-zajednickim-lokacijama-na-granicnim-prijelazima/243466/zakoni.aspx>

⁴³ Dnevni Avaz: <https://avaz.ba/bih/eu-bih/255766/istrazujemo-sve-bolja-saradnja-bih-i-hrvatske-na-granicnim-prijelazima>

equipment, telecommunications, costs for building and maintenance, etc.).⁴⁴ For individual border crossings, separate corresponding annexes to the Agreement have been negotiated (e.g., on the joint location at border crossings Deluša – Vračenovići (located in Montenegro) and Hum - Šćepan polje (located in Montenegro) and Sitnica – Zupci (located in Bosnia and Herzegovina) and Klobuk - Ilino brdo (located in Bosnia and Herzegovina).

The first joint border crossing between Bosnia and Herzegovina and Montenegro, Deluša (BIH) - Vračenovići (MNE) (located in Montenegro), was opened in October 2020. This joint border crossing has three lanes for passenger vehicles and one additional lane for trucks in each direction. There are separate Customs booths for the authorities of each country at each end of the joint border crossing point (JBCP) (at the entry of the JBCP for Customs authorities of the country of exit; and at the exit of the JBCP for the Customs authorities of the country of entry). A joint booth for border police control by the authorities of both countries is located in the middle of the JBPC.⁴⁵

Figure 7: Joint Border Crossing Point Deluša - Vračenovići (in Montenegro)



Source: Portal Analitika (Photo: Government of Montenegro / S.Matic)

The second JBCP Sitnica-Zupci (located in Bosnia and Herzegovina) has been completed, and it was officially opened in April 2025. There are ongoing efforts to finalize the activities for the opening of the remaining two already agreed JBCPs between the countries.

Bosnia and Herzegovina and Serbia

With the Agreement signed in July 2021 between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Serbia, the latest arrangements on border crossings have been agreed. The Agreement includes an article on joint border crossings where the control of passengers and goods moving across the state border could be organized on joint locations in the territory of one of the Parties and conducted jointly with the

Figure 8: JBCP Ljubovija – Bratunac



Source: Anadolu Agency News
(Photo: Ministry of communication and trade BIH)

⁴⁴ Website of the Government of Montenegro: <https://www.gov.me/dokumenta/80d9a6f8-e5ea-484a-acac-6140f1320089>

⁴⁵ Portal Analitika: <https://www.portalanalitika.me/clanak/crna-gora-sa-bih-otvorila-zajednicki-granicni-prelaz-vracenovici>

authorities from the other Party of the Agreement. Locations of joint border crossings, procedures, and responsibilities of authorities are regulated with separate agreements. The border crossing Ljubovija (New Bridge) (SRB) – Bratunac (New Bridge) (BIH) has been designated as a joint border crossing point located in the territory of Bosnia and Herzegovina.⁴⁶ The new bridge was built in the period 2015-2017, and the new joint border crossing Ljubovija - Bratunac was built in the period 2019 - 2021, and it was officially opened in November 2021.⁴⁷

Montenegro and Kosovo

Montenegro and Kosovo signed an agreement on the building and opening of the joint border crossing point Kotlovi – Kučište on the territory of the Republic of Kosovo in March 2014.⁴⁸ The Agreement provides for a joint expert commission to be created. The Protocol on performing joint activities of the border control and the payment of costs arising from the activities at this common border crossing point was signed between the ministries of interior of both parties in March 2014.⁴⁹ The Protocol details provisions on official premises, exchange of information, conducting border controls and mandatory border checks, procedures of refusal of entrance and seizures of goods, ID cards for officials, official weapons, official equipment, etc. The schedule for the implementation of this joint border crossing is not clear.

Montenegro and Serbia

In August 2018, the Governments of Montenegro and Serbia signed agreements on the opening of joint border crossings for international road passenger traffic in Vuča (MNE) - Godovo (SRB) in the territory of the Republic of Serbia,⁵⁰ and Čemerno (MNE) - Granica (SRB) in the territory of Montenegro.⁵¹ The Agreement on international railway border crossing Prijepolje (SRB) - Vrbnica – Bijelo Polje (MNE), signed in August 2018, also envisaged border control of freight trains at the joint railway station Bijelo Polje located in Montenegro. The railway station in Bijelo Polje that is located about 10 kilometers from the border with Serbia, was modernized in order to be able to host the joint border crossing function and became operational in July 2024. With the opening of this joint border crossing station, there are no border controls conducted in the territory of Serbia, since the railway station Bijelo Polje located in Montenegro houses both the authorities of Montenegro and Serbia under the same roof. It is expected that the time for border crossing of freight

⁴⁶ Website of the Parliament of Republic of Serbia:

<http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2021/1699-21-Lat..pdf>

⁴⁷ Anadolu Agency News: <https://www.aa.com.tr/ba/balkan/bih-srbija-pušten-u-funkciju-most-i-granicni-prelaz-izmedu-bratunca-i-ljubovije/2433019>

⁴⁸ Website of the Government of Montenegro: <https://www.gov.me/dokumenta/384d9292-08e0-4431-9636-806d4a6a3781/> / <https://www.kosovopolice.com/wp-content/uploads/2021/04/01-3.pdf>

⁴⁹ <https://www.kosovopolice.com/wp-content/uploads/2021/04/02-1.pdf>

⁵⁰ <http://www.mup.gov.rs/wps/wcm/connect/e821f457-5e14-4cab-a3ac-0b36650222c3/Crna+Gora-+Sporazum+o+otvaranju+grani%C4%8Dnog+prelaza+za+pograni%C4%8Dni+saobra%C4%87aj+Godovo-+Vu%C4%8Da.pdf?MOD=AJPERES&CVID=nc9TBr3>

⁵¹ <http://www.mup.gov.rs/wps/wcm/connect/06c27ca3-92fc-4508-b601-076a435a7a76/Crna+Gora-+Sporazum+o+otvaranju+grani%C4%8Dnog+prelaza+za+pograni%C4%8Dni+saobra%C4%87aj+Granice-+Cemerno.pdf?MOD=AJPERES&CVID=nc9WSFB>

trains has been shortened to about 1 hour and for passenger trains to about 30 minutes.⁵²

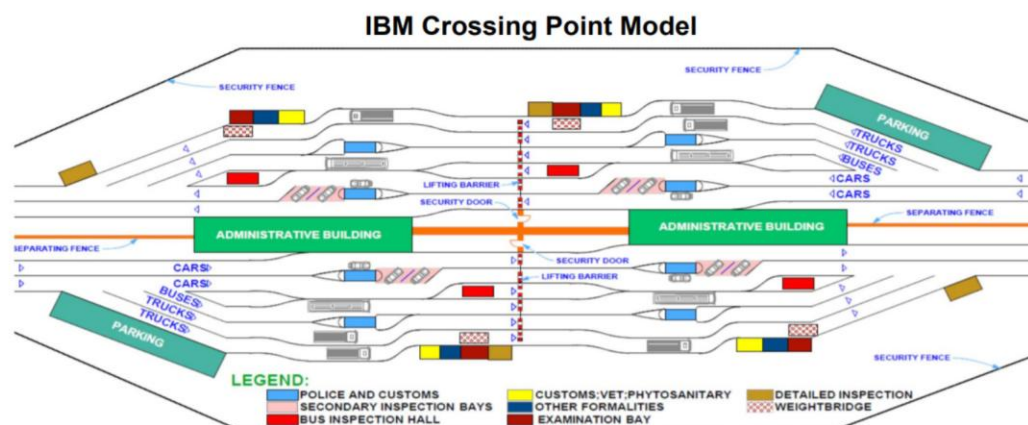
Kosovo and Serbia

In December 2011, under the EU-supported Integrated Border/Boundary Management (IBM) process, Kosovo and the Republic of Serbia agreed to gradually set up joint integrated posts at their six crossing points. Technical Protocol for the implementation of the IBM, as well as the IBM action plan, was developed in 2012 with a decision that the three of the crossing points will be hosted by Kosovo (Merdare, Brnjak/Tabavija and Mutivoda) while the other three will be hosted by Serbia (Jarinje/Rudnica, Depce/Mučibaba and Bela Zemlja/Končulj). A balanced presence of all competent authorities was agreed upon (e.g., Customs, Police, Phytosanitary and Veterinary, auxiliary, and other services) to carry out controls separately from each other within their part of the common crossing point.

The layouts for the IBM Permanent Crossing Points (CCP) were agreed upon in September 2014.⁵³ Building of two IBM crossing points in Kosovo started in 2017, and the Merdare IBM crossing point was finalized by October 2018, while the IBM crossing point Mutivode was finalized in July 2019 (however, they have not been operational as common crossing points at that time yet).

