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Konsolidert versjon

VEDLEGG 17

Annex P. Land Transport (Art. 35)

Title I - General provisions

Article 1

General principles and objectives

This Annex is aimed at liberalising access by the Member States to each other's transport markets for the carriage of passengers and goods by road and rail in such a way as to ensure the more efficient management of traffic using routes which, from a technical, geographical and economic viewpoint, are most suitable for all the modes of transport covered by this Annex.

The provisions of this Annex and their application are based on the principles of reciprocity, territoriality, transparency and free choice of mode of transport.

The Member States undertake not to take discriminatory measures when applying this Annex.

The application of this Annex is based at the same time, within the limits of the Member States' competence, on the principles and objectives of a sustainable mobility and a co-ordinated transport policy in the Alpine regions such as established in chapter 4 of the Land Transport agreement between Switzerland and the EC of 21 June 1999 (hereinafter referred to as the «Swiss-EC Agreement»).

Article 2

Scope

This Annex shall apply to the two-way carriage of goods and passengers by road between the Member States, to through traffic crossing the territory of the Member States, subject to Article 7(3), and to the carriage by road of passengers and goods on a triangular basis.

This Annex shall apply to the international carriage by rail of passengers and goods and to combined international transport. It shall not apply to railway undertakings whose activities are limited solely to urban, suburban or regional operations.

This Annex shall apply to transport operations carried out by road transport undertakings or by railway undertakings established in the territory of one of the Member States.

Article 3

Definitions

Road transportFor the purposes of this Annex:

the occupation of road haulage operator shall mean the activity of any undertaking transporting goods for hire or reward by means of either a motor vehicle or a combination of vehicles;

the occupation of road passenger transport operator shall mean the activity of any undertaking engaged, for hire or reward, in the international carriage of passengers by coach or bus;

undertaking shall mean any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality;

vehicle shall mean a motor vehicle registered in the territory of a Member State or a combination of vehicles of which at least the tractive unit is registered in the territory of a Member State and intended exclusively for the carriage of goods, or any motor vehicle so constructed and equipped as to be suitable for carrying more than nine persons, including the driver, and intended for that purpose;

international carriage shall mean a journey undertaken by a vehicle, the point of departure of which is on the territory of one Member State and the destination of which is on the territory of another Member State or in a third State, or vice versa, and the movement of an unladen vehicle in connection with the aforesaid journey; if the point of departure or the destination of the journey is located in a third State, carriage must be effected by a vehicle registered in the territory of a Member State where the point of departure or the destination of the journey is located;

transit shall mean the carriage of goods or passengers (without loading or unloading) and the movement of unladen vehicles across the territory of a Member State;

triangular transport operations involving third States shall mean any carriage of passengers or goods from the territory of one Member State to a third State, and vice versa, by a vehicle registered in the territory of another Member State, whether or not, in the course of the same journey and using the normal route, the vehicle travels through the State in which it is registered;

authorisation shall mean the authorisation, licence or concession required under the legislation of the Member State.

Rail transportFor the purposes of this Annex:

railway undertaking shall mean any private or public undertaking the main business of which is to provide rail transport services for goods and/or passengers, with a requirement that the undertaking must ensure traction;

international grouping shall mean any association of at least two railway undertakings established in different Member States, one of them being Switzerland, for the purpose of providing international transport services between the Member States;

infrastructure manager shall mean any public body or undertaking responsible in particular for establishing and maintaining railway infrastructure, as well as for operating the control and safety systems;

licence shall mean an authorisation issued by the competent authority of a Member State to an undertaking, by which its capacity as a railway undertaking is recognised. That capacity may be limited to the operation of specific types of transport services;

licensing authority shall mean the body charged by each Member State with the issue of licences;

train path shall mean the infrastructure capacity needed to run a train between two places at a given time;

allocation shall mean the allocation of railway infrastructure capacity by an allocation body;

allocation body shall mean the authority and/or infrastructure manager designated by a Member State for the allocation of infrastructure capacity;

urban and suburban services shall mean transport services operated to meet the transport needs of an urban centre or conurbation, as well as the transport needs between such centre or conurbation and surrounding areas;

regional services shall mean transport services operated to meet the transport needs of a region;

combined transport shall mean the carriage of goods by heavy goods vehicles or loading units which complete part of their journey by rail as well as begin and/or end the journey by road.

Article 4

Existing bilateral arrangements

Subject to the derogations introduced under this Annex, the rights and obligations of the Member States arising from bilateral agreements between them shall not be affected by the provisions of this Annex.

In respect of Liechtenstein and Switzerland, existing bilateral arrangements between the two Member States, listed in Appendix 9, shall take precedence as regards international carriage, cabotage, transit and triangular transport.

The agreements referred to in paragraph 1 are listed in Appendix 9 to this Annex.

Title II - International road transport

A. Common provisions

Article 5

Admission to the occupation

Undertakings wishing to operate as professional road hauliers shall meet the following three requirements:

good repute;

appropriate financial fitness;

professional competence.

The provisions applicable in this area are set out in Section 1 of Appendix 1.

Article 6

Social standards

The social provisions applicable in this area are set out in Section 2 of Appendix 1.

Article 7

Technical standards

The provisions on technical standards applicable in this area are set out in Section 3 of Appendix 1.

Each Member State undertakes not to subject vehicles approved in the territory of another Member State to conditions that are more restrictive than those in force in its own territory.

