

No. 15049

**