In September 2020, Kosovo and Serbia reached the Agreement on Economic Normalization in Washington D.C, which includes the intention to open and operationalize the Merdare Common Crossing Point facility, which was part of the original 2011 IBM agreement.⁵⁴ Consequently, the Merdare CCP was opened first with limited capacity and since March 2022 with both sides and five operational lanes for entry/exit. The Serbian authorities also took ownership of the new premises at the Mutivode CCP in March 2022.⁵⁵

Figure 9: IBM Crossing Point Model



⁵² Logistika, 17 July 2024, <https://www.logistika.ba/srbija-i-crna-gora-otvorile-zajednicki-zeleznicki-granicni-prelaz/>

⁵³ <https://dialogue-info.com/integrated-border-boundary-management/>

⁵⁴ <https://dialogue-info.com/economic-normalization/>

⁵⁵ Balkans Policy Research Group, March 2022, Kosovo-Serbia Dialogue: Implementing the Freedom of Movement and Integrated Border Management for the benefit of the people. Available at: <https://balkansgroup.org/wp-content/uploads/2022/03/KOSOVO-SERBIA-DIALOGUE-Implementing-the-FoM-and-IBM-for-the-Benefit-of-the-People-3.pdf>

Source: Balkans Policy Research Group, March 2022, Kosovo-Serbia Dialogue: Implementing the Freedom of Movement and Integrated Border Management for the benefit of the people (p.27)

North Macedonia and Kosovo

In June 2013, the Governments of North Macedonia and Kosovo agreed to open a new joint border crossing for international road traffic Belanovce - Stancik (Stançiq).⁵⁶ Based on the recommendation of the Joint Expert Commission, the Protocol on the manner of construction and opening of this joint border crossing was signed in February 2016. The road sections up to this new border crossing point (financed by both parties) and the construction of the joint border crossing with necessary infrastructure (supported by the EU) were completed by early 2020. The joint border crossing point Belanovce - Stançiq with common facilities for the relevant authorities of both parties (border police, customs, etc.) was opened and became operational in January 2020.

Figure 10: Joint Border Crossing Belanovce (MKD) - Stançiq (KOS)



Source: <https://irdeng.com/portfolio-items/supervision-of-joint-border-crossing-point-at-stanciq-belanovce/>

In September 2023, the Governments of North Macedonia and Kosovo reached an agreement to upgrade existing checkpoints to joint border crossings “Blace – Han i Elezit” (located in the territory of the Republic of North Macedonia) and “Jazince – Glloboqice” (located in the territory of the Republic of Kosovo). The persons, vehicles, and goods entering and/or exiting the Parties’ territories are subject to control by the respective competent authorities based on the principle “one-stop control” in accordance with the national legislation of each of the Parties.⁵⁷ The protocol for the implementation of this Agreement was signed in November 2024. The joint border crossings “Blace – Han i Elezit” were officially opened in April 2025 and presently operates under “one-stop control” principle, with officials responsible for border checks from both countries working in shared facilities.

The Governments of North Macedonia and Kosovo have also signed an agreement on border regulation of railway traffic in 2011 that entered into force in 2012.⁵⁸ This agreement regulates the establishment of a joint railway border station, Hani i Elezit, located in Kosovo. The Agreement for implementation, with further details on joint customs controls at the joint railway border station, was signed in September 2021.⁵⁹ The preparatory activities for this joint rail BCP are ongoing; however, the schedule for the opening is still not clear.

⁵⁶ <https://dejure.mk/zakon/zakon-za-ratifikacija-na-spogodbata-megju-vladata-na-republika-makedonija-i-vladata-na-republika-kosovo-za-otvoranje-na-nov-zaednichki-granichen-premi>

⁵⁷ <https://dejure.mk/zakon/zakon-za-ratifikacija-na-dogovorot-pomegju-vladata-na-republika-severna-makedonija-i-vladata-na-republika-kosovo-za-zaednichki-granichni-premini-blace>

⁵⁸ <http://www.slvesnik.com.mk/Issues/90A7C4EB2ABC97488F3D9F64A36B8736.pdf>

⁵⁹ Ministry of Finance of Republic of North Macedonia: <https://finance.gov.mk/2021/09/16/ministers-besimi-and-murati-signed-agreement-on-joint-customs-control-at-blace-hani-elezi-railway-border-crossing/?lang=en>

North Macedonia and Serbia

The Agreement between the Government of North Macedonia and Serbia on the introduction of joint control at the main border crossing for international road transport Tabanovce (MKD) - Presevo (SRB) was signed in July 2019 and entered into force in August 2019.⁶⁰ Five protocols necessary for the implementation of this agreement were signed in August 2019 (between border police, Customs, and other control authorities of both parties).

The Agreement introduces “one-stop-shop” principle for both passenger and cargo traffic. The border control of all responsible authorities of both countries is conducted at the joint border crossing Tabanovce (MKD) for the traffic exiting from Serbia and entering North Macedonia. The border control from all responsible authorities of both countries is conducted at the joint border crossing Presevo (SRB) for the traffic exiting from North Macedonia and entering Serbia. The joint border control at the border crossing Tabanovce (MKD) - Presevo (SRB) became operational in August 2019.⁶¹

Figure 11: JBCP Tabanovce (MKD)



Source: Customs Administration of North Macedonia

The Agreement between the Government of the Republic of North Macedonia and the Republic of Serbia on establishing a new border crossing Lojane – Miratovac located on the territory of the Republic of Serbia, was signed in December 2019.⁶² With the Agreement, it is envisaged to establish this border crossing in two phases, first as a local, and subsequently as an international border crossing upon fulfilment of necessary conditions. The Protocol on organization of controls at the border crossing Lojane – Miratovac was signed in February 2023. The schedule for the opening of this joint border crossing is not clear.

The Governments of North Macedonia and Serbia have also signed an agreement on determining the border procedure for the railway border crossing Tabanovce (MKD) - Presevo (SRB) in 2015.⁶³ The Agreement designates the joint border railway station Tabanovce located in North Macedonia, where joint border procedures will be conducted. The Agreement regulates several issues on conducting border procedures by the officials of one party in the territory of a neighboring country. It includes border procedures in zones, border procedures in trains for passenger transport, border procedures for cargo trains, exchange of information, status of officials, facilities where border procedures are conducted, joint commission and protocols between border police, customs and other inspection authorities, railway infrastructure managers, etc. Project documentation for building a new railway border crossing station has been

⁶⁰ <http://www.mup.gov.rs/wps/portal/sr/dokumenti/medjunarodni%20sporazumi/Severna+Makedonija>

⁶¹ Customs Administration of the Republic of North Macedonia:
<https://customs.gov.mk/index.php/en/2016-08-15-20-09-54/2016-08-15-15-05-6/2297-oficijalno-startuva-one-stop-shop-na-granichen-premin-tabanovce-preshevo-2>

⁶² <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2019/16/8/reg>

⁶³ <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2015/9/3/reg>

completed in 2020.⁶⁴ The investment framework of 7.6 million euros was finalized and secured by March 2025. The building of the new joint border railway station is expected to start later in 2025 and to be finished in a period of 2 years.⁶⁵

The examples from the Western Balkans are showing a variety of options for implementing joint border crossings. In the cases of the opening of new border crossings and when major reconstructions of existing border crossings are needed, the modality of a joint border crossing point is the favorable option due to evident savings in their establishment and optimization of resources. While most of the joint border crossing points are relatively smaller, some of the major border crossings in this region have also been adjusted to use this modality. The trend for the opening of new joint border crossings and reconstruction of existing border crossings with the use of common facilities and joint controls is expected to continue. It was estimated that if there are more joint border crossing points working 24/7, with all the regulation in place, phytosanitary procedures, and customs regulations eased down, then the Western Balkan region could save 800 million EUR per year.⁶⁶

Joint border crossing point experiences and practices in Africa

When it comes to the initiatives for the introduction of One Stop Border Posts (OSBPs), Africa has been the most active region in recent years. Since the 2000s, many countries and regional economic communities in Africa have expressed their interest in transforming existing traditional border posts into OSBPs. The first OSBP at Chirundu Border Post, between Zambia and Zimbabwe, opened as a pilot in 2009. Positive results of reducing travel time across the border (e.g. initially from 4-5 days to a few hours up to 3 days) have drawn wide attention from many African countries and contributed to the progress in OSBP development. So far, about 25 OSBPs have been completed in East, South, and West Africa; about 15 OSBPs are still under construction; and around 120 are under planning or pending design and construction.⁶⁷

The Eastern Africa is the leading region with 46 identified operational/potential OSBP.⁶⁸ Following a regional approach, the member states of the East Africa Community (EAC) have decided to establish OSBPs on internal borders, and to consider the development of OSBPs on the borders between EAC and neighbouring countries.⁶⁹ EAC OSBP Act, adopted in 2016, provides common OSBP legislation on

⁶⁴ <https://meta.mk/do-krajot-na-juli-kje-se-kompletira-projektot-za-zaednichki-zheleznichki-granichen-premin-megju-makedonija-i-srbija/>

⁶⁵ <https://www.kumanovonews.mk/vesti/makedonija-i-srbija-kje-gradat-zaednicki-zeleznicki-granicen-premin-na-tabanovce>

⁶⁶ Regional Cooperation Council: <https://www.rcc.int/news/646/bregu-with-joint-border-crossing-points-western-balkans-could-save-800-mil-euro-a-year-we-should-set-them-among-wb-but-also-with-eu>

⁶⁷ AUDA-NEPAD, JICA, One-Stop Border Post Sourcebook (3rd Edition, June 2022), based on data provided in Appendix A; Matrix of OSBP Characteristics (as of 18 April 2022): <https://nepad.org/sites/default/files/resourcefiles/English%20Version%20of%20OSBP%20Sourcebook%20%28Final%20Version%203rd%20edition%29.pdf>

⁶⁸ Same as above

⁶⁹ Within East African Trade and Transport Facilitation Project (EATTFP) as part of the EAC infrastructure development program and with the development of EAC OSBP Act (2016) / EAC OSBP Regulation (2017)

a regional level.⁷⁰ About fifteen designated EAC OSBPs located on internal borders are already operational. In general, the EAC OSBPs are organized as juxtaposed facilities where exit procedures take place at the entry side of the border.

The operationalization of the EAC OSBPs contributed to streamlined movement across the borders and some dramatic reductions in border crossing times (e.g. OSBP processes at the Malaba border crossing between Kenya and Uganda were piloted in 2008, and after operationalization, the average border crossing time was decreased from 24 hours to 4 hours).⁷¹ It should be noted that such success is a result of comprehensive measures introduced in the EAC Customs Union, which, in addition to OSBPs, includes modified/simplified border crossing procedures, the use of single window systems, cross-border electronic exchange of information, etc.

