

**AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE REPUBLIC OF LATVIA
ON
THE MAINTENANCE OF THE LITHUANIAN- LATVIAN STATE BORDER
AND THE ACTIVITIES OF BORDER DELEGATES**

The Government of the Republic of Lithuania and the Government of the Republic of Latvia (hereinafter 'the Parties'),

striving to develop and strengthen a friendly relationship, beneficial for both states and nations,

willing to preserve the continuity of the principles of the maintenance of the Latvian - Lithuanian state border that were set out in the Agreement between Latvia and Lithuania on the Maintenance of Border Signs and Border Zone of 25 January 1931, and to regulate the maintenance of the Latvian - Lithuanian state border and the activities of border delegates according to contemporary realities,

taking into account the provisions of the Treaty concerning the Restoration of the State Border between the Republic of Latvia and the Republic of Lithuania of 29 June 1993 (hereinafter 'the Treaty'),

taking into account the membership of the Republic of Latvia and the Republic of Lithuania in the European Union and the Schengen Area,

have agreed as follows:

**CHAPTER I
General Provisions**

Article 1

The terms used in the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on the Maintenance of the Latvian - Lithuanian State Border and the Activities of Border Delegates (hereinafter 'this Agreement') shall have the following meaning:

1) **Latvian - Lithuanian state border** (hereinafter 'the state border') means the line and the vertical surface extending along this line which separate the territories (the land, water, sub-terrain and air space) of the Republic of Latvia and the Republic of Lithuania in accordance with the Treaty;

2) **re-demarcation documents** mean the Latvian - Lithuanian state border map, the description of the state border including its annex, the catalogue of the coordinates of border markers, the border markers sketch map, the final protocol of the meeting of the Mixed Commission for the Restoration of the state border between the Republic of Latvia and the Republic of Lithuania, and any other documents recognised by the Parties that determine the location of the state border, as well as the annexes and supplements thereto that have been or may be drawn up in the course of the implementation of this Agreement;

3) **inventory of the state border** means a joint periodic comparing of the actual location of the state border and of the state border markers with the re-demarcation documents, conducted jointly by using updated cartographic materials and geodetic measurements in order to determine sections with deviations, as well as the assessment of the condition of the border markers and border strip;

4) **border guard services** mean the State Border Guard of the Republic of Latvia and the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania;

5) **border strip** means the part of land or waters in the border area which is adjacent to the state border (the width thereof being at least 5 meters each side of the state border line) and intended for the establishment and maintenance of border markers and other state border guard facilities;

6) **border waters** mean the sections of lakes, rivers, streams, trenches and other bodies of water, where the state border is situated;

7) **border incident** means the event at the state border or in the vicinity thereof that affects interests of the Republic of Latvia and the Republic of Lithuania and shall be examined by the border guard services in order to settle such an incident;

8) **investigation of the border incident** means the comprehensive examination of the circumstances related to the occurrence and type of the border incident that shall be conducted by border delegates;

9) **joint inspection of the state border** means the inspection of the condition of the border strip, border markers, banks of the border waters and their maintenance in order to preserve constant and unambiguous location of the state border, as well as the inspection of whether the direct visibility is ensured between the adjacent border markers on land or the border pillars constituting one border marker in river sections (where the state border is situated along the rivers);

10) **border delegates** mean the authorised officials of the states of the Parties whose functions and duties are laid down in Chapter VI of this Agreement.

Article 2

This Agreement lays down the procedures for the following:

- 1) maintenance of the state border, border markers and the border strip;
- 2) inventory of the state border;
- 3) joint inspection of the state border, border markers and the border strip;
- 4) establishment of the Joint Commission determining functions and rules of procedure thereof;
- 5) activities and cooperation of border delegates;
- 6) examination and settlement of border incidents.

