

MEMORANDUM OF UNDERSTANDING

between
the Government of the Republic of Bulgaria and the Government of Romania
on setting up
an Interministerial Committee for sustainable
development of inland waterways transport, on
the Bulgarian-Romanian common sector of the Danube

The Government of the Republic of Bulgaria and the Government of Romania, hereinafter referred to as the „Parties”,

Having regard to the Europe 2020 Strategy for Smart, Sustainable and Inclusive Growth, the European Union Strategy for the Danube Region (hereafter referred to as "the EUSDR"), the White Paper 2011 "Roadmap to a Single European Transport Area";

Taking into account the provision of article 3 of the Convention of the regime of navigation on the Danube signed in Belgrade on 18 August 1948, together with two annexes hereto additional Protocol (Belgrade Convention), which stipulates that the Danube riparian States undertake to maintain their sections of the Danube in a navigable condition, and provisions of article 39, stipulating that in the Danube sections forming national borders, execution of works and distribution of costs are regulated by agreement between the respectively neighboring States;

Without prejudice to the application of the relevant environmental EU legislation and international agreements to which both states are parties,

Recognizing the importance of inland waterway transport for the development of the European economy, in particular the Danube and its navigable tributaries as part of the Trans-European Transport Networks;

Taking into account the EUSDR and the related targets aimed at increasing the cargo transport on the river by 20% by 2020 and establishing effective waterway infrastructure management by 2015;

Having regard to the Declaration on effective waterway infrastructure maintenance on the Danube and its tributaries, signed in Luxembourg on 7 June 2012,

Considering the next programming period 2014 – 2020, the TEN-T guidance, the new proposed financial framework, the Common Regulation for the European

Regional Development Fund, the Cohesion Fund, the European Social Fund, the European Maritime and Fisheries Fund, the European Agricultural Fund for Rural Development and the newly proposed financial instrument - Connecting Europe Facility,

Given the roadmap for action "*ITW Policy – Interministerial Committee*" within the EUSDR Priority Area 1.a. *Inland Waterways*,

RECOGNIZING the friendship, cooperation and neighbourly relations existing between the two states and wishing to further promote these relations through the development of transport infrastructure,

Have agreed on the following:

Article 1. Setting up the Interministerial Committee

The Parties shall set up an Interministerial Committee for sustainable development of inland waterways transport on the Bulgarian - Romanian common sector of the Danube, hereinafter "*Interministerial Committee*".

Article 2. Tasks of the Interministerial Committee

The Interministerial Committee shall have the following tasks:

- a) to adopt an Action Plan for common projects for improving the navigation conditions on the Bulgarian - Romanian common sector of the Danube and the connectivity between the both states, to be prepared and implemented on a short-term basis till 2020, on a medium-term basis till 2030, and on a long-term basis till 2050. The Interministerial Committee will adopt any necessary changes to the Action Plan.
- b) to identify the funding sources for the projects included in the Action Plan.
- c) to monitor the implementation of the Action Plan.
- d) to provide support for proper and duly implementation of the Action Plan.
- e) to analyze the bilateral legal framework regarding the maintenance and improvement of the fairway on the Bulgarian - Romanian common sector

and proposing amendments or concluding agreements, as appropriate.

- f) to support the setting up of an European Grouping for Territorial Cooperation, according to Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) to implementing common projects and manage the activities on ensuring the minimum navigation conditions on the Bulgarian - Romanian common sector of the Danube.

Article 3. Composition of the Interministerial Committee

1. The Interministerial Committee shall be co-chaired.

For the Bulgarian Party: by the Deputy Minister of Transport, Information Technologies and Communications and the National Contact Point for EUSDR from the Ministry of Regional Development and Public Works.

For the Romanian Party: by the Secretary of State of the Ministry of Transport and Infrastructure and the National Contact Point for EUSDR from the Ministry of Foreign Affairs.

