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Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 3637/92 of 27 November 1992 on a system of distribution of Rights of Transit (Ecopoints) for heavy goods vehicles with a laden weight of over 7,5 tonnes registered in a Member State transiting through Austria 1

II Acts whose publication is not obligatory

Council

92/577/EEC:

- ★ Council Decision of 27 November 1992 concerning the conclusion of the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail 4

Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail 6

- ★ Information on the entry into force of the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail, signed in Porto on 2 May 1992 25

92/578/EEC:

- ★ Council Decision of 30 November 1992 concerning the conclusion of the Agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rail 26

Agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rail 28

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3637/92

of 27 November 1992

on a system of distribution of Rights of Transit (Ecopoints) for heavy goods vehicles with a laden weight of over 7,5 tonnes registered in a Member State transiting through Austria

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas an Agreement has been reached between the Republic of Austria and the European Economic Community on the transit of goods by road and rail ⁽³⁾;

Whereas Article 15 of the abovementioned Agreement provides for a reduction of pollution generated by heavy goods vehicles using Austrian territory in transit, which shall be achieved by cutting total NO_x emissions of heavy goods vehicles with a laden weight of over 7,5 tonnes, by 60 % in the twelve year period of the agreement, namely until the end of 2003;

Whereas these total NO_x emissions will be represented by a number of points (Ecopoints) to be used by vehicles in order to be allowed to transit through Austria;

Whereas the Agreement provides that the competent Austrian authorities will make available to the Community the abovementioned Ecopoints, which are to be distributed by the Community among its Member States in accordance with its own rules and procedures;

Whereas it is necessary to establish rules governing the distribution and management of the Ecopoints which are made available to the Community;

Whereas Ecopoints should be made available to the Member States by the Commission;

Whereas 96,66 % of the available Ecopoints should be distributed to Member States according to an agreed scale which is based on the transport relations with Austria for 1991;

Whereas Member States should return to the Commission, in good time, those Ecopoints which, on the basis of available data, are unlikely to be used by the end of the relevant year;

Whereas the Commission should retain the remaining and returned points as a reserve for distribution according to agreed objective criteria for compensation of certain Member States at the latest one month before the end of the relevant year;

Whereas on distributing this reserve, according to objective criteria, the Commission will be assisted by the committee set up by Article 4 of Council Decision 92/577/EEC of 27 November 1992 concerning the conclusion of the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes the system of distribution, between the interested hauliers, of Ecopoints made

⁽¹⁾ Opinion delivered on 20 November 1992 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 24 November 1992 (not yet published in the Official Journal).

⁽³⁾ See p. 4 of this Official Journal.

⁽⁴⁾ See p. 4 of this Official Journal.

available to the Community by virtue of Article 15 of the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail.

Article 2

1. A number of Ecopoints equal to 96,66 % of the total available shall be distributed between the Member States according to the distribution scale shown in Annex I.

2. These Ecopoints shall be made available to the Member States, each year in two portions, the first before 1 October of the preceding year and the second before 1 March of the relevant year.

Article 3

1. The competent authorities of the Member States will distribute their available Ecopoints in accordance with Article 2 to interested operators, established on their territory.

2. Each year the competent authorities of the Member States shall return to the Commission, by 15 October at the latest, any Ecopoints which, on the basis of available data and the estimates for traffic for the final month of the year, are likely not be used before the end of the year.

Article 4

1. The Ecopoints, which are not distributed among Member States, in accordance with Article 2, as well as those which have been returned to the Commission, in accordance with Article 3, shall constitute a Community reserve.

2. The Ecopoints of the Community reserve are to be allocated by the Commission to the Member States, according to the procedure set out in Article 5, at least one month before the end of the year, taking into account the manner in which each Member State managed the Ecopoints allocated to it and the objective needs of the hauliers of each Member State, which may, in particular, be determined using the following criteria:

- the special position of Italy and Greece, as detailed in Annex II,

- a disadvantageous starting position,
- problems with the technical upgrading of the vehicle fleet concerning NO_x emissions,
- geographical circumstances,
- unforeseen occurrences.

Article 5

The Commission shall be assisted by the committee set up by Article 4 of Decision 92/577/EEC.

The representative of the Commission shall submit to the committee a draft concerning the allocation of Ecopoints of the Community reserve. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the allocation envisaged if it is in accordance with the opinion of the committee.

If the allocation envisaged is not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal for the allocation of Ecopoints of the Community reserve. The Council shall act by a qualified majority.

If, on the expiry of a period of four weeks from the date of referral to the Council, the Council has not acted, the proposed allocation of Ecopoints shall be adopted by the Commission.

Article 6

This Regulation shall enter into force at the same time as the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 November 1992.

For the Council

The President

J. PATTEN

ANNEX I

Distribution scale of Ecopoints

Member State	Units
Belgium	32 500
Denmark	40 500
Germany	482 500
Greece	60 500
Spain	1 200
France	5 000
Ireland	1 000
Italy	510 000
Luxembourg	5 000
Netherlands	123 500
Portugal	400
United Kingdom	8 500
Total:	1 270 600

ANNEX II

Special position referred to in the first indent of Article 4 (2)

Of the normal reserve of 3,34 % of the total number of Ecopoints, a portion corresponding to 0,41 % of the total (estimated equivalent to 5 430 of the units in Annex I) shall in principle be allocated, on a priority basis and in accordance with the distribution scale in Annex I, to Italy and Greece.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 November 1992

concerning the conclusion of the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail

(92/577/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail can provide a solution to the various current problems of trans-Alpine goods traffic; whereas it is necessary to ensure the non-discriminatory development of transit so as to enable international trade to be conducted at the least possible cost to the public at large and to reduce to a minimum the administrative and technical obstacles which affect transit;

Whereas these objectives must, at the same time, take account of respect for users' freedom of choice and aspects relating to road safety, protection of public health and the environment in Alpine regions;

Whereas the objectives and the content of the Agreement fall within the scope of the common transport policy and the technical standards play their part in attaining these objectives;

Whereas it is appropriate to lay down a procedure with a view to approving the administrative agreement provided for by the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 24 of the Agreement ⁽³⁾.

Article 3

The administrative agreement provided for in Article 24 (4) of the Agreement shall be approved in accordance with the procedure laid down in Article 4 of this Decision.

Article 4

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the Commission representative.

⁽¹⁾ OJ No C 305, 23. 11. 1992.

⁽²⁾ OJ No C 313, 30. 11. 1992, p. 16.

⁽³⁾ See p. 25 of this Official Journal.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Commission shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the provisions envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of four weeks from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 5

The Commission shall adopt the necessary measures for implementing the administrative agreement referred to in Article 3 in accordance with the procedure laid down in Article 4.

Done at Brussels, 27 November 1992.

For the Council
The President
J. PATTEN

**AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE
REPUBLIC OF AUSTRIA ON THE TRANSIT OF GOODS BY ROAD AND RAIL**

SUMMARY

	<i>Page</i>
PREAMBLE	8
Title I: Aims, scope and definitions	8
Article 1: Aims	8
Article 2: Scope	8
Article 3: Definitions	8
Title II: Rail transport and combined transport	9
Article 4: General provisions	9
Article 5: Routes (Annex I)	9
Article 6: Infrastructure measures in Austria (Annex II)	9
Article 7: Infrastructure measures in the Community (Annexes III and IV)	9
Article 8: Capacity (Annex V)	9
Article 9: Supporting measures	9
Article 10: Pricing (Annex VI)	10
Article 11: Crisis situation	10
Title III: Road Transport	10
Article 12: Weights and dimensions of heavy goods vehicles	10
Article 13: Emissions (Annex VII)	11
Article 14: Real costs	11
Article 15: Reducing pollution (eco points system) (Annexes VIII and IX)	11
Article 16: Relationship between this Agreement and existing bilateral road haulage traffic agreements	12
Title IV: Checks	12
Article 17: Checks (Annex X)	12
Title V: General and final provisions	12
Article 18: Non-discrimination	12
Article 19: Additional measures	12
Article 20: Unilateral measures	12
Article 21: Transit committee	12
Article 22: Settlement of disputes	13
Article 23: Duration	13
Article 24: Entry into force	13
Article 25: Legal force of the Annexes	13
Annexes	
Annex I (Article 5)	16
Annex II (Article 6)	16
Annex III (Article 7)	18
Annex IV (Article 7)	18
Annex V (Article 8)	20
Annex VI (Article 10)	21
Annex VII (Article 13)	21
Annex VIII (Article 15)	22
Annex IX (Article 15)	23
Annex X (Article 17)	24

THE COUNCIL OF THE EUROPEAN COMMUNITIES, hereinafter referred to as 'the Community',

of the one part,

THE REPUBLIC OF AUSTRIA, hereinafter referred to as 'Austria',

of the other part,

hereinafter referred to as 'the Parties',

DESIROUS of promoting international cooperation and international trade through a coordinated European transport policy,

WHEREAS the problems caused by trans-Alpine transit traffic call for a lasting solution which safeguards the quality of life of local residents, protects the environment and guarantees international trade;

WHEREAS the latest clean technologies should be applied in this traffic in order to reduce as quickly as possible the remaining quantitative and qualitative nuisances;

WHEREAS the Alps impose natural limits on the expansion of road transport, which accounts for certain differences between the road transport legislation of the Parties;

WHEREAS in economic, environmental, social and safety terms, combined transport represents the best medium- and long-term option for coping with the growing volume of international trans-Alpine goods traffic;

THE PARTIES HEREBY AGREE to take concerted action to promote rail transport and combined transport and regulate road transport,

TITLE I

AIMS, SCOPE AND DEFINITIONS

and the systematic exchange by the Parties of information regarding changes in their respective policies.

