**Draft**

**AGREEMENT**

**between the Government of the Republic of Latvia and the Government of the Republic of Estonia**

**on the maintenance of the Latvian - Estonian state border and the activities of border representatives**

The Government of the Republic of Latvia and the Government of the Republic of Estonia hereinafter referred to as the “Contracting Parties”,

striving to develop and strengthen friendly relations which are beneficial to the Contracting Parties;

wishing to support and develop the necessary legal relations between the Contracting Parties on the state border and following the Convention between Latvia and Estonia on determining the State border of 19 October 1920, and

the Agreement on the Renewal of the State Border between the Republic of Latvia and the Republic of Estonia of 20 March 1992;

considering the obligations of the Contracting Parties as Member States of the European Union;

based on the national law of the Contracting Parties and the documents concerning re-demarcation of the state border between the Contracting Parties;

have agreed as follows:

**ARTICLE 1**

**Scope of the Agreement**

The Contracting Parties shall agree upon:

a) the maintenance of border markers and the border strip;

b) the border representation and its tasks;

c) the procedure for border inspection;

d) the procedure for investigation of border incidents;

e) the creation of a Joint Committee, and its tasks;

f) the procedure for inventory control.

**ARTICLE 2**

**Definitions**

The definitions in the Agreement shall have the following meaning:

1. *Agencies of the Contracting Parties responsible for border control* (hereinafter: the Border Agencies) – the State Border Guard of the Republic of Latvia and the Police and Border Guard Board of the Republic of Estonia .

2. *Border markers* – basic and auxiliary border markers, as set forth in sections 6 and 7 of the Annex to the Agreement on the Renewal of the State Border between the Republic of Latvia and the Republic of Estonia , ‘Guidelines of the Mixed Committee Organising the Re-demarcation and Landscape Construction of the State Border between the Republic of Latvia and the Republic of Estonia ’.

3. *Border incident* – an event on the State Border or in the immediate vicinity thereof, influencing border security or border maintenance and that may require unilateral or joint investigation by Border Agencies.

4. *Border representation* - an institution of persons assigned by each Contracting Party to the State Border, the composition and tasks of which are described in Articles 10 to 17 of the Agreement.

5*. Border strip* – a 6-metre strip of land on each side of the State Border for the marking thereof.

6*. Inventory control –* joint comparison of the conformity of the factual condition and location of the State Border markers with the re-demarcation documents, using maps and geodetic surveys, as well as condition of the border strip.

7. *Investigation of the border incident* – comprehensive treatment of the circumstances of a border incident conducted by the border representatives, the procedure of which is described in Article 14 of the Agreement.

8*. Joint Committee* – a Latvian – Estonian committee established on the basis of and for the fulfilment of the Agreement, the composition and tasks of which are described in Articles 18 to 21 of the Agreement.

9. *Joint inspection* – an inspection of the condition of border markers and border structures, in accordance with Article XI of the Agreement on the Renewal of the State Border between the Republic of Latvia and the Republic of Estonia.

10. *Re-demarcation documents* – the Agreement on the Renewal of the State Border between the Republic of Latvia and the Republic of Estonia, Latvian-Estonian border map, border description, catalogue of border marker coordinates, the final report of the session of the Mixed Committee for the Renewal of the State Border between the Republic of Latvia and the Republic of Estonia, and other documents recognised by the Contracting Parties, which determine the location of the State Border.

11*. State border* (hereinafter: the State Border) – uninterrupted and closed imaginary line and the vertical area (land, water bodies, earth’s crust and airspace) along the line which determines the borders of the countries and delimits the territories of the states of the Contracting Parties.

12. *Transboundary water body* – the parts of lakes, rivers, streams and other water bodies, along which the State Border runs.

**ARTICLE 3**

**Marking of State Border**

1. The State Border is marked with the border markers, as set forth by the Mixed Committee, which was established on the basis of the Agreement on the Renewal of the State Border between the Republic of Latvia and the Republic of Estonia.

