UNITED NATIONS
ESCAP
Economic and Social Commission for Asia and the Pacific

Model Subregional Agreement on Transport Facilitation

(*adopted at the third session of the Ministerial Conference on Transport, 5-9 December 2016, Moscow*)

Introduction

The Model Subregional Agreement on Transport Facilitation has been elaborated on the basis of comparative studies between major subregional agreements on transport facilitation to which various ESCAP member States are parties.

The purposes of the studies were to:

a) Compare the provisions of selected subregional agreements on transport facilitation;

b) Identify commonalities and differences between the provisions of major subregional agreements, primarily in countries which are parties to more than one subregional agreement;

c) Propose ways to harmonize the provisions of different subregional agreements, especially in countries which are parties to more than one subregional agreement;

d) Propose a common framework for subregional agreements on transport facilitation, with the overarching goal of harmonizing the provisions of these agreements and make their implementation and enforcement easier.

Summary of the recommendations for planning subregional agreements

In order to expedite the negotiation process of a subregional agreement and to facilitate its subsequent practical implementation, the potential Contracting Parties may consider the following recommendations.

1. When planning new subregional agreements the potential Contracting Parties may undertake a realistic preliminary assessment of the capacity of negotiating subregional agreements within reasonable time, capacity of subsequent practical implementation of the particular provisions included in the subregional agreements, challenges which can be solved through the subregional agreements which are planned or being negotiated.

2. Potential Contracting Parties may use a “modular approach” for designing subregional agreements. They can select “modules” which they plan to include into the agreement, on the basis of their assessment of practical feasibility of reaching consensus on those issues and, what is crucially important,

of implementing the agreed provisions in practice. This may involve planning several subregional agreements on different inter-related topics.

3. The potential Contracting Parties may envisage a “step-by-step” approach to the implementation mechanisms, under which they can anticipate the practical steps for implementation of the provisions of the subregional agreement being formulated. The countries may develop a plan for gradual implementation of the substantive provisions of a subregional agreement. Measures which are easier to implement (for example, implementation arrangements requiring cooperation between one competent authority and its counterparts in each of the other Contracting Parties) can be scheduled at early stage. The implementation of provisions which require more complicated arrangements (for example, those requiring inter-country cooperation and internal coordination between multiple competent authorities) can be scheduled for a later stage.

4. In terms of establishing conditions for granting traffic rights and permit system, the potential Contracting Parties should consider the existing bilateral agreements on international road transport concluded among them in order to avoid legal conflicts between the provisions of bilateral agreements and the negotiated subregional agreement, and find the way to make both types of legal instruments compatible.

5. The Model Subregional Agreement is intended to serve as a common framework for subregional agreements on transport facilitation. The Model can be used for drafting and negotiating new subregional agreements as well as for bringing amendments to existing agreements.

6. The Model Subregional Agreement provides a checklist of issues that are typically contained in subregional agreements on transport facilitation. The focus of the model has been on international road transport; hence the checklist of issues to be covered is related to a larger extent to road transport than to other modes.

7. The Model proposes a structure and a brief description of the main structural elements and specific substantive issues that would be covered by a subregional agreement with a focus on international road transport. It does not contain uniform wording to be used for all the issues that are supposed to be covered by the agreement.

8. The Model includes a list of issues recommended to be settled through additional subregional agreements, due to their complexity or specific nature.

Model Subregional Agreement on Transport Facilitation

Structural elements and contents of the subregional agreement

I. Preamble

The preamble of subregional agreements usually contains the affirmation of the political will and commitment of the participants in the agreement to cooperate towards the achievement of the strategic goals therein. The preamble may include an enumeration of the Contracting Parties to the agreement. While remaining concise, the preamble may also refer to the reasons that lead to the conclusion of the agreement and may mention the legal basis for it.

II. Definitions and abbreviations

For purposes of clarity and to ensure a good level of understanding by all the stakeholders including users of the subregional agreement, all the terms used in it should be explained at the beginning of the document. It is highly desirable that definitions are the same as in the corresponding international legal instruments, with a view to improve the level of harmonization.

