

**No. 13824**

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**DENMARK  
and  
SPAIN**

**Agreement concerning international road transport (with protocol done at Copenhagen on 6 April 1972). Initialled on 6 April 1972, and signed at Copenhagen on 12 June 1974**

*Authentic text: French.*

*Registered by Denmark on 27 March 1975.*

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**DANEMARK  
et  
ESPAGNE**

**Accord concernant les transports routiers internationaux (avec protocole en date à Copenhague du 6 avril 1972). Paraphé le 6 avril 1972, et signé à Copenhague le 12 juin 1974**

*Texte authentique : français.*

*Enregistré par le Danemark le 27 mars 1975.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE SPANISH STATE CONCERNING INTERNATIONAL ROAD TRANSPORT

The Government of the Kingdom of Denmark and the Government of the Spanish State, desiring to promote the transport of passengers and goods by road between the two countries and in transit through their territories, have agreed as follows:

*Article 1.* 1. Carriers whose head office is situated in Denmark or Spain are authorized to undertake the transport of passengers or goods by means of vehicles registered in either of the two States, either between the territories of the two Contracting Parties or in transit through the territory of one of them, under the conditions laid down in the Agreement.

2. The internal transport of passengers or goods between two points situated in the territory of one Contracting Party by means of a vehicle registered in the other Contracting Party is forbidden.

## I. PASSENGER TRANSPORT

*Article 2.* The transport of passengers between the two States, or in transit through their territories, by means of vehicles equipped for the transport of more than eight seated persons exclusive of the driver shall require prior authorization, with the exception of the transport operations specified in article 3 of this Agreement.

*Article 3.* 1. Prior authorization shall not be required in the case of

- (a) Occasional closed-door tourist transports, i.e. when the vehicle carries the same group of passengers for the entire journey and returns to the country of origin without taking on or setting down passengers during the journey;
- (b) Occasional transport operations consisting of a laden outward journey and an unladen return journey.

2. Vehicles used for occasional transport operations under these conditions shall carry an inspection document drawn up by agreement between the two Contracting Parties.

*Article 4.* 1. Applications for authorizations for regular transport services, whether or not they are intended for the tourist trade, shall be submitted to the competent authority of the State in which the vehicle is registered, accompanied by the documents specified in the Protocol referred to in article 19 of this Agreement.

2. Where the competent authority of the State of residence of the applicant intends to approve the application referred to in paragraph 1 of this article, it shall transmit a copy of the application to the competent authority of the other Contracting Party.

<sup>1</sup> Came into force on 1 October 1974, the date agreed upon by both Governments, in accordance with article 20.

3. The competent authority of each Contracting Party shall issue authorizations for its own territory. The competent authorities of the Contracting Parties shall transmit to each other without delay all authorizations which have been issued.

4. The competent authorities shall, in principle, issue the said authorizations on the basis of reciprocity.

*Article 5.* 1. Applications for authorizations for the transport of passengers other than as specified in articles 3 and 4 of this Agreement shall also be submitted according to the procedure described in article 4.

2. In exceptional cases, prior authorization shall not be required for a vehicle which is obliged to enter unladen in order to carry out repairs on another vehicle of the same nationality. Such journeys shall be undertaken in accordance with rules to be established by agreement between the two Contracting Parties.

## II. GOODS TRANSPORT

*Article 6.* 1. Prior authorization shall be required for all international transport of goods undertaken by the carrier on behalf of a third party or on his own account, beginning or ending in one of the Contracting States and effected by means of motor vehicles registered in the other Contracting State as well as for traffic in transit through the territory of one of the Contracting States consisting of motor vehicles registered in the other State.

2. The transport operations specified in the Protocol annexed to this Agreement shall not, however, require authorization.

*Article 7.* Authorizations for transport operations shall be issued to enterprises by the competent authorities of the country of registration of the vehicles belonging to the said enterprises, subject to quotas established annually by agreement between the Contracting Parties.

The competent authorities of the two States shall exchange the necessary blank forms for this purpose.

*Article 8.* The transport operations specified in the Protocol annexed to this Agreement shall require authorization but shall not be subject to quota.

*Article 9.* 1. Authorizations shall conform to models drawn up by agreement between the competent authorities of the two Contracting Parties and shall be of two types:

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

2. Authorizations shall be accompanied by a report form calling for particulars concerning the journey, which the recipient shall be required to complete before each journey.

3. Transport authorizations shall entitle the carrier to take on a return load under the conditions specified in the Protocol annexed to this Agreement.