2. The marking of the State Border in any other manner, which differs from the regulation established by the Mixed Committee mentioned in paragraph 1 of this Article shall only be allowed on the basis of a decision of the Joint Committee. Upon a decision of the Joint Committee, other types of border markers and structures thereof may be used for marking the State Border, and the location, shape and dimensions of border markers may be altered.

**ARTICLE 4**

**Maintenance of Border Markers**

1. The Contracting Parties shall undertake to maintain the border markers in a condition which ensures that the location, appearance and shape thereof meet the requirements of the re-demarcation documents.

2. The responsibility for the maintenance of border markers shall be distributed as follows:

a) the Republic of Latvia – for border markers located in the territory of the Republic of Latvia;

b) the Republic of Estonia – for border markers located in the territory of the Republic of Estonia.

3. The responsibility for the bilateral border markers placed on the State Border line shall be distributed as follows:

(a) the Republic of Latvia – from border marker 219 (included) to border marker 443, with the exclusion of border markers which are located at the other side of a transboundary water body and for the maintenance of which the Estonian side is responsible:

225-B; 225-C; 225-F; 226; 246; 275-A; 275-B; 276-1;

(b) the Republic of Estonia – from border marker 46+1379 to border marker 219 (excluded), with the exclusion of border markers which are located at the other side of a transboundary water body and for the maintenance of which the Latvian side is responsible:

62-1; 62A; 62B1; 62C1; 80-1; 80A; 94-1A; 101-1A; 101A; 101B1; 102; 111; 111A; 111B1; 111C; 111D1; 115; 143; 144-1; 147; 160; 164; 166-1A; 173-1; 173A1; 173B; 173C1; 173D; 173E1; 173F; 173G1; 173H; 173I1; 174-1; 182-1; 182A; 182B1; 182C; 182D1; 182E; 182F1; 182G; 182H1; 182I; 182J1; 182K; 182L1; 182M; 182N1; 182O; 182P1; 182R; 182S1; 182T; 182U1; 182V; 182W1; 182X1; 202-l; 202-3; 202A; 202A2; 202A3; 202A4; 202A5.

**ARTICLE 5**

**Restoration of Border Markers**

1. In their cooperation, the Contracting Parties shall take the necessary measures to preserve the border markers in order to prevent the relocation of, damage to and loss of border markers.

2. When discovering the fact of damage or loss of a border marker or its separate element, the border representatives immediately notify each other about this, except for minor damages of elements of the border marker located on the territory of their state that does not require restoration or replacement.

3. In the case of a relocation or loss of a border marker, restoration shall take place in the shortest time possible by the Border Agency of the Contracting Party responsible for the border marker. A border representative of the Contracting Party performing the restoration works shall notify the border representative of the other Contracting Party and the Joint Committee in writing at least ten (10) days before the commencement of the works.

4. A border marker shall be restored at its former location in accordance with the re-demarcation documents. The border representatives shall draw up a report on the works performed in Latvian and in Estonian language, to be delivered to the Joint Committee.

**ARTICLE 6**

**Alteration of Location of Border Markers**

1. The location of border markers may be altered or additional border markers may be installed in places where the preservation thereof is ensured, while leaving the location of the State Border unchanged. The alteration of the location of border markers and the installation of additional border markers shall be allowed only with a decision of the Joint Committee.

2. For every border marker installed in a new location or installed additional border marker, the Joint Committee shall in as short a period as possible prepare a border marker field sketch and a report which shall be added to the re-demarcation documents. Similar corrections (correction inserts) shall be made in the catalogue of coordinates.

**ARTICLE 7**

**Maintenance of Border Strip**

1. The border strip shall be visible in its entire extent and shall, if necessary, be cleared of trees, bushes and other vegetation.

2. The Contracting Parties shall clear the border strip on the territory of their State.

3. The performance of economic and other activities on the border strip is regulated by the national law of the Contracting Parties.

**ARTICLE 8**

**Maintenance of Shores of Transboundary Water Bodies**

1. The Contracting Parties shall clear the shores of transboundary water bodies from trees, bushes and other vegetation in a manner that ensures visibility between border markers located opposite each other on opposite shores of the transboundary water body.

