

No. 11339

**FRANCE
and
PORTUGAL**

**Agreement concerning international road transport. Signed at
Paris on 24 September 1970**

Authentic texts: French and Portuguese.

Registered by France on 21 September 1971.

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et
PORTUGAL**

**Accord concernant les transports routiers internationaux.
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Enregistré par la France le 21 septembre 1971.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
FRENCH REPUBLIC AND THE GOVERNMENT OF
THE PORTUGUESE REPUBLIC CONCERNING INTER-
NATIONAL ROAD TRANSPORT

The Government of the French Republic and the Government of the Portuguese Republic, desiring to promote the transport of passengers and goods by road between the two States and in transit through their territory, have agreed as follows:

Article 1

Enterprises established in France or Portugal shall be entitled to carry passengers or goods, by means of vehicles registered in either of the two States, between the territories of the two Contracting Parties or in transit through the territory of either, subject to the conditions laid down in this Agreement.

I. PASSENGER TRANSPORT

Article 2

All passenger transport operations between the two States or in transit through their territory carried out by means of vehicles designed to carry more than eight seated persons, not including the driver, shall require prior authorization, with the exception of the transport operations referred to in article 3 of this Agreement.

Article 3

1. Prior authorization shall not be required for occasional tourist transport operations which fulfil the following conditions:

- (a) The vehicle must carry the same group of passengers throughout the journey and must return to its starting-point without taking up or setting down passengers on the way;
- (b) The transport operation must not take place at night and must not comprise daily stages of more than approximately five hundred kilometres in the territory of either of the Contracting Parties.

¹ Came into force on 1 January 1971, the date agreed upon by the two Governments, in accordance with article 21.

2. Enterprises shall draw up a statement, the model for which shall be agreed upon by the competent authorities of the two States.

Article 4

1. The application for authorization for regular services shall be submitted to the competent authority of the country in which the vehicle is registered. It must be accompanied by the following information:

- (a) Period of operation and frequency;
- (b) Proposed time-table;
- (c) Proposed tariff;
- (d) Proposed itinerary;
- (e) Special operating conditions, where applicable.

2. If the competent authority of the State in which the vehicle is registered intends to approve the application referred to in paragraph 1, it shall transmit a copy of the application to the competent authority of the other Contracting Party.

3. The competent authority of each Contracting Party shall issue an authorization for its own territory and shall forthwith transmit a copy of the authorization to the competent authority of the other Contracting Party.

4. The competent authorities shall, in principle, issue such authorizations on a basis of reciprocity.

Article 5

Applications for authorization for passenger transport operations which do not fulfil the conditions specified in articles 3 and 4 of this Agreement shall be submitted by the carrier to the competent authorities of the other Contracting Party.

Article 6

Domestic transport of passengers between two places situated in the territory of one Contracting Party by means of a vehicle registered in the territory of the other Contracting Party shall be forbidden.

II. GOODS TRANSPORT

Article 7

In regard to international goods transport operations, the provisions of this Agreement shall apply to transport operations carried out on account of other persons or on the carrier's own account, from or to one Contracting State by means of motor vehicles registered in the other Contracting State,

and to traffic in transit through the territory of one Contracting State carried out by means of a motor vehicle registered in the other State.

These provisions shall not apply to:

- (a) Internal transport operations carried out in the territory of one State by a carrier of the other State, which are and shall remain subject to the provisions of the national regulations;
- (b) Transport operations between the territory of one Contracting State and a third State carried out by carriers of the other Contracting State, unless the carriers are transporting the goods in transit through their own country.

Article 8

In order to carry out transport operations in the territory of one State, vehicles registered in the other State must have an authorization.

No authorization shall, however, be required for:

- (a) The occasional transport of goods to or from airports in the event of rerouting of air services;
- (b) The transport of luggage by trailers attached to vehicles intended for passenger transport, and the transport of luggage by all types of vehicles to and from airports;
- (c) Postal transport operations;
- (d) The transport of damaged vehicles, and the entry of breakdown and towing vehicles;
- (e) The transport of refuse;
- (f) The transport of animal carcasses for flaying;
- (g) The transport of bees and fish fry;
- (h) Funeral transport operations.

Article 9

Transport authorizations shall be issued to carriers by the competent authorities of the country of registration of the vehicles by means of which the transport operations are carried out and, where applicable, within the limits of quotas agreed upon annually by the Contracting Parties.

