

No. 30368

**SWEDEN
and
DENMARK**

Agreement on a fixed link over the Sound (with annexes and additional protocol). Signed at Copenhagen on 23 March 1991

Authentic texts: Swedish and Danish.

Registered by Sweden on 8 October 1993.

**SUÈDE
et
DANEMARK**

Accord relatif à une liaison fixe à travers le Sund (avec annexes et protocole additionnel). Signé à Copenhague le 23 mars 1991

Textes authentiques : suédois et danois.

Enregistré par la Suède le 8 octobre 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF SWEDEN AND
THE GOVERNMENT OF DENMARK ON A FIXED LINK OVER
THE SOUND

The Governments of Sweden and Denmark,

Desiring to improve rail and road communications between the two countries and thereby lay the groundwork for strengthening and expanding cultural and economic cooperation, and with a view to developing a common labour and housing market in the region of the Sound (Öresund, Øresund) for the benefit of the two States,

Considering that the necessary basis exists for an agreement on a fixed link over the Sound and for the routing and design of such a link,

Have agreed as follows:

INTRODUCTORY PROVISION

Article 1

Sweden and Denmark shall jointly construct and operate a toll-financed fixed link for rail and road traffic between Kastrup and Limhamn. The link shall be called the Sound link (*Öresundsförbindelsen, Øresundsforbindelsen*).

THE SOUND LINK

Article 2

The Sound link shall be constructed as a combined rail and road link consisting of a two-track railway and a four-lane motorway between Kastrup and Limhamn.

The Sound link shall start out from an artificial peninsula near Kastrup airport, cross Drogden in a sunken-tube tunnel to an artificial island southwest of Saltholm. From there the link shall continue as a low bridge and further on as a high bridge over the Flinte channel (Flintrännen, Flinterenden) and the Trindel channel (Trindelrännan, Trindelrenden) and reach land south of Limhamn.

The Sound link shall also include the necessary areas and toll-collection facility and, if necessary, buildings for customs clearance and passport control. Sweden and Denmark shall conclude at a later date an agreement on the exact demarcation of the link.

Further provisions concerning the routing and technical design of the link are contained in annex 1.

Article 3

The Sound link shall be constructed in keeping with the two States' international obligations.

¹ Came into force on 24 August 1991 by the exchange of the instruments of ratification, which took place at Stockholm, in accordance with article 23.

Article 4

Sweden and Denmark agree that the approval for the construction of the Sound link in accordance with the legislation of each State may result in departures from the provisions of annex 1.

Article 5

Sweden and Denmark agree that the final design of the Sound link (see article 2) shall be executed having regard to what is environmentally sound, technologically feasible and economically reasonable in order to prevent harmful effects on the environment.

Sweden and Denmark take it that the competent authorities shall cooperate to the extent necessary on environmental questions relating to the Sound link.

Article 6

The execution of the Sound link shall be open to international tender.

Article 7

Sweden and Denmark shall ensure that work on the Sound link proceeds in such a way that construction work can begin in 1993.

CONNECTIONS TO THE SOUND LINK

Article 8

Sweden and Denmark, each in its respective State, shall construct the necessary railway and road connections from the Sound link to the existing railway and road networks. These connections shall consist of a two-track railway and a four-lane motorway. They shall be opened for traffic, at the latest, at the same time as the Sound link.

Article 9

The connections in Denmark shall consist of a two-track railway through Amager, which shall connect with existing tracks at Sydhavn station, and a four-lane motorway which shall run alongside the railway line through Amager and connect with the Amager motorway.

The connections in Sweden shall consist of a two-track railway connecting to the Trelleborg line and a four-lane motorway connecting to the Inner Ring Road or another road that meets motorway standards.

ORGANIZATION AND FINANCING

Article 10

Sweden and Denmark shall, as soon as possible, each establish a joint-stock company, which shall be completely owned by the respective State.

The two joint-stock companies shall form a consortium, which shall own and keep joint accounts and, as a single entity, be responsible for planning and other preparations and for the financing, construction and operation of the Sound link.

Article 11

The consortium's initial capital shall be 50 million Danish kroner, which shall be contributed in cash in equal proportion by the two joint-stock companies.

Loans for the financing of the Sound link shall be raised by the consortium.

The joint-stock companies shall jointly and in equal proportion own all of the consortium's property and all its rights. Profits and losses from the consortium's activity shall be shared equally. With respect to third parties, the companies shall be jointly and severally responsible for the consortium's obligations, with mutual liability in equal proportion.

Article 12

Sweden and Denmark shall jointly and severally guarantee their obligations in respect of the consortium's loans or other financial instruments which may be used in connection with financing. The States shall be mutually responsible in equal proportion.