2. Having assessed the need and expediency and agreed with each other, the Contracting Parties shall, according to the proposal of the Joint Committee, take measures to ensure the unchanged condition of and to reinforce the shores of transboundary water bodies.

3. In order to avoid changes in transboundary water bodies, the shores thereof shall be reinforced in places where the Joint Committee deems it necessary. Such works shall be performed and the relevant costs borne by the Contracting Party to whom the respective shores belong, unless it is related to the activities of the other Contracting Party.

**ARTICLE 9**

**Distribution of Costs**

The Contracting Parties shall carry out the maintenance and repair of the objects installed on the State Border on the basis of the ownership thereof. The Agreement does not regulate the procedure of use of objects not related to the maintenance of the State Border.

**ARTICLE 10**

**Border Representation**

1. An institution of border representation shall consist at least of the following officials of the Contracting Parties:

a) the border representative;

b) deputy border representative(s);

c) assistant to the border representative.

2. The Contracting Parties shall exchange information concerning the border representatives and their deputies via diplomatic channels within six months after the date of entry into force of the Agreement, forwarding the following data to the other Contracting Party: given name, surname, position, contact details. The other Contracting Party shall be notified of any changes in the details of the border representative or his/her deputies immediately in writing via diplomatic channels.

3. In fulfilling the duties of border representatives, the deputy border representatives shall have the same rights as the border representatives.

4. The border representatives shall appoint a necessary number of assistants to the border representative, concerning which the border representatives shall exchange information in writing.

5. The work of the assistants to the border representatives shall be coordinated by the border representatives. Issues, in which the assistants to the border representatives fail to reach an agreement, shall be reviewed by the border representatives. The rights and obligations of the assistants to the border representatives as well as their work procedure shall be determined by the border representatives upon mutual agreement.

6. The border representatives may appoint secretaries and shall have the right to involve interpreters and experts for ensuring the functioning of the border representation.

**ARTICLE 11**

**Tasks of Border Representation**

1. A border representation shall be responsible for the operative settlement of issues related to the maintenance of the State Border in landscape, border markers and the border strip, as well as the settlement of border incidents.

2. The border representatives shall:

(a) organise and carry out the joint inspection of the State Border in landscape, border markers and the border strip;

(b) organise the restoration of border markers and installation of additional border markers;

(c) coordinate and reconcile activities of Border Agencies in combating cross-border crime;

(d) organise the unilateral or joint investigation of border incidents and the settlement thereof within the limits of their competence, unless these need to be settled via diplomatic channels;

(e) notify the border representative of the other Contracting Party of the measures taken for solving a border incident;

(f) settle issues related to the activity and working mode of temporary border checkpoints and organise the settlement of issues related to border control in the case of a temporary reintroduction of border control on internal borders;

g) organise the receiving and handing over between the Contracting Parties such persons who do not meet the applicable requirements for entry or stay in the territory of the state of the Contracting Parties;

h) forward issues which are outside the competence of the border representatives or with regard to which cooperation has yielded no agreement to be settled via diplomatic channels, notifying the border representative of the other Contracting Party thereof;

i) determine the places of working meetings, as well as the method of forwarding and receiving work-related correspondence;

j) develop the templates and drafts of documents necessary for the activities of the border representatives.

k) organise joint patrolling and carry out annual evaluation of joint patrolling results, the exact procedure of which will be agreed between Border Authorities.

3. The border representatives shall immediately inform the border representative of the other Contracting Party of:

a) any border incidents that have taken place on the State Border;

b) the contamination of transboundary water bodies and of a risk of ecological catastrophes, natural disasters and epidemics spreading across the State Border.

**ARTICLE 12**

**Joint Inspection**

1. In order to carry out a joint inspection, the border representatives may establish a working group which consists of the representative of Border Agencies and, if necessary, representatives of other agencies.

2. The border representatives shall carry out a joint inspection at least once every three years from the date of entry into force of the Agreement. As a rule, a joint inspection is organised in summer.

