

No. 13128

**NETHERLANDS
and
PORTUGAL**

**Agreement concerning international road transport. Signed at
Lisbon on 31 July 1972**

Authentic text: French.

Registered by the Netherlands on 28 February 1974.

**PAYS-BAS
et
PORTUGAL**

**Accord concernant les transports routiers internationaux.
Signé à Lisbonne le 31 juillet 1972**

Texte authentique : français.

Enregistré par les Pays-Bas le 28 février 1974.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE PORTUGUESE REPUBLIC CONCERNING INTERNATIONAL ROAD TRANSPORT

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

Article 1. 1. Enterprises established in the Netherlands or Portugal shall be entitled to carry passengers or goods by means of vehicles registered in either of the two countries, 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.

2. Domestic transport of goods or 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 prohibited.

3. In regard to the transport of goods, the Contracting Parties may agree to permit transport operations to a third country, in accordance with the conditions set forth in the Protocol mentioned in article 19 of this Agreement.

I. PASSENGER TRANSPORT

Article 2. All passenger transport operations between the two countries, 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:

- (a) Occasional tourist transport operations by means of vehicles carrying the same group of passengers throughout the journey and returning to the starting-point without taking on or setting down passengers on the way.
- (b) Occasional transport operations, whether tourist or not, where the vehicles enter with passengers and return empty.
- (c) Non-scheduled operations for the transport of passengers in transit.

2. Enterprises shall draw up a statement, based on the model approved by the competent authorities of the two Contracting Parties.

Article 4. 1. Applications for authorization for regular services shall be submitted to the competent authority of the country in which the vehicle is registered and must be accompanied by the information to be specified in the Protocol mentioned in article 19.

¹ Came into force on 16 August 1973, the date of the exchange of diplomatic notes by which the Contracting Parties informed each other of its approval in compliance with the constitutional provisions in force in each of the two countries, in accordance with article 21 (1).

2. If the competent authority of the Contracting Party in whose territory the vehicle is registered intends to approve the application referred to in paragraph 1 of this article, it shall transmit a copy thereof to the competent authority of the other Contracting Party.

3. The competent authority of each Contracting Party shall issue an authorization for the journey across its own territory and shall transmit a copy of such authorization to the competent authority of the other Contracting Party without delay.

4. The competent authorities shall, in principle, issue 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 through the competent authority of the Contracting Party in whose territory the vehicle is registered.

II. GOODS TRANSPORT

Article 6. 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 the territory of one Contracting Party, by means of motor vehicles registered in the territory of the other Contracting Party, and to traffic in transit through the territory of one Contracting Party carried out by means of a motor vehicle registered in the territory of the other Contracting Party.

Article 7. In order to carry out goods transport operations in the territory of one Contracting Party, vehicles registered in the territory of the other Contracting Party must have an authorization.

No authorization however, shall 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 vehicles of all types to and from airports;
- (c) Postal transport operations;
- (d) The transport of damaged vehicles, and the entry of break-down 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 8. The following shall be subject to authorization, but without restrictions to number:

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

- (e) The transport of equipment for use in radio, television or cinematographic productions;
- (f) The transport of perishable foodstuffs by special vehicles.

Article 9. 1. The transport authorizations shall be issued to enterprises by the competent authorities of the country of registration of the vehicles used for transport operations.

2. The competent authorities of the two Contracting Parties shall determine by mutual agreement the number of authorizations valid for each calendar year, taking into account road transport requirements and on a basis of reciprocity.

Article 10. 1. The authorizations, which shall conform to the model jointly 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 either by the consignment note – CMR – or by a log-book which shall be completed by the carrier before each journey.

3. The transport authorization shall entitle the carrier to take on a return load of goods.

4. The competent authorities of the two Contracting Parties shall exchange blank authorization forms free of charge.

Article 11. The authorizations and, where applicable, 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 12. Authorizations and statements shall be carried on board vehicles and shall be produced on demand to the competent authorities of the two Contracting Parties.

Article 13. 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.

Article 14. 1. With respect to the weight and dimensions of vehicles, each Contracting Party shall undertake not to apply to vehicles registered in the territory of the other Contracting Party conditions that are more restrictive conditions than those applicable to vehicles registered in its own territory.

2. 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 that Contracting Party.

3. Where this authorization restricts the vehicle to a specified route, the transport operation may be carried out only over that route.

Article 15. The fiscal régime for transport operations subject to this Agreement shall be laid down in the Protocol provided for in article 19.

Article 16. 1. In the event of any infringement of the provisions of this Agreement in the territory of a Contracting Party, the competent authorities of the country in which the vehicle is registered shall take the measures prescribed in its national law.

2. The authorities taking such measures shall inform the authorities of the other Contracting Party of the action taken.

Article 17. 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 of this article shall send each other regularly a statement of the authorizations issued and of the number of journeys carried out.

Article 18. 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. At the request of one of the Contracting Parties the afore said Commission shall meet alternately in the territory of each country.

Article 19. The competent authorities of the two Contracting Parties shall determine the procedures for the application of this Agreement in a Protocol. The Mixed Commission established under article 18 of this Agreement shall be competent to make any necessary amendments to the Protocol.

Article 20. This Agreement shall apply only to the European territory of the two Contracting Parties.

Article 21. 1. This Agreement shall be approved in accordance with the constitutional provisions in force in each of the two countries and shall enter into force on the date of the exchange of notes, through the diplomatic channel, giving notice of such approval.

2. This Agreement shall remain in force for a period of one year from the date of its entry into force and shall thereafter be automatically extended from year to year unless denounced by one of the Contracting Parties three months before the expiry of its validity.

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

DONE at Lisbon, on 31 July 1972, in two original copies in the French language.

For the Government of the Kingdom of the Netherlands:
DUCO MIDDELBURG

For the Government of the Portuguese Republic:
RUI PATRÍCIO