Article 1

Aims

This Agreement between the Community and Austria is aimed at strengthening cooperation between the Parties in certain sectors of transport, and that of trans-Alpine transit in particular. The Parties therefore agree to take coordinated action to promote the use of rail transport, and in particular combined transport, and regulate road traffic in the interests of public health and the environment.

Article 2

Scope

1. The Agreement shall cover transit by rail and road through Austrian territory.
2. Cooperation between the Parties shall focus particularly on transport infrastructure, the support measures necessary for the development of rail transport and combined transport, the regulation of road haulage

Article 3

Definitions

For the purposes of this Agreement, the following definitions shall apply:

1. *Transit traffic*: traffic through Austrian territory from a departure point to a destination, both of which lie outside Austria;
2. *Transit of goods by road*: transit by heavy goods vehicles registered in one of the Parties, regardless of whether they are laden or not;
3. *Combined transport*: the carriage of goods by heavy goods vehicles or loading units which complete part of their journey by rail and either begin or end the journey by road, whereby transit traffic may under no circumstances cross Austrian territory on its way to or from a rail terminal by road alone;
4. *Heavy goods vehicle*: any motor vehicle designed to carry goods or haul trailers, including semi-trailer tractor units;
5. *Loading units*: containers, swap bodies, semi-trailers and trailers;

6. *Maximum authorized weight*: the maximum weight that may not be exceeded by a vehicle, stationary and ready to go, including the load, the driver and any persons carried;
7. *Axle weight*: the sum, recorded for a stationary vehicle on a level road, of the loads transmitted by the wheels on a single axle or two axles where the distance between them is no more than one metre.

TITLE II

RAIL TRANSPORT AND COMBINED TRANSPORT

Article 4

General provisions

1. The Parties hereby agree to adopt and coordinate, within the limits of their respective competences, the measures needed for the development and promotion of rail transport and combined transport, which are vital for the solution of the problems caused primarily by the trans-Alpine carriage of goods by road. The construction of the necessary infrastructure and the scheduling of such works, the development and operation of services and the implementation of support measures shall be coordinated and carried out in parallel.

2. The measures specified for this purpose in Articles 6 to 10 shall comply with the rail transport provisions of the agreement of 22 November 1989 between the Minister of Transport of the Italian Republic and the Minister of the Public Sector and Transport of the Republic of Austria on transit by rail over the Brenner and with the agreement of 9 May 1990 between the Transport Minister of the Federal Republic of Germany, the Transport Minister of the Italian Republic and the Minister of the Public Sector and Transport of the Republic of Austria on the improvement of trans-Alpine rail transport. These agreements are vital to the regulation of transit through Austrian territory. The Parties shall therefore endeavour to use the means at their disposal to support the implementation of the measures specified in these agreements.

Article 5

Routes

1. In pursuit of the objectives referred to in Article 4, the Parties shall work out a network for combined transport and trans-Alpine rail traffic on the basis of the routes laid down in Annex I.

2. Should the technical, economic or environmental framework conditions for transit traffic change, making necessary the establishment of additional rail routes, the

Transit Committee referred to in Article 21 shall without delay propose to the Parties the requisite amendments to Annex I. The Parties shall if necessary start negotiations with the Member States and railway companies concerned.

Article 6

Infrastructure measures in Austria

In addition to work already carried out to widen tunnels between Kufstein and Brenner to permit the carriage of heavy goods vehicles with a corner height of four metres, Austria undertakes to implement the measures listed in Annex II.

Article 7

Infrastructure measures in the Community

In accordance with the Declaration in Annex III regarding the implementation of infrastructure projects on Community territory, the plans of the Member States and, in completion of the works already carried out on the routes referred to in Article 5, the measures listed in Annex IV are to be implemented in the Community.

Article 8

Capacity

In accordance with the agreements listed in Article 4 (2), the Parties hereby undertake, in as far as their means and their competences allow, to work towards the rapid construction and, within the bounds of what is technically feasible, use of the railway capacity referred to in Annex V.

Article 9

Supporting measures

1. The Parties shall, where possible, act in concert to give priority to the following objectives in the promotion of rail transport and combined transport:

1. the use of combined transport from start to finish and for long distances;
2. the use of swap bodies and containers and, more generally, the use of modern unaccompanied transport technologies;
3. the reinforcement of combined transport's competitiveness compared with road transport;
4. the harmonization of the weights, dimensions and technical characteristics of combined transport equipment, in particular to ensure the requisite compatibility with tunnel gauges;

5. the facilitation of access to the nearest suitably equipped terminal, in particular by the reciprocal waiving of authorization requirements for traffic to and from combined transport terminals;
6. the drawing up of liability rules for combined transport services comparable to those already applicable to other modes of transport;
7. the transfer of the carriage of hazardous goods to the railways wherever this increases safety;
8. the improvement of ADR and RID provisions with regard to combined transport;
9. the drafting of a legal framework for payload balancing in combined transport.

2. The Parties shall, within the limits of their competences, prevail on the railway companies and other competent bodies to:

1. assemble complete trains;
2. improve the reliability to deliveries and reduce delivery times, primarily by:
 - 2.1. reducing waiting times, particularly at frontiers;
 - 2.2. increasing the frequency of services and adapting them to the needs of customers;
 - 2.3. increasing the productivity of the terminals through technological improvements and accelerated procedures and the reduction of waiting times; controls and formalities affecting trains at international frontiers or combined transport terminals must not take longer than those applicable to road transport; customs controls and formalities should take no more than one hour;
 - 2.4. transferring the performance of administrative formalities (customs, fiscal, veterinary and plant-health controls) to the terminals or to the point of departure or the final destination;
3. coordinate the procurement and financing of rolling stock (wagons and locomotives) in the quantities required by the increase in rail capacity;
4. take measures regarding the provisions in the terminals of additional services (packaging, repair of combined transport equipment, cold storage, loading, etc.) and social facilities;
5. offer guaranteed journey times;
6. provide new links;
7. extend the system of reduced waiting at borders to as many goods trains as possible and promote the acceptance of wagons on trust, especially for combined transport trains;

8. improve the flow of information as follows:

- 8.1. concerning wagon availability, in order to reduce turnaround times and optimize patterns of use;
- 8.2. to customers, so enabling them to determine the exact location and time of arrival of consignments (an internationally compatible electronic data exchange network accessible also to customers).

Article 10

Pricing

1. Prices for rail transport shall be set by the competent authorities or bodies in each Party. They shall ensure that the prices for combined transport are comparable with those for transport by road.

2. The Parties shall, within the limits of their competences, endeavour to ensure that the market impact of aid granted by one Party is not reduced by measures taken by the other or a competent body established on its territory.

3. In order to promote trans-Alpine combined transport, the Parties may authorize aid relating to infrastructure, to fixed or mobile transshipment plant, to equipment used specifically in combined transport, as well as operating aid for costs not covered.

Article 11

Crisis situation

In the event of a serious disturbance in rail transit, such as a natural disaster, the competent authorities of each Party shall take all possible concerted action to maintain the flow of the traffic concerned within their jurisdiction. Priority shall be given to sensitive loads, such as perishable foods.

TITLE III

ROAD TRANSPORT

Article 12

Weights and dimensions of heavy goods vehicles

1. Heavy goods vehicles, semi-trailers and trailers registered in the Community may operate on Austrian territory where they conform to the dimensions and driving axle weights stipulated in the Community

legislation as it stands at the time of this Agreement's entry into force.

2. The total authorized laden weight for motor vehicles with trailers shall be no more than 38 000 kg following deduction for articulated vehicles, of the maximum weight authorized of the heaviest unit of the whole. It shall be no more than 39 000 kg for motor vehicles operating to and from the rail terminal with crane-handled semi-trailers and 42 000 kg in the case of vehicles with containers and swap bodies.

Article 13

Emissions

1. In order to protect the environment and reduce gaseous, particulate and noise emissions from heavy goods vehicles, the Parties shall introduce strict environmental standards based on state-of-the-art and economically acceptable technology (see Annex VII).

2. The Parties shall consult each other at regular and frequent intervals during the preparation of such emission standards.

3. As regards emission standards, heavy goods vehicles registered in one Party shall be authorized to operate freely in the territory of both Parties without prejudice to applicable road police measures.

Article 14

Real costs

1. The Parties shall endeavour gradually to introduce — as far as possible — a harmonized solution to charge road traffic with taxes. In the first phase the aim of such a solution shall be to charge infrastructure costs to heavy goods vehicles. In the second phase, external costs, particularly environmental costs, shall also be charged to them.

2. The Parties shall regularly consult each other in the preparation of such a solution. Where possible, they shall take account of the principle of territoriality and the particular costs borne by the Alpine region.

3. If appropriate, the Parties shall open negotiations on the conclusion of a road traffic taxation agreement. In the light of the objectives of paragraph 1, the main aim of such an agreement shall be to ensure freedom of movement of cross-border traffic, remove differences between the road traffic taxation systems of the Parties and eliminate distortions in competition within the road transport sector and between transport modes.

Article 15

Reducing pollution (eco points system)

1. The Parties shall take the necessary regulatory measures for transit traffic through Austria in the interests of environmental protection and public health.

2. The Parties agree to reduce the emissions and noise generated by heavy goods vehicles crossing Austrian territory in transit. Such a reduction shall be achieved by cutting NO_x emissions since this requires the greatest technical effort as reflected in the statutory limit values. It is assumed that the Parties will achieve the targeted reductions in noise emissions by heavy goods vehicles set out in Annex VII to this Agreement. Where those targets are not achieved, the Transit Committee shall discuss what steps need to be taken pursuant to paragraph 4 of Article 21 (3).

