

ADMINISTRATIVE ARRANGEMENT

**concerning the application of the overflow system laid down in the Agreement
between the European Community and Switzerland on the carriage of goods by
road and rail**

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In accordance with points 3 and 4 of heading II of Annex 6 to the Agreement between the European Community and Switzerland on the carriage of goods by road and rail (hereinafter referred to as 'the Agreement') the competent authorities, namely

FOR THE COMMUNITY :

the Commission of the European Communities,

FOR SWITZERLAND :

the Federal Department of Transport, Communications and Energy,

Having regard to the application of the planned overflow system,

Have agreed the following rules :

Article 1

Aim

The aim of this Arrangement is to establish the procedures under which Switzerland will grant exemptions for road vehicles on the Basle-Chiasso route from the 28 tonne total weight restriction on road transit, as laid down in points 3 and 4 of heading II of Annex 6 to the Agreement. An authorization system shall be established for such exemptions, hereinafter referred to as 'the overflow system'.

Article 2

Administration centre

The Federal Transport Office shall set up and run an administration centre (hereinafter referred to as 'the centre') in Berne, which will be responsible for the issue of permits (also known as overflow permits) for road vehicles under the overflow system.

The centre shall issue permits under the conditions and procedures specified below.

Article 3

Scope

Permits shall be issued only in respect of road vehicles registered in the Community.

Article 4

Transported goods

1. Permits may be issued only in respect of road vehicles which are transporting perishable goods or other urgent consignments.

2. For the definition of perishable goods, reference shall be made to the list laid down in the Agreement on the international carriage of perishable foodstuffs and on the special equipment used for such carriage (ATP). (See Annex I)

3. As regards other urgent consignments, goods shall be considered as such when delays will lead to a reduction in substantial value or when they are required for further

processing or marketing within a fixed time limit which was not long known in advance.

4. In the case of transport of urgent consignments or of perishable goods, the quantity of such goods as a proportion of the total weight may not be used as a pretext for urgency.

5. The international rules on the carriage of dangerous goods by road and the rules for their implementation in Switzerland shall be observed.

Article 5

Saturation of combined transport (CT) railway capacity

Saturation of railway capacity concerns both accompanied combined transport (ACT) and unaccompanied combined transport (UCT). The following points shall be taken into consideration :

1. In order to be considered as such, terminals must satisfy the following conditions :

- the terminal shall provide at least one connection daily for combined transport through Switzerland,
- combined transport companies and other such operators engaged in this form of transport (hereinafter 'operators') who use the terminal shall offer whole trains or, by the time the reservation is made at the latest, fixed blocks forming part of a time-tabled train,
- the terminal is fitted with electronic communication equipment.

2. Annex II contains a list of terminals which satisfy these conditions. This list will be updated by the Joint Committee provided for in Article 18 of the Agreement as and when the abovementioned requirements have been met.

Article 6

Reservation procedures

1. Reservation of a loading place on a train in combined transport shall be compulsory only for forwarding agents, haulage and transport operators (hereinafter 'consignors') who wish to take part in the overflow system.

Applications for reservations shall be accepted only from consignors who possess the appropriate vehicles and loading unit for combined transport on the line concerned.

2. The reservation must be effected or confirmed with the operators at the earliest 48 hours and at the latest 16 hours before departure of the train. In exceptional circumstances, which must be justified by the consignor, a reservation may be made less than 16 hours before the departure of the train. Reservations shall be considered in the order in which they are submitted. In the case of Sundays and public holidays, the period of reservation shall be extended until the opening time of the centre on the previous working day.

3. When the reservation is made, if the operator no longer has any CT capacity to offer corresponding to the consignor's first choice, the latter shall avail himself of the following alternative arrangements to arrive at his intended destination:

- the next train offered by the same operator at the same terminal: it shall be considered as reasonable for the consignor to wait up to six hours until the next train offering CT services,
- transfer onto a train offered by the same operator at another terminal: transfer shall be considered reasonable on condition that it takes place in the same direction as the planned route and the train's departure takes place within four hours at the latest after the departure of the train that was originally booked. Likewise it shall be considered reasonable:
 - if, in the case of UCT, the transfer can take place within 50 km of the terminal of origin, or
 - in the case of ACT, for the consignor to be asked to transfer to the nearest linked terminal. At the moment this concerns the following pairs of terminals: Freiburg-Basle and Milan-Lugano. Additions may be made to this by the Joint Committee, if necessary,
- the same train at the same terminal: if necessary, the consignor may take steps to obtain a place on the same train from another operator under comparable terms and conditions.

4. At the time of making the reservation, if the operator's corresponding CT capacity is fully booked and no alternative arrangements are possible, the consignor may apply for an overflow permit in accordance with Article 8.