III. Objectives and purposes, general provisions

The section should contain the main key policy objectives of the subregional agreement. Depending on the specific or more general area addressed by the agreement and without being exhaustive, the objectives may mention the subregional economic integration through the development of economic relations, trade and transport communications; the establishment of an effective, efficient, integrated and harmonized intermodal transport system in the subregion, the facilitation of transit transport of goods, through simplification and harmonization of transport, trade and customs regulations; the promotion of trade within and beyond the subregion and improvement of access to the international freight markets; the harmonization and standardization of technical characteristics of infrastructure and equipment.

IV. Scope

This section should indicate the areas and activities that are subjects of the subregional agreement. As the proposed Model Subregional Agreement is focused on international road transport, the most common indication in such a section could be international transit transport of goods and/or passengers by road.

Where there are issues on which no consensus can be reached in terms of harmonizing them through the subregional agreement, the section may clarify the legal position regarding these issues, for example by stating that they remain subject to domestic legislation.

V. Substantive issues covered by the subregional agreement

A. Transport issues

1) Key transport issues

Introductory note

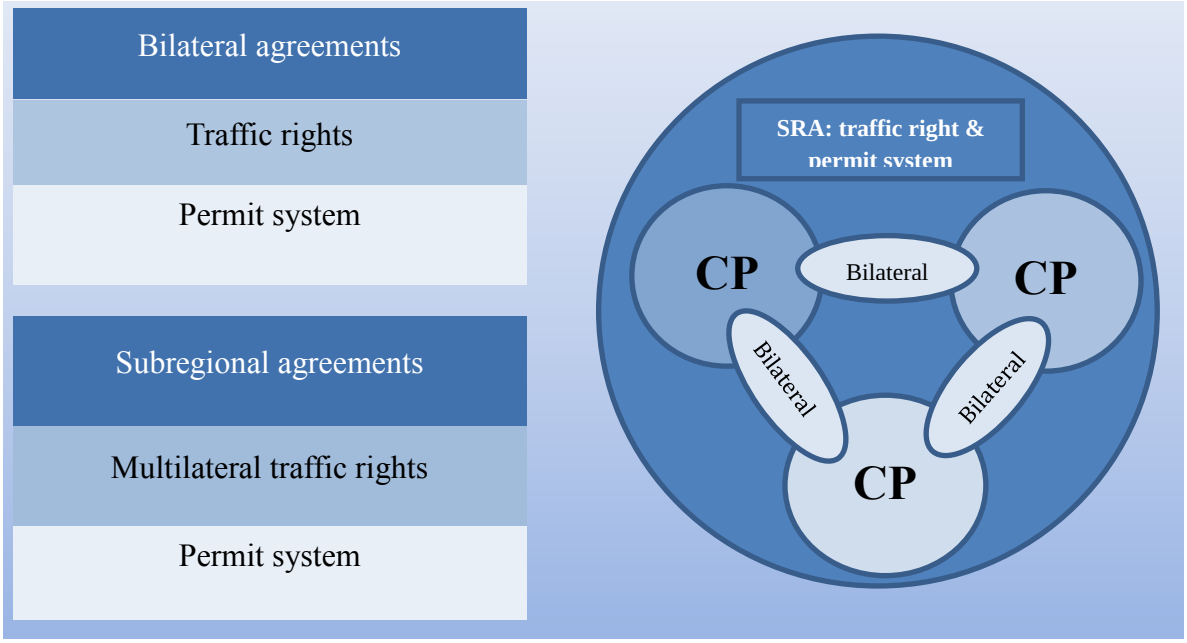
Conditions of granting traffic rights and the permit system for international road transport remain the key transport issues which should be addressed by subregional agreements, as in many countries of ESCAP region international transport operations are confined to border areas and a limited number of roads, and are subject to single-entry permits issued for each vehicle performing such operations. Another constraint to international road transport is the restriction of transit operations.

Agreements related to international road transport facilitation, both subregional and bilateral, should serve the purpose of liberalization of conditions for international road transport to the extent possible.