3. Total NO_x emissions from heavy goods vehicles with a laden weight over 7,5 tonnes, registered in one Party and crossing Austria in transit, shall, starting in 1992, be reduced by 60 % in the twelve-year period until the end of 2003. The initial value and annual reduction therein shall be determined in accordance with paragraphs 4 and 5.

4. The initial value shall be determined by multiplying

1. the level of NO_x emissions in g NO_x/kWh from heavy goods vehicles in transit established for 1991. (It is agreed that this value shall be standardized on the current statutory COP value of 15,8 g NO_x/kWh);

2. by the number of transit journeys in 1991. A joint estimate will be made of the total number of journeys by heavy goods vehicles of over 7,5 tonnes registered in each of the Contracting Parties in transit operations for hire or reward, on own account or empty through Austria.

This shall represent the total number of eco points for 1991.

5.1. The initial value equivalent to the total number of eco points for 1991 shall be reduced according to the percentages given in the Table in Annex VIII.

5.2. If the number of journeys exceeds the figure established for 1991 pursuant to paragraph 4 (2) by more than 8 % in any year between 1992 and 2003, the number of eco points calculated for the following year shall be reduced in accordance with paragraph 4 of Annex IX.

6. The agreed reductions in total NO_x emissions from these heavy goods vehicles shall be administered according to an eco point system. Under this system any heavy goods vehicle crossing Austria in transit shall require a number of eco points equivalent to its NO_x emissions (authorized under the Conformity of Production (COP value) or the type-approval value). The method of calculation and administration of such points is described in Annex IX.

7. The competent Austrian authorities shall make available to the Commission of the European Communities the eco point cards required for the administration of the point system pursuant to Annex IX for Community heavy goods vehicles crossing Austria in all the various forms of transit.

These eco point cards shall be distributed by the Community among its Member States in accordance with its own rules and procedures.

8. Austria shall use the same eco point system for Austrian-registered heavy goods vehicles effecting transit operations through Austria. Paragraphs 4 and 5 shall apply by analogy.

9. The point system shall be administered with a minimum of red tape. To this end, the Parties shall provide each other with administrative and exchange information. The Transit Committee shall regularly examine further ways in which the system might be improved and computerized.

10. The basic data required to calculate the initial value and percentage reductions shall be made available to the Transit Committee.

Article 16

Relationship between this Agreement and existing bilateral road haulage traffic agreements

1. The authorizations provided for in the bilateral agreements between Member States of the Community and Austria shall be replaced by the eco point card provided for in Article 15 if they were used for road haulage transit operations through Austria.

2. For the rest, existing market access authorizations or arrangements under bilateral agreements shall remain in force, except where other arrangements are concluded.

3. The Transit Committee shall prepare a report on the bilaterally-agreed market access rights as at 21 October 1991.

TITLE IV

CHECKS

Article 17

Checks

Checks or formalities necessary to the implementation of this Agreement between the Community and Austria, and

in particular of Articles 15 and 16 thereof, may be carried out at appropriate locations and with the frequency required to ensure compliance with the appropriate standards.

TITLE V

GENERAL AND FINAL PROVISIONS

Article 18

Non-discrimination

The Parties undertake not to take any discriminatory measures falling within the scope of this Agreement or in respect of traffic crossing Member States of the Community.

Article 19

Additional measures

Where one of the Parties finds in the course of application of this Agreement that other measures falling within its scope would serve the interests of a coordinated European transport policy and, in particular, help to resolve the problem of trans-Alpine transit, it shall make appropriate proposals to the other.

Article 20

Unilateral measures

The Parties shall refrain taking any unilateral measures which discriminate against transit traffic authorized pursuant to this Agreement.

Article 21

Transit Committee

1. A Transit Committee is hereby set up to oversee implementation of this Agreement and to ensure its proper application of this Agreement.

2.1. The Transit Committee shall be made up of representatives of the Community and representatives of Austria.

- 2.2. The decisions of the Transit Committee shall be taken jointly by the delegations of the Parties.
- 2.3. The Transit Committee shall establish its own rules of procedure.
- 2.4. The Transit Committee shall be chaired in turn by each of the Parties.
- 2.5. The Transit Committee may set up working parties to assist in fulfilling its functions.

3.1. The Transit Committee shall be convened at least once a year by its chairman or chairwoman in order to review the general functioning of the Agreement, and in particular, the ongoing implementation of the measures provided for in Articles 6 to 10.

3.2. Every three years the Transit Committee shall submit a report on:

- (a) the impact of road haulage traffic on the environment and the public's quality of life;
- (b) the reduction in emissions from road haulage traffic;
- (c) the charging of infrastructure and external costs;
- (d) the capacity and utilization of combined transport in Austria and Switzerland;

and, where appropriate, put forward proposals to the Parties.

3.3. Either Party may request the Transit Committee to discuss the subject and application of this Agreement. In the event of such a request, the Transit Committee shall be immediately convened and may, in an emergency, adopt the necessary measures, which may last for no more than three months.

3.4. The Transit Committee shall be convened in cases of serious deviations from the values estimated in Article 15 and Annexes VIII and IX which are attributable to system errors such as inaccurate assumptions, other technical or legal developments or which are caused by changes in the foreign trade situation arising from German unification or unforeseen practical implications of the point system. Measures of no more than three months' duration may be taken to eliminate such discrepancies or measures may be proposed to the Parties provided the target reduction in emissions for the year 2003 is met.

4. The Transit Committee shall be responsible in particular for the following:

- 4.1. proposing the necessary amendments to Annex I pursuant to Article 5 (2);
- 4.2. overseeing the ongoing implementation of the measures provided for in Articles 6 to 10;
- 4.3. duties pursuant to Article 15 (5) (2) and (9);
- 4.4. consultations on unilateral measures pursuant to Article 20;
- 4.5. settling disputes pursuant to Article 22.

Article 22

Settlement of disputes

Any dispute between the Parties concerning the interpretation or application of this Agreement shall be referred to the Transit Committee, which shall endeavour to find a mutually acceptable solution.

Article 23

Duration

This Agreement shall be concluded for 12 years.

Article 24

Entry into force

1. This Agreement shall be drawn up in duplicate in Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish, each text being equally authentic.

2. This Agreement shall be subject to approval in accordance with the Parties' own procedures.

3. This Agreement shall enter into force on the first day of the second month after the Parties have notified each other that the necessary legal procedures have been completed.

4. The time and procedures for the introduction of the eco point system (Article 15) in 1992 shall be established in an administrative agreement.

Article 25

Legal force of the Annexes

Annexes I to X shall form an integral part of the Agreement.

Hecho en Oporto, el dos de mayo de mil novecientos noventa y dos.

Udfærdiget i Porto, den anden maj nitten hundrede og tooghalvfems.

Geschehen zu Porto am zweiten Mai neunzehnhundertzweiundneunzig.

Έγινε στο Πόρτο, στις δύο Μαΐου χίλια εννιακόσια ενενήντα δύο.

Done at Oporto on the second day of May in the year one thousand nine hundred and ninety-two.

Fait à Porto, le deux mai mil neuf cent quatre-vingt-douze.

Fatto a Porto, addì due maggio millenovecentonovantadue.

Gedaan te Oporto, de tweede mei negentienhonderd tweeënnegentig.

Feito no Porto, em dois de Maio de mil novecentos e noventa e dois.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

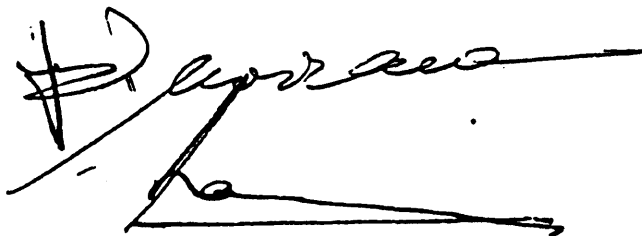
For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità Europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

A handwritten signature in dark ink, appearing to be 'J. Delors', with a long horizontal stroke extending to the right.

Por el Gobierno de la República de Austria

For Regeringen for Republikken Østrig

Für die Regierung der Republik Österreich

Για την κυβέρνηση της Δημοκρατίας της Αυστρίας

For the Government of the Republic of Austria

Pour le gouvernement de la république d'Autriche

Per il governo della Repubblica d'Austria

Voor de Regering van de Republiek Oostenrijk

Pelo Governo da República da Áustria

Gilbert Kling
G. Kling

ANNEX I

(on Article 5)

1. The main European rail routes which run through Austrian territory and are relevant to transit traffic are as follows:
 - 1.1. *The Brenner route*
Munich — Verona — Bologna
 - 1.2. *The Tauern route*
Munich — Salzburg — Villach
 - 1.3. *The Pyhrn — Schober Pass route*
Regensburg — Graz
 - 1.4. *The Danube route*
Nuremberg — Vienna
2. The corresponding extensions and terminals form part of these main routes.

ANNEX II

(on Article 6)

INFRASTRUCTURE MEASURES IN AUSTRIA

Austria will implement the following measures to expand rail capacity and so improve rail transport and combined transport:

1. **Brenner**
 - 1.1. *Short-term measures:*
 - construction of the Innsbruck loop line,
 - measures affecting safety and operations,
 - introduction of computer-assisted train monitoring,
 - new block system arrangements,
 - installation of points for track changes between stations,
 - reconstruction of Wörgl Station,
 - extensions to passing tracks in stations.
 - 1.2. *Long-term measures:*
 - in view of the importance of a new Brenner crossing, Austria declares itself willing to pursue work already under way and step up cooperation with the Community with regard to the Brenner base tunnel project and its feeder lines.
2. **Tauern**
 - 2.1. *Short-term measures:*
 - continuation of track-doubling,
 - safety improvements.
 - 2.2. *Medium-term measures:*
 - ad hoc line improvements,
 - increase in section maximum speed,
 - shortening of block (signal) sections.