Article 7

Procedure in case of exhaustion of CT railway capacity

1. The CT operator shall determine according to his dispositions when his CT capacity is exhausted and further customers have to be refused and to wait. The

centre shall be informed immediately. A consignor whose application is refused shall be informed of the exhaustion of CT capacity in writing, if he so requests.

2. If the CT operator is obliged to withdraw the train less than 24 hours before its departure as the result of a breakdown, he shall inform the centre immediately.

Article 8

Authorization procedures

1. If the consignor cannot obtain a place because transport supply is exhausted and no alternative arrangement is available, or if he does not obtain a place that he has already reserved for the reason stated above in Article 7 (2), he shall make an application for an overflow permit to the centre either by telephone or in writing.

2. In this case, the particulars listed on the form set out in Annex III should be communicated to the centre.

If any of the particulars required are omitted, the centre shall return the application to the consignor to be completed.

3. The centre shall take decisions on the issue of such permits. For this purpose, it shall work towards the most flexible working arrangements possible. If all the requirements of this administrative arrangement have been fulfilled, the centre shall be obliged to issue permits for which an application has been made. Completed applications shall be considered in the order in which they were submitted.

The centre shall communicate its decision on the application for authorization to the applicant either by telephone or by fax within two hours at the latest after it was submitted.

4. If the application is approved, the consignor shall obtain the official documents for transit through Switzerland at the customs post located at Basle-Weil, Basle-Saint Louis or Chiasso Strada (Brogeda Autostrada; Brogeda Merci).

The permit shall not be transferrable.

5. A fee of SFr 50 or the equivalent thereof shall be levied at the customs post for the issue of the road transit permit through Switzerland.

6. The centre must justify its refusal to issue a permit to the applicant. The decision shall be delivered in writing if so requested and instructions shall be provided as to the right of appeal.

Article 9

Checks

1. The centre shall be authorized to find out from the CT operator whether the consignor applying for a permit has submitted an application for a reservation.

2. For this reason, the operator shall be obliged, once his supply of transport is exhausted, to keep a register of applications for reservations (contractor's name and address, and the time of the application).

3. The customs post in Basle or in Chiasso shall issue the permit in written form, require its surrender when the vehicle leaves Switzerland, levy the fee and verify the accuracy of the statements required in accordance with Article 8 (2) and Annex III. In case of false statements, which are patently not the result of an error made in transmission, the permit shall not be delivered.

4. Possession of an overflow permit does not exempt the consignor from seeking the special exemption permit for night and Sunday operations through Switzerland. Provided that the necessary conditions have been met, such a permit shall also be issued by the centre for journeys involving an overflow permit.

Article 10

Liaison body

The parties to the Agreement shall oversee the smooth operation of the overflow system. They may inspect documents of the administration centre which are relevant to the management of the system. The Joint Committee shall be informed regularly of the results of such inspections.

The parties to the Agreement shall assess, initially six months after its entry into force, and then at regular intervals thereafter, whether procedures need to be modified.

Article 11

Administrative cooperation and penalties

Penalties shall be laid down by the Swiss authorities for cases of contravention of this Arrangement. These shall be defined in the implementing Regulation of the Federal

Council relating to administrative measures in case of contravention of the Transit Agreement or of the overflow system laid down by the related administrative arrangement (set out in Annex IV).

The Swiss and the Community authorities shall cooperate in the prosecution of cases of abuse of the system or infringements against it. The Joint Committee shall be kept informed of each case of abuse detected.

Article 12

Entry into force

This Administrative Arrangement shall enter into force at the same time as the Transit Agreement.

Article 13

Languages

This Arrangement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

Done at Vienna, 23 December 1992.

*For the Federal
Department of
Transport,
Communications
and Energy*

W. FAGAGNINI

*For the Commission of the
European Communities*

J. ERDMENGER

ANNEX 1

List of perishable foodstuffs referred to in Article 4 (2)

- Deep-frozen and frozen foodstuffs, including :
 - ice cream,
 - fish, fish products, molluscs and crustaceans,
 - butter,
 - concentrated fruit juices
- Red offal
- Game
- Milk (raw or pasteurized) in tanks, for immediate consumption
- Industrial milk
- Dairy products (yoghurt, kefir, cream and fromage frais)
- Meat products, except for products stabilized by salting, smoking, drying or sterilization
- Meat
- Poultry and rabbits
- Fish, molluscs and crustaceans
- Fruit and vegetables

Cut flowers are also considered as perishable goods.

