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## **The Institutional and Legal Framework for the Development of the Transport Infrastructure in the Cross-border Area between EU and Ukraine<sup>1</sup>**

**Abstract.** *The article outlines opportunities in foreign economic activity that emerged in Ukraine following the entry into force of the EU-Ukraine Association Agreement. It is argued that in order to strengthen political and economic cooperation between Ukraine and the EU, Ukraine's border and transport infrastructure needs to be developed and aligned with plans and priorities defined at national and European levels of EU Member States. Legal aspects of the development of the national transport network and border infrastructure are identified. National, regional and local documents of the EU Member States bordering Ukraine regarding the transport and border infrastructure are pointed out. The EU legal framework of the TEN-T are analysed, Airports, border crossing points and rail-road terminals that a part of the core and comprehensive network in EU-member neighbouring countries located at a distance of less than 400 km from the Ukrainian border are listed.*

**Keywords:** *Ukraine, transport, border infrastructure, legislative framework, strategy*

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## 1. Introduction

The EU-Ukraine Association Agreement (further on referred to as Agreement) that came into force in September 2017, including the Deep and Comprehensive Free Trade Agreement (DCFTA) effective since 1 January 2016, substantially expands Ukraine's opportunities in foreign economic activity and serves as the generator of structural reforms almost in all areas of social life of the country.

Compliance with the Agreement stipulates gradual liberalization of automobile, railway and domestic water transportations, including coming closer to many EU standards [Emerson, Movchan 2016: 153].

Automobile transport is the most economically efficient in relations between Ukraine and the EU. It shows rapid growth in the area of international freight and passenger transport. Almost 80% of EU exports to Ukraine and 30% of imports in value terms are transported by road [Emerson, Movchan 2016: 158]. Eurostat data show that 5.3 million tons of EU exports and 3.5 million tons of EU imports are transported by road to/from Ukraine annually. However, the development of public highways in Ukraine currently lags behind the rate of motorization in the country and the operational condition of roads is extremely poor.

DCFTA has contributed to a significant growth in the volume of Ukrainian exports to EU, which rose by 42% in 2018 compared to 2016 (Fig. 1). The upward trend can also be observed in import trade operations: import in 2016-2018 grew by 33%. However, the first half of 2019 saw a 10% fall in export-import trade.

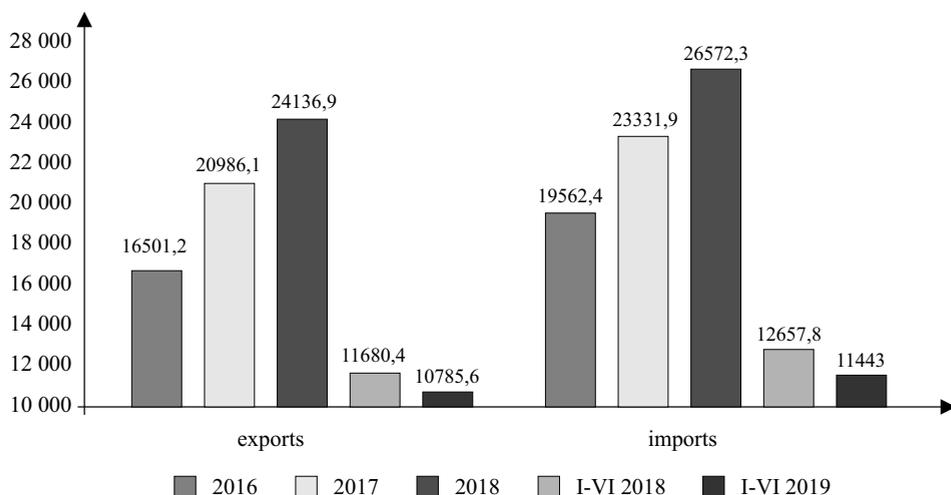


Figure 1. Dynamics of Ukraine's export-import trade with the EU, million USD

Source: State Statistics Service of Ukraine 2019.

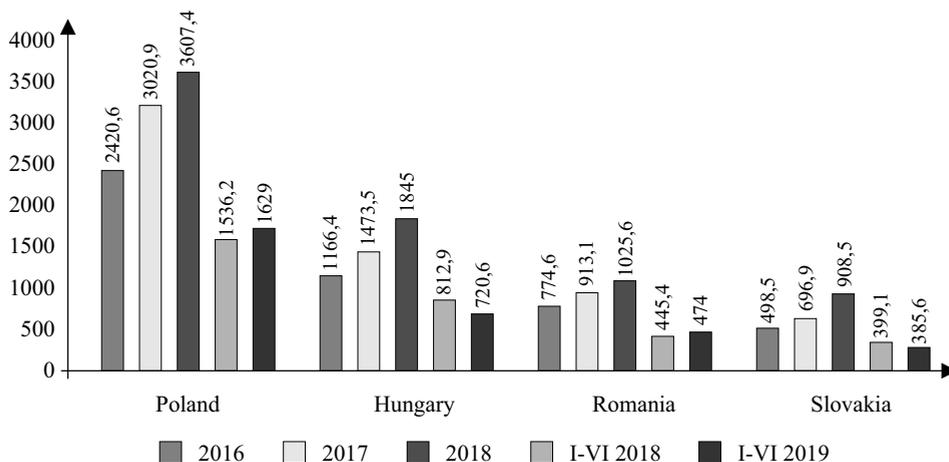


Figure 2. Dynamics of Ukraine's export-import trade with neighbouring EU Member States, million USD

Source: State Statistics Service of Ukraine 2019.