At present, ESCAP member countries largely rely on the implementation of the arrangements of bilateral agreements for traffic rights, transport permits and their quota. Subregional agreements, even if implemented, play only a supplementary role (see Figure 1 below).

Figure I
Traffic rights and permit system settled by both bilateral agreements (as a main tool) and subregional agreements (as a supplementary tool)

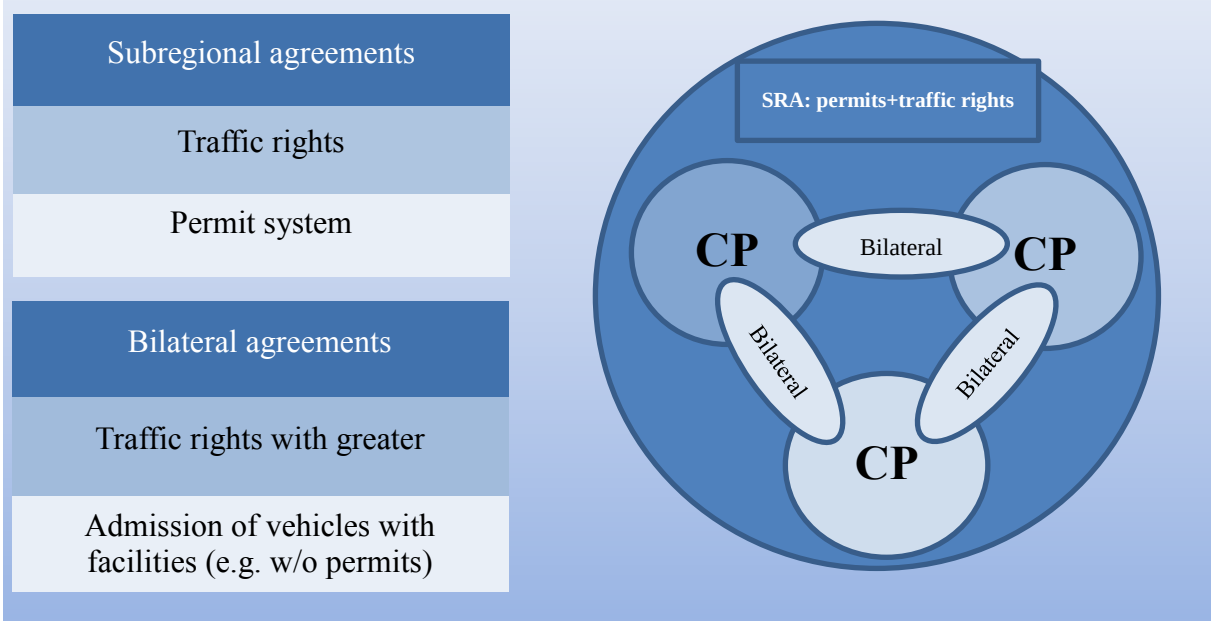
Bilateral agreements plus supplementary use of subregional agreement (status quo)



The approach proposed by the Model Subregional Agreement is the establishment of multilateral traffic rights and multilateral permit system with a level of liberalization that can be realistically agreed upon by the Contracting Parties. At the same time, the Contracting Parties to the subregional agreement can provide greater facilities and a more liberal regime in terms of traffic rights and requirements for permits through bilateral agreements concluded among them (see figure 2 below).

Figure II
Granting traffic rights and permit system settled by subregional agreements, with greater facilities provided by bilateral agreements

Subregional system plus provision of greater facilities at bilateral level (recommended option).



Traffic rights

Under this section of the subregional agreement the Contracting Parties define the conditions under which they grant the right to undertake international transport operations by foreign carriers on their territories. The section should list the types of international transport of goods and/or passengers allowed under the agreement, which can include:

a) Transport operations involving the territories of two Contracting Parties (bilateral or inter-state);

b) Transit transport operations;

c) Transport to/from/across third countries.

If the Contracting parties decide so, they may also allow cabotage under conditions agreed among them.

