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C.N.55.1991.TREATIES-1 (Depositary Notification)

EUROPEAN AGREEMENT ON IMPORTANT INTERNATIONAL COMBINED
TRANSPORT LINES AND RELATED INSTALLATIONS (AGTC)
CONCLUDED AT GENEVA ON 1 FEBRUARY 1991

OPENING FOR SIGNATURE

FINAL CLAUSES

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

I

The above-mentioned Agreement was adopted on 1 February 1991 at Geneva. In accordance with its article 7 (1), "[it] shall be open at the Office of the United Nations in Geneva for signature by States which are members of the United Nations Economic Commission for Europe or have been admitted to the Commission in a consultative capacity in conformity with paragraphs 8 and 11 of the terms of reference of the Commission, from 1 April 1991 to 31 March 1992."

II

Certified true copies of the Agreement are being prepared and will be communicated as soon as possible to the States concerned.

In the meantime, and for ease of reference, the text of the final clauses of the Agreement (articles 5 to 21) is reproduced separately as an annex hereto.

3 May 1991



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

EUROPEAN AGREEMENT ON IMPORTANT INTERNATIONAL COMBINED
TRANSPORT LINES AND RELATED INSTALLATIONS (AGTC)

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Article 5

ANNEXES

The annexes to this Agreement form an integral part of the Agreement. Further annexes covering other aspects of combined transport may be added to the Agreement in accordance with the amendment procedure described in article 12.

Chapter II

FINAL PROVISIONS

Article 6

DESIGNATION OF THE DEPOSITARY

The Secretary-General of the United Nations shall be the depositary of this Agreement.

Article 7

SIGNATURE

1. This Agreement shall be open at the office of the United Nations in Geneva for signature by States which are members of the United Nations Economic Commission for Europe or have been admitted to the Commission in a consultative capacity in conformity with paragraphs 8 and 11 of the terms of reference of the Commission, from 1 April 1991 to 31 March 1992.
2. Such signatures shall be subject to ratification, acceptance or approval.

Article 8

RATIFICATION, ACCEPTANCE OR APPROVAL

1. This Agreement shall be subject to ratification, acceptance or approval in accordance with paragraph 2 of article 7.
2. Ratification, acceptance or approval shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

Article 9

ACCESSION

1. This Agreement shall be open for accession by any State referred to in paragraph 1 of article 7 from 1 April 1991.
2. Accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

Article 10

ENTRY INTO FORCE

1. This Agreement shall enter into force 90 days after the date on which the Governments of eight States have deposited an instrument of ratification, acceptance, approval or accession, provided that one or more lines of the international combined transport network link, in a continuous manner, the territories of at least four of the States which have deposited such an instrument.
2. If the above condition is not fulfilled, the Agreement shall enter into force 90 days after the date of the deposit of the instrument of ratification, acceptance, approval or accession, whereby the said condition will be satisfied.
3. For each State which deposits an instrument of ratification, acceptance, approval or accession after the commencement of the period of 90 days specified in paragraphs 1 and 2 of this article, the Agreement shall enter into force 90 days after the date of deposit of the said instrument.

Article 11

LIMITS TO THE APPLICATION OF THE AGREEMENT

1. Nothing in this Agreement shall be construed as preventing a Contracting Party from taking such action, compatible with the provisions of the Charter of the United Nations and limited to the exigencies of the situation, as it considers necessary for its external or internal security.
2. Such measures, which must be temporary, shall be notified immediately to the depositary and their nature specified.

Article 12

SETTLEMENT OF DISPUTES

1. Any dispute between two or more Contracting Parties which relates to the interpretation or application of this Agreement and which the Parties in dispute are unable to settle by negotiation or other means shall be referred to arbitration if any of the Contracting Parties in dispute so requests and shall, to that end, be submitted to one or more arbitrators selected by mutual agreement between the Parties in dispute. If the Parties in dispute fail to agree on the choice of an arbitrator or arbitrators within three months after the request for arbitration, any of those Parties may request the Secretary-General of the United Nations to appoint a single arbitrator to whom the dispute shall be submitted for decision.
2. The award of the arbitrator or arbitrators appointed in accordance with paragraph 1 of this article shall be binding upon the Contracting Parties in dispute.

Article 13

RESERVATIONS

Any State may, at the time of signing this Agreement or of depositing its instrument of ratification, acceptance, approval or accession, notify the depositary that it does not consider itself bound by article 12 of this Agreement.