*Article 10.* A triangular transport operation shall be defined as any transport operation between the territory of one of the Contracting Parties and a third country which is undertaken by carriers of the other Contracting Party. In order to under-

take such operations, interested carriers shall apply to the authorities of the other country for a special authorization, which may be granted to them in the manner indicated in the Protocol annexed to this Agreement.

*Article 11.* Authorizations together with reports on journeys shall be returned by the recipients to the office by which they were issued, after use or on the expiry of their period of validity in the event of non-use.

### III. GENERAL PROVISIONS

*Article 12.* 1. The competent authorities shall issue free of charge the authorizations provided for by this Agreement.

2. Authorizations and reports shall be kept on board the vehicles concerned and shall be produced at the request of inspection officials.

3. Reports on journeys shall be inspected by the customs in accordance with national regulations on entry into and exit from the State for which they are valid.

*Article 13.* Carriers and their employees shall be required to comply with the regulations relating to transport and road traffic in force in the territory in which they operate; transport operations undertaken by them must be in accordance with the conditions specified in the authorization.

*Article 14.* 1. Each Contracting Party undertakes not to subject vehicles registered in the other State to weight and dimension conditions more restrictive than those imposed on vehicles registered in its own country.

2. Where the weight or dimensions of a vehicle or of its load exceed the limits permitted in the territory of the other Contracting Party, the vehicle shall not be permitted to carry out the transport operation unless it is provided with a special authorization issued by the competent authority of that Contracting Party.

3. If the said authorization restricts the vehicle to a particular route, the transport operation may be carried out only on that route.

*Article 15.* Carriers engaged in the transport operations referred to in this Agreement shall pay the taxes and duties prescribed in the territory of the other Contracting Party in respect of transport operations undertaken in that territory.

*Article 16.* The competent authorities of the Contracting Parties shall monitor compliance by carriers and their employees with the provisions of this Agreement and shall transmit to each other a list of violations noted and of proposed sanctions.

Apart from any economic sanctions provided for by law, the following sanctions may be applied:

(a) a warning;

(b) suspension or revocation, wholly or in part, of the right to carry out 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 sanctions shall notify accordingly the authority by which the sanctions were requested.

*Article 17.* Each Contracting Party shall designate and shall notify to the other party the authorities competent to take in its territory the measures referred to

in this Agreement. The designated authorities shall periodically exchange reports on authorizations issued and on transport operations carried out.

*Article 18.* 1. For the purpose of ensuring the proper application of the provisions of this Agreement, the two Contracting Parties shall establish a Mixed Commission.

2. The said Commission shall meet at the request of one of the competent authorities, alternately in the territory of each of them.

*Article 19.* 1. The Contracting Parties shall determine the procedures for the application of this Agreement in a protocol which shall enter into force at the same time as the Agreement.

2. The Mixed Commission provided for in article 18 of this Agreement shall be competent to make any necessary amendments to the aforesaid Protocol.

*Article 20.* This Agreement shall enter into force on a date to be determined by the two Governments.

It shall remain in force for a term of one year and shall be extended automatically from year to year unless it is denounced by one of the Contracting Parties at least three months before the expiry of the current term.

DONE at Copenhagen on 12 June 1974 in duplicate in the French language.

For the Danish Government:  
KRESTEN DAMSGAARD

For the Spanish Government:  
ANTONIO VALDES

## PROTOCOL

DRAWN UP PURSUANT TO ARTICLE 19 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE SPANISH STATE CONCERNING INTERNATIONAL ROAD TRANSPORT

The following procedures have been agreed upon for the application of the Agreement concerning international road transport:

### I. "Competent authority"

1. The competent authorities referred to in article 14 are:

In the case of Denmark:

Ministeriet for offentlige arbejder vejdirektoratet  
Havnegarde 23  
1058 Kobenhavn K

In the case of Spain:

Dirección General de Transportes Terrestres  
Servicio de Transportes Internacionales  
Ministerio de Obras Públicas  
Avenida del Generalísimo I  
Madrid

2. The competent authorities referred to in all the other articles are:

In the case of Denmark:

Ministeriet for offentlige arbejder  
Slotsholmsgade 10  
1216 København K

In the case of Spain:

Dirección General de Transportes Terrestres  
Servicio de Transportes Internacionales  
Ministerio de Obras Públicas  
Avenida del Generalísimo I  
Madrid

## II. *With reference to article 3:*

1. The transport operations referred to in article 3 shall not be undertaken in Spanish territory at night. Nocturnal traffic is considered to be that undertaken between 10 p.m. and 5 a.m.

2. The inspection document referred to in article 3, paragraph 2, shall be drawn up in accordance with Decision No. 20 of the Council of Ministers of CEMT of 16 December 1969 (doc. CM (69) 24).

