

No. 11004

**FRANCE
and
MONACO**

**Agreement concerning road transport. Signed at Paris on
9 July 1968**

**Exchange of notes constituting an agreement supplement-
ing the above-mentioned Agreement. Paris, 8 and
15 April 1970**

Authentic texts : French.

Registered by France on 8 March 1971.

**FRANCE
et
MONACO**

**Accord relatif aux transports routiers. Signé à Paris le
9 juillet 1968**

**Échange de notes constituant un accord complétant l'Accord
susmentionné. Paris, 8 et 15 avril 1970**

Textes authentiques : français.

Enregistrés par la France le 8 mars 1971.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN FRANCE AND THE PRINCIPALITY OF MONACO CONCERNING ROAD TRANSPORT

The Government of the French Republic and the Government of the Principality of Monaco, considering that the traditional relations between the two States, confirmed by the General Conventions which bind them, and the particular geographical position of the Principality should enable enterprises in France and in the Principality more easily to carry out road transport operations in the territory of both States, have agreed as follows :

Chapter I

GENERAL PROVISIONS

Article 1

PURPOSE OF THE AGREEMENT

1. This Agreement shall apply to the transport of passengers or goods by road :

By enterprises established in France, when such transport operations originate in or are destined for the territory of the Principality, or are carried out in transit through that territory;

By enterprises established in the Principality, when such transport operations concern French territory.

2. Transport operations so defined shall, in this Agreement, be termed Franco-Monegasque transport operations.

Article 2

GENERAL REGULATIONS

1. Franco-Monegasque transport operations shall be subject to a single set of regulations, whether they are carried out by enterprises with head offices in France or in the Principality.

For this purpose, Monegasque legislation and regulations concerning road transport shall be identical to French legislation and regulations on the subject.

¹ Came into force on 9 July 1968 by signature, in accordance with article 21.

The French Ministry of Transport shall send to the Monegasque authorities the texts of all enactments relating to the co-ordination of transport.

2. Transport operations on own account, in the sense of the term given in the French regulations, shall be unrestricted throughout the territory of France and the Principality.

3. Other transport operations, or transport operations for others, shall be subject to the provisions of :

Chapter II for the transport of passengers;

Chapter III for the transport of goods.

Article 3

TECHNICAL COMMITTEE ON TRANSPORT OF THE PRINCIPALITY OF MONACO

1. The Government of the Principality shall establish a technical committee on transport comprising :

A practising or honorary judge designated by the competent judicial authority, and

Representatives of :

Monegasque elected bodies;

Monegasque government departments;

Transport users;

Road transport and vehicle hiring enterprises established in the Principality;

The French National Railway Company.

2. The Minister of State of the Principality or his representative shall chair the Technical Committee on Transport.

3. A representative of the Director for Surface Transport of the French Ministry of Transport shall attend the meetings of the Monegasque Technical Committee on Transport in an advisory capacity; he shall, in the deliberations and decisions of that body, ensure observance of the regulations arising from this Agreement.

Article 4

FUNCTIONS OF THE TECHNICAL COMMITTEE ON TRANSPORT

1. The Technical Committee on Transport shall have, with regard to Franco-Monegasque road transport operations, the same competence as the French departmental technical committees. Its functions shall be exclusively advisory.

2. The Minister of State shall have the same decision-making powers as the prefect of a French department.

Article 5

APPEALS FROM DECISIONS

In the event of disagreement between the Minister of State and the representative of the Director for Surface Transport, each of the parties may appeal to the Mixed Commission established under article 7 below.

Article 6

INSPECTION AND PENALTIES

1. Infringements of the regulations applicable under this Agreement shall be certified by officials of the French or Monegasque authorities so empowered, and shall be punishable by criminal and administrative penalties.

Criminal penalties shall be imposed by the court in whose jurisdiction the infringement occurred.

Administrative penalties shall be imposed by the competent officials of either State, depending on the location of the head office of the enterprise involved.

2. The Government of the Principality shall introduce into its legislation a system of criminal and administrative penalties similar to that established by the relevant French legislation.

3. The two Governments undertake to make provision for the enforcement of administrative penalties; they shall send each other the reports drawn up and the statements of penalties imposed.

