

No. 14933

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
PORTUGAL**

**Agreement on international road transport. Signed at
Lisbon on 3 July 1975**

Authentic texts: English and Portuguese.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 27 July 1976.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
PORTUGAL**

**Accord relatif aux transports routiers internationaux. Signé
à Lisbonne le 3 juillet 1975**

Textes authentiques : anglais et portugais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 27 juillet 1976.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE PORTUGUESE REPUBLIC ON INTERNATIONAL ROAD TRANSPORT

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Portuguese Republic;

Desiring to facilitate international road transport between their two countries and in transit through their territories;

Have agreed as follows:

Article 1. SCOPE

The provisions of this Agreement shall apply to the international carriage of passengers or goods by means of vehicles owned or operated by carriers of either Contracting Party between any point in the territory of the United Kingdom of Great Britain and Northern Ireland and any point in the territory of the Portuguese Republic, or in transit through the territory of either Contracting Party.

Article 2. DEFINITIONS

For the purposes of this Agreement:

- (a) The term “carrier” shall mean any physical or legal person who, in either the United Kingdom or Portugal, is authorised in accordance with the relevant national laws and regulations to carry and carries, passengers or goods by road for hire or reward or on his own account; and references to a carrier of a Contracting Party shall be construed accordingly;
- (b) The term “registered” is deemed to include trailers or semi-trailers of the United Kingdom which have been plated or have not yet been plated in accordance with the relevant laws and regulations of the United Kingdom;
- (c) The term “passenger vehicle” shall mean any mechanically propelled road vehicle which:
 - (i) is constructed or adapted for use and used on the roads for the carriage of passengers;
 - (ii) has at least nine passenger seats;
 - (iii) is registered in the territory of one Contracting Party and owned and operated by or on behalf of any carrier authorised in that territory to carry passengers; and
 - (iv) is temporarily imported into the territory of the other Contracting Party for the purpose of the international carriage of passengers to, from or in transit through that territory;
- (d) The term “goods vehicle” shall mean any mechanically propelled road vehicle which is:

¹ Came into force on 11 January 1976, i.e., 30 days after the Parties had informed each other in writing that the necessary measures had been taken, in accordance with article 16 (1).

- (i) constructed or adapted for use and used on the roads for the carriage of goods;
 - (ii) registered in the territory of one Contracting Party; and
 - (iii) temporarily imported into the territory of the other Contracting Party for the purpose of the international carriage of goods for delivery at or collection from any point in that territory or in transit through that territory;
- and any trailer or semi-trailer which fulfils conditions (i) to (iii) of this paragraph and is operated by a carrier of one Contracting Party; provided that if a trailer or semi-trailer and its towing vehicle both fulfil the conditions of this paragraph, the combination shall be regarded as one vehicle;

(e) The term “territory” shall mean:

- (i) in relation to the United Kingdom, England, Wales, Scotland and Northern Ireland;
- (ii) in relation to the Portuguese Republic, the European continental territory;

(f) The term “competent authority” shall mean:

- (i) in the United Kingdom, the Department of the Environment;
- (ii) in the Portuguese Republic, the “Direcção-Geral de Transportes Terrestres.”

PASSENGER TRANSPORT

Article 3. OPERATIONS SUBJECT TO LICENSING REQUIREMENTS

Any passenger transport operation, not being an operation exempt from licensing requirements by virtue of the provisions of Article 4 or Article 5 of this Agreement, which is performed by a carrier of one Contracting Party in the territory of the other Contracting Party shall be subject to licensing in accordance with the national laws and regulations in force in that territory.

Article 4. OPERATIONS EXEMPT FROM LICENSING REQUIREMENTS

(1) Subject to the provisions of paragraph (3) of this Article a carrier of one Contracting Party shall be permitted to carry out the following forms of international passenger transport without being required to be licensed for that purpose in accordance with the laws and regulations of the other Contracting Party:

- (a) “closed door tours”, that is, services to or through the territory of the other Contracting Party on which a passenger vehicle enters and leaves that territory carrying the same passengers and neither picks up nor sets down any passengers in that territory;
- (b) services on which a group of passengers is brought into the territory of the other Contracting Party and the passenger vehicle leaves that territory empty;
- (c) the operation of an empty passenger vehicle in transit through the territory of the other Contracting Party in the course of a journey to or from a third country.