Road transport permits

The target in the region is a wider application of multiple-entry transport permits valid for one year and multiple routes or road networks, issued to a carrier for any compliant vehicle in its fleet, which could be used both for bilateral (inter-State) and transit transport operations.

This section should indicate the types of permits required for each type of transport operation which can be undertaken under the agreement. It may also indicate the types of transport operations that are exempt from permits.

This section should also establish a mechanism to provide a sufficient number of permits and define the criteria for their issuance to carriers. Those details of the operation of the permit system may be contained in an Annex and/or Protocol to the subregional agreement.

Designation of routes and border crossings

A large number of countries of the ESCAP region require vehicles to go through designated transport routes and through designated specific border crossings, while other countries consider all their road network open for international road transport.

For the cases when the Contracting Parties to the subregional agreement prefer to limit international transport operations to certain routes and border crossings, this section can indicate the selected routes and border crossings. This can be done either in the body of the agreement or in a separate Annex or Protocol. A flexible procedure for simplified amendment of the list of routes and border crossing should also be established.

The section may also contain indications on the technical parameters and/or design standards of the designated routes. Logically, these parameters should comply with those of the existing regional transport infrastructure networks, such as Asian Highway Network.

2) Other transport issues

Mutual recognition of driving licenses

This section of the subregional agreement may provide for mutual recognition of the driving licenses by the Contracting Parties. It may also establish a subregionally accepted driving license. The detailed conditions and/or minimum requirements for the issue and validity of the subregionally accepted driving license may be specified in an Annex and/or Protocol to the subregional agreement.

The Convention on Road Traffic, 1968 is containing detailed provisions on all the aspects relating to the driving license such as (but not limited to) minimum requirements for professional driving instruction (concerning driving instructors), guidelines for professional driving instruction (scope of tuition),

guidelines for the methods of professional tuition, recommendations for professional drivers of vehicles of categories C, D and E (training programme).

If the countries negotiationg a subregional agreement are already Contacting Parties to this Convention, the section may not be required, or may just refer to the provisions of the mentioned Convention.

Harmonization of requirements for road vehicle documents

Technical inspection certificate

This section of the subregional agreement may state the commitment of the Contracting Parties either to recognize each other's technical inspection certificates or to adopt a Standard/Model Certificate of Technical Inspection and recognize the initial inspection performed in the country of registration of the vehicle. Such an approach would allow vehicles in international traffic with valid inspection certificates not to be further inspected in the countries of transit and destination.

Registration certificate

This subsection may provide for:

a) Mutual recognition of vehicle registration certificates issued in accordance with their national laws if such certificate is accompanied by a certified translation into a language which can be recognized by all the Contracting Parties; or

b) Establishment of standardized requirements for vehicle registration, possibly including a model vehicle registration certificate to be followed by the competent authorities of the Contracting Parties when issuing registration certiifcates for vehicles in their countries. The detailed conditions for model registration certificate may be contained in an Annex and/or Protocol to the subregional agreement.

The Convention on Road Traffic, 1968 provides for mutual recognition of vehicle registration certificates issued in accordance with its provisions. If the countries negotiationg a subregional agreement are already Contacting Parties to this Convention, the section may not be required, or may just contain a reference to the mentioned Convention.

The provisions of the Convention on Road Traffic, 1968 can also be utilized for designing the system of requirements for vehicle registration at subregional level.

Harmonization of requirements for weights and dimensions

When technical standards differ from one country to the other, access of foreign vehicles may be denied on grounds of those differences or they can be forced to pay extra charges. The harmonization of technical standards is therefore a critical factor for the facilitation of international transport/ transit and implicitly of trade. For a variety of good reasons, notably to promote harmonization,

enhance road safety, prevent accelerated road damage and mitigate environmental degradation, this section of the subregional agreement may set minimum requirements and standards for vehicles performing international transport/transit operations. These requirements usually refer to: a) permissible maximum axle and total weights; b) maximum dimensions of vehicles; and c) emission standards and brake efficiency.

