

No. 5535

AUSTRIA

and

**FEDERAL REPUBLIC OF GERMANY, BELGIUM,
FRANCE, ITALY, LUXEMBOURG, NETHERLANDS
(MEMBERS OF THE EUROPEAN COAL AND STEEL
COMMUNITY) and HIGH AUTHORITY OF THE
EUROPEAN COAL AND STEEL COMMUNITY**

**Agreement (with annexes) concerning the establishment
of international railway through-rates for consign-
ments of coal and steel in transit through the territory
of the Austrian Republic. Signed at Luxembourg,
on 26 July 1957**

Official texts: German, French, Italian and Dutch.

Registered by Austria on 18 January 1961.

AUTRICHE

et

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE,
BELGIQUE, FRANCE, ITALIE, LUXEMBOURG,
PAYS-BAS (MEMBRES DE LA COMMUNAUTÉ
EUROPÉENNE DU CHARBON ET DE L'ACIER)
et HAUTE AUTORITÉ DE LA COMMUNAUTÉ
EUROPÉENNE DU CHARBON ET DE L'ACIER**

**Accord (avec annexes) relatif à l'établissement de tarifs
directs internationaux ferroviaires pour les transports
de charbon et d'acier en transit par le territoire de la
République autrichienne. Signé à Luxembourg, le
26 juillet 1957**

Textes officiels allemand, français, italien et néerlandais.

Enregistré par l'Autriche le 18 janvier 1961.

[TRANSLATION — TRADUCTION]

No. 5535. AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT 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 CONCERNING THE ESTABLISHMENT OF INTERNATIONAL RAILWAY THROUGH-RATES FOR CONSIGNMENTS OF COAL AND STEEL IN TRANSIT THROUGH THE TERRITORY OF THE AUSTRIAN REPUBLIC. SIGNED AT LUXEMBOURG, ON 26 JULY 1957

The Federal Government of the Austrian Republic (hereinafter referred to as the Austrian Federal Government) of the one part;

The Governments of the member States of the European Coal and Steel Community (hereinafter referred to as the Community) and the High Authority of the European Coal and Steel Community (hereinafter referred to as the High Authority) of the other part;

Convinced that the establishment of closer economic relations between the Austrian Republic and the Community will further European interests;

Desirous of :

Dealing with rail transport problems of mutual concern;

Introducing international railway through-rates for consignments of coal and steel between member States which pass in transit over the lines of the Austrian Federal Railways;

Have agreed as follows :

Article 1

International through-rates within the meaning of this Agreement are the rates and conditions published and applied to the carriage of coal and steel by rail between the territories of the member States of the Community (hereinafter referred to as the member States) under the terms of a single transport contract,

¹ Came into force on 1 March 1958, one month after the date on which the Austrian Federal Government informed the other Contracting Parties that the Agreement is applicable in the territories of all the member States and in the territory of the Austrian Republic, in accordance with article 9.

passing in transit over the lines of the Austrian Federal Railways from a point on the German-Austrian frontier to a point on the Austro-Italian frontier or *vice versa*.

For the purposes of this Agreement :

- (a) The term “coal and steel” refers to the products enumerated in Annex I to the Treaty instituting the European Coal and Steel Community of 18 April 1951;¹
- (b) The expression “territories of the member States of the Community” refers to the territories to which the aforesaid Treaty applies.

Article 2

The freight charges under the international through-rates referred to in this Agreement shall consist of the sum of the proportionate charges of the railways of the member States and of the proportionate charge of the Austrian Federal Railways.

The proportionate charge of the railways of each member State must be based on the total distance covered, including the Austrian section, and shall be subject to the same rules and, in particular, the same tapering rules, as those applied by member States to comparable consignments carried direct over connecting sections of the railways of two or more member States.

The proportionate charge of the Austrian Federal Railways for their transit section shall be arrived at, in the manner shown in Annex I² to this Agreement, by reducing the inland charges on the same lines under the goods tariffs of the Austrian Federal Railways.

Notwithstanding the provisions of the two preceding paragraphs, the proportionate charges of the railways of each of the member States and of Austria under competitive or parity tariffs shall be established only after consultation between all the railway authorities of the member States and of Austria, duly authorized, where necessary, by their Governments. The railway authorities shall reach an equitable settlement on matters concerning competition and parity. In case of difficulty, the matter may be referred to the Transport Commission provided for in article 6 of this Agreement.

Article 3

The international through-rates referred to in this Agreement shall apply to all coal and steel traffic between member States passing through the frontier points mentioned in the first paragraph of article 1, with the exception of the special cases listed in Annex II,³ for which separate regulations have been laid down.

¹ United Nations, *Treaty Series*, Vol. 261, p. 140.

² See p. 41 of this volume.

³ See p. 42 of this volume.

