



Switzerland No. 1 (2019)

Agreement

between the Government of the United Kingdom of Great Britain and
Northern Ireland and the Swiss Federal Council on the International
Carriage of Passengers and Goods by Road

Davos, 25 January 2019

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 2019*



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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
SWISS FEDERAL COUNCIL ON THE INTERNATIONAL CARRIAGE OF
PASSENGERS AND GOODS BY ROAD**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council, hereinafter referred to as the “Parties”,

Desiring to regulate and develop the international carriage of passengers and goods by road between their two countries and in transit through their territories;

Have agreed as follows:

ARTICLE 1

Scope

1. The provisions of this Agreement entitle carriers to transport passengers or goods by road vehicles between the territories of the Parties or in transit through their territories or from/to third countries.
2. This Agreement shall not affect the rights and the obligations of the Parties arising under other international agreements to which they are party.

ARTICLE 2

Definitions

For the purpose of this Agreement:

1. The term “carrier” means any physical or legal person, registered in the United Kingdom or in Switzerland and authorised in that same state in accordance with the relevant national laws and regulations to engage in the international carriage of passengers and goods for hire or reward or on own account. Carriers engaging in hire or reward must possess a valid operator’s licence issued in the country of registration.
2. The term “vehicle” means any mechanically self-propelled road vehicle, referred to as any single vehicle or combination of a vehicle and semi-trailer or trailer, which is:
 - a) constructed either to carry more than nine persons including the driver (passengers vehicle), or to transport goods (goods vehicle),
 - b) registered in the territory of either of the Parties (in case of an articulated vehicle, the registration of the tractor is required).

3. The term “territory”:
 - in relation to the United Kingdom means England, Wales, Scotland, Northern Ireland and Gibraltar;
 - in relation to Switzerland means the territory of the Swiss Confederation.
4. The term “authorisation” means the authorisation, licence or concession required under the relevant national laws and regulations of the Parties.

ARTICLE 3

Passenger Transport

1. Occasional (non-regular) transport of passengers under the following conditions is exempted from authorisation:
 - a) Transport of the same persons by the same vehicle of which the points of origin and destination located in the territory of the Party, where the vehicle has been registered, with no passengers boarding or disembarking from the vehicle during the entire journey or at stops outside the said territory (closed door tours), or
 - b) Transport of a group of passengers from a point in the country where the vehicle has been registered to a point in the territory of the other Party, provided that the vehicle leaves the territory of the latter Party with no passengers, or
 - c) Transport of a group of passengers from a point in the territory of the other Party to a point in the territory where the vehicle has been registered, provided that the service is preceded by a journey with no passengers on the outbound journey and that the passengers:
 - are grouped by transport contracts concluded before their arrival in the country where they are taken up, or
 - have been previously brought by the same carrier, in the conditions mentioned in sub-paragraph b) of this article in the country where they are taken up again and transported out of this country, or
 - have been invited to travel into the territory of the other Party, the transport costs being covered by the host. The passengers have to form a homogeneous group that must not be formed only for the purpose of the journey.
 - d) Transit journeys through the territory of the other Party.

2. Passenger transport fulfilling the following conditions is exempt from authorisation:

- shuttle service with accommodation, in transit through or direct to the territory of the other Party; and
- unladen journeys of vehicles used in connection with shuttle services.

3. In performing transport operations mentioned under the paragraphs 1 and 2 above, the vehicle must be provided with a waybill and a list of passengers, which shall be presented at the request of the competent authorities. The contents and the form of the waybill will be agreed upon mutually by the competent authorities of the Parties.

4. Forms of transport other than those mentioned in paragraphs 1 and 2 of this article are subject to authorisations in accordance with the national laws and regulations of the Parties. Authorisation is granted on the basis of reciprocity.

ARTICLE 4

Goods Transport

Subject to Article 6 of this Agreement, a carrier authorised in the territory of one Party shall be permitted, without being required to obtain an authorisation for that purpose in accordance with the national laws and regulations of the other Party, to import an empty or laden goods vehicle temporarily into the territory of that Party for the purpose of the carriage of goods, including return loads:

- a) between any point in the territory of one Party and any point in the territory of the other Party;
- b) in transit across the territory of the other Party; and
- c) between any point in the territory of the other Party and any point in the territory of a third country or vice-versa.

ARTICLE 5

Prohibition of Internal transport

A carrier authorised in the territory of one Party is not permitted to pick up passengers or goods at a point in the territory of the other Party for setting down or delivery at any point in that territory.

ARTICLE 6

Special Permits

1. Regarding the weights and dimensions of road vehicles, each of the Parties undertakes not to impose conditions on vehicles registered in the territory of the other Party, which are more restrictive than those imposed on vehicles registered within its own territory.
2. For the transport of indivisible goods exceeding the maximum weight and/or dimension limits permitted in the territory of either Party, the vehicle requires a special permit from the competent authority of the respective Party. Where such a permit stipulates that the vehicle must use a specific route, transport is only permissible on that route. The guaranteed weight admitted by the manufacturer shall not be exceeded in any case.