The Southern Africa region has 28 identified potential OSBPs; however, presently only six of them are operational. The Common Market for Eastern and Southern Africa (COMESA) transport facilitation instruments recommend OSBP implementation. The COMESA model OSBP legislation and guidelines provide a blueprint for national OSBP acts. The Southern African Development Community (SADC) has drafted guidelines on coordinated border management that include the OSBP concept.⁷²

Countries in Southern Africa are developing OSBP based on bilateral agreements and MoUs. The first fully functional OSBP in Africa is Chirundu border post, located at the border between Zambia and Zimbabwe. The Chirundu border post started with OSBP operations at the end of 2009, based on the Bilateral Agreement (2007) and OSBP acts in Zimbabwe (2007) and Zambia (2009). The Chirundu OSBP operationalization demonstrated a significant reduction of border crossing time (from 2-9 days to a few hours after the operationalization, with most of the cargo cleared within a day).⁷³

Successful implementation of the OSBP concept and reduction of the border crossing waiting time at Chirundu OSBP were supported with procedural improvements and enhanced use of risk management.

The OSBP experience between Zambia and Zimbabwe is recommended as a model to the countries in Southern Africa, which are facing the challenges of developing and operationalizing potential OSBPs. Presently, there are several ongoing infrastructure OSBP projects among a number of countries in Southern Africa (Botswana, Malawi, Mozambique, South Africa and Zimbabwe).⁷⁴

⁷⁰ The East African Community, The East African Community One Stop Border Posts Act, 2016, East African Community Gazette no. 4 of 15th April, 2016. Available at: http://www.eala.org/uploads/EAC_One_Stop_Border_Post_Act_2016_1.pdf

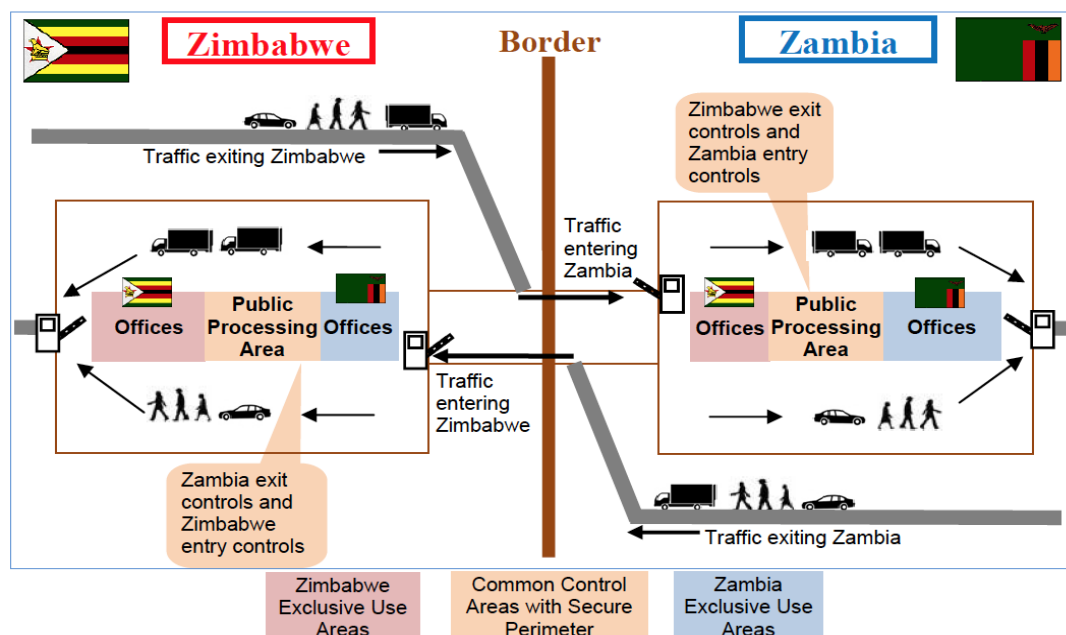
⁷¹ Mike Fitzmaurice and Olivier Hartmann; World Bank; 2013; Border Crossing Monitoring along the Northern Corridor. Available at: <https://openknowledge.worldbank.org/handle/10986/16555>

⁷² SADC, 2011, Draft Guidelines for Coordinated Border Management. Available at: http://www.sadc.int/files/7613/7415/0086/SADC_Coordinated_Border_Management_Guidelines_-_Aug_2011.pdf

⁷³ NEPAD, ADB, ICA, JICA; May 2016; One Stop Border Post Sourcebook – Appendix A - shows key OSBP characteristics on each identified OSBP by sub-region (as of 25 January 2016); Available at: http://www.africa-platform.org/sites/default/files/resources/osbp_sourcebook_2nd_edition.pdf

⁷⁴ Southern Africa Trust, Policy Brief 2021, (Table 1). Available at: https://media.africaportal.org/documents/state_of_border_and_movements_within_southern_africa.pdf

Figure 12: OSBP Model at Chirundu border crossing



Source: NEPAD, ADB, ICA, JICA; May 2016; One Stop Border Post Sourcebook

The Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA) have developed regional legal frameworks for the establishment and implementation of the joint border post (JBP) concept operation.⁷⁵ Many West African JBPs are being developed as wholly located in one country, while some are planned as straddling or juxtaposed border posts. The first JBP constructed in West Africa in 2011 is Cinkansé border post on Burkina Faso/Togo border, situated on Burkina Faso side.

Despite some progress in harmonization and facilitation efforts, the development of Cinkansé JBP has experienced several challenges, such as overemphasis on infrastructure, insufficient funding, issues with private sector participation and lack of ownership commitment, which have impeded successful operationalization. Some of the latest completed JBPs in this region are: Ekok - Mfum (Nigeria / Cameroon),⁷⁶ Sèmè - Kraké (Benin / Nigeria) and Noepé - Akanu (Ghana / Togo).⁷⁷

The joint border crossing points experience in Africa, known as the OSBP and JBP concept, is largely diverse. Despite many issues encountered during development and operationalization, the OSBP and JBP are considered as the preferred option if compared to traditional border posts, and many countries in this region seem committed to their endeavour to address the implementation challenges.

⁷⁵ ECOWAS, 2013, Supplementary Act /Sa.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of the Economic Community of West African States. Available at: <https://www.ecowas.int/wp-content/uploads/2015/01/1-Joint-Boarder-Post.pdf> (Note that Comprehensive Matrix of Law and Institutions of Regional Economic Communities is listed in AUDA-NEPAD, JICA, One-Stop Border Post Sourcebook (3rd Edition, June) - Appendix B)

⁷⁶ AU PIDA, 2021: <https://www.au-pida.org/news/ecowas-in-collaboration-with-auda-nepad-trains-border-officials-towards-the-operationalization-of-ekok-mfum-joint-border-post-between-the-republic-of-cameroon-and-federal-republic-of-nigeria/>

⁷⁷ NTU International 2020, Completion of ECOWAS Joint Border Posts; Available at: <https://www.ntu.eu/news/completion-of-joint-border-posts/>

Joint border crossing point experiences and practices in Asia

The Southeast Asia subregion has been active in the development of joint border crossing controls. The cooperation among the countries in this field is mainly governed by the multilateral agreements of the Greater Mekong Subregion (GMS) initiative. The GMS Cross-Border Transport Facilitation Agreement (CBTA) is a comprehensive agreement that endeavors to address a range of cross-border transport issues.⁷⁸ One of the GMS CBTA objectives is to reduce the time spent at borders by introducing several trade and transport facilitation measures, including the implementation of border management systems based on single stop inspection (SSI).

In accordance with the GMS CBTA provisions, the implementation details on the SSI procedure have to be agreed upon in a Memorandum of Understanding (MoU) on a bilateral level between the contracting parties on each border crossing concerned. Based on MoUs signed in 2005 between Vietnam and Lao PDR, the work on the initial implementation of the CBTA (IICBTA) in the SSI modality started on a pilot basis at Lao Bao (Vietnam) – Dansavanh (Lao PDR) border crossing.⁷⁹ Other contracting parties have negotiated and signed several other MoUs for further expansion of the IICBTA at other border crossings, which are presently at various implementation/negotiations stages.

Box 2: Single Stop Inspection (SSI) as defined by GMS CBTA

Single-stop inspection (SSI) is a measure for the facilitation of border crossing formalities where the officials of the country pairs shall assist one another to the extent possible in the performance of their duties. The two adjacent national authorities will carry out their inspections jointly and simultaneously. Where the local configuration does not allow the installation of physically adjacent back-to-back frontier control posts, the control officials from one Contracting Party shall be allowed to perform their duties on the territory of the other Contracting Party. (*Article 4(b) of the CBTA*)

SSI Implementation Modalities (*Article 5(b) of Annex 4 of the CBTA*)

1. Joint Inspection

The two adjacent national customs authorities carry out their inspection and control jointly and simultaneously. The customs officers of the adjacent countries assist one another to the extent possible in the performance of their duties.

2. Split Arrangement

The customs authorities from one Contracting Party specialize in a particular function, while the customs authorities from the other Contracting Party specialize in another function, e.g., according to traffic direction (outbound/inbound) or type of carriage (passenger/cargo).

