

ANNEX 24
to the Treaty on the Eurasian
Economic Union

PROTOCOL
on Coordinated (Agreed) Transport Policy

I. General Provisions

1. This Protocol has been developed in accordance with Articles 86 and 87 of the Treaty on the Eurasian Economic Union for the purposes of implementing coordinated (agreed) transport policy.

2. The terms used in this Protocol shall have the following meanings:

“civil aviation” means aviation used to meet the demands of the population and economy;

“common transport area” means a set of transport systems of the Member States characterised by unimpeded traffic of passengers, transfer of cargo and vehicles, their technical and technological compatibility, based on the harmonised legislation of the Member States in the sphere of transport;

“legislation of the Member States” means the national legislation of each Member State;

“common market of transport services” means a form of economic relations implying equal and parity conditions for the provision of transport services the specific features of functioning of the market of which, by type of transport, are determined this Protocol as well as international treaties within the Union.

3. This Protocol shall be implemented with account of the obligations assumed by each Member State at accession to the World Trade Organisation, as well as within other international treaties.

II. Road Transport

4. International carriage of goods by road performed by carriers registered on the territory of a Member State shall be carried out on a permit-free basis:

- 1) between the Member State of registration of such carriers and another Member State;
- 2) in transit through the territory of other Member States;
- 3) between other Member States.

5. By July 1, 2015, the Member States shall have adopted a programme of gradual liberalisation of carriage of goods by road between locations on the territory of another Member State performed by carriers registered on the territory of a Member State for the period from 2016 to 2025, indicating the extent and conditions of such liberalisation.

The Member States may have different levels and rates of liberalisation of carriage of goods by road referred to in the first indent of this paragraph.

6. The gradual liberalisation programme referred to in paragraph 5 of this Protocol shall be approved by the Supreme Council.

7. Specific features of coordinated (agreed) transport policy regarding regulation of road freight transport services within the Union shall be determined by international treaties.

8. The Member States shall take agreed measures to eliminate all obstacles (barriers) affecting the development of international road service and formation of road transport services within the Union.

9. Transport (road) control shall be exercised in the procedure according to Annex 1 to this Protocol.

III. Air Transport

10. Air transport in the Union shall be developed within the coordinated (agreed) transport policy by the gradual establishment of a common market of air transport services.

The Member States shall coordinate efforts for a common approach to the application of standards and recommended practices of the International Civil Aviation Organisation (ICAO).

11. Establishment of the common market of air transport services shall be based on the following principles:

1) ensuring compliance with international treaties and acts constituting the law of the Union, regulations and principles of the international law in the field of civil aviation;

2) harmonisation of the legislation of the Member States in accordance with the regulations and principles of international law in the field of civil aviation;

3) ensuring fair and honest competition;

4) facilitating fleet renewal, modernisation and development of the ground infrastructure of airports pursuant to the requirements and recommended practices of the International Civil Aviation Organisation (ICAO);

- 5) ensuring flight safety and aviation security;
 - 6) ensuring non-discriminatory access of aviation companies of the Member States to the aviation infrastructure;
 - 7) expansion of air services between the Member States.
12. The Member States recognise that each Member State shall have complete and exclusive sovereignty over the airspace above its territory.
13. Aircraft operations in the Member States within the Union shall be carried out under international treaties of the Member States and/or permits issued in accordance with the legislation of the Member States.
14. The provisions of this section shall apply only to civil aviation.

IV. Water Transport

15. Water transport in the Union shall be developed as part of the coordinated (agreed) transport policy.

16. Ships flying the flag of a Member State shall have the right to goods transportation, passengers and their luggage, carry out towing between the flag State and another Member State on the adjacent inland waterways, transit passage on inland waterways of another Member State, except for transportation and towing between ports and transportation to (from) ports of another Member State and third countries, according to the international shipping treaty of the Member States concluded by the Member States in execution of this Protocol.

17. Vessels navigating on inland waterways of a Member State shall be registered in the registry of vessels of the Member State and shall be owned by a resident of the Member State which has registered the vessel in its registry of vessels.

V. Rail Transport

18. While contributing to further development of mutually beneficial economic relations and taking into account the need to ensure access to rail transport services of the Member States and agreed approaches to state regulation of tariffs for these services, if such regulation is provided for by the legislation of the Member States, shall specify the following objectives:

1) gradual establishment of a common market of transport services in the sphere of rail transport;

2) ensuring access of consumers of the Member States to rail transport services in transportations on the territory of each Member State on the terms no less favourable than the terms established for consumers of that Member States;

3) maintaining a balance between the economic interests of consumers of rail services and the economic interests of rail transport organisations of the Member States;

4) enabling access of rail transport organisations of one Member State to the domestic market of rail transport services of another Member State;

5) enabling access of carriers to infrastructure services of the Member States in accordance with Annexes 1 and 2 to the Procedure for Regulating Access to Rail Transport Services, including Tariff Policy Framework (Annex 2 to this Protocol).

19. Access to rail transport services, including tariff policy framework, shall be regulated in the procedure provided for by Annex 2 to this Protocol as well as by relevant international treaties.

Annex 1
to the Protocol on Coordinated
(Agreed) Transport Policy

**Procedure
for Transport (Road) Control at External Border of the Eurasian
Economic Union**

1. This Procedure has been developed in accordance with paragraph 9 of the Protocol on Coordinated (Agreed) Transport Policy (Annex 24 to the Treaty on the Eurasian Economic Union) and determines the procedure for implementing transport (road) control at external border of the Union.

2. The terms used in this Procedure shall have the following meanings:

“vehicle weight and dimensions” means the mass, axle loads and dimensions (width, height and length) of a vehicle, with or without cargo;

“external border of the Union” means the outside limits of the customs territory of the Union, dividing the territories of the Member States and territories of the states which are not a member of the Union ;

“checkpoint” means a fixed or mobile station (post) as well as a border entry point, equipped in accordance with the legislation of the Member State, where transport (road) control is conducted;

“transport (road) control authorities” means competent authorities authorised by the Member State for conducting transport (road) control on the territory of a Member State;

“carrier” means a juridical or natural person using a vehicle based on the right of ownership or on other legal grounds;

“vehicle” means:

for the cargo transportation , a truck, a trailer truck, a car (truck) tractor or a car (truck) tractor with a semi-trailer, chassis;

for passenger transportations, a motor vehicle intended for the carriage of passengers and luggage, having more than 9 seats, including the driver's seat, with a trailer for luggage transportation;

“transport (road) control” means control over international carriage by road.

Other terms that are not expressly specified in this Procedure shall have the meanings determined under international treaties, including international treaties within the Union.

3. This Procedure determines a common approach to transport (road) control to be implemented by transport (road) traffic control authorities at external border of the Union with regard to vehicles entering (leaving, passing in transit) the territory of the Member States.

