

This is a transcription of the original Joint Declaration, which was signed in Riga on June 22nd 2015. The text is original, although the numbering of the paragraphs has been adjusted for clarity, and some typos have been fixed. Comments and analysis by nurkkaresearch in middle of the text are in [blue color brackets].

JOINT DECLARATION

BETWEEN

THE MINISTER OF TRANSPORT OF THE REPUBLIC OF FINLAND

**THE MINISTER OF ECONOMIC AFFAIRS AND INFRASTRUCTURE OF
THE REPUBLIC OF ESTONIA**

THE MINISTER OF TRANSPORT OF THE REPUBLIC OF LATVIA

**THE MINISTER OF TRANSPORT AND COMMUNICATIONS OF THE
REPUBLIC OF LITHUANIA**

**THE MINISTER OF INFRASTRUCTURE AND DEVELOPMENT OF THE
REPUBLIC OF POLAND**

**ON THE ENHANCED COOPERATION FOR THE IMPLEMENTATION OF
THE RAIL BALTIC/RAIL BALTICA PROJECT**

The Minister of Transport of the Republic of Finland,
the Minister of Economic Affairs and Infrastructure of the Republic of Estonia,
the Minister of Transport of the Republic of Latvia,
the Minister of Transport and Communications of the Republic of Lithuania,
the Minister of Infrastructure and Development of the Republic of Poland
met on 22nd June in Riga and adopted the following Joint Declaration.

[Paragraphs 1-10 are signed by transport ministers from the Baltic States, Finland and Poland, but not by Commissioner Bulc.]

/1/ Recalling that the Republic of Finland, the republic of Estonia, the Republic of Latvia, the Republic of Lithuania, and the Republic of Poland are the partner countries involved in the implementation of the Rail Baltic/Rail Baltica project;

[Finland and Poland have been mostly inactive in Rail Baltic issues since September 2013, so it is good to see them back in business!]

/2/ Recalling that the Rail Baltic/Rail Baltica Project (Further - the Project) is one of the most strategic missing links to the trans-European transport network (TEN-T) as well as a vital element of the North-Sea Baltic Corridor, which has an important impact in providing for the free movement

of people and goods within and across borders, reducing CO₂ emissions, fostering regional socio-economic development, creating additional employment and generating GDP growth;

/3/ Recalling their common strategic objective to build or modernize the effective rail connection the Rail Baltic/Rail Baltica railway line on the route from Tallinn through Pärnu – Riga – Panevezys – Kaunas – Warsaw, as foreseen in the TEN-T and CEF Regulations, where it is included in the pre-identified project list of the European Union TEN-T Core Network;

[Summary of paragraphs /2/ and /3/: The strategic objective of “the Project” is to build or modernize the railway line from Tallinn to Warsaw, no exceptions or extensions mentioned so far.]

/4/ Referring to the requirements of the Regulation (EU) No. 1315/2013 and acknowledging the need for a continuity of the line to connect the Baltic States and its capitals to the single European Market following harmonized standards with regards to interoperability and speed to attract customers while respecting the economic and environmental effectiveness;

[“Capitals”, “harmonized standards” and “interoperability” are the key words here. This looks innocent, but the Lithuanian interpretation of this paragraph would be that a 1435 mm railway connecting Kaunas and the Lithuanian capital Vilnius should be an elemental part of the Project.]

/5/ Stressing that the length and performance of the line are of critical importance to its commercialization;

[Although stressing the importance of the length and performance of the line may sound rather self-evident, in Rail Baltic’s case this angle is crucial. Constructing a top notch Rail Baltic connection through Estonia and Latvia would mean that 50 % of the Tallinn-Warsaw connection would be finished, but without the Lithuanian and Polish sections built to the same measure, the EU added value for the whole project would be incredibly negative.]

/6/ Recalling and welcoming that the Joint Venture RB Rail AS (hereafter: the Joint Venture) has been set up in October 2014, and that first joint application for CEF funding by the Baltic States and the Joint Venture were submitted, justifying that the Joint Venture acts as coordination, implementation and facilitation body for the Rail Baltic/Rail Baltica project in Baltic States;

[Yes, RB Rail did submit a joint application for CEF, but it is a slight exaggeration to claim that jointly applying for money would justify RB Rail’s role “as coordination, implementation and facilitation body” for the Rail Baltic/Rail Baltica project in Baltic States. Especially Lithuania has been reluctant to authorize RB Rail for anything else but applying for CEF financing, and then handing over the money to Lietuvos geležinkeliai.]