⁷⁸ The CBTA was signed in 1999 by the Lao People's Democratic Republic (Lao PDR), Thailand, and Vietnam. To the agreement later acceded: Cambodia in 2001, the People's Republic of China in 2002, and Myanmar in 2003. The CBTA legally entered into force in December 2003 upon ratification by all six GMS countries. The text of the CBTA is available at: http://www.gms-cbta.org/uploads/resources/15/attachment/1a_ADB_TF_CBTA_I-Agreement.pdf

⁷⁹ ADB, (2011), Greater Mekong Subregion Cross-Border Transport Facilitation Agreement; Instruments and Drafting History (p.273); <http://www.adb.org/sites/default/files/gms-cbta-instruments-history.pdf>

Box 2: Single Stop Inspection (SSI) as defined by GMS CBTA (continued)

3. Performance in the Foreign Territory

The customs officers from one Contracting Party are allowed to perform their duties on the territory of the other Contracting Party.

4. Delegation of Authority/Mutual Recognition of Inspection

A Contracting Party delegates its inspection and control competence to the customs officers of the other adjacent Contracting Party to perform it on its behalf. Contracting Parties may mutually recognize the inspections performed by each other's customs authorities.

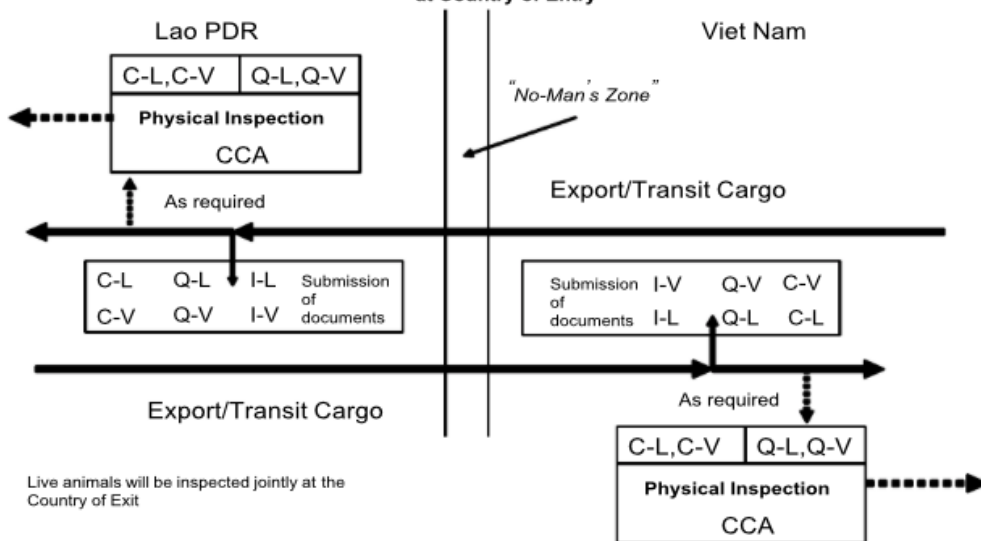
5. Combinations

Combinations of the above-mentioned modalities are also practicable.

The trials of the SSI modality under CBTA at the Dansavanh - Lao Bao border crossing started in June 2005. The SSI modality for border crossing formalities was implemented in phases with the use of joint and near-simultaneous physical inspections at the country of entry by the competent authorities of both neighbouring countries. With step 1, physical Customs inspection has been conducted only in the country of entry in the common control area (CCA), by joint and simultaneous controls of customs authorities of both countries (2006-2008). In the next phase, the entire process of customs clearance (step 2) and quarantine clearance (step 3) was conducted only in the country of entry (2008-2015). With step 4 implemented from February 2015, all border crossing clearance formalities are conducted in the country of entry. The border crossing formalities (customs and quarantine clearance, as well as immigration control) are no longer taking place in the country of exit. The only exception remains the inspection of live animals that is performed at the country of exit.

Figure 13: Step 4 of IICBTA at Dansavanh - Lao Bao border crossing

Step 4: Single Window and Single Stop: Joint Customs and Quarantine Inspection in Common Control Area (CCA) and Clearance/Processing of Customs, Quarantine, and Immigration Documents at Country of Entry



Source: MoU on the IICBTA at Dansavanh, Lao PDR and Lao Bao, Vietnam, 2005

The SSI implementation at the Dansavanh - Lao Bao border crossing and joint controls of border crossing agencies were further detailed with multiple sector MoUs and arrangements between competent authorities of Lao PDR and Vietnam, such as: MoU on joint immigration control signed between Lao PDR's Ministry of Public Security and Vietnam's Ministry of National Defence; MoU on the SSI implementation for customs signed between the Ministry of Finance of Vietnam and Ministry of Finance of Lao PDR; MoU on implementation of Common Control Area signed between Lao Customs and Vietnam Customs authorities under their Ministries of Finance; MoU on SWI/SSI for Plant and Animal Quarantine, signed between Vietnam's Ministry of Agriculture and Rural Development and Lao PDR's Ministry of Agriculture and Forestry.⁸⁰

Figure 14: Joint Immigration and Customs controls at Lao Bao - Dansavanh



Border guard (VN) and police officer (LAO) in one cabin Vietnam and Lao PDR Customs joint inspection

Source: Nguyen Van Binh, August 2016, Presentation at 8th GMS Economic Corridors Forum – Phnom Penh; Briefing of the outcomes of CBTA JC and NTFC Meeting and Development of SSI/SWI at Lao Bao – Dansavanh

The practical arrangements for introduction of SSI/SWI at the Dansavanh - Lao Bao border crossing agreed between the competent authorities of both countries include: legal foundation for joint inspections; assignments of officers for joint work; ID cards for authorized officials to cross the border to perform SSI duties; use of offices at neighbouring country; functioning of common control area; and other particulars necessary for comprehensive implementation of IICBTA.

Infrastructure improvements were necessary on both sides of the Dansavanh - Lao Bao border crossing, such as renovation of the interagency control complex, renovation and adjustments of key facilities, such as offices, checking boxes, common control areas, lanes and terminals. The first phase of infrastructural improvement at Lao Bao (Vietnam) checkpoint (with approximate costs of 0.5 million USD) was completed in February 2015, and the second phase renovation and a new Lao Bao entry terminal (with approximate costs of 1.6 million USD) was under construction in 2016.⁸¹

⁸⁰ Nguyen Van Binh, August 2016, Presentation at 8th GMS Economic Corridors Forum – Phnom Penh; Briefing of the outcomes of CBTA JC and NTFC Meeting and Development of SSI/SWI at Lao Bao – Dansavanh

⁸¹ Nguyen Van Binh, August 2016, Presentation at 8th GMS Economic Corridors Forum – Phnom Penh; Briefing of the outcomes of CBTA JC and NTFC Meeting and Development of SSI/SWI at Lao Bao – Dansavanh

The introduction of SSI at the Dansavanh - Lao Bao border crossing has improved coordination among border crossing agencies and provided streamlined processing of border crossing formalities. That contributed to significantly reduced border crossing clearance times; from 4 hours - 90 minutes before 2005 to 40 - 30 minutes after SSI became operational. It should be noted that savings in customs and immigration processing times could be attributed as well to the deployment of new e-customs systems and to bilateral facilitation measures that are not necessarily related to the CBTA implementation.^{82, 83, 84}

Several challenges have been experienced during SSI implementation at the Dansavanh - Lao Bao border crossing. The differences in customs and other border crossing regulations in both countries make the organization of joint inspections and simultaneous controls demanding. That includes differences in goods subject to quarantine control. The border control facilities had to be improved, and adequate infrastructure and equipment had to be provided to adjust for the application of SSI methodology. Capacity building and trainings for the private sector and the border officials were required (especially with periodic transfers/relocations that are common for border authorities).

The modality of SSI organization in the country of entry has shown a weakness in a case where some minor irregularities on the export side are found. If that requires changes in export documentation, it is necessary to prepare such modifications back in the exit country, having in mind that the forwarding agents of the exit country are not offering their services in the entry country.

Despite the challenges of the SSI implementation, the experience of the Dansavanh - Lao Bao border crossing is showing that there is great potential in facilitating border crossing formalities and reducing border crossing time with the introduction of the SSI modality.

MoU on initial implementation of CBTA (IICBTA) was also concluded for Mukdahan – Savannakhet border crossing between Thailand and Lao PDR, where Common Control Areas (CCAs) have been developed, trial runs have been organized in 2016, and some internal regulations have been developed; however, the SSI modality has not been implemented yet. The SSI experience of the Savannakhet – Mukdahan border crossing shows that despite declared aspirations to introduce the SSI modality, the implementation process could be very challenging. Dealing with legal constraints, infrastructural issues, and necessary improvements, as well as endeavours to harmonize operational differences, could be very time-consuming and requires adequate resources to be used and trust-building mechanisms to be employed.

⁸² Montague Lord; 2009; (Development Study presented to ADB); East-West Economic Corridor (EWEC) Strategy and Action Plan (p.88). Available at: <https://mpr.ub.uni-muenchen.de/41147/1/East-West-Economic-Corridor-Strategy-and-Action-Plan.pdf>

⁸³ Nguyen Van Thach, Ministry of Transport of Vietnam; 2012; CAREC Program Presentation - Cross Border Transport Facilitation between Vietnam and Neighbouring Countries; Available at: <http://www.carecprogram.org/uploads/events/2012/CBTA-Seminar/Session4-Cross-Border-Transport-Facilitation-Viet-Nam-Neighboring-Countries.pdf>

⁸⁴ Yushu Feng, Asian Development Bank; February 2014; Presentation at Symposium on APEC Connectivity Blueprint (Qingdao, China – May 2014) - Transport and Trade Facilitation for Connectivity in the GMS Regional Cooperation

In addition to GMS CBTA arrangements for Single Stop Inspection (SSI), some countries in Southeast Asia have introduced joint border crossing point controls based only on bilateral agreements. For example, in accordance with bilateral arrangements between Thailand and Malaysia, the joint border control is implemented at Padang Besar (Malaysia) border crossing for railway passengers.