ARTICLE 7

Taxation and Customs Formalities

1. Vehicles used for transport of passengers or goods in accordance with this Agreement are exempted from taxes and charges levied on the possession and circulation of vehicles, in the territory of the other Party.
2. The exemption, referred to in paragraph 1, will not apply to taxes or charges on fuel consumption and to special charges for using roads or particular bridges and tunnels.
3. The fuel and petrol contained in the standard tanks of the vehicles admitted temporarily are admitted free of custom duties and shall not be subject to any import restrictions.
4. The spare parts imported for repairing a determined vehicle, which has already been imported temporarily, are admitted under cover of a temporary duty free admission and without prohibition or restriction of importation. The replaced parts are subject to customs duties and other taxes (VAT) and are re-exported or destroyed under the control of the customs.

ARTICLE 8

Application of National Laws and Regulations

For all matters not regulated by this Agreement, carriers and drivers of vehicles of one Party are bound to respect the national laws and regulations of the other Party, while they are driving in the territory of the latter, which will apply them in a non-discriminatory way.

ARTICLE 9

Infringements

1. The competent authorities of the Parties shall supervise the observance of the provisions of the present Agreement by the carriers.
2. In the event of any infringement of the provisions of this Agreement by a carrier or driver of one Party when in the territory of the other Party, the competent authority of the Party in whose territory the infringement occurred, may, without prejudice to any lawful sanctions which the courts or enforcement authorities of that Party may apply, request the competent authority of the other Party to take the following measures:
 - a) issue a warning to the carrier or driver in question;
 - b) issue such a warning together with a notification that subsequent infringement will lead to a temporary or permanent, partial or complete, exclusion of vehicles owned or operated by the carrier from the territory of the Party in which the infringement occurred; or
 - c) issue a notice of such exclusion.
3. The competent authorities shall, as soon as possible, inform each other of any action taken in accordance with the provisions of paragraph 2 of this Article.

ARTICLE 10

Competent Authorities

Competent authorities designated for the implementation of this Agreement are:

For the United Kingdom:

In Great Britain, the Department for Transport; and

In Northern Ireland, the Department for Infrastructure.

For Switzerland:

The Federal Department of Environment, Transport, Energy and Communication

ARTICLE 11

Joint Committee

1. For the purposes of reviewing the operation of the Agreement, establishing procedures regulating other transport activities and settling problems, which may arise from the implementation of this Agreement, a Joint Committee, composed of representatives of the competent authorities of the Parties, is established.
2. The Joint Committee shall meet when required at the request of one of the Parties alternately in the territory of one of the Parties.

ARTICLE 12

Extension of the Agreement

1. At any time after its entry into force, the provisions of this Agreement may be extended to such territories for whose international relations the United Kingdom is responsible as may be agreed between the Contracting Parties in an Exchange of Notes.
2. In accordance with a formal request of the Principality of Liechtenstein, the provisions of this Agreement are extended to the said country as long as its customs treaty with Switzerland remains in force.

ARTICLE 13

Entry into Force, Duration and Termination of this Agreement

1. The Parties shall ratify or approve this Agreement in accordance with their internal procedures. Each Party shall notify the other Party of the completion of those procedures.
2. This Agreement shall enter into force on the later of:
 - a) the date on which the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road signed in Luxembourg on 21st June 1999 ceases to apply to the UK; or
 - b) the first day of the second month following the date of receipt of the later of the Parties' notifications that they have completed their internal procedures.

3. a) Pending entry into force of this Agreement, the Parties shall provisionally apply this Agreement from the date on which the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road signed in Luxembourg on 21st June 1999 ceases to apply to the UK. During the period of provisional application, the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council on the International Carriage of Goods by Road, signed in London on 20th December 1974, shall be suspended.
- b) A Party may terminate the provisional application of the Agreement by giving written notice to the other Party. Such termination shall take effect on the first day of the second month following notification.
4. From the date of its entry into force, this Agreement shall supersede the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council on the International Carriage of Goods by Road, signed in London on 20th December 1974.
5. This Agreement shall remain in force unless one Party gives notice to terminate it in writing to the other Party. In that case this Agreement shall terminate six months after the date of receipt of the notice to the other Party, unless a different period is agreed.

In witness whereof, the undersigned duly authorised thereto by their respective Governments have signed this Agreement.

Done in duplicate at Davos, on the twenty fifth day of January 2019, in the English and French languages, both texts being equally authoritative.

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland:**

For the Swiss Federal Council:

JANE OWEN

UELI MAURER

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