

No. 5200

**ITALY
and
SWITZERLAND**

**Agreement relating to motor traffic and road transport.
Signed at Zurich, on 19 September 1957**

Official text: French.

Registered by Italy on 28 June 1960.

**ITALIE
et
SUISSE**

**Accord relatif à la circulation des véhicules automobiles et
aux transports routiers. Signé à Zurich, le 19 sep-
tembre 1957**

Texte officiel français.

Enregistré par l'Italie le 28 juin 1960.

[TRANSLATION — TRADUCTION]

No. 5200. AGREEMENT¹ BETWEEN ITALY AND SWITZERLAND RELATING TO MOTOR TRAFFIC AND ROAD TRANSPORT. SIGNED AT ZURICH, ON 19 SEPTEMBER 1957

The Government of the Italian Republic, on the one hand, and the Swiss Federal Council, on the other hand, being equally desirous of improving motor traffic and road transport conditions between the two States, have arrived at the following Agreement, having appointed as their plenipotentiaries :

The Government of the Italian Republic :

Mr. Federico Firpo, Director-General of the Inspectorate-General of Motorization, Rome ;

The Swiss Federal Council :

Mr. Joseph Haenni, Assistant Director of the Federal Transport Office, Berne, who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

Motor traffic and road transport between Italy and Switzerland shall be governed by the provisions of the present Agreement. This Agreement shall not impair the validity of the international agreements to which the two Contracting States are parties, in so far as those agreements govern questions to which the present Agreement does not relate, or contain more liberal provisions. In all other respects, the motor vehicles, their utilization, their drivers and the persons or goods carried therein shall, particularly with regard to customs, road traffic and the police, be subject to the laws and regulations of the Contracting State on the territory of which they happen to be.

TRANSPORT OF PASSENGERS

Article 2

(Transport not subject to licence)

The carriage of tourists shall not be subject to licence. This provision shall apply whenever the same passengers are carried in the same vehicle :

¹ Came into force on 29 March 1960, fifteen days after the exchange of the instruments of ratification which took place at Rome on 14 March 1960, in accordance with article 11.

(a) Either on a round trip, with its starting and finishing points both within the State in which the vehicle is registered ;

(b) Or on a journey from a point within the country of registration of the vehicle to a destination in the other country, provided that the vehicle returns empty to the country of departure, unless an authorization to the contrary has been granted.

Article 3

(Scheduled services)

(a) International scheduled services, including scheduled transit services, shall be subject to the issue of a licence in conformity with the statutory provisions in force in either of the two Contracting States.

(b) Scheduled transit services, within the meaning of the present Agreement, shall be deemed to be transport services which, having their starting point in one of the Contracting States, cross the other Contracting State to a destination in a third State, without picking up or discharging passengers in the State so crossed.

(c) The dues levied for the grant of such licence shall not exceed those demanded, in the same circumstances, of residents of the country concerned.

(d) Italian enterprises engaged in the carriage of passengers on scheduled services under a licence issued by the Italian Government may enter Swiss territory without paying dues as far as the public square in front of the railway station at Chiasso for the purpose of taking on passengers, provided that an authorization to do so has been obtained from the competent Swiss authorities. The passengers taken on at Chiasso must proceed to Italy.

Article 4

All transport other than that specified in articles 2 and 3 of this Agreement may be authorized, as and when the occasion arises, by the competent authorities of the Contracting States.

TRANSPORT OF GOODS

Article 5

(a) The carriage of goods by road between the Contracting States, including the travel of unloaded vehicles, shall not be subject to licence. A system of permits may be introduced by agreement between the two Contracting States.

(b) The Contracting States undertake to place no restrictions on any transit traffic by road for the carriage of goods, including the passage of unloaded vehicles in transit.

Only such goods as are carried by the same enterprise from the place of dispatch to the place of consignment, without trans-shipment at the frontiers of the State crossed, shall be deemed to be in transit. Exceptions to this provision may be made for the trans-shipment in seaports of goods carried by sea, or for other cases covered by special arrangements.

GENERAL PROVISIONS

Article 6

All internal transport, whether of passengers or of goods, effected wholly within the territory of one Contracting State in a vehicle registered in the other Contracting State shall be prohibited, except where authorized in exceptional circumstances.

Article 7

(Permits)

A motor vehicle registered in the territory of one of the Contracting States may be driven temporarily, on the basis of its national road licence, in the territory of the other State. It shall bear, in addition to the licence plates, the distinguishing international sign.

A driver holding a national driving-licence issued in one of the Contracting States shall be entitled temporarily to drive in the territory of the other Contracting State — provided that he is not resident therein — motor vehicles of the groups for which his licence, under the laws of the issuing State, is valid.

The said driver shall be authorized to drive, in the territory of the other State, not only vehicles registered in the country issuing his national driving-licence, but also those of the same group registered in the other country, provided that this involves the private carriage of passengers for no remuneration.

Subject to the statutory conditions governing the refusal or withdrawal of licences in the country concerned, either Contracting State may declare non-valid, in its territory, a road licence or a driving-licence issued by the other State. A central authority in the other State shall be notified of any measures taken to that effect, whenever they do not involve a national of the State which has taken them.

Article 8

(Civil liability insurance)

When a motor vehicle from the territory of either of the Contracting States enters the territory of the other, the latter State may require a guarantee for the repair of any damage which may be caused by the said vehicle.

The guarantee so requested shall not exceed that required from owners or drivers of local vehicles of the same group.

The guarantee may be furnished by means of the international motor vehicles insurance card or of any other document recognized in the State requiring the guarantee.

The above arrangement shall be without prejudice to the special guarantees to be furnished by the scheduled services for the licensed carriage of passengers, and to the clauses of international treaties which the two States may sign.

Article 9

(Taxation)

In Italy, Swiss motor vehicles and their trailers shall become liable to a duty or tax as soon as they have remained on Italian soil for more than 90 days in any one year, calculated from the date of first entry. Such duty or tax for the remainder of the year shall be calculated as follows :

(a) For lorries, motor coaches and trailers :

At the rate of 1/36th of the annual traffic tax in respect of every ten-day period or part thereof for which the said vehicles shall remain in Italy ;

(b) For other motor vehicles :

At the rate of 1/12th of the annual traffic tax in respect of every month or part thereof for which the said vehicles shall remain in Italy.

In Switzerland, Italian motor vehicles and their trailers shall become liable to duty or tax only after a stay of 90 consecutive days. Tax may be levied in respect of all the time spent in Switzerland. Cantons desiring to do so may, however, apply the system described in the preceding paragraph, provided that the Italian Government has been given adequate notice of their intentions in that respect.

FINAL PROVISIONS

Article 10

(Abrogation)

The present Agreement abrogates :

—The Agreement dated 19 December 1930 between the Royal Government of Italy and the Swiss Federal Council concerning motor traffic between the two countries and public passenger transport services crossing the territory of the neighbouring country, and

—The Italian-Swiss Interim Arrangement dated 13 September 1951 concerning road and motor-vehicle traffic.

Article 11

(Entry into force and denunciation)

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Rome as soon as possible. It shall enter into force fifteen days after the exchange of the instruments of ratification.

Either Party may terminate the Agreement by giving to the other Party three months' notice, to take effect at the end of a calendar year.

IN WITNESS WHEREOF the plenipotentiaries have signed the present Agreement.

DONE at Zurich on 19 September 1957.

For the Government
of the Italian Republic :

Federico FIRPO

For the Swiss Federal
Council :

HAENNI