The competent administrations in the two States shall send each other the authorization forms required for this purpose.

Article 10

1. The quotas referred to in article 9 shall distinguish between :

- (a) Quotas applicable to transport operations carried out by Portuguese carriers to or from French territory;
- (b) Quotas applicable to transport operations carried out by French carriers to or from Portuguese territory;
- (c) Quotas applicable to transport operations in transit through the territory of the other State.

2. The following shall require authorization but shall not be subject to quota :

- (a) The transport of goods by means of motor vehicles whose total laden weight (including trailers) does not exceed six tons;
- (b) Furniture removals carried out by enterprises employing specialized staff and equipment;
- (c) The transport of animals, equipment and works of art intended for sports and cultural events or exhibitions;
- (d) The transport of equipment for use in radio, television or cinematographic productions.

Article 11

1. The authorizations which shall conform to the model agreed upon by the competent authorities of the two Contracting Parties, shall be of two types :

- (a) Short-term authorizations valid for one or several journeys and for a period not exceeding two months;
- (b) Long-term authorizations valid for an indefinite number of journeys and for a period of one year.

2. The authorizations shall be accompanied by a log-book which shall be completed by the carrier before each journey.

3. Authorizations shall entitle the carrier to take on a return load of goods.

Article 12

The authorizations and log-books shall be returned by the holders to the issuing department after use or upon expiry of their period of validity if unused.

III. GENERAL PROVISIONS

Article 13

1. The competent authorities shall issue free of charge the authorizations required under this Agreement.
2. Authorizations and statements shall be carried on board vehicles and shall be produced whenever required by inspection officials.
3. Statements and log-books shall be stamped by the customs authorities on entry into and departure from the State in which they are valid.

Article 14

1. Holders of authorizations and their personnel shall be required to comply with the regulations concerning transport and road traffic in force in the territory traversed; the transport operations they carry out shall conform to the description in the authorization.
2. With respect to the weight and dimensions of vehicles, each Contracting Party shall undertake not to apply to vehicles registered in the other State conditions that are more restrictive than those applicable to vehicles registered in its own territory.

Article 15

1. Where the weight or dimensions of a vehicle or load exceed the limits permitted in the territory of the other Contracting Party, the vehicle must be provided with a special authorization issued by the competent authority of the said Contracting Party.
2. Where this authorization restricts the vehicle to a specified route, the transport operation may be carried out only over that route.

Article 16

Enterprises engaged in transport operations covered by this Agreement shall, in respect of transport operations carried out in the territory of the other Contracting Party, pay the duties and taxes levied in that territory, under the conditions established in the Protocol referred to in article 20 of this Agreement.

Article 17

1. The two administrations shall ensure that holders of authorizations comply with the provisions of this Agreement and shall send each other a list of the violations noted and the penalties proposed.

The penalties may include:

- (a) Delivery of a warning;
- (b) The temporary or permanent, partial or complete withdrawal of the possibility of undertaking the transport operations referred to in article 1 of this Agreement in the territory of the State in which the violation was committed.

2. The authorities applying the penalty shall inform the requesting authorities of the action taken.

Article 18

1. Each Contracting Party shall appoint competent authorities to take the measures set out in this Agreement in its territory and to exchange all necessary statistical or other information. It shall inform the other Contracting Party which authorities it has appointed.

2. The authorities referred to in paragraph 1 shall send each other regularly a statement of the authorizations issued and of the number of journeys carried out.

Article 19

1. The two Contracting Parties shall establish a Mixed Commission for the purpose of ensuring the proper implementation of the provisions of this Agreement.

2. The said Commission shall meet at the request of either Contracting Party alternately in the territory of each Contracting Party.

Article 20

The Contracting Parties shall determine the procedures for the application of this Agreement in a Protocol signed at the same time as the Agreement. The Mixed Commission established under article 19 of this Agreement shall be competent to make any necessary amendments to the said Protocol.

Article 21

This Agreement is concluded for a period of one year and shall be renewed automatically, unless it is denounced with three months' notice.

It shall enter into force on a date agreed upon by the two Governments.

DONE at Paris, on 24 September 1970, in duplicate in French and Portuguese, both texts being equally authentic.

For the Government
of the French Republic:

[*Signed*]

HERVÉ ALPHAND

For the Government
of the Portuguese Republic:

[*Signed*]

MARCELLO MATHIAS