4. Vehicles on route to the territory of a Member State through the territory of another Member State shall be subject to transport (road) control at checkpoints located at external border of the Union in accordance with the legislation of the Member State the territory of which is passed in transit by such vehicles and in accordance with paragraphs 7 and 8 of this Procedure.

5. Vehicles, documents required for the purposes of transport (road) control shall be checked and check results shall be executed in accordance with the legislation of the Member State passed in transit by the vehicles at the external border of the Union and pursuant to this Procedure.

6. Transport (road) control authorities shall mutually recognise all documents issued as a result of transport (road) control.

7. In addition to the transport (road) control activities provided for by the legislation of the Member State the state border of which is crossed for entry into the customs territory of the Union, the transport (road) control authority of that Member State shall carry out the following at checkpoints:

1) verification of compliance of the vehicle weight and dimensions with the standards similar to those determined by the legislation of other Member States the territories of which are passed in transit, as well as to the data specified in special permits for the transportation of oversized and/or heavyweight cargo or for the passage of oversized and/or heavyweight vehicles through the territories of other Member States;

2) verification of carrier's permits to pass through the territories of other Member States and their conformity to the type of shipment and of compliance of vehicle specifications with the requirements provided for by such permits;

3) verification of carrier's special permits for the transportation of oversized and/or heavyweight cargo or for the passage of oversized and/or heavyweight vehicles, as well as special permits for the carriage of dangerous goods on the territories of other Member States to be passed;

4) verification of carrier's permits (special permits) for transportation to (from) third countries on the territory of other Member States to be passed through;

5) issuance to carriers of accounting vouchers in a form agreed by transport (road) control authorities, if in accordance with the legislation of other Member States the transportation is allowed without permits to pass through the territories of other Member States, as well as for transportation carried out under multilateral permits.

8. For vehicles leaving through external border of the Union, transport (road) control authorities shall perform the following checks at checkpoints, in addition to the actions referred to in paragraph 7 of this Procedure:

1) check the carrier for the availability of receipts for payment of fees for the passage of the vehicles on the roads on territories of the Member States which have been passed, if the payment of such fees is obligatory in accordance with the legislation of the Member States;

2) check the carrier (driver) for the availability of receipts confirming the payment of fines for violation of the procedure established for international carriage by road on the territory of a Member State or court decisions on imposition of respective administrative penalties on the carrier (driver) if the permit to pass through the territory of a Member State or the accounting voucher contains a mark of the transport (road) control authority to impose such a fine on the carrier (driver);

3) check admissibility of vehicles of carriers of the Member States to international carriage by road;

4) check the carrier for the availability of the required documents in case of receipt of a notice referred to in paragraph 9 of this Procedure from a transport (road) control authority of another Member State.

9. If in the course of the control activities provided for by paragraph 7 of this Procedure any inconsistencies of controlled vehicle parameters or lack of or non-compliance of documents provided for by the legislation of the Member States are found, the transport (road) control authority of one Member State shall issue to the driver a notice in the form agreed by transport (road) control authorities of the Member States, containing information on:

the inconsistencies identified;

the requirement for obtaining the missing documents before arriving on the territory of another Member State;

the nearest checkpoint of transport (road) control authorities of another Member State on the route of the vehicle, where the carrier shall be required to confirm elimination of the inconsistencies of the controlled vehicle parameters and/or the documents specified in the notice.

10. Information on the issuance of the notice shall be forwarded to the transport (road) control authority of another Member State and shall be entered in the database of the transport (road) control authority that identified the inconsistencies.

11. If a transport (road) control authority of a Member State has issued to the carrier a notice under paragraph 9 of this Procedure, the transport (road) control authority of another Member State shall be entitled, at its checkpoint, to verify the execution of this notice and, upon the availability of proper grounds, apply to the carrier (driver) measures in accordance with the legislation of that other Member State.

12. A vehicle may only be released from the territory of the Union upon presentation by the carrier of the documents provided for by paragraphs 7 and 8 of this Procedure.

13. Upon establishing an inconsistency of controlled vehicle parameters, lack or non-compliance of documents provided with the legislation of the Member States, the transport (road) control authority of the first Member State shall inform the transport (road) control authority of the other Member State thereof at the departure of a vehicle across an external border of the Union on route to the territory of that other Member State.

14. The Member States shall take measures, on the basis of reciprocity, to harmonise their legislation, methods and technologies of transport (road) control at external border of the Union with regard to:

- 1) the requirements for weight parameters of vehicles on public roads included in international transport corridors;
- 2) establishing a system to control the full payment of fees for the passage of vehicles on public roads of another Member State;
- 3) developing a mechanism for the settlement of disputes arising with carriers of third countries;
- 4) developing a mechanism to return (detain) vehicles in case of violation of the requirements for international carriage by road on the territory of the Union.

15. Permits (special permits) shall be deemed invalid in the following cases:

- 1) if such permits are executed or used in violation of the legislation of the Member State the competent authorities of which have issued them;
- 2) if the weight and/or dimensional vehicle parameters specified in a special permit do not correspond to the results of weighing and measurements of the vehicle;
- 3) if vehicle characteristics do not correspond to the characteristics of the vehicle provided for in the permit for transit on the territories of the Member States.

16. If an inconsistency of vehicle parameters (characteristics) is identified in the course of control activities with regard to parameters (characteristics) specified in the permit, the transport (road) control authority of one Member State shall be entitled to request from a transport (road)

control authority of another Member State confirmation of the validity of the permit.

17. For the purposes of this Procedure, transport (road) control authorities shall:

1) conclude separate protocols, communicate to transport (road) control authorities of another Member State the provisions of regulatory legal acts of their states governing transport (road) control requirements, inform each other of any changes in these acts and exchange sample documents required for the implementation of transport (road) control in accordance with this Procedure;

2) mutually and regularly exchange information obtained as a result of transport (road) control activities. The form and procedure for the exchange of such information, as well as its composition, shall be determined by transport (road) control authorities;

3) organise the maintenance of a database of vehicles in transit through the territory of one Member State to the territory of another Member State and exchange the information contained in the database.

18. The exchange of information obtained as a result of transport (road) control activities shall be carried out electronically.

19. Transport (road) control authorities may provide other information on international carriage vehicles moving goods obtained as a result of transport (road) control activities.

20. For the purposes of compilation and registration of the results of transport (road) control activities and vehicles, transport (road) control authorities shall use information resources containing information about the results of additional transport (road) control activities under paragraphs 7-9

of this Procedure, as well as ensure mutual use of these information resources.

21. Within the determined procedure, the Member States shall inform the competent authorities of states, which are not a member of the Union on any changes in the procedure for the implementation of transport (road) control at external border of the Union.

