Agreement
between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine on the construction of a cross-border road bridge over the Dniester River at the Moldovan - Ukrainian state border in the region of Cosauti – Yampil localities

The Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine (hereinafter referred to as the "Parties"):

Relying on the Memorandum on the development of the transport and transit potential of the Republic of Moldova and Ukraine signed in Kyiv on January 12, 2021 by the President of the Republic of Moldova and the President of Ukraine;

Intending to improve road traffic between the two States;

For the purpose of connection of Moldovan National Significance R14.1 Road, R14 - *Cosauti - border with Ukraine* and Ukrainian National Significance T-02-02 Road, *Mohyliv-Podilskyi - Yampil - Bershad - Uman* in the region of Cosauti (the Republic of Moldova) and Yampil (Ukraine) localities,

Have agreed as follows:

Article 1

The competent authorities of the Parties (hereinafter referred to as the "Competent authorities") shall be:

For the Government of the Republic of Moldova:

- The Ministry of Infrastructure and Regional Development of the Republic of Moldova;

For the Cabinet of Ministers of Ukraine:

- The Ministry for Communities, Territories and Infrastructure Development of Ukraine.

Article 2

The Parties recognize the necessity to build a cross-border road bridge over the Dniester River between the localities of Cosauti (the Republic of Moldova) and Yampil (Ukraine).

For this purpose, the following measures shall be implemented:

a) in the territory of the Republic of Moldova and in the territory of Ukraine - construction of a cross-border road bridge over the Dniester River at the Moldovan - Ukrainian state border in the region of Cosauti – Yampil localities;

b) in the territory of the Republic of Moldova - construction of the access road to the cross-border road bridge over the Dniester River, on the Moldovan - Ukrainian

state border in region of Cosauti – Yampil localities facilitating its connection with the Road of National Significance R14.1 Road, R14 - Cosauti - border with Ukraine;

c) in the territory of Ukraine - construction of the access road to the cross-border road bridge over the Dniester River, on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities facilitating its connection with the National Significance T-02-02 Road Mohyliv-Podilskyi - Yampil - Bershad - Uman;

d) for the purpose of establishing the international road state border crossing point, the Parties shall conclude a Protocol amending the Agreement between the Government of the Republic of Moldova and the Government of Ukraine on the Moldovan - Ukrainian state border crossing points and the simplified crossing of the citizens residing in the border districts of March 11, 1997;

e) for the purpose of this Agreement, the connection point of road alignment will be determined and agreed through a separate protocol by the relevant Competent authorities of the Parties, as set forth in Article 1 of this Agreement.

The Parties will make every effort to complete the activities referred to in this Article in 2025.

Article 3

For the purpose set out in Article 2 of this Agreement, the Parties shall undertake to comply with the following:

a) The Moldovan Party shall:

- elaborate the Design and the Working Documentation for the construction of the access road in the territory of the Republic of Moldova to the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities;
- prepare the Tender Documentation for the procurement process of construction works of access road in the territory of the Republic of Moldova to the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities in accordance with the Moldovan legislation;
- build the access road in the territory of the Republic of Moldova to the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities;
- carry out the technical supervision of the construction works of the access road.

b) The Ukrainian Party shall:

- develop the national investment project "Development of the border and road infrastructure on the Moldovan - Ukrainian state border, including the construction of a cross-border road bridge over the Dniester River";
- elaborate the Feasibility Study for the construction of the cross-border bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of

Cosauti – Yampil localities and access roads and will provide this documentation to the Moldovan Party for approval;

- comprehensively examine the Feasibility Study for the construction of the cross-border bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities after coordinating the Design with the Moldovan Party in accordance with the Ukrainian legislation;

- elaborate the Design and the Working Documentation for the construction of the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities and of the access road;

- prepare the Tender Documentation for the procurement process of the construction works of the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities, the access road and will procure the works in accordance with the Ukrainian legislation;

- build the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities that shall become the property of Ukraine, the access road, the construction of wastewater treatment facilities and the strengthening of the cone of the right-bank and left-bank supports of the cross-border road bridge in accordance with the requirements of the Ukrainian legislation;

- carry out the technical supervision of the construction works.

Article 4

The terms of reference for the design, including the load limit (bearing capacity) shall comply with the requirements of the Ukrainian legislation and accepted by the Moldovan Party. The project documentation, including the Feasibility Study, shall be divided into textual and graphic materials including urban planning, spatial planning, architectural, structural, technical and technological solutions, as well as construction cost estimates. The project documentation shall be executed in two languages - Ukrainian and Romanian, and before being implemented shall be agreed with the Moldovan Party.

Each Party shall ensure that the purpose of the works listed in paragraphs a) and b) of Article 3 of this Agreement is carried out with its own resources and that the necessary permits are obtained in accordance with the national legislation of the States Parties.