Table 1. Foreign trade operations of Ukraine and EU Member States

No.	Foreign trade operations		2016	2017	2018	I-VI 2019	
1	Foreign trade operations of Ukraine, million USD	export	46229.7	53979.1	58972.9	26791.9	
		import	44576.3	55083.3	63496.4	26488.5	
2	Foreign trade operations of Ukraine with the EU, million USD	export	16501.2	20986.1	24136.9	10785.6	
		import	19562.4	23331.9	26572.3	11443.0	
3	Share of foreign trade operations with the EU in overall volumes of foreign trade operations of Ukraine, %	export	36	39	41	40	
		import	44	42	42	43	
4	Share of foreign trade operations with the neighbouring EU Member States in overall volumes of foreign trade operations of Ukraine and the EU, %	By 4 countries in general	export	29	29	31	30
			import	24	25	24	24
		Poland	export	15	14	15	15
			import	14	15	14	15
		Slovakia	export	3	3	4	4
			import	3	3	2	2
		Hungary	export	7	7	8	7
			import	4	5	5	5
		Romania	export	5	4	4	4
			import	2	2	2	2

Source: State Statistics Service of Ukraine 2019.

A positive trend can also be observed in Ukraine's trade with four neighbouring EU Member States. In 2016-2018, exports to Poland grew by 50%, to Slovakia – by 82%, to Hungary – by 58% and to Romania – by 32%. (Fig. 2).

The role of EU Member States in Ukraine's foreign economic activity is shown in Table 1.

In order to strengthen political and economic cooperation between Ukraine and the EU it is necessary to develop the border and transport infrastructure and align these development efforts with plans and priorities defined at national and European levels of EU Member States. A whole section of the Agreement is devoted to these issues.

## **2. Provisions of the EU-Ukraine Association Agreement in the field of transport**

Chapter 7 “Transport” (Title V “Economic and Sector Cooperation”) of the Agreement stipulates that “the Parties [...] shall expand and strengthen their transport cooperation in order to contribute to the development of sustainable transport systems; promote efficient, safe and secure transport operations as well as intermodality and interoperability of transport systems; endeavour to enhance the main transport links between their territories.” This dimension of cooperation “aims to facilitate the restructuring and modernization of Ukraine's transport sector and gradual approximation towards operating standards and policies comparable to those in the EU”; it is intended to “improve the movement of passengers and goods, facilitate transport flows between Ukraine, the EU and third countries in the region by removing administrative, technical, cross-border and other obstacles, improving transport networks and upgrading the infrastructure in particular on the main axes connecting the Parties.” Cooperation should “include information exchange and joint activities at regional level, in particular taking into consideration and integrating progress achieved under various regional transport cooperation arrangements, such as the Eastern Partnership Transport Panel, the Transport Corridor Europe-Caucasus-Asia (TRACECA), the Baku process and other transport initiatives; at international level, with regard to international transport organizations and international agreements and conventions ratified by the Parties, in cooperation with various transport agencies of the EU.”

Cooperation also covers areas such as the “development of a sustainable national transport policy addressing all modes of transport, particularly with a view to ensuring efficient, safe and secure transport systems and promoting the integration of transport considerations into other policy areas; development of sector strategies in light of the national transport policy (including legal re-

quirements for the upgrading of technical equipment and transport fleets to meet the highest international standards) for road, rail, inland waterway, aviation, maritime transport and intermodality, including timetables and milestones for implementation, administrative responsibilities and financing plans; development of the multimodal transport network connected to the Trans European Transport Network (TEN-T) and improvement of infrastructure policy in order to better identify and evaluate infrastructure projects in the various modes of transport.”

Moreover, in Chapter 27 of the Agreement on “Cross-border and regional cooperation” it is stated that “the Parties shall strive to develop cross-border and regional elements of, *inter alia*, transport, energy, communication networks, culture, education, tourism, health and other areas covered by this Agreement which have a bearing on cross-border and regional cooperation. In particular, the Parties shall encourage the development of cross-border cooperation in regard to modernization, equipping and co-ordination of emergency services.”

Transport industry is one of the basic industries of Ukrainian economy. It has an extensive railway network, developed network of automobile routes, marine ports and river terminals, airports and broad network of air services as well as freight customs terminals, which create necessary preconditions to meet the needs of customers in providing transport services and business development [National Transport Strategy of Ukraine 2030].

In particular, there are 13 marine ports in the Azov and Black Sea basins as well as in Danube Delta. Their aggregate cargo handling capacity is over 230 million tons a year. The length of navigable water routes in Ukraine is 2714.5 km. There is a well-developed network of ferry service and marine container shipments that connect Ukraine and partner countries in the Black Sea region. The national network of public roads amounts to 169652 km. The Ukrainian railway network is one of the largest in Europe and stretches over 20951.8 km, of which 9926.4 km (47.4%) are electrified [National Transport Strategy of Ukraine 2030]. Ukraine plays the role of transit transport bridge that connects the countries of Europe and Asia. There is a differentiated network of direct and transit air services. Air transit through Ukraine is mostly maintained by the Boryspil aviation hub. Several international transport corridors cross the territory of Ukraine: pan-European transport corridors No. 3, 5, 7, 9; corridors of the Organization for Cooperation of Railways (OSJD) No. 3, 4, 5, 7, 8, 10; trans-European transport network (TEN-T), corridor Europe – Caucasus – Asia (TRACECA) [National Transport Strategy of Ukraine 2030].