3. A joint inspection comprises the following:

a) a visual assessment of border markers, the parameters and locations thereof, the border strip, the shores of transboundary water bodies, drainage structures, land improvement systems, etc.;

b) an assessment of the locations of border markers and the shoreline.

**ARTICLE 13**

**Joint Inspection Report**

1. A joint inspection report shall be drawn up on the joint inspection in Latvian and in Estonian language.

2. A joint inspection report shall record the results of the joint inspection – deficiencies in the preservation and maintenance of the border strip and border markers and any non-compliance with the re-demarcation documents.

3. A separate report shall be drawn up on every relocated or lost border marker.

4. The joint inspection report shall be signed by everyone participating in the joint inspection.

5. A joint inspection reports shall be annexed to the minutes of the working meetings of the border representatives. The minutes of the working meetings together with the joint inspection report(s) shall be forwarded to the Joint Committee who shall decide on the elimination of deficiencies or other subsequent activities on the basis of the submitted materials.

6. The deficiencies shall be eliminated in as short a time as possible after the decision of the Joint Committee.

7. The works shall be distributed on the basis of the responsibilities of the Contracting Parties as determined in Article 4 of the Agreement, and the Contracting Parties shall pay separately for their share of the works. No question shall be raised with regard to equalising the cost amounts in performing the works.

 **ARTICLE 14**

**Investigation of Border Incidents**

1. The investigation of a border incident may be conducted by the Contracting Parties unilaterally or jointly.

2. The investigation of a border incident shall not be considered a pre-trial procedure in the meaning of criminal law.

3. The joint investigation of a border incident shall be led by the border representative of that Contracting Party in whose territory the border incident which requires joint investigation took place.

4. A joint border incident investigation report shall be drawn up on the joint investigation of a border incident in Latvian and in Estonian language.

5. The report shall record the course of the joint investigation of a border incident, circumstances at the site of the joint investigation, and the results of joint investigation. The report shall be signed by the participants in the joint investigation of the border incident.

6. The report together with other documents of importance with regard to the investigation of the border incident shall be included in the agenda of the subsequent working meeting of the border representatives for the mutual approval of the border representatives.

7. Border incidents, in the settlement of which the border representatives fail to reach an agreement, shall be referred for settlement at the level of chiefs of the Border Agencies of Latvia and Estonia and in case of no settlement via diplomatic channels.

**ARTICLE 15**

**Working Meetings of Border Representations**

1. The border representatives, their deputies and assistants shall work at working meetings. Single issues may be solved by way of correspondence between the border representatives or in another manner if the issues do not need to be addressed at a working meeting.

2. The working meetings of the border representatives shall take place as necessary, but not less than twice (2) a year.

3. As a rule, the working meetings of the border representatives shall take place alternately in the territory of the state of each Contracting Party. A working meeting shall be chaired by the border representative of the Contracting Party in whose state territory the working meeting is taking place.

4. An invitation to a working meeting shall be forwarded ten (10) days before the beginning thereof at the latest. A reply to the invitation shall be sent within two (2) working days from the date of receipt thereof.

5. The border representative of one Contracting Party shall personally participate in the working meeting organised by the border representative of the other Contracting Party. If that is not possible, a deputy border representative shall participate in the working meeting, of which the border representative of the other Contracting Party shall be informed at least twenty four (24) hours before the working meeting.

6. The working meetings of the assistants to the border representatives shall take place upon the prior agreement of the border representatives.

7. If necessary, secretaries, interpreters and experts may also take part in working meetings.

8. The costs of organising a working meeting shall be borne by the hosting Contracting Party.

**ARTICLE 16**

**Minutes of Working Meetings of Border Representations**

1. Every working meeting of the border representatives shall be recorded in the minutes of the working meeting, drawn up in Latvian and in Estonian language.

2. The minutes shall describe the course of the working meeting, the decisions adopted and the terms for the implementation thereof and, if necessary, any unresolved dissenting opinions between the border representatives.