Article 13

The consortium's affairs shall be conducted by a board of directors and a managing director.

The consortium's board of directors shall consist of an equal number of members from each company. The board shall elect a chairman and a vice-chairman, whose posts shall be filled by a member of each joint-stock company.

The board of directors shall have, unless stipulated otherwise, the same rights and obligations to which any board of directors of a joint-stock company is normally entitled.

Decisions by the board of directors shall be taken, unless stipulated otherwise, by a simple majority. If all the members of one company are of an opinion which differs from that held by the members of the other company, the matter shall be referred to the two Governments for a joint decision. The Governments' decisions shall be binding on the consortium.

Further rules governing the consortium's activity and management and disbursements and receipts with respect to the consortium, accounts and auditing, *inter alia*, shall be established in an agreement between the two joint-stock companies. The agreement shall be approved by the Governments of Sweden and Denmark.

The two Governments shall have full control of the consortium's affairs.

*TOLLS**Article 14*

The costs of planning and other preparations for the construction and operation of the Sound link shall be covered in their entirety by the consortium through special charges, tolls.

Sweden and Denmark agree that the activities of the consortium shall not require appropriations from the budgets of the respective States.

Article 15

Toll charges shall be set by the consortium.

Article 16

The establishment of a permanent link is aimed at promoting rational and effective railway traffic between the States. Toll charges shall be established with that objective in mind.

The Governments of Sweden and Denmark may conclude agreements on further conditions for railway traffic.

Article 17

Sweden and Denmark agree that special charges cannot be collected in respect of motor vehicles' use of the road-traffic connections referred to in article 9, as long as the motor vehicles pass through the Sound link.

REMAINING PROVISIONS

Article 18

The Governments of Sweden and Denmark may subsequently conclude separate agreements on traffic regulation, the application of Swedish and Danish law and the competence of the Swedish and Danish authorities with respect to other questions relating to the Sound link.

Article 19

Sweden and Denmark shall place at the consortium's disposal, without compensation to the States, the water areas and the seabed within the respective territories over which the respective States have jurisdiction as may be temporarily or permanently required for the Sound link in the area between the existing coastlines.

Article 20

Sweden and Denmark take it that a separate agreement on uniform conditions in the two States with respect to value-added tax and, if necessary, a separate agreement on remaining toll and tax questions relating to the construction, operation and use of the Sound link will be concluded.

Article 21

The Government of Denmark declares its readiness to work for the construction of a permanent link over the Fehmarn Belt (Fehmarn Bält, Femer Bælt), provided that due consideration is given to the environment and the economy.

THE ARBITRATION BOARD

Article 22

If a dispute arises concerning the interpretation or application of this Agreement, the matter shall be referred to an arbitration board if one of the States so requests.

Further provisions on the arbitration board are contained in annex 2.

RATIFICATION

Article 23

This Agreement is subject to ratification. The Agreement shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Stockholm.

IN WITNESS WHEREOF the duly authorized representatives of the Governments of Sweden and Denmark have signed this Agreement.

DONE at Copenhagen on 23 March 1991 in duplicate in the Swedish and Danish languages, both texts being equally authentic.

For the Government
of Sweden:
GEORGE ANDERSSON

For the Government
of Denmark:
KAJ IKAST

ANNEX I

ROUTING AND TECHNICAL DESIGN OF THE SOUND LINK

1. *The route of the Sound link*

The Sound link shall, for the most part, have the route indicated on the attached map.

2. *The technical design of the Sound link*

The railway segment shall be constructed with electrified double standard-gauge track, bearing in mind the usual standards and design regulations in the respective States for passenger and freight traffic. The link shall be designed for a train speed of up to 200 km/h for passenger trains, and 120 km/h and a train-length of 750 metres for conventional freight trains. The link shall also be constructed with a maximum gradient of 15.6 per cent. The distance between tracks shall be at least 4.5 metres and the vertical and horizontal clearance shall be in conformity with the UIC load profile C2 and the requirements for Swedish type X2 trains. This implies that the vertical clearance in a single-track railway tunnel shall be at least 6.1 metres above the upper edge of the rails and horizontal clearance shall be at least 6.5 metres.

The road segment shall be constructed as a motorway with two nine-metre roadways situated between traffic dividers, each consisting of two 3.5-metre traffic lanes, two 0.5-metre verges and two 0.5-metre-wide emergency walkways. There shall be clearance of at least 4.6 metres over the entire breadth of the motorway.

In the segment between the artificial peninsula at Kastrup and the artificial island at Saltholm, the link shall be constructed as a sunken-tube tunnel under the Drogden channel at such a depth that makes it possible to maintain a water depth of at least 10 metres in the fairway.