The transport industry accounts for 7% of GDP and provides 6% of overall employment. The current condition of the transport industry does not correspond to the requirements of efficient implementation of European integration aspirations of Ukraine and integration of national transport network into the trans-European transport network [National Transport Strategy of Ukraine 2030].

### **3. Legal basis of the development of the Ukrainian transport network and the border infrastructure**

The legal basis of the development of the national transport network and the border infrastructure is laid out at several levels: international (legal acts of international institutions); intergovernmental (intergovernmental agreements); national (legal and regulative acts of central authorities, concepts and other strategic and program documents); local (strategic and program documents).

The current Concept of the Creation and Functioning of the National Network of International Transport Corridors in Ukraine approved by the Resolution of the Cabinet of Ministers of Ukraine on 4 August 1997 N 821 defined the main principles of the creation and functioning of the national network of international transport corridors in Ukraine until 2015 and their inclusion in the international transport system [Concept National Network of International Transport Corridors in Ukraine 1997]. Nowadays, no new document containing benchmarks for the integration of the national transport system into international transport corridors (joining the existing ones and finding the new ones) has been prepared and adopted. Some issues of integration with the trans-European transport network are covered by the 2030 National Transport Strategy of Ukraine adopted by the Resolution of the Cabinet of Ministers of Ukraine as of 30 May 2018 No. 430-r [National Transport Strategy of Ukraine 2030].

The document sets out plans for the introduction of efficient economic, structural, organizational, technological and institutional transformations in the transport industry in the conditions of the increasing competition between countries for dominance in the field of transport and logistic. The development of a transport strategy for Ukraine until 2030 was motivated by the need to take into account Ukraine's Association Agreement with the EU and the establishment of a free trade area with the EU on 1 January 2016 as well as restrictive sanctions imposed by the Russian Federation against Ukraine regarding Ukrainian export and direct transit through the Russian territory.

In particular, the Strategy indicates that transport system of Ukraine borders the trans-European transport network (TEN-T), however, currently there is the low level of its interoperability and overall technological gap with TEN-T. In order to solve the above mentioned problem issues the Strategy suggests the following:

- improvement of the efficiency of domestic freight transport logistic operations by eliminating of existing obstacles and improvement of relevant infrastructure to connect it with international trans-European transport network (TEN-T);
- establishment of the long-term financial planning of infrastructural projects in the transport industry in correspondence with strategic priorities, period of

implementation and life cycle of transport facilities, granting priority to projects related to TEN-T network;

– reconstruction of the network of main roads connecting oblast centres and Kyiv according to TEN-T standards to improve regional mobility. [National Transport Strategy of Ukraine 2030].

The 2016-2020 State Program of Cross-Border Cooperation Development approved by the Resolution of the Cabinet of Ministers of Ukraine as of 23 August 2016 No. 554 determines the priorities of Ukraine's cross-border cooperation with neighbouring countries, including in the sphere of border and transport infrastructure development [State Program of Cross-Border Cooperation Development 2016-2020].

Strategic documents and program documents of regional level are also oriented at solution of some issues regarding the development of border infrastructure.

#### **4. Common documents signed between Ukraine and neighbouring EU Member States covering the development of the transport and border infrastructure**

The Ukrainian-Slovakian cross-border region is the only cross-border region that has its development strategy. The 2020 Strategy of Slovakian-Ukrainian Cross-Border Cooperation (concerning the cooperation between Presovsky and Kosicky self-governing regions of Slovakia and Zakarpatska oblast of Ukraine) stipulates a range of activities concerned with the creation and modernization of the border infrastructure and improvement of border accessibility. As regards the Strategy's medium-term goals, Goal 1 stipulates the improvement of the intensity of socio-economic development in border regions by creating better conditions for common development of small and medium business in border territories, among others through the creation of common cross-border infrastructure to support entrepreneurship, such as joint trade and business centres, cross-border business incubators, logistic centres and common research centres. Goal 2 is related to the improvement of border management at Ukrainian and Slovakian sides of the border by adopting a common approach and an exchange of experience. The emphasis is on educational and social activity of customs officers, border guard officers and representatives of public and private sectors on both sides of the border and regular monitoring of border management.

Goal 3 – modernization of border infrastructure – includes 3 activities:

Activity 1. Improvement of infrastructure by raising the functionality and capacity of border crossing points. It stipulates improvement of technical and social infrastructure of border crossing points, repair of roads leading to existing border crossing points and the development of cross-border public transport.

Activity 2. Increasing the number of border crossing points along the common border. It provides for the construction of new border crossing points along the common border: Ulic – Zabrid, Cierna nad Tisou – Solomonovo, Mali Selmenci – Veke Slemence (change to the automobile transportation) by 2020.

Activity 3. Modernization of transport corridors (automobile, railway) that go to common border. The activity also provides for the development of new communication links, e.g. to the planned border crossing point Ulic – Zabrid.