2. The Interministerial Committee will be composed by representatives of the following authorities:

For the Bulgarian Party: the Ministry of Transport, Information Technologies and Communications, the Ministry of Regional Development and Public Works, the Ministry of Environment and Water, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Interior, a representative of the Cabinet of the Minister for EU Funds Management.

For the Romanian Party: the Ministry of Transport and Infrastructure, the Ministry of Foreign Affairs, the Ministry of Regional Development and Tourism, the Ministry of Environment and Forests, the Ministry of European Affairs, the Ministry of Public Finance, the Ministry of Administration and Interior.

3. The nominated representatives by the authorities will be empowered to make decisions.

4. The Interministerial Committee could set up Expert Working Groups on specific

thematic.

5. In case of changes on the composition of the Interministerial Committee, the Parties will inform each other in written form.

Article 4 Rules of Procedure

The Interministerial Committee will establish its own Rules of Procedure, which will be adopted during the first meeting. The Rules of Procedure will provide at least the following: tasks, reporting, composition, chair, decision-making process, consultation with interested parties, working methods and meetings organization.

Article 5 Expenses

Each authority involved in the activities of the Interministerial Committee will be responsible for covering expenses with accommodation, travelling and daily fees for their representatives.

Article 6 Working languages and communication

1. The official languages of the Interministerial Committee shall be Bulgarian and Romanian.
2. The working languages of the debates of the Interministerial Committee shall be Bulgarian, Romanian and English.
3. Protocols, conclusions of meetings and other documents shall be prepared in Bulgarian, Romanian and English languages. In case of divergence in the interpretation of the documents the English text shall prevail.
4. Correspondence between the members of the Interministerial Committee shall be in English.

Article 7 Cooperation with other institutions

1. The Interministerial Committee, within the framework of its tasks, will maintain continuous communication with other EU relevant institutions, relevant national institutions, representatives of the Joint Commissions established through bilateral agreements of the Parties with relevance for inland waterways transport, including

local authorities. /

2. The Interministerial Committee shall be authorized, within the limits of its powers, to cooperate, with the institutions of the European Union, if considered necessary.

3. At each meeting of the Interministerial Committee representatives of the institutions of the European Union and the TEN-T Coordinators will be invited to participate and will be responsible for covering their own expenses generated by their participation in the meetings.

Article 8 Settlement of disputes

Any dispute with regard to the implementation or application of this Memorandum of Understanding shall be settled through direct negotiations between the co-chairs of the Interministerial Committee. If agreement could not be reached through direct negotiations, the dispute shall be settled at governmental level.

Article 9 Entry into force, duration, amendments and termination

1. This Memorandum of Understanding shall enter into force on the date of receipt of the last notification confirming the fulfilment by the Parties of internal approval procedures necessary for its entry into force.

2. This Memorandum of Understanding is concluded for an indefinite period of time and shall remain in force provided that neither Party will inform, in writing, the other Party of its intention to terminate it.

3. This Memorandum of Understanding could be amended by mutual written consent of the Parties, in the protocols which will become part of this Memorandum of Understanding, which will enter into force in accordance with paragraph 1 of this article.

4. This Memorandum of Understanding does not affect the rights and obligations of the Parties arising from other international agreements to which the Republic of Bulgaria and Romania are parties.

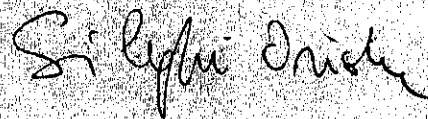
5. Either Party may at any time terminate this Memorandum of Understanding by notifying in written form the other Party. Denunciation shall take effect six months after receiving of the notification by the other Party.

Whereof, the undersigned, duly authorized by their respective Governments, have signed this Memorandum of Understanding.

Signed in on 2012, in Bulgarian, Romanian and English languages, in two original copies, one for each country, all texts being equally authentic. In case of differences of interpretation of this Memorandum of Understanding, the English text will prevail.

For the Government of the
Republic of Bulgaria

For the Government of
Romania



Minister of Transport, Information
Technologies and Communications

Minister of Transport and
Infrastructure



Minister of Regional Development
and Public Works.