3. The decisions adopted shall enter into force after signing the minutes, unless prescribed otherwise in the minutes.

**ARTICLE 17**

**Cooperation between the Contracting Parties**

1. The officials of border representations shall be granted personal inviolability in the fulfilment of the duties arising from the Agreement in the territory of the state of the other Contracting Party; the immunity shall also include the work-related documents and tools, which they carry and which are necessary for the fulfilment of the task assigned to them.

2. The Contracting Parties shall carry out necessary cooperation with the aforementioned persons in the fulfilment of the obligations assigned to them in the territory of the state of the other Contracting Party, including providing such persons with the possibility of using means of communication and the necessary means of transport.

3. The border representatives, their deputies and assistants shall carry a work certificate in fulfilling service duties. The Border Agencies shall exchange samples of work certificates.

**ARTICLE 18**

**Joint Committee**

1. For the implementation of the Agreement, the Contracting Parties shall within six (6) months from the entry into force of the Agreement establish a Joint Committee which consists of the representatives of the Contracting Parties. The Joint Committee shall comprise five (5) representatives from each Contracting Party, including the border representatives. Each Contracting Party shall be represented by a chairman or, in the absence of the chairman, a deputy.

2. The Contracting Parties shall exchange information on the personal composition of the Joint Committee via diplomatic channels within six months after the date of entry into force of the Agreement. The other Contracting Party shall be notified of any changes in the composition of the Joint Committee immediately in writing via diplomatic channels.

3. The Joint Committee shall have the right to involve experts and other personnel in the work of the Joint Committee, if necessary, as well as establish joint and unilateral working groups for the fulfilment of tasks within their competence.

4. Each Contracting Party in the Joint Committee shall have its own seal, the impressions of which the Contracting Parties shall exchange via diplomatic channels.

**ARTICLE 19**

**Tasks of Joint Committee**

1. The Joint Committee shall be tasked with providing an assessment on the infrastructure of the State Border on the basis of the re-demarcation documents, joint inspection reports, inventory entries and other documents prepared in the fulfilment of the Agreement, and making decisions and proposals on further activities.

2. The Joint Committee shall:

(a) if necessary, organise and conduct the inventory control and record the results thereof;

(b) organise the performance of topographic-geodetic, cartographic and other necessary works in deciding on inventory control;

(c) adopt decisions and organise works for the installation of border markers which do not alter the location of the State Border and draw up the necessary re-demarcation documents;

(d) on the basis of inventory control make proposals for the specification of the location of the State Border in certain sections, complying with a strict balance between the exchanged plots of land;

(e) approve building and reconstruction projects of bridges, reservoirs, locks, dams and other hydro-technical structures, engineering-technical and transport infrastructure or any other activity, if these create preconditions for altering the marking of the State Border, or for the relocation of border markers;

(f) make proposals for taking measures to ensure the unchanged condition of and to reinforce the shores of transboundary water bodies;

(g) make proposals for the specification of the location of the State Border, if the flow-bed of a river along which the State Border runs has considerably changed;

(h) consider the possibility and expediency of restoring the former location of transboundary water bodies upon noting changing arising from natural conditions in transboundary water bodies;

(i) within the limits of its competence settle issues related to the marking of the State Border in the landscape;

(j) develop the templates and drafts of documents necessary for the activities of the Joint Committee.

3. In approving the construction and reconstruction designs for objects, the conditions for preserving the flow-bed, level land flow rate of water shall be observed. If necessary, shore reinforcement works shall be prescribed.

**ARTICLE 20**

**Inventory Control**

1. An Inventory control shall be performed by the Joint Committee as necessary and upon an agreement between the Contracting Parties.

2. In order to facilitate the performance of the necessary preparatory works, the Contracting Parties shall agree on the commencement of the inventory control in advance via diplomatic channels.

3. On transboundary water bodies the inventory control shall be performed in summer, when the water level in rivers and other water bodies does not exceed the average level.