3. Pyhrn-Schober

3.1. *Short-term measures:*

- removal of the night-running ban on the Pyhrn section,
- removal of the night-running ban on the Hieflau section.

3.2. *Medium-term measures:*

- station upgrading and conversions,
- improvement of safety systems,
- shortening of block (signal) sections,
- removal of level crossings,
- reconstruction of the Traun-Marchtrenk curve,
- selective track doubling.

3.3. *Long-term measures:*

- continuation of track doubling on the entire Passau — Spielfeld/Straß section,
 - rebuilding of the St Michael — Bruck section.
-

ANNEX III

(on Article 7)

DECLARATION BY THE DELEGATION OF THE EUROPEAN COMMUNITIES

1. Within the Community, the execution of infrastructure projects will depend on the Member States concerned assuming responsibility for works to be carried out on their respective territories.
2. Article 7 will be carried out as follows:
 - (a) the Commission will present a draft of the required measures to the Committee on Transport Infrastructure and examine this with the Member States affected (see Council Decision 78/174/EEC, OJ No L 54, 25. 2. 1978, p. 16);
 - (b) the Community will use the resources available to it under the common policy for transport infrastructure to support these measures. (See Council Regulation (EEC) No 3359/90, OJ No L 326, 24. 11. 1990, p. 1)

ANNEX IV

(on Article 7)

INFRASTRUCTURE PROJECTS ON COMMUNITY TERRITORY

In the Community the following measures will be taken to increase rail capacity with a view to improving rail transport and combined transport:

(a) In Germany and Italy

In view of the importance of a new Brenner crossing, the Community declares its readiness, as an extension to action taken hitherto, to step up its cooperation with Austria on the Brenner base tunnel project and access routes;

(b) In Germany

— *Short-term measures:*

- combined transport terminals at Munich-Riem and Duisburg Port,
- upgrading of the Munich — Rosenheim — Kufstein section; in particular: reserved tracks for the S-Bahn (urban railway) between Zorneding and Grafing,
- shortening of block sections (improvement of division into sections) between Grafing and Rosenheim and between Rosenheim and Kiefersfelden,
- construction of passing tracks (e.g. between the stations at Großkarolinenfeld, Raubling and Fischbach),
- construction of rail-free access for platforms at Großkarolinenfeld Station, and
- track layout changes at Rosenheim Station and further measures at the following stations: Aßling, Ostermünchen, Brannenburg, Oberaudorf and Kiefersfelden.

— *Medium-term measures* (up to the end of 1988, subject to planning permission):

- upgrading of the Munich — Mühldorf — Freilassing section.

(c) **In Italy**

Brenner:

- the widening of tunnels on the Brenner — Verona line in order to permit the carriage of heavy goods vehicles with a corner height of four m in accompanied or unaccompanied combined transport,
- the upgrading of the Verona-Quadrante Europa intermodal centre,
- track reinforcement and construction of new tunnels,
- the implementation of further technical measures (automatic block and two-way working on the busy stretches leading to the stations of Verona, Trento, Bolzano and Brenner) in order to increase capacity and further improve safety.

(d) **In the Netherlands**

Construction of a rail service centre in the Rotterdam conurbation.

ANNEX V

(on Article 8)

1. AUSTRIAN RAILWAYS' ADDITIONAL CAPACITY FOR CARRIAGE OF GOODS IN TRANSIT THROUGH AUSTRIA:

Route	Additional capacity: transit goods trains/day (in both directions)			
	Immediate	Short-term	Medium-term	Long-term
<i>Brenner</i>	10 ⁽¹⁾	70	—	200 ⁽⁵⁾
<i>Tauern</i>				
Saltzburg — Villach — Jesenice or Tarvisio	10 ⁽²⁾	4	40	—
<i>Pyhrn</i> ⁽³⁾ — <i>Schober</i>				
Passau — (Salzburg) — Selzthal — Graz — Spielfeld/Straß	4	11 ⁽⁴⁾	22	60

⁽¹⁾ An additional 28 trains have already been put on as a result of the '1 December 1989 Programme'.

⁽²⁾ Of which four trains are available immediately.

⁽³⁾ Increased capacity on the feeder lines, but less reserve capacity on the Schober Pass section in the short and medium terms.

⁽⁴⁾ Might, in certain circumstances, be increased to 26 units, but with no reserve capacity on the mountain section over the Schober Pass.

⁽⁵⁾ This assumes that the Brenner Base Tunnel is built and that feeder lines in neighbouring States are upgraded.

2. POTENTIAL CAPACITY INCREASE IN CONSIGNMENTS OR TONNES

Immediately:

Since 1 December 1989 Austria has introduced 28 more goods and combined transport trains into Brenner transit. There is enough spare capacity on these and already existing goods and combined transport trains to permit about a quarter of freight currently transiting by road to be shifted on to the railways.

In the short term:

Short-term expansion will more than double rail capacity for transit through Austria. From 1994 — depending on the combined transport technology used — there will, in addition, be an annual increase in combined transport capacity of 1,1 to 1,6 million consignments or over 20 million tonnes.

In the medium term:

Until 1996 this capacity will be further expanded by 700 000 to 1,1 million consignments a year through additional selective two-track development and safety and operating improvements on the Tauern and Pyhrn routes.

In the long term:

The Pyhrn-Schober route will be upgraded to two-track running by the year 2000. Between 2005 and 2010, a Brenner base tunnel should further double capacity on the Brenner route to as many as 400 trains a day. Depending on the technology chosen, the newly created combined rail transport capacity could rise to 50 to 80 million tonnes a year after 2010.

Definitions:

'Immediately' means available within the period of validity of the current timetable.

'In the short term' means available from the end of 1994.

'In the medium-term' means available from the end of 1996.

'In the long term' means available on the Pyhrn-Schober route from the end of the year 2000, and on the Brenner Route from the end of 2010.

ANNEX VI

(on Article 10)

Declaration relating to Article 10

The Community delegation declares that aids from Community Member States are subject to the provisions of the Treaty establishing the European Economic Community, and in particular Articles 92, 93 and 77 thereof.

ANNEX VII

(on Article 13)

Joint declaration relating to Article 13

1. The European Community and Austria note with satisfaction that the Council of the European Community has decided to reduce the maximum levels of gaseous and noise emissions as COP values for heavy goods vehicles.

A comparison of the maximum permissible levels as COP values decided upon by the Council and those laid down by Austria provides proof of the efforts undertaken in the field of harmonization.

CO	HC	NO _x	Particulates
4,9 g/kWh	1,23 g/kWh	9,0 g/kWh	0,7 g/kWh ≤ 85 kW
			0,4 g/kWh > 85 kW

These values are applicable from 1 October 1991 in Austria and 1 July 1992 in the European Community.

2. The European Community and Austria will endeavour to reduce the COP values of emissions still further in a second stage, relying in doing so on the latest state of the art in environment-friendly motor vehicles and fuel composition. Harmonization will also prevail in this second stage.

The Council of the European Community has decided that with effect from 1 October 1996 the following exhaust-gas values will be introduced in the Community:

CO	HC	NO _x	Particulates
4,0 g/kWh	1,1 g/kWh	7,0 g/kWh	0,3/0,15 g/kWh

The Community and Austria shall consult one another in order to prepare for the second stage and, not later than 1 January 1994, shall harmonize the corresponding legal provisions with particular regard to the limit values for particulate emissions.

3. The Republic of Austria takes note of the Commission proposal of 26 June 1991, according to which maximum noise-emission levels are to be introduced not later than 1 October 1995 for newly registered lorries:

Noise emissions: lorry ≤ 150 kW: 78 dB (ISO measurement procedure)

lorry > 150 kW: 80 dB (with a method of measurement suitable for urban traffic)

The Republic of Austria hereby states its intention to introduce the following maximum noise-emission levels for newly registered lorries not later than 1 October 1995:

Noise emissions: lorry ≤ 150 kW: 78 dB

lorry > 150 kW: 80 dB

(ISO measurement procedure)

ANNEX VIII

(on Article 15)

<i>Year</i>	<i>Percentage of eco points</i>	<i>Year</i>	<i>Percentage of eco points</i>
1991	100,0 %	1998	54,8 %
1992	96,1 %	1999	51,9 %
1993	87,9 %	2000	49,8 %
1994	79,5 %	2001	48,5 %
1995	71,7 %	2002	44,8 % ⁽¹⁾
1996	65,0 %	2003	40,0 % ⁽¹⁾
1997	59,1 %		

⁽¹⁾ The calculation of the reduction for the years 2002 and 2003 is based on the assumption that a lorry with a NO_x emission of 5,0 g/NO_x/kWh will be available on the market from the year 2002.

ANNEX IX

(on Article 15)

1. The following documents shall be submitted for each heavy goods vehicle each time it travels through Austria (in either direction):
 - (a) a document showing the COP value for NO_x emissions from the vehicle in question;
 - (b) a valid points card issued by the competent authority.

Concerning (a):

in the case of heavy goods vehicle registered after 1 October 1990, the document showing the COP value shall be a certificate issued by the appropriate authority giving details of an official COP value for NO_x emissions or the type-approval certificate showing the date of registration and value established for type-approval purposes. In the latter case the COP value shall be the type-approval value increased by 10%. Once such a value has been determined for a vehicle it cannot be changed during the vehicle's life.