Annex 2
to the Protocol on Coordinated
(Agreed) Transport Policy

**Procedure
for Regulating Access to Rail Transport Services, including Tariff
Policy Framework**

1. This Procedure has been developed in accordance with the Protocol on Coordinated (Agreed) transport Policy (Annex 24 to the Treaty on the Eurasian Economic Union (hereinafter “the Treaty”)), determines the procedure for regulating access to rail transport services, including tariff policy framework, and applies to relations between rail transport organisations, consumers, and authorised authorities of the Member States in the sphere of rail transport services.

2. The terms used in this Procedure shall have the following meanings:

“access to rail transport services” means the provision by rail transport organisations of a Member State of services to customers of another Member State on the terms no less favourable than those applied for similar services rendered to customers of the first Member State;

“access to infrastructure services” means the possibility for carriers to gain access to the infrastructure of transport services in accordance with the rules specified in Annexes 1 and 2 to this Procedure;

“infrastructure” means the rail transport infrastructure, including main and station tracks, power supply facilities, signalling and communication facilities, as well as devices, equipment, buildings, structures and other facilities technologically required for its operation;

“rail transport organisation” means a natural or juridical person of a Member State providing rail transport services to customers;

“transportation process” means a set of interrelated organisational and technological operations carried out in the preparation, implementation and completion of transportations of passengers, cargo , luggage, cargo-luggage and mail by rail transport;

“carrier” means a rail transport organisation carrying out activities in the transportation of cargo , passengers, luggage, cargo-luggage and mail under a proper license that owns or uses on other legal grounds rolling stock, including traction vehicles;

“consumer” means a natural or juridical person of a Member State intending to use or using rail transport services;

“tariff for rail transport services” means the monetary value of the cost of rail transport services;

“rail transport services” means services (works) rendered (performed) by rail transport organisations, namely:

freight transportation and additional services (works) related to the organisation and carrying out freight transportation (including empty rolling stock);

transportation of passengers, luggage, cargo-luggage, mail and additional services (works) related to such transportation;

infrastructure services;

“infrastructure services” means services related to the use of infrastructure for transportations and other services listed in Annex 2 to this Procedure.

3. Rail transport organisations shall provide access to rail transport services to consumers, regardless of their affiliation to a Member State, their

organisational and legal form, taking into account this Procedure and the legislation of the Member States.

4. The Member States shall ensure access of carriers of the Member States to infrastructure services in compliance with the principles and requirements specified in Annexes 1 and 2 to this Procedure.

The provisions of Annexes 1 and 2 to this Procedure shall not apply to relations between carriers of the Member States in the provision of services on the use of locomotives and locomotive crews in certain areas of the infrastructure of the Member States provided on the basis of contracts (agreements) concluded between such carriers in accordance with the legislation of the Member States.

5. The procedure and conditions for the provision of other rail transport services within establishing a common market for transport services shall be determined, if necessary, under international treaties within the Union.

6. Tariffs for rail transport services and/or their threshold levels (price limits) shall be set (changed) in accordance with the legislation of the Member States and international treaties, while enabling a differentiation of tariffs in accordance with the legislation of the Member States, with observance of the following principles:

1) compensation of economically justified costs directly related to rail transport services rendered;

2) ensuring development of rail transport in accordance with the legislation of the Member States;

3) ensuring transparency of tariffs for rail transport services, as well as the possibility to further review such tariffs and/or their threshold levels (price limits) at abrupt changes in economic conditions, with prior notification of the Member States;

4) ensuring publicity of decision-making when setting tariffs for rail transport services;

5) application of a harmonised approach to determining the freight nomenclature and tariff setting rules for rail transport services provided within natural monopolies;

6) determination of currencies for the tariffs for rail transport services in each Member State in accordance with the legislation of the Member State.

7. Tariffs for rail transport services and/or their threshold levels (price limits) shall be set (changed) in accordance with the legislation of the Member State, subject to this Procedure.

8. In the freight transportation by rail through the territories of the Member States, unified tariffs shall be applied as per types of transport (export, import and internal tariffs).

9. In order to improve the competitiveness of rail transport of the Member States, create favourable conditions for the freight transportation by rail, attract new cargo flows previously not transported by rail, ensuring the possibility of using previously unused or underutilised railway freight transportation routes, to encourage increased freight traffic on the railways of the Member States, to encourage increased introduction of new equipment and technologies, rail transport organisations shall be entitled, based on the economic feasibility, to change the level of tariffs for railway freight transportation services within their threshold levels (price limits) set or agreed by the authorised authorities of the Member States in accordance with the legislation of the Member States.

10. Rail transport organisations shall exercise their right to change the level of tariffs for railway freight transportations within the threshold levels (price limits) set in accordance with the methodology (techniques, procedure,

rules, instructions or other regulations) approved (determined) by the authorised authorities of the Member States in accordance with the legislation of the Member States, in compliance with the fundamental principle of inadmissibility of creating advantages for certain manufacturers of goods in the Member States.

11. Decisions on changes to the level of tariffs for railway freight transportation services shall be officially published in accordance with the legislation of the Member States and sent to the authorised authorities of the Member States and the Commission on a mandatory basis not later than 10 business days prior to their effective dates.

12. Should actions of a rail transport organisation regarding changes in tariffs for railway freight transportation services violate the rights and interests of consumers, consumers shall be entitled to file an application on the protection of their violated rights and interests to the national anti-monopoly authority of the Member State of stay or residence of such consumers.

If a rail transport organisation the actions of which are appealed against by a consumer is located at the place of stay or residence of the consumer, the national anti-monopoly authority of a Member State shall review the application of the consumer in accordance with the legislation of this Member State.

If a consumer files an application against actions of a rail transport organisation that is not located at the place of stay or residence of the consumer, the national anti-monopoly authority of the Member State shall, having identified and confirmed the requirements specified in the application of the consumer as reasonable, send, not later than within 10 business days, a request for an investigation to the Commission. Within 3 business days from

the date of submission of the request to the Commission, the national anti-monopoly authority of the Member State shall send a notification thereof to the consumer and the national anti-monopoly authority of the Member State of location of the rail transport organisation that has violated the terms of changing of the level of tariffs for railway freight transportations within the threshold levels (price limits) set.

On the basis of the aforementioned request, the Commission shall consider the application of the consumer and issue a decision in accordance with the rules determined under an international treaty within the Union.

13. When transporting freights by rail between two Member States through the territory of a third Member State and between the territories of a Member State using the railways of another Member State, as well as when transporting freights from the territory of one Member State through the territory of another Member State to third countries using sea ports of the Member States and in the opposite direction, each Member State shall apply the unified tariff of each Member State.

