

**Recommendation CM/Rec(2007)5
of the Committee of Ministers to member states
on the conclusion of transfrontier co-operation agreements in South-Eastern Europe**

*(Adopted by the Committee of Ministers on 31 January 2007
at the 985th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of article 15.b of the Statute of the Council of Europe,

Having regard to the Political Declaration adopted at Chişinău on 6 November 2003 on the occasion of the 113th session of the Committee of Ministers;

Mindful of the Declaration adopted at the Third Summit of Heads of State and Government of the Council of Europe in Warsaw on 16 May 2005;

Wishing to contribute to the attainment of the goals of the Stability Pact for South-Eastern Europe;

Considering that good neighbourly relations are the basis for a more free and tolerant Europe, which is the key to consolidating democratic stability;

Considering the longstanding contribution of the Council of Europe to the promotion of crossborder co-operation between its member states and their territorial authorities or communities, and to the relevant conventions and other legal instruments adopted and activities undertaken;

Recalling, in this respect, the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106), adopted on 21 May 1980, and the Recommendation Rec(2005)2 of the Committee of Ministers to member states on good practices in and reducing obstacles to transfrontier and inter-territorial co-operation between territorial communities or authorities adopted on 19 January 2005;

Recalling its expressed readiness to facilitate the implementation by the states concerned of the objectives of the Chişinău Political Declaration;

Encouraged to act by the willingness of member states to enter into multilateral agreements on specific issues of mutual interest which address the concerns of their peoples and communities;

Noting that the elaboration of model agreements aims at fostering co-operation in the areas of mutual assistance in case of natural or man-made disasters and of local border traffic, and that such aims correspond to those pursued by a number of Council of Europe legal instruments such as the above-mentioned outline convention and Committee of Ministers' recommendation,

Recommends the governments of member states to consider adopting, new multilateral agreements in the field of transfrontier co-operation, where appropriate, based on the model agreements appended to this recommendation;

Authorises the Secretary General to provide further assistance to the member states concerned, within the limits of resources available, with a view to facilitating the finalisation and, where appropriate, the adoption of the above-mentioned agreements.

Appendix I to Recommendation CM/Rec(2007)5

**Model Agreement
on mutual assistance between states of South-Eastern Europe
in the event of disasters occurring in border areas**

The governments of ... , member states of the Council of Europe,

Aware of the importance of crossborder co-operation for the improvement of quality of life, security and

prosperity of the neighbouring populations, their countries and the region;

Recognising the vulnerability of people to damage, injury and loss of life and property resulting from disasters, and recognising that the latter may generate severe damage threatening the general safety of the signatory states, presenting equipment and manpower requirements beyond the capacity of each Party;

Resolved to assist each other in the event of disasters;

Convinced of the importance of collaboration between themselves with the aim of protecting people, environment and property, including cultural heritage, against serious natural, technological and environmental disasters and their effects, in particular through appropriate preventive measures;

Acknowledging that a formal agreement for mutual assistance would allow for a better co-ordination of effort, guarantee that adequate equipment and manpower is available and ensure that mutual aid is accomplished in the shortest time possible;

Mindful of the Political Declaration adopted by the Committee of Ministers of the Council of Europe at Chişinău on 26 November 2003;

Having regard to Recommendation Rec(2002)3 of the Committee of Ministers to member states on transfrontier co-operation in civil protection and mutual assistance in the event of natural and technological disasters occurring in frontier areas;

Having regard to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and the model agreements appended thereto, in particular Model Agreement 2.12;

Willing to improve and facilitate their further collaboration in this area through this agreement;

Resolved to further pursue in this way the goals of democratic stability, solidarity and co-operation among their respective countries, that the Stability Pact for South-Eeestern Europe strives to promote and to which they subscribe;

Have agreed as follows:

Article 1

(Scope)

1. The Parties undertake to afford each other the mutual assistance provided for in this agreement in the event of natural or man-made disasters occurring in frontier areas of their territories, within the limits set forth in the following articles.
2. The Parties undertake, within the framework of their respective national legislation, to establish, reinforce and develop appropriate preventive procedures, mechanisms and techniques against disasters in order to ensure better protection of human life, the environment, property and cultural heritage in frontier areas.

