



Treaty Series No. 48 (1987)

Supplementary Protocol to the Agreement of 28 July 1956

between the Federal Council of the Swiss Confederation, of the one part, and the Governments of the Member States of the European Coal and Steel Community and the High Authority of the European Coal and Steel Community, of the other part,

on the Introduction of Through International
Railway Tariffs for the Carriage of Coal and Steel
through Swiss Territory

Brussels, 10 October 1974

[The Supplementary Protocol entered into force on 17 September 1978]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 1987*

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**SUPPLEMENTARY PROTOCOL
TO THE AGREEMENT OF 28 JULY 1956 BETWEEN THE FEDERAL
COUNCIL OF THE SWISS CONFEDERATION, OF THE ONE PART, AND
THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN
COAL AND STEEL COMMUNITY AND THE HIGH AUTHORITY OF THE
EUROPEAN COAL AND STEEL COMMUNITY OF THE OTHER PART, ON
THE INTRODUCTION OF THROUGH INTERNATIONAL RAILWAY
TARIFFS FOR THE CARRIAGE OF COAL AND STEEL THROUGH SWISS
TERRITORY**

The Federal Council of the Swiss Confederation (hereinafter called "the Federal Council"), of the one part, and

The Governments of the Member States of the European Coal and Steel Community (hereinafter called "the Community") and the Commission of the European Communities, of the other part,

Have agreed as follows:

ARTICLE 1

The Governments of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland hereby accede to the Agreement of 28 July 1956 between the Federal Council of the Swiss Confederation, of the one part, and the Governments of the Member States of the European Coal and Steel Community and the High Authority of the European Coal and Steel Community, of the other part, on the introduction of through international railway tariffs for the carriage of coal and steel through Swiss territory (hereinafter called "the Agreement").¹

ARTICLE 2

The Danish and English texts of the Agreement, annexed to this Protocol, shall be authentic under the same conditions as the original texts.

ARTICLE 3

The Commission of the European Communities shall accept this Protocol as binding by virtue of its signature.

The Government of each Member State of the Community shall notify the Federal Council that the conditions necessary for the entry into force of this Protocol have been fulfilled in accordance with the provisions of its domestic law.

This Protocol shall enter into force one month after the date on which the Federal Council has informed the other Parties to the Agreement that the notification provided for in the second subparagraph has been received and that the conditions necessary for the entry into force of this Protocol have been fulfilled in accordance with the provisions of Swiss law².

ARTICLE 4

This Protocol shall be deposited with the Federal Council. The Federal Council shall transmit certified true copies thereof to the Governments of the Member States of the Community and to the Commission of the European Communities.

In witness whereof, the undersigned representatives of the Federal Council, of the Governments of the Member States of the Community, and of the Commission of the European Communities, duly authorized, have affixed their signatures below this Protocol.

¹ For texts in Dutch, French, German and Italian see Official Journal of the European Coal and Steel Community No. 17 of 29 May 1957, available through Agency Section, Her Majesty's Stationery Office, PO Box 276, London SW8 5DT.

² The Supplementary Protocol entered into force on 17 September 1978.

Done at Brussels, the tenth day of October, one thousand nine hundred and seventy-four in a single original in the Danish, Dutch, English, French, German and Italian languages, each of the texts being authentic¹.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of Signature</i>	<i>Date of Ratification</i>
Belgium	10 Oct. 1974	4 Feb. 1975
Denmark	10 Oct. 1974	29 Sep. 1975
France	10 Oct. 1974	15 July 1975
Germany, Federal Republic of	10 Oct. 1974	13 Apr. 1978
Ireland, Republic of	10 Oct. 1974	4 Aug. 1975
Italy	10 Oct. 1974	21 Oct. 1975
Luxembourg	10 Oct. 1974	27 May 1975
Netherlands	10 Oct. 1974	3 Apr. 1975
United Kingdom	10 Oct. 1974	19 July 1978
Commission of the European Communities	10 Oct. 1974	10 Oct. 1974
Switzerland	10 Oct. 1974	10 Oct. 1974

¹ For texts in Danish, Dutch, French, German and Italian see Official Journal of the European Communities No. L 12 of 18 January 1979, available through Agency Section, Her Majesty's Stationery Office, PO Box 276, London SW8 5DT.