Article 7

FRANCO-MONEGASQUE MIXED COMMISSION

1. All questions raised by the application of this Agreement, and the appeals from decisions provided for in article 5, shall be submitted to a mixed commission composed of representatives of the French Minister of Transport and representatives of the Minister of State of the Principality.

2. The Commission shall meet alternately in France and in the Principality, and shall be chaired alternately by a representative of the French Minister of Transport and by a representative of the Minister of State of the Principality.

3. The Mixed Commission may submit proposals to the Governments concerning possible amendments to this Agreement.

Chapter II

SPECIAL PROVISIONS CONCERNING THE TRANSPORT
OF PASSENGERS*Article 8*

TRANSPORT PLAN

1. Franco-Monegasque public passenger transport shall be regulated by a plan drawn up in the same form as the departmental plans provided for in the French regulations.

In the said plan shall be registered :

- (a) Regular road services operated by enterprises which have their head office in France or in the Principality;
- (b) Occasional services carried out from the territory of the Principality by enterprises which have their head office in the Principality.

2. The plan for occasional services from the Principality may also grant the right to take up passengers in the territory of the Principality to enterprises which have their head office in France and whose rights with regard to occasional services have been registered in the transport plans of the department of the Alpes-Maritimes and the departments adjacent to it.

3. The plan for the services referred to in subparagraph (a) shall be drawn up by a mixed committee composed of the Sub-Committee on Passengers of the Monegasque Technical Committee on Transport and the Sub-Committee on Passengers of the Alpes-Maritimes Departmental Technical Committee on Transport. The Mixed Committee shall meet alternately in France and Monaco. The plan shall be approved by the Minister of State of the Principality and subsequently by the French Minister of Transport.

4. The plan for the services referred to in subparagraph (b) shall be drawn up by the Sub-Committee on Passengers of the Monegasque Technical Committee on Transport. This plan shall be approved by the Minister of State of the Principality.

5. When a business is transferred or partially or totally rented, the transfer of the corresponding registrations shall be subject to prior agreement by the authorities of the two States.

Article 9

SPECIAL PROVISIONS CONCERNING OCCASIONAL SERVICES

Enterprises properly registered in French departmental transport plans for the operation of occasional road services in a zone which includes

the territory of the department of the Alpes-Maritimes may freely carry out such services to or in transit through Monegasque territory.

Article 10

EXCEPTIONAL SERVICES

Exceptional journey authorizations may be issued by the Monegasque authorities to enterprises which have their head office in the department of the Alpes-Maritimes, and by the departmental Director for Equipment of the Alpes-Maritimes to enterprises which have their head office in the Principality.

Chapter III

SPECIAL PROVISIONS CONCERNING THE TRANSPORT
OF GOODS

Article 11

TRANSPORT ZONES

1. Road transport enterprises which have their head office in the Principality shall, in so far as they are listed in the Principality's register of carriers, be subject to the "long zone" and the "short zones" (haulage zones) of the department of the Alpes-Maritimes.

2. Road transport enterprises which have their head office in France, which are listed in the departmental registers of carriers and which hold "long zone" and "short zones" (haulage zones) registrations covering the department of the Alpes-Maritimes may carry out any Franco-Monegasque transport operation.

Article 12

ISSUANCE OF TRANSPORT CERTIFICATES

1. Enterprises listed in the Principality's register of carriers shall receive the acknowledgements of attestations and the licences corresponding to their listing.

2. Haulage licences and acknowledgements of attestations shall be issued to enterprises automatically upon application.

3. "Short zone" or "long zone" licences shall be issued subject to quotas (one for each zone) made available to the Government of the Principality by the French Minister of Transport.

In both cases, the quotas shall be fixed in accordance with the rights granted under the French regulations to enterprises listed in the Principality's register of carriers.

4. Additional quotas, in the "short zone" and the "long zone", may be made available to the Government of the Principality at its request by the French Minister of Transport, as required by the growing needs of the Monegasque economy.

5. The acknowledgements and licences shall be granted and issued to enterprises which have their head office in the Principality by the Minister of State, after consulting the Monegasque Technical Committee on Transport. A copy of these documents shall be sent to the French Ministry of Transport (Department of Surface Transport).

Article 13

LISTING OF NEW ENTERPRISES IN THE REGISTER OF CARRIERS

The listing of new enterprises in the Principality's register of carriers shall be subject to the same conditions as listing in the registers of carriers in French departments.