14. When transporting freights in transit from the territory of one Member State through the territory of another Member State to third countries and in the opposite direction (except for transporting freights through sea ports of the Member States), as well as when cargo transportation from third countries to other third countries in transit through the territory of the Member States, coordinated (agreed) tariff policy shall apply in accordance with the Concept for Establishing Coordinated Tariff Policy for the Rail Transport in the Member States of the Commonwealth of Independent States of October 18, 1996.

15. The Member States shall assign authorised authorities responsible for the implementation of this Procedure.

16. The Member States shall inform each other and the Commission of the assignment and official names of their authorised authorities no later than 30 days from the date of entry into force of the Treaty.

Annex 1
to the Procedure for Regulating Access
to Rail Transport Services, including Tariff
Policy Framework

**Rules for
Access to Rail Transport Infrastructure within the Eurasian
Economic Union**

I. General Provisions

1. These Rules govern the relations of carriers and infrastructure operators in the sphere of provision of access to rail transport infrastructure in various infrastructure sections within the Union.

2. Relations between carriers and infrastructure operators in the sphere of provision of access to infrastructure services within the territory of a Member State, except for the relations stipulated in paragraph 1 of these Rules, shall be governed in accordance with the legislation of the Member State.

II. Definitions

3. The terms used in these Rules shall have the following meanings:

“train movement schedule” means a legal and technical document of an infrastructure operator establishing the organisation of train movement of all categories in infrastructure sections, graphically displaying train routes on a scale grid for a conventional day, with the separation of standard (for the planning year), optional (for certain periods of time) and operational (for the current planning day) schedule types;

“long-term contract for the provision of infrastructure services” means a contract for the provision of infrastructure services concluded between an infrastructure operator and a carrier for a period of not less than 5 years;

“additional application” means an application for access to infrastructure services submitted by a carrier in order to carry out additional transportations within the effective period of a standard train movement schedule;

“access to infrastructure services” means the possibility for carriers to obtain infrastructure services for carrying out transportations;

“a national (network-wide) carrier” means a carrier engaged in cargo transportation , passengers, luggage, cargo-luggage or mail and ensuring the implementation of the train make-up plan in the entire infrastructure of a Member State, including with regard to special and military traffic. The status of a national (network-wide) carrier shall be specified in the legislation of each Member State;

“train path” means a graphical representation of a train route on a train movement schedule, indicating departure, destination and transfer points, time of departure and arrival, technical stops, average time en route, as well as other technical and technological parameters of trains;

“infrastructure operator” means a rail transport organisation with its own infrastructure and using the infrastructure lawfully and/or providing infrastructure services in accordance with the legislation of the Member State of location of the infrastructure;

“a train make-up plan” means a legal and technical document approved by the infrastructure operator on the basis of draft train make-up plans of carriers and determining the categories and purpose of trains formed at

railway stations taking into account the crossing capacity of infrastructure sections and the processing capacity of railway stations;

“crossing capacity of an infrastructure section” means the maximum number of trains and train-pairs that may pass an infrastructure section within an accounting period of time (a day), depending on the technical and technological capabilities of the infrastructure and rolling stock and train movement organisation methods taking into account the passing of trains of different categories;

“train movement timetable” means a document containing information on train movement on specific calendar dates based on the train movement schedule;

“safety certificate” means a document certifying compliance of the safety management system of a participant of the transportation process with the safety rules in rail transport, issued under the procedure determined by the legislation of the Member State;

“authorised authority” means an executive (public) authority of a Member State in charge of state regulation and/or management in the field of rail transports, as specified in accordance with the legislation of each Member State;

“infrastructure section” means part of the railway transport infrastructure adjacent to a junction of two adjoining infrastructures of the Member States within a locomotive circulation area specified by the infrastructure operator.

4. Other terms used in these Rules shall have the meanings specified in the Protocol on Coordinated (Agreed) Transport Policy, the Procedure for Regulating Access to Rail Transport Services, including Tariff Policy Framework, as well as the Rules for the Provision of Rail Infrastructure

Services within the Eurasian Economic Union (hereinafter “the Service Provision Rules”).

III. General Principles of Access to Infrastructure Services

5. Access to infrastructure services shall be granted in various infrastructure sections and based on the following principles:

1) equality of requirements to carriers determined by the legislation of the Member State of location of the infrastructure, taking into account the technical and technological capabilities within the crossing capacity of infrastructure sections;

2) application to carriers of common pricing (tariff) policy in the sphere of infrastructure services in accordance with the legislation of the Member State of location of the infrastructure;

3) availability of information on the list of infrastructure services, the procedure for their provision based on the technical and technological capabilities of the infrastructure, as well as on tariffs, fees and charges for these services;

4) rational planning of repairs, maintenance and servicing of the infrastructure for the effective use of its capacity and to ensure continuity of the transportation process and integrity and safety of related processes;

5) protection of information constituting commercial or State secret, which becomes known in the process of planning and organisation of transportation activities and provision of infrastructure services;

6) priority (sequence) of provision of access to the infrastructure to carriers in case of a limited infrastructure crossing capacity in accordance with the standard train movement schedule;

7) ensuring by the carriers of the proper technical condition of the rolling stock used.

6. The principle of priority (sequence) of provision of access to the infrastructure to carriers shall be implemented using the following selection levels:

1) definition of the train category the priority (sequence) for which is determined in accordance with the legislation of the Member State of location of the infrastructure or under the acts of the infrastructure operator not contradicting the legislation of the Member State of location of the infrastructure;

2) in the case of identical categories of trains, depending on:

the availability of long-term contracts for the provision of infrastructure services with account of fulfilment of contractual obligations on transportation volumes;

the utilisation by the carrier of the carrying capacity of the infrastructure sections;

the presence of an effective contract for the provision of infrastructure services;

3) in the case of identical criteria specified in sub-paragraphs 1 and 2 of this paragraph, the implementation of competitive procedures in accordance with the legislation of the Member State of location of the infrastructure.

IV. Conditions of Access to Infrastructure Services

7. Access to infrastructure services shall be provided by the infrastructure operator to carriers having the following:

1) licenses to carry out transport activities issued by the authorised authority of the Member State in accordance with the legislation of the Member State of location of the infrastructure;

2) safety certificates issued by the authorised authority of the Member State in accordance with the legislation of the Member State of location of the infrastructure;

3) skilled employees involved in the organisation, management and carrying out the transportation process with documents confirming their qualifications and training in accordance with the legislation of the Member State of location of the infrastructure.

8. Access to infrastructure services shall be provided on the basis of:

1) technical and technological capacities of the infrastructure for the organisation of train movement and shunting within an infrastructure section;

2) a freight train make-up plan and a train movement schedule;

3) availability of infrastructure capacities and proposals of carriers on the use of infrastructure sections and distribution by the infrastructure operator of the capacities of infrastructure sections based on the principles of access to infrastructure services, as specified Section III of these Rules;

4) absence in accordance with the legislation of the Member State of location of the infrastructure of any prohibitions and restrictions preventing the rail transportation;

5) availability with the carrier of authorisations issued in agreement with other authorities and organisations in the cases provided for by the legislation of the Member State of location of the infrastructure.