In the case of vehicles registered before 1 October 1990 and vehicles for which no certificate has been submitted, a COP value of 15,8 g/kWh shall be set.

Concerning (b):

the points card shall contain a certain number of points and shall be endorsed as follows on the basis of the COP value for the vehicles in question:

1. each g/kWh NO_x emission corresponding to the value shown in the document referred to in 1 (a) shall count as one point;
2. NO_x emission values shall be rounded up to the next full point when they are to a decimal place of 0,5 or more, otherwise they shall be rounded down.
2. The Austrian authorities shall provide the Commission with points cards pursuant to Article 15 in good time.
3. The Transit Committee shall at three-month intervals calculate the number of journeys and the average NO_x value of the heavy goods vehicles detailed for each nationality.
4. If Article 15 (5.2) applies, the number of eco points for the following shall be reduced in the following way:

The quarterly average NO_x emission values for lorries in the current year (see paragraph (3)) will be extrapolated to produce the average NO_x emission value anticipated for the following year. The forecast value multiplied by 1,04 and the number of journeys calculated in accordance with Article 15 (4) (2) will be the number of eco points for the year in question.

ANNEX X

(on Article 17)

Exchange of letters concerning checks

Letter No 1

Your Excellency,

With regard to the Agreement signed today between the European Economic Community and Austria on the transit of goods by road and rail, I have the honour to inform you that the Community, with the aim of simplifying frontier formalities, is interpreting, without prejudice to Article 15 and 16 of the Agreement, Article 17 of the Agreement in the light of Council Regulation (EEC) No 4060/89, and in particular Article 3 thereof, as incorporated into the Agreement on the European Economic Area.

I would be grateful for your assent to the content of this letter.

Please accept, Sir, the assurance of my highest consideration,

Letter No 2

To the Director-General

Sir,

I have the honour to confirm the content of your letter, namely:

'With regard to the Agreement signed today between the European Economic Community and Austria on the transit of goods by road and rail, I have the honour to inform you that the Community, with the aim of simplifying frontiers formalities, is interpreting, without prejudice to Articles 15 and 16 of the Agreement, Article 17 of the Agreement in the light of Council Regulation (EEC) No 4060/89, and in particular Article 3 thereof, as incorporated into the Agreement on the European Economic Area.

I would be grateful for your assent to the content of this letter.'

I have the honour to confirm my assent to the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

Information on the entry into force of the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail, signed in Porto on 2 May 1992 ⁽¹⁾

The exchange of the instruments of notification of the conclusion of the procedures necessary for the entry into force of the Agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail, signed in Porto on 2 May 1992, having been completed on 30 November 1992, this Agreement will, in accordance with Article 24 (3) thereof, enter into force on 1 January 1993.

⁽¹⁾ See p. 4 of this Official Journal.

COUNCIL DECISION

of 30 November 1992

concerning the conclusion of the Agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rail

(92/578/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rail can provide a solution to the various current problems of trans-Alpine goods traffic; whereas it is necessary to ensure the non-discriminatory development of transit so as to enable international trade to be conducted at the least possible cost to the public at large and to reduce to a minimum the administrative and technical obstacles which affect transit;

Whereas these objectives must, at the same time, take account of respect for users' freedom of choice and aspects relating to road safety, protection of public health and the environment in Alpine regions;

Whereas the objectives and the content of the Agreement fall within the scope of the common transport policy and the technical standards play their part in attaining these objectives;

Whereas it is appropriate to lay down a procedure with a view to approving the administrative arrangements provided for by the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Economic Community and the Swiss Confederation on the carriage

of goods by road and rail is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 21 of the Agreement.

Article 3

The administrative arrangement provided for in point II.4 of Annex 6 to the Agreement shall be approved in accordance with the procedure laid down in Article 4 of this Decision.

Article 4

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the Commission representative.

The representative of the Commission shall submit to the Commission a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the provisions envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the

⁽¹⁾ OJ No C 305, 23. 11. 1992.

⁽²⁾ OJ No C 313, 30. 11. 1992, p. 16.

Council a proposal relating to the measures to be taken.
The Council shall act by a qualified majority.

in Article 3 in accordance with the procedure laid down in
Article 4.

If, on the expiry of a period of four weeks from the date
of referral to the Council, the Council has not acted, the
proposed measures shall be adopted by the Commission.

Done at Brussels, 30 November 1992.

Article 5

The Commission shall adopt the necessary measures for
implementing the administrative arrangement referred to

For the Council

The President

T. EGGAR

**AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE
SWISS CONFEDERATION ON THE CARRIAGE OF GOODS BY ROAD AND RAIL**

CONTENTS

	<i>Page</i>
Recitals	30
Title I: Aims, scope and definitions	30
Article 1: Aims	30
Article 2: Scope	30
Article 3: Definitions	30
Title II: Rail transport and combined transport	31
Article 4: General provisions	31
Article 5: Infrastructure works and planning of measures in Switzerland	31
Article 6: Infrastructure works and planning of measures in the Community	31
Article 7: Support measures	31
Article 8: Pricing	32
Article 9: Crisis situation	32
Title III: Road transport	32
Article 10: Facilitation of road transport	32
Article 11: Environmental protection	33
Article 12: Taxation	33
Article 13: Market access	33
Title IV: Facilitation of border crossings	33
Article 14: Simplification of formalities	33
Title V: General and final provisions	33
Article 15: Non-discrimination	33
Article 16: Unilateral measures	34
Article 17: Additional measures	34
Article 18: Joint Committee	34
Article 19: Operation of the Committee	34
Article 20: Duration of the Agreement	34
Article 21: Entry into force	34
Article 22: Annexes	34
Article 23: Languages	34
Annexes	
Annex 1: Declaration on the scope of Article 3 (d)	37
Annex 2: Infrastructure works and measures planned in Switzerland	38
Annex 3: Declaration on the scope of the undertaking given in Article 6	41
Annex 4: Infrastructure works and measures planned in the Community	42
Annex 5: Declaration by the Community delegation on Article 8 of the Agreement	43
Annex 6: Lists of exemptions	
(i) from the ban on night and Sunday driving	44
(ii) from the 28-tonne limit	44
Annex 7: Joint declaration on the treatment of vehicle weights and dimensions	45
Annex 8: Exchange of letters on market access	46

THE COUNCIL OF THE EUROPEAN COMMUNITIES, hereinafter referred to as 'the Community', of the one part,

THE SWISS FEDERAL COUNCIL on behalf of the SWISS CONFEDERATION, hereinafter referred to as 'Switzerland', of the other part,

DESIROUS of promoting international cooperation and international trade through a coordinated European transport policy;

CONSIDERING the need for a lasting solution to the problems caused by trans-Alpine transit in a way that safeguards the quality of life of local residents, protects the environment and helps, by more efficient traffic management, complete the European Community's single market and the European Economic Area;

CONSIDERING the natural obstacles to the development of trans-Alpine road traffic, which account for certain points of difference between the road traffic laws of the Parties;

WHEREAS it is nevertheless deemed appropriate to provide for road transport to be facilitated;

WHEREAS in economic, environmental, social and safety terms, combined transport represents the best medium and long-term option for coping with the growing volume of international trans-Alpine goods traffic;

WHEREAS the different modes of transport must cover the costs they incur,

HAVE AGREED AS FOLLOWS:

TITLE I

AIMS, SCOPE AND DEFINITIONS

Article 1

Aims

This Agreement between the Community and Switzerland is aimed at strengthening cooperation between the Community and Switzerland in certain sectors of transport, and that of trans-Alpine transit in particular. The Parties therefore agree to take coordinated action to promote the use of rail transport, and in particular combined transport, in the interests of public health and the environment, and improve market access and facilitate road traffic by appropriate means.

Article 2

Scope

1. This Agreement shall apply:

- (a) to Community transit traffic through Switzerland;
- (b) to certain matters relating to bilateral traffic.

2. Cooperation shall focus particularly on transport infrastructure, the support measures necessary for the development of rail transport and combined transport, market access and the permanent exchange by the Parties of information regarding the development of their respective transport policies.

3. In the case of road haulage, the Agreement shall apply to transport operations carried out by hauliers established in one of the Parties.

Article 3

Definitions

For the purposes of this Agreement, the following definitions shall apply:

- (a) 'Community transit traffic': the carriage of goods in transit through Swiss territory en route from or to a Member State of the Community;
- (b) 'Bilateral traffic': the carriage of goods from the territory of one Party to the territory of the other;
- (c) 'Combined road/rail transport' hereinafter referred to as 'combined transport': the carriage of goods by heavy goods vehicles or loading units which complete part of their journey by rail and either begin or end the journey by road;

- (d) 'Carriage of goods': journeys undertaken by goods vehicles, whether laden or unladen;
- (e) 'Heavy goods vehicles': lorries and tractor units, trailers and semi-trailers;
- (f) 'Loading units': containers and swap bodies.

TITLE II

RAIL TRANSPORT AND COMBINED TRANSPORT

Article 4

General provisions

1. The Parties hereby agree to adopt and coordinate, within the limits of their respective competences, the measures needed for the development and promotion of rail transport and combined transport, which are vital for the solution of the problems caused in particular, by the carriage of goods on the north-south axis through the Swiss Alps. The construction of the necessary infrastructure and the scheduling of such works, the development and operation of services and the implementation of support measures shall be coordinated and done in parallel. The Parties shall do this by bringing about the best possible return on the expenditure involved.