(2) The exemptions conferred by paragraph (1) of this Article may be extended to other international passenger transport operations by agreement

between the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement.

(3) Administrative procedures, documentation and other conditions concerning the implementation of this Article shall be settled by agreement between the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement.

Article 5. REPLACEMENT OF UNSERVICEABLE VEHICLES

The replacement by another passenger vehicle of a passenger vehicle of one Contracting Party which has become unserviceable while in the territory of the other Contracting Party shall be permitted without the need for a licence.

GOODS TRANSPORT

Article 6. PERMITTED INTERNATIONAL OPERATIONS

(1) Subject to the provisions of this Agreement, a carrier of one Contracting Party shall be permitted to use a goods vehicle:

- (a) to carry goods between any point in the territory of either Contracting Party and any point in the territory of the other Contracting Party;
- (b) to transit the territory of the other Contracting Party, whether laden or empty;
- (c) to enter the territory of the other Contracting Party empty for the purpose of accepting goods there for carriage;
- (d) to carry goods between any point in the territory of the other Contracting Party and any point in a third country, provided that in the course of its journey the vehicle passes in transit through the territory in which it is registered.

(2) The limitation imposed by paragraph (1) (d) of this Article may be waived as respects the carriage of goods to or from a third country or third countries by agreement between the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement, subject to any conditions which may be specified in the Administrative Memorandum referred to in that Article.

Article 7. REQUIREMENTS AS TO PERMITS

(1) Except as provided in Article 8 of this Agreement, a carrier of either Contracting Party shall require a permit in order to engage in any of the operations set out in Article 6 of this Agreement.

(2) Permits shall be issued to carriers of each Contracting Party by the competent authority of that Contracting Party.

(3) A permit shall be used only by the carrier to whom it is issued and shall not be transferable.

(4) The form or forms of permits and any other matters of administrative procedure concerning the implementation of the permit system shall be settled by agreement between the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement.

Article 8. EXEMPTIONS FROM PERMIT REQUIREMENTS

(1) No permit for international transport shall be required by either Contracting Party in respect of:

- (a) carriage of goods in vehicles, the maximum permitted laden weight of which, including any trailer, does not exceed 3.5 tons;
- (b) carriage of goods to or from airport in cases where air services are diverted;
- (c) carriage of luggage in trailers drawn by passenger vehicles and carriage of luggage by vehicles of any type to and from airports;
- (d) carriage of mails;
- (e) carriage of damaged vehicles and the entry of breakdown vehicles for their retrieval or the operation of a goods vehicle in substitution for one which has become unserviceable while in the territory of the other Contracting Party;
- (f) carriage of refuse and sewage;
- (g) carriage of bees and fish-stock;
- (h) funeral transport;
- (j) carriage of animal carcasses other than those intended for human consumption;
- (j) carriage of ships' stores to or from a port in the territory of the other Contracting Party in cases where shipping services are diverted;
- (k) carriage of parts for the repair of ships;
- (l) carriage of abnormal indivisible loads which, by reason of their weight or size, require individual authorisation by the competent authorities of the other Contracting Party;
- (m) carriage of medical equipment and supplies in an emergency.

(2) The exemption conferred by paragraph (1) of this Article may be extended to further categories of international transport by agreement between the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement.

Article 9. QUOTAS

(1) Subject to the provisions of paragraph (2) of this Article, the number of permits issued in any year by the competent authority of either Contracting Party to carriers of that Contracting Party shall not exceed a quota fixed by agreement between the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement.

(2) Permits may be issued, without counting against the quota, for:

- (a) vehicles in transit through the territory of the other Contracting Party;
- (b) removals carried out by contractors using staff and equipment specially suitable for this purpose;
- (c) carriage of goods, properties and animals to or from theatrical, musical, film or circus performances, or sporting events, fairs or exhibitions, and those intended for the making of radio or television broadcasts or films;

- (d) carriage of articles and equipment intended exclusively for advertising and information purposes;
- (e) carriage of works and objects of art for fairs and exhibitions or for commercial purposes;
- (f) carriage of perishable goods in specially equipped vehicles;
- (g) carriage of goods in vehicles, the maximum permitted laden weight of which (including any trailer) exceeds 3.5 tons but does not exceed 6 tons.