Article 14

AMENDMENT OF THE AGREEMENT

1. This Agreement may be amended in accordance with the procedure specified in this article, except as provided for under articles 15 and 16.
2. At the request of a Contracting Party, any amendment proposed by it to this Agreement shall be considered by the Working Party on Combined Transport of the United Nations Economic Commission for Europe.
3. If the amendment is adopted by a two-thirds majority of the Contracting Parties present and voting, the amendment shall be communicated by the Secretary-General of the United Nations to all Contracting Parties for acceptance.
4. Any proposed amendment communicated in accordance with paragraph 3 of this article shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of its communication, provided that during such period of twelve months no objection to the proposed amendment shall have been notified to the Secretary-General of the United Nations by a State which is a Contracting Party.
5. If an objection to the proposed amendment has been notified in accordance with paragraph 4 of this article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

Article 15

AMENDMENT OF ANNEXES I AND II

1. Annexes I and II to this Agreement may be amended in accordance with the procedure laid down in this article.
2. At the request of a Contracting Party, any amendment proposed by it to annexes I and II shall be considered by the Working Party on Combined Transport of the United Nations Economic Commission for Europe.

3. If the amendment is adopted by the majority of the Contracting Parties present and voting, the proposed amendment shall be communicated by the Secretary-General of the United Nations to the Contracting Parties directly concerned for acceptance. For the purpose of this article, a Contracting Party shall be considered directly concerned if in the case of inclusion of a new line, an important terminal, a border crossing point, a gauge interchange station or a ferry link/port or in case of their respective modification, its territory is crossed by that line or is directly linked to the important terminal, or if the considered important terminal, border crossing point, gauge interchange station or terminal point of the ferry link/port are situated on the said territory.

4. Any proposed amendment communicated in accordance with paragraphs 2 and 3 of this article shall be deemed accepted if, within a period of six months following the date of its communication by the depositary, none of the Contracting Parties directly concerned has notified the Secretary-General of the United Nations of its objection to the proposed amendment.

5. Any amendment thus accepted shall be communicated by the Secretary-General of the United Nations to all Contracting Parties and shall enter into force three months after the date of its communication by the depositary.

6. If an objection to the proposed amendment has been notified in accordance with paragraph 4 of this article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

7. The depositary shall be kept promptly informed by the Secretariat of the Economic Commission for Europe of the Contracting Parties which are directly concerned by a proposed amendment.

Article 16

AMENDMENT OF ANNEXES III AND IV

1. Annexes III and IV to this Agreement may be amended in accordance with the procedure specified in this article.

2. At the request of a Contracting Party, any amendment proposed by it to annexes III and IV shall be considered by the Working Party on Combined Transport of the United Nations Economic Commission for Europe.

3. If the amendment is adopted by a two-thirds majority of the Contracting Parties present and voting, the amendment shall be communicated by the Secretary-General of the United Nations to all Contracting Parties for acceptance.

4. Any proposed amendment communicated in accordance with paragraph 3 of this article shall come into force within a period of six months following the date of its communication, unless one fifth of the Contracting Parties have notified the Secretary-General of the United Nations of their objection to the proposed amendment. Otherwise, the amendment will enter into force with respect to all Contracting Parties except those which, prior to the date of its entry into force, have notified the Secretary-General that they did not accept the proposed amendment.

5. Any amendment accepted shall be communicated by the Secretary-General to all Contracting Parties and shall enter into force three months after the date of its communication.

6. If any objection to the proposed amendment has been communicated in accordance with paragraph 4 of this article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

Article 17

SAFEGUARD CLAUSE

The provisions of this Agreement cannot prevail over those that some States may be compelled to apply among themselves in accordance with other multilateral treaties, such as the 1957 Treaty of Rome establishing the European Economic Community.

Article 18

DENUNCIATION

1. Any Contracting Party may denounce this Agreement by written notification addressed to the Secretary-General of the United Nations.

2. The denunciation shall take effect one year after the date of receipt by the Secretary-General of said notification.

Article 19

TERMINATION

Should, after the entry into force of this Agreement, the number of Contracting Parties be for any period of twelve consecutive months reduced to less than eight, the Agreement shall cease to have effect twelve months after the date on which the eighth State ceased to be a Contracting Party.

Article 20

NOTIFICATIONS AND COMMUNICATIONS BY THE DEPOSITARY

In addition to such notifications and communications as this Agreement may specify, the functions of the Secretary-General of the United Nations as depositary shall be as set out in Part VII of the Vienna Convention on the Law of Treaties, concluded at Vienna on 23 May 1969.

Article 21

AUTHENTIC TEXTS

The original of this Agreement, of which the English, French, and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Agreement.

Done at Geneva on the first day of February 1991.