

No. 53699. Poland and Ukraine

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF POLAND AND THE CABINET OF MINISTERS OF UKRAINE ON THE RULES OF LOCAL BORDER TRAFFIC. KIEV, 28 MARCH 2008

SECOND PROTOCOL BETWEEN THE GOVERNMENT OF THE REPUBLIC OF POLAND AND THE CABINET OF MINISTERS OF UKRAINE AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF POLAND AND THE CABINET OF MINISTERS OF UKRAINE ON THE RULES OF LOCAL BORDER TRAFFIC, SIGNED IN KYIV ON MARCH 28, 2008. WARSAW, 17 DECEMBER 2014*

Entry into force: 22 January 2016, in accordance with article 7

Authentic texts: English, Polish and Ukrainian

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N° 53699. Pologne et Ukraine

ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE POLOGNE ET LE CABINET DES MINISTRES DE L'UKRAINE SUR LES RÈGLES RELATIVES AU TRAFIC FRONTALIER LOCAL. KIEV, 28 MARS 2008

DEUXIÈME PROTOCOLE ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE POLOGNE ET LE CABINET DES MINISTRES DE L'UKRAINE MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE POLOGNE ET LE CABINET DES MINISTRES DE L'UKRAINE SUR LES RÈGLES RELATIVES AU TRAFIC FRONTALIER LOCAL, SIGNÉ À KIEV LE 28 MARS 2008. VARSOVIE, 17 DÉCEMBRE 2014*

Entrée en vigueur : 22 janvier 2016, conformément à l'article 7

Textes authentiques : anglais, polonais et ukrainien

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SECOND PROTOCOL

Between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine amending the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the rules of Local Border Traffic signed in Kyiv on March 28, 2008

The Government of the Republic of Poland and the Cabinet of Ministers of Ukraine, hereinafter referred to as “the Contracting Parties”, desiring to amend the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the rules of Local Border Traffic signed in Kyiv on March 28, 2008, hereinafter referred to as “the Agreement”,

have agreed as follows:

Article 1

Article 4 of the Agreement shall read as follows:

“The permit issued by the competent authorities of the State of one Contracting Party entitles its holder to cross the common border of the States of the Contracting Parties and to uninterrupted stay in the border area of that State for up to 90 days each time.”

Article 2

Article 9 of the Agreement shall read as follows:

“1. The fee for receiving and processing the first permit application shall amount to 20 Euros.

2. The following categories of persons shall be exempted from the fee referred to in paragraph 1:

- 1) disabled persons;
- 2) pensioners;
- 3) children under the age of 18.

3. The processing and receiving of the second and subsequent permit applications shall be free of charge.”

Article 3

To the Agreement the new Article 9a is added which shall read as follows:

“1. An external service provider may be entrusted with the performance of collecting applications, biometric information, the fee for receiving and processing a permit application and travel documents as well as with the returning of travel documents along with the issued permit or a refusal notification.

2. The examination of the applications and the issuance of permits shall be carried out only by the authorities listed in the Annex 3 to the Agreement.

3. The external provider referred to in paragraph 1 may charge a service fee which shall not exceed a quarter of the amount of the fee set out in Article 9 (1). The aforesaid fee shall be charged irrespective of the possible exemptions as provided for in Article 9 (2) and (3).”

Article 4

Article 13 of the Agreement shall be repealed.

Article 5

The following local administrative units situated in the border area on the territory of Ukraine shall be added to the list in the Annex 1 to the Agreement:

- Волинська область Volynska Oblast:
 - “408¹. Гевин Hevyn
 - 408². Орані Orani
 - 408³. Руснів Rusniv”
- Львівська область Lvivska Oblast:
 - “1546. Тисовець Tysoverts”

Article 6

The Annex 4 to the Agreement shall read as follows:

“Penalties applied in the event of infringement of the local border traffic regime:

- in the territory of the Republic of Poland:
 - a) decision obliging the alien to return;
 - b) entry of aliens name in the list of aliens whose stay in the territory of the Republic of Poland is undesirable;
 - c) cancellation of the permit;
 - d) fine;

- in the territory of Ukraine:
 - a) expulsion;
 - b) shortening the length of duration of stay in the territory of Ukraine if the infringement is not liable to administrative or criminal sanction (Article 24 of the Law of Ukraine on Legal Status of Aliens and Stateless Persons);
 - c) entry ban;
 - d) fine (Article 202 of the Code of Administrative Offences of Ukraine);
 - e) warning or fine (Article 203 of the Code of Administrative Offences of Ukraine);
 - f) fine or administrative detention of up to 15 days (Article 204¹ of the Code of Administrative Offences of Ukraine);
 - g) cancellation of the permit.”

Article 7

Each of the Contracting Parties shall notify the other Party through diplomatic channels of the completion of the procedures required by its law for the bringing into force of this Protocol. The Protocol shall enter into force following the procedure laid down in Article 19 of the Agreement.

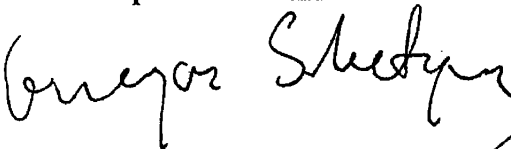
Article 8

This Protocol, which shall constitute an integral part of the Agreement, shall remain in force as long as the Agreement remains in force.

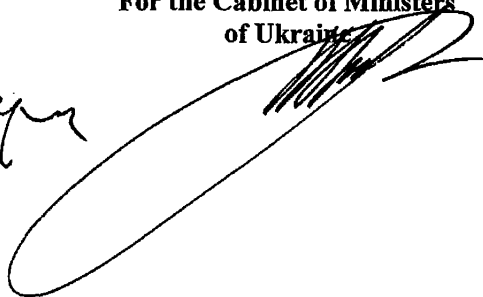
IN WITNESS WHEREOF, the undersigned, duly authorised thereto by their respective Governments, have signed this Protocol.

Done at Warsaw..... on 17th December 2014 in two original copies, each in the Polish, Ukrainian and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English version shall prevail.

**For the Government
of the Republic of Poland**



**For the Cabinet of Ministers
of Ukraine**



DRUGI PROTOKÓŁ

**między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy
zmieniający Umowę między Rządem Rzeczypospolitej Polskiej
a Gabinetem Ministrów Ukrainy o zasadach małego ruchu granicznego,
podpisaną w Kijowie dnia 28 marca 2008 roku**

Rząd Rzeczypospolitej Polskiej i Gabinet Ministrów Ukrainy, zwane dalej „Umawiającymi się Stronami”, pragnąc zmienić Umowę między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy o zasadach małego ruchu granicznego, podpisaną w Kijowie dnia 28 marca 2008 roku, zwaną dalej „Umową”,

uzgodniły, co następuje:

Artykuł 1

Artykuł 4 Umowy otrzymuje następujące brzmienie:

„Zezwolenie, wydane przez właściwe organy Państwa jednej Umawiającej się Strony, uprawnia jego posiadacza do przekraczania wspólnej granicy Państw Umawiających się Stron oraz nieprzerwanego pobytu w strefie przygranicznej tego Państwa do 90 dni każdorazowo od dnia przekroczenia granicy.”

Artykuł 2

Artykuł 9 Umowy otrzymuje następujące brzmienie:

„1. Opłata za przyjęcie i rozpatrzenie pierwszego wniosku o wydanie zezwolenia wynosi 20 euro.

2. Zwolnione z opłaty, o której mowa w ustępie 1, są następujące kategorie osób:

- 1) osoby niepełnosprawne;
- 2) emeryci i renciści;
- 3) dzieci w wieku do lat 18.

3. Nie pobiera się opłaty za przyjęcie i rozpatrzenie drugiego i kolejnego wniosku o wydanie zezwolenia.”