Products which are described in the standard nomenclature adapted to transport requirements and which, if carried direct over connecting sections of the railways of two or more member States, are subject to the international through-rates of the Community shall be covered by the international through-rates referred to in this Agreement.

Article 4

For traffic in coal and steel between member States passing in transit over the lines of the Austrian Federal Railways, the Austrian Federal Government and the Governments of the member States undertake to practise no discrimination in transport rates and conditions of any kind based on the country of origin or of destination of the products in question.

Article 5

The Austrian Federal Government, the Governments of the member States and the High Authority shall consider, through the Transport Commission provided for in article 6 of this Agreement, the possibility of extending to the international through-rates referred to in this Agreement such harmonization measures as have been, or may hereafter be, adopted within the Community.

Article 6

On the entry into force of this Agreement, a Transport Commission (hereinafter referred to as the Commission) shall be established, its function being to consider problems arising from the application of the Agreement.

The Commission shall be composed of representatives of the Austrian Federal Government, of each of the Governments of the member States of the Community, and of the High Authority.

The Commission shall establish its own rules of procedure by agreement and shall designate its Chairman for a period of one year, in accordance with provisions to be incorporated in the rules of procedure.

The Commission shall be assisted by two secretaries, one of whom shall be designated by the Austrian Federal Government and the other by the High Authority.

Article 7

Meetings of the Commission shall be called by its Chairman.

The Commission shall meet once a year in regular session and prepare a report of its work which shall be submitted to the Austrian Federal Government, the Governments of the member States and the High Authority.

At the request of the Austrian Federal Government, the Government of one of the member States or the High Authority, the Chairman shall convoke an extraordinary session of the Commission within two weeks, particularly if unforeseen difficulties or a radical change in economic or technical conditions seriously affect the application of this Agreement.

The Commission shall consider questions referred to it and shall reach agreement on and submit to the Austrian Federal Government, the Governments of the member States and the High Authority appropriate suggestions for their solution. In the event of failure to reach agreement within two weeks of the date of the first meeting, it shall submit a report on the matter to the Austrian Government, the Governments of the member States and the High Authority.

Article 8

Any proposal to change :

- (1) the rules for establishing charges under the international through-rates for consignments of coal and steel between member States carried direct over connecting sections of the railways of two or more member States;
- (2) charges under the inland tariff of the Austrian Federal Railways without a simultaneous and corresponding change in the charges for the Austrian transit section in accordance with Annex I to this Agreement, or the latter transit charges without a simultaneous and corresponding change in charges under the inland tariff of the Austrian Federal Railways, shall be brought to the notice of the Governments Parties to the Agreement and to the High Authority as soon as possible, and at least one month before the proposed effective date of the change. The notice so given shall be accompanied by a statement of the purpose, nature and extent of the measure.

If the Austrian Federal Government, the Government of one of the member States or the High Authority considers that the proposed measure might create serious difficulties, it may request that the Commission meet in extraordinary session before effect is given to the measure.

If the Commission is unable to agree concerning the desirability of the proposed change, the measure may enter into force only on the expiry of a period of two months from the date on which the report provided for in article 7 of this Agreement shall have been submitted.

In urgent cases, the period of one month referred to in the first paragraph of this article may be reduced to two weeks and the proposed measure may enter into force at the end of that period if no objection has been made by any of the Contracting Parties.

The provisions of this article shall not apply to the establishment of, or changes in, competitive or parity tariffs, which shall remain subject to the provisions of the last paragraph of article 2.

Article 9

By signing this Agreement, the High Authority shall accept it as binding.

Each of the Governments of the member States shall notify the Austrian Federal Government through the diplomatic channel that the necessary conditions for the entry into force of this Agreement have been fulfilled in accordance with the provisions of its domestic laws. The Austrian Federal Government shall inform the other Contracting Parties of the receipt of such notifications.

This Agreement shall enter into force one month after the date on which the Austrian Federal Government shall have informed the other Contracting Parties that the Agreement is applicable in the territories of all the member States and in the territory of the Austrian Republic.

The international through-rates for traffic in transit over the lines of the Austrian Federal Railways shall be applied within two months following the entry into force of the Agreement.

Article 10

This Agreement is concluded for an indefinite period.

It may be denounced on six months' notice by the Austrian Federal Government or by the High Authority, duly authorized for the purpose by the Governments of the member States which are Parties thereto. The period of notice may be reduced to two months in case of disagreement within the Commission on a question referred to it. The period so reduced shall run from the date on which the disagreement is recorded.

Article 11

This Agreement shall be deposited in the archives of the Austrian Federal Government. The Austrian Federal Government shall transmit certified copies thereof to the High Authority and to the Governments of the member States.

IN WITNESS WHEREOF the undersigned representatives of the Austrian Federal Government, the Governments of the member States and the High Authority, being duly authorized, have appended their signatures to this Agreement.