Joint border crossing experiences and practices in North and South America

Cooperation between Canada and the United States of America on cross-border law enforcement is well established. The Smart Border Declaration (2001) and related 30-points Action Plan (2002) have addressed a range of security and facilitation issues, including: use of the joint inspection programme for expedited passenger processing (NEXUS);⁸⁵ harmonized commercial processing based on the joint trusted traders/truck drivers programme (Fast and Secure Trade FAST);⁸⁶ use of joint or shared facilities at some border crossings; integrated border enforcement teams, enforcement coordination, and integrated intelligence, etc.⁸⁷ The joint declaration Beyond the Border (Feb. 2011) and related Action Plans are expressing the United States – Canada continuous intentions to increase efficiency and effectiveness for both security and trade by implementing numerous facilitation initiatives.⁸⁸

The USA and Canada have signed a pre-clearance agreement that enables the border authorities of one country to carry out customs and immigration formalities in the territory of another country.⁸⁹

There are several examples of joint border crossing experiences and practices in Central and South America as well. In Mesoamerican countries (e.g., El Salvador and Guatemala), juxtaposed border posts have been introduced in some intermediate stages of Central American integration. The bi-national border controls under juxtaposed modality have been set up with arrangements on a few specific border posts (e.g., one between Peru and Bolivia, and one between Peru and Ecuador).⁹⁰ The bi-national procedure at juxtaposed borders allows the representatives of two neighbouring countries to conduct both entry and exit controls at the same border checkpoint.

⁸⁵ NEXUS programme; <https://www.cbp.gov/travel/trusted-traveler-programs/nexus>

⁸⁶ FAST programme; <https://www.cbp.gov/travel/trusted-traveler-programs/fast>

⁸⁷ U.S. - Canada Smart Border / 30 Point Action Plan Update; <https://2001-2009.state.gov/p/wha/rls/fs/18128.htm>

⁸⁸ For more information see Public Safety Canada website: <https://www.publicsafety.gc.ca/cnt/brdr-strtgs/bynd-th-brdr/index-en.aspx>

⁸⁹ While preclearance in air transport was established in 1950s expansion to other modes of transport was agreed with the Agreement on Land, Rail, Marine and Air Transport Preclearance (LRMA) signed in March 2015 and Preclearance Act 2016 that entered into force in 2019 (for more details see <https://www.publicsafety.gc.ca/cnt/brdr-strtgs/prclrnc/index-en.aspx>)

⁹⁰ Nilo Meza Monge; IDB, Integration & Trade Journal: Volume 18: No. 38, 2014; Available at: <https://publications.iadb.org/handle/11319/6600?locale-attribute=en#sthash.N065N8V7.dpuf>

Chapter 4 Key elements in establishing joint border crossing points

The following key elements could be considered essential for establishing joint border crossing points:

- common understanding of joint border crossing point objectives and clear expectations;
- effective coordination and cooperation mechanisms;
- comprehensive analysis of border crossing processes and selection of the most suitable joint border crossing point modality;
- appropriate institutional arrangements for the introduction of a joint border crossing point;
- effective preparation for the implementation of a joint border crossing point in practice.

Many of these key elements could be recognized in the experiences and practices presented in previous chapters of this Analytical Note.

A. Common understanding of joint border crossing point objectives and clear expectations

The parties involved in the introduction of joint border crossing points (on national and cross-border levels), in principle, should be able to easily agree on general objectives with regard to trade and transport facilitation; support of secure border crossing movement; and efficient use of resources. However, when further specifics of the individual joint border crossing point concept are developed, understanding of specific goals and expectations from introducing a joint border crossing point may differ.

The differences may exist in the understanding of the extent of trade and transport facilitation to be achieved, which will be reflected in the design of the joint border crossing point concept. Some border control authorities may be more reluctant to engage in higher-level operational cooperation than others. The priorities and understanding regarding the scope of restructuring required to improve border-crossing management with the implementation of a joint border crossing point could substantially differ from one stakeholder to another.

The extent of trade and transport facilitation depends on the implementation of other relevant national and international strategies, policies, and arrangements, which are defining cross-border traffic rights, available transport routes, transport quotas, and other fundamental elements of international transport; cross-border customs transit systems and customs border crossing formalities; immigration, sanitary, phytosanitary and veterinary, and other border control policies. If some of those policies and arrangements are more restrictive, then the possibilities to introduce effective joint border crossing points will be more limited. Therefore, the expectations from joint border crossing point facilitation should be adjusted within the limits of the overall trade and transport facilitation environment.

Increased security of border crossing movements could be achieved with a higher level of operational cooperation between the involved border control agencies on a national level and on a cross-border level. The introduction of a joint border crossing modality would increase the security of border crossing movements only if the agencies involved share intelligence and other information, coordinate in risk management, and cooperate in daily operations with the goal of increasing their enforcement capacity. However, if due to legal and operational constraints cooperation among border agencies is limited (e.g., prohibition to share information), then the expectations for increased security as a result of the introduction of a joint border crossing point should be adjusted.

Having in mind that various border crossing agencies have distinctive responsibilities, different staffing and operating capacities, and work in diverse national circumstances, it could be expected that different stakeholders may have different positions regarding priorities and the scope of restructuring deemed to be necessary to improve border-crossing management with the implementation of a joint border crossing point. In order to efficiently proceed with the introduction of a joint border crossing point, it is important for the stakeholders involved to understand each other's responsibilities, capacities, and other issues that are relevant for potential future reorganization of border crossing management under joint border crossing principles.

If the common understanding of objectives and clear expectations from the joint border crossing point are not established in the beginning of the process, then it could be very challenging to negotiate and to reach an agreement in later stages of the implementation. Therefore, reaching a common understanding and clear expectations among stakeholders regarding the introduction of a joint border crossing point has to be one of the early endeavors that is undertaken with consideration of relevant national and international strategies, policies, and arrangements regarding cross-border trade and transport facilitation, customs modernization and development policies with regard to immigration, quarantine, and other border crossing controls.

B. Effective coordination and cooperation mechanisms

Effective coordination and cooperation mechanisms are a core of the joint border crossing point. The previous discussion on a common understanding of joint border crossing point objectives only confirms that effective coordination and cooperation mechanisms are needed from the earliest stages. Even though the rationale for the introduction of a joint border crossing point may be acceptable for the stakeholders, the lack of trust could withhold progress in negotiations and implementation. Coordination and cooperation mechanisms between various stakeholders that operate on the border crossing should help the parties to better understand each other and to support closer and more effective cooperation.

Coordination and cooperation mechanisms on a national level and on a cross-border level should serve as a forum where: the common objectives and clear expectations will be discussed; the border crossing processes will be analyzed and the most suitable modality for a joint border crossing point will be identified; the institutional arrangements will be drafted; and the preparations for the implementation of a joint border crossing point will be made.

The structures for coordination and cooperation may include joint committees and sub-committees, and various working groups. Those structures are necessary on a central level as well as on a local level at the individual border crossings. The coordination and

cooperation structures need to have a clear mandate and strong high-level political support that will provide necessary guidance.

Designation of a national leading agency (e.g., customs authorities or border guards) could facilitate coordination at the national level in the process of development and implementation of the joint border crossing point. All other agencies present at the border crossing have to be adequately represented and should actively participate in the structures for coordination and cooperation. Having a lead agency should not undermine the commitment for the joint border crossing initiative of all other parties involved that also need to have strong ownership of such an initiative.

The decision-making process should be transparent, and appropriate mechanisms for settlement of differences, competition between agencies, and disputes have to be agreed upon. Since the introduction of a joint border crossing point is a complex matter, the activities of the coordination and cooperation bodies should be guided by the concerns for proper conduct of border crossing functions in general, rather than by the individual interests of each agency involved.

C. Comprehensive analysis of border crossing processes and selection of the most suitable joint border crossing modality

In order to be able to make well-justified decisions on the introduction of feasible joint border crossing points, it is necessary to conduct a comprehensive analysis of border crossing processes and formalities, taking into account other related modernization initiatives and to evaluate various potential joint border crossing point modalities.

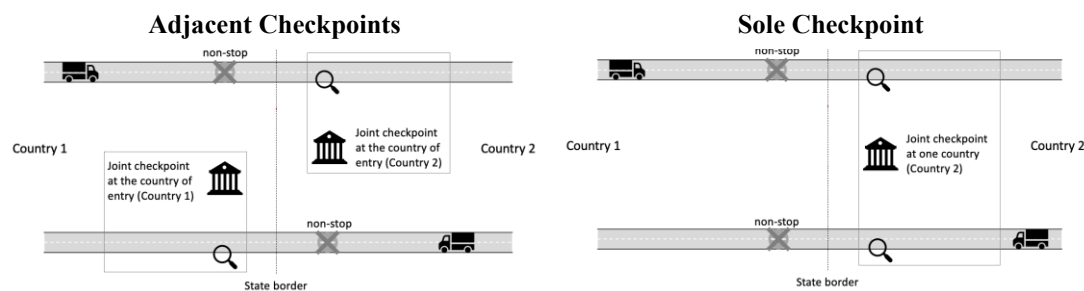
Following the initial steps in comprehensive analysis could be recommended:

- Business processes analysis (identification of stakeholders involved, resources available (manpower, equipment, infrastructure), present requirements and possible simplifications and improvements to achieve streamlined border crossing business processes);
- Harmonization and simplification of documentary requirements and operations (alignment of documentary requirements with international standards and reduction of the number of documents);
- Digitalization, electronic data exchange options and additional ICT support considered;
- Identification and evaluation of joint border crossing modalities options that could contribute to redesigned business processes with a reduced number of stops and reduced/eliminated repetition of inspections and controls at the border, which includes:
 - definition of joint border crossing point modality options;
 - legislative requirements;
 - requirements for infrastructural adjustments and improvements;
 - implementation necessities (institutional framework, common standard procedures, etc.);
 - options for joint use of resources;
 - impact from related strategies, policies, agreements, legislation, practices;
 - forecast of costs, resource savings, and economic impact from the newly introduced joint border crossing point modality.

