

No. 8370

**HUNGARY
and
YUGOSLAVIA**

Agreement establishing regulations for the transport of goods by lorry or similar motor vehicle and the customs procedure in connexion therewith (with Protocol). Signed at Budapest, on 9 February 1962

Official texts: Hungarian and Serbo-Croat.

Registered by Hungary on 9 November 1966.

**HONGRIE
et
YOUgoslavie**

Accord relatif à la réglementation du transport de marchandises par camions ou autres véhicules à moteur semblables et à la procédure douanière y relative (avec Protocole). Signé à Budapest, le 9 février 1962

Textes officiels hongrois et serbo-croate.

Enregistré par la Hongrie le 9 novembre 1966.

[TRANSLATION — TRADUCTION]

No. 8370. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA ESTABLISHING REGULATIONS FOR THE TRANSPORT OF GOODS BY LORRY OR SIMILAR MOTOR VEHICLE AND THE CUSTOMS PROCEDURE IN CONNEXION THEREWITH. SIGNED AT BUDAPEST, ON 9 FEBRUARY 1962

The Government of the Hungarian People's Republic and the Government of the Federal People's Republic of Yugoslavia, desiring to regulate the transport of goods by road between the two countries and in transit through their territories and the customs procedure in connexion therewith, have agreed as follows :

I. REGULATION OF THE TRANSPORT OF GOODS BY LORRY OR SIMILAR MOTOR VEHICLE

Article 1

A carrier which has its head office in the territory of one Contracting Party may perform goods transport operations between the two countries or in through their territories only if it is in possession of an authorization issued by the competent authority of the other Contracting Party.

Article 2

No authorization shall be required for :

- (a) The transport of human remains or the removal of household effects;
- (b) The transport of goods for fairs and exhibitions;
- (c) The transport of racehorses, racing vehicles or other sports requisites intended for specific sports events;
- (d) The transport of stage scenery and stage properties;
- (e) The transport of articles and equipment for radio and television recording and cinematograph film-making.

¹ Came into force on 11 February 1963, the date of the exchange of the instruments of ratification at Belgrade, in accordance with article 28.

The exceptions specified in sub-paragraphs (b)-(e) shall apply only if the items carried are to be transported back to the territory of the State in which the motor vehicle is registered or onwards to the territory of a third State.

Article 3

The competent authorities of the Contracting Parties shall determine, on a basis of reciprocity, the number of transport authorizations subject to the provisions of article 12, first paragraph, which may be issued each year. An authorization shall be valid for one outward and one return journey.

Only one transport authorization shall be required, irrespective of the weight of the goods transported, for a transport operation in which the goods are carried by a lorry without a trailer or by a tractor and semi-trailer. A single authorization shall likewise be required for the transport of goods by a combination of motor vehicle and trailer where the goods carried weigh no more than twelve tons. Two transport authorizations shall be required where the goods carried by a combination of motor vehicle and trailer weigh more than twelve tons.

Transport authorizations shall be issued by the competent authorities of the Contracting Parties within the limits of the agreed quota of authorizations and on the basis of a mutual delegation of authority.

Article 4

Authorizations shall conform to the model set out in document TRANS/213/Add.1, annex 3, of the United Nations Economic Commission for Europe and shall be valid both for transport between the two countries and for transport in transit. The authorization forms shall be printed by each Contracting Party in its own language. The entries shall be made in the language of the carrier's State.

The competent authorities of the Contracting Parties shall exchange such number of blank authorization forms, signed, stamped and bearing serial numbers, as corresponds to the quota established by virtue of article 3.

In addition, at the end of each quarter they shall exchange copies of the authorizations issued, and after the end of the year they shall return to each other all unused authorization forms.

Article 5

Transport operations in which the goods are both taken up and set down in the territory of the other Contracting Party shall be prohibited.

A carrier which has its head office in the territory of one Contracting Party may not perform transport operations between the territory of the other Con-

tracing Party and the territory of a third country unless it receives a special authorization to do so from the competent authority of the latter Contracting Party.

Article 6

Lorries or similar motor vehicles engaged in transit traffic may not take on goods in the territory of the other Contracting Party unless they have been granted a special authorization for that purpose by the competent authority of the said Party.

Article 7

A consignment note shall be required for the international transport of goods by road; it shall contain the following particulars :

- (a) The date of the consignment note and the place at which it is made out;
- (b) The name and address of the sender;
- (c) The name and address of the carrier;
- (d) The place and the date of taking over of the goods and the place designated for delivery;
- (e) The name and address of the consignee;
- (f) The description of the goods and the method of packing;
- (g) The number of items in the consignment;
- (h) The gross weight of the goods;
- (i) The transport and other charges;
- (j) Special instructions by the sender and special arrangements;
- (k) The signature of the sender;
- (l) The signature of the consignee.