2. These measures shall be consistent with the provisions of the trilateral agreement on the improvement of trans-Alpine combined road/rail goods transport, signed on 3 December 1991 by the Minister of Transport of the Federal Republic of Germany, the Head of the Federal Department of Transport, Communications and Energy of the Swiss Confederation and the Minister of Transport of the Italian Republic.

Article 5

Infrastructure works and planning of measures in Switzerland

Details of the measures planned are given in Annex 2. They are based on the following principles:

(a) *In the short and medium term:*

Switzerland shall progressively increase the combined transport capacity of the Gotthard and Lötschberg trans-Alpine routes from 330 000 consignments in 1991 to 710 000 consignments in 1994 (*).

Switzerland shall, by the end of 1994 (*), improve the Lötschberg-Simplon transit route so as to make possible the conveyance by train of lorries with a corner height of 4 metres. These improvements shall

be carried out in parallel with the corresponding work to be undertaken on Community territory as provided for in Article 6.

In parallel with this work, Switzerland shall improve the rail links with the transit routes so as to speed up the flow of traffic and further increase capacity.

(b) *In the long term:*

Switzerland shall undertake further improvements to trans-Alpine transit routes, including:

- a railway line between Arth-Goldau and Lugano, including a Gotthard base tunnel (length about 50 km, work expected to take 12 to 15 years),
- a base railway line between the Frutigen region and the Rhône valley, including a Lötschberg base tunnel (length about 30 km, work expected to take 7 to 10 years).

Article 6

Infrastructure works and planning of measures in the Community

In accordance with the declaration in Annex 3 and with the intentions of the Member States, the following measures shall be taken in the Community:

- new terminals are to be created and existing terminals improved, in particular in Germany, northern Italy and the Rotterdam area,
- the clearance height of railway lines in northern Italy is to be increased so as to allow the unhindered passage of combined transport traffic, whether or not accompanied. In particular, the tunnels on the Iselle-Domodossola line are to be enlarged before the end of 1994 (*) so as to make possible the conveyance by train of lorries with a corner height of four metres,
- the capacity of certain sections of railway line in Germany, in particular between Mannheim and Basle, and in northern Italy is to be increased.

Details of these plans are given in Annex 4.

Article 7

Support measures

1. In order to promote rail transport and combined transport, the Parties shall give priority to the following objectives and take concerted action to implement the relevant measures:

(*) or 1995, depending on the progress of works.

(*) or 1995, depending on the progress of works.

- 1.1. to encourage users and consignors to use combined transport, in particular by making it competitive with road transport;
 - 1.2. to encourage the use of combined transport from start to finish and over long distances and to promote the use of swap bodies, containers and modern unaccompanied transport technologies in general;
 - 1.3. to harmonize the weights, dimensions and technical characteristics of combined transport equipment, in particular to ensure the requisite compatibility with clearance height;
 - 1.4. to facilitate access to the nearest suitably equipped terminals, in particular by the reciprocal waiving of authorization requirements for traffic to and from combined transport terminals without prejudice to Article 10 and Annex 6 to this Agreement;
 - 1.5. to draw up liability rules for combined transport services comparable to those already applicable to other modes of transport;
 - 1.6. to prevent discrimination between transport operators on the grounds of nationality, in particular in the organization and marketing of combined transport.
2. The Parties shall, in a concrete manner within the limits of their competences, prevail on the railway companies to:
- 2.1. assemble complete trains;
 - 2.2. improve the reliability of deliveries and reduce delivery times in the combined transport sector, in particular by:
 - 2.2.1. reducing waiting time, particularly at frontiers;
 - 2.2.2. increasing the frequency of services;
 - 2.2.3. improving productivity;
 - 2.2.4. reducing administrative formalities;
 - 2.3. take the necessary coordinated measures to order and put into service such new equipment as is required by the level of traffic;
 - 2.4. endeavour to provide additional services (e.g. packaging, repairs, cold storage, etc.) within the terminals;
 - 2.5. offer guaranteed conveyance times;
 - 2.6. provide new rail links where this is justified on economic grounds.

Article 8

Pricing

1. Rail transport pricing shall remain the prerogative of the competent authorities or bodies in each Party. They shall ensure that the price conditions for combined transport are competitive with those for transport by road.
2. The Parties shall ensure that the market impact of the aid granted by one Party is not reduced by measures taken by the other or a competent body established on its territory.
3. In order to promote trans-Alpine combined transport, the Parties may authorize aid relating to infrastructure and fixed or mobile transshipment plant, aid for rolling stock specifically used for combined transport and aid for operating costs not covered.

Article 9

Crisis situation

In the event of a serious disturbance in rail transit traffic due for instance to a natural disaster, the competent authorities of each Party shall take all possible concerted action to maintain the flow of the traffic concerned within their respective jurisdictions. Priority shall be given to sensitive loads, such as perishable foods.

TITLE III

ROAD TRANSPORT

A. TECHNICAL AND TAX ASPECTS

Article 10

Facilitation of road transport

1. The Parties, while respecting the 28-tonne limit on the permissible total laden weight transported and the ban on night and Sunday driving in Switzerland, and subject to the exemptions referred to in Annex 6, shall endeavour to facilitate the transport of goods by road.
2. To that end, the Swiss authorities shall take the following steps, leading on from the abolition by the Federal Council of the excess weight charge for frontier areas levied from 6 February 1990:
 - completion and improvement of the national road network,

- raising of the vehicle weight tolerance from 2 to 5 %,
- widening of Ticino's frontier area with regard to motorway access,
- abolition of certain restrictions on the transportation of animals by road,
- raising of the length limit for articulated vehicles from 16 to 16,5 metres,
- raising of the length limit for road trains from 18 to 18,35 metres,
- raising of the total weight limit for three-axle vehicles with only one driven axle from 19 to 22 tonnes,
- raising of the maximum width for road vehicles from 2,30 to 2,50 metres and for refrigerator vehicles to 2,60 metres.

3. Without prejudice to paragraphs 1 and 2 of this Article and the provisions of the Agreement on the European Economic Area, should the latter enter into force between the Community and Switzerland, Switzerland shall admit road vehicles registered in the Community Member States and conforming to the dimensions and driven axle weights stipulated in the Community legislation as it stands at the time of this Agreement's entry into force ⁽¹⁾.

Article 11

Environmental protection

1. In order to better protect the environment, the Parties intend in particular to introduce stringent standards to reduce gas, particulate and noise emissions from heavy goods vehicles.
2. While developing these emissions standards, the Parties shall consult each other regularly and frequently.
3. With regard to emissions standards, goods vehicles registered in one Party shall be allowed to operate in the territories of both Parties, subject to the provisions of Annex 6 (II)(3).

Article 12

Taxation

1. The Parties shall seek to phase in forms of road taxation which are as far as possible coordinated. They shall be aimed, in a first stage, at making vehicles pay for transport infrastructure and, in a second stage, also at making them pay external costs, particularly environmental costs.

⁽¹⁾ See also Annex 7 with regard to the treatment of weights and dimensions.

2. While developing their respective approaches to this, the Parties shall consult each other regularly. They shall as far as possible take account of the principle of territoriality, and shall consider the specific costs to the Alpine regions.

3. The Parties shall, if appropriate, enter into negotiations to reach an agreement regarding road taxation. The main aim of such an agreement, within the framework of the objective referred to in paragraph 1 above, shall be to ensure the free flow of cross-border traffic, reduce the differences between the road taxation systems applied by the two Parties and eliminate distortions of competition within a single mode of transport and between modes of transport arising from such differences.

B. MARKET ACCESS

Article 13

Market access

The two Parties declare their intention to grant each other access to the transport market under the Agreement on the European Economic Area or, if necessary, on terms to be set out in a bilateral agreement ⁽²⁾.

TITLE IV

FACILITATION OF BORDER CROSSINGS AND - SIMPLIFICATION OF FORMALITIES

Article 14

1. The Parties shall endeavour to simplify the formalities, particularly customs formalities, imposed during transport.
2. These measures shall be taken in keeping with the Agreement between the European Community and Switzerland on the facilitation of border crossing, which entered into force on 1 July 1991.

TITLE V

GENERAL AND FINAL PROVISIONS

Article 15

Non-discrimination

The Parties shall not take discriminatory measures in the fields covered by this Agreement or with regard to traffic through Community Member States.

⁽²⁾ See Annex 8.

*Article 16***Unilateral measures**

The Parties shall refrain from taking unilateral measures which discriminate against transit traffic authorized pursuant to this Agreement.

*Article 17***Additional measures**

Where one of the Parties finds, in its experience of the application of this Agreement, that other measures falling within its scope would serve the interests of a coordinated European transport policy, and in particular, help to resolve the problem of trans-Alpine transit, it shall make appropriate proposals to the other.

*Article 18***Joint Committee**

1. A Joint Committee is hereby established. It shall be known as the 'Community/Switzerland Inland Transport Committee', and shall:

- ensure proper implementation of this Agreement,
- ensure proper coordination of the development and establishment of combined transport infrastructure, services and support measures,
- conduct regular exchanges of information on general policy issues relating to the land transport of goods and assess progress in the implementation of the Agreement,
- conduct a three-yearly review of the Agreement in the light of the progress made in its implementation and developments, particularly in the following fields:
 - the impact of road traffic on the environment and quality of life,
 - the charging of infrastructure and external costs,
 - the capacities of combined transport and the road network.

The Joint Committee shall also, where appropriate, make suitable suggestions to the Parties.

2. Any dispute between the Parties concerning the interpretation or application of this Agreement shall be referred to the Joint Committee, which shall endeavour to find a mutually acceptable solution.

