

Annex III - 3

Memorandum of Understanding on the development of the Pan-European Transport Corridor VII (The Danube) (DRAFT)

Desiring to promote international transport of goods and passengers through making progress in the implementation of the Declarations of the Second Pan-European Transport Conference in Crete in 1994 and the priority transport corridors supported by the Conference, and those adopted during the Third Pan-European Transport Conference in Helsinki in 1997 (including the report on adjustments to the Crete Corridors) as a basis for further work.

Considering that the development of Corridor VII will promote the good relations between the Participants,

Considering the high importance of co-operation in the development of the Pan-European Transport Corridor VII with regard to the integration of this Corridor in the whole Pan-European transport system, and especially the need to strengthen the connections with the Trans-European Transport Network, and to link it to the Black Sea PETrA,

Taking also into consideration the developments emerging from the Transport Infrastructure Needs Assessment (TINA) in the candidate countries for accession, and the developments in the countries through which the Corridor passes,

Conscious of the fact that infrastructure development is a long term process,

Welcoming action already undertaken on the Corridor by the Participants concerned as well as international institutions (UN/ECE, EC, ECMT, the Danube Commission, the International Commission for the Protection of the River Danube, the Working Community of the Danube Regions) and projects stemmed from their frames,

Also taking into consideration the texts of the Declaration for the Danube by the European Council, the Danube Protection Treaty, the Belgrade Convention on the Regime for Danube Navigation, the AGN Agreement and other relevant documents,

And having in mind that future work on the Corridor VII might have to take into consideration the recommendation of the member States of the Danube commission regarding the definition of the Corridor, and also consider a number of missing links which will extend the Corridor's definition, notably the extension towards the Main - Danube Canal and the connection to the European Community's inland waterway network.

The Minister of Transport, Building and Housing of the Federal Republic of Germany, the Federal Minister of Transport Innovation and Technology of the Republic of Austria, the Minister of Transport, Posts and Telecommunications of the Slovak Republic, the Minister of Transport and Water Management of the Republic of Hungary, the Minister of Maritime Affairs, Transport and Communications of the Republic of Croatia, the Federal Minister of Transportation and Telecommunication of the Federal Republic of Yugoslavia, the Minister of Transport of Romania, the Minister of Transport and Communications of the Republic of Bulgaria, the Minister of Transport and Communications of the Republic of Moldova, the

Minister of Transport of Ukraine, the European Commission (following named "Participants"),

AGREE ON THE FOLLOWING MEMORANDUM OF UNDERSTANDING AS A RECOMMENDATION TOWARDS A COMMON OBJECTIVE:

1. AIM

The aim of this Memorandum of Understanding (MoU) is to co-operate in the development of main and ancillary infrastructures regarding the Corridor VII, as defined in Article 2 below, including the relevant port infrastructures.

The development of the Corridor should include maintenance, reconstruction, rehabilitation, upgrading and new construction of main and ancillary infrastructures as well as its operation and use with a view to fostering the most efficient and environmentally friendly use of the Corridor.

Taking into consideration the existing legal regulations in the interested countries, the fleet operating on Danube is also a field for co-operation, covered by the present MoU.

Shifting cargo to inland navigation is among the essential aims of the MoU in the context of developing transport services on a multi-modal basis.

The co-operation furthermore aims at perceiving and defining the prerequisites and conditions for the most efficient use of funds and know-how provided by public and private sources.

2. DEFINITION OF THE CORRIDOR

In the context of the present MoU, and taking into consideration the results of the 3rd Pan European Transport Conference of Helsinki, June 1997, the Pan-European Transport Corridor VII refers to the Danube inland waterway, the Black Sea-Danube Canal, the Danube branches Kilia and Sulina, the inland waterway links between the Black Sea and the Danube, the Danube - Sava canal, the Danube - Thissa canal and the relevant port infrastructures situated on these inland waterways.

Transshipment facilities, necessary for developing combined transport (inland waterways with other modes of transport) are also considered as part of the Corridor. The activities under this MoU will also take into consideration other neighbouring inland waterway and port infrastructure insofar as they have influence on the Corridor.

3. GENERAL RULES ON STUDIES

The Participants wish to co-operate in undertaking studies necessary for the realisation of the objectives of this Memorandum of Understanding using identical methods and technologies.

The terms of reference for studies should be co-ordinated between the Participants as far as criteria, methodology and other aspects covered by this Memorandum of Understanding are concerned.