/7/ Recalling that the shareholders of the Joint Venture have agreed on the connection of Vilnius-Kaunas as part of the railway’s route in order to interconnect all the capitals of the partner countries and to deploy joint efforts to make the Vilnius-Kaunas section equally eligible for European Union co-funding as the North-South connection from Tallinn via Pärnu – Riga – Panevezys – Kaunas to Warsaw; whereby the parties to the Joint venture understand that such parts of the Railway will be phased so that the entire Project would not be delayed or stopped;

[Hmm... Transport ministers from five countries sign a statement, where they state that the three Baltic countries have agreed on the connection of Vilnius-Kaunas as part of the railway’s route,

while in real life there is only one country that is truly standing behind this claim. This raises several questions.

Why did the transport ministers from Finland and Poland want to recall an “agreement”, that in itself is at least debatable? This is in severe contradiction with the text of paragraphs /2/ and /3/, which can be read at the previous pages of this document. The Project was supposed to be solely about constructing a cross-border north-south railway line between Tallinn and Warsaw, and now we are suddenly talking about a national east-west -branch line in Lithuania?

When and where did Estonia and Latvia actually agree that the Kaunas-Vilnius connection would be a part of this project? Estonia and Latvia may have agreed “*to deploy joint efforts to make the Vilnius-Kaunas section equally eligible for European Union co-funding*”, but in real life, their efforts won’t be too serious. Connecting Vilnius and Kaunas is purely Lithuanian business, and it is hard to see any real reasons for Estonia and Latvia to strain RB Rail’s operations and finances with it. Lithuania must negotiate about Vilnius connection directly with Brussels.

The end-note of this paragraph “*whereby the parties to the Joint venture understand that such parts of the Railway will be phased so that the entire Project would not be delayed or stopped*” was no doubt added to the text by other countries than Lithuania. Although the end-note hints that the Vilnius connection might be considered later, unfortunately this kind of wording leaves way too much room for different interpretations.

The proper wording would have been something like “***The Kaunas-Vilnius connection may be considered at a later date, but only after all the uncertainties and disputes related to the financing and construction of the fast conventional double track 1435 mm gauge electrified railway line with the maximum design speed of 240 km/h connecting Tallinn and Warsaw have been removed or resolved.***”]

/8/ *Recalling* that the Joint Declaration of the Prime Ministers of Estonia, Latvia and Lithuania of December 5th 2014 reiterated the importance of implementing the Rail Baltic/Rail Baltica as a continuous line, crossing their territories as fast conventional double track 1435 mm gauge electrified railway line with the maximum design speed of 240 km/h on the route from Tallinn through Pärnu-Rīga-Panevezys-Kaunas to the Lithuanian-Polish border as proposed by the AECOM study with a connection of Vilnius-Kaunas as part of the Route;

[Here we go again... The signatories of this statement recall that the Baltic Prime Ministers last December “*reiterated the importance... connection of Vilnius-Kaunas as part of the Route*”. But no matter how vigorously the Baltic Prime Ministers reiterate the importance of adding “*Vilnius-Kaunas as a part of the route*”, they have no authority to make any meaningful decisions about it. *The financier, i.e. the Commission, will make such decisions.*]

/9/ *Recalling and welcoming* the ongoing process of adopting an intergovernmental agreement between the three Baltic States to stipulate the responsibilities of the participating states with regard to the Joint Venture and the development of the Project;

/10/ *Welcoming* the ongoing discussion between the Latvian and Lithuanian authorities with a view to establishing the border crossing point;

[Although it is kind of pathetic that, after years of negotiations, the transport ministers welcome *“the ongoing discussions”* about a border crossing point, this comment is still understandable. Ms. Trautmann’s priority at the moment is to encourage the Lithuanians to apply for and use the previously ear-marked 182 million euros worth of EU funding by the end of 2016. Otherwise that money would be made available for other Cohesion Member States. And without a Rail Baltic border crossing point at the Latvian/Lithuanian border, it would be hard to launch the Rail Baltic project in Latvia.]

The ministers, supported by the European Commissioner:

[Paragraphs 11-20 are signed by transport ministers from the Baltic States, Finland and Poland, and also **supported** by Commissioner Bulc.]