Based on the principles of non-discrimination, proportionality, territoriality and transparency, the Member States shall apply to vehicles from the other Member States, in the same manner as they do to their own vehicles, the same rules regarding weight limit, road charges and, where applicable, ban on Sunday and night driving.

Exemption from the Swiss rules on the weight limit and from the ban on night and Sunday driving are listed in Appendix 6.

Article 8

Transitional arrangements governing the weight of vehicles

The carriage of goods by means of a vehicle the actual total laden weight of which is in excess of 34 t (between 1 January 2001 and 31 December 2004) but does not exceed 40 t, from a point of departure in another Member State for a destination beyond the Swiss zone close to the frontier, as defined in Appendix 10, (and vice versa) or in transit across Switzerland shall be subject to a quota based on the payment of a supplementary charge for use of the infrastructure, in accordance with the procedures set out in paragraphs 2 and 3 below.

Iceland shall receive a quota of 4 authorisations, Liechtenstein a quota of 4000 authorisations and Norway a quota of 900 authorisations for the year 2001 and the year 2002.

Iceland shall receive a quota of 7 authorisations, Liechtenstein a quota of 5000 authorisations and Norway a quota of 1200 authorisations for the year 2003 and the year 2004.

The use of the authorisations provided for in paragraphs 2 and 3 shall be subject, in the case of each operator, to the payment of a charge for the use of the Swiss infrastructure, calculated and levied in accordance with the procedures laid down in Appendix 2.

With effect from 1 January 2005, vehicles meeting the requirements laid down in Swiss legislation on the maximum permissible weight limits for vehicles in international traffic, shall be exempt from any quota or authorisation arrangements.

B. International carriage of goods by road

Article 9

Carriage of goods between the territories of the Member States

The international carriage of goods by road for hire or reward as well as unladen journeys between the territories of the Member States shall take place under the authorisation for carriers, set out in Regulation (EEC) No 881/92, as incorporated in the EEA Agreement and in the Swiss-EC Agreement and of which a model is given in Appendix 3, and under a similar Swiss authorisation for Swiss carriers.

The transport operations referred to in Appendix 4 shall be exempt from any carriage authorisation and any system of licences.

The procedures governing the issuing, renewal and withdrawal of authorisations and the procedures governing mutual assistance shall be covered by the provisions of Regulation (EEC) No 881/92, as incorporated in the EEA Agreement and in the Swiss-EC Agreement, and by equivalent Swiss provisions.

Article 10

Carriage of goods in transit across the territory of the Member States

The international carriage of goods for hire or reward as well as movements of empty vehicles in transit across the territory of the Member States shall be deregulated. These transport operations shall be carried out under the licences referred to in Article 9.

Paragraphs 2 and 3 of Article 9 shall apply.

Article 11

Triangular transport operations involving third States

The arrangements governing triangular transport involving third States shall be determined by joint agreement on conclusion of the necessary agreement between any Member State and the third State in question. The purpose of these arrangements is to ensure reciprocity of treatment between operators from the Member States with respect to triangular transport.

Pending the conclusion of agreements between the Member States and the third States concerned, the Annex shall not affect the provisions relating to triangular transport as set

out in bilateral agreements concluded between the Member States concerning transport involving third States. These rights are listed in Appendix 5 to this Annex.

Article 12

Transport between two points situated on the territory of one Member State

Transport between two points situated on the territory of one Member State by vehicles registered in another Member State is not authorised under this Annex.

C. International carriage of passengers by coach and bus

Article 13

Conditions applicable to carriers

Carriers operating for hire or reward shall be permitted to carry out the transport services defined in Article 1 of Appendix 7, without discrimination as to nationality or place of establishment, provided those carriers:

are authorised in the Member State where they are established to undertake carriage by coach and bus in the form of regular services, including special regular services, or occasional services;

meet legal requirements on road safety as far as the standards for drivers and vehicles are concerned.

Own-account carriers shall be permitted to carry out the transport services defined in Article 1(3) of Appendix 7, without discrimination as to nationality or place of establishment, provided those carriers:

are authorised in the Member State where they are established to undertake carriage by coach and bus in accordance with the market-access conditions laid down by national legislation;

meet legal requirements on road safety as far as the standards for drivers and vehicles are concerned.

Carriers who meet the conditions set out in paragraph 1 may carry out international passenger transport operations by coach and bus provided that they hold the appropriate licence. The model for such licences and the procedures for obtaining, using and renewing them shall be as laid down in Regulation (EEC) No. 684/92, as amended by Regulation (EEC) No. 11/98, as incorporated in the EEA Agreement and the Swiss-EC Agreement, and in equivalent Swiss legislation.

Article 14

Access to the market

Occasional services as referred to in Article 1, point 2.1, of Appendix 7 shall not require authorisation.

Special regular services, as defined in Article 1, point 1.2, of Appendix 7 shall not require authorisation if they are covered, on the territory of Member States other than Switzerland, by a contract concluded between the organiser and the carrier.

Unladen journeys by vehicles in connection with the transport operations referred to in paragraphs 1 and 2 shall likewise not require authorisation.

In accordance with Articles 2 *ff* of Appendix 7, authorisation shall be required for regular services.

In accordance with Articles 2 *ff* of Appendix 7, authorisation shall be required for special regular services not covered, on the territory of Member States other than Switzerland, by a contract concluded between the organiser and the carrier. In Switzerland, such services shall not require authorisation.

Own-account road transport operations defined in Article 1, point 3, of Appendix 7 shall not require authorisation.