Mutual Recognition of Weighing Certificates

This section of the subregional agreement may provide either for recognition by the Contracting Parties of each other's certificates or for adoption of a Standard/Model Certificate of Weighing and recognition of the initial weighing at the origin by all the other Contracting Parties. A model that could be used has been developed in the framework of the International Convention on the Harmonization of Frontier Controls of Goods ("Harmonization" Convention), 1982, Annex 8.

Vehicle third-party insurance system

This section of the subregional agreement may state the willingness/commitment/decision of the participants to establish a scheme of compulsory motor vehicle insurance at subregional level, involving insurance companies in the subregion. The negotiations and subsequent operationalization of motor vehicle third-party liability insurance schemes should include both public and private sectors. Governments and the subregional insurance companies will have to coordinate the necessary measures and actions needed to establish the system. A possible example of motor vehicle third-party liability insurance scheme to be used as basis by drafters of subregional agreements could be the Green Card System.

Carrier licensing

This section of the subregional agreement may contain reference to the obligation for carriers to be authorized (licensed for access to the profession) in order to be allowed to undertake international transport operations, in accordance with their national laws and regulations. As an option, specific common minimum criteria for authorizing transport operators can be included in a subregional agreement.

Provisions for passenger transport

This section may include provisions for regular and occasional passenger transport operations, such as granting traffic rights (should they be different from traffic rights for goods transport) and the permit system. In terms of structure of the subregional agreement, these provisions could be included into the sections on traffic rights and permits respectively.

It is recommended to cover the issues related to rules for the transport of passengers, including carrier's liability, in a separate agreement touching upon the issues related to private law (same recommendation applies to rules for the carriage of goods).

Provisions for specific categories of goods

This section of the subregional agreement may include the requirement to obtain a special permit for the transportation of oversize/overweight/ dangerous goods.

In respect of dangerous goods, the subregional agreement may also include a list of dangerous goods allowed for international transportation by road and the conditions for their carriage.

While defining such conditions, the provisions of the European Agreement concerning the International Carriage of Dangerous Goods by Road, 1957 and of the United Nations Recommendations on the Transport of Dangerous Goods/Model Regulations can be used as reference.

B. Fiscal and Customs issues

Charges and other financial obligations

This section of the subregional agreement may establish the principle of non-discrimination in respect of collection of charges, fees, tolls, taxes and other levies imposed on transport operations. It may also include the commitment of the Contracting Parties to adopt standard elements for the calculation of costs, to ensure the transparency of the taxes and charges and to make them public, as well as to take measures or at least endeavour to simplify the methods of payment, including through the use of modern technologies.

Temporary importation

This section of the subregional agreement may establish the conditions under which temporary admission of certain goods and means of transport can be granted. The Contracting Parties to the subregional agreement could, ideally, envisage a simple procedure without payment of import duties and taxes and without depositing a customs guarantee bond, subject to re-exportation but they could also require production of a Customs document and provision of a security for temporary importation.

The section may also include a commitment of the Contacting Parties to reduce to a minimum the Customs formalities required in connection with the facilities provided for in the subregional agreement and to promptly publish all regulations concerning such formalities.

International legal instruments that can be used as reference in drafting and negotiating this sub-section are the Customs Convention on the Temporary Importation of Commercial Road Vehicles, 1956, and/or World Customs Organization Convention on Temporary Admission, 1990 (Istanbul Convention).

Harmonization and simplification of Customs procedures and formalities

This section of the subregional agreement may mention the steps which the Contracting Parties will undertake to simplify and harmonize their customs control procedures, aiming to facilitate international transport operations. Depending on the preparedness of the Contracting Parties, this section may provide for, but not limited to, the following specific measures (or some of these measures):

a) undertaking Customs controls based on Risk Management techniques;

b) performing Customs procedures at inland offices rather than at borders in case of countries of origin and destination;

c) limiting the number of documents and reducing procedures and formalities required for transit traffic;

d) aligning documents to the United Nations layout key for trade documents;

e) joining an existing international Customs transit system or establishing a subregional one;[a]

f) eliminating any documents and formal requirements which may no longer serve important purposes;

g) providing for special, expeditious, treatment in case of transports of livestock and perishable goods.