Article 3

The state border has been established by the Convention between Latvia and Lithuania regarding the Delimitation on the Spot of the Frontier between the Two States, regarding the Rights of the Citizens in the Frontier Zone, and the Status of Immovable Property Intersected by the Frontier Line of 14 May 1921, the Declaration between Latvia and Lithuania regarding the Final Frontier Establishment of 30 June 1930, the Treaty, and the Agreement between the Government of the Republic of Latvia, the Government of the Republic of Lithuania and the Government of the Republic of Belarus on the Procedures for Establishing the Point of Intersection of the State Borders of 25 March 1998, and marked on

the terrain accordingly, as laid down in the following:

- 1) re-demarcation documents;
- 2) re-demarcation documents of 29 June 2001 with regard to the border marker “Ludvinova/Liudvinavas” which has been erected on the point of intersection of the state borders of the Republic of Latvia, the Republic of Lithuania and the Republic of Belarus, and constitutes the end point of the border.

Article 4

Marking of the state border in a manner different from that determined by the Mixed Commission for the Restoration of the State Border between the Republic of Latvia and the Republic of Lithuania in the course of the restoration of the state border shall only be permissible under a decision by the Joint Commission. Marking procedures may be modified and other types of border markers may be used under a decision of the Joint Commission.

CHAPTER II Maintenance of the State Border

Article 5

1. Economic and any other type of activity in the border strip shall be regulated by the laws and regulations applicable at the states of the Parties.

2. Economic and any other type of activity in the territories adjoining the state border shall be conducted by each of the Parties in a manner that does not cause damage to the other Party.

3. Construction and reconstruction designs of bridges, barriers, locks, dams and other hydrotechnical structures, objects of engineering and transport infrastructure, as well as any other objects located or designed in the border strip and crossing the state border shall be endorsed by the Joint Commission.

4. Endorsement of construction and reconstruction designs of the objects shall be conditional on preservation of the position of the bed, water level and the yield. Bank reinforcement works shall be envisaged, if necessary.

5. Maintenance and repair of the objects located on both sides of the state border shall be ensured by their owners.

Article 6

1. The Parties agree to maintain the border markers in a condition ensuring the compliance of their location, type and form with the re-demarcation documents.

2. The responsibility for the maintenance of the border markers shall be shared in the following manner:

2.1. the Republic of Lithuania shall be responsible for the border pillars located in its territory;

2.2. the Republic of Latvia shall be responsible for the border pillars located in its territory;

2.3. for the bilateral border markers with the official symbols of the states of the Parties that are erected on the border line:

2.3.1. the Republic of Lithuania shall be responsible for border markers from No. 0001 to No. 1008 (from the Baltic Sea coast to the Via Baltica international motorway);

2.3.2. the Republic of Latvia shall be responsible for border markers from No. 1009 (from the Via Baltica international motorway) to the three-sided border marker “Ludvinova/Liudvinavas”.

Article 7

1. In the course of mutual assistance the Parties shall take measures necessary for preservation of border markers in order to prevent relocation, damage or loss of border markers or specific border pillars.

2. In case damage or loss of a border marker or a specific element thereof is noticed, the border delegates shall immediately notify each other of this fact, except for the cases when insignificant damage is caused to the elements of a border marker that are located in the territory of their state and do not require restoration or replacement.

3. In case a border marker or a specific border pillar is relocated or lost, it shall be restored by the border guard service of the state responsible for it. The border delegate of the state that carries out the specified works shall send a written notification thereof to the border delegate of the other state and the Joint Commission at least 10 days prior to the commencement of the works.

4. The border marker shall be restored in the original location in accordance with the re-demarcation documents. Border delegates shall draw up a statement on the works carried out with regard to the restoration of a border marker or a specific border pillar in 2 copies in the Latvian and Lithuanian languages and submit it to the Joint Commission.

5. Under a decision of the Joint Commission in case of restoration of border markers the location of border markers or specific border pillars may be altered in order to erect them in the places where stability and preservation thereof are ensured, provided that the original location of the state border is preserved.