Article 15

Triangular transport operations involving third States

The arrangements governing triangular transport involving third States shall be determined by joint agreement on conclusion of the necessary agreement between any Member State and the third State in question. The purpose of these arrangements is to ensure reciprocity of treatment between operators from the Member States with respect to triangular transport.

Pending the conclusion of agreements between the Member States and the third States concerned, the Annex shall not affect the provisions relating to transport as set out in bilateral agreements concluded between the Member States concerning transport involving third States. These rights are listed in Appendix 8 to this Annex.

Article 16

Transport between two points situated on the territory of one Member State

Transport between two points situated on the territory of one Member State by carriers established in the territory of another Member State is not authorised under the Annex.

However, it shall continue to be permissible to exercise rights under any bilateral agreements concluded between Member States in force, provided there is no discrimination between carriers and no distortion of competition. These rights are listed in Appendix 8 to the Annex.

Article 17

Procedures

The procedures governing the issuing, use, renewal and expiry of authorisations and the procedures governing mutual assistance shall be covered by the provisions of Appendix 7 to the Annex.

Article 18

Transitional provision

Authorisations in respect of services existing at the time of entry into force of this Annex shall remain valid until their expiry, to the extent that the services in question continue to be subject to authorisation.

Title III - International rail transport

Article 19

Management independence

The Member States undertake:

to guarantee the management independence of the railway undertakings, mainly by according them independent status, thus enabling them to adapt their activities to the market and to manage their affairs under the responsibility of their governing bodies;

to separate the management of the railway infrastructure from the provision of railway transport services, at least at the accounting level; aid paid to one of these two areas of activity may not be transferred to the other.

Article 20

Access and transit rights with regard to the railway infrastructure

Railway undertakings and international groupings shall have the access and/or transit rights defined in the Community legislation referred to in Appendix 1, Section 4, as incorporated in the EEA Agreement and in the Swiss-EC Agreement.

Railway undertakings established on the territory of one Member State shall be granted right of access to the infrastructure on the territory of the other Member States for the purpose of operating international combined transport services.

Railway undertakings and international groupings making use of their access or transit rights shall conclude the necessary administrative, technical and financial agreements with the managers of the railway infrastructure used with a view to regulating traffic control and safety issues concerning the international transport services referred to in paragraphs 1 and 2.

Article 21

Railway licences

The granting of an appropriate licence for the type of railway service in question shall be a precondition for any access or transit request involving the railway infrastructure, and hence the right to provide transport services. However, such a licence shall not in itself confer right of access to the railway infrastructure.

A railway undertaking shall be entitled to apply for a licence in the Member State in which it is established. The Member States shall not issue licences or extend their validity where the requirements of this Annex have not been met.

Under the responsibility of the Member States, the licences shall be issued by the authority responsible for licences specially designated for existing and new undertakings.

The licences shall be recognised in the Member States on a reciprocal basis.

They shall be subject to requirements laid down by the Member States relating to good repute, financial fitness, professional competence and cover for civil liability during their entire period of validity. The provisions applicable in this area are set out in Section 4 of Appendix 1.

A licence shall be valid for as long as the railway undertaking fulfils its obligations under the abovementioned provisions. However, the authority responsible may require licences to be reviewed at regular intervals.

The procedures for checking, amending, suspending or withdrawing a licence shall be governed by the abovementioned legal provisions.

Article 22

Issuing the safety certificate

The Member States shall also require railway undertakings to submit a safety certificate setting out the safety requirements imposed on them with a view to ensuring a risk-free service on the routes in question.

A railway undertaking may apply for a safety certificate to a body designated by the Member State in whose territory the infrastructure used by the railway body is situated.

To obtain the safety certificate, the railway undertaking must comply with the law of a Member State in respect of that part of the route which is located on the territory of that Member State.

Article 23

Allocation of train paths

Each Member State shall designate the body responsible for allocating capacity, whether it be a specific authority or the infrastructure manager. In particular, the allocation body, which shall be informed of all train paths available, shall ensure that:

railway infrastructure capacity is allocated on a fair and non-discriminatory basis and that, subject to paragraphs 3 and 4 of this Article, the allocation procedure allows optimum effective use of the infrastructure.

A railway undertaking or international grouping applying for one or more train paths shall submit its application to the allocation body or bodies of the Member State on whose territory the departure point of the service concerned is situated. The allocation body to which an application for infrastructure capacity has been submitted shall immediately inform its counterparts of this request. The latter shall take a decision no later than one month after receiving the necessary information; each allocation body shall have the right to refuse an application. The allocation body to which an application has been submitted shall, together with its counterparts, take a decision on the application no later than two months after all the necessary information has been submitted. The procedures for dealing with the handling of applications for infrastructure capacity are governed by the provisions set out in Section 4 of Appendix 1.

The Member States may take the necessary measures to ensure that priority is given to the following rail services in the allocation of railway infrastructure capacity:

services provided in the public interest;

services wholly or partly operated on infrastructure constructed or developed for these services (for example, special high-speed or specialised freight lines).

The Member States may instruct the allocation body to grant special rights as regards infrastructure capacity allocation on a non-discriminatory basis to railway undertakings operating certain types of services or providing such services in certain areas if such rights are indispensable to ensure adequate public services or efficient use of infrastructure capacity or to allow the financing of new infrastructures.

The Member States may provide for the possibility that applications for infrastructure access are accompanied by a deposit or similar security.

The Member States shall draw up and publish procedures for allocating railway infrastructure capacity. They shall notify accordingly the Committee referred to in Article 29.