ANNEX

AGREEMENT
ON THE INTRODUCTION OF THROUGH INTERNATIONAL
RAILWAY TARIFFS FOR THE CARRIAGE OF COAL AND
STEEL THROUGH SWISS TERRITORY

The Federal Council of the Swiss Confederation (hereinafter called the "Federal Council") of the one part, and

The Governments of the Member States of the European Coal and Steel Community (hereinafter called the "Community") and the High Authority of the European Coal and Steel Community (hereinafter called the "High Authority"), of the other part,

Desiring

- to develop the relations existing between the Swiss Confederation and the Community;
- to deal with problems of rail transport of mutual concern;
- to introduce through international railway tariffs for the carriage of coal and steel between Member States over the lines of the Swiss Railways;

Have agreed as follows:

ARTICLE 1

In this Agreement "through international tariffs" means the rates and conditions published and applied for the carriage by rail of coal and steel under a single contract of carriage between the territories of the Member States of the Community over the lines of the Swiss Railways.

In this Agreement, "territories of the Member States of the Community" means the territories to which the Treaty establishing the European Coal and Steel Community¹ applies.

ARTICLE 2

In this Agreement, the charge for carriage under through international tariffs shall consist of the sum of the portions accruing to the railways of the Member States of the Community and of the portion accruing to the Swiss Railways.

The portion accruing to the railways of each Member State shall be related to the total distance of carriage, including the Swiss section and shall be subject to the same rules, and in particular to the same rules of degressivity, as those applied by Member States to comparable uninterrupted carriage by rail through two or more Member States.

The portion accruing to the Swiss Railways shall be calculated at the rate shown in the published Swiss transit tariffs.

By way of derogation from the two preceding paragraphs, the portions accruing to the railways of Member States and Switzerland which relate to tariffs fixed to meet competition or under an equivalent rate system shall be determined only after consultation between the railway authorities of the Member States of the Community combined and of Switzerland, duly authorised, as necessary, by their respective Governments. The railway authorities shall be responsible for the equitable settlement of questions concerning competition of equivalence of rates. Any difficulties may be referred to the Committee provided for in Article 6 of this Agreement.

ARTICLE 3

The through international tariffs referred to in this Agreement shall apply to all coal and steel traffic between Member States of the Community passing through Swiss territory, save for cases covered by the special regulations set out in the Annex.

¹ Treaty Series No. 2 (1973), Cmnd. 5189.

The through international tariffs referred to in this Agreement shall apply also to the products listed in the standard nomenclature adapted to transport needs to which the Community's through international tariffs apply in the case of uninterrupted carriage by rail through two or more Member States.

ARTICLE 4

As regards coal and steel traffic between Member States of the Community over the lines of the Swiss Railways, the Federal Council and the Governments of the Member States shall, in respect of rates and conditions of carriage of every kind, refrain from discrimination based on the country of origin or destination of products.

ARTICLE 5

The Contracting Parties shall consult each other in the Committee provided for in Article 6 of this Agreement on the extension to the through international tariffs referred to in this Agreement of the measures of harmonisation which have been, or will be, achieved within the Community.

ARTICLE 6

From the entry into force of this Agreement a Transport Committee (hereinafter called the "Committee") shall be established to look into questions arising from its implementation.

The Committee shall consist of representatives of the Federal Council, of the Governments of each of the Member States of the Community, and of the High Authority.

The Committee shall adopt its rules of procedure and shall appoint its Chairman. The Committee shall be assisted by two secretaries, one appointed by the High Authority and the other by the Federal Council.

ARTICLE 7

The Committee shall be convened by its Chairman.

The Committee shall meet once a year in ordinary session. A report on its work shall be submitted to the Federal Council, to the Governments of the Member States and to the High Authority.

If the Federal Council, the Government of one of the Member States of the Community or the High Authority so requests, the Chairman shall, within two weeks, convene an extraordinary meeting of the Committee, in particular if unforeseen difficulties or a radical change in economic or technical conditions are seriously affecting the operation of this Agreement. The Committee shall seek appropriate means to deal with the situation and report without delay to the Federal Council, to the Governments of the Member States and to the High Authority.