9. The right of access to infrastructure services on certain train paths in the train schedule may be granted to carriers for a period not exceeding the

period of validity of the train movement timetable, except for the rights arising from long-term contracts.

V. Providing Access to Infrastructure Services

10. Access to infrastructure services shall be provided based on the requirements of the legislation of the Member State of location of the infrastructure and shall include the following stages:

1) development and publication by the infrastructure operator of a technical specification of infrastructure sections;

2) submission by the carrier of an application for access to the rail transport infrastructure within the Eurasian Economic Union (hereinafter “the application”) according to the Annex;

3) consideration of the application by the infrastructure operator;

4) approval of the train movement schedule and timetable;

5) conclusion of a contract for the provision of infrastructure services in accordance with the legislation of the Member State of location of the infrastructure.

If the carrier is the operator of the infrastructure to be used, filing of the application and conclusion of the contract shall not be required.

11. Access to infrastructure services for additional transportations, not provided for by the standard train movement schedule, shall be granted on the basis of additional applications in the procedure determined by these Rules.

VI. Technical Specification of Infrastructure Sections

12. Annually, not later than 3 months before the start date of receipt of applications, the infrastructure operator shall approve and publish the

technical specification of infrastructure sections in the procedure determined by the acts of the infrastructure operator, in compliance with the legislation of the Member State of location of the infrastructure.

13. The technical specification of infrastructure sections shall include:

1) technical specifications of infrastructure sections and stations required to organise the train movement and shunting, indicating the lengths of infrastructure sections and the types of traction, weight standards and lengths of trains, as well as movement speeds of trains of different categories;

2) draft train paths for the train schedule for the international passenger traffic;

3) the predicted time of reception and transmission (exchange) of freight trains at each interstate junctions determined by decision of the Council for Rail Transport of the participating states of the Commonwealth of Independent States;

4) crossing capacities of infrastructure sections, except for the crossing capacities of infrastructure sections required by the national (network-wide) carrier to perform transportations in accordance with the requirements of the legislation of the Member State of location of the infrastructure.

14. The infrastructure operator may specify in the technical specification of infrastructure sections any other information and conditions for the planning of transportations and organisation of train traffic along infrastructure sections.

VII. Submission and Examination of Application

15. A carrier shall submit the application to the infrastructure operator.

16. The start and end dates for the reception and consideration of applications, the formation of the initial draft standard train schedule and the

deadlines for the submission of information provided for by paragraphs 24 and 26 of these Rules shall be determined by the legislation of the Member State of location of the infrastructure and/or acts of the infrastructure operator that do not contradict the legislation of the Member State of location of the infrastructure.

17. The application shall be attached with:

- 1) draft planned train schedule paths;
- 2) information on the planned annual volumes of traffic (by quarters and months, as well as by type of cargoes);
- 3) information on the number of trains planned for transportation;
- 4) information on the types and characteristics of locomotives to be provided by the carrier for providing the transportations;
- 5) documents confirming compliance of the carrier with the requirements set forth in paragraph 7 of these Rules.

18. The application submitted by the carrier to the infrastructure operator on paper and all documents attached thereto:

shall be bound, numbered and stamped by the carrier and bear the signature of its head or authorised representative;

shall be submitted in the Russian language or in the language of the state of legal registration of the infrastructure operator and shall not contain corrections or additions and, if submitted in a different language, shall be accompanied by duly certified translation into the Russian language.

Documents attached to the application may be originals or copies. In the case of submission of copies of documents, the head of the carrier or its authorised representative signing the application shall confirm their accuracy and completeness in writing.

19. The application filed in electronic form shall be submitted in accordance with paragraph 17 of these Rules, taking into account the requirements for the electronic document flow, and shall be signed by an electronic signature.

20. The application shall be registered by the infrastructure operator with the issuance to the carrier of a document stating the serial registration number, date of receipt of the application and a list of documents submitted.

21. The infrastructure operator shall verify the applications received for compliance with the requirements established by paragraphs 17-19 of these Rules.

22. In the case of non-compliance of the application with the requirements established by these Rules, the infrastructure operator shall within 5 business days of receipt of the application notify the carrier in writing of the rejection of the application, indicating the reasons for the rejection.

23. In the period of consideration of the applications (but not later than 1 month before the deadline for consideration of the applications), the infrastructure operator shall be entitled, if necessary, to request from the carriers any additional information (data) required for the formation of the standard train schedule.

The additional information (data) requested by the infrastructure operator shall be submitted by the carrier within 5 business days of receipt of the request from the operator of the infrastructure subject to the requirements for filing and registration of the applications.

24. The initial draft standard train schedule shall be drawn up by the infrastructure operator taking into account accepted applications of carriers and the maximum utilisation of crossing capacities of infrastructure sections.

The infrastructure operator shall inform carrier of the outcome of consideration of its application within the period determined by the infrastructure operator.

25. In case of disagreement of the carriers with the original results of consideration of their applications, the infrastructure operator may hold coordinating approval procedures aimed at resolving all disagreements (conflicts) between the interested carriers through negotiations, in the course of which the infrastructure operator shall have the right to offer to carrier other train schedule paths, differing from those indicated in its application.

26. Having completed all the procedures provided for by this Section, the infrastructure operator shall inform the carrier on the approval (non-approval) of the application taking into account all adjustments (if any).

VIII. Formation, Development and Approval of the Standard Train Schedule and Timetable

27. The standard train schedule and timetable shall be developed and approved by the infrastructure operator for a period of one year in the procedure determined in the legislation of the Member State of location of the infrastructure, taking into account the applications received from carriers and the results of the coordinating approval procedure held.

28. The standard train schedule shall be formed by the infrastructure operator taking into account:

- 1) ensuring train traffic safety;
- 2) the most efficient use of the crossing capacity and carrying capacity of infrastructure sections and the processing capacity of railway stations;
- 3) the possibility of maintenance and repairs of infrastructure sections.

29. The standard train schedule shall be developed based on the principle of priority (sequence).

30. The standard train schedule shall become effective at 12 a.m. on the last Sunday in May of the calendar year and terminate at 12 a.m. on the last Saturday in May of the following calendar year.

31. The standard train schedule and timetable may be adjusted for freight trains in the procedure determined by the infrastructure operator.

IX. Concluding Contracts for the Provision of Infrastructure Services

32. Contracts for the provision of infrastructure services shall be concluded upon agreement of the application by the infrastructure operator, but not later than 10 calendar days before the date of entry into force of the standard train schedule.

33. Contracts for the provision of infrastructure services shall be concluded subject to the provisions stipulated by the Service Provision Rules.