6. The Joint Commission shall draw up a statement in 2 copies in the Latvian and Lithuanian languages on the works of erection of a border marker or a specific border pillar in a new place.

7. For each border marker or specific border pillar erected in a new place, the Joint Commission shall within a month draw up a border marker sketch map that shall comply with the structure of the re-demarcation documents and shall be annexed thereto. Appropriate adjustments shall be made in the re-demarcation documents.

8. Under a decision of the Joint Commission, additional border markers may be erected if necessary, provided that the original location of the state border is preserved, followed by appropriate adjustment of the re-demarcation documents.

Article 8

1. The border strip shall be maintained ensuring visibility of the state border all along its length, and if necessary shall be cleared from trees, bushes and other vegetation. Banks of the border waters shall be cleared from trees, bushes and other vegetation insofar as it is necessary to ensure the visibility between the border pillars of the states of the Parties constituting the same border marker.

2. Each Party shall clear the border strip in the territory of its state.

CHAPTER III

Inventory of the State Border

Article 9

1. After this Agreement comes into force, the Joint Commission shall conduct inventory of the state border at least once every fifteen years or, in case of necessity, this may be done more frequently upon the agreement between the Parties.

2. To enable each Party to carry out the necessary preparation, the starting time of the inventory and the scope of works shall be agreed in advance through diplomatic channels.

3. Inventory on the border waters shall be conducted in the summer season when the water level in rivers and other bodies of water is not higher than the average.

4. In order to conduct the inventory, the Joint Commission shall:

4.1. perform analysis of the re-demarcation documents, materials of the previous inventory, joint survey of the state border, as well as any other documents drawn up in the course of the implementation of this Agreement;

4.2. using the updated cartographic material, establish the sections of the border waters where the bank line of a body of water is subject to alterations, islands and sandbanks form, and other natural and artificial processes take place in an intensive manner creating preconditions for alterations in the location of the state border in the locality.

5. On the basis of the results of the conducted inventory of the state border, the Joint Commission shall draw up minutes in 2 copies in the Latvian and Lithuanian languages. The report shall be accompanied by a statement on the inventory of the state border where any deficiencies that should be rectified or eliminated shall be noted. The documents shall be signed by the members of the Joint Commission who have participated in the meeting.

6. Deficiencies shall be eliminated and the border markers shall be restored and replaced as soon as possible.

Article 10

1. Depending on the need and feasibility and upon mutual agreement the Parties shall take measures in order to ensure constant condition of the banks of the border waters and reinforce the banks.

2. In order to prevent alterations in the condition of banks of the border waters, these banks shall be reinforced in the places identified by the Joint Commission. Such works shall be carried out and the relevant costs shall be covered by the Party to whose state the bank belongs, unless the said fact is related to activity of the other Party.

3. In the case of any alterations in the river bed, the location of the state border which runs along the river shall not be altered, unless the Parties agree otherwise.

4. If any alterations in the beds of the border waters have been detected, the Joint Commission shall assess the possibility and the feasibility of reinstating the previous bed.

5. Where the reinstatement of the bed of the border waters to its previous location is not possible or feasible, the Joint Commission shall develop proposals for alterations in the demarcation or alterations in the location of the state border, and, if necessary, on reciprocal compensation for the land plots which have separated from the territories of the states of the Parties as a result of natural changes in the bed of the border waters.

6. The documents establishing alterations in the location of the state border resulting from natural phenomena shall be drawn up as re-demarcation documents, and shall enter into force on the day the diplomatic notes are exchanged with regard to the completion of the

internal procedures of the state that are necessary for the documents to enter into force. Accordingly, these documents shall replace relevant part of the re-demarcation documents, which establish the previous location of the state border.

7. Where it is established during inventory of the state border that the measurement data provided for in the re-demarcation documents do not correspond to the data obtained on site in the course of the joint measurements, yet the location of border markers has not been altered, the latest measurement data obtained on site shall prevail and they shall be drawn up as re-demarcation documents.