## III. *With reference to articles 4 and 5:*

1. Applications for authorizations for the services referred to in article 4 must be accompanied by the documents required under the law in force in the two countries.

2. Applications for authorizations for the services referred to in article 5, paragraph 1, must be sent to the competent authorities at least 21 days before the date on which the journey is to take place.

Applications must be accompanied by the following information:

- The name and address of the enterprise organizing the journey.
- The name and address of the carrier.
- The registration numbers of the vehicles to be used.
- The number of passengers to be carried.
- The date and frontier crossing point for entering and leaving the country as well as the sections of route to be covered laden or unladen.
- The route and the points at which passengers are to be taken on and set down.
- The names of overnight stopping places, including, if possible, hotel addresses.
- A description of the journey: shuttle or occasional transport.

3. Entry by an unladen vehicle to replace another of the same nationality which has broken down shall be covered by a document drawn up according to the model annexed to this Protocol. At the present time, no documents are required by the Danish authorities for Spanish carriers in cases of breakdown.

## IV. *With reference to article 6, paragraph 2:*

No authorization shall be required in the case of the following transport operations:

- The occasional transport of goods to and from airports when services are diverted.
- The transport of luggage by trailers attached to vehicles intended for passenger transport, and the transport of luggage by vehicles of any type to and from airports.

- Postal transport operations.
- The transport of damaged vehicles
- The transport of refuse.
- The transport of animal carcasses for flaying.
- The transport of bees and fish fry.
- Funeral transport operations.

V. *With reference to article 8:*

- The following shall require authorization but shall not be subject to quota:
- Transport in vehicles specially equipped with temperature regulators.
  - The transport of goods by means of motor vehicles whose total weight when loaded, including trailers, does not exceed 6 tons.
  - The transport of *objets d'art* and works of art intended for exhibitions, for fairs or for commercial purposes.
  - The transport of articles and material intended exclusively for publicity or information purposes
  - Furniture removals carried out by enterprises employing specialized staff and equipment.
  - The transport of equipment, properties and animals to and from theatrical, musical and cinematographic presentations, sports events, circuses and fairs, and the transport of equipment, properties and animals for use in radio, cinematographic and television productions.
  - Transport in transit.
  - Combined rail and road transport.
  - Where appropriate, certain highly specialized or occasional transport operation under conditions agreed upon by the competent authorities of the two Contracting Parties.

VI. *With reference to article 6, paragraph 1, article 7 and article 9:*

1. Authorizations shall be drawn up in the two languages and shall conform to the model annexed to this Protocol.

2. Authorizations shall be numbered by the issuing authority. They shall be accompanied by a report on the journey conforming to the model adopted by each Contracting Party and annexed to this Protocol.

3. Transport in transit shall be carried out without loading or unloading goods in the country of transit.

4. For the present, the only authorizations to be issued shall be those indicated in article 9, paragraph 1, (a), of the Agreement and they shall be valid for one journey only.

5. Return freight to Spain may be carried only through the provinces traversed by the standard entry route and their adjoining provinces. However, on an experimental basis a certain percentage of the quota may be used to carry return freight to Spain without geographical restrictions.

VII. *With reference to article 10:*

The following triangular transport operations shall be permitted:

- For Danish enterprises:  
To Sweden, Norway and Finland;

- For Spanish enterprises:  
To Portugal and North African countries.

VIII. *With reference to article 17:*

1. Within two months of the last day of each half-year, the competent authorities shall exchange a report on authorizations issued during that half-year.

2. The said report shall contain the following particulars for each transport category:

- (a) The numbers of the first and last authorizations issued in each category and the number of journeys authorized;
- (b) The number of journeys undertaken;
- (c) Where applicable, the number of authorizations cancelled or not used. Such authorizations shall not be charged against the quota.

IX. *Unladen entry*

A special authorization for unladen entry must be issued for a vehicle which enters the other State empty in order to take on goods. However, on an experimental basis a certain percentage of the quota may be used for unladen entry.

The unladen entry of a vehicle in order to carry out a transport operation which does not require prior authorization or is not subject to the quota shall not require a special authorization for unladen entry.

Unladen transit journeys shall, moreover, be permitted.

X. *Quota*

In application of the first paragraph of article 7 of the Agreement, the competent authorities shall agree on the establishment of quotas for each calendar year.

DONE at Copenhagen on 6 April 1972 in duplicate in the French language.

For the Danish Delegation:  
J. BANG CHRISTENSEN

For the Spanish Delegation:  
J. SANTOS REIN