Contracts for the provision of infrastructure services under additional applications shall be concluded no later than 1 month before the start of the calendar month of effecting transportations.

34. The infrastructure operator shall be entitled to refuse to conclude a contract with a carrier in case a carrier has a debt to the infrastructure operator for the provided of infrastructure services, as well as in other cases provided for by the legislation of the Member State of location of the infrastructure.

X. Additional applications

35. An additional application shall be drawn up in accordance with the requirements stipulated in paragraphs 17-19 of these Rules.

36. An additional application shall be registered by the infrastructure operator with the issuance to the carrier of a document stating the serial registration number, date of receipt of the additional application and a list of documents submitted.

37. An additional application shall be filed no later than 2 months prior to the start of the calendar month of effecting transportations.

38. Additional applications shall be reviewed for compliance with the requirements established by these Rules within 1 month from the date of receipt. Following consideration of an additional application, a contract or addenda to existing contracts may be concluded.

39. The infrastructure operator may consider allocation of additional train schedule paths under additional applications of carriers.

40. Applications received after the expiration of the deadline specified in paragraph 16 of these Rules shall not be regarded in the formation of the standard train schedule and shall be considered as additional applications.

41. Train schedule paths under additional applications shall be allocated in accordance with the procedure provided for by the legislation of the Member State of location of the infrastructure.

42. All risks of partial granting or rejection of additional applications shall be borne by the carriers.

XI. Procedure for Presentation of Information

43. The infrastructure operator shall post on its official website on the Internet the technical specification of infrastructure sections, the list of regulatory legal acts and acts of the infrastructure operator governing the procedure of access to infrastructure, taking into account the requirements of the legislation of the Member State of location of infrastructure.

44. The infrastructure operators and all carriers shall comply with the legislation of the Member State of location of the infrastructure, including the requirements of national security, subject to the restrictions on the dissemination of information containing data classified as State secret (State secrets) or classified information.

XII. Procedure for Settlement of Disputes

45. All disputes and disagreements between a carrier and the infrastructure operator arising out of or in connection with the application of these Rules shall be resolved through negotiations.

46. If, in the course of the negotiations, the carrier and the infrastructure operator fail to reach an agreement, all disputes and disagreements shall be resolved in accordance with the procedure determined by the legislation of the Member State of location of the infrastructure.

Annex
to the Access Rules to the Rail
Transport Infrastructure within the
Eurasian Economic Union

Form

**Application
for Access to Rail Transport Infrastructure within the Eurasian Economic
Union**

dated _____

No. _____

for the period of _____ to _____
Infrastructure operator _____

(name, legal address, postal address)

Carrier _____
(name, legal address, postal address)

The number and date of the contract for the provision of services of the rail
transport infrastructure within the Eurasian Economic Union (if available)

I hereby confirm the completeness and accuracy of the following documents
(information)* attached to the application on _____ pages in __ copies:

- 1) _____;
- 2) _____;
-) _____.

Signature of the Carrier

Stamp here

*Note: documents (information) are attached as provided for by paragraph 17 of
the Access Rules to the Rail Transport Infrastructure within the Eurasian Economic
Union.

Annex 2
to the Procedure for Regulating Access
to Rail Transport Services, including Tariff
Policy Framework

**Rules
for the Provision of Rail Infrastructure Services within the Eurasian
Economic Union**

I. General Provisions

1. These Rules determine the procedure and conditions for the provision of services within the boundaries of rail infrastructure sections of the Member States within the planning and organisation of transportation activities, a list of such services, unified principles of scheduling and allocation of infrastructure capacity, essential conditions of contracts for the provision of crossing infrastructure services, rights, obligations and liabilities of the infrastructure operator and carriers.

II. Definitions

2. The terms used in these Rules shall have the following meanings:

“unscheduled trains” means trains not included in the train schedule (emergency and fire-fighting trains, pilot plows, locomotives without cars, special self-propelled rolling stock) intended to eliminate obstacles to train traffic, perform emergency operations and the relevant relocation of vehicles (their sequencing to be determined by the legislation of the Member State of location of the infrastructure or acts of the infrastructure operator not contradicting the legislation of the Member State of location of the infrastructure);

“scheduling of the transportation process” means the process of traffic control and shunting in the operational environment;

“shunting movements” means changes in the train structure (attachment/uncoupling of the rolling stock), formation (breaking-up) of trains, relocation of trains between yards, movements and setting of locomotives into trains or removal of locomotives from trains, car spotting to or removal from sidings, and other operations;

“emergency situation” means a circumstance that threatens the safety of trains as a result of failure of infrastructure facilities or creates obstacles for the passage of trains;

“infrastructure operator” means a rail transport organisation with its own infrastructure and using the infrastructure lawfully and/or providing infrastructure services in accordance with the legislation of the Member State of location of the infrastructure;

“transportation planning” means development of a transportation plan at infrastructure facilities (sections and stations) for a fixed period of time (year, month, day) in accordance with the concluded contracts for the provision of services;

“daily train traffic plan” means a document drawn up by the infrastructure operator for the purposes of scheduling of the transportation process and organisation of the train traffic in the planned day;

“technical plan” means a document drawn up by the infrastructure operator on the basis of a consolidated transportation plan, technical plans of carriers and information obtained from the Council for Rail Transport of participating states of the Commonwealth of Independent States.

3. Other terms used in these Rules shall have the meanings specified in the Protocol on Coordinated (Agreed) Transport Policy, Procedure for

Regulating Access to Rail Transport Services, including Fundamental Tariff Policy, as well as in the Access Rules to the Rail Transport Infrastructure within the Eurasian Economic Union (hereinafter - “the Access Rules”).

III. Services Provided by the Infrastructure Operator

4. A list of services of the rail transport infrastructure (hereinafter “the list of services”) shall include the basic services related to the use of the infrastructure for carrying out transportations in accordance with the Annex to these Rules.

5. A list of operations (work) that make up the infrastructure services shall be determined taking into account the technological features of the transportation process and requirements of the legislation of the Member State of location of the infrastructure.

6. Infrastructure services listed in the Annex to these Rules shall be provided in compliance with the requirements of the legislation of the Member State of location of the infrastructure, including as regards the national security.

7. Upon agreement with the carrier, the infrastructure operator shall be entitled to provide other services that are not listed in the Annex to these Rules in accordance with the legislation of the Member State of location of the infrastructure.

IV. Procedure for the Provision of Infrastructure Services

8. The provision of infrastructure services involves interaction between the infrastructure operator and the carrier in the following processes of the organisation and carrying out of transportations:

- 1) technology planning and norming of transportations;

- 2) monthly and operational planning of transportations;
- 3) transportations under a contract for the provision of the rail transport infrastructure services (hereinafter “the contract”);
- 4) information exchange between the infrastructure operator and carrier.