4. In order to perform the inventory control, the Joint Committee shall:

a) analyse re-demarcation documents, the reports of previous inventory controls, and joint inspection reports as well as other documents prepared in the fulfilment of the Agreement;

b) compare the State Border in the landscape and the designation of the location of border markers with re-demarcation documents;

c) on the basis of the updated maps identify the sections of transboundary water bodies in which intensive changes of the shoreline are taking place, islands and sandbanks are formed or other natural and artificial processes are taking place, which create preconditions for the changing of the location of the State Border in the landscape.

5. As a result of an inventory control, the Joint Committee shall prepare a report, stating the non-conformities, which require fixing. It shall be signed by the members of the Joint Committee.

6. A report, referred to in point 5 of this Article, shall be drawn up in Latvian and in Estonian language.

7. The Contracting Parties shall eliminate the deficiencies recorded in the inventory report and complete the restoration of markers in as short a time as possible.

8. The works performed in the inventory control and the preparation of documents shall be distributed on the basis of the responsibilities of the Contracting Parties as described in Article 4 of the Agreement.

9. Each Contracting Party shall pay separately for their share of the works. No question shall be raised with regard to equalising the cost amounts of the works.

**ARTICLE 21**

**Working Meetings of Joint Committee**

1. The Joint Committee shall work in the form of working meetings which shall be held alternately in the territory of the state of each Contracting Party as necessary or upon the proposal of the border representatives, but not less frequently than once (1) every two years.

2. The work of a working meeting shall be led by the chairman of the Joint Committee of the Contracting Party in whose state territory the meeting is taking place.

3. An invitation to a working meeting shall be dispatched thirty (30) days prior to the commencement thereof at the latest. A reply to the invitation shall be dispatched within ten (10) days from the date of receipt thereof.

4. The working meetings shall be recorded in the minutes of the working meeting, which shall be signed by the chairman of the meeting.

5. The working minutes shall be drawn up in Latvian and in Estonian language

6. The costs of organising a working meeting of the Joint Committee shall be borne by the hosting Contracting Party.

**ARTICLE 22**

**Settlement of Disputes**

Any disputes that have arisen between the Contracting Parties concerning the interpretation or implementation of the Agreement shall be settled by negotiations between the Contracting Parties.

**ARTICLE 23**

**Entry into Force**

1. The Agreement is concluded for an indefinite period of time. Each Party shall notify the other Party through diplomatic channels once the national measures necessary for entry into force of this Agreement have been completed. The Agreement shall enter into force on the ninetieth (90) day following the date of receipt of the last of notifications of the Contracting Parties of the completion of the national procedures necessary for the entry into force of the Agreement.

2. On the date of entering into force of the Agreement, the Agreement on the Activities of Border Representatives between the Government of the Republic of Latvia and the Government of the Republic of Estonia of 1994, shall be terminated. Until entering into force of the Agreement, the 1994 Agreement shall remain applicable.

**ARTICLE 24**

**Amendment, Suspension and Termination of the Agreement**

1. The Agreement may be amended with the mutual consent of the Contracting Parties. Each Contracting Party may propose amendments to the Agreement at any time. Such amendments shall enter into force in accordance with paragraphs 1 of Article 23.

2. Each Contracting Party may temporarily suspend application of the Agreement in part or in full on the grounds of the protection of public security, public order and public health, by notifying the other Contracting Party in writing via diplomatic channels. Suspension of the Agreement and the termination of such suspension shall enter into force on the day following the receipt of the diplomatic note to that effect.

3. Each Contracting Party may terminate the Agreement by giving the other Contracting Party six months’ prior written notice via diplomatic channels. The termination shall take effect on the ninetieth (90) day following the date of receipt of such notice.

4. Upon the termination of the Agreement, all the rights acquired under the Agreement shall be preserved and any requests submitted before the suspension or termination of the Agreement shall be reviewed.

Done at \_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 201\_\_ in two original copies in the Latvian, Estonian and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

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| **On behalf of the Government of the Republic of Latvia** | **On behalf of the Government of the Republic of Estonia** |

Iekšlietu ministrs S.Ģirģens

Vīza: valsts sekretārs D.Trofimovs

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