Joint Action Plan of Presovsky Self-Governing Region and Zakarpatska Oblast State Administration (ZOSA), Zakarpatska Oblast Council (ZOC) for the period from May 2017 to May 2018 envisages a range of activities planned to be implemented by 2020. They include the modernization of the road network on both sides of the border between the two regions through available bilateral instruments and EU funds, preparation and elaboration of project applications regarding the infrastructural development – “Construction of the road Lviv – Sambir – Uzhorod (to the border crossing point “Ubl’a – Malyi Bereznyi)”” under the ENI “Hungary – Slovakia – Romania – Ukraine 2014 – 2020” and continuing of cooperation towards construction of international border crossing point “Ulic – Zabrid” on Slovakian-Ukrainian border [Joint Action Plan of Presovsky Self-Governing Region and Zakarpatska Oblast State Administration].

Executive Protocol N 8 to the Memorandum on Cooperation between Zakarpatska Oblast State Administration, Zakarpatska Oblast Council (Ukraine) and Kosicky Self-Governing Region (Slovak Republic) for the period from May 2016 to May 2017 also provides for the implementation of a range of activities by 2020. It grants support to joint actions fostering the infrastructural development of Cierna – Solomonovo border crossing point [Memorandum on Cooperation between Zakarpatska Oblast State Administration and Kosicky Self-Governing Region].

The only strategic or programming document of regional or local level in the Ukrainian-Hungarian cross-border region, which covers the border or transport infrastructure, is the Program of Cross-Border Cooperation Development for 2017 between Zakarpatska Oblast State Administration, Zakarpatska Oblast Council (Ukraine) and Council of Szabolcs Szatmar Bereg County (Hungary). One of the activities stipulates that the parties shall urge the Intergovernmental Ukrainian-Hungarian Joint Commission on Economic Cooperation and Ukrainian-Hungarian Intergovernmental Mixed Commission on Cross-Border and Border Cooperation to approve plans and projects prepared based on analysis of border crossing points on Ukrainian-Hungarian part of the border [Program of Cross-Border Cooperation Development for 2017 between Zakarpatska Oblast State Administration and Council of Szabolcs Szatmar Bereg County].

In addition to the above mentioned documents, there is also an Agreement signed by representatives of Ukraine, Slovakia, Hungary and Romania. It is

the Agreement on Cooperation between the Council of Bacs Kiskun County (Hungary), Council of Borsod Abauj Zemplen County (Hungary), the Council of Csongrad County (Hungary), Council of Hajdu-Bihar County (Hungary), the Council of Heves County (Hungary), Council of Jasz-Nagykun-Szolnok County (Hungary), the Council of Kosicky Self-Governing Region (Slovak Republic), Zakarpatska Oblast Council (Ukraine), Maramures County Council (Romania), the Council of Szabolcs Szatmar Bereg County (Hungary), Satu-Mare County Council (Romania) and Vojvodina Autonomous Province (Serbia) in the framework of cross-border cooperation between local authorities in the basin of Tisza River signed in 2016. The list of activities provided by the Agreement includes the development of large regional transnational road and transport networks as well as development of existing border crossing points and construction of new ones [Agreement on Cooperation between Hungary, Slovak Republic, Romania, Ukraine].

## **5. National, regional and local documents of the EU Member States bordering Ukraine regarding the transport and border infrastructure**

2030 National Spatial Development Concept of Poland recognises the border regions of the country along internal and external borders of the EU. As regards the development of border areas along external EU borders, Objective 3, which aims “to improve Poland’s connectivity in different dimensions by developing transport and telecommunications infrastructure” [National Spatial Development Concept 2030].

2010-2020 National Regional Development Strategy: Regions, Cities, Rural areas in its Goal 2 “Establishment of the territorial cohesion and preventing the processes of marginalization of problem areas” Point 2.4 “Overcoming the difficulties related to the situation of the border areas, especially along the external EU borders” stipulates that activities of the regional policy conducted in territories along the EU external border (with Russia, Belarus and Ukraine) should focus on securing the development of the border infrastructure and the network of cross-border connections [National Strategy of Regional Development 2010-2020].

The 2020 Strategy for Social Development of Eastern Poland includes the following activities regarding the development of border infrastructure and border accessibility:

Article 5.37. Improvement of Eastern Poland’s territorial accessibility. The emphasis is on connecting with the network of motorways and expressways and development of railway transport.

Article 5.39. Improvement of railway accessibility through international, national and regional corridors. It stipulates modernization of international connections according to technical standards and restructuring of regional railway connections.

Article 5.44. Improvement of transport connectivity with the countries that border Eastern Poland. It emphasizes that the movement intensity is considerably limited by a small number and capacity of border crossing points. It is important to further develop available and create new automobile routes and bridge crossings on the Ukrainian border [Strategy for Socio-Economic Development of Eastern Poland 2020].

The Region Development Strategy: Podkarpackie 2020, in particular action direction 3.1.1 of Action Area 3 “Development of road transport network strengthening external communications accessibility of Rzeszów and sub-regional centres in national and international terms” also outlines the need to develop new border crossing points and new roads to enhance accessibility to border crossing points and logistic centers [Region Development Strategy – Podkarpackie 2020].