C. Other facilitation issues

Administrative assistance and cooperation between control authorities

This section of the subregional agreement may include a general declaration on the willingness of the Contracting Parties to develop cooperation and mutual administrative assistance of their control authorities. Depending on readiness of the Contracting Parties to implement steps for practical cooperation of their control authorities, this section can also provide for specific means, such as exchange of information and documentation, use of modern Customs techniques, mutual assistance in the investigation of cases related to infringement of the provisions of the subregional agreement and applicable national laws.

This section may also include the provision on the assistance of the competent authorities of the Contracting Parties in case of traffic accidents in the course of international road transport, including the assistance to the carrier involved and notification of the competent authorities of such carrier's home country.

[a] In case of intention to establish a subregional customs transit system, it is recommended to formulate a separate agreement on this matter (see section on "Issues recommended to be settled through separate subregional agreements" below).

Miscellaneous

Establishment of offices

This section may include the permission to establish representation offices in one Contracting Party by carriers registered in another Contracting Party. This helps carriers to familiarize themselves with local laws, respond quickly to changes of local laws, provide guarantee for their vehicles, assist in handling of accidents with involvement of their vehicles or crew, assist their sick crew and passengers and deal with any problems occurring in the transport process.

The establishment of branches of a foreign carrier, which are directly involved in business operation, or the concerns on market competition, may also be covered under this section of the subregional agreement.

The necessity of this section largely depends on the applicable national laws of the Contracting Parties imposing restrictions or special conditions on the establishment of branches or representation offices of foreign carriers.

This section may contain other miscellaneous provisions, as the Contracting Parties may agree.

D. Relationship with national legislation

This section may establish the main principles of application of national legislation of the Contracting Parties to international road transport operations within the scope of the subregional agreement. These principles typically include:

a) non-discrimination between national and foreign carriers in the enforcement of national legislation by the host Contacting Party;

b) obligation of foreign carriers to comply with the provisions of applicable national legislation of the host Contracting Party;

c) transparency and availability of the national legislation of the Contracting Parties (laws, regulations, procedures and technical information) in the official language(s) of the subregional agrement;

d) statement that, once bound by the subregional agreement, the Contracting Parties may not invoke the provisions of their national law as a justification for their failure to perform the agreement (for example, in respect of transit transport fees).

E. Relationship with other international treaties

Harmonization based on international legal instruments

This section of the subregional agreement may include references to international legal instruments (treaties, conventions and agreements) which can be applied to cover certain thematic issues related to the scope of the subregional agreement. If all the Contracting Parties to the subregional agreement are also

Contracting Parties to a particular international convention or agreement, reference to the latter's provisions can be made in the section for the sake of clarity.

Alternatively, if the Contracting Parties to the subregional agrement do not participate in relevant international legal instruments, this section may state the willingness of the Contracting Parties to accede to and implement certain international legal instruments relevant for the area(s) dealt with by the subregional agreements.

Reference to other international treaties of the Contracting Parties

This section may indicate that the agreements do not affect the rights and obligations of each Contracting Party arising from the existing international treaties in which either Contracting Party participates.

Provision of greater facilities

This section may indicate that if other existing international treaties of the Contracting Parties provide greater facilities for international road transport (for example, in terms of granting traffic rights), the subregional agreement in question can not serve as a prejudice for application of their respective provisions.

F. Institutional arrangements, implementation and monitoring mechanisms

Inter-Governmental structures

This section may define the inter-Governmental structures as agreed by the Contracting Parties of the subregional agreement, such as, for example, joint committees consisting of the representatives of the Contracting Parties. It may also include the conditions for their functioning and principles concerning the frequency of the meetings or the place of the meetings. The detailed terms of reference and the rules of procedure of these bodies may be included as an Annex or a Protocol to the subregional agreement.

National structures for implementation and monitoring

The complexity and multilateral nature of subregional agreements require effective inter-agency cooperation to enable their implementation at national level. The establishment of national coordinating structures (such as national trade and transport facilitation committees) may be referred to or encouraged by this section of the subregional agreement.