Both Parties shall exchange free of charge the necessary documentation, including required permits, for the design and construction of the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities, within the framework of this Agreement.

Article 5

For the construction of the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities, as well as during its operation, the Parties shall ensure that national and international environmental protection provisions are complied with, including environmental impact assessment, protection of Dniester River waters, as well as protection of habitats and species.

Article 6

Each Party shall ensure the construction site in the territory of its State, which shall be exempt from any rights or any other claims of property rights of third parties, in accordance with the national legislation of the States Parties.

The Moldovan Party shall allocate in its territory a land plot to the Ukrainian Party required to organize the construction site in the vicinity of the road-bridge construction, for the construction period, free of charge.

Each Party shall facilitate obtaining of approvals or authorizations related to the construction of the cross-border road bridge.

Article 7

The Moldovan Party shall finance the expenditure for the allocation of land in the territory of its State, including the measures and works provided for in paragraph a) of Article 3 of this Agreement.

The Ukrainian Party shall finance the expenditure for the allocation of land in the territory of its State, including the measures and works referred to paragraph b) of Article 3 of this Agreement.

Article 8

The Parties shall conclude a separate agreement for the maintenance of the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities.

Article 9

The persons that are performing or supervising the works in the construction area on the cross-border road bridge under this Agreement, may cross the state border within the perimeter of the construction site, part of which is located in the state territory of the other Party, based on the ID documents, without obtaining any consent for staying in accordance with the submitted lists.

The vehicles and goods, including mechanisms, materials and other objects that are used for the construction works in the construction area on the cross-border road

bridge under this Agreement, may cross the state border within the perimeter of the construction site, part of which is located in the state territory of the other Party in accordance with the submitted lists.

The Ukrainian Party shall send in advance to the Moldovan Party the lists of persons, vehicles and goods, including mechanisms, materials and other objects referred to in the first and second paragraphs of this Article.

The border crossing procedure, which is to be approved by the state border and customs authorities of both Parties, shall determine the mechanism for the purpose of implementation of this Article.

Article 10

Taxes and fees levied in connection with the supply of goods and services used in the construction of a cross-border road bridge and considered to be provided in the customs territory of Ukraine shall be applied in accordance with the legislation of the Ukrainian side responsible for the construction of the bridge.

Taxes and fees, except for export duties, paid during the export of vehicles and goods, including mechanisms, materials and other objects, outside the customs territory of Ukraine, in accordance with the project of bridge construction in the customs regime of temporary import or export, are applied in accordance with the legislation of the Ukrainian side. The export duty on the export of such goods is not paid.

The vehicles and goods, including mechanisms, materials and other objects imported into the territory of the Republic of Moldova for the purpose of construction of the bridge shall be exempt from customs clearance, declaration, payment of import tax, duties and other charges, and the application of economic policy measures, with ensuring customs control by the customs authorities of the Republic of Moldova.

Article 11

The Parties shall create the Moldovan - Ukrainian Joint Commission to deal with the issues related to the construction of the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities, and approve the Joint Commission Regulation.

The main task of the Joint Commission shall be identification and resolving of problems related to the construction of the cross-border road bridge over the Dniester River on the Moldovan - Ukrainian state border in the area of Cosauti – Yampil localities.

The Joint Commission shall include authorized representatives of both Parties on a parity basis.

The Parties shall appoint the Co-Chairs of the Joint Commission by mutual notification without delay.

Article 12

The Parties shall at all times endeavor to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to reach a mutually satisfactory solution on any matter raised in accordance with this Agreement.

If the dispute has not been resolved within 6 months from the date on which one of the Parties receives a written request from the other Party to negotiate it in the manner referred to in paragraph 1 of this Article, that dispute shall be submitted by the Parties to Arbitration Panel.

Any dispute arising out of or connected with this Agreement shall be resolved by arbitration in the Hague conducted in the English language by three arbitrators pursuant to the rules of the United Nations Commission on International Trade Law ("UNCITRAL"), unless the Parties agree otherwise.

Article 13

This Agreement may be amended and supplemented by mutual written consent of the Parties through the relevant protocols which shall form an integral part of this Agreement.

Article 14

This Agreement shall be concluded for an indefinite period and shall enter into force on the date of receipt of the last written notification by any of the Parties on the completion of their internal procedures necessary for its entry into force.

This Agreement shall be terminated upon full implementation by the Parties of their obligations under the Article 3 of this Agreement.

Done in Kyiv, on 12th June 2023 in two (2) original copies in Romanian, Ukrainian and English, all texts being equally authentic.

In the event of any discrepancy in the interpretation of this Agreement, the text in English shall prevail.

For the Government of the Republic of Moldova

For the Cabinet of Ministers of Ukraine