

**No. 26279**

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**FEDERAL REPUBLIC OF GERMANY  
and  
AUSTRIA**

**Agreement concerning the construction and maintenance of  
a frontier bridge over the Steinbach. Signed at Bonn on  
12 March 1985**

*Authentic text: German.*

*Registered by the Federal Republic of Germany on 8 November 1988.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
AUTRICHE**

**Accord relatif à la construction et à l'entretien d'un pont  
frontalier sur la rivière Steinbach. Signé à Bonn le  
12 mars 1985**

*Texte authentique : allemand.*

*Enregistré par la République fédérale d'Allemagne le 8 novembre 1988.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF AUSTRIA CONCERNING THE CONSTRUCTION AND MAINTENANCE OF A FRONTIER BRIDGE OVER THE STEINBACH

The Federal Republic of Germany and the Republic of Austria,  
Seeking to facilitate the movement of persons and goods between the two Contracting States,

Desiring for that purpose to improve the frontier road network, and in particular the traffic situation at Steinpass,

Have agreed as follows:

*Article 1. PURPOSE OF THE AGREEMENT*

The purpose of this Agreement is to construct and maintain a frontier bridge over the Steinbach, hereinafter referred to as "the bridge", which, in German territory, shall start at the end of federal road B 21, and in Austrian territory, at the end of the Lofer alternate road B 312.

*Article 2. STUDIES AND CONSTRUCTION WORK*

(1) The project shall comprise the construction of the culvert and its cover with fill. The Federal Republic of Germany shall be responsible for the studies and construction work after the relevant arrangement has been concluded with the Republic of Austria.

(2) Public tenders for the project shall be invited in the two Contracting States simultaneously. The project shall be carried out and accepted in accordance with the rules and regulations in force in the Federal Republic of Germany.

(3) Responsibility for the structure shall, according to plan, end at the middle point of the culvert. The middle point shall be marked on the carriageway by a clearly visible sign.

(4) The Contracting States shall, in their respective territories, build the roadway from the middle point up to the present road network, in the Federal Republic of Germany up to kilometre point 0 + 388 and in the Republic of Austria up to kilometre point 64.890.

*Article 3. ACQUISITION OF LAND*

Each Contracting State shall ensure that, in its own territory, the land permanently or temporarily required for building the bridge is made available in due time, and shall defray the costs incurred.

<sup>1</sup> Came into force on 1 November 1986, i.e., the first day of the third month following the exchange of the instruments of ratification, which took place at Vienna on 21 August 1986, in accordance with article 10.

#### Article 4. MAINTENANCE

Upon acceptance of the bridge the Federal Republic of Germany shall assume responsibility for maintenance of the culvert.

#### Article 5. APPORTIONMENT OF COSTS

(1) Each Contracting State shall be responsible for one half of the cost of installing and maintaining the culvert, free of sales tax; the sales tax shall be a responsibility of each Contracting State.

(2) The cost of constructing and maintaining the roadway, including the fill, shall be defrayed by each Contracting Party up to the said middle point.

#### Article 6. ADMINISTRATIVE ARRANGEMENT

Details of the studies, the invitation to tender, the award of contracts, the construction and supervision thereof, acceptance, maintenance and the settlement of accounts and reimbursements shall be specified in an administrative arrangement to be concluded by the Bavarian Ministry of Internal Affairs and the Federal Minister for Public Works, represented by the Provincial Governor of Salzburg.

#### Article 7. ARBITRATION PROCEDURE

(1) Disputes regarding the interpretation or application of this Agreement shall, so far as possible, be settled amicably by the Contracting States.

(2) Where a dispute cannot be settled amicably, it shall, at the request of one of the Contracting States, be submitted to an arbitration tribunal.

(3) The arbitration tribunal shall, depending on the circumstances of the case, be so constituted that each Contracting State appoints an arbitrator. These two arbitrators shall appoint an umpire who shall not be of Austrian or German nationality.

(4) If the arbitrators and the umpire are not appointed in two months, each Contracting State can request the President of the European Court of Human Rights to make the necessary appointments. If the President of the European Court of Human Rights is prevented from carrying out the functions in question, the senior chamber President shall be requested to make the necessary appointments.

(5) The arbitration tribunal shall reach its decisions by a majority vote. Its decisions shall be binding on both Contracting States.

(6) Each Contracting State shall bear the costs relating to the arbitrator appointed by it. The costs relating to the umpire and other costs shall be borne equally by the Contracting States. In all other matters the arbitration tribunal shall determine its own procedure.

#### Article 8. BERLIN CLAUSE

This Agreement shall apply also to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not made a declaration to the contrary to the Government of the Republic of Austria within three months of the date of entry into force of this Agreement.

*Article 9.* PERIOD OF VALIDITY

This Agreement shall remain in force for an indefinite period; it shall not be denounced for a period of 10 years; thereafter it may be denounced on two years' notice.

*Article 10.* ENTRY INTO FORCE

This Agreement is subject to ratification; the instruments of ratification shall be exchanged as soon as possible at Vienna. The Agreement shall enter into force on the first day of the third month following the exchange of the instruments of ratification.

DONE at Bonn, on 12 March 1985, in two originals.

For the Federal Republic of Germany:

JÜRGEN RUHFUS

For the Republic of Austria:

WILLIBALD PAHR

  

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