9. Planning and norming of transportations and adjustments of the volume of the transportation and the train schedule shall be carried out in the procedure determined in accordance with these Rules, the Access Rules, the legislation of the Member State of location of the infrastructure, as well as the acts of the infrastructure operator that are not contrary to the legislation of the Member State of location of the infrastructure.

10. In operational planning, the infrastructure operator and carriers shall implement the approved daily train traffic plan (the train schedule and the approved technical plan, including a plan for the exchange of trains and cars at interstate junctions as identified by decision of the Council for Rail Transport of participating states of the Commonwealth of Independent States).

11. Transportations shall involve a set of organisationally and technologically interrelated operations of the infrastructure operator and carriers and shall be carried out in accordance with these Rules, the legislation of the Member State of location of the infrastructure, and acts of the infrastructure operator acts that do not contradict the legislation of the Member State of location of the infrastructure.

12. The infrastructure shall be used in accordance with these Rules and in compliance with the standards established by the legislation of the Member State of location of the infrastructure, including in accordance with the requirements for traffic safety, as well as acts of the infrastructure

operator that are not contrary to the legislation of the Member State of location of the infrastructure.

13. The infrastructure shall be maintained in accordance with the legislation of the Member State of location of the infrastructure.

14. The unified principles of scheduling of the transportation process and capacity allocation shall be as follows:

1) train traffic control in infrastructure sections served by a single operator;

2) compliance with all process-related norms and standards contained in the train schedule, as well as processes and technical standards of operation;

3) ensuring train movement safety and occupational health and safety;

4) allocation of traffic priorities by the operator.

15. Scheduling of the transportation process shall be carried out by the infrastructure operator or its authorised representative with a view to ensure the safe passage of trains in the infrastructure.

Scheduling of the transportation process shall be carried out in accordance with the train schedule and the approved daily train traffic plan and in the procedure determined by the operating rules, instructions on train movement and shunting operations at the stations, signalling and communications approved by the legislation of the Member State of location of the infrastructure, and/or acts of the infrastructure operator that are not contrary to the legislation of the Member State of location of the infrastructure.

16. The processes of reception, dispatch and transit of trains, shunting movements of any vehicles (rolling stock) or self-propelled machinery used in an infrastructure section shall be regulated by the infrastructure operator.

Dispositions (instructions) of the infrastructure operator regarding these processes, including those to ensure compliance with train safety requirements, train schedule standards and operating processes of linear units of the infrastructure, shall be binding on all participants in the transportation process.

17. For the purposes of effecting the transportation process, the infrastructure operator and carriers shall use information systems of the infrastructure operator for the exchange of information (data) to the extent provided for by the legislation of the Member State of location of the infrastructure.

18. Additional information with respect to the basic information shall be provided by the infrastructure operator to a carrier on the basis of individual contracts.

19. The infrastructure operator may refuse to provide infrastructure services to a carrier under a concluded contract in the event of:

1) termination or restriction of transportations, including restrictions on the import and/or export of goods, luggage and cargo-luggage in accordance with the legislation of the Member State of location of the infrastructure;

2) inability to provide infrastructure services following emergency situations;

3) carrying out transportations by unscheduled trains;

4) a threat to national security or emergency situations, force majeure, hostilities, blockades, epidemics or other circumstances beyond the control of the infrastructure operator and carriers preventing the fulfilment of obligations under the contract;

5) establishment of different procedure for the provision of infrastructure services by an authorised authority following a governmental decision of the Member State of location of the infrastructure;

6) in other cases provided for by the legislation of the Member State of location of the infrastructure.

20. In case of refusal of infrastructure services to a carrier in the cases stipulated in paragraph 19 of these Rules, the infrastructure operator shall notify the carrier of the impossibility of fulfilment of its obligations in the procedure provided for by the contract.

21. The infrastructure operator shall take the necessary steps to organise the passage of trains moving with a deviation from the train schedule or not stipulated in this schedule.

22. The actual provision of infrastructure services by the infrastructure operator and their actual volume separately for each service according to the list of services shall be confirmed by the documents, drawn up as per the forms approved in accordance with the legislation of the Member State of location of the infrastructure, and/or acts of the infrastructure operator that are not contrary to the legislation of the Member State of location of the infrastructure.

V. Contracts for the Provision of Infrastructure Services and their Essential Terms and Conditions

23. Infrastructure services shall be provided under a contract concluded in writing between the infrastructure operator and a carrier.

24. Such a contract shall not contain any provisions contrary to the principles and requirements determined by the Rules of Access and these

Rules, or contrary to the legislation of the Member State of location of the infrastructure.

25. If, during the term of a contract, it is found that invalid information has been provided by the carrier (except for the forecast figures) specified in paragraph 17 of the Rules of Access and provided for by the contract, the infrastructure operator shall be entitled to terminate the contract in accordance with the legislation of the Member State of location of the infrastructure.

26. It shall be prohibited to assign the right of claim of the carrier under the contract, except as provided for in paragraph 27 of these Rules.

27. In the case of impossibility to use the rights arising from the contract, the carrier may, with the consent of the infrastructure operator, transfer this right to another carrier if the latter has available a contract concluded under the terms and conditions provided for by the contract.

28. The contract shall contain the following essential terms and conditions:

- 1) the subject of the contract (the volume of services, the share of the infrastructure capacity (number of schedule paths), infrastructure sections);
- 2) the time and conditions of infrastructure services provision;
- 3) the cost of services (tariffs, prices, fee rates) or its determination procedure;
- 4) the procedure and terms of payment for the services (the settlement procedure, methods of payment, the currency of payment);
- 5) responsibility of the parties under the contract for damages, non-fulfilment or improper fulfilment of their obligations under the contract (penalties, fines, reimbursement of damages);

6) force majeure (extraordinary event or circumstance beyond the control of the parties);

7) validity, grounds and procedure for termination (cancellation) of the contract, including terms and conditions of termination (cancellation) of the contract.

29. A one-time contract may be concluded between the infrastructure operator and the carrier in case of availability of an effective contract (or an addendum to the contract) upon submission of an additional application for additional transportations.

VI. Rights and Obligations of the Infrastructure Operator and the Carrier

30. The carrier shall be entitled to:

1) send to the infrastructure operator proposals for the organisation of transportations;

2) obtain information to the volume of required for the organisation of transportations in accordance with these Rules and the Access Rules with mandatory compliance with the requirements of the legislation of the Member State of location of the infrastructure, including the requirements of national security, subject to the restrictions on the dissemination of information that contain information constituting State secret (State secrets) or classified information;

3) obtain access to infrastructure services and infrastructure services for transportation activities, including for trains on route, in accordance with the terms of the contract;

4) exercise other rights determined by the legislation of the Member State of location of the infrastructure and/or the concluded contracts.