3. The Joint Committee shall be made up of representatives of the Community and representatives of Switzerland.

4. The Joint Committee shall establish its own rules of procedure.

*Article 19***Operation of the Committee**

1. Meetings of the Joint Committee shall be chaired in turn by each of the Parties in accordance with arrangements to be established by its rules of procedure.

2. The chairman shall convene meetings of the Joint Committee at least once a year in order to review the general functioning of the Agreement.

The Joint Committee shall also meet whenever special circumstances so require, at the request of either Party, in accordance with conditions to be laid down in its rules of procedure.

3. The Joint Committee may decide to appoint working parties with a view to obtaining their assistance in fulfilling its functions.

*Article 20***Duration of the Agreement**

This Agreement shall be concluded for 12 years.

*Article 21***Entry into force**

This Agreement shall be subject to ratification or approval in accordance with the Parties' own procedures. It shall enter into force once the Parties have notified each other that the necessary legal procedures have been completed.

*Article 22***Annexes**

Annexes 1 to 8 shall form an integral part of this Agreement.

*Article 23***Languages**

This Agreement shall be drawn up in duplicate in Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish, each text being equally authentic.

Hecho en Oporto, el dos de mayo de mil novecientos noventa y dos.

Udfærdiget i Porto, den anden maj nitten hundrede og tooghalvfems.

Geschehen zu Porto am zweiten Mai neunzehnhundertzweiundneunzig.

Έγινε στο Πόρτο, στις δύο Μαΐου χίλια εννιακόσια ενενήντα δύο.

Done at Oporto on the second day of May in the year one thousand nine hundred and ninety-two.

Fait à Porto, le deux mai mil neuf cent quatre-vingt-douze.

Fatto a Porto, addì due maggio millenovecentonovantadue.

Gedaan te Oporto, de tweede mei negentienhonderd tweeënnegentig.

Feito no Porto, em dois de Maio de mil novecentos e noventa e dois.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

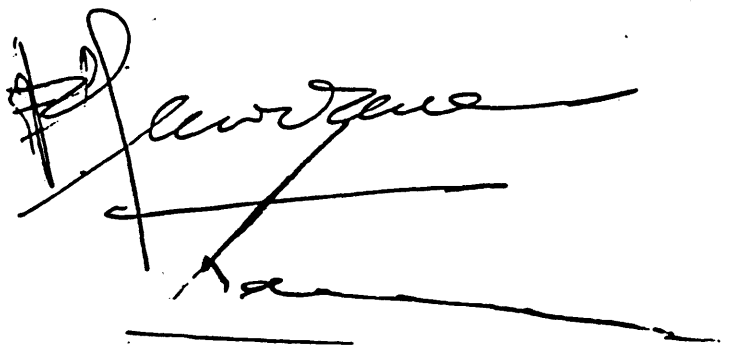
For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità Europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

A large, stylized handwritten signature in black ink, likely of a high-ranking official, is written over a faint, rectangular official stamp. The signature is fluid and extends across the width of the stamp. The stamp itself is mostly illegible due to the ink bleed-through and the signature.

Für die Regierung der Schweizerischen Eidgenossenschaft

Por el Gobierno de la Confederación Suiza

For regeringen for Schweiz

Για την κυβέρνηση της Ελβετικής Συνομοσπονδίας

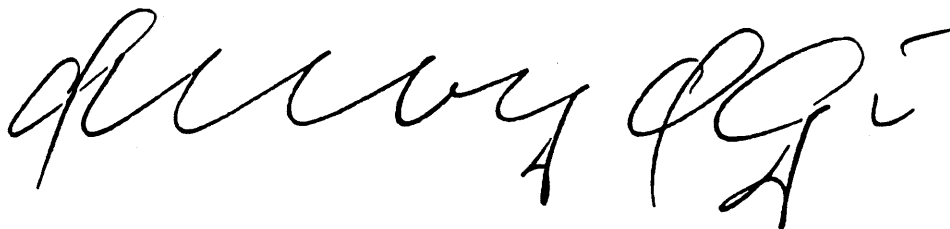
For the Government of the Swiss Confederation

Pour le gouvernement de la Confédération suisse

Per il governo della Confederazione svizzera

Voor de Regering van de Zwitserse Bondsstaat

Pelo Governo da Confederação Suíça

A large, stylized handwritten signature in black ink, likely belonging to a Swiss official, positioned below the multilingual text.

ANNEX 1

DECLARATION BY THE SWISS DELEGATION ON THE SCOPE OF ARTICLE 3 (d)

The Swiss Confederation confirms, subject to the reservation that such action be reciprocal, that the movement of empty Community vehicles on its territory shall be subject to no restrictions other than those arising from the general ban on night and Sunday driving and the 28-tonne limit.

ANNEX 2

INFRASTRUCTURE WORKS AND MEASURES PLANNED IN SWITZERLAND

A. GENERAL

Swiss policy on goods transit rests on the following two pillars:

— Road

The completed road network for north-south traffic, and traffic rules laid down in harmony with the International Convention of 8 November 1968 on road traffic.

— Rail

Short, medium and long-term development of railway infrastructure, in particular so as to develop combined road/rail traffic.

For environmental reasons and because of the limited capacity of the road network, the expected considerable growth in transit tonnage can no longer be borne by the road network. Only a massive increase in railway capacity and services will be able to cope with the expected doubling of the volume of goods traffic between the north and south of Europe by the year 2020 or 2030.

B. PROGRAMME OF WORK

The parties shall agree on the measures to be taken, as follows:

1. Short term progression

Increasing capacity yields the following progressive increase in supply:

Number of consignments (000) via Gotthard and Lötschberg/Simplon

GOTTHARD

	UCT	Container	UT	TT	Total Gotthard
	1	2	1 + 2	4	1 + 2 + 4
1994 (*)	340	160	500	30	530
1993	203	110	313	67	380
1992	173	110	283	57	340
1991	165	110	275	55	330

LÖTSCHBERG/SIMPLON

	UCT	Container	UT	TT	Total Lötschberg/Simplon
	6	7	6 + 7	9	6 + 7 + 9
1994 (*)	0	80	80	100	180
1993	0	50	50	0	50
1992	0	0	0	0	0
1991	0	0	0	0	0

(*) or 1995, depending on the progress of works.

Total No of consignments

— 1994 (*)	710 000
— 1993	430 000
— 1992	340 000
— 1991	330 000

Key to abbreviations:

TT: Truck on train

UCT: Unaccompanied combined transport

UT: UCT + container

(*) Or 1995, depending on the progress of works.

This capacity will only be available in 1994 (*) if the decisions on starting the necessary work can be taken during the first half of 1991.

2. Basic action to be taken by 1994 (*)

Increased capacity requires the creation of a 'piggy-back' transport corridor consisting of two routes — one via the St Gotthard and the other via Lötschberg-Simplon. The aim is to treble the present capacity for combined transport (excluding containers) via the St Gotthard and to improve (where appropriate) the Lötschberg-Simplon route, thus enabling three times as many goods to be carried as in 1988.

- 2.1. Between now and 1994 (*) the transitional arrangements planned by the Swiss government will enable 470 000 consignments or 10 million tonnes of goods to be sent via Switzerland — 710 000 consignments or 14 million tonnes if container transport is included.

- 2.2. In operational terms, these arrangements involve:

St Gotthard

- Putting into service 44 long trains, accounting for 370 000 consignments per year.
- These supply figures are based on mixed traffic consisting of the unaccompanied and 'truck on train' traffic. They assume that capacity is fully utilized for 250 working days per year.
- The 'truck on train' system can carry lorries with a corner height of 3,80 metres. In the case of unaccompanied traffic, semi-trailers can be as much as 4 metres high.

Lötschberg/Simplon

- Putting into service 14 'truck on train' trains, with a total capacity of 100 000 consignments per year. This assumes that capacity is fully utilized for 250 working days per year.
- This rail corridor will provide 'truck on train' transport for lorries or road trains having a maximum corner height of 4 m.
- The Swiss authorities note that the Italian authorities have undertaken to improve the 'truck on train' infrastructure between Iselle and the Italian border by providing, in particular, sufficient clearance height for lorries or road trains having a corner height of 4 m.

- 2.3. Combined transport plans thus involve terminals located outside Switzerland at places of strategic importance for transport (Rhine/Ruhr, Rhine/Main, Stuttgart, Bologna, Milan-Novara, Turin, Genoa, Florence and Rome).

In this connection, the border crossing points for traffic entering and leaving Switzerland are:

- to the north: Basle, Schaffhausen and Rielasingen,
- to the south: Domodollola, Luino and Chiasso.

3. Foreseeable trends beyond 1994 (*)

Once the Swiss 'RAIL 2000' project is completed and provided that the potential of the Lötschberg twin-track line is fully exploited, additional capacity (up to 700 000 consignments per year) will become available after 1994 (*). This increase in capacity contributes to the supply figures referred to above and can be adapted to the actual rate of growth of the combined transport market.

(*) or 1995, depending on the progress of works.

C. NEW RAILWAY LINE THROUGH THE SWISS ALPS**1. Projects**

Switzerland undertakes to achieve the following improvements:

- construct a new line between Arth-Goldau and Lugano, with a base tunnel at St Gotthard (about 50 km in length) and another under Monte Ceneri (13 km),
- bore a base tunnel under the Lötschberg (around 30 km).

These two routes together form the backbone of the modernized Swiss railway network. The work will take 7 to 10 years at the Lötschberg and 12 to 15 years at St Gotthard. The first sections of the new transit network will be open to traffic by the year 2005.

2. Capacity

Present north-south railway lines can carry 25 to 30 million tonnes (railway wagons and combined transport), with a transit time of just over five hours. The new infrastructure will increase this capacity to 67 million tonnes and reduce the journey time to just over three hours. It will also be able to carry heavier and longer trains.

