

AGREEMENT

between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit

THE EUROPEAN ECONOMIC COMMUNITY,

THE SWISS CONFEDERATION and

THE REPUBLIC OF AUSTRIA

DESIRING to simplify the customs formalities to be completed at the time of crossing frontiers in respect of goods traffic through both Swiss territory and Austrian territory,

CONSIDERING that the scope of the provisions of the Transit Agreement concluded between the European Economic Community, of the one part, and the Swiss Confederation and the Republic of Austria, of the other part, should therefore be extended to cover such traffic,

HAVE AGREED AS FOLLOWS:

Article 1

For the purpose of this Agreement:

- (a) the 'EEC-Switzerland Transit Agreement' means the Agreement signed on 23 November 1972, including current or future amendments thereto, between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit;
- (b) the 'EEC-Austria Transit Agreement' means the Agreement signed on 30 November 1972, including current or future amendments thereto, between the European Economic Community and the Republic of Austria on the application of the rules on Community transit;
- (c) the 'Community' means the European Economic Community;
- (d) a 'Member State' means a Member State of the Community.

Article 2

The application of the provisions of the EEC-Switzerland and of the EEC-Austria Transit Agreements shall be extended to the movement of goods between two points situated in the Community via both Swiss territory and Austrian territory.

These provisions may also apply to any other carriage of goods within both Swiss territory and Austrian territory.

Article 3

1. Within the limits of Article 2 of the present Agreement and without prejudice to Article 13 (1) of the EEC-Switzerland and EEC-Austria Transit Agreements:

- the Swiss Confederation shall, in relation to the Republic of Austria, have the same rights and obligations as a Member State,
- the Republic of Austria shall, in relation to the Swiss Confederation, have the same rights and obligations as a Member State.

2. For the purposes of implementing the present Agreement, guarantees drawn up in accordance with the specimens annexed to the EEC-Switzerland and EEC-Austria Transit Agreements must be completed accordingly.

3. The following provisions which do not appear in the EEC-Austria Transit Agreement shall also apply in dealings between the Swiss Confederation and the Republic of Austria:

- (a) Where, in application of Article 4 (1) and (2) of the EEC-Switzerland and EEC-Austria Transit Agreements, criminal proceedings prove necessary, these shall be carried out in each State in accordance with the provisions of national law on prosecutions for customs offences.

- (b) The customs authorities of the Swiss Confederation and of the Republic of Austria shall, in the circumstances covered by Article 4 of the EEC-Switzerland and EEC-Austria Transit Agreements, furnish any information at their disposal, where necessary following investigation carried out at the request of the customs authority of the Republic of Austria or of the Swiss Confederation, relating to the goods themselves or to persons convicted or suspected of having infringed provisions of the Community transit rules.

However, in view of the provisions of national law which guarantee the protection of industrial, commercial or professional secrecy, the administrative assistance referred to in the said Article 4 may, in respect of persons neither convicted nor suspected of having infringed the provisions of the Community transit rules, be limited to such information as does not prejudice this protection.

- (c) Internal Community transit documents shall not be issued in respect of goods reconsigned from Switzerland after storage in a private warehouse within the meaning of the Swiss Federal customs law.

Article 4

This Agreement shall apply to the Principality of Liechtenstein for as long as that Principality remains bound to the Swiss Confederation by a customs union treaty.

Article 5

This Agreement shall enter into force on the first day of the second month following that in which the Contracting Parties notify each other of the completion of the procedures necessary to that end.

Article 6

This Agreement may be denounced by any of the Contracting Parties, subject, to six months' notice.

Article 7

This Agreement is drawn up in three copies in the Danish, Dutch, English, French, German and Italian languages, all six texts being equally authentic.