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**Turkey
and
Ukraine**

Agreement between the Government of the Republic of Turkey and the Cabinet of Ministers of Ukraine on Co-operation in Railway Transport. Ankara, 7 June 2005

Entry into force: *25 January 2010, in accordance with article 11*

Authentic texts: *English, Turkish and Ukrainian*

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et
Ukraine**

Accord de coopération entre le Gouvernement de la République turque et le Conseil des Ministres de l'Ukraine en matière de transport ferroviaire. Ankara, 7 juin 2005

Entrée en vigueur : *25 janvier 2010, conformément à l'article 11*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

between the Government of the Republic of Turkey and the Cabinet of Ministers of Ukraine on Co-operation in Railway Transport

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

basing themselves on the principles of equal partnership and mutual respect,

following the aspiration for the further development of the cooperation in the field of transport,

attaching importance to the co-ordination and the joint railway transport activity of both states,

considering the importance of passengers and freight transportation by railway both in bilateral communications and by transit to the third countries

have agreed upon the following:

Article 1

1. The Contracting Parties co-operate, render each other necessary assistance for the purpose of further development of the railway transportation between the countries of both Contracting Parties and take necessary measures for the improvement of the international passengers and freight transportation.

2. Each of the Contracting Parties take the necessary measures in order to provide the unimpeded transportation of passengers, goods, luggage, freight luggage and rolling stock, both in bilateral transportation and in transit transportation from the Contracting Parties to the third countries, in accordance with their national law and international regulations in force.

3. The Contracting Parties have agreed to follow the existing railway order of railway transportation of passengers, goods, luggage, freight luggage and rolling stock in accordance with the international agreements on railway transportation, to which they are parties.

Article 2

For the purposes of this Agreement the term:

1. “Competent authorities of the Contracting Parties” means:

For Ukraine - the Ministry of Transport and Communication,

For the Republic of Turkey - the Ministry of Transport

2. “The Railways of the Contracting Parties means:

For Ukraine - the State Administration of Railway Transport (Ukrzaliznytsya),

For the Republic of Turkey - General Directorate of Turkish State Railways (TCDD)

3. “Service personnel of the Railways of the Contracting Parties” means: the railway employees of the Railways of the Contracting Parties directly executing their duties arising from this Agreement.

Article 3

The Contracting Parties authorize the Competent authorities and the Railways of the Contracting Parties to conclude protocols establishing detailed order of the implementation of the provisions of this Agreement in accordance with the specific conditions.

Article 4

1. The Railways of the Contracting Parties shall ensure the unimpeded acceptance and passing of the transit cargoes, by the railways of the states of both Contracting Parties with the exception of cargoes importation and transit of which are prohibited or restricted by the national legislation of the states of the Contracting Parties. The organization of the transit transportation of the cargoes by railway from the territory of Ukraine through the territory of Turkey, likewise from the territory of Turkey through the territory of Ukraine, as well as from the third countries to the third countries and payments procedure shall be regulated by bilateral protocols between the Railways of the Contracting Parties and by multilateral international agreements on railway transport, to which they are parties.

2. Railways of the Contracting Parties may establish mutual representative offices in the territory of the other Contracting Party in order to solve urgent issues concerning railway transportation.

Article 5

The Railways of the Contracting Parties ensure mutual prompt informing of each other on existence of the obstacles for the railway transportation between both states through the territories of their states as well as on the removal of these obstacles.

Article 6

1. The Contracting Parties recognize the necessity of the accomplishment of the coordinated tariff policy in railway transportation of both states.

2. The tariffs and procedure of payments in the international railway transportation are established by the bilateral agreements between the Competent authorities and the Railways of the Contracting Parties, acting within their authority and according to the multilateral agreements on railway transport, to which they are parties.

Article 7

1. By mutual consent, the Railways of the each Contracting Party may send the railways’ service personnel to the territory of the other Contracting Party in order to execute the tasks prescribed in this Agreement.