As a first task, a complete inventory of existing studies concerning the Corridor should be compiled and the conclusions of these studies should be made available to all Participants concerned, upon request.

Subsequent studies will cover as necessary:

- State of the infrastructure on the Corridor,
- Needs assessment,
- Overall concept for a co-ordinated development of the Corridor,
- Conditions necessary for international financial institutions and the private sector's participation in the development and operation of the Corridor,
- Questions such as prioritisation, feasibility or technical design of specific maintenance, reconstruction, rehabilitation, upgrading and investment measures, as well as use or operation of the infrastructure and related environmental aspects,
- Organisational, legal, economic and social questions.

The relevant studies should be carried out according to best practice, taking due account of the requirements of the private sector and the international financial institutions, which should be involved during the different stages of planning, implementation, operation and use of the infrastructure.

The participants are prepared to co-operate in the question of financing of the necessary studies as appropriate. Tenders for studies should be launched according to rules agreed between all parties involved. The Participants declare their readiness to take all necessary steps to ensure that the studies can be carried out efficiently, such as providing all assistance and information necessary for completing the studies properly.

4. EXCHANGE OF INFORMATION

The Participants are ready to make available to each other existing information relevant to the development, use and operation of the Corridor.

This would include detailed data on the state of the infrastructure on the Corridor, water discharge information, hydraulic questions, traffic flows, data concerning the operating fleet, waiting times, specific maintenance, reconstruction, rehabilitation, upgrading, investment, environmental and organizational measures planned or undertaken, and the financial resources allocated or to be allocated to the development of the Corridor from public or private sources. It would also cover the legal framework for private participation in the development, use and operation of the Corridor as well as relevant economic and social data if they are not subject of concession contracts.

Within the limits of relevant law and if unanimously agreed by the Steering Committee, results of studies should be compiled and their conclusions should be made accessible on request to institutions concerned, demonstrating substantial interest in contributing to the development of the Corridor.

5. TECHNICAL STANDARDS AND INTEROPERABILITY

The Participants are prepared to agree upon a common set of technical standards necessary to secure optimal interoperability of all sections of the Corridor, including the interoperability between various transport modes.

Standards set by the European Community legislation, or included in the Recommendations of the Danube Commission, the UN/ECE Agreements on transport infrastructure, or standards set by CEN, CENELEC and ETSI will be adhered to, as appropriate in order to secure safe and efficient transport, environmental protection and interoperability.

6. BORDER CROSSING AND CUSTOMS CO-OPERATION

Since excessive waiting times at border crossings may impede any improvements resulting from the development of the Corridor, the Participants wish to stimulate and promote, through a co-ordination of actions with the competent authorities, the facilitation of common procedures for border and customs controls, with a common view to minimise waiting times and to improve the efficiency of the freight and passengers traffic along the Corridor (including the transshipments in the context of combined transport).

Standards set by international Agreements or the European Union should be adhered to.

7. FRAMEWORK FOR PRIVATE PARTICIPATION

The Participants intend to provide for an optimum of private sector involvement in the development, operation and use of the Corridor. For this purpose, a dialogue with the private sector and the international financial institutions should take place during the planning and realisation of studies. In all phases of co-operation under this Memorandum of Understanding the private sector should be informed of actions planned or undertaken and its comments should be taken into account as far as possible.

The Participants jointly aim to ensure the development of the legal and financial conditions necessary for private sector participation in the development and operation of the Corridor.

The Participants might set up common bodies to carry out actions necessary to develop the Corridor. Taking into account the national law they wish to investigate possibilities of entrusting the implementation of the goals of this Memorandum of Understanding totally or partially to private enterprises.

8. STEERING COMMITTEE

A Steering Committee, to be composed of representatives of the Participants will co-ordinate the joint work under this Memorandum of Understanding.

Each Participant should appoint one representative and one deputy-representative to the Steering Committee by notification to all Participants.

The Steering Committee will meet as necessary, but normally twice a year. It should decide on its rules of procedure by unanimity. Representatives from the private sector or the international financial and other institutions as well as experts, could be invited to the meetings as appropriate.

The Steering Committee might consider creating Working Groups for specific tasks or adequate promotion of the goals of this Memorandum of Understanding. The Steering Committee will be technically supported by a technical Secretariat.

The Steering Committee will regularly report about its work and co-operate with the European Commission.

9. IMPLEMENTATION

The information exchanged and studies carried out by the Participants will be the basis for defining priorities, budgets and time schedules for specific measures necessary for the co-ordinated development of the Corridor, as well as rules on the use and operation of the Corridor. The Participants are prepared to agree on such issues as appropriate.