One of the key issues to be agreed upon for the introduction of a joint border crossing with shared facilities and a common control area. Since locating the joint border crossing exactly on the border line between the neighboring countries is not necessarily always possible, the parties have to determine if the joint border crossing point will be organized as:

- a pair of adjacent checkpoints at one location in each country (e.g. at the country of entry in each direction of movement) where both exit and entry formalities of both neighbouring countries are taking place; or
- a sole checkpoint at a single location entirely located in the territory of only one country.

Figure 15: Examples of modalities for the operation of joint border crossing



Several factors may impact the choice of border crossing point modality. In addition to the geographical characteristics of the location of the state border, other factors may include: the mode of transport (road/rail); the conditions of already available infrastructure at each side of the border; the volume of traffic and type of traffic (passenger/cargo flows); the degree of integration and trust between the neighbouring countries; etc.

In general, countries prefer to have their own visible border facilities located within their territory as a sign of sovereignty. The introduction of a joint border crossing point eliminates such visibility, and following the reciprocal approach, very often the adjacent checkpoints are considered the most favorable option. Since the emphasis on border controls is usually higher with regard to the entry/import formalities, the adjacent checkpoints are usually located within each country of entry.

Even though the modality of adjacent checkpoints provides clear reciprocity, it is not necessarily the most feasible option. If the border crossing infrastructure and facilities are not well developed or not equally developed, then more substantial investment and infrastructure adjustments may be needed to upgrade border crossing capacities. In such cases, for the neighboring countries, it could be more appropriate to consider the sole checkpoint modality of joint border crossing located entirely within the territory of one of the countries, that could offer more significant savings. Certain reciprocity could be established in this case as well if multiple border crossings are considered, so some of them could be located in one neighboring country, while the rest are located in another.

Once the general modality for the organization of joint border crossing is determined, other details to be agreed upon include the physical layout of the border crossing (number and type of lanes, dedicated fast-track lanes, primary and secondary control areas, parking lots, administrative facilities; horizontal and vertical signalization; IT connectivity; etc.). Principles for investment/maintenance of the infrastructure and inspection equipment, which will be jointly used have to be set.

Introduction of operational procedures for sequenced, simultaneous and near simultaneous, or joint border crossing formalities and controls for all agencies involved (Customs, immigration, quarantine, and others) have to be agreed upon with a number of details that include:

- sequence of controls,
 - handover of controls and change of jurisdiction,
 - organization of joint inspections and observations (including joint use of equipment and control systems, e.g., X-ray scanners, electronic vehicle tracking systems, etc.),
 - transfer of duties and charges collected in the neighbouring country,
 - procedures when irregularities have been found,
 - return of persons, transport means, and goods when entry is not allowed,
 - procedures to arrest and detain persons at the border crossing,
 - procedures to seize goods at the joint border crossing point,
 - immunities and criminal jurisdiction over the officers working in the neighbouring country.
- Additionally, the parties may agree on specialization of border control functions, cross-border delegation of powers and responsibilities, and mutual recognition of controls, which may include coordination in risk management on a cross-border level.

The modality based on control from the authorities of both neighbouring countries at the joint border crossing point (regardless of whether it is in adjacent checkpoints or a sole checkpoint) is far more common than the modality based on cross-border delegation of powers and mutual recognition of controls.⁹¹ Transferring the powers for control to the partner agency of a neighbouring country (e.g. delegation of powers for exit inspection of goods to be conducted by the customs authorities of a foreign neighbouring entry country) seems less attractive, mainly due to complex legal requirements for cross-border empowerment of the control authorities that have to be satisfied.

Developing a modality based on cross-border delegation of powers is possible only if a high level of trust is established, which is a very demanding endeavour. Despite the demanding requirements, it should be noted that if the necessary conditions for the introduction of a joint border crossing point based on cross-border transfer of powers could be fulfilled, then this solution has the potential for significantly more cost-effective organization of border controls (e.g., less investment in control and administrative areas and human resources could be greatly optimized).

⁹¹ One of the rare operational examples of a modality based on cross-border delegation of powers is identified at border crossings between Norway and Sweden (as noted in the previous chapter), where the national border authorities are empowered to exercise legal powers on behalf of their neighbouring states.

D. Appropriate institutional arrangements for the introduction of a joint border crossing point

Upon negotiation and selection of the most suitable joint border crossing point modality in coordination between all stakeholders concerned on national and cross-border levels, appropriate institutional arrangements have to be formalized in order to offer a legal framework for the introduction of a joint border crossing. In order to respond better to the challenges of this complex process, the institutional arrangements could be prepared in a way that provides incremental and project-driven development.

The agreed modality and details on the organization of a joint border crossing have to be reflected in the corresponding legal arrangements on the introduction of a joint border crossing point. The legal issues to be considered include:

- legal requirements for the implementation of the extraterritorial principle for the performance of border crossing controls in a territory of another neighbouring country;
- identification of potential discrepancies (and if necessary, harmonization of legislation and practices between both countries) to avoid conflicting or inefficient joint border crossing procedures.

All requirements for amendments and adoption of national legislation, when necessary, have to be considered from the earliest stages of drafting international institutional arrangements.

The legal treatment towards international institutional arrangements in the countries concerned has to be considered. While in some countries, a ratified international agreement on a joint border crossing point may have primacy over national legislation, in other countries, signed international arrangements could be unenforceable until they are transformed into national legislation.

When developing a legal structure for the introduction of a joint border crossing point, efforts should be made to address effectively any conflicts between international arrangements and national legislation. Within the rules of the legal system concerned, higher-level national legislation (e.g., laws) that is more demanding to adopt and amend should address the general joint border crossing point issues, while implementing details could be regulated in lower-level sub-laws or standard operational procedures, which will give some flexibility in addressing practical implementation issues.

The international institutional arrangements on joint border crossing facilities and joint controls, as well as amended national legislation (if needed), should provide legal interoperability for the performances of all involved border crossing agencies in joint border crossing points. Details on practical implementation of the joint border crossing point organization could be given in common standard procedures.

The development of institutional arrangements for the introduction of joint border crossing points could be a very demanding and time-consuming endeavor, starting from the negotiation process, following the legal process for adoption of agreements, protocols, laws, decrees, implementing regulations, and other sub-laws and instructions. When the general concept and joint border crossing point design are previously agreed and accepted by all parties through the established coordination mechanism, the process of developing a legal framework could be significantly facilitated.

TRACECA Model Agreement on the organization of joint border crossing points is given in the annex of this Analytical Note, with the objective of facilitating the process of introducing joint border crossing points for interested TRACECA countries. The Model Agreement could be used as a starting point for negotiation of the general arrangement on joint border crossing points. It is suggested to determine the location, type (road/rail), modality (adjacent/sole checkpoint), and other organizational issues of specific joint border crossing points with Annexes of the Agreement (Article 2(4) of the Model Agreement). It is also suggested for the competent authorities of the Parties sign additional interdepartmental Protocols for effective management of the joint border crossing point, detailed organization of border controls, exchange of information, etc. (Article 9(5) of the Model Agreement).

E. Effective preparation for operationalization of joint border crossing point

In preparation for operationalization of a joint border crossing point, several issues have to be effectively addressed, such as: adjustment of border crossing infrastructure, digitalization and IT connectivity, financing and budget, efficient joint implementation team, training and outreach programmes, trial test, monitoring and evaluation system.

The introduction of a joint border crossing point may require infrastructural adjustments of existing border crossing point(s) or building new joint border crossing infrastructure and facilities. Joint control zone and common facilities are of particular interest as well as potential adjustments of the lanes at the border crossing to enable streamlined movement of passenger vehicles and trucks. Despite the fact that proper infrastructure is an important element, the introduction of joint border crossing should not be considered as mainly an infrastructural project because the focus has to be on improvement and streamlining of the organization of border crossing formalities (e.g. with simplification of procedures, digitalization, etc.).

If TRACECA countries have plans for major infrastructure upgrades at their border crossings (e.g., opening a new border crossing; extension of border crossing lanes, parking lots; refurbishing or building new administrative or control facilities or providing new border crossing equipment), it could be recommended to use such an opportunity to consider possibilities of opening a joint border crossing point with the neighboring country.

The change of border crossing formalities requires adequate training for the agencies involved to provide successful implementation of the newly introduced joint border crossing point. Transport operators, forwarders, and the trade community also have to be aware of the new border crossing formalities; therefore, specialized outreach programmes have to be prepared for them. Due to the complexity of joint border crossing point modalities, gradual implementation and trial tests are highly recommended.

Implementation of the joint border crossing point should be well coordinated among neighboring countries; therefore, it is necessary to establish a joint implementation team that will be able to communicate effectively on a local level. Having performance measurement and monitoring mechanisms based on common standards is essential for evaluating the effects of opening the joint border crossing point. Integrity programs may be combined with capacity-building programs and training activities in order to maximize the effects from the introduction of the joint border crossing point.