Article 2

(Definitions)

1. Each Party shall define the border areas to which the provisions of this agreement shall apply and inform the other Parties accordingly.
2. The delimitation of border areas for the purpose of this agreement shall in no way prejudice the definition and demarcation of state borders between the Parties.
3. The Parties shall exchange information about the definition or practice they follow with a view to determining what kind of event is deemed to fall under the scope of this agreement.

Article 3

(Role of territorial authorities)

1. Each Party shall adopt all necessary measures to enable their territorial communities or authorities, within the limits of their competences and functions as established under domestic legislation, to engage in co-operation with corresponding authorities and communities across the border, for the purpose of implementing the measures enumerated in this agreement.
2. Each Party shall inform the territorial communities or authorities about the risks that exist in frontier areas, and help them to reinforce and develop transfrontier co-operation mechanisms in the event of natural or man-made disasters, in order to improve the effectiveness of the assistance provided, endeavouring to avoid possible impediments to such collaboration.
3. Territorial communities or authorities providing assistance on the territory of another Party shall be reimbursed of their costs, in accordance with the provisions of Article 10.

Article 4

(Awareness and readiness plans and exercises)

1. It shall be the responsibility of each Party to establish and update action plans and programmes for transfrontier co-operation in the performance of the tasks and functions listed in this agreement.
2. The Parties will exchange information with a view to establishing national action plans that duly take into account the situation, needs, procedures and services provided by the neighbouring countries concerned.
3. Subject to restrictions justified on grounds of national security, the Parties shall keep themselves mutually and regularly informed of the content of their action plans.
4. Each Party undertakes to ensure regular or at random organisation of rescue training in frontier areas between the neighbouring cross-border organisations in order to check that fixed action plans and procedures are effective.

Article 5

(Appointment of an authority)

Each Party shall appoint an authority with responsibility for requesting or rendering assistance in the event of natural or man-made disasters (hereafter: the authority) and inform other Parties accordingly. The Parties will keep each other fully and constantly informed of any changes affecting the responsibilities, modalities of action and capacities of the above-mentioned authority.

Article 6

(Procedures)

1. The authority of a Party may request assistance of another Party by contacting the respective authority of that Party. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 48 hours.
2. Requests shall contain the following information:
 - a description of the place and nature of the disaster;
 - a description of the emergency services function for which assistance is needed, such as, but not limited to, fire services, medical emergencies, transport, communications, public works and engineering, building inspection, mass care, logistical support, health and medical services, and search and rescue;
 - the amount and type of personnel, equipment, materials, and suppliers needed, and a reasonable estimate of the length of time they will be needed;

– the specific place and time for staging of the assisting Party's response and a point of contact at that location.

3. The authority to which a request for assistance is directed shall promptly decide and inform the other Party's authority whether it is in a position to render the assistance asked for. It shall indicate, in general terms, the scope and terms of the assistance that might be rendered, including the estimated costs for the assistance.

4. In order to facilitate the rendering of assistance, the authorities who are assigned emergency management responsibilities shall frequently exchange information regarding the nature and extent of the assistance they would be able to provide immediately in the event of natural or man-made disaster.

Article 7

(Provision of assistance)

Each authority requested to render assistance shall take such action as appropriate towards providing and making available the assistance requested. It shall seek every additional support with a view to matching the needs of the requesting authority as much as possible.

Article 8

(Border crossing formalities)

1. The Party whose authority is requesting assistance undertakes, if the need arises, to minimise and facilitate entry or exit formalities, charges and other duties for the border crossing of the assisting rescue teams, including personnel, vehicles, rescue equipment and other equipment which are intended for use in the rescue operation. The Party whose authority is requesting assistance, shall open additional border crossing points where necessary.

2. The Party whose authority is requesting assistance shall authorise the emergency treatment administered by medical staff and ambulance workers of the Party rendering assistance.

3. If the rescue teams include military or paramilitary units, the Party rendering assistance shall ensure that they intervene unarmed.