Designation of competent authorities

This section may include the list of relevant competent authorities involved in the implementation of the subregional agreement and establish the procedure for notification of all the Contracting Parties in case of change of national competent authorities in one of the Contracting Parties.

Secretariat support

If the subregional agreement is signed by countries that are members of a subregional economic integration grouping which has its own secretariat, the existing secretariat could also service the agreement, including acting as its depositary. In this case, this sub-section should define the tasks and responsibilities of the agreement's secretariat.

If the Contracting Parties to the agreement are not members of a subregional economic integration grouping, two options may be considered:

a) One country offers to host the secretariat of the agreement, permanently or for a limited duration, with full financing by the host country or with shared financing among the participants. In this case, this sub-section should clearly reflect all the conditions for the establishment and functioning of the secretariat as well as its tasks and responsibilities in servicing the agreement; or

b) The agreement could be serviced on a rotating basis by the Contracting Parties. In this case, the section should clearly reflect all the conditions for servicing the agreement.

Dispute settlement arrangements

This section should define the rights and obligations of Contracting Parties, including the procedures for the pursuit of claims in case of dispute. Most of the subregional agreements envisage that the Contracting Parties should resolve their disputes arising from the interpretation or implementation of the agreement through consultations. However, this sub-section may also indicate other means for dispute settlement such as negotiations in the intergovernmental structures established under the agreement or appointment of arbitrators.

VI. Final provisions

Entry into force

This section should provide for the manner and date of entry into force of the subregional agreement. It may also contain special indications for instance that when the consent of a State to be bound by the subregional agreement is established on a date after the subregional agreement has come into force, the agreement enters into force for that State on that date, unless the treaty otherwise provides.

Validity of the agreement

This section can indicate the validity of the agreement in time. Most typically, the subregional agreements are concluded for an indefinite term.

Domestic procedures for entry into force

This section may indicate the domestic procedures required for entry of the agreement into force. Most typically these are ratification, acceptance or approval by

the governments of the Contracting Parties. However, in some cases signing of the agreement is sufficient for some countries to be bound by it.

Procedure for amendment

This section may state the rules for amending the subregional agreement itself as well as its Annexes and Protocols. As the procedures to amend the main agreement are usually more complicated, requiring approval by the highest national instances in each of the Contracting Parties, provisions on simplified amendment procedures for Annexes and Protocols are desirable.

Possibility of accession by other countries

A subregional agreement may belong to subregional groupings, and only the member countries of that grouping can be Contracting Parties to the agreement. This section should define the procedure for the deferred accession of member countries of the subregional grouping which did not sign the agreement from the beginning.

In case of subregional agreements in which participation is not limited to the members of a subregional grouping, this section may state that other countries can acceed to it and specify the conditions and relevant procedure to be accomplished in view of accession.

Suspension

This section may indicate the possibility of a Contracting Party to the subregional agreement to temporarily suspend the agreement for example due to emergency situations affecting national security. The section should state the obligation of such Contracting Party to timely inform other Contracting Parties of the effective start date of suspension, as well as of effective date of end of suspension.

Denunciation

This section may include a provision on the procedure for denunciation of the agreement by a Contracting Party, including the notification of other Contracting Parties and indication of the time period following notification, after which the denunciation can take effect.

Languages and their authenticity

Subregional agreements are typically authenticated in one language, but the Contracting Parties may also decide to authenticate it in two or more languages. In this case, this section should clearly state that when a subregional agreement has been authenticated in two or more languages, the text is equally authoritative in each language, unless the Contracting Parties agree that, in case of divergence, a particular text shall prevail.

The above list of issues related to final provisions is typical, but not exhaustive. The international legal instrument that may be used as reference for

this part when drafting and negotiating a subregional agreement is the Vienna Convention on the Law of Treaties, 1969.

VII. Annexes and protocols

It is quite typical for subregional agreements to have certain issues covered in annexes and protocols supplementing the main agreement. These may cover specific technical issues, implementation arrangements, procedural issues, etc.