The 2016-2022 Program of Economic and Social Development of Kosický Self-Governing Region emphasizes that the V International East-West Corridor goes through the territory of the region and Zakarpatska oblast of Ukraine to Kyiv, therefore, the improvement of road infrastructure and transport accessibility is a strategically important task. In particular, Specific Goal 1.4 states that there is a close connection between infrastructure and logistics. It is not only about roads, but also about the broader concept of promoting efficient mobility of goods, capital and people through the modernization of railway connections, centralized storage facilities and logistic centres, developed industrial parks and advanced Internet connection. Specific activities planned for the implementation of this goal include the construction of an integrated transport terminal and global logistic industrial park in the region [Program hospodárskeho a sociálneho rozvoja Košického 2016-2020].

The 2016-2022 Program of Economic and Social Development of Prešovský Self-Governing Region also mentions the strategic importance of this territory for international transport connections, as far as there are several multimodal corridors, including Bratislava-Zilina-Prešov/Kosice-Zahor-Cierna nad Tisou-Ukraine. Article 1.5 emphasizes the need to build approach routes to the border crossing point with Ukraine in Ubla and to the highway D1, which is part of a multimodal branch of the corridor on the road Bratislava – Zilina -Uzhorod and part of core TEN-T network. Connecting with the corridor will link 8 out of 10 largest cities of Slovakia with the cities of adjoining regions, contributing to the cities’ accessibility and improving the necessary capacities in these transport directions [Program hospodárskeho a sociálneho rozvoja Prešovského 2014-2020].

General Plan of Presov Region Transport Infrastructure in Article 4.1.4 “Transport accessibility in the region” notes the importance to develop transport axis West-East, which is expected to expand in the volumes of goods supply and passenger flows towards Ukraine. Therefore, it is necessary to improve the conditions of crossing the border in Ubl’a-Malyi Bereznyi border crossing point.

The General Plan stipulates the following activities for border with Ukraine in the perspective:

Ubl’a-Malyi Bereznyi: development of Lypnyky-Ubla highway, removal of weight restrictions and promotion of TIR transportation;

Ulic-Zabrid: reconstruction of road section Ulic – Ukrainian border, passenger and freight transportation up to 3.5 t.

The General Plan of Presov Region Transport Infrastructure pro lists activities that should be implemented within each area of the region. Namely, for the Snina area that borders Ukraine the following activities are planned:

- development of transport connection between Lypnyky and Ubl’a in the automobile corridor I/74;

- creation of conditions to develop highway between Lypnyky-Humenne and Ubl’a by 2040;

- adjustment of road sections to improve the safety of movement on the road I/74 Kamenica nad Cirochou – Modra nad Cirochou – Dlhe nad Cirochou – Snina – Ubl’a – Malyi Bereznyi;

- reconstruction of road Ulic – Ukrainian border [Generel dopravnej infraštruktúry Prešovského kraja 2015].

The 2020 Strategy of Satu-Mare County Development notes that the region’s geographic location is not favourable because it is on the periphery of main transport axes and does not have a large urban center unlike other Romanian regions, e.g. Timisoara or Oradea. Therefore, it emphasizes the development of infrastructure and the need to connect the county with several large transport networks. Strategic Goal 2 of the document covers this issue. Regarding neighbouring Ukraine, the Strategy mentions access to the TEN-T network through the road section DN1F – DN19A – DN19 – DN1C through Cluj-Napoka, Zalau, Satu Mare and Halmeu. Road DN19 connects Oradea through Satu Mare with Ukrainian road in Sighetu and DN1C – Cluj-Napoka with Ukrainian border in Halmeu [Strategia de dezvoltare a Județului Satu Mare până în 2020].

The Strategy also stipulates the modernization of the road between Turda and Halmeu on Ukrainian border to raise the travel speed. The road goes through Cluj-Napoka, Baia Mare and Satu Mare. Along with the road OR2, this road provides connection between the South and Center of Romania and North-Western regions and border with Ukraine. The Strategy emphasizes that most of infrastructure is in poor condition and 89% of the road is single-way.

A Master Plan for the Transport of Romania in Article 4.5.80 mentions the modernization of the road between Turda and Halmeu to raise the speed of travel. This road connects the Ukrainian border with the network of trans-European corridors, however, the time it takes to cover the distance is substantially long at an average speed of 70 km/h and most of the infrastructure is in poor condition.

In addition to trans-European corridors and main corridors of transnational and regional levels the Master Plan in the Article 4.5.141 also provides a list of activities to be undertaken with a view to developing local roads, so called Level 3 roads. The list includes the creation and modernization of border crossing infrastructure, organization of parking lots and rest areas, installation of road signs in three languages, including that of neighbouring country and construction of additional lines for heavy transport.

Regarding the railway transport, the document notes that one of the major axes of Romania that is the part of TEN-T comes to the border with Ukraine. It goes through Arad, Oradea, Carei, Satu Mare, Halmeu and Dyakovo in Ukraine [Master Plan General de Transport al Romanei 2015].

2008-2020 Single Transport Development Strategy of Hungary emphasizes the need for Ukraine to implement the Council Directive 92/106 of 7 December 1992 on imposing common rules for certain types of combined freight transportation between the Member States [Egységes Közlekedésfejlesztési Stratégia 2008-2020]. Association Agreement stipulates 8 years to adapt Ukrainian legislation to the Directive (i.e. 1 November 2022)

The Directive is applied to intermodal transport operations.

