

No. 8876

**AUSTRIA
and
FEDERAL REPUBLIC OF GERMANY**

Treaty concerning transit traffic on the roads along the Walchen Ache and the Pittenbach and to the Bächental and the Risstal in the Austrian and German frontier areas (with Final Protocol). Signed at Vienna, on 17 February 1966

Official text: German.

Registered by Austria on 28 December 1967.

**AUTRICHE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Traité relatif au trafic de transit sur les routes situées le long du Walchen Ache et du Pittenbach, et sur les routes menant au Bächental et au Risstal dans les zones frontalières austro-allemandes (avec Protocole final). Signé à Vienne, le 17 février 1966

Texte officiel: allemand.

Enregistré par l'Autriche le 28 décembre 1967.

[TRANSLATION — TRADUCTION]

No. 8876. TREATY¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING TRANSIT TRAFFIC ON THE ROADS ALONG THE WALCHEN ACHE AND THE PITTENBACH AND TO THE BÄCHENTAL AND THE RISSTAL IN THE AUSTRIAN AND GERMAN FRONTIER AREAS. SIGNED AT VIENNA, ON 17 FEBRUARY 1966

The Federal President of the Republic of Austria and

The President of the Federal Republic of Germany,

Desiring to facilitate transit traffic on certain roads in their States, 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 :

PART I

TRANSIT TRAFFIC ON THE ROADS ALONG THE WALCHEN ACHE
AND THE PITTENBACH

Article 1

For the purposes of this Treaty :

- (a) The Walchen Road is Tyrol Major *Land* Road No. 28 between the frontier on the Rauchstuben bridge and the frontier on the Geissalm bridge ;

¹ Came into force on 1 November 1967, the first day of the second month following the exchange of the instruments of ratification which took place at Bonn on 20 September 1967, in accordance with article 38.

- (b) The Alpine Road is German Federal Highway 307 between the frontier on the Geissalm bridge and the frontier on the south Pittenbach bridge ;
- (c) The Achensee Road is Tyrol Major *Land* Road No. 28 from the frontier on the south Pittenbach bridge to the junction with Austrian Federal Highway No. 181 and, from that point, the said Federal Highway to the frontier on the north Pittenbach bridge.

Article 2

(1) The Republic of Austria shall permit the Federal Republic of Germany to construct, maintain and operate the Walchen Road (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 bear the costs of the acquisition of land by *Land* Tyrol and the costs of road construction in respect of the Walchen Road.

Article 3

(1) Save as otherwise provided in this Treaty, the provisions of the Act of 28 September 1950 concerning public road other than federal highways (Tyrol Roads Act), *Landesgesetz- und Verordnungsblatt für Tirol*, No. 1/1951, or such statutory provisions as may replace them, shall apply to the Walchen Road.

(2) The Federal Republic of Germany shall fulfil at its own expense all responsibilities arising out of the construction, maintenance and operation (including winter service) of the Walchen Road. In this respect the offices acting on behalf of the Federal Republic of Germany shall be deemed to be authorities of *Land* Tyrol within the meaning of section 12 of the Tyrol Roads Act. The Federal Republic of Germany shall hold *Land* Tyrol harmless in respect of all obligations arising out of liability under section 12 of the Tyrol Roads Act in so far as the said obligations are not covered by liability insurance held by *Land* Tyrol. The competent Austrian authority shall inform the competent German authority in writing without delay of any claim for damages brought, before the courts or otherwise, against *Land* Tyrol which may involve an obligation of the Federal Republic of Germany to hold *Land* Tyrol harmless in accordance with the preceding sentence. *Land* Tyrol shall

recognize such claims and conclude settlements concerning them only after obtaining the consent of the competent German authority. The Contracting States shall inform each other which authorities are the competent authorities.

(3) Claims for damages against *Land Tyrol* under section 12 of the Tyrol Roads Act shall be brought only before Austrian courts.

(4) Claims of *Land Tyrol* against third parties which arise out of the construction, maintenance or operation (including winter service) of the Walchen Road shall pass to the Federal Republic of Germany. The foregoing shall not apply to claims of *Land Tyrol* which arise out of liability insurance within the meaning of the third sentence of paragraph (2).

Article 4

The Contracting States shall exempt each other 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 Walchen Road and the Alpine Road or necessary for the maintenance and operation (including winter service) of the said roads, 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 5

(1) The Contracting States shall permit transit traffic, in accordance with the provisions of parts I and IV of this Treaty, on the Walchen Road, the Alpine Road and the Achensee Road.

(2) No frontier clearance shall take place. Customs clearance shall, however, be permissible if sales establishments are operated along the roads specified in paragraph (1). 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 6

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 7

(1) Transit traffic shall be non-stop. Vehicles carrying only travel necessities but no other goods may, however, be parked for a short time at the places provided for that purpose.

(2) No persons or goods may be taken up or set down during transit.

(3) Deviations from the roads specified in article 1 shall not be permitted in transit traffic.

Article 8

(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. In local traffic, however, it shall be sufficient to have, and to carry proof of, motor vehicle liability insurance in accordance with the regulations of the Contracting State in which the vehicle is licensed.

Article 9

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

(2) The transit of vehicles which might endanger traffic or cause damage to the road may be prohibited.

(3) 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 10

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.