Article 24

Accounts and user fees

The accounts of an infrastructure manager must be at least in balance when considered over a reasonable period of time between, on the one hand, the revenue accruing from these fees and from possible State contributions and, on the other, the infrastructure expenditure.

The infrastructure manager shall apply a railway infrastructure user fee, which he shall be responsible for managing, to be paid by the railway undertakings or international groupings using this infrastructure.

The infrastructure user fees shall be determined mainly on the basis of the type of service, the period of service, the state of the market and the nature and degree of wear and tear on the infrastructure.

Fees shall be payable to the infrastructure manager(s).

Each Member State shall determine the procedures for fixing the fees, after consultations with the infrastructure manager. The fees charged for services of an equivalent nature in the same market shall apply without discrimination.

The infrastructure manager shall, in good time, notify the railway undertakings or international groupings which use his infrastructure in order to provide the services referred to in Article 20 of all major changes in the quality or capacity of the infrastructure concerned.

Article 25

Appeals

The Member States shall take the necessary measures to ensure that decisions on allocating infrastructure capacity or on collecting fees are subject to appeal before an independent body. This body shall give its judgement within two months of receiving all the necessary information.

The Member States shall take the necessary measures to ensure that the decisions taken in accordance with paragraph 1 above and with Article paragraph 3 of Article 21 are subject to judicial review.

Title IV - Miscellaneous

Article 26

Quotas for light vehicles

Iceland shall receive an annual quota of 5, Liechtenstein an annual quota of 3000 and Norway an annual quota of 500 for the period 1 January 2001 to 31 December 2004, for single journeys by empty vehicles or vehicles carrying light products, provided that the actual total laden weight of the vehicle does not exceed 28 t, in transit across the Swiss Alps, against payment of a charge for the use of the infrastructure. This charge shall be CHF 50 in the year 2001, CHF 60 in the year 2002, CHF 70 in 2003 and CHF 80 in 2004. These journeys shall be subject to the usual control procedure.

Article 27

Facilitation of frontier controls

The Member States undertake to reduce and simplify the formalities associated with transport operations, particularly in the area of customs.

Article 28

Ecological standards for commercial vehicles

The EURO emission category for heavy goods vehicles (as defined in European Community legislation, as incorporated in the EEA Agreement and in the Swiss-EC Agreement), if not stated on the vehicle registration document, must be ascertained from the date on which the vehicle first entered into service, as stated on that document, or, where appropriate, from an additional special document issued by the competent authorities of the issuing State.

Article 29

Committee

The Council shall establish a Committee on land transport, which shall be responsible for the management and proper application of this Annex.

For this purpose, the Committee shall make recommendations and take decisions in the cases provided for in this Annex.

It may in particular recommend to the Council to amend the provisions of Appendices 1 and 3 to 9 of this Annex.

Appendix 1 Applicable provisions

With a view to attaining the objectives set out in this Annex, the Member States shall, in accordance with the timetables laid down in the Annex, take all necessary measures to ensure that the rights and obligations equivalent to those in the following legal

instruments of the European Community, as incorporated in the EEA Agreement and in the Swiss-EC Agreement, are applied in their relations:

Section 1:

Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (Official Journal No. L 124, 23.5.1996, p.1), as last amended by Council Directive 98/76/EC of 1 October 1998 (Official Journal No. L 277, 14.10.1998, p.17).

The provisions of the Directive shall be read with the following adaptations:

in Article 3(3)(c), regarding the Member States, «those national currencies which are non participants in the third stage of monetary union» shall read «the national currencies of the Member States' and «published in the Official Journal of the European Communities» shall read «published officially in each Member State»;

the Member States shall recognise certificates issued by the other Member States in accordance with Article 3(4)(d) of the Directive, as incorporated in the EEA Agreement and in the Swiss-EC Agreement.

Section 2:

Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (Official Journal No. L 370, 31/12/1985, p.8), as last amended by Council Regulation (EC) No 2135/98 of 24 September 1998 (Official Journal No. L 274, 9.10.1998, p.1).

The provisions of the Regulation shall be read with the following adaptations:

in Chapter IV.A. of Annex IB, the following shall be added in point 3(a) regarding page 1 of the driver card:

| | |
|------|-----------------------|
| «ch: | Fahrerkarte |
| | Carte de conducteur |
| | Carta del conducente» |
| «is: | Ökumanskort» |
| «fl: | Fahrerkarte» |
| «no: | Sjåførkort»; |

in Chapter IV.A. of Annex IB regarding page 1 of the driver card, the introductory sentence in point 3(c) shall read as follows:

«the distinguishing sign of the Member State issuing the card encircled by the ellipse referred to in Article 37 of the U.N. Convention on road traffic of 8 November 1968 with the same background as the driving card; the distinguishing sign shall be as follows:»;

in Chapter IV.A. of Annex IB regarding page 1 of the driver card, the following shall be added to point 3(c):

| | |
|-----|----------------|
| «IS | Iceland |
| FL | Liechtenstein |
| N | Norway |
| CH | Switzerland.»; |

Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport (Official Journal No. L 370, 31.12.1985, p.1), or equivalent rules laid down in the AETR Agreement, including amendments thereto.

The provisions of the Regulation shall be read with the following adaptation:

The provisions of Article 3 shall not apply.

Council Directive 88/599/EEC of 23 November 1988 on standard checking procedures for the implementation of Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport (Official Journal No. L 325, 29.11.1988, p.55), as last amended by Council Regulation (EC) No 2135/98 of 24 September 1998 (Official Journal No. L 274, 9.10.1998, p.1).

