

No. 50291

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**Turkey
and
Ukraine**

Agreement between the Government of the Republic of Turkey and the Cabinet of Ministers of Ukraine on organization of international direct freight railway-ferry service between Turkey and Ukraine. Kiev, 25 January 2011

Entry into force: *24 July 2012 by notification, in accordance with article 17*

Authentic texts: *English, Turkish and Ukrainian*

Registration with the Secretariat of the United Nations: *Turkey, 21 December 2012*

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**Turquie
et
Ukraine**

Accord entre le Gouvernement de la République turque et le Cabinet des Ministres de l'Ukraine relatif à l'organisation d'un service international direct de fret rail-navire transbordeur entre la Turquie et l'Ukraine. Kiev, 25 janvier 2011

Entrée en vigueur : *24 juillet 2012 par notification, conformément à l'article 17*

Textes authentiques : *anglais, turc et ukrainien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Turquie,
21 décembre 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
TURKEY AND THE CABINET OF MINISTERS OF UKRAINE ON
ORGANIZATION OF INTERNATIONAL DIRECT FREIGHT RAILWAY-
FERRY SERVICE BETWEEN TURKEY AND UKRAINE**

The Government of the Republic of Turkey and the Cabinet of Ministers of Ukraine and, hereinafter referred to as the Contracting Parties,

Basing on the principles of equal partnership and mutual respect,

Recognizing the necessity of further cooperation on development in the field of transport, combined transportation and organization of international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine,

Considering the “Agreement between the Government of the Republic of Turkey and the Cabinet of Ministers of Ukraine on Co-operation in Railways Transport” signed on 7 June 2005 have agreed as follows:

Article 1

For the purposes of this Agreement the following terms mean:

1. “Competent Authorities of the Contracting Parties”:

- from the Government of the Republic of Turkey: the Ministry of Transport and Communications of the Republic of Turkey;
- from the Cabinet of Ministers of Ukraine: the Ministry of Infrastructure of Ukraine.

In case of change in the titles of the Competent Authorities, the Contracting Parties shall inform each other about it through the diplomatic channels and such changes will not be considered as amendments to this Agreement.

2. "Railways of the Contracting Parties":

- from the Turkish Side: Turkish State Railways "TCDD".
- from the Ukrainian Side: the State Administration of the Railway Transport "Ukrzaliznytsia";

In case of change in the titles of the Railways, the Contracting Parties shall inform each other about it through the diplomatic channels and such changes will not be considered as amendments to this Agreement.

3. "Enterprises of the Contracting Parties" - means enterprises, which realize and provide international direct freight railway-ferry service: railways, ports, ferry terminals, shipping companies and ship-owners created and registered on the territories of the States of the Contracting Parties in accordance with their national legislation and which in accordance with legislation of the States of the Contracting Parties have the right to provide transportation services by railway, maritime transport and which take part in providing transportation services on the conditions of this Agreement.

Article 2

1. In order to ensure operative solving of the issues connected with the exploitation of the international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine, the Competent Authorities of the Contracting Parties can establish a Joint Commission, which on parity basis consists of the representatives of the enterprises of the Contracting Parties.

2. The activities of the Joint Commission shall be determined by the Statute of the Joint Commission that is approved by the representatives assigned by the Competent Authorities of the Contracting Parties in accordance with the national legislation of the States of the Contracting Parties.

Article 3

1. The Contracting Parties shall co-operate and provide each other necessary assistance in the purpose of exploitation and the further development of the international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine.

2. The Contracting Parties shall follow the existing order of the freight transportation in accordance with the national legislation of the States of the Contracting Parties and international agreements in the sphere of transport, to which the States of the Contracting Parties are parties.

3. Each of the Contracting Parties shall provide in the frames of national legislation of its State necessary conditions for unimpeded freight transportation, passing of rolling stock as in/out of the territory of the States of the Contracting Parties so as by transit through the territories of the States of the Contracting Parties to the third countries, if it is technically possible.

4. Control from the side of custom, border and other governmental controlling authorities of the Contracting Parties during transportation in international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine shall be carried out in accordance with the national legislation of the States of the Contracting Parties.

5. All the expenses resulted from the exploitation of the rail-ferry vessels, railways, port infrastructure and etc. shall be born by the related enterprises of the Contracting Parties.

Article 4

1. For the transportation of goods in international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine, the enterprises of the Contracting Parties use freight wagons of 1520 mm and 1435 mm gauge. The goods in these wagons can be transferred to other carriage vehicles in the port area or transported to their destination by rail. Handling of freight wagons of 1435 mm gauge in the ports or ferry terminals of Ukraine and operating within the territory of Ukraine and handling of freight wagons of 1520 mm gauge in the ports or ferry terminals of the Republic of Turkey and operating within the territory of the Republic of Turkey can be realized after creating necessary infrastructure by the enterprises of the Contracting Parties.

2. The conditions of exploitation and technical servicing, provision and usage of freight wagons shall be regulated by the "Rules on organization of exploitation of freight wagons in international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine" to be signed by the representatives assigned by the Competent Authorities of the Contracting Parties in accordance with the national legislation of the States of the Contracting Parties.

3. The transportation of goods shall be carried out in accordance with the "Rules on freight transportation in international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine" that shall be affirmed by the representatives assigned by the Competent Authorities of the Contracting Parties in accordance with the national legislation of the States of the Contracting Parties.

Article 5

The transportation of goods in international direct freight railway-ferry service between the ports of the Republic of Turkey having railway connection and the ports of Ukraine shall be carried out in accordance with the international agreements to which the Contracting Parties are parties (COTIF, SMGS etc.) and their national legislation.