ARTICLE 8

Any contemplated change:

- (a) in the rules for calculating the rates and conditions of through international tariffs for the uninterrupted carriage by rail through two or more Member States of coal and steel between Member States of the Community, or
- (b) in the rates or conditions of the published transit tariffs of the Swiss Railways, without a corresponding change at the same time in their internal tariffs

shall be notified to Governments which are parties to the Agreement and to the High Authority as early as possible and at least one month before the intended date of application. The purpose, nature and extent of the change shall be stated at the time of notification.

If the Federal Council, the Government of one of the Member States of the Community or the High Authority considers that the contemplated change may give rise to serious difficulties, the Committee shall, at the request of the party concerned, meet in extraordinary session in accordance with the procedure laid down in the last paragraph of Article 7 for consultation before the change is put into effect. If the Committee cannot agree on the advisability of the contemplated change, it may not be put into effect until three months after the date of dispatch to the Federal Council, to the Governments of the Member States and to the High Authority, of the report provided for in Article 7 of this Agreement.

In urgent cases the one-month period of notice provided for in the first paragraph of this Article may be reduced to two weeks and the contemplated change may take effect on expiration of that period if no objection is raised by any of the other Contracting Parties.

This Article shall not apply to changes in tariffs fixed to meet competition or under an equivalent rates system.

This Article shall not apply to general changes in the railway tariffs of individual Member States or of Switzerland; these tariffs shall remain subject to the provisions of the laws or regulations of each of those States.

ARTICLE 9

The provisions adopted by mutual agreement between the railway authorities of the Member States of the Community and of Switzerland, duly authorised, as necessary, by their respective Governments, shall govern the conditions of application of this Agreement.

In case of difficulty the matter may be referred to the Committee provided for in Article 6 of this Agreement.

ARTICLE 10

The High Authority accepts this Agreement as binding by virtue of its signature.

The Government of each Member State of the Community shall notify the Federal Council that the conditions necessary for the entry into force of this Agreement have been fulfilled in accordance with the provisions of its national laws. The Federal Council shall inform the other Contracting Parties of the notifications received.

This Agreement shall enter into force one month after the date on which the Federal Council has informed the other Contracting Parties that the Agreement is applicable in the territories of all the Member States of the Community and in the territory of the Swiss Confederation¹.

The through international tariffs for traffic over the lines of the Swiss Railways shall be introduced within two months following the date of entry into force of this Agreement.

ARTICLE 11

This Agreement is concluded for an indefinite period.

It may be denounced by the Federal Council or by the High Authority, authorised to that end by the Governments of the Member States of the Community parties to the Agreement, subject to six months' notice. This period may be reduced to two months if the Committee fails to agree on an important question, especially in the circumstances referred to in the second paragraph of Article 8. This reduced period shall commence on the day on which the failure to agree is established.

¹ The Agreement entered into force on 1 June 1957.

ARTICLE 12

This Agreement shall be deposited in the Federal archives. The Federal Council shall transmit certified copies thereof to the High Authority and to the Governments of the Member States of the Community.

In witness whereof, the undersigned Representatives of the Federal Council, of the Governments of the Member States of the Community, and of the High Authority, duly authorised, have signed this Agreement.

Done at Luxembourg, 28 July 1956 in a single original in the Dutch, French, German and Italian Languages, all four texts being equally authentic.

SIGNATURES

Switzerland

Belgium

France

Germany, Federal Republic of

Italy

Luxembourg

Netherlands

High Authority of the European Coal and Steel Community

ANNEX

TO THE AGREEMENT OF 28 JULY 1956 ON THE ESTABLISHMENT OF THROUGH INTERNATIONAL RAILWAY TARIFFS FOR THE CARRIAGE OF COAL AND STEEL THROUGH SWISS TERRITORY

Special Regulations

CHAPTER I—SPECIAL PROVISIONS FOR CONSIGNMENTS OF COKE

ARTICLE 1

Charges for the carriage of coke from a Member State to Italy, or vice versa, through Swiss territory, shall be determined in accordance with the following special regulations which supersede the provisions of the second and third paragraphs of Article 2 of the Agreement:

- 1 for the calculation of the charge for the Italian section, the Italian coefficient of degressivity corresponding to the length of the Italian section shall be applied;
- 2 for the calculation of the charge for a section in any of the other Member States of the Community, the national coefficient of degressivity corresponding to the total distance (including the Swiss section), less the Italian sectional distance, shall be applied;
- 3 the portion accruing to the Swiss Railways shall be calculated at the rate shown in the published Swiss transit tariffs.