The foregoing headings shall be printed on the consignment note in the language of the carrier's country and in German. The particulars shall be entered in the language of the sender's or the carrier's country and in German.

Article 8

The competent authorities of the Contracting Parties shall agree on the procedure relating to the authorizations and on the procedure for the exchange of the necessary statistical data.

Article 9

The crews of the motor vehicles engaged in transport under this Agreement shall carry an ordinary passport on entering the territory of the other Contracting Party. A visa valid for at least three months and for an unlimited number of journeys shall be issued.

Article 10

In the event of a breach of the provisions of this Agreement by a carrier, the Contracting Party which is the aggrieved party may impose one of the following penalties :

- (a) A simple warning;
- (b) Suspension of the authorization;
- (c) Revocation of the authorization.

Each Contracting Party shall be required to carry out the decision so made by the other Contracting Party.

Article 11

Reciprocal obligations arising from the transport of goods under this Agreement shall be settled in accordance with the provisions of the payments agreement concluded between the two States and with the currency regulations in force in the territory of the two Contracting Parties.

Article 12

Transport operations performed in the territory of the other Contracting Party on the basis of authorizations issued within the quota established by virtue of article 3 of this Agreement shall be exempt from transport duties and taxes.

Authorizations issued in excess of the quota established by virtue of article 3 and transport operations performed on the basis of the said authorizations shall be subject to the payment of the duties and taxes prescribed by national law.

Authorizations as provided for in the first paragraph of this article and in article 6 of this Agreement shall be issued free of charge.

II. REGULATIONS ON THE CUSTOMS PROCEDURE AND THE TECHNICAL CONDITIONS APPLICABLE TO THE TRANSPORT OF GOODS BY LORRY OR SIMILAR MOTOR VEHICLE AND BY CONTAINER

Article 13

The Customs procedure applicable to commercial road vehicles shall be governed by the provisions of the Customs Convention on the Temporary Importation of Commercial Road Vehicles concluded at Geneva on 18 May 1956.¹

¹ United Nations, *Treaty Series*, Vol. 327, p. 123.

Article 14

The technical conditions applicable to vehicles and containers used for the international transport of goods by road shall be governed by the provisions of the TIR Convention concluded at Geneva on 15 January 1959.¹

Article 15

Every vehicle and container used for the transport of goods must be furnished with an official certificate attesting that it is approved for use in international transport. The official certificate shall conform to the specimens reproduced in annexes 5 and 8 of the TIR Convention.

The use of vehicles and containers shall be approved by the competent authorities of the country in which the owner or carrier is resident or established.

The certificate of approval shall be kept on the vehicle or attached to the container.

Article 16

The Customs procedure applicable to containers shall be governed by the provisions of the Customs Convention on Containers concluded at Geneva on 18 May 1956.²

Article 17

Provided the conditions laid down in this Agreement are fulfilled, goods carried in sealed road vehicles or in sealed containers :

- (a) Shall not be subjected to the payment or deposit of Customs duties, import taxes and Customs bonds at frontier Customs offices;
- (b) Shall not, as a general rule, be subjected to Customs examination at frontier Customs offices.

However, the Customs authorities may, by way of exception and when irregularity is suspected, carry out a summary or full examination of the goods.

Article 18

In order to prevent abuse, the Customs authorities may, if they consider it necessary :

¹ United Nations, *Treaty Series*, Vol. 348, p. 13.

² United Nations, *Treaty Series*, Vol. 338, p. 103.

- (a) Assign an escort of customs guards to road vehicles in exceptional cases at the carrier's expense;
- (b) Examine road vehicles, containers or their loads *en route*. Loads, however, may be examined only in exceptional cases.

Article 19

If the Customs clearance of goods carried by a vehicle takes place, not at the frontier Customs Office of entry, but at an inland Customs office, the Customs office of entry may prescribe the itinerary to be followed to the competent inland Customs office.

The Customs authorities of each Contracting Party shall recognize the identifying marks used and the seals affixed by the Customs authorities of the other Contracting Party. They may, however, use other identifying marks or affix additional seals of their own.

Article 20

A manifest shall be made out for the goods carried in a vehicle or container. The manifest shall contain all such particulars, and especially the commercial designation, the quantity and the value of the goods, as are necessary for determining any Customs duty or import tax which may be due.

The manifest shall be certified by the competent Customs authorities of the Contracting Party in whose territory the goods are loaded.

Article 21

The manifest shall be made out in a sufficient number of copies to provide the Customs authorities of the other Contracting Party with at least two copies for purposes of Customs control.

A load which has been transported to the territory of the other Contracting Party shall, in unaltered condition and with the seals intact, be produced by the carrier for Customs examination to the inland Customs office whose jurisdiction includes the place of destination or, in the case of a transit consignment, to the frontier Customs office.