Issues recommended to be settled through separate subregional agreements

I. Facilitation of visas for professional drivers and crews of road vehicles

Ideally, the agreement may provide for a visa free regime for professional drivers and crews of road vehicles. However, if this is not feasible for the countries negotiating the subregional agreement, the issuance of multiple-entry visas valid for at least one year can be a good practical solution, with national competent authorities or professional road transport associations acting as guaranteeing institutions.

The national guaranteeing institution in each country may prepare a list of professional drivers (and crew members) and submit it to the ministries of foreign affairs of the other countries. In accordance with the procedure established by the agreement, the list will be forwarded to embassies or consulates, which will expedite the issuance of visas for the drivers and crew included on the list.

Alternatively, national guaranteeing institutions may provide certifying letters with guarantee letters from carriers when drivers apply for visas at the embassies/consulates.

With such arrangements, drivers employed by one carrier may be considered as one group in visa application and exempted from the requirement of personal presence.

Consular treaties fall under the competence of the ministries of foreign affairs, therefore transport authorities need to request the ministries of foreign affairs and possibly other competent authorities to participate in the process of negotiating the subregional agreements on transport facilitation.

II. Customs transit system

The use of a unified document and a centralized subregional guarantee system may help carriers avoid cash or bond deposit or charges. Such a system may be particularly useful for transport through several countries.

The Contracting Parties to a subregional agreement may be willing to join an existing international transit system, if they have not acceded yet.

In case consensus appears to be easier to reach by means of putting in place a smaller scale transit system at subregional level, negotiation on such a system would require the involvement of Customs administrations, and it is thus recommended to formulate a separate agreement on this matter.

It is also important to design such a Customs transit system in a way that its characteristics do not prevent the possible future implementation of a larger scale or global system.

III. Facilitation of border-crossing formalities and inspections

Facilitation of numerous and different inspections and controls of people, vehicles and goods requires involvement of the respective government authorities and control agencies in charge, thus the negotiation of a separate subregional agreement on these matters is preferable.

Such an agreement may include a general part, which would identify the major objectives to be gradually achieved such as, for example, performing joint controls for the beginning, then continuing by enabling single-stop and single-window inspections to be performed. Deadlines or at least endeavoured deadlines could also be included into this general statement.

Several sections could then cover the main activities at border-crossings that contribute to the facilitation of international transport:

a) Customs control and border management (harmonization of documentation and procedures, synchronization of working hours at border checkpoints, introduction of single window, single stop inspections, integrated border management, joint control, application of ICT for facilitation of border checks and other possible measures);

b) Veterinary, sanitary and phytosanitary controls (availability to all stakeholders of laws, rules, regulations and procedures relating to veterinary, sanitary and phytosanitary control in force; harmonization of and procedures for those controls);

c) Police control (ensuring non-discrimination with respect to controls performed by police, as well as steps towards harmonization of standards and practices affecting international transport and mutual recognition of the documents concerning the means of transport, their crew, the goods and the passengers).

d) Physical infrastructure facilities (list of designated border-crossings where international transport operations would be facilitated through appropriate type and level of physical infrastructure, facilities and equipment, steps to be taken by the Contracting Parties to gradually provide adequate facilities at other posts).

IV. Private law (rules of carriage)

Rules of carriage of goods and passengers, including carrier liability and its limitation, belong to private law, which is different in nature and approaches from public law and may require specialized experts to negotiate these aspects.

It is thus recommended to formulate a separate agreement on rules of carriage. The agreement on this topic may cover rules of carriage for both goods and passengers/luggage, or may be split between two respective agreements.

Rules of carriage normally include the coverage of contractual obligations arising from the carriage of passengers or goods, civil liability of carriers and other actors of the contract of carriage, including limitation of carrier's liability, contractual documentation, pricing, claims and actions.

As regards rules for the carriage of goods, the Convention on the Contract for the International Carriage of Goods by Road, 1956 with its additional Protocols (1978 and 2008) can be recommended as a reference international legal instrument to follow.