/11/ Reiterate their common will to complete the Rail Baltic/Rail Baltica infrastructure, which is essential for the connection of the Baltic States to their neighbors and the rest of the EU’s internal markets, as foreseen in the TEN-T and CEF Regulations and to jointly plan the sequencing of studies and works.

/12/ Agree to continuously empower the Joint Venture to conduct the activities in relation to the design, construction and marketing (including branding) of the Rail Baltic/Rail Baltica project in the three Baltic States as defined in the Joint Venture’s Shareholder Agreement until the completion of the line foreseen in 2025.

/13/ Welcome that Finland and Poland agreed to join the Joint Venture as observers as well as the Rail Baltic Task Force set up to favour cooperation for the smooth realization of the project.

/14/ Welcome the participation of the European Coordinator as an observer in the Rail Baltic Task Force and agree to exchange information on the progress of the relevant projects on their territory within this framework.

[This is positive. Although Ms. Trautmann’s role as an observer only authorizes her to observe, at least the exchange of information should be better.]

/15/ Emphasize that Project partners will strive to ensure the continuity and coherence of the works and studies accomplished on all major sections of the line in order to ensure that the requirements of the TEN-T and CEF Regulations as well as the Shareholder Agreement of the Joint Venture are fulfilled and full potential of the corridor operations are reached. For these activities support by the European Coordinator and the Commission will be sought.

/16/ Agree that the Joint Venture together with the Estonian, Latvian and Lithuanian parties will jointly submit additional applications under the next calls for proposals for funding under the Connecting Europe Facility for the Rail Baltic/Rail Baltica new fast conventional double track European gauge electrified railway line with the maximum design speed of 240 km/h with the aim to start these construction works as of the year 2018 on all major sections of the Project as defined in the Joint Venture’s Shareholder Agreement and in line with the TEN-T and CEF Regulations. The Joint Venture will also coordinate reaching agreement between the experts of the shareholder countries on the technical parameters of the Rail Baltic/Rail Baltica railway in the framework of the Technical Standards of Interoperability to be applied in a harmonized way

across all the sections crossing their territories. The Joint Venture will also prepare and coordinate a common implementation plan of the common global project in the three Baltic States, taking into account the objective of the better connection with the section in Poland.

/17/ Agree that within this framework, the Lithuanian and Latvian authorities will jointly determine, according to the applicable spatial planning procedures, the border crossing point for the new Rail Baltic line as soon as possible in order not to delay implementation of the project.

/18/ Agree that the Polish and the Lithuanian authorities will cooperate in planning and implementation of the cross-border section from Białystok to Kaunas, as foreseen in Regulation (EU) No. 1315/2013. For the planning and development of the above-mentioned cross-border section, the Polish and Lithuanian authorities will exchange all data and results of the ongoing and completed feasibility studies in order to coordinate the step-wise approach to conduct the appropriate investments on the railway section between Białystok and Kaunas. They will also inform the European Commission and the other signatories of this Declaration. The common aim is the coordination of the development of the railway line between Tallinn, Riga, Kaunas and Warsaw with a benefit for the coordinated proposals to be submitted under the next calls for projects of the Connecting Europe Facility upon completion of the analysis of the ongoing feasibility study, the first of these calls being foreseen to close in early 2016.

[Agreeing that “*the Polish and the Lithuanian authorities will cooperate*” is a beautiful and idealistic idea. However, Commissioner Bulc signing a paper which indicates that the next Rail Baltic financing rounds will be arranged already in early 2016 means serious business. The message is clear: The first half a billion euro financing was just the beginning, there is plenty more where that came from!]

/19/ Welcome the progress achieved on reconstruction and upgrading of the existing 1520 mm gauge lines and construction of the 1435 mm gauge railway section in Lithuania, which shall be finished by the end of 2015, opening up the possibility to build up the traffic on the North-South axis.

/20/ The partners, conscious of the added value of cooperation in communication activities to facilitate a positive perception of the project and its benefits, agree to strive for the organization of joint events to communicate on the progress of the project. The shareholders of the Joint Venture also agree on the initiated setup of a common website.

[One Rail Baltic/Rail Baltica website to unite them all is a marvelous idea! Hopefully the Baltic states can come out with a better name than www.railbaltic/railbaltica.com!]

Signed in Riga, on June 22nd 2015

Ms. A. Berner

Mr. K. Michal

Mr. A. Matiss

Mr. R. Sinkevičius

Ms. M. Wasiak

Ms. V. Bulc