Article 11

1. Works related to the inventory of the state border shall be equally divided between the Parties.

2. Works related to the drawing up of re-demarcation documents, which are carried out in accordance with the results of the inventory of the state border, shall be divided according to the responsibility of the Parties for the maintenance of border markers:

2.1. border markers from No. 0001 to No. 1008 (from the Baltic Sea coast to the Via Baltica international motorway) – to the Republic of Lithuania;

2.2. border markers from No. 1009 (from the Via Baltica international motorway) to the three-sided border marker “Ludvinova/Liudvinavas” – to the Republic of Latvia.

3. Each Party shall independently cover the costs for its part of works. The question of equating amounts of the costs of the works shall not be raised.

CHAPTER IV

Joint Inspection of the State Border

Article 12

1. Joint inspection of the state border shall be organised by the border delegates of both states. In order to conduct the joint inspection, the border delegates shall establish a joint working group composed of representatives of border guard services (hereinafter ‘the Working Group’). Representatives of other authorities may be included in the Working Group, if necessary.

2. The joint inspection of the state border shall be conducted by the border delegates at least once every 5 years starting from the day of the entry into force of this Agreement. The joint inspection shall usually be conducted in the summer season.

3. The joint inspection of the state border shall comprise visual assessment of the condition of border markers, parameters and location thereof, the condition of the border strip, banks of the border waters, hydrotechnical structures and melioration systems, as well as the condition of other facilities.

4. Measurements regarding the location of border markers and the bank line of the border waters may be carried out, if necessary. In the course of the joint inspection of the state border all deficiencies related to the maintenance of the state border, as well as discrepancies in the re-demarcation documents shall be identified.

5. After the completion of the joint inspection of the state border, the border delegates shall draw up minutes in 2 copies in the Latvian and Lithuanian languages. These minutes shall be accompanied by a statement on the joint inspection of the state border. A separate statement shall be drawn up and attached to the minutes with regard to each re-located, lost or damaged border marker. Statements shall be signed by members of the Working Group. The

border delegates shall sign and forward the minutes to the Joint Commission.

6. Any deficiencies related to the joint maintenance of the state border shall be eliminated as soon as possible.

CHAPTER V

Joint Commission

Article 13

1. The Parties shall establish a Joint Commission within 6 months from the day of the entry into force of this Agreement.

2. The Joint Commission in its activities shall be guided by this Agreement, the re-demarcation documents, as well as the rules of procedure of the Joint Commission.

3. The Joint Commission shall consist of delegations of the Republic of Latvia and the Republic of Lithuania (hereinafter 'the delegations'). Each delegation shall be composed of 5 representatives of the respective Party. Each delegation shall be chaired by a chairman, or, in his or her absence, by a deputy chairman.

4. The Parties shall notify each other of the composition of its delegation in the Joint Commission and any changes thereto through diplomatic channels.

5. Depending on the need the Joint Commission shall have the right to engage experts and other staff, establish joint and unilateral working groups for carrying out tasks within the competence of the Joint Commission.

6. Both delegations of the Joint Commission shall have their stamps, samples of which the Parties shall exchange through diplomatic channels.

Article 14

The basic tasks of the Joint Commission shall be as follows:

- 1) control of the maintenance of the state border on site;
- 2) organisation of the inventory of the state border;
- 3) coordination and addressing of the issues related to the location of the state border, as well as marking and maintenance thereof.