DONE at Luxembourg, on 26 July 1957, in a single copy in German, French, Italian and Dutch, the four texts being equally authentic.

For the Austrian
Federal Government :
(Signed) Dr. Carl H. BOBLETER

For the Governments
of the member States :

For the High
Authority :
(Signed) D. P. SPIERENBURG

For the Government
of the Federal Republic
of Germany :
(Signed) Karl G. VAN SPRETTI

For the Government
of the Kingdom
of Belgium :
(Signed) R. TAYMANS

For the Government
of the French Republic :
(Signed) P. A. SAFFROY

For the Government
of the Italian Republic :
(Signed) V. BOLASCO

For the Government
of the Grand Duchy
of Luxembourg :
(Signed) V. BODSON

For the Government
of the Kingdom
of the Netherlands :
(Signed) C. G. DE ROO VAN ALDERWERELT

A N N E X I

to the Agreement of 26 July 1957 between the Austrian Federal Government 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 concerning the establishment of international railway through-rates for consignments of coal and steel in transit through the territory of the Austrian Republic¹

PROPORTIONATE CHARGE OF THE AUSTRIAN FEDERAL RAILWAYS

The proportionate charge of the Austrian Federal Railways referred to in the third paragraph of article 2 of the Agreement¹ shall be arrived at as follows :

¹ See p. 36 of this volume.

- (1) The charges for the standard tonnage of 15 tons under the Austrian inland tariffs for the time being in force shall be reduced by fixed amounts for the following categories of goods : coal, coke, ore, raw pig-iron, crude steel, semis, finished products and scrap.

The charges thus arrived at shall be adopted as the charges for the standard tonnage (20 tons).*

The charges for secondary tonnages of scrap and iron and steel products shall be arrived at by multiplying the charges for the standard tonnage by the following ratios : 1.05 for 15 tons; 1.20 for 10 tons and 1.60 for 5 tons.

- (2) The amounts by which the charges under the Austrian inland tariffs in force on 8 February 1957, referred to in (1) above, shall be reduced are as follows :

| <i>Goods</i> | <i>Reduction per ton in Austrian shillings</i> |
|--|--|
| Coal | 4.80 |
| Coke | 4.80 |
| Ore | 3.00 |
| Crude steel, raw pig-iron | 3.60 |
| Semis | 3.60 |
| Finished products | 5.40 |
| { on the line : Kufstein-Brennero/Brenner | 6.00 |
| { on the line : Salzburg Hbf.-Tarvisio Centrale | 10.70 |
| Scrap { on the line : Lindau-Reutin-Brennero/Brenner | 11.50 |
| { on the line : Simbach (Inn) - Tarvisio Centrale | 13.20 |
| { on the line : Passau Hbf. - Tarvisio Centrale | 15.60 |

- (3) The proportionate charges established in accordance with the above rules shall be published in the "*International Tariff for the Carriage of Goods Between the member States of E.C.S.C.*"

* 15 tons in the case of coke.

ANNEX II

to the Agreement of 26 July 1957 between the Austrian Federal Government 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 concerning the establishment of international railway through-rates for consignments of coal and steel in transit through the territory of the Austrian Republic¹

Chapter I

SPECIAL PROVISIONS APPLICABLE TO CONSIGNMENTS OF COKE

Article 1

Notwithstanding the provisions of the second paragraph of article 2 of this Agreement,¹ the freight charges for consignments of coke from a member State to Italy and *vice versa* in transit through Austrian territory shall be established as follows :

- (1) In arriving at the Italian partial mileage rate, the Italian tapering ratio for the partial distance covered in Italy shall be applied;

¹ See p. 36 of this volume.

- (2) In arriving at the partial mileage rate of each of the other member States, the national tapering ratio for the total distance (including the Austrian section), less the partial distance covered in Italy, shall be applied;
- (3) The proportionate charge of the Austrian Federal Railways shall be in accordance with the freight charges arrived at under the provisions of the third paragraph of article 2 of the Agreement.

Article 2

The provisions of article 1 above shall remain in force so long as the member State apply the special regulations for the carriage of coke from France to Italy, and *vice versa*, published in the *Official Gazette of the Community* No. 9 of 19 April 1955.

In the event of the special regulations applicable to the carriage of coke from France to Italy, and *vice versa* being amended by the member States, the provisions of article 1 above shall be adapted in the light of such amendments, at the request of any one of the Contracting Parties.

Chapter II

SPECIAL PROVISIONS APPLICABLE TO 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

Consignments of coal and steel passing in transit over the lines of the Austrian Federal Railways from a point on the German-Austrian frontier to a point on the Austro-Italian frontier or *vice versa*,

- from a non-member State to a member State,
- from a member State to a non-member State,
- from a non-member State to a non-member State,

shall be covered, in respect of their journey through Austria and the member States, by the provisions of article 2 of the Agreement.