Council Directive 76/914/EEC of 16 December 1976 on the minimum level of training for some road transport drivers (Official Journal No. L 357, 29.12.1976, p.36).

Section 3:

Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (Official Journal No. L 235, 17.9.1996, p.59).

Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Official Journal No. L 46, 17.2.1997, p.1).

Council Directive 91/542/EEC of 1 October 1991 amending Directive 88/77/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles (Official Journal No. L 295, 25.10.1991, p.1).

Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (Official Journal No. L 57, 23.2.1992, p.27).

Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (Official Journal No. L 129, 14.5.1992, p.154).

Council Directive 92/97/EEC of 10 November 1992 amending Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (Official Journal No. L 371, 19.12.1992, p.1).

Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (Official Journal No. L 319, 12.12.1994, p.7).

Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (Official Journal No. L 249, 17.10.1995, p.35).

Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (Official Journal No. L 145, 19.6.1996, p.10).

Commission Directive 96/86/EC of 13 December 1996 adapting to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (Official Journal No. L 335, 24.12.1996, p.43).

Section 4:

Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (Official Journal No. L 143, 27.06.1995, p.70).

Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (Official Journal No. L 143, 27.6.1995, p.75).

Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (Official Journal No. L 237, 24.8.1991, p.25).

Section 5:

Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (Official Journal No. L 235, 17.9.1996, p.25).

Commission Directive 96/87/EC of 13 December 1996 adapting to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (Official Journal No. L 335, 24.12.1996, p.45).

Appendix 2 Rules for applying the charges provided for in article 8

The maximum Swiss charge for vehicles using the authorisation referred to in paragraph 2 of Article 8 and having an actual total laden weight of more than 34 t but not more than 40 t and travelling a distance of 300 km across the Alps shall be CHF 252 for a vehicle not complying with the EURO standards, CHF 211 for a vehicle complying with the EURO I standard and CHF 178 for a vehicle complying with the EURO II standard.

The maximum Swiss charge for vehicles using the authorisation referred to in paragraph 3 of Article 8, having an actual total laden weight of more than 34 t but not more than 40 t and travelling a distance of 300 km across the Alps shall be CHF 300 for a vehicle not complying with the EURO standards, CHF 240 for a vehicle complying with the EURO I standard and CHF 210 for a vehicle complying with the EURO II standard.

Appendix 3 Model authorisation

(Blue card - DIN A4)

(First page of the authorisation)

(Text in (one of) the official language(s) of the EFTA State issuing the authorisation)

| | |
|--|--|
| State issuing the authorisation Distinguishing sign The distinguishing signs are IS (Iceland), (FL) Liechtenstein, (N) Norway. | Name of the competent authority or body |
|--|--|

AUTHORISATION No.

for the international carriage of goods by road for hire or reward

This authorisation entitles^[1] to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys effected for hire or reward within the territory of the European Community and Iceland, Liechtenstein and Norway^[2] as laid down in Council Regulation (EEC) No 881/92 of 26 March 1992 as adapted for the purposes of the Agreement on the European Economic Area (EEA Agreement), and subject to the general provisions of this authorisation.

Particular remarks:

| | |
|---|--|
| This authorisation shall be valid from | to |
| Issued in , | on Signature and stamp of the issuing competent authority or body. |

(b) (Second page of the authorisation)

This authorisation is issued under Council Regulation (EEC) No 881/92 of 26 March 1992 as adapted for the purposes of the EEA Agreement.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys effected within the territories of the European Community and the EFTA States and, when appropriate, subject to the conditions laid down herein:

where the point of departure and the point of arrival are situated in two different States which are either EC Member States or EFTA States, with or without transit through one or more EC Member States or EFTA States or third countries,

from an EC Member State or an EFTA State to a third country or vice versa, with or without transit through one or more EC Member States or EFTA States or third countries,

between third countries with transit through the territory of one or more EC Member States or EFTA States,

and unladen journeys in connection with such carriage.

In the case of carriage from an EC Member State or EFTA State to a third country or vice versa, this authorisation is not valid for that part of the journey effected in the EC Member States or EFTA State of loading or unloading.

The authorisation is personal to the holder and is not transferable.

It may be withdrawn by the competent authority of the EFTA State which issued it, notably where the haulier has:

not complied with all the conditions for using the authorisation,

supplied incorrect information with regard to the data needed for the issue or extension of the authorisation.

The original of the authorisation must be kept by the haulage undertaking.

A certified copy of the authorisation must be kept in the vehicle^[3].

In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the authorisation holder or if it is registered or authorised to use the roads in an EC Member State or another EFTA State.

The authorisation must be produced whenever required by an authorised inspecting officer.

Within the territory of each EC Member State and EFTA State the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

Appendix 4 Types of carriage exempt from any system of licences and from any authorisation

Carriage of mail as a public service.

Carriage of vehicles which have suffered damage or breakdown.

Carriage of goods in motor vehicles the permissible laden weight of which, including that of trailers, does not exceed six tonnes or the permissible payload of which, including that of trailers, does not exceed 3,5 t.

Carriage of goods in motor vehicles provided the following conditions are fulfilled:

the goods carried must be the property of the undertaking or must have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;

the purpose of the journey must be to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own requirements;

motor vehicles used for such carriage must be driven by employees of the undertaking;

the vehicles carrying the goods must be owned by the undertaking or have been bought by it on deferred terms or hired provided that in the latter case they meet the conditions of Council Directive 84/647/EEC of 19 December 1984 on the use of vehicles hired without drivers for the carriage of goods by road, as incorporated in the EEA Agreement and in

the Swiss-EC Agreement. This provision shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used;

carriage must be no more than ancillary to the overall activities of the undertaking.

Carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters.

Appendix 5 List of provisions contained in bilateral road transport agreements concluded between the member states relating to the carriage of goods in triangular traffic

Agreement between the Swiss Federal Council and the Government of the Kingdom of Norway on international road passenger and goods transport of 26 May 1998:

Article 4: carriage of goods.

Appendix 6 Rules on the weight limit and on the ban on night and Sunday driving

Exemption from the weight limit during the period ending on 31.12.2004:

For journeys originating abroad and ending in the Swiss frontier area as defined in Appendix 10 (and vice versa), exceptions are permitted without charge for any goods up to a total 40 t and for 40-foot ISO containers in combined transport up to a total of 44 t. For reasons of road design, certain customs posts apply lower limits.

Other exemptions from the weight limit:

For journeys originating abroad and ending beyond the Swiss frontier area (and vice versa), and for transit through Switzerland, an actual total laden weight greater than the maximum weight permitted in Switzerland may also be authorised for types of carriage not referred to in Article 8 of the Annex:

for the carriage of goods which are indivisible, in cases in which the stipulations cannot be obeyed despite the use of a suitable vehicle;

for transfers or for the use of special vehicles, notably working vehicles which, owing to the purpose for which they are used, are not compatible with the provisions regarding weight;

for the transport in an emergency of damaged or broken-down vehicles;

for the transport of supplies for aircraft catering;

haulage by road during the initial and final stages of combined transport, usually within a 30 km radius of the terminal.

Exemption from the ban on night and Sunday driving:

The following exemptions from the ban on night and Sunday driving are planned:

Without special permission

journeys made to provide emergency assistance in case of disasters,

journeys made to provide emergency assistance in the event of accidents, notably public transport and air traffic accidents.

With special permission

For the carriage of goods which, because of their nature, justify night-time haulage and, for genuine reasons, haulage on Sundays:

perishable agricultural products (such as berries, fruit and vegetables, plants (including cut flowers) or freshly squeezed fruit juices), throughout the year,

pigs and chickens for slaughter,

fresh milk and perishable milk products,

circus equipment, musical instruments belonging to an orchestra, theatre props, etc.,

daily newspapers including an editorial component, and postal consignments transported under a legal service requirement.

To ease approval procedures, authorisations valid for up to twelve months for any number of journeys may be issued, provided all the journeys are of the same nature.

Exemptions from the ban on night driving shall be granted in a non-discriminatory manner and may be obtained from a single office. They shall be granted against payment of a fee to cover the administrative costs.

Appendix 7 International carriage of passengers by coach and bus

Article 1

Definitions

For the purposes of this Annex, the following definitions shall apply:

Regular services

Regular services are services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points. Regular services shall be open to all, subject, where appropriate, to compulsory reservation. An adaptation of the conditions of the carriage of such a service does not affect its character as a regular service.

Services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, insofar as such services are operated under the conditions specified in 1.1, shall be deemed to be regular services. Such services are hereinafter called «special regular services».

Special regular services shall include:

the carriage of workers between home and work;

carriage to and from the educational institution for school pupils and students;

the carriage of soldiers and their families between their state of origin and the area of their barracks. The fact that a special service may be varied according to the needs of users shall not affect its classification as a regular service.

The organisation of parallel or temporary services, serving the same public as existing regular services, the non-serving of certain stops and the serving of additional stops on existing regular services shall be governed by the same rules as existing regular services.

Occasional services

Occasional services are services which do not meet the definition of regular services, including special regular services, and which are characterised above all by the fact that they carry groups of passengers assembled at the initiative of the customer or of the carrier himself.

The organisation of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorisation in accordance with the procedure laid down in Section I.

The services referred to in point 2 shall not cease to be occasional services solely because they are provided at certain intervals.

Occasional services may be provided by a group of carriers acting on behalf of the same contractor. The names of such carriers and, where appropriate, the connection points en route shall be communicated to the competent authorities of the Member States, in accordance with the procedures to be determined by the Committee.

Own-account transport operations

Own-account transport operations are those carried out for non-profit-making and non-commercial purposes by a natural or legal person, provided that:

the transport activity is only an ancillary activity for that natural or legal person,

the vehicles used are the property of that natural or legal person, or have been obtained on deferred terms by them or have been the subject of a long-term leasing contract and are driven by that natural or legal person or by a member of their staff.

Section I

Regular services subject to authorisation

Article 2

Nature of the authorisation

Authorisations shall be issued in the name of the transport undertaking; they may not be transferred by the latter to third parties. However, the carrier who has received the authorisation may, with the consent of the authority referred to in paragraph 1 of Article 3 of this Appendix, operate the service through a sub-contractor. In this case, the name of the latter undertaking and its role as sub-contractor shall be indicated in the authorisation. The sub-contractor must fulfil the conditions laid down in Article 13 of the Annex.

In the case of undertakings associated for the purpose of operating a regular service, the authorisation shall be issued in the names of all the undertakings. It shall be given to the

undertaking that manages the operation and copies shall be given to the others. The authorisation shall state the names of all the operators.

The period of validity of an authorisation shall not exceed five years.

Authorisations shall specify the following:

the type of service;

the route of the service, in particular the place of departure and the place of destination;

the period of validity of the authorisation;

the stops and the timetable.

