

No. 22618

**SWITZERLAND
and
ITALY**

Agreement on the financing of the construction of the second tunnel through Monte Olimpino between Chiasso and Albate-Camerlata (with arrangement). Signed at Berne on 11 May 1982

Authentic text: Italian.

Registered by Switzerland on 29 December 1983.

**SUISSE
et
ITALIE**

Accord concernant le financement de la construction du deuxième tunnel du Monte Olimpino entre Chiasso et Albate-Camerlata (avec arrangement). Signé à Berne le 11 mai 1982

Texte authentique : italien.

Enregistré par la Suisse le 29 décembre 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE SWISS CONFEDERATION AND THE ITALIAN REPUBLIC ON THE FINANCING OF THE CONSTRUCTION OF THE SECOND TUNNEL THROUGH MONTE OLIMPINO BETWEEN CHIASSO AND ALBATE-CAMERLATA

The Swiss Federal Council and the Government of the Italian Republic,

Recognizing the importance of the construction of a new railway line from Chiasso to Albate-Camerlata via Monte Olimpino for the development of rail traffic between the two countries and through traffic via Switzerland, have decided to conclude an agreement on the financing of such a project, and to that end have designated as their plenipotentiaries:

The Swiss Federal Council: Mr. Fritz Bürki, Director of the Federal Transport Office;

The Government of the Republic of Italy: Mr. Luigi Misiti, Deputy General Manager of the Italian State Railways;

who, having exchanged their full powers, found to be in good and due form, have agreed as follows:

Article 1. The Italian Government undertakes, in the framework of the Integration Plan for the Italian Railways provided for in Act No. 17 of 12 February 1981, to enable the Italian State Railways, within five to seven years after this Agreement has come into force, to execute the projects specified in the Arrangement concluded on 11 May 1982 between the Swiss Federal Railways and the Italian State Railways, concerning the financing of the second tunnel through Monte Olimpino.

These projects concern the construction of a double-track railway line, approximately 8 kilometres in length, between the southern end of the Chiasso station and Albate-Camerlata.

Article 2. The Swiss Government undertakes to participate in the financing of the work described in article 1 by granting to the Italian State Railways, through the Swiss Federal Railways, a one-time contribution of 60 million Swiss francs. This contribution shall consist of a non-repayable sum of 40 million Swiss francs and a loan of 20 million Swiss francs.

Article 3. The financial terms of the contribution provided for in the foregoing article shall be fixed by the Arrangement between the Swiss Federal Railways and the Italian State Railways, referred to in article 1.

Article 4. The non-repayable sum and the loan, as well as the servicing of the loan and the payment of interest, shall be transferred in Swiss francs.

Article 5. In pursuance of the above-mentioned Act No. 17 of 12 February 1981, the Italian Government shall guarantee through the Italian State Railways repayment of the principal and interest on the loan mentioned in article 4.

¹ Came into force on 28 October 1983, the date on which the Parties notified each other of the completion of the required constitutional procedures, in accordance with article 7.

Article 6. The two Governments undertake to adopt appropriate measures for the development of rail traffic between the two countries and through traffic via Switzerland using the Chiasso, Luino and Domodossola stations.

These frontier points shall in no case be accorded less favourable treatment than the other frontier points by either of the countries. The two Governments further undertake to refrain from discriminatory measures and to ensure that inspection formalities and administrative procedures relating to crossing of the frontier are expedited.

Article 7. This Agreement shall enter into force when the two Governments have notified each other of the completion of the relevant procedures provided for in their national laws.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Agreement.

DONE at Berne on 11 May 1982, in two original copies in Italian.