ANNEX 2

List of the Terminals referred to in Article 5

ACCOMPANIED TRANSPORT

Terminals

- (D) Freiburg/Rielasingen
- (CH) Basle/Lugano
- (I) Milan Greco Pirelli

Connections :

- Freiburg-Milan Greco Pirelli : 4 trains
- Freiburg-Lugano : 2 trains
- Rielasingen-Milan Greco Pirelli : 4 trains
- Basle-Lugano : 4 trains

UNACCOMPANIED COMBINED TRANSPORT

Terminals

- (D) Frankfurt/Duisburg/Cologne/Mannheim/Neu Ulm/Hamburg/Rielasingen
- (CH) Basle
- (I) Rogoredo/Busto/Certosa/Desio/Bologna
- (NL) Rotterdam

Connections :

- Hamburg-Milan Rogoredo : 1 group
- Cologne-Milan Rogoredo : 1 group
- Cologne-Bologna : 1 group
- Frankfurt-Milan Rogoredo : 1 group
- Duisburg-Busto : 2 shuttles
- Cologne-Busto : 6 shuttles
- Mannheim-Busto : 4 shuttles
- Neu Ulm-Certosa : 2 trains
- Basle-Desio : 2 trains
- Rielasingen-Certosa
- Rotterdam-Milan



BUNDESAMT FÜR VERKEHR
OFFICE FÉDÉRAL DES TRANSPORTS
UFFICIO FEDERALE DEI TRASPORTI
UFFIZI FEDERAL DA TRAFFIC

Berner Zentrale

Telefax + 41 31 42 26 20 ☎ + 41 31 42 40 14
 ab 25.9.93 + 41 31 322 26 20 + 41 31 322 40 14

Genehmigungsantrag für einen Transport mit Übergewicht durch die Schweiz

Firma:
 Adresse:
 Plz.: Ort: Land:
 Telefax: Telefon:

Transportdatum und -zeit:
 Art des Gutes:
 gegebenenfalls Dringlichkeitsgrund:
 Fahrzeugesamtgewicht:
 Einreisezollamt: Ausreisezollamt:

Reservation bei einer Gesellschaft für den kombinierten Verkehr

Gesellschaft:
 Datum/Zeit:
 ev. Zugnummer:
 War das Fahrzeug, für das man sich um eine Reservation bemüht hat, für den Kombiverkehr
 auf der entsprechenden Strecke geeignet? ja / nein
 Kontrollschild dieses Fahrzeuges:
 Beladeterminale:
 Abladeterminale:
 Ausweichzüge vorhanden? ja / nein
 Ausweichterminals vorhanden? ja / nein

Zugfahrzeug	Anhänger/Auflieger
Kontrollschild:	Kontrollschild:
Art:	Art:
Landeskennzeichen:	Landeskennzeichen:
Marke:	Marke:
Datum der 1. Inverkehrsetzung:	

wird eine Ausnahme vom Sonntagsfahrverbot beantragt? ja / nein
 wird eine Ausnahme vom Nachtfahrverbot beantragt? ja / nein

Datum: Unterschrift:

UNVOLLSTÄNDIG EINGEREICHTE GESUCHE WERDEN ZURÜCKGEWIESEN!



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from 25.9.93 + 41 31 322 26 20 + 41 31 322 40 14

Application for a license concerning excess weight transportation through Switzerland

Company name:

Address:

Postal code: City: Country:

Telefax: Telephone:

Date and time of transport:

Type of goods:

possible reasons of urgency:

Total weight of vehicle:

Entry point customs office: Departure point customs office.....

Reservation with a company for combined transportation

Company:

Date/Time:

Possible train number:

Was the vehicle in question suitable on the proposed route for combined transport? yes/no

Number plate of this vehicle:

Loading terminal:

Un-loading terminal:

Alternative trains available? yes / no

Alternative terminals available? yes / no

Towing vehicle	Trailer/Articulated trailer
Number plate:	Number plate:
Type:	Type:
Country emblem:	Country emblem:
Make:	Make:
Date of 1st immatriculation:	

will a proposal be made for an exemption from Sunday driving prohibition? yes / no

will a proposal be made for an exemption from night driving prohibition? yes / no

Date: Signature:

INCOMPLETE APPLICATIONS WILL BE REFUSED!



