

No. 7054

**NETHERLANDS
and
AUSTRIA**

**Agreement concerning commercial transport and transport
on own account by road between the Netherlands and
Austria. Signed at Vienna, on 6 May 1959**

Official texts : Dutch and German.

Registered by the Netherlands on 9 January 1964.

**PAYS-BAS
et
AUTRICHE**

**Accord concernant les transports routiers pour compte
d'autrui et pour compte propre entre les Pays-Bas et
l'Autriche. Signé à Vienne, le 6 mai 1959**

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 9 janvier 1964.

[TRANSLATION — TRADUCTION]

No. 7054. AGREEMENT¹ CONCERNING COMMERCIAL
TRANSPORT AND TRANSPORT ON OWN ACCOUNT BY
ROAD BETWEEN THE NETHERLANDS AND AUSTRIA.
SIGNED AT VIENNA, ON 6 MAY 1959

The Kingdom of the Netherlands and the Republic of Austria, desiring to promote and improve commercial transport and transport on own account by road between the Netherlands and Austria, have agreed as follows :

I

NON-SCHEDULED BUS SERVICES

Article 1

(a) Carriers authorized in their own State to operate non-scheduled international bus services shall require no further approval from the other Contracting State for non-scheduled journeys to and through the territory of that State. No additional passengers shall be picked up in the other Contracting State ; the consent of that State shall be required for any exceptions.

(b) On journeys to or through the territory of the other Contracting State, a certificate of authorization or some other appropriate certificate recognized by the home State must be carried in addition to the list referred to in paragraph (c) ; these documents must be shown to the competent inspecting officers on request.

(c) The list must state the name (name of firm) and principal place of business of the carrier, the starting point and terminus of the journey, the itinerary corresponding to the booking, including the frontier crossing points, and the names of the passengers. Either of the Contracting Parties may require a copy of this list to be presented for stamping at the frontier post of entry.

¹ Came into force on 1 January 1960, the date on which each Contracting Party received from the other notice of completion of the legal formalities required for the entry into force of the Agreement, in accordance with article 15 (a).

II

TRANSPORT OF GOODS

Article 2

Carriers who have their principal place of business in one of the two Contracting States and who are authorized to transport goods shall require, for the international transport of goods by road between their home State and the other Contracting State, and also for transit traffic through the other Contracting State, permit from their home State instead of such licence as may be prescribed in other cases by the other Contracting State.

Article 3

No permit shall be required for :

- (a) The transport of human remains, or removals ;
- (b) The transport of goods intended for fairs or exhibitions ;
- (c) Consignments for particular sporting events ;

- (d) The transport of stage scenery, theatrical properties and musical instruments for cultural performances ;
- (e) The transport of radio, television and cinematographic equipment.

The exceptions enumerated in sub-paragraphs (b) to (e) shall, however, apply only if the goods in question are returned.

Article 4

(a) A permit shall be issued to Netherlands carriers only if they hold a Netherlands licence or exemption, as the case may require, for the international transport of goods by motor truck.

(b) A permit shall be issued to Austrian carriers only if they hold an Austrian licence for the transport of goods by motor truck.

Article 5

The licence documents or exemption certificates referred to in the preceding articles, or copies thereof authenticated by the authorities competent to issue them, must be carried on every journey to the other State and shown to the competent inspecting officers on their request.

Article 6

Carriers shall be under a duty to comply in other respects with the provisions of commercial law in force in the Contracting State and with the traffic and transport regulations.

Article 7

(a) A separate permit must be issued for each motor truck (with trailer).

(b) The permit must state the following particulars :

1. The name and address of the carrier ;
2. The registration number of the vehicle or vehicles ;
3. The make of the vehicle or vehicles ;
4. The maximum permissible load (carrying capacity) of the vehicle or vehicles ;
5. The nature of the transport operations (commercial transport or transport on own account) ; transit transport ;
6. The period of validity ;
7. Where necessary, special conditions and regulations.

(c) The permits to be issued shall take the form either

1. Of *standing permits* valid for a period of twelve months, or
2. Of *restricted permits* for one or more journeys within a specified period.

(d) In the event of the denunciation of this Agreement, the permits shall lose their validity in each case on the expiry of the period of notice.

(e) The permit must be carried on every journey to the territory of the other Contracting State.

(f) The permit shall be valid solely for the carrier himself and shall not be transferable.

Article 8

Carriage within a particular place or between two particular places in the other Contracting State shall not be permitted ; the consent of that State shall be required for any exceptions.

Article 9

(a) The carrier shall be permitted to take return loads from the other Contracting State.

(b) Empty vehicles shall be admitted to the territory of the Republic of Austria only if the Netherlands carrier produces, on arrival in the territory of the Republic of Austria, evidence in writing that the journey has been undertaken in order to carry out specific transport operations agreed upon in advance. Such evidence may take the form of a declaration by the importer or exporter or by a shipper acting for either of them. Such declaration must state the place from which the goods are to be collected, the consignor, the consignee, and the nature and quantity of the goods.

(c) Such evidence shall not exempt the carrier from the obligation to carry the currently valid permit.

Article 10

The details concerning the issue of permits shall be settled by agreement from year to year.

Article 11

(a) Permits shall be issued in the Kingdom of the Netherlands by the Ministry of Transport and Public Works or by the agencies authorized by the said Ministry for the purpose, and in the Republic of Austria by the Federal Ministry for Trade and Reconstruction. The permit shall so far as possible be drawn up in the same terms in both States.

(b) The Contracting States shall periodically exchange statements of the permits issued in their respective countries.

These statements must show :

The number and period of validity of the permits ;

The name and address of the holders and the registration numbers of the vehicles.

Article 12

Without prejudice to the laws in force in the Contracting States, the permit may, in the event of misuse, be temporarily or permanently withdrawn by the competent authorities of the home State.

III

COMMON PROVISIONS

Article 13

The Contracting Parties shall at all times maintain direct contact with each other on all questions arising out of the application of this Agreement.

Article 14

As regards the Kingdom of the Netherlands, this Agreement shall apply only to the European territory of the Kingdom.

Article 15

(a) This Agreement shall enter into force on the date on which the Contracting Parties inform each other that the Agreement can be applied in accordance with the provisions of their municipal law.

(b) The Agreement may be denounced after one year has elapsed, subject to three months' notice.

IN WITNESS WHEREOF the undersigned, being duly authorized for the purpose, have signed this Agreement.

DONE at Vienna on 6 May 1959, in duplicate in the Dutch and German languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

(Signed) D. W. VAN LYNDEN

For the Republic of Austria :

(Signed) Leopold FIGL