Authorisations shall conform to the model set out in Regulation (EC) No 2121/98 of 2 October 1998 laying down detailed rules for the application of Council Regulations (EEC) No 684/92 and (EC) No 12/98 as regards documents for the carriage of passengers by coach and bus (Official Journal No. L 268, 03.10.1998, p.10), as incorporated in the EEA Agreement and in the Swiss-EC Agreement.

Authorisations shall entitle their holder(s) to operate regular services in the territories of the Member States.

The operator of a regular service may use additional vehicles to deal with temporary and exceptional situations. In this event, the carrier must ensure that the following documents are on board the vehicle:

a copy of the regular service authorisation;

a copy of the contract between the operator of the regular service and the firm supplying the additional vehicles, or an equivalent document;

a certified copy of the license, issued to the operator of the regular service.

Article 3

Submission of applications for authorisation

Operators of other Member States than Switzerland applying for authorisation shall submit their applications in accordance with the provisions of Article 6 of Regulation (EEC) No. 684/92, as amended by Regulation (EC) No. 11/98, as incorporated in the EEA Agreement and in the Swiss-EC Agreement on land transport, and Swiss operators applying for authorisation shall submit their applications in accordance with chapter 5 of the Ordinance of 25 November 1998 on concessions for the carriage of passengers (OCTV). In the case of services exempt from authorisation in a Member State but subject to authorisation in another, the operators applying for authorisation shall submit their applications to the competent authorities in the State of departure.

Applications shall conform to the model set out in Regulation (EC) No. 2121/98.

Persons applying for authorisation shall provide any additional information they consider relevant or which is requested by the issuing authority. In particular, applicants should provide a driving schedule which makes it possible to check whether the service complies with legislation on driving and rest periods. Carriers from Member States other than

Switzerland should also submit a copy of the Community licence for the international carriage of passengers by road for hire or reward, as provided for in the EEA Agreement, and Swiss carriers a copy of a similar Swiss licence, issued to the operator of the regular service.

Article 4

Authorising procedure

Authorisations shall be issued in agreement with the competent authorities of the Member States on whose territories passengers are picked up or set down. The issuing authority shall send its assessment to such authorities - as well as to the competent authorities of the Member States whose territories are crossed without passengers being picked up or set down - together with a copy of the application and copies of any other relevant documentation.

The competent authorities of the Member States whose agreement has been requested shall notify the issuing authority of their decision within two months. This time limit shall be calculated from the date of receipt of the request for an opinion which is shown in the acknowledgement of receipt. If, within this period, the issuing authority has received no reply, the authorities consulted shall be deemed to have given their agreement, and the issuing authority shall issue the authorisation.

Subject to paragraphs 7 and 8, the issuing authority shall take a decision within four months of the date on which the carrier submits the application.

Authorisation shall be granted unless:

the applicant is unable to provide the service which is the subject of the application with equipment directly available to him;

in the past, the applicant has failed to comply with national or international legislation on road transport, and in particular the conditions and requirements relating to authorisations for international road passenger services, or has committed serious breaches of legislation in regard to road safety, in particular the rules applicable to vehicles and driving and rest periods for drivers;

in the case of an application for renewal of an authorisation, the authorisation conditions have not been met;

it is shown that the service being applied for would directly compromise the existence of regular services already authorised, except in cases where the regular services in question are provided by a single carrier or group of carriers only;

it appears that the applicant intends to operate only the most profitable of the existing services on the routes concerned;

the competent authority of a Member State decides, on the basis of a detailed analysis, that the said service would seriously affect the viability of a comparable rail service on the direct sections concerned. All decisions taken under this provision, and the reasons for those decisions, shall be notified to the carriers concerned. From 1 January 2000, where an existing international coach or bus service is seriously affecting the viability of a comparable rail service on the direct sections concerned, the competent authority of a Member State may, with the agreement of the Committee, suspend or withdraw the

authorisation to operate the international coach or bus service after giving the carrier six months' notice. The fact that a carrier offers lower prices than are offered by other road carriers, or that the route in question is already being operated by other road carriers, may not in itself constitute justification for refusing the application.

The issuing authority may refuse applications only for reasons compatible with the Annex.

If the procedure for reaching the agreement referred to in paragraph 1 does not result in an agreement being reached, the matter may be referred to the Committee.

The Committee shall, as swiftly as possible, take a decision which shall take effect within 30 days of its being notified to the Member States concerned.

Once the procedure laid down in this Article has been completed, the issuing authority shall inform all the authorities referred to in paragraph 1 and shall, where appropriate, send them a copy of the authorisation.

Article 5

Issuing and renewing authorisations

Once the procedure laid down in Article 4 has been completed, the issuing authority shall either grant the authorisation or shall formally refuse the application.

A decision refusing an application must state the reasons for that refusal. The Member States shall ensure that carriers have the opportunity to invoke their rights if their application is refused.

Article 4 of this Appendix shall apply, *mutatis mutandis*, to applications for the renewal of authorisations or for alteration of the conditions under which the services subject to authorisation must be operated. In the event of a minor alteration to the operating conditions, in particular the adjustment of fares or timetables, the issuing authority need only supply the information in question to the competent authorities of the other Member State.

Article 6

Lapse of an authorization

The procedure to be followed in respect of the lapse of an authorisation shall be as laid down in Article 9 of Regulation (EEC) No. 684/92, as incorporated in the EEA Agreement, and in Article 44 of the OCTV.