Between the artificial island and Limhamn, the link shall be constructed as a bridge with vertical clearance of at least 50 metres at mean high tide in the Flinte channel (Flintrännan, Flinterenden), and at least 32 metres in the Trindel channel (Trindelrännan, Trindelrenden). The horizontal clearance corresponding to the above-mentioned vertical clearance shall in the two fairways be at least 300 metres in the Flinte channel, and at least 200 metres in the Trindel channel.

ANNEX 2

THE ARBITRATION BOARD

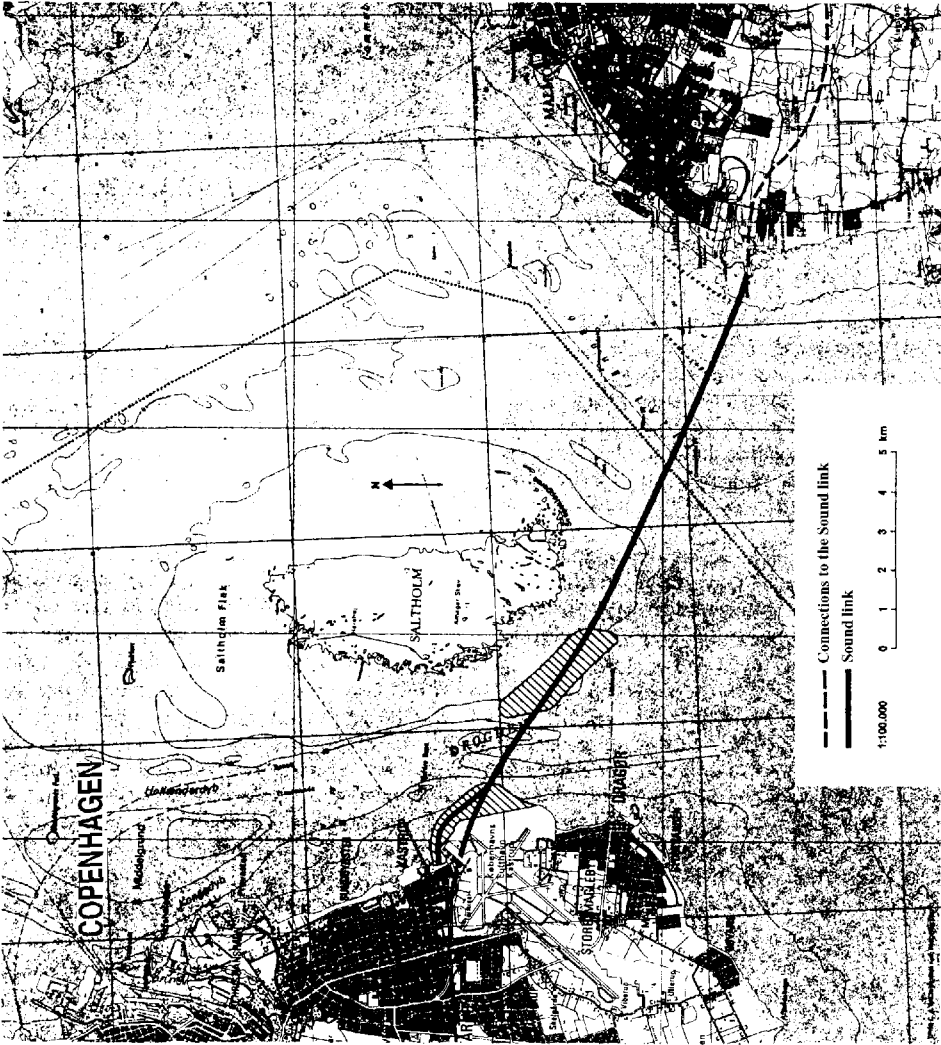
1. The arbitration board shall consist of three members. Each State shall appoint one member. One member, who shall be the board's chairman and who shall not be a Swedish or Danish citizen or resident, shall be appointed jointly by the States. If the chairman or another member is not appointed within two months of the date on which one State has made a request to that effect to the other State, he shall be appointed by the President of the International Court of Justice in The Hague at the request of one State.