The specific fields of work, where action should be undertaken, are described in the Annex of this Memorandum of Understanding, which is part of the MoU.

10. CLOSING REMARKS

The co-operation in the framework of this Memorandum of Understanding is based on a voluntary commitment and will continue until the objectives of the initiative have been achieved.

When any of the Participants so requests, this Memorandum of Understanding shall be reviewed five years after its entry into force.

This Memorandum of Understanding does not contain obligations governed by international law.

This Memorandum of Understanding shall become effective on the date of its signature.

Done at Rotterdam on 6 September 2001

The Minister of Transport, Building and Housing of the Federal Republic of Germany
The Federal Minister of Transport, Innovation and Technology of the Republic of Austria
The Minister of Transport, Post and Telecommunications of the Slovak Republic
The Minister of Transport and Water Management of the Republic of Hungary
The Minister of Maritime Affairs, Transport and Communications of the Republic of Croatia
The Federal Minister of Transportation and Telecommunication of the Federal Republic of Yugoslavia
The Minister of Transport of Romania
The Minister of Transport and Communications of the Republic of Bulgaria
The Minister of Transport and Communications of the Republic of Moldova
The Minister of Transport of Ukraine
The European Commission

ANNEX

SPECIFIC FIELDS OF INTEREST

This Annex is an integral part of the Memorandum of Understanding for the Pan - European Corridor VII - the Danube - , as it was signed by the Participants.

The fields of interest mentioned cover certain items where the work of the Steering Committee and the Working Groups should particularly focus on.

Additional fields of interest may arise at any stage of the work of the Steering Committee.

OPERATION

- Management of the future traffic and modal split
- Combined and Intermodal transport development
- Improvement of fairway conditions, in order to achieve better utilisation of vessels' capacity,
- sufficient reliability, accuracy in timetables, increased safety of navigation
- Improvement of utilisation of the fairway by means of integrated River Information Systems
- Improvement of transshipment
- Cost of transport
- Tariffs
- Transport logistics
- Travel times
- Efficiency and quality of service
- Administrative obstacles
- Legislation
- Environmental analyses
- Economic analyses

INFRASTRUCTURE

I. PORT INFRASTRUCTURE:

- Evaluation of the existing situation on port infrastructures,
- Necessary measures to develop the harbours technical equipment,
- Evaluation of the present situation of the harbours concerning cargo, capacity etc.
- Development of necessary equipment when comparing cargo flows and traffic forecast,
- Evaluation of the influence of waterway and port infrastructure conditions on the capacity's utilisation of the Danube
- Consideration of existing and possible financial sources for the ports development,
- Evaluation of harbour activity in the Danube ports (i.e. work organization)

II. NAVIGATION FAIRWAY INFRASTRUCTURES:

- Minimum technical requirements for navigation in comparison with the Rhine conditions,
- Bottlenecks identification and evaluation,
- Bottlenecks elimination,

FLEET

Data collection on the Danube fleet features: size, structure, used technologies and ship types; comparison with the Rhine and the Dnjepr fleets,

Evaluation of the interoperability and possibilities of technological co-operation of the Danube fleet with the Rhine and Dnjepr fleets,

Assessment of the state of the art in the shipbuilding industry, evaluation and possibilities of operating new types of ships and technologies on the Danube,

Assessment of the development of fleet capacity and Danube traffic, evaluation of the utilisation of fleet capacity,

On the basis of information concerning potential cargo flows and traffic prognoses, evaluation of adequacy of the Danube fleet in terms of structure and ships characteristics,

Evaluation of influence of waterway and port infrastructure conditions on the characteristics and capacity's utilisation of the Danube fleet,

Evaluation of adequacy of the ship repair industry on the Danube,

Consideration of existing and possible financial constructions in the field of fleet development,

On the basis of the above-mentioned elements, preparation of proposals on the development of the Danube fleet, as well as waterway, port and ship repair infrastructure.

ABBREVIATIONS:

AGN	European Agreement on Main Inland Waterways of International Importance
CEN	Comité Européen de Normalisation
CENELEC	Comité Européen de Normalisation Electronique
EC	European Commission
ECMT	European Conference of Ministers of Transport
ETSI	European Telecommunication Standard Institute
PETra	Pan-European Transport Area
UN/ECE	United Nations Economic Commission for Europe
TEM	Trans-European Motorways
TER	Trans-European Railways
TINA	Transport Infrastructure Needs Assessment for Central and Eastern Europe