Chapter 5 Recommendations on Key Issues in Establishing Joint Border Crossing Point

1. Evaluate the alignment of national legislation against the standards and recommendations relevant for the introduction of joint border crossing, especially with the provisions from major international border crossing facilitation initiatives (identified in Chapter 1 of this Analytical Note), such as:

- International Convention on the Harmonization of Frontier Controls (1982) (e.g. Article 7 of the Convention, Article 6 of the Annex 8 of the Convention);
- WCO Revised Kyoto Convention (1999) (e.g., Transitional Standards 3.4, and 3.5);
- WTO Trade Facilitation Agreement (2014) (e.g., Article 8.2)

In order to avoid potential legal constraints (e.g., prohibition to perform border crossing control duties in a foreign country), consider alignment of national legislation with provisions relevant for the introduction of joint border crossing points. For example, the introduction of a generic provision that enables the conducting of border control (or part of a border control) outside of the territory of the country based on international agreement.

The alignment of national legislation with international standards and the introduction of generic provisions in national legislation could resolve potential issues caused by conflicting legislation.

2. To maximize the effects from the introduction of joint border crossing and potential joint controls, evaluate and harmonize as far as possible border crossing requirements (e.g., in the field of immigration, customs, and quarantine).

Although it is understandable that the national border crossing requirements will differ to some extent due to specific national policies (e.g. goods subject to specialized controls, certain types of data requirements in customs documents, etc.), such differences could be significantly minimized by following international standards and recommendations (e.g. WCO Revised Kyoto Convention, WCO Data Model, International Plant Protection Convention, The Terrestrial Animal Health Code and Aquatic Animal Health Code of the World Organization for Animal Health, standards of the Codex Alimentarius Commission established under the Joint FAO/ WHO Food Standards Programme, the WTO Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures).

In addition to general harmonization of the border crossing requirements to the relevant international standards, the introduction of joint border crossing points could be further supported by harmonization of border crossing requirements and documents based on bilateral coordination and cooperation between the neighbouring countries. Such cooperation may include the introduction of unified documents for the processing of

cross-border movements of goods (e.g., unified exit/entry manifest preferably in electronic format).

3. Consider introducing joint border crossing points in conjunction with other border crossing facilitation initiatives (e.g., reduction of the number of border crossing authorities at the national level; inter-agency delegation of powers at the national or even at the cross-border level; expansion of traffic rights; use of the international Customs transit systems; digitalization of border crossing procedures and introduction of cross-border systematic electronic information exchange; improved risk management; etc.).

The comprehensive approach that is addressing overall trade and transport facilitation issues could further extend the benefits from the introduction of joint border crossing points. It should be noted that a comprehensive approach for facilitation of cross-border movements, which includes the introduction of joint border crossing points, does not necessarily require a single comprehensive bilateral agreement. For multiple agreements on several joint border crossing points, additional efforts may be required to provide consistency and compatibility; however, such multiple agreements should be easier to manage because they will be less robust than a single comprehensive arrangement.

4. Establish effective coordination and cooperation mechanisms within the country and across the borders with a clear mandate to discuss objectives and expectations, analyze border crossing processes, negotiate proposals of the most suitable modality, as well as the main operational characteristics of potential joint border crossing points.

Efficient coordination mechanisms that cover issues relevant to the introduction of joint border crossing points should be established on a national level as well as on a bilateral cross-border level. The modalities for formal and continuous cooperation and coordination (e.g., joint expert groups) should be encouraged.

5. When choosing the joint border crossing modality, consider and evaluate all potential options. Gradual implementation of joint border crossing operation may be considered (e.g., with provisional facilities in the initial period and with more comprehensive infrastructural adjustments in the next phase; or with participation of some of the control authorities in the initial period (e.g., Customs only) and with participation of all control authorities in the next phases).

6. Consider the TRACECA Model Agreement on the organization of joint border crossing points as an initial step in negotiating and making institutional arrangements that introduce joint border crossing points (e.g., signing of bilateral agreement(s) with interested neighboring countries). As elaborated in the previous chapter, it is recommended to accompany the bilateral agreement with corresponding annexes for specific joint border crossing points and interdepartmental protocols for effective management of the joint border crossings.

The process for transformation of bilateral agreements and protocols on joint border crossing in national legislation could be facilitated if generic provisions on joint border crossing points are already incorporated in the legislation of the country. Where possible, direct implementation of bilateral agreements and protocols should be considered, followed only by lower-level national implementing regulations and instructions.

7. For efficient organization of joint border crossing points, take into consideration requirements for appropriate infrastructure (e.g., suitable common control areas).

However, the introduction of joint border crossing points should not be regarded as mainly an infrastructural project. Endeavor to put major emphasis on the organization of streamlined border crossing formalities and procedures (e.g. digitalization, improved risk analysis, simplification of procedures, etc.) in order to enable optimal balance between control and facilitation of border crossing movements of goods, vehicles, and people with minimum stops and delays at border crossing points.

Avoid overemphasis on infrastructure in the introduction of joint border crossing points that could produce unjustified spending, issues with providing funds, unnecessary delays in implementation, and ultimately building of new facilities that may be underused.

8. Endeavor to increase the efficiency of joint border crossing points by developing well-established electronic information exchange between border crossing authorities on a national and on a cross-border level. In order to enable efficient electronic information exchange, the interested countries should encourage standardization and harmonization of data elements, the introduction and expansion of single window facilities, and interfaces between IT systems of the control authorities concerned.

Joint and coordinated risk analysis based on the processing of information provided in advance could also be considered to improve risk management and facilitate a significant part of the movements across the border with minimal controls required.

9. Involve the private sector in the introduction of joint border crossing points, preferably under established public-private mechanisms for organized and continuous cooperation. The needs to provide forwarding and customs agent services in the common facilities of joint border crossing points have to be addressed, including facilitated movement of forwarding / customs agents across the border and rights to operate at the joint border crossing point of the neighbouring country.

10. Establish regular performance monitoring by using available tools such as WCO Time Release Study, CAREC Corridor Performance Measurement and Monitoring, ESCAP Trade and Transport Facilitation Monitoring Mechanism, TRACECA Methodology of Evaluating Checkpoints, etc., to measure and assess the progress in implementation of joint border crossing points as well as to revise and recommend relevant improvements.

Annex 1

**TRACECA Model Agreement on the
organization of joint border crossing points**

_____ and _____, hereinafter referred to as the Parties,

Guided by the principles and norms of the revised Kyoto Convention on the simplification and harmonization of customs procedures, as amended on 3 February 2006, and the International Convention on the Harmonization of Frontier Controls of Goods on the border as of March 16, 1983,

Recognizing the significance of uninterrupted and simplified cross-border communication as a means of establishing and preserving friendship, mutual understanding and cooperation between the peoples of the two countries,

Noting the importance of international cooperation in the development of modern forms and methods of border control,

Aware of the necessity to introduce measures for promoting trade, developing tourism and creating favourable conditions for participants of foreign trade activities by accelerating border control operations,

Have agreed as follows:

Article 1. Definition of terms

For the purposes of application and interpretation of the present Agreement, unless specified otherwise in the text:

"joint border crossing point" – a border crossing point, which is jointly used by the competent authorities of the Parties for conducting border controls and formalities required for crossing the common state border, in both exit country and entry country (one-stop technology);

"host country" - a state on whose territory the competent authorities of a neighbouring country conduct border controls (territory where the joint border crossing is located);

"neighbouring country" - a state of the other Party whose competent authorities conduct border controls on the territory of the host country;

"exit country" - a state of the Party that conducts exit border controls;

"entry country" - a state of the Party that conducts entry border controls;

"border control" - any type of measures, procedures and/or checks that are carried out by authorized persons during crossing the state border of persons, transport means and goods, both in the case of exit from and entry into the territory of the state, in accordance with the national legislation of the Parties;

"joint control zone" - a place and/or an area within a joint border crossing point, within the boundaries of which authorized persons of both Parties carry out border control;

"joint use zone" - a place and/or an area within a joint border crossing point designed for joint economic and/or administrative use;

"competent authorities" - authorized state bodies that, in accordance with the national legislation of the Parties, are authorized to exercise border control:

- (1) for country (A) (*names of authorities to be listed*)
- (2) for country (B) (*names of authorities to be listed*);

"authorized persons" - persons authorized by the competent authorities to exercise border control;

"other persons" – persons employed in authorities, agencies, or other companies that are authorized to carry out economic and/or administrative activities in the area of the joint control zone or joint use zone.

Article 2. Purpose and object of the Agreement

1. The purpose of the present Agreement is to establish a legal regime for the creation and operation of joint border crossing points between the Parties for border control in passenger and cargo transport when crossing the border by road and/or rail.

2. The Parties agree that joint border crossing points could be established in the following types:

a) adjacent checkpoints – with border controls at one joint checkpoint in each Party, only on one side of the border (e.g., only on the entry side in each Party); or

b) sole checkpoint - with border controls at one joint checkpoint at one of the Parties only.

3. The establishment of joint border crossing points is possible both through the construction of new points and the reorganization of existing points. In any case, the Parties agree to coordinate the establishment of joint border crossing points in order to maximize the efficient use of existing or under construction infrastructure.

4. The joint border crossing points at the common state border between the Parties, their types and details for organization of border controls will be agreed between the Parties in Annexes of this Agreement. The joint border crossing points could start operations upon receipt of the last written notification from all relevant competent authorities informing the Parties that the necessary conditions for their functioning are fulfilled.

5. The Parties agree that when operating a joint border crossing point located on their territory, each Party will grant the rights to the other Party, its competent authorities, authorized persons and other persons provided for in the present Agreement.

Article 3. Location and organization of joint border crossing points

1. Joint border crossing points should be arranged in such a way that would allow the persons, transport means and goods to freely enter or exit without passing control on the territory of the neighbouring country.