Article 15

The functions of the Joint Commission shall be as follows:

- 1) analysis of the materials regarding the location of the state border and the condition of border markers and border strip;
- 2) conducting of the inventory of the state border;
- 3) reconciliation of the deadline, procedures and technical conditions for the joint inspection, inventory of the state border and other works;
- 4) supervision of the joint inspection;
- 5) drawing up results of the inventory of the state border;
- 6) organisation of topographic, geodetic, cartographic and other works within the framework of the inventory of the state border;
- 7) taking of the decisions and organisation of the works that are related to the erection of border markers or specific border pillars in a new place or also to the erection of additional border markers which do not alter the location of the state border line, and drawing up of the necessary related re-demarcation documents;

8) development of the document templates necessary for drawing up of the Joint Commission's work results, and development of new forms for annexes and supplements to the re-demarcation documents, if necessary;

9) preparation of the proposals related to specification of the state border in separate sections in accordance with results of the inventory of the state border by respecting the strictly established balance with regard to the land plots the states exchange;

10) reconciliation of construction and reconstruction designs of objects where they create preconditions for alterations in the location or marking of the state border;

11) resolution of other tasks within its competence related to the marking of the state border, location thereof on site, including marking of the state border with new types of border markers, as well as maintenance of the state border;

12) referral of the proposals to the border guard services for elimination of the deficiencies established during the joint inspection of the state border or inventory thereof, as well as the proposals for improvement of maintenance measures.

Article 16

1. The Joint Commission shall perform its activities in the format of meetings or working sessions; they shall be held alternately in the territory of the state of each Party depending on the need, but at least once a year. Meetings and working sessions shall be chaired by the chairman of the hosting Party's delegation of the Joint Commission. The Joint Commission shall approve its rules of procedure at its first meeting.

2. An invitation to the meeting or a working session shall be sent at least 30 days in advance. A response to the invitation shall be sent within 10 days from the day of the receipt thereof.

3. Between the meetings and working sessions chairmen, deputies thereof and other members of the Joint Commission may maintain direct contacts between each other regarding issues within their competence.

4. According to the results of each meeting or working session, minutes shall be taken in 2 copies in the Latvian and Lithuanian languages. The minutes shall be signed by the chairmen of the Joint Commission.

5. Organising costs of the meetings and working sessions of the Joint Commission shall be covered by the hosting Party.

CHAPTER VI Border Delegates

Article 17

1. For the purposes of expeditious addressing of the issues related to the maintenance on site of the state border, border markers and border strip, and the settlement of border incidents, the Parties shall establish an institution of border delegates composed of the following persons in each of the states of the Parties:

1.1. a border delegate;

1.2. deputy border delegates;

1.3. assistants to the border delegates.

2. Each Party shall appoint a border delegate, his deputies and assistants in accordance with the laws and regulations applicable at their states.

3. The Parties shall notify each other of the names and surnames of the border delegates and deputies thereof through diplomatic channels. The border delegates shall notify each other of the names and surnames of their assistants.

4. In order to ensure activity of the institution of the border delegates, the border delegates shall have the right to engage interpreters, secretaries and experts.

Article 18

1. When carrying out the duties assigned, the deputy border delegates shall have the same rights as the border delegates.

2. Rights and obligations of the assistants to border delegates, as well as procedures for the fulfilment thereof shall be determined by the border delegates upon mutual agreement.

Article 19

Border delegates shall have the following obligations:

1. to study and analyse the situation on the state border and in the border strip, and to reconcile and coordinate operation of the border guard services in the following matters:

1.1. the maintenance of border markers and the border strip;

1.2. the joint inspection of the state border, border markers and the border strip;

1.3. the organisation of works related to the restoration of border markers;

1.4. the cooperation in the fight against cross-border crime;

2. to organize unilateral or joint investigation of border incidents and, within its competence, to examine and settle the issues related to the border incidents that do not require settlement through diplomatic channels;

3. to refer the issues, which are not within the competence of the border delegates or with regard to which no agreement has been reached as a result of joint activities, for resolution through diplomatic channels that shall be notified to the border delegate of the other Party;

4. to immediately inform the border delegate of the other Party of the following:

4.1. the re-location, damage or loss of border markers or specific border pillar;