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dés le 25.9.93 + 41 31 322 26 20 + 41 31 322 40 14

Demande d'autorisation pour un transport avec poids excédentaire à travers la Suisse

Entreprise:

Adresse:

No postal:..... Lieu: Pays:

Téléfax: Téléphone:

Date et heure du transport:

Genre de marchandise:

Le cas échéant, motif de l'urgence:

Poids global du véhicule:

Bureau de douane à l'entrée: à la sortie:

Réservation auprès d'une société de trafic combiné

Société:

Date/heure:

Le cas échéant, numéro du train:

Le véhicule se prêtait-il, lors de la réservation, au transport combiné sur le parcours défini?

oui / non Plaque d'immatriculation de ce véhicule:

Terminal de chargement:

Terminal de déchargement:

Trains de remplacement? oui / non

Terminaux de remplacement? oui / non

Véhicule tracteur	Remorque/semi-remorque
Plaque d'immatriculation:	Plaque d'immatriculation:
Type:	Type:
Signe distinctif du pays:	Signe distinctif du pays:
Marque:	Marque:
Date de la 1ère mise en service:	

Demande-t-on une dérogation à l'interdiction de circuler le dimanche? oui / non

Demande-t-on une dérogation à l'interdiction de circuler la nuit? oui / non

Date: Signature:

LES DEMANDES INCOMPLETES SONT REFUSEES!



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a partire dal 25.9.93 + 41 31 322 26 20 + 41 31 322 40 14

Domanda d'autorizzazione per un trasporto con peso supplementare attraverso la Svizzera

Ditta:

Indirizzo:

Cap: Luogo: Paese:

Telefax: Telefono:

Data e ora del trasporto:

Tipo di merce:

Event. motivo dell'urgenza:

Peso totale del veicolo:

Ufficio doganale di entrata: Ufficio doganale di uscita:

Prenotazione presso una società di trasporto combinato

Società:

Data/ora:

Event. numero del treno:

Il veicolo per il quale era richiesta una prenotazione era idoneo al trasporto combinato sulla tratta prevista? sì / no Targa di questo veicolo:

Terminale di carico:

Terminale di scarico:

Treni alternativi disponibili? sì / no

Terminali alternativi disponibili? sì / no

Veicolo di trazione	Rimorchio/semirimorchio
Targa:	Targa:
Tipo:	Tipo:
Contrassegno nazionale:	Contrassegno nazionale:
Marca:	Marca:
Data della prima immatricolazione:	

E'richiesta una deroga al divieto di circolazione festiva? sì / no

E'richiesta una deroga al divieto di circolazione notturna? sì / no

Data: Firma:

LE DOMANDE INCOMPLETE SONO RESPINTE!

ANNEX 4

Regulation concerning the administrative measures in case of contraventions of the Transit Agreement and the overflow system laid down in the Administrative Arrangement related thereto

of 1992

The Federal Council of Switzerland,

in execution of the Agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rails (the Transit Agreement ...¹⁾) and the related Administrative Arrangement concerning the application of the overflow system laid down in the Transit Agreement ...²⁾,

*has decided as follows:***Article 1 Scope**

The present Regulation lays down the administrative measures in case of contraventions by consignors and combined transport operators of the Transit Agreement and the overflow system contained in the related Administrative Arrangement.

Article 2 Infringements

A person shall be guilty of an infringement against the system contained in this Administrative Arrangement who:

- (a) makes false statements concerning the technical data of the vehicle, the type and quantity of goods, the laden weight, the weight in working order, the destination or the route;
- (b) obtains a road transit permit under false pretences, in particular by improperly making unjustified reservations; or
- (c) otherwise abuses the system, in particular by making false statements concerning the saturation of rail capacity, the capacity of the terminal or the alternative arrangements.

Article 3 Cautions

In case of a first or petty offence against the overflow system, the Federal Transport Office may issue a caution.

Article 4 Exclusion

In the case of repeated offences by a consignor or operator against the overflow system, the Federal Transport Office may exclude him from the system for a period of up to five years.

Article 5 Appeals

Appeals against cautions or exclusion from the issue of permits or from the system may be lodged with the Federal Department of Transport and Energy. The Federal law on administrative procedures³⁾ shall apply.

Article 6 Notification

1 Decisions concerning cautions or exclusion from the overflow system shall take the form of an order containing the grounds for the decision and instructions as to the right of appeal.

2 The transmission of personal data to third parties with regard to decisions concerning cautions or exclusion from the system is forbidden.

3 An annual statistical list of operators and consignors excluded from the system shall constitute an exception. It will be subdivided by State and transmitted by the Federal Transport Office to the Joint Committee.

4 This list shall contain only information on the nature and the number of infringements without the individuals concerned being identifiable.

¹⁾ RS ... (FF 1992 III 1089)

²⁾ RS ...

³⁾ RS 172.021

Article 7 Amendments to existing legislation

The Regulation of 1 July 1987 on fines levied by the Federal Transport Office ^{*)} shall be amended as follows:

(new) Article 40 a

The fine relating to exclusion from the overflow system shall vary from SFr 100 to 1 000 according to the amount of work expended.

Article 8 Entry into force

This Regulation shall enter into force once the Administrative Arrangement is signed.

Done at

For the Federal Council of Switzerland

President of the Swiss Confederation:

Chancellor of the Swiss Confederation:

^{*)} RS 742.102