

**No. 8875**

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**AUSTRIA  
and  
FEDERAL REPUBLIC OF GERMANY**

**Treaty concerning transit traffic on the Rossfeld Road (with  
Final Protocol and map). Signed at Vienna, on 17 Feb-  
ruary 1966**

*Official text: German.*

*Registered by Austria on 28 December 1967.*

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**AUTRICHE  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Traité relatif au trafic de transit sur la route de Rossfeld  
(avec Protocole final et carte). Signé à Vienne, le 17 fé-  
vrier 1966**

*Texte officiel allemand.*

*Enregistré par l'Autriche le 28 décembre 1967.*

## [TRANSLATION — TRADUCTION]

No. 8875. TREATY<sup>1</sup> BETWEEN THE REPUBLIC OF AUSTRIA  
AND THE FEDERAL REPUBLIC OF GERMANY CON-  
CERNING TRANSIT TRAFFIC ON THE ROSSFELD  
ROAD. SIGNED AT VIENNA, ON 17 FEBRUARY 1966

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The Federal President of the Republic of Austria and

The President of the Federal Republic of Germany,

Desiring to facilitate transit traffic on the Rossfeld Road, have agreed to  
conclude a Treaty.

For this purpose they have appointed as their plenipotentiaries :

The Federal President of the Republic of Austria :

Dr. Hans Reichmann, Envoy Extraordinary and Minister Plenipotentiary;

The President of the Federal Republic of Germany :

Dr. Josef Löns, Ambassador Extraordinary and Plenipotentiary;

who, having exchanged their full powers, found in good and due form, have  
agreed on the following provisions :

*Article 1*

(1) The Rossfeld Road is the road leading from the Obersalzberg near  
Berchtesgaden by way of the Rossfeld to Oberau, which is owned by the Federal  
Republic of Germany.

(2) The summit section within the meaning of this Treaty consists of the  
section of the Rossfeld Road and the adjacent area which are shown on the map  
(sheets 1 and 2) annexed hereto<sup>2</sup> on a scale of 1:2,000 and which include, in the  
territory of the Federal Republic of Germany, parcels (*Flurstücke*) No. 55 and  
No. 14 in the District of Eck Forest (*Gemarkung Forstbezirk Eck*) and, in the  
territory of the Republic of Austria, parcels (*Grundstücke*) No. 519/4 and  
No. 523/2 in the Cadastral District of Weissenbach (*Katastralgemeinde Weissen-  
bach*).

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<sup>1</sup> Came into force on 1 November 1967, the first day of the second month following the ex-  
change of the instruments of ratification which took place at Bonn on 20 September 1967, in ac-  
cordance with article 27.

<sup>2</sup> See inserts between p. 294 and p. 295 of this volume.

*Article 2*

(1) The Republic of Austria shall permit the Federal Republic of Germany, in so far as the summit section lies in Austrian territory, to construct, maintain and operate the said section (including winter service) and to import and employ such construction and operating materials, equipment and traffic-safety installations as are necessary for that purpose. The same shall apply to the planting of the roadside. The Federal Republic of Germany shall be deemed to be the maintainer of the road within the meaning of the Austrian Road Traffic Order.

(2) The Federal Republic of Germany shall, at its own expense, maintain that part of the summit section which lies in Austrian territory in a condition safe for operation during such time as traffic on the section is permitted.

(3) Claims for damages against the Federal Republic of Germany which relate to the responsibilities of the Federal Republic of Germany specified in paragraphs (1) and (2) shall be brought only before the German courts having jurisdiction for that part of the summit section which lies in German territory.

*Article 3*

The Contracting States shall exempt each other, with effect from 1 January 1960, from import and export duties, including the trade statistics tax, in respect of construction and operating materials and traffic-safety installations used in the construction of the Rossfeld Road or necessary for its maintenance and operation (including winter service), in so far as such materials and installations originate from trade on the open market in either of the Contracting States. The same shall apply to goods for the planting of the roadside.