4. The Parties may negotiate specific agreements establishing the conditions for the provision of the assistance referred to in paragraphs 2 and 3.

Article 9

(Direction of assistance operations)

1. The authority of the Party requesting assistance has overall direction, control, co-ordination and supervision of the assistance within its territory, assuming the full responsibility for the command of the operation on the location of the disaster.

2. The rescue teams of the Party rendering assistance serve under the command of their own officers and in accordance with rescue service regulations, as well as other regulations in force in their own state. However, the rescue teams should act without prejudice to the laws and regulations of the Party requesting assistance.

Article 10

(Provisions for damages)

1. Each Party undertakes to establish rules, if appropriate after consultations with neighbouring states and/or based on bilateral or multilateral agreements, dealing with the following situations:

- damage caused to persons or property on the territory of the Party requesting assistance, by the rescue services of the Party rendering assistance;
- damage sustained by persons or property belonging to the Party rendering assistance;
- reimbursement by the Party requesting assistance of the costs incurred by the Party rendering

assistance including its territorial communities or authorities, as the case may be.

2. Each Party will show goodwill and refrain, as a general rule, from requesting reimbursement of costs incurred as a result of an exceptional disaster or of a disaster not calling into question any clearly established individual liability.

Article 11

(Termination of assistance)

The assistance operations effected by virtue of this agreement shall cease when:

- the rescue services have accomplished their task;
- the authorities of the Parties mutually decide that the further continuation of the disaster management operation is no longer needed.

Article 12

(Settlement of disputes)

Any dispute concerning the interpretation or application of this agreement shall primarily be settled through negotiation.

Article 13

(Consent to be bound)

The states may express their consent to be bound by:

- a. signature without reservation as to ratification, acceptance or approval; or
- b. signature with reservation as to ratification, acceptance or approval, followed by ratification, acceptance or approval.

Article 14

(Depositary)

The [Republic of ...] shall act as the depositary for this agreement.

Instruments of ratification, acceptance or approval shall be deposited with the depositary.

The depositary shall notify the Parties and the states which have participated in the elaboration of this agreement of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval;
- c. any date of entry into force of this agreement in accordance with Article 15;
- d. any declaration made in accordance with Articles 2(1), 5 and 17;
- e. any denunciation made under Article 18;
- f. any other act, notification or communication relating to this agreement.

Article 15

(Entry into force)

1. This agreement shall enter into force on the first day of the month following the expiration of a period of ... months after the date on which three states, each having a common border with at least one of the other two, have expressed their consent to be bound by the agreement in accordance with the provisions of Article 13.

2. In respect of any state which subsequently expresses its consent to be bound by it, the agreement shall enter into force on the first day of the month following the expiration of a period of ... months after

the date of the deposit of the instrument of ratification, acceptance or approval.

Article 16

(Amendments)

1. Any Contracting Party that wishes to propose an amendment shall notify the depositary thereof. The depositary shall inform the Parties of any amendment so notified.
2. Any amendment shall enter into force thirty days after the depositary has received notification of acceptance from all the Parties. The depositary shall notify all Parties of the date of entry into force of any such amendment.

Article 17

(Territorial application)

1. Any state may at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this agreement shall apply.
2. Any state may at any later date, by a declaration addressed to the depositary, extend the application of this agreement to any other territory specified in the declaration. In respect of such territory, the agreement shall enter into force on the first day of the month following the expiration of a period of ... months after the date of receipt of such declaration by the depositary.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the depositary. The withdrawal shall become effective on the first day of the month following the expiration of a period of ... months after the date of receipt of such notification by the depositary.

Article 18

(Denunciation)

1. Any Party may, at any time, denounce this agreement by means of a notification addressed to the depositary.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of ... months after the date of receipt of the notification by the depositary.

Done at the, in English in a single copy which shall be deposited in the archives of the depositary. The depositary shall transmit certified copies to each Party.