31. The carrier shall:

1) provide to the infrastructure operator information and documents required for the provision of infrastructure services;

2) ensure compliance with the requirements for railway safety determined by the legislation of the Member State of location of the infrastructure or by the acts of the infrastructure operator not contradicting the legislation of the Member State of location of the infrastructure;

3) inform the infrastructure operator of any incidents and circumstances that lead (may lead) to violations of the safety requirements in the field of rail transport determined by the legislation of the Member State of location of the infrastructure and take measures for elimination (prevention) of such violations;

4) ensure compliance with requirements for the traffic and operation safety of rail transport determined by the legislation of the Member State of location of the infrastructure and by acts of the infrastructure operator not contradicting the legislation of the Member State of location of the infrastructure;

5) ensure the protection of information constituting commercial (official) secret of the infrastructure operator that becomes known to the carrier;

6) pay for infrastructure services at the rates set in accordance with the legislation of the Member State of location of the infrastructure, as well as make other payments due to the infrastructure operator in the volume and on the terms and conditions provided for by the contract;

7) reimburse the costs not covered by individual contracts incurred by the infrastructure operator in connection with the relocation (moving) of cars (trains) and/or the holding of the rolling stock of the carrier at stations;

8) notify the infrastructure operator in writing of its refusal from the services to be provided under the contract within the terms determined by the legislation of the Member State of location of the infrastructure;

9) ensure agreement and adherence to the conditionals of railway transportation of cargo on special conditions and oversized cargo in accordance with the legislation of the Member State of location of the infrastructure;

10) ensure transportations within the agreed scope and compliance of other parameters (conditions) of railway transportations with the carrying capacity of rail transport infrastructure sections and/or processing capacity of train stations located along the route;

11) indemnify the infrastructure operator and/or third persons against any damage;

12) fulfil other obligations determined by the contract and the legislation of the Member State of location of the infrastructure.

32. The infrastructure operator shall be entitled to:

1) take measures to ensure traffic safety, including:

set temporary and permanent speed limits for trains in infrastructure sections;

stop a train at a station or stretch when the means of automatic and visual inspection detect any technical faults or if commercial drawbacks are identified in the rolling stock of the train, jeopardising the traffic safety;

use resources (rolling stock, staff) of the carrier in situations preventing the movement of trains in order to restore operation of the infrastructure;

issue dispositions (orders, prescriptive, instructions, warnings, etc.) to the carrier required to ensure compliance with train traffic safety

requirements, train schedule standards , train make-up plan and procedure, and operating processes at infrastructure stations (linear units);

2) at the stage of contract conclusion , request from the carrier a safety certificate for rail transport and a license for all types of activities subject to licensing in transportations;

3) at the stage of implementation of the contract, request from the carrier all documents confirming compliance with the safety requirements for rail transport;

4) make unilateral amendments and additions to the contract, adjusting the share in the capacity (traffic paths) allocated to a carrier in the case of incomplete use of the allocated share of the capacity by the carrier in an infrastructure section as compared to the share established in the train schedule;

5) adopt decisions on relocation (movement) and holding of the rolling stock of carriers at a station with available holding capacities or in its local infrastructure in the case of use of the infrastructure by the carrier with a breach of the contract;

6) refuse to the carrier access to the infrastructure for reasons beyond the control of the infrastructure operator (when caused by third persons, including neighbouring (adjacent) railway administrations and/or owners of local infrastructures) without recognition thereof as a breach of the contract;

7) take unilateral decisions to temporary suspend the provision of services related to transportations in certain rail service directions or to provide the services partially in the event of emergency situations, such as natural and man-made disasters, as well as upon introduction of a state of emergency or under other circumstances impeding the traffic;

8) restrict access to the infrastructure in case of emergency situations with the cancellation of allocated train schedule paths for the time required to restore the infrastructure;

9) exercise other rights determined by the legislation of the Member State of location of the infrastructure and/or by the concluding contracts.

33. The infrastructure operator shall:

1) receive and consider proposals from carriers regarding the organisation of transportations, as well as information and documents required for the provision of infrastructure services;

2) timely provide to carriers the information to in volume of required for the organisation of transportations in accordance with these Rules and the Access Rules with mandatory compliance with the requirements of the legislation of the Member State of location of the infrastructure, including the requirements of national security, subject to the restrictions on the dissemination of information that contain information constituting State secret (State secrets) or classified information;

3) allocate infrastructure crossing capacities within the technical and technological infrastructure capacity in accordance with the Rules of Access;

4) inform the carrier of any changes in the train movement schedule that lead to changes in the agreed the time and conditions of the provision of services, within the time and procedure provided for by the contract;

5) notify the carrier, under the conditions specified in the contract, of any accidents, damage to the infrastructure and other circumstances that may hinder the performance by the carrier of its activities with the use of the infrastructure;

6) ensure the protection of information constituting commercial (official) secrets of carriers that becomes known to the infrastructure operator in the provision of infrastructure services;

7) maintain the required technical equipment in good condition and take measures to prevent and eliminate interruptions in the movement of trains caused by natural or man-made emergencies;

8) fulfil other obligations determined by the contract and the legislation of the Member State of location of the infrastructure.

VII. Procedure for Settlement of Disputes

34. All disputes and disagreements between a carrier and the infrastructure operator arising out of or in connection with the application of these Rules or in the course of provision of services shall be resolved through negotiations.

35. If, in the course of the negotiations, the carrier and the infrastructure operator fail to reach an agreement, all disputes and disagreements shall be resolved in the procedure determined by the legislation of the Member State of location of the infrastructure.

Annex

to the Rules for the Provision of Rail
Infrastructure Services within the Eurasian
Economic Union

List of Rail Infrastructure Services

Item No.	The Republic of Belarus	The Republic of Kazakhstan*	Russian Federation**
1.	Provision of the infrastructure and carrying out activities required for the movement (passage) of trains, including power supply of the traction equipment of the carrier	Provision of the infrastructure and carrying out activities required for the movement (passage) of trains	Provision of the infrastructure and carrying out activities required for the movement (passage) of trains, including power supply of the traction equipment of the carrier
2.	Provision of the infrastructure and carrying out activities required to ensure shunting movements of trains, including power supply of the traction equipment of the carrier	Provision of the infrastructure and carrying out activities required to ensure shunting movements of trains	Provision of the infrastructure and carrying out activities required to ensure shunting movements of trains, including power supply of the traction equipment of the carrier
3.	Services for the technical and commercial control aimed at ensuring the safety of train movement and transported cargo , luggage and cargo-luggage	—	Services for technical and commercial control aimed at ensuring the safety of train movement

*Including for the infrastructure sections owned by the Republic of Kazakhstan on the territory of the Russian Federation;

**Including for the infrastructure sections owned by the Russian Federation on the territory of the Republic of Kazakhstan.