Article 22

In the event of Customs seals being broken or goods being destroyed or damaged accidentally *en route*, the carrier or his representative shall notify the nearest Customs office of the occurrence, either directly or through the nearest public administrative authority, with a view to the preparation of a report.

In the event of an accident which necessitates transfer of the load to another vehicle, this may only be done in the presence of a representative of the competent Customs office, who shall draw up a report of the proceedings.

If no vehicle or container as provided in article 15 is available, the load may be transferred to a vehicle or container which is not furnished with a certificate of approval, provided care is taken to ensure that the load can be identified.

In the event of imminent danger, the driver of the vehicle may take the necessary measures on his own initiative without awaiting intervention by the Customs office referred to in the first paragraph of this article. In such event, however, the driver must furnish proof that he acted in the interests of the vehicle or of the load when he took the emergency measures to avert the danger.

Article 23

The provisions of this Agreement shall not affect the right of the Contracting Parties to institute proceedings, in accordance with their own law, against persons who have committed a Customs offence.

III. FINAL PROVISIONS

Article 24

The competent authorities of the Contracting Parties shall promote the conclusion of agreements between carriers and forwarders for the provision of technical assistance to lorries and similar motor vehicles damaged in the course of international transport operations and for the supply of fuels and lubricants to such vehicles.

Article 25

Matters relating to the transport of goods which are not dealt with by the provisions of this Agreement shall be governed by the law of the Contracting Party in whose territory the matter arises.

Article 26

For the purposes of the application of this Agreement, the Contracting Parties shall keep in direct contact with each other through their competent authorities.

The competent authorities shall, in particular, make all the necessary preparations in good time each year for the unimpeded application of the Agreement in the following year.

Article 27

With a view to the settlement of questions jointly agreed upon by the competent authorities and of questions not settled by way of direct contact between the said authorities, a Mixed Commission composed of representatives of the Contracting Parties shall be set up at the request of the competent authority of either Contracting Party.

The decisions of the Mixed Commission shall be subject to approval by the authority of each Contracting Party competent to approve them.

Article 28

This Agreement shall be subject to ratification, and the instruments of ratification shall be exchanged at Belgrade. The Agreement shall enter into force on the date of the exchange of the instruments of ratification and shall remain in force for a period of one year.

The Agreement shall thereafter continue in force from year to year unless it is denounced by either Contracting Party at least three months before the expiry of any such yearly period.

IN WITNESS WHEREOF the plenipotentiaries of the Contracting Parties have signed this Agreement.

DONE at Budapest on 9 February 1962 in duplicate, in the Hungarian and Serbo-Croat languages, both texts being equally authentic.

For the Government
of the Hungarian People's Republic :

Ödön SKONDA

For the Government
of the Federal People's Republic
of Yugoslavia

Vasilije DRAGOVIC

PROTOCOL CONCERNING THE NEGOTIATIONS BETWEEN THE DELEGATIONS OF THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, HELD AT BUDAPEST FROM 4 TO 12 JANUARY 1962, FOR THE PURPOSE OF CONCLUDING AN AGREEMENT ESTABLISHING REGULATIONS FOR THE TRANSPORT OF GOODS BY LORRY OR SIMILAR MOTOR VEHICLE AND THE CUSTOMS PROCEDURE IN CONNEXION THEREWITH

In the course of the negotiations between the delegations of the Government of the Hungarian People's Republic and the Government of the Federal People's Republic of Yugoslavia for the purpose of concluding an Agreement establishing regulations for the transport of goods by lorry or similar motor vehicle and the Customs procedure in connexion therewith, the Contracting Parties agreed as follows :

- (1) The two Contracting Parties shall give favourable consideration to applications for special authorizations as referred to in article 6 of the Agreement and to applications for transport authorizations which are in excess of the quota established by virtue of article 3 and are subject to the payment of duties and taxes.
- (2) The quota for the year 1962 of the transport authorizations to be established by virtue of article 3 of the Agreement shall be 1,000 (one thousand) for each Contracting Party.

This Protocol shall constitute an integral part of the Agreement between the Government of the Hungarian People's Republic and the Government of the Federal People's Republic of Yugoslavia establishing regulations for the transport of goods by lorry or similar motor vehicle and the Customs procedure in connexion therewith, signed at Budapest on 9 February 1962.

The provisions of this Protocol may be modified by virtue of a decision of the Mixed Commission provided for in article 27 of the Agreement.

DONE at Budapest on 9 February 1962.

For the Government
of the Hungarian People's Republic :

Ödön SKONDA

For the Government
of the Federal People's Republic
of Yugoslavia

Vasilije DRAGOVIC :