Due to beneficial geopolitical situation of Ukraine, the most important task is to improve the capacity of transport network by promotion of less used types of transport (like domestic river transport), unloading of automobile transportation and connection with international multimodal transport links.

The Strategy also attributes a great role to such transportation artery as Danube, which accompanies the 7th Pan-European corridor – the Danube (water) corridor. The largest left Danube tributary Tisza flows through the territory of Zakarpatska oblast and can become the part of international network of water routes.

The Strategy of National Transport Infrastructure Development 2014 shows the importance of switching from long-distance international road transport to railways and water. If the cost of these forms of transport is viewed in the context of the whole supply chain, it can be demonstrated that the service chain is reliable and delivery times and flexibility are close to those offered by road transportation. The signing of an agreement between Ukraine and Hungary on intermodal transportation should facilitate the process [Nemzeti Közlekedési Infrastruktúra-Fejlesztési Stratégia 2014].

The Transport Operation Program (2013) suggests the following EU transport development priorities in the Article 2.2.4. Other professional aspects of planning:

1. Development of railway and automobile lines TEN, including the Priority Project 6 (PP) 6: Lyon-Trieste-Divaca / Koper- Divaca -Ljubljana-Budapest-Ukrainian border). PP6 is the priority in terms of railway line Budapest – Szolnok. The direction Szolnok – Debrecen – Záhony will develop towards Ukrainian border [Közlekedés Operatív Program 2013].

The Program encourages the development of railway infrastructure in the region (restoration of towing network that services freight capacities). It is also possible to modernize domestic road infrastructure of the region in order to develop access logistic centres and railways and to avoid settlements. There also expectations that the trade with East and Far East will grow due to realization of the program regarding the development of Zahony complex.

Middle-Term Logistic Strategy 2014-2020 emphasizes the transport-logistic role of Zahony and of Cierna Russian-Hungarian and Chinese-Hungarian railway freight transportation.

Danube is the most important element of the domestic water transport network (the system of water routes Danube-Main-Rhine). Tisza can be turned into a navigable water route with substantial investment, however these opportunities are currently being explored [Középtávú logisztikai stratégia 2014-2020].

Hungarian Government in its Decision 2130/2017 (XII. 29.) “On the Organization of Transport Infrastructure Development on the Hungarian-Ukrainian Border” published on 29 December 2017 declares the comprehensive support to the development of transport connections in Hungarian-Ukrainian border region, in particular it emphasizes the need:

- to connect highways M34 and M3 with motorways on the Ukrainian side;
- to prepare a new bridge (M34) next to the existing Tisza bridge in Zahony;
- to substantiate the need to establish a road connection between Tarpa and Badalovo;
- to restore the road surface on the Tisza bridge between Zahony-Chop;
- to improve the conditions of border crossing and accelerate border clearance procedures on the Tisza bridge between Zahony-Chop;
- to expand the freight terminal at Beregsurány–Asztély. However, it cannot be finished by EU funding, therefore, the Ukrainian side should be consulted in terms of searching for new sources of funding;
- to reduce the railway travel time between Budapest and Mukachevo to 7 hours and to develop the railway connection with Uzhorod and Berehove [Korm. határozat a magyar-ukrán határtérség közlekedési infrastrukturális fejlesztéseiről 2130/2017 (XII. 29)].

2030 Concept of National and Regional Development 2030 adopted by the Parliament on 17 December 2013 provides the following:

1.5.5 Reassessment of border regions. Eastern-Western transport flow is the motor of growth in the region. However, the route is overloaded. Its development requires compliance with European standards and construction of necessary infrastructure. Breakthrough point can be integrated around the umbrella Zahony-Chop-Cierna based on the use of logistic capacity of three countries.

3.1.3.8 Border and cross-border developments. Environmentally friendly alternative forms of transport (water transport, cycle routes) are an ordinary development phenomenon supplemented by nature management and cultural values (i.e. cross-border natural parks, cultural thematic routes).

3.2.1.8 Logistics. Development policy tasks include the construction of the network of interrelated logistic service centres; improvement of infrastructure; promotion of intermodality; expansion of logistic use of river transportation to existing ports; development of railway-water-road connections [Határozat a Nemzeti Fejlesztés 2030].

The Ministry of National Development issued a report on the planned railway and automobile routes by 2022. Regarding Ukrainian-Hungarian border area, it stipulates connecting of roads M34 and M3 with the border with Ukraine [Planned Hungarian rail and road developments 2018].

## **6. EU legislation framework of transport policy and core transport corridors**

First of all, EU has strategic common transport policies. The Commission published its 2011 White Paper on the future of transport for the period to 2050, entitled ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’ (COM (2011)0144) on 28 March 2011. Among the 10 objectives included in the 2011 White Paper, the Commission sought to set up a single European transport area by doing away with all remaining barriers between modes and national systems, by easing the process of integration, and by facilitating the emergence of multinational and multimodal operators. A higher degree of convergence and enforcement of social, safety, security and environmental rules, minimum service standards and users’ rights was sought in order to avoid tensions and distortions [Coito: 2019].

One of the important instruments for development of the relation between the EU and the Neighbourhood countries of the East and the South is the European Neighbourhood Instrument (ENI) 2014-2020. In the case of Ukraine, one should mention the regional programming document, which consists of the Regional East Strategy Paper (2014-2020) and Multiannual Indicative Programme (2014-2017) [Programming of the European Neighbourhood Instrument (ENI) – 2014-2020]

In addition to the strategy documents there are different types of documents in EU law such as decisions, regulations, resolutions, communications, opinions etc. Each document has its scope of influence.

Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (TEN-T) establishes guidelines for the development of a trans-European transport network, identifies projects of common interest and specifies the requirements to comply with for the management of the infrastructure of the trans-European transport network; sets out the priorities for the development of the trans-European transport network; provides the measures for the implementation of the trans-European transport network [Regulation (EU) No 1315/2013 of 11 December 2013]. Annex III of the Regulation (EU) No 1315/2013 contains indicative maps of the trans-European transport network, which are applied to specific neighbouring countries. In 2013 the maps of the Ukraine's transport network as well as of the other Eastern Partnership countries were not included in the Regulation (EU) No 1315/2013. However, Commission Delegated Regulation (EU) 2019/254 of 9 November 2018 on the adaptation of Annex III to Regulation (EU) No 1315/2013 included indicative maps of the core rail and road networks in Ukraine [Regulation (EU) 2019/254 of 9 November 2018].

The Resolution on infrastructural cooperation between the EU and Eastern Partnership countries: joint road, rail and air transport projects emphasizes “that strengthened cooperation in the transport sector could significantly help Eastern Partnership countries to become economically stronger and politically more stable; points out that citizens and businesses in the EU and in neighbouring regions are the direct beneficiaries of improved transport cooperation, which aims to reduce the time and resources spent on transportation of goods, services and passengers, and that closer market integration can also help to open up new market opportunities for businesses in both the EU and its neighbouring regions” [EU Resolution on infrastructural cooperation between the EU and EP countries 2015].

The core and comprehensive network of the European infrastructure has a strategic significance in the Eastern and Western parts of the European Union. Generally, nine core TEN-T corridors exist but only two end at the Ukraine border.

There are 11 rail freight corridors (RFC) in the EU. Two of them end at the Ukrainian border. RFC6 or the Mediterranean corridor goes to Zahony – Chop. RFC9 or Czech-Slovak is a part of Rhine – Danube corridor that ends at Slovak/Ukrainian border [Rail Freight Corridors map 2018].

Core corridors include railways, roads, airports, ports, rail-road terminals (RRT), sections of “motorways of the sea” and inland waterways. There are several airports and rail-road terminals (RRT) which are located within neighbouring

Table 2. Ukraine as part of TEN-T corridors

Corridor	EU Member States	Principal routes	Ukrainian border	Type	Route type
Rhine – Danube corridor	FR, DE, AT, CZ, SK, HU, RO, BG, HR	Strasbourg – Stuttgart – München – Wels/Linz Strasbourg – Mannheim – Frankfurt – Würzburg – Nürnberg – Regensburg – Passau – Wels/Linz München/Nürnberg – Praha – Ostrava/Prerov – Žilina – Košice Wels/Linz – Wien – Bratislava – Budapest – Vukovar Wien/Bratislava – Budapest – Arad – Braşov/Craiova – Bucureşti – Constanţa – Sulina	Chierna nad Tisou – Chop  Vyshne-Nemetske – Uzhhorod (Slovak/Ukrainian border)	Freight, Passenger	Rail  Road
Mediterranean	ES, FR, IT, SI, HU, HR	Algeciras – Bobadilla – Madrid – Zaragoza – Tarragona Sevilla – Bobadilla – Murcia Cartagena – Murcia – Valencia – Tarragona Tarragona – Barcelona – Perpignan – Marseille/Lyon – Torino – Novara – Milano – Verona – Padova – Venezia – Ravenna/Trieste/Koper – Ljubljana – Budapest Ljubljana/Rijeka – Zagreb – Budapest	Zahony – Chop  Beregshurany – Luzhanka (Hungarian-Ukrainian border)	Freight, Passenger	Rail  Road

Source: Regulation (EU) No 913/2010 of 22 September 2010; Mobility and Transport. TEN-tec Interactive Map.

EU counties at a distance of less than 400 km from the Ukrainian border. RRT are places where passengers can embark and disembark and where freight can be transferred. Intermodal terminals are the interface between the different transport modes and thus are key to access intermodal transport services and to ensure efficient and road-competitive intermodal supply chains throughout Europe. Basic functions of intermodal terminals include transshipment of loading units between different transport modes; check in/out functions, such as check of documents, the security and damages of loading units and handling of dangerous goods and respective documents; disposition, such as rail and truck disposition for loading and unloading; disposition of internal transshipments and movements and terminal management system; ingoing and outgoing train check; intermediate buffer of loading units [Intermodal Terminals].

Table 3. Airports, border crossing points and rail-road terminals of the core and comprehensive network in EU-member neighbouring countries (less than 400 km to UA-border)

EU Member State	Road		Rail		Airports		Rail-road terminals	
	Border Crossing	UA	Border Crossing	UA	Core	Comprehensive	Core	Comprehensive
Poland	Korczo	Krakovets	Przemysł	Mostyska	Kraków	Rzeszów	Kraków Warszawa	Dorohusk/ Okopy Werchrata/ Rawa Medyka/ Żurawica
	Dorohuska	Yahotyn	Dorohuska	Yahotyn	Warszawa			
	Hrenene	Rava-Ruska	–	–				
Romania	Siret	Porubne	Vicșani	Vadul-Siret	–	Baia Mare; Cluj-Napoca; Oradea; Suceava	–	Cluj-Napoca; Suceava
	Halmeu	Dyakovo	Halmeu	Dyakovo				
Hungary	Beregsurány	Luzhanka	Záhony	Chop	Budapest	Debrecen	Budapest	Záhony; Miskolc
Slovakia	Vyšné Nemecké	Uzhhorod	Čierna nad Tisou	Chop	–	Košice	–	Košice, Matovce

Source: Regulation (EU) No 1315/2013 of 11 December 2013; Mobility and Transport. TEN-tec Interactive Map.