4.2. the pollution of border waters, the emergence of threats of ecological or natural disasters extending over the state border;

4.3. the results of the investigation of border incidents;

5. to coordinate activities of contact points, joint patrols and implementation of other types of joint activities on the state border;

6. to specify the venues for working sessions, as well as the places for the acceptance and delivery of official correspondence;

7. to develop and reconcile draft and model documents necessary for joint activities of the border delegates;

8. to address the issues related to the operation of temporary border crossing points, take coordinated decisions on the operating mode of temporary border crossing points, during the temporary reintroduction of the border control;

9. to organise the addressing of border issues during the temporary reintroduction of the border control;

10. to organise, in accordance with the procedures laid down by the border guard services, the admittance and return of the persons who do not comply with the conditions for the entry in the state of the Party in the territory of which they have been detained, or the conditions for the presence in this state.

Article 20

1. Border delegates, deputies and assistants thereof shall conduct joint work in the format of working sessions.

2. Working sessions shall usually be held alternately in the territories of the states of the Parties. An invitation to a working session shall be sent at least 10 days in advance. A response to the invitation shall be sent within 2 days from the day of the receipt thereof.

3. Working sessions organised by the border delegate of one Party shall be attended by the border delegate of the other Party in person. In case where this is not possible, the deputy border delegate shall attend the working sessions and the border delegate of the other Party shall be informed about it in due time.

4. Interpreters and experts may attend the working sessions.

5. Border delegates may address individual issues through direct correspondence or otherwise, provided that none of them require that the issue should be addressed at a working session.

Article 21

1. Working sessions of the border delegates shall be held at least twice a year. The working session shall be chaired by the border delegate of the hosting Party.

2. Minutes shall be taken for working sessions. The minutes shall briefly set out the course of the working session, taken decisions and deadlines for implementation thereof, as well as, where applicable, dissenting opinions of the border delegates on the issues they have failed to reach an agreement. The minutes shall be drawn up in 2 copies in the Latvian and Lithuanian languages. The minutes shall be signed by the border delegates, or, in their absence, by the deputy border delegates. The decisions taken during the working sessions shall enter into force at the moment of signing of the minutes, unless the minutes provide otherwise.

3. Assistants to the border delegates shall work jointly as instructed by the border delegates. Any issues on which the assistants to the border delegates have failed to reach an agreement shall be addressed to the border delegates.

4. The organising costs of the working sessions shall be covered by the hosting Party.

CHAPTER VII **Final Provisions**

Article 22

1. This Agreement is concluded for an indefinite period of time and shall enter into force on the date of the receipt, through diplomatic channels, of the last written notification regarding the completion of internal procedures which are necessary for its entry into force.

2. This Agreement may be amended upon mutual agreement between the Parties. Such amendments shall be an integral part of this Agreement.

3. Either Party may terminate this Agreement by giving the other Party a notification of termination through diplomatic channels. In such a case, this Agreement shall cease to be effective 6 months from the date of the receipt of the notification by the other Party.

Article 23

1. The Parties shall exchange information through diplomatic channels regarding the competent authorities that are responsible for implementation of this Agreement within 6 months from the day of the entry into force of this Agreement.

2. The Parties shall inform each other through diplomatic channels of any changes related to the competent authorities of the Parties.

Article 24

Any disputes related to the interpretation and application of this Agreement shall be settled through negotiations or consultations between the Parties.

Article 25

As of the date of the entry into force of this Agreement, the Agreement between Latvia and Lithuania on the Maintenance of Border Signs and Border Zone of 25 January 1931, and the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Activities of Authorized Border Representatives of 1 March 2002 shall cease to be effective.

Done at _____ on 2019 in 2 copies in the Lithuanian, Latvian, and English languages, all texts being authentic. In the case of any divergence in interpretation of the provisions of this Agreement, the English text shall prevail.

**On behalf of the Government of the Republic
of Lithuania**

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