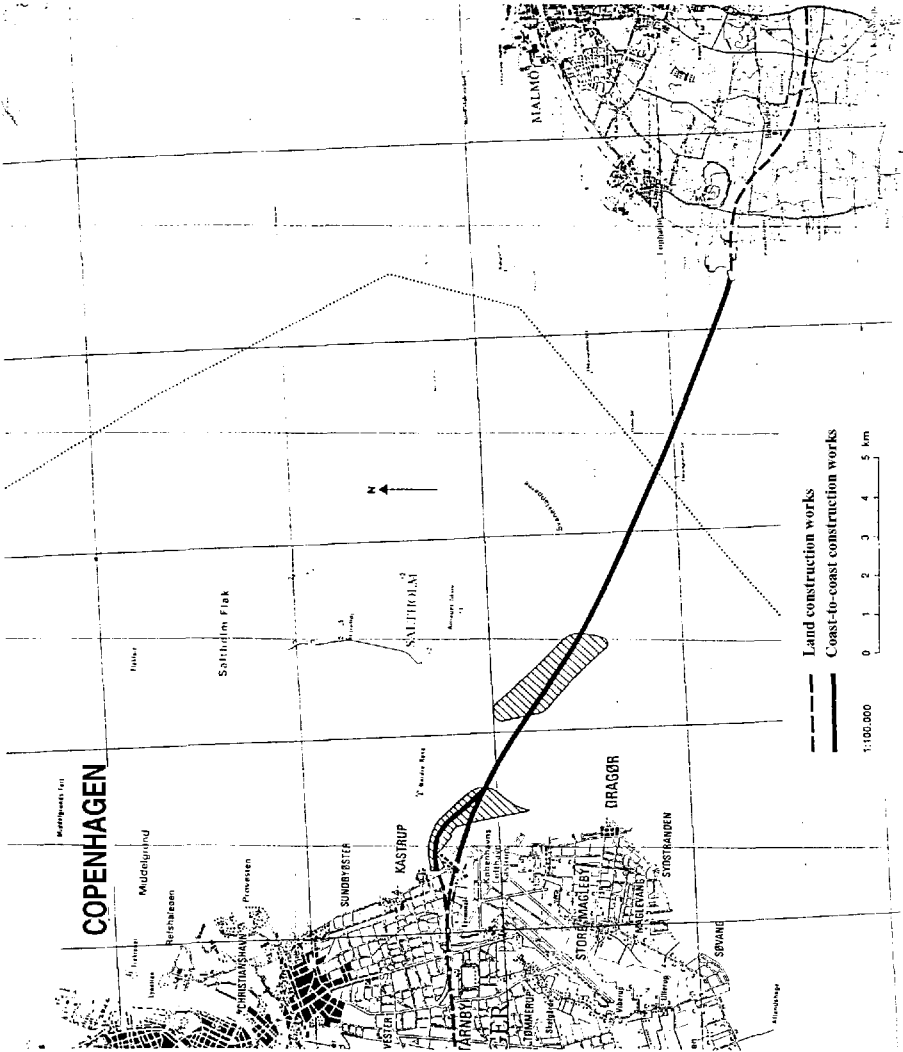
2. The arbitration board shall itself establish its work plan and rules of procedure.

3. If there is a difference of opinion within the arbitration board, the opinion on which two members agree shall be binding. If there is a difference of opinion among all the members, the chairman's opinion shall be binding.

4. The decisions of the arbitration board shall be binding.

5. Each State shall bear half the costs of the arbitration board. In addition, each State shall pay its share of the arbitration costs.





ADDITIONAL PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF SWEDEN AND THE GOVERNMENT OF DENMARK ON A FIXED LINK OVER THE SOUND

The Governments of Sweden and Denmark, which today have signed an agreement on a fixed link over the Sound, have included in this Protocol the following addenda to the Agreement.

1. Sweden and Denmark agree that no charges or the like shall be collected from the two States to guarantee the consortium's loans or other financial instruments that may be used in connection with financing.

2. Sweden and Denmark agree that, in their capacity as guarantors, they shall endeavour to handle as quickly as possible all business relating to the consortium's loans or other financial instruments that may be used in connection with the financing of the link.

3. The Governments of Sweden and Denmark agree that the price of a crossing by the Helsingborg-Helsingør ferries shall serve as the basis for establishing the tolls for road traffic.

4. The Governments of Sweden and Denmark agree that the railway companies in Sweden shall pay a total amount of 150 million Danish kroner annually (at 1 January 1991 prices) for the use of the Sound link railway. Danish State Railways shall pay an equivalent amount. The amount shall be adjusted in accordance with current price trends.

The consortium and the aforementioned railway companies in the respective States shall conclude agreements on further conditions for railway traffic on the basis of the above-mentioned guidelines.

5. Sweden and Denmark agree that the construction of the link shall not be subject to value-added tax. It is noted that the question of value-added tax in the use of the link shall be settled in good time before the link becomes operational and bearing in mind the legislation in force in the two States, wherein the States acknowledge the particular obligations incumbent on members of the European Communities.

6. This Additional Protocol shall enter into force when the Agreement on a fixed link over the Sound enters into force.

DONE at Copenhagen on 23 March 1991 in duplicate in the Swedish and Danish languages, both texts being equally authentic.

For the Government
of Sweden:

GEORGE ANDERSSON

For the Government
of Denmark:

KAJ IKAST