FOURTH SUPPLEMENTARY AGREEMENT

to the Agreement of 21 March 1955 on the establishment of through international railway tariffs

(79/1035/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING IN COUNCIL,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 70 thereof, and the Convention on the Transitional Provisions, and in particular the second paragraph of Article 10 and subparagraph 2 of the third paragraph of Article 10,

Having regard to the Agreement of 21 March 1955 on the establishment of through international railway tariffs (1), as amended by the Supplementary Agreement of 16 March 1956 (2), by the second Supplementary Agreement of 23 March 1959 (3) and by the third Supplementary Agreement of 22 November 1973 (4),

Having regard to the Decision of the Council of the European Communities of 22 January 1972 on the accession of new Member States to the European Coal and Steel Community, and in particular Article 3 (1) of the Act annexed thereto,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement of 21 March 1955, as amended, shall be supplemented as follows:

1. The beginning of the first paragraph of Article 2 shall be replaced by the following:

   'Taking into account Annex IV of this Agreement the through international tariffs which are the subject of the Agreement ...'

2. The following Annex shall be added:

'ANNEX IV

to the Agreement of 21 March 1955 on the establishment of through international railway tariffs

The following shall be added to the provisions of the Agreement relating to the establishment of through tariffs and to the calculation of carriage costs:

1. As long as the United Kingdom railways do not apply general internal tariffs for the carriage of goods, the provisions of the Agreement shall be applied by analogy for the purpose of calculating, in accordance with through international tariffs, the sectional charge in the United Kingdom.

2. In the case of carriage by train ferry, the stations, within the meaning of Article 13 of the Agreement, shall be those also open to wagon ferry traffic.

(1) OJ ECSC No 9, 19. 4. 1955, p. 701.
(2) OJ ECSC No 10, 30. 4. 1956, p. 130/56.
(3) OJ No 22, 9. 4. 1959, p. 431/59.
(4) OJ No L 347, 17. 12. 1973, p. 64.

3. The charges for the carriage referred to in point 2 with a CIM through consignment note shall be obtained taking into account the following provisions :

Train ferry within a railway network :

— the sea crossing shall be included in the sectional distance of the railway network concerned,

— the sectional charge of this network shall be calculated by multiplying its basic distance charge by the sectional distance calculated in accordance with the first indent and by the coefficient of degressivity,

— a surcharge may be imposed.

Train ferry linking two railway networks :

For the railway networks in question one or other of the following rules may be adopted :

(a) — the sea crossing shall be included in the sectional distances of the adjoining railway networks, on the basis of the agreements between the two railway networks concerned,

— charging is governed by the usual rules,

— a surcharge may be imposed ;

(b) — the sea crossing shall be disregarded for the purpose of establishing the total distance of carriage,

— the sectional charges of the adjoining railway networks shall be established according to the usual rules,

— a separate charge shall be added for the sea crossing by train ferry.'

Article 2

The text of this Supplementary Agreement, as recorded in the minutes of the proceedings of the Council [1], shall be published in the *Official Journal of the European Communities.*

Article 3

This Supplementary Agreement shall enter into force on 1 February 1980.

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[1] This Supplementary Agreement was concluded at the 613th Council meeting held on 6 December 1979.