Beside the core and comprehensive transport network there is also the European cycle route network (EuroVelo network), which is a project of the European Cyclists' Federation (ECF). The EuroVelo network consists of 5 transcontinental routes [EuroVelo 2019]. One of them crosses the territory of Ukraine: #4 Central Europe Route: Roscoff – Kiev. And the nearest one is #11 East Europe Route: North Cape – Athens. EuroVelo 11 goes through Košice, near the UA-Hungary border and at the territory of Poland (Kraków – Tarnów) crosses the EuroVelo #4. The Opinion of the European Economic and Social Committee on the Promotion of cross-border cycle transport mentions „that the goal of EuroVelo project is to develop international long-distance cycle routes across Europe, both within and outside the EU Member States. The routes are largely based on existing local and regional routes. The continental perspective of the project and the vision of a pan-European network of cycle routes have proved a major asset since the start of the project. The idea behind Euro Velo is to develop and maintain a recognized Trans-European Cycle Route Network as a Trans-European Network, comparable to the rail and road network” [EU Opinion Promotion of cross-border cycle transport 2007].

## 7. Conclusions

The development of Ukraine's national transport network depends directly on the level of its integration with the network of international and trans-European transport corridors, modernization and improvement of modern information technologies used in management of such networks, etc.

The implementation of integration processes under the EU-Ukraine Association Agreement and "temporary" application of Deep and Comprehensive Free Trade Agreement since 1 January 2016 accelerates the entry of border regions into the European economic space through implementation of EU legislation in various economy areas. However, the Report on Compliance with the EU-Ukraine Association Agreement in 2018 indicated that the current progress was estimated at 52%. Moreover, fulfilment of obligations was the least successful in the following areas: education, training and youth (13%), transport, transport infrastructure, postal and courier service (15%), public procurement (16%), environment and civil protection (22%). Among the positive points the Report mentions the adjustment of laws "On Railway Transport", "On Domestic Water Transport" and "On Concessions."

The Ukrainian transport system borders the trans-European transport network (TEN-T), but the current level of interoperability is low due to a big technological gap. The adoption of the Law "On Multimodal Transportation" is very urgent as it is the core element of the mechanism of implementation of the Council Directive 92/106 of 7 December 1992 on imposing common rules for certain types of combined freight transportation between the Member States. It is also important to develop and adopt the Strategy of Integrated Border Management and to enshrine in legislation the basic principles and ways to develop and realize transit capacity of Ukraine, etc.

Overall, the EU policy in the transport area is aimed at:

- reducing the number of vehicles with "conventional fuels";
- transferring 50% of the flows of middle-distance inter-municipal passenger and freight transportations from automobile to railway and water transport;
- developing the cycling infrastructure to improve safety, reduce the number of accidents and raise the quality of residents' life. Its development should agree with the development of railway transport network;
- developing "smart transport systems" or "ITC";
- securing the accessibility, quality and safety of passenger and freight transportation, etc.

The implementation of common development strategies of neighbouring border regions of Ukraine and EU Member States is an important component of planning transport infrastructure development. It will contribute to making

borders “more open” through the development of engineering-transport infrastructure; the creation of common cross-border innovation structures (clusters, industrial parks, etc.), joint enterprises; common implementation of projects in the area of ecologically sound and energy efficient technologies; development of tourism infrastructure, etc.

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## **Instytucjonalne i prawne ramy rozwoju infrastruktury transportowej na terenach transgranicznych między UE a Ukrainą**

**Streszczenie.** *W artykule przedstawiono możliwości zagranicznej działalności gospodarczej, które powstały na Ukrainie w związku z wejściem w życie układu o stowarzyszeniu między Unią Europejską a Ukrainą. Podkreślono potrzebę odpowiedniego rozwoju infrastruktury granicznej i transportowej, a także dostosowania jej do planów i priorytetów określonych na szczeblu krajowym i europejskim państw członkowskich w celu zacieśnienia współpracy między Ukrainą a UE w sferze politycznej i gospodarczej. Przeanalizowano dokumenty krajowe, regionalne i lokalne państw członkowskich UE graniczących z Ukrainą w sprawie infrastruktury transportowej i granicznej. Szczególną uwagę zwrócono na programy transportowe, strategie i plany główne oraz przewidziane przez nich postanowienia dotyczące rozwoju infrastruktury w pobliżu granicy z Ukrainą. Wymieniono lotniska, punkty kontrolne i terminale kolejowe sieci głównej i pomocniczej w sąsiednich państwach członkowskich UE do 400 km od granicy z Ukrainą.*

**Słowa kluczowe:** *Ukraina, transport, infrastruktura graniczna, ramy prawne, strategia*