Article 14

HIRING OF VEHICLES

1. Permission to hire vehicles in order to carry out Franco-Monegasque goods transport operations shall be granted only to enterprises listed in registers entitled "Registers of Vehicle Hirers" kept by the departmental Technical Committees on Transport, in the case of enterprises which have their head office in France, and by the Monegasque Technical committee on Transport, in the case of enterprises established in the Principality.

2. Enterprises which have their head office in the Principality shall receive the acknowledgements and the licences corresponding to their listing in the Principality's register of hirers. Licences valid for hiring in all zones shall be issued subject to a quota to be made available to the Government of the Principality by the French Minister of Transport.

3. The listing of new enterprises in the register of hirers shall be subject to the same conditions as listing in the register of hirers in French departments.

Article 15

TRANSFER OF REGISTRATIONS

When a business is transferred or partially or totally rented, the transfer of the corresponding listings in the register of carriers or the register of hirers shall be subject to prior agreement by the authorities of the two States.

Article 16

AGENTS AND BROKERS

The activities of forwarding agents and freight brokers, as defined in the French regulations, shall be subject to authorization by the Minister of State of the Principality.

Article 17

TRADE ASSOCIATIONS

Road transport and vehicle hiring enterprises which have their head office in the Principality may join the same trade associations of carriers and hirers as enterprises listed in the register of carriers or the register of hirers in the department of the Alpes-Maritimes.

Article 18

SCHEDULES AND DOCUMENTS

1. The French schedule of charges shall apply to the transport operations referred to in this Agreement.
2. Vehicles registered in the Principality must carry on board the documents required by the French regulations.

Article 19

TRANSPORT OPERATIONS INVOLVING A THIRD STATE

1. International transport authorizations, for transport operations on own account and for others, shall be issued to enterprises which have their head office in the Principality by the French Minister of Transport.
2. Transport enterprises which have their head office in the Principality may obtain from the French Minister of Transport special "A.I." authorizations.

The international transport authorizations and the special "A.I." authorizations referred to in paragraphs 1 and 2 of this article shall be issued to carriers through the Monegasque authorities.

Chapter IV

FINAL PROVISIONS

Article 20

APPLICATION OF THE AGREEMENT

Measures for the application of this Agreement, which supersedes the Franco-Monegasque Agreement concerning road transport of 20 January 1955, may be specified by agreement between the French Minister of Transport and the Minister of State of the Principality.

Article 21

VALIDITY AND ENTRY INTO FORCE

This Agreement shall enter into force upon signature.

It is concluded for an indefinite period, but may nevertheless be denounced at any time on notice of one year.

DONE at Paris, on 9 July 1968, in duplicate.

For the French Government :

JEAN GABARRA

For the Government of the Principality :

MAURICE DELAVENNE

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
SUPPLEMENTING THE AGREEMENT OF 9 JULY 1968²
BETWEEN FRANCE AND THE PRINCIPALITY OF
MONACO CONCERNING ROAD TRANSPORT

I

MINISTRY OF FOREIGN AFFAIRS

The Ministry of Foreign Affairs presents its compliments to the Legation of Monaco and, with reference to the Franco-Monegasque Agreement concerning road transport, signed at Paris on 9 July 1968,² has the honour to propose that Agreement should be supplemented by the following additional Agreement :

“ Article 6, paragraph 1, second subparagraph, of the Franco-Monegasque Agreement concerning road transport, dated 9 July 1968, shall be without prejudice to any of the rules of territorial jurisdiction laid down in the legislation of each of the two States.”

A reply in identical terms from the Legation of Monaco shall signify agreement between the French Government and the Monegasque Government. The Ministry of Foreign Affairs takes this opportunity, etc.

Paris, 8 April 1970.
Legation of Monaco
Paris

II

LEGATION OF MONACO

Ref. 31.208/70/ST

The Legation of Monaco presents its compliments to the Ministry of Foreign Affairs and, on instructions from its Government, has the honour to give its agreement to the note from the Department, dated 8 April 1970, which reads :

[See note I]

The Legation of Monaco takes this opportunity, etc.

Paris, 15 April 1970.
Ministry of Foreign Affairs
Paris

¹ Came into force on 15 April 1970 by the exchange of the said notes.

² See p. 125 of this volume.