(3) The provisions of paragraph (2) of this Article may be extended to further categories of international transport by agreement between the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement.

GENERAL PROVISIONS

Article 10. TAXATION

(1) Subject to the provisions of paragraph (3) of this Article, vehicles which are registered in the territory of one Contracting Party and owned by persons resident in that territory shall be subject to taxes and charges levied on the circulation or possession of vehicles in the territory of the other Contracting Party at such rates as may be agreed by the competent authorities of the Contracting Parties in accordance with the provisions of Article 15 of this Agreement.

(2) The provisions of paragraph (1) of this Article shall in no way affect the payment of taxes or charges on fuel consumption or of tolls.

(3) Any reductions or exemptions in taxes or charges that may be agreed under the provisions of paragraph (1) of this Article shall not have effect in relation to the use of a vehicle in the territory of one of the Contracting Parties if the conditions laid down in the Customs regulations in force in that territory for the temporary admission of such vehicles into that territory without payment of import duties and import taxes are not fulfilled.

Article 11. EXCLUSION OF CABOTAGE

Nothing in this Agreement shall be held to permit a carrier of one Contracting Party to use a vehicle to pick up passengers or goods at a point in the territory of the other Contracting Party for setting down or delivery at any other point in that territory.

Article 12. COMPLIANCE WITH NATIONAL LAWS

(1) Except where otherwise provided in this Agreement, carriers and drivers of one Contracting Party and vehicles registered in the territory of that Contracting Party shall, when in the territory of the other Contracting Party, comply with the laws and regulations in force in that territory concerning road transport and road traffic.

(2) Neither of the Contracting Parties shall impose on vehicles registered in the territory of the other Contracting Party requirements which are more restrictive than those applied by its national laws and regulations upon vehicles which are registered in its own territory.

Article 13. INSPECTION OF DOCUMENTS

Permits and any other documents required by carriers in accordance with the provisions of this Agreement shall be carried on the vehicles to which they relate and be produced on demand to any person who is authorised in the territory of either Contracting Party to demand them.

Article 14. INFRINGEMENTS

(1) In the event of an infringement of the provisions of this Agreement by a vehicle or by the driver of a motor vehicle, the competent authority of the Contracting Party in whose territory the infringement occurred may notify the infringement to the competent authority of the other Contracting Party, and may request that authority:

- (a) to issue a warning to the carrier concerned that any subsequent infringement may lead to the temporary or permanent exclusion of vehicles owned or operated by that carrier from the territory of the Contracting Party in which the infringement occurred; or
- (b) to issue to that carrier a notification of such exclusion.

(2) The competent authority receiving such a request shall comply therewith and shall as soon as reasonably practicable inform the competent authority of the other Contracting Party of the action taken.

(3) The provisions of this Article shall be without prejudice to any lawful sanctions which may be applied by the courts or enforcement authorities of the Contracting Party in whose territory the infringement occurred.

Article 15. ADMINISTRATIVE ARRANGEMENTS

(1) The competent authorities of the Contracting Parties shall jointly concert all administrative measures for giving effect to the provisions of this Agreement. These measures, which shall be recorded in an Administrative Memorandum, may be modified by Agreement between the competent authorities, in particular so as to conform to the current needs of passenger and goods transport by road.

(2) At the request of either competent authority representatives of both shall meet as a Joint Committee to review the operation of this Agreement and agree any modification of the Administrative Memorandum referred to in paragraph (1) of this Article.

Article 16. ENTRY INTO FORCE AND DURATION

(1) This Agreement shall enter into force thirty days after the Contracting Parties have informed each other in writing that the measures necessary for giving effect to the Agreement in their respective territories have been taken.

(2) This Agreement shall remain in force for a period of one year after its entry into force. Thereafter, it shall continue in force unless it is terminated by either Contracting Party giving six months' notice thereof in writing to the other Contracting Party.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Lisbon this 3rd day of July 1975 in the English and Portuguese languages, both texts being equally authoritative.

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

N. C. TRENCH

For the Government
of the Portuguese Republic:

ERNESTO AUGUSTO MELO ANTUNES