2. All types of border control necessary for exit from the country and entry to the country must be carried out in the joint control zone located on the territory of the host country, by authorized persons of the Parties.

3. Notwithstanding the provisions of paragraph 2 of this Article, and by consent of the Parties, the border controls at the joint border crossings may be introduced gradually in a phased approach.

Article 4. Authority of authorized persons

1. Authorized persons of the neighbouring country are authorized to carry out border control at the joint border crossing point in accordance with their national legislation exclusively within the joint control zone.

2. Authorized persons of the neighbouring country, within the framework of border control within the joint control zone, have the right to detain persons, formalize

administrative and criminal offenses, confiscate material objects and carry out other activities for which they are authorized by their national legislation.

3. Notwithstanding the provisions of paragraph 2 of this Article, authorized persons of the neighboring country are not allowed to detain nationals of the host country in its territory. Such persons may be held at the joint control zone in order to compile a record of the facts, after which they are handed over to the authorized persons of the host country.

4. In case of detection of violations of national legislation by authorized persons of the neighbouring country during exit border control, that result in a decision not to permit exit, the persons and transport means could be returned to the territory of the neighbouring country for taking measures according to national legislation, without entry border control of authorized persons of the host country.

5. Authorized persons of the Parties are not entitled to carry out any documentary border control at a time when documentary border control is carried out by authorized persons of the other Party.

6. The host country undertakes not to prevent the delivery to the territory of the neighbouring country of persons and goods detained or confiscated, or funds collected by authorized persons of the neighbouring country during border control within the joint control zone.

7. The goods detained or confiscated, samples taken, or funds collected by authorized persons of the neighboring country during the border control are not subject to the regulation of the host country and can be brought to the neighboring country without border control.

8. Authorized persons of the neighbouring country, when carrying out border control on the territory of the host country, have the right to cross the state border only if they have documents confirming their identity and status. The specified documents must be drawn up in the language of the host country, or in Russian or English, unless otherwise provided by bilateral agreements. When exercising their authority, these persons are exempt from the obligation to present any additional documents for border crossing, including visas and a foreign passport.

9. The competent authorities of the Parties, taking into account the objective requirements of passenger and cargo traffic on this area of the joint border, agree on the maximum number of authorized persons of the neighbouring country who will perform their functions at the joint border crossing point. The exact number of authorized persons exercising control at any given time may change periodically within the agreed limit.

10. The Parties inform each other in advance of the exact number of authorized persons staying at the joint border crossing point, indicating their full names and titles/positions and other necessary information.

11. Authorized persons of the neighbouring country who will perform their functions at the joint border crossing point must arrive at the joint border crossing point and perform their functions in official uniforms with insignia.

12. The host country recognizes the rights and authorities specified in this Article of the authorized persons of the neighbouring country to carry out border control.

Article 5. Weapon

1. Authorized persons of the neighbouring country, who will perform their functions at a joint border crossing point, have the right to carry and use personal

firearms while staying in the joint control zone, in accordance with their national legislation.

2. The host country may extend the rights of authorized persons of the neighbouring country specified in paragraph 1 of this Article to the joint use zone.

Article 6. Procedure for exercising control

1. Border control of competent authorities of the exit country, in general, is carried out before border control of competent authorities of the entry country.

2. Notwithstanding the provisions of paragraph 1 of this Article, the competent authorities may agree for authorized persons to carry out joint border control, in particular for the types of control that require additional technical measuring or other devices and installations, as well as sampling, physical inspection and search/examination of vehicles and goods.

3. Details of joint border control sequencing and organization will be regulated with the Protocols signed in accordance with paragraph 5 of Article 9 of this Agreement.

4. In the absence of agreement on joint border control, or in the absence of need for joint control measures, authorized persons of both Parties should have equal access to technical measuring or other devices available in the joint control zone.

Article 7. Applicable law

1. Authorized persons of the neighbouring country apply the national law of their state when carrying out border control.

2. When authorized persons of the neighbouring country exercise their authority in the joint control zone in the territory of the host country, they are subject exclusively to the jurisdiction of the neighbouring country, as if they were performing their authority on the territory of the latter. The host country may neither detain these persons in the performance of their functions and authority nor apply any other disciplinary, administrative or criminal measures to them.

3. In the joint use zone, the authorized persons of the neighbouring country are subject to immunity from the disciplinary and administrative legislation of the host country. At the same time, if an authorized person of the neighbouring country violates the disciplinary and/or administrative legislation of the host country in the joint use zone, this incident should be considered by the Coordinating Committee established according to Article 9 of this Agreement. Based on the results of the consideration of the incident, the host country may refuse the person who violated the law the right of access to the joint border crossing point.

4. Authorized persons of the neighbouring country outside the joint control zone and joint use zone of the host country are subject to the jurisdiction of the host country.

Article 7a. Authorizations for other persons

1. Other persons referred to in Article 1 of this Agreement may move, stay, and carry out activities in the joint control zone or joint use zone for which they are authorized in accordance with the national legislation of the Parties. The type of authorized activities of other persons from neighboring country in the joint zone or joint use zone should be detailed with the Protocols in accordance with paragraph 5 of Article 9 of this Agreement.

2. Other persons from a neighboring country who are carrying out authorized activities in the joint control zone or joint use zone may cross the state border only if they have documents confirming their identity and status. The specified documents

must be drawn up in the language of the host country, or in Russian or English, unless otherwise provided by bilateral agreements. When carrying out their authorized activities, these persons are exempt from the obligation to present any additional documents for border crossing, including visas and a foreign passport. The neighbouring country shall inform the host country in advance of the exact number of other persons authorized to carry out activities at the joint border crossing point, indicating their full names and titles/positions and other necessary information.

3. Other persons from the neighbouring country in the joint control zone or joint use zone of the host country are subject to the jurisdiction of the host country.

Article 8. Operation and management of a joint border crossing point

1. Each Party bears full material and financial responsibility for ensuring the uninterrupted and effective functioning of the joint border crossing point located on its territory.

2. Each Party shall ensure order, safety and compliance with legal requirements, procedures and restrictions (sanitary, quarantine, road transport and others) within the borders of a joint border crossing point located on its territory.

3. With regard to the premises and areas in the joint control zone allocated to the competent authorities of the neighboring country, the relevant competent authorities shall make arrangements with the Protocols signed in accordance with paragraph 5 Article 9 of this Agreement, which may regulate, inter alia, physical and telecommunication infrastructure, maintenance, payment of fees for services provided, as well as liability for damages.

4. The premises and areas in the joint control zone allocated to the competent authorities of the neighboring country could be marked with an inscription and the state symbols in accordance with the national legislation of the neighboring country.

Article 9. Coordination and settlement of disputes

1. In order to coordinate the exercise of their authority, achieve more effective and secure control, as well as resolve any issues directly related to the operation of a joint border crossing point, a Coordinating Committee is established with the participation of representatives of the competent authorities of the Parties, as well as authorized persons performing their functions directly at the joint border control point.

2. The composition of the Coordinating Committee is formed on the principle of parity representation. The Coordinating Committee approves its Regulation and holds meetings as necessary.

3. In the event of a dispute between the Parties on the interpretation or application of this Agreement, the Parties will first seek to resolve it through direct negotiations between the competent authorities of the Parties within the framework of the Coordinating Committee.

4. If the competent authorities do not come to an agreement, the dispute will be resolved via diplomatic channels.

5. Within ninety (90) days from the date of entry into force of each annex of this Agreement that specifies the introduction of an individual joint border crossing point, the competent authorities of the Parties shall sign additional interdepartmental Protocols for effective management of the joint border crossing point, detailed organization of border controls, exchange of information and the prompt resolution of issues arising during their operation.

Article 10. Temporary measures

1. Nothing in the present Agreement restricts the right of the host country to take temporary measures in the interests of national security, the protection of public order and the health of citizens, economic interests and in other similar circumstances.

2. The temporary measures referred to in paragraph 1 of this Agreement may include, inter alia, the closure or restriction of the operation of a joint border crossing point located on the territory of the country.

3. If a decision is taken to introduce the temporary measures referred to in paragraph 1 of this Article, the host country must immediately inform the authorized persons and the competent authorities of the neighbouring country. If, at the time of the decision to close the joint border crossing point, there are authorized persons of the neighbouring country on its territory, the host country must take all necessary measures to ensure the return of these persons to the territory of the neighbouring country.

4. Issues related to the operation of a joint border crossing point under the conditions imposed by the host country, and the temporary measures should be resolved within the framework of the Coordinating Committee established in accordance with Article 9 of the present Agreement.

Article 11. Final provisions

1. The provisions of this Agreement do not affect the rights and obligations arising from other international treaties to which the Parties are members.

2. If one of the Parties proposes to amend the terms of this Agreement, the competent authorities of the Parties shall consult on the proposed amendment. Consultations must begin within sixty (60) days from the date of the request for their conduct, unless the competent authorities of the Parties agree on an extension of this period. Amendments to the Agreement come into force after the exchange of notes via diplomatic channels on their acceptance.

3. This Agreement is concluded for an indefinite period.

4. Each Party may notify at any time the other Party via diplomatic channels of its intention to terminate this Agreement. In this case, the Agreement is terminated after six (6) months from the date of receipt of such notification by the other Party, unless the specified notice of termination of the present Agreement is withdrawn by mutual consent of the Parties before the expiration of this period.

5. This Agreement will be temporarily applied from the moment of its signing and will enter into force from the date of receipt of the last written notification informing the Parties that their internal procedures necessary for its entry into force are fulfilled.

Done at the city _____, " __ " _____ 202_ of the year, in two original copies in language.