2. The crossing of the state border by Service personnel of the Railways of the Contracting Parties for the execution of the tasks provided by this Agreement is realized at the specified points for crossing of the state border for the railways communication in accordance with the national law in force of the states of the Contracting Parties and the international agreements, to which they are the parties.

3. The Service personnel of the Railways of the Contracting Parties:

a) executes its duties on the territory of the state of the other Contracting Party in accordance with the international standards, the national law in force of the states of the Contracting Parties, agreements between the Railways of the Contracting Parties and adjusted service instructions;

b) while entering, leaving and staying within the territory of the state of the other Contracting Party is obliged to comply with the national law of that state,

c) while staying in the territory of the state of the other Contracting Party has the right to wear the uniform and correspondent insignia of the state of its origin.

4. The Railway of one of the Contracting Party is responsible for the activity of its Service personnel while staying within the territory of the state of the other Contracting Party.

5. The Service personnel of the Railways of the Contracting Parties in mutual contacts use the Ukrainian language or Turkish language or one of the language (English or French) accepted in the international communication. The Railways of each Contracting Party make efforts to ensure that the Service personnel of the Railways of the Contracting Parties could speak the official language of both states.

6. The Contracting Parties give fare-free medical emergency care in necessary volume to the Service Personnel of the other Railway of the Contracting Party that temporarily stays within the territory of the state of the other Contracting Party and executes its official duties.

Article 8

1. When defining the material liability connected with the damage to the health and property of the citizens, service personnel of the Railways of the Contracting Parties caused by the accidents or failures, in the course of the transportation, the relevant authorities of the Contracting Parties follow the next principles:

a) The damage caused to the health or property of the Service personnel of the Railways of one Contracting Party by the accident or failure while fulfilling its official duties on the territory of the state of the other Contracting Party is compensated by the Railway (under the laws of its state) to the staff of which affected member of the Service personnel belongs.

b) The responsibility for the damage caused to the health or property of the Service personnel of the Railway of one Contracting Party by an accident or failure, which took place on the territory of the state of the other Contracting Party not while fulfilling its official duties, is decided according to the laws of the state on the territory of which the accident or failure took place.

c) The responsibility for the damage caused to third persons or their property by accidents or failures, which took place during the transportation rest, (under the laws of its state) with the Railway of that Contracting Party, on the territory of which state the accident or failure took place, if it is not ascertained that the damage was caused by the force major circumstances or caused to the victims with the purpose.

2. The mutual material liability of the Railways of both Contracting Parties is determined by the following principles:

a) The Railway of each of the Contracting Parties bears the responsibility proportionally to the degree of its fault for the caused damage that is established in accordance with the standards and provisions of the international agreements, to which the Railways of the Contracting Parties are the parties.

b) Responsibility provided by the agreements on passengers, luggage, freight luggage, cargoes transportation, for rolling stock, transportation equipment, containers and platform usage is determined by international agreements, which were ratified and entered into force in accordance with the national law of each Contracting Party.

c) The damage, caused by the force major circumstances, is not subject to the compensation on condition of presentation of the appropriate documentary confirmation of the relevant authorities of the Contracting Parties.

d) The Railway of each Contracting Party, involved into direct compensation of the damage, has the right of the counter-claim to the Railway of the other Contracting Party, whose Service personnel through the neglect of its direct official duties caused the damage and is found guilty.

Article 9

The Contracting Parties cooperate in the field of training of engineers, technicians and workers of common railway professions.

Article 10

1. For the purpose of settling of disputes that might arise as the result of interpretation or application of this Agreement, the Contracting Parties shall set up a Joint Committee of the representatives of the Competent Authorities and the Railways of Contracting Parties.

In case of arising of disputes related to the implementation of this Agreement they shall be settled by means of negotiations in the Joint Committee. If the Contracting Parties fail to agree, the disputes shall be settled by other means acceptable to the Contracting Parties, including through diplomatic channels.

2. On mutual agreement of the Contracting Parties, amendments or supplements to this Agreement shall be drawn up in the form of protocols, which shall constitute an integral part of this Agreement.