For the Swiss Federal Council:

[BÜRKI]

For the Government
of the Italian Republic:

[MISITI]

ARRANGEMENT BETWEEN THE SWISS FEDERAL RAILWAYS AND THE ITALIAN STATE RAILWAYS ON THE FINANCING OF THE SECOND TUNNEL THROUGH MONTE OLIMPINO BETWEEN CHIASSO AND ALBATE-CAMERLATA

Considering the Agreement concluded on 11 May 1982 between the Swiss Confederation and the Italian Republic on the financing of the construction of the second tunnel through Monte Olimpino between Chiasso and Albate-Camerlata, the Swiss Federal Railways and the Italian State Railways are agreed as follows:

Article 1. The Italian State Railways undertake to construct and place in operation within five to seven years after this Arrangement comes into force an electrified double-track railway line, in C1 gauge, running from the southern end of the Chiasso station to Albate-Camerlata via Monte Olimpino.

Article 2. The Swiss Federal Railways shall grant to the Italian State Railways as a contribution to the financing of the work referred to in article 1, a non-repayable sum of 40 million Swiss francs and a loan of 50 million Swiss francs.

Article 3. The Italian State Railways undertake to use the amount made available to them by the Swiss Federal Railways under article 2 of this Arrangement solely to meet expenditure for the railway improvements referred to in article 1.

Article 4. The Italian State Railways undertake to:

1. Increase the capacity of their lines serving St. Gotthard and Simplon. The necessary work shall be carried out, having regard to traffic requirements, simultaneously with the doubling of the track on the Loetschberg line. Upon completion of the work, St. Gotthard and Simplon should each be capable of handling 12 million net tons of goods per year in international traffic;

2. Fix the number of goods trains circulating on the above-mentioned Italian lines in accordance with traffic requirements, so that the capacity of the St. Gotthard and Simplon lines, as specified in point 1 above, may be fully utilized;
3. Take all appropriate measures to expedite and speed up the flow of traffic via the frontier points of Chiasso, Luino and Domodossola.

Article 5. The Swiss Federal Railways shall make available to the Italian State Railways the non-repayable contribution referred to in article 2 after the entry into force of the above-mentioned Agreement between the Swiss Confederation and the Italian Republic, but not before the construction of the tunnel has begun. The Swiss Federal Railways shall disburse this amount in two annual instalments of 20 million Swiss francs each.

The loan of 20 million Swiss francs shall not be granted before 1985. Application for disbursement of the loan shall be made by the Italian State Railways by 30 April of the year preceding the year of disbursement.

Interest shall accrue on the amount of the loan from the day of disbursement. The annual interest rate shall be fixed at 5.5 per cent. The interest due shall be paid each year, the first payment being made on 31 December of the year in which the loan was disbursed.

Article 6. The loan is granted for a period of 15 years from the date of its disbursement.

The loan shall be amortized during the last five years in equal instalments, payable on 31 December of each year.

The Italian State Railways may at any time request permission to prepay all or part of the debt to the Swiss Federal Railways. The former shall consult with the latter on the terms of any such prepayment.

Article 7. Payments between the Swiss Federal Railways and the Italian State Railways shall be made in accordance with article 4 of the above-mentioned Agreement between the Swiss Confederation and the Italian Republic.

Article 8. The Swiss Federal Railways and the Italian State Railways undertake to adopt all possible measures in the matter of infrastructure, operation and tariffs to promote the development of rail traffic between the two countries and through traffic via Switzerland using the frontier points of Chiasso, Luino and Domodossola.

Article 9. A Commission, composed of representatives of the Italian State Railways, the Swiss Federal Railways and the Berne-Loetschberg-Simplon, Bernese Alps Railway (Chemin de fer des Alpes bernoises), shall meet at least once a year for discussion of rail problems occurring between the two countries or problems arising out of the application of this Arrangement.

Article 10. This Arrangement shall take effect as soon as the above-mentioned Agreement between the Swiss Confederation and the Italian Republic enters into force.

DONE at Berne on 11 May 1982, in duplicate in Italian.

On behalf of the Swiss Federal Railways:

[DESPONDIS]

On behalf of the Italian State Railways:

[MISIRI]