In the case of combined transport, the planned improvements will (depending on market conditions) enable 260 trains to be put into service carrying 43 million tonnes.

ANNEX 3

**DECLARATION BY THE COMMUNITY DELEGATION ON THE SCOPE OF THE UNDERTAKING
GIVEN IN ARTICLE 6**

1. Infrastructure operations in the Community shall be carried out on condition that the Member States concerned undertake to support the work to be done on their territory.
 2. Article 6 shall be applied as follows:
 - within the Committee on Transport Infrastructures, the Commission shall submit and examine with the Member States concerned the measures to be taken (see Council Decision 78/174/EEC, OJ No L 54, 25. 2. 1978, p. 16),
 - the Community as such, given its interest in solving the problem of trans-Alpine transit through Switzerland, shall support the implementation of those measures by deploying the resources available to it, notably in the context of the common policy on support for transport infrastructure (see Council Regulation (EEC) No 3359/90, OJ No L 326, 24. 11. 1990, p. 1).
-

ANNEX 4

INFRASTRUCTURE OPERATIONS AND MEASURES PLANNED IN THE COMMUNITY

A. GENERAL

1. In general, as regards both conventional rail transport and combined transport, the parties have agreed to carry out the infrastructure improvements necessary to remove bottlenecks on Community railway lines which provide access to the Swiss network. Such improvements should take place under coordinated policies on transit infrastructure and operations ensuring the long-term viability, the consistency and long-distance continuity of combined traffic routes.
2. In this perspective, with a view to enabling the railways to cope with the expected sharp rise in demand and taking account of the work already carried out in a number of areas by the Community Member States directly concerned, the Community must, in consultation with Switzerland, take coordinated steps to:
 - establish priorities and draw up a timetable for investment in infrastructure, terminals, the purchase of rolling stock, the introduction of services, etc.,
 - draw up joint, supervised infrastructure plans in accordance with the order of priorities established,
 - take the necessary financial measures.

B. WORK PROGRAMME

3. Certain infrastructure projects within the Community have already been recognized as necessary by the countries concerned and must be carried out according to a timetable agreed between the two Parties. Such work would include that mentioned in 4 and 5.
4. With regard to the improvement of existing terminals and the creation of new terminals, the Community considers it particularly essential to take action:
 - (a) *in Germany:*

In the following regions:

 - Hamburg-Lübeck,
 - the Ruhr,
 - Mannheim/Frankfurt,where the capacity of the existing terminals appears inadequate.

The combined transport facilities at Rielasingen/Singen and Freiburg-im-Breisgau must also be improved.
 - (b) *in Italy:*

Facilities must be improved in the industrial areas, especially around Milan, Bologna and Turin. The following terminals will have to be created or improved:

 - Milan Rogoredo and Milan Segrate (unaccompanied traffic),
 - Milan Greco Pirelli (improvements to the capacity and quality of the facilities),
 - a terminal in the Turin area and terminals further south, in the Bologna, Florence and Rome areas,
 - Busto Arzasio, the main terminal in the Milan area for accompanied and unaccompanied traffic from Switzerland: facilities to be extended,
 - inauguration of Milano Segrate in 1992: in the near future, the multimodal centre serving Bologna Interporto station and the Turin Orbassano multimodal centre (work currently in progress) are also to be brought into service,
 - Novara and Vercelli ('truck on train') unloading and reloading centres: capacity to be increased,
 - in the short term, steps must be taken to encourage the creation of small, local terminals in border areas (e.g. Novara), so as to ease the burden on the major unloading/reloading centres.

(c) *in the Netherlands:*

Construction of a rail service centre in Rotterdam.

5. The following work is required in connection with clearance heights and capacities of railway lines:

(a) *in Germany:*

— the capacity of certain sections of line between Mannheim and Basle (Karlsruhe—Basle) to be increased;

(b) *in Italy:*

— clearance height B (3,80 m) to be introduced on the Chiasso—Milan line and clearance height B+ (4 m) on the Domodossola—Turin line.

ANNEX 5

DECLARATION BY THE COMMUNITY DELEGATION CONCERNING ARTICLE 8 OF THE AGREEMENT

The Community delegation declares that aid from the Member States of the Community is subject to the provisions of the Treaty establishing the European Economic Community, and in particular Articles 77, 92 and 93 thereof.

ANNEX 6

EXEMPTIONS FROM THE BAN ON NIGHT AND SUNDAY DRIVING AND FROM THE 28-TONNE LIMIT

The exemptions listed below are in accordance with the Federal Law on road traffic of 19 December 1958.

I. Exemption from the ban on night and Sunday driving

The following exemptions from the ban on night and Sunday driving are planned:

(a) *Without special permission*

- journeys made to provide emergency assistance in disasters,
- journeys made to provide emergency assistance in cases of accidents, notably public transport and air traffic.

(b) *With special permission*

For transport of goods which, because of their nature, justify night-time haulage and, for genuine reasons, haulage on Sundays:

- highly perishable agricultural products (berries, certain fruit and vegetables, flowers or freshly squeezed fruit juices, for example) from 1 April to 31 October,
- pigs and chickens for slaughter,
- fresh milk and highly perishable milk products,
- circus equipment, musical instruments belonging to an orchestra, theatre props, etc.,
- dailies including an editorial component and postal consignments transported under a legal service requirement.

In the interests of easing approval procedures, authorizations valid for up to twelve months for any number of journeys may be issued, provided all the journeys are of the same nature.

II. Exemptions from the 28-tonne limit

1. For journeys originating abroad and finishing in the area of the Swiss frontier (*) (and vice versa), exceptions are permitted without charge for any goods up to a total 40 tonnes and for 40-foot ISO containers in combined transport up to a total of 44 tonnes. For reasons of road design, certain customs posts apply lower limits.
2. For journeys originating abroad and finishing beyond the Swiss frontier area (*) (and vice versa), and for transit through Switzerland, a total weight of over 28 tonnes may be authorized:
 - (a) for the transport of goods which are indivisible, in cases in which the stipulations cannot be obeyed despite the use of a suitable vehicle;
 - (b) for transfers or for the use of special vehicles, notably working vehicles which, owing to the purpose for which they are used, are not compatible with the provisions regarding weight;
 - (c) for the transport in an emergency of damaged or broken-down vehicles;
 - (d) for the transport of supplies for aircraft catering;
 - (e) haulage by road during the initial and final stages of combined transport, usually within a 10 km radius of the terminal.
3. For transit through Switzerland on the Basle—Chiasso route, road vehicles registered in the Community may be permitted a weight of over 28 tonnes if transporting perishable foodstuffs or other urgent consignments (e.g. just-in-time delivery) and if their dimensions conform to those

(*) Switzerland's frontier area is defined in the instructions of the Federal Police and Justice Department. It is generally an area within a ten-kilometre radius of a customs post.

stipulated in Article 10 of this Agreement, provided combined transport capacity is saturated. The number of permits allowing vehicles exceeding 28 tonnes to use Swiss roads will not in principle be greater than 50 per day in each direction. The annual maximum is 15 000 permits for each direction.

Only road vehicles meeting the latest Community anti-pollution standards (gaseous and particulate emissions) will be eligible for such permits. Vehicles first registered no more than two years before the date of application for an exemption shall also be considered eligible.

4. These exemptions will be granted on a case-by-case basis, using a procedure which is as simple as possible. The rules for implementation of the exemptions Switzerland grants (listed in paragraph 3) will be laid down in an administrative arrangement dealing with the following in particular:
 - the establishment of an administration centre in Berne to run the system. The centre will be linked with a contact entity in the Community,
 - the method for determining the point at which combined transport should be considered saturated,
 - the means of communication which should be established between the users, the terminals and the administration centre.

ANNEX 7

JOINT DECLARATION BY THE PARTIES ON THE TREATMENT OF WEIGHTS AND DIMENSIONS

With regard to weights and dimensions, the Parties undertake to maintain the status quo based on the principle of national treatment without prejudice to the exemptions made in Annex 6 and Article 10 (3).

ANNEX 8

EXCHANGE OF LETTERS ON MARKET ACCESS

Letter from the Swiss delegation

Berne,

To the Director-General

Dear Sir,

With regard to the Agreement between the European Economic Community and the Swiss Confederation signed today, I have the honour to confirm that Switzerland considers the issue of market access to be an essential element in its relation with the Community in the field of transport. I have taken note of your proposal that the matter be dealt with in the Agreement on the European Economic Area. My delegation is in agreement with this proposal, provided that, in the event of the said Agreement not coming into being, the Community and Switzerland immediately begin negotiations with a view to granting reciprocal access to transport markets in accordance with arrangements to be determined.

I should be grateful if you would kindly confirm that you are in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

Letter from the Community delegation

Brussels,

Your Excellency,

With regard to the Agreement signed today between the Community and Switzerland on the carriage of goods by road and rail, I have the honour to acknowledge receipt from you of the following letter concerning market access:

'With regard to the Agreement between the European Economic Community and the Swiss Confederation signed today, I have the honour to confirm that Switzerland considers the issue of market access to be an essential element in its relation with the Community in the field of transport. I have taken note of your proposal that the matter be dealt with in the Agreement on the European Economic Area. My delegation is in agreement with this proposal, provided that, in the event of the said Agreement not coming into being, the Community and Switzerland immediately begin negotiations with a view to granting reciprocal access to transport markets in accordance with arrangements to be determined.

I should be grateful if you would kindly confirm that you are in agreement with the contents of this letter.'

I have the honour to confirm my agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.