ARTICLE 2

This special regulation shall remain in force for the period of application of the special regulation drawn up between Member States of the Community on the carriage of coke from France to Italy and vice versa, not passing through Swiss territory, which was published in the *Official Journal of the European Coal and Steel Community, No 9 of 19 April 1955*.

As the two special regulations provide only for exceptional arrangements, they should lapse, if at all, on the same date.

If the Member States consider it necessary to draw up another special regulation on the carriage of coke from France to Italy and vice versa, not passing through Swiss territory, the provisions of Article 1 of this Chapter shall, at the request of one of the Contracting Parties, be amended so that the exceptional arrangements provided by the two special regulations should remain identical.

CHAPTER II—SPECIAL PROVISIONS FOR CONSIGNMENTS OF COAL AND STEEL RECEIVED AT CHIASSO STATION

SOLE ARTICLE

Consignments of coal and steel which are dispatched from a station in the territory of a Member State of the European Coal and Steel Community, received at the joint railway station at Chiasso (Switzerland) and forwarded by rail to a station in Italian territory shall be covered by the Agreement in respect of the sections between the station of dispatch and the Chiasso station.

CHAPTER III—SPECIAL PROVISIONS FOR CONSIGNMENTS OF COAL AND STEEL VIA VALLORBE STATION

ARTICLE 1

For the consignment of a product included in the table below over the lines of the Swiss Railways through Vallorbe station (Switzerland):

—from a station in Italian territory;

—to a French station South or West of the line Delle–Morvillars–Montbéliard–Belfort–Lure–Vesoul–Port d’Atelier–Cullmont–Chalindrez–Langres–Chaumont–Bar-sur-Aube–Vitry-le-François–Châlons-sur-Marne–Reims–Laon–Amiens–Abbeville–Le Tréport, and vice versa,

the portion accruing to the Swiss Railways, determined in accordance with the third paragraph of Article 2 of the Agreement, may be subject to a reduction in comparison with the portion accruing to the Swiss Railways in respect of a like consignment over the same route through Swiss territory:

—from a station in Italian territory;

—to a station in the territory of a Member State of the Community, either along the line indicated above, or to the North or East of that line, and vice versa.

The amount of the reduction, expressed as a percentage, must not exceed the rates set out in the table below.

<i>Goods</i>	<i>Reduction (in percentages)</i>
Fuels	} 26
Scrap... ..	
Pig-iron, crude steel	} 30
Semi-finished products	
Finished products	} 37

ARTICLE 2

This special regulation is the outcome of an agreement between Swiss railway authorities on the apportionment of the traffic in Swiss territory between them which is embodied in the provisions on rates and conditions contained in the “Through tariffs goods consigned by waggon load between Italy and Switzerland, via Gothard or Simplon—Part III—Appendix (1 May 1954 edition).”

This special regulation will remain in force for the period of application of the abovementioned agreement, and, since it provides only for exceptional arrangements, it will lapse on the same date as that agreement.

If the Swiss railway authorities should consider it necessary to conclude a new agreement on the apportionment between them of the traffic over Swiss territory, the provisions of Article 1 of this Chapter should, on request by one of the Contracting Parties, be amended, subject to the restriction that no such amendment may result in an increase in the rates of reduction set out in the table above.

**CHAPTER IV—SPECIAL PROVISIONS FOR THE CARRIAGE OF COAL AND
STEEL FROM OR TO A STATE WHICH IS NOT A MEMBER OF THE EUROPEAN
COAL AND STEEL COMMUNITY**

SOLE ARTICLE

The carriage of coal and steel over the lines of the Swiss railways:

- from a State which is not a Member State of the Community to a Member State of the Community;
- from a Member State of the Community to a State which is not a Member State of the Community;
- from a State which is not a Member State of the Community to a State which is not a Member State of the Community;

shall in respect of the Swiss section and sections in the Member States of the Community be covered by Article 2 of the Agreement.



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