Appendix II to Recommendation CM/Rec(2007)5

Model Agreement

on local border traffic between states of South-Eastern Europe

The governments of, member states of the Council of Europe,

Considering that crossborder relationships are at the heart of their mutual good neighbourly relations;

Aware that movements of persons across the borders contribute to the social, cultural and economic development of border areas;

Mindful of the Political Declaration adopted by the Committee of Ministers of the Council of Europe at Chişinău (Moldova) on 26 November 2003;

Resolved to further pursue in this way the goals of democratic stability, solidarity and co-operation among their respective countries, that the Stability Pact for South-Eastern Europe strives to promote and to which they subscribe;

Having regard to the relevant provisions of applicable treaties in force among them and of European Union legislation;

Willing to simplify the procedures and ease the conditions under which the inhabitants of border areas can cross the borders,

Have agreed as follows:

Article 1

(Purpose of the agreement)

The purpose of this agreement is to establish common rules aimed at facilitating the crossing of their respective borders by persons residing lawfully in border areas (hereafter: residents) for any lawful purpose.

Article 2

(Definition of border areas)

1. Each Party shall define the border areas to which the provisions of this agreement apply and inform the other Parties accordingly.
2. The border areas shall comprise the territory of the lowest territorial self-government units along the border and the territory of the same units bordering on them up to a maximum of 50 kilometres from the border line.
3. The Parties may agree on a broader definition of the border area.
4. The definition of border areas for the purpose of this agreement shall in no way prejudice the definition and demarcation of state borders between the Parties.

Article 3

(Identification document)

1. Residents in the border areas shall be entitled to cross the borders with a valid identification document, without visas or fees being levied upon the crossing of the border.
2. The issuance of identification documents valid only for border crossing by residents shall be neither more expensive nor more time-consuming than the issuance of passports or identity cards.
3. Each Party shall define the identification documents valid for border crossing and inform the other Parties accordingly. The identification documents valid for border crossing are listed in the appendix to the agreement.

Article 4

(Residents)

1. Residents are the persons that so qualify in accordance with the legislation of each Party.
2. The Parties may require that the persons requesting the benefits of this agreement have resided for a minimum period of time in the border areas concerned.
3. Persons under 14 years, belonging to the family of a resident, are entitled to the same treatment as residents.
4. The Parties may require that persons under 14 years cross the border only in the company of a resident to whom the provisions of this agreement apply.

Article 5

(Border-crossing points)

1. Residents shall be entitled to cross the borders at any border crossing point between their country of residence and the neighbouring country.
2. Each Party may designate certain crossing points for use by residents only.
3. Such designated crossing points shall be set up in sufficient number and having regard to the need to facilitate the access by residents to the neighbouring country without undue delays or lengthy journeys.
4. Each Party shall be entitled to carry out the identity and security controls, as provided for by law.

Article 6

(Opening hours)

Each Party shall provide for border-crossing points to be open to residents from Monday to Friday, at least for 12 hours a day, and on Saturdays, Sundays and official public holidays for at least 6 hours a day, possibly divided in a morning and an evening term.

Article 7

(Duration of stay)

1. The Parties shall agree on the maximum duration of each stay in the neighbouring country, which cannot be less than 12 uninterrupted hours, during which the residents are entitled to stay in the border area of the neighbouring country without formalities.
2. There shall be no limits on the number of stays in the neighbouring country, unless otherwise provided in bilateral agreements.
3. In case of no-return to the country of residence after the expiry of the maximum stay, the residents shall report to the nearest police station in order to obtain either an extension of stay – if valid reasons are invoked – or a laissez-passer enabling the holder to return within 12 hours to the country of origin.
4. During their stay on the territory of the neighbouring country, residents shall comply with the provisions of this agreement and the laws and regulations in force in that country.
5. The Parties shall exchange information on the sanctions applicable to persons that are found on their territory, beyond the border area, without a valid document for entering that territory.