Article 7

Obligations of carriers

Save in the event of force majeure, the operator of a regular service shall, until the authorisation expires, take all measures to guarantee a transport service that meets the required standards of continuity, regularity and capacity and complies with the other conditions laid down by the competent authority in accordance with paragraph 3 of Article 2 of this Appendix.

The carrier shall publish the route of the service, the stops, the timetable, the fares and the conditions of carriage - insofar as these are not laid down by law - in such a way as to ensure that this information is readily available to all users.

It shall be possible for the Member States concerned, by common agreement and in agreement with the holder of the authorisation, to make changes to the operating conditions governing a regular service.

Section II

Occasional services and other services exempt from authorisation

Article 8

Control document

The services referred to in paragraph 1 of Article 14 of the Annex shall be carried out under cover of a control document (journey form).

A carrier operating occasional services must fill out a journey form before each journey.

The books of journey forms shall be supplied by the competent authorities of the Member States where the carrier is established or by bodies appointed by those authorities.

The model for the control document and the way in which it is to be used shall be as laid down in Regulation (EC) No 2121/98.

Article 9

Certificate

The certificate referred to in paragraph 6 of Article 14 of the Annex shall be issued by the competent authority of the Member State where the vehicle is registered. It shall conform to the model set out in Regulation (EC) No 2121/98.

Section III

Controls and penalties

Article 10

Transport tickets

Passengers using a regular service, excluding special regular services, shall throughout their journey possess transport tickets, either individual or collective, which indicate:

the places of departure and destination and, where appropriate, the return journey;

the period of validity of the ticket;

the fare.

The transport ticket provided for in paragraph 1 shall be presented at the request of any authorised inspecting officer.

Article 11

Inspections on the road and in undertakings

In the case of carriage for hire or reward, the following documents must be carried on board the vehicle and must be presented at the request of any authorised inspecting officer: a certified true copy of a Member State licence, depending on the type of service, either the authorisation (or a certified copy thereof) or the journey form. In the case of own-account transport operations, the certificate (or a certified copy thereof) must be carried on board the vehicle and must be presented at the request of any authorised inspecting officer. In the case of the services covered by Article 14(2) of the Annex the contract or a certified true copy of it shall serve as a control document.

Carriers operating coaches and buses in international passenger transport shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods.

Article 12

Mutual assistance

The competent authorities of the Member States shall, on request, provide each other with any relevant information in their possession concerning:

breaches of this Appendix, and of other rules governing the international carriage of passengers by coach or bus, committed in their territory by a carrier from another Member State, and the penalties imposed;

the penalties imposed on their own carriers for breaches committed on the other Member State's territory.

The competent authorities of the Member State in which the carrier is established shall withdraw a Member State licence if the holder:

no longer meets the conditions laid down in paragraph 1 of Article 13 of the Annex;

has provided inaccurate information on the data needed for issuing the Member State licence.

The issuing authority shall withdraw an authorisation if the holder no longer meets the conditions for issuing that authorisation under this Appendix, in particular if the competent authorities of the Member State in which the carrier is established request such withdrawal. The issuing authority shall immediately inform the competent authorities of the other Member States.

If a carrier commits a serious breach or repeatedly commits minor breaches of transport regulations and road safety rules, in particular the rules applicable to vehicles, driving and rest periods for drivers and the unauthorised operation of the parallel or temporary services referred to in Article 1, point 2.1, the competent authorities of the Member State in which that carrier is established may, in particular, withdraw his Member State licence, or may temporarily and/or partially withdraw the certified copies of his Member State licence.

These penalties shall be determined according to the seriousness of the offence committed by the holder of the Member State licence, and according to the total number of certified copies he possesses in connection with his international transport operations.

Appendix 8 List of provisions contained in bilateral road transport agreements concluded between the member states relating to the granting of authorizations for the carriage of passengers in triangular traffic

Agreement between the Swiss Federal Council and the Government of the Principality of Liechtenstein on international road passenger transport of 1 April 1999:

Article 3: occasional carriage of passengers.

Article 4: regular and commuter carriage of passengers.

Article 5: international transport.

Agreement between the Swiss Federal Council and the Government of the Kingdom of Norway on international road passenger and goods transport of 26 May 1998:

Article 3: carriage of passengers.

Article 6: prohibition of cabotage.

Appendix 9 List of bilateral agreements concluded between the member states addressing in whole or in part issues falling within the scope of the annex

Agreement between the Swiss Federal Council and the Government of the Kingdom of Norway on international road passenger and goods transport of 26 May 1998.

Customs Union with Liechtenstein: Agreement between the Swiss Federal Council and the Government of the Principality of Liechtenstein regarding the entry of the Principality of Liechtenstein into the Swiss customs area of 29 March 1923.

Agreement between the Swiss Federal Council and the Government of the Principality of Liechtenstein on international road passenger transport of 1 April 1999.

Appendix 10 Swiss frontier area

Switzerland's frontier area is defined in Annex 4 to the minutes of the 5th meeting of the joint committee set up under the 1992 Agreement, held in Brussels on 2 April 1998. It is generally an area within 10 km radius of a customs post.^{[\[4\]](#)}

^{[\[1\]](#)}

Name or business name and full address of the haulier.

^{[\[2\]](#)}

Hereinafter referred to as «the EFTA States»

^{[\[3\]](#)}

«Vehicle» means a motor vehicle registered in an EFTA State or a coupled combination of vehicles, the motor vehicle of which at least is registered in an EFTA State, used exclusively for the carriage of goods.

^{[\[4\]](#)}

This document is available at the Ministry of Transport of each Member State.