*Article 4*

(1) The Contracting States shall permit transit traffic, in accordance with the provisions of this Treaty, on the summit section; in tourist traffic, round trips shall also be deemed to be transit traffic.

(2) No frontier clearance shall take place. Customs clearance shall, however, be permissible if sales establishments are operated along the summit section. In addition, each Contracting State shall retain the right to carry out such control measures as may be necessary to prevent violations of its frontier and veterinary regulations or of its customs and plant-protection regulations.

(3) Military personnel in uniform and persons having military equipment in their possession shall, irrespective of their nationality, be barred from transit traffic.

*Article 5*

No transit permit shall be required in transit traffic. Persons over the age of sixteen years must be in possession of an official identity document bearing a photograph.

*Article 6*

(1) Transit traffic shall be non-stop. This provision shall not preclude a temporary stop on the summit section or in adjacent rest areas north of the summit section or not more than fifty metres south of it by persons having only travel necessities in their possession. Camping and the parking of caravans shall not be permitted.

(2) Persons may be set down or taken up in transit traffic. The loading and unloading of goods in transit traffic, with the exception of travel necessities during a temporary stop as specified in the second sentence of paragraph (1), shall not be permissible.

(3) Deviations from the summit section shall not be permitted in transit traffic. This provision shall be without prejudice to the second sentence of paragraph (1).

*Article 7*

(1) Where motor vehicles, motor cycles or bicycles with auxiliary motors, or trailers are used in transit traffic, the official documents required for driving or operating such a vehicle under the law of one of the Contracting States shall be sufficient.

(2) The foregoing shall be without prejudice to the regulations of the Contracting States imposing an obligation to have, and to carry proof of, motor vehicle liability insurance.

*Article 8*

(1) It shall be sufficient for vehicles in transit traffic to conform to the regulations of one of the Contracting States.

(2) The commercial carriage of persons and goods by motor vehicle in transit traffic shall be governed by the regulations of the Contracting State in which the vehicle is licensed. The same shall apply to travel for work purposes.

*Article 9*

Media of exchange the import, export or transit of which is otherwise prohibited under the regulations of one of the Contracting States may be carried in transit traffic.

*Article 10*

Each Contracting State shall be required to accept all persons who entered the territory of the other Contracting State in transit traffic, irrespective of the duration of their stay in the last-mentioned State.

*Article 11*

(1) Transit traffic of the Austrian Post Office and of the German Federal Post Office shall not be subject to any restrictions or any transit charges of the other Contracting State. Postal items carried in postal vehicles may not be searched.

(2) Letter-boxes on postal vehicles shall be kept closed during transit. No mails shall be exchanged and no postal items shall be accepted or delivered during transit.

*Article 12*

The Contracting States shall endeavour to ensure that the Rossfeld Road area remains subject to regulations for the protection of nature or scenic beauty.

*Article 13*

(1) Claims for damages arising out of accidents which occur on the summit section may, without prejudice to the jurisdiction of another court, be brought also before the Austrian or German court through whose area of jurisdiction the summit section passes. The plaintiff may opt between the said courts, irrespective of whether the place where the accident occurred is in Austrian or in German territory. If, however, the person entitled to damages and the person liable for the payment of damages have their domicile, head office or habitual residence in the same Contracting State or if both are nationals of the same Contracting State, the court of the other Contracting State through whose area of jurisdiction the summit section passes shall not have competence.

(2) The foregoing shall be without prejudice to the right of the parties to agree on the competence of a court of either Contracting State or of a third State.

(3) Where the accident occurring on the summit section involves a vehicle whose owner is a Contracting State or a special fund of the said State and where, under the terms of paragraph (1), a court of the other Contracting State has competence, the first-mentioned Contracting State shall accept the judicial competence, including competence to levy execution, of the other Contracting State in respect of claims arising out of the said accident. The same shall apply to the *Länder* of the Contracting States and to the special funds thereof.