Article 8

(Personal goods and professional equipment)

1. Residents shall be entitled to cross the border with a land or sea transport vehicle and carry with them newly acquired goods of a value not exceeding €175. For goods in excess of that value, the customs and currency regulations of the Party admitting the resident shall apply.
2. The Parties may negotiate specific agreements aimed at raising the value ceiling for the goods transported by resident and partly or totally exempting residents from custom duties on the goods imported or exported by them.
3. All vehicles shall be insured according to the law in force in the receiving country.
4. The Parties may negotiate specific agreements in order to regulate the conditions under which persons, machinery and goods related to agriculture, forestry, fishing and the breeding of livestock may cross the borders for the purpose of cultivating their land, minding their livestock and easing forests or waters.

Article 9

(Implementing measures)

1. Each Party shall adopt the necessary measures at domestic level in order to give full effect to the provisions of this agreement.
2. They shall exchange such information as appropriate in order for their authorities and for the persons concerned to be fully aware of the rules applicable to them.
3. The Parties shall negotiate without delay bilateral agreements as necessary in order to bring their mutual relationships in line with the provisions of this agreement.

Article 10

(More favourable provisions)

1. This agreement is without prejudice to the more favourable provisions contained in other treaties and agreements concluded between the Parties or otherwise in force in any of them for the benefit of their citizens and persons subject to their jurisdiction.
2. The Parties shall endeavour to revise existing treaties and agreements in force between them or to promote the conclusion of new treaties and agreements in order to grant their citizens and persons subject to their jurisdiction more favourable conditions than those resulting from this agreement.
3. No provision in this agreement shall be meant to limit the rights and freedoms granted to citizens and persons subject to the jurisdiction of the Parties by virtue of other treaties or stipulations concluded by them.

Article 11

(Settlement of disputes)

Any dispute concerning the interpretation or application of this agreement shall primarily be settled through negotiation.

Article 12

(Consent to be bound)

The states may express their consent to be bound by:

- a. signature without reservation as to ratification, acceptance or approval; or
- b. signature with reservation as to ratification, acceptance or approval, followed by ratification, acceptance or approval.

Article 13

(Depositary)

The [Republic of ...] shall act as the depositary for this agreement.

Instruments of ratification, acceptance or approval shall be deposited with the depositary.

The depositary shall notify the Contracting Parties [and the states which have participated in the elaboration of this agreement] of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval;
- c. any date of entry into force of this agreement in accordance with Article 14;
- d. any declaration made in accordance with Articles 2(1), 3(3) and 16;
- e. denunciation made under Article 17;

f. any other act, notification or communication relating to this agreement.

Article 14

(Entry into force)

1. This agreement shall enter into force on the first day of the month following the expiration of a period of ... months after the date on which three states, each having a common border with at least one of the other two, have expressed their consent to be bound by the agreement in accordance with the provisions of Article 12.

2. In respect of any state which subsequently expresses its consent to be bound by it, the agreement shall enter into force on the first day of the month following the expiration of a period of ... months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 15

(Amendments)

1. Any Contracting Party that wishes to propose an amendment shall notify the depositary thereof. The depositary shall inform the Contracting Parties of any amendment so notified.

2. Any amendment shall enter into force thirty days after the depositary has received notification of acceptance from all the Contracting Parties. The depositary shall notify all Contracting Parties of the date of entry into force of any such amendment.

Article 16

(Territorial application)

1. Any state may at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this agreement shall apply.

2. Any state may at any later date, by a declaration addressed to the depositary, extend the application of this agreement to any other territory specified in the declaration. In respect of such territory, the agreement shall enter into force on the first day of the month following the expiration of a period of ... months after the date of receipt of such declaration by the depositary.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the depositary. The withdrawal shall become effective on the first day of the month following the expiration of a period of ... months after the date of receipt of such notification by the depositary.

Article 17

(Denunciation)

1. Any Contracting Party may at any time denounce this agreement by means of a notification addressed to the depositary.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of ... months after the date of receipt of the notification by the depositary.

Done at the, in English in a single copy which shall be deposited in the archives of the depositary. The depositary shall transmit certified copies to each Contracting Party.

Related Documents

Meetings

[985th meeting of the Ministers' Deputies / 31 January 2007](#)

Other documents

[CM/Del/Dec\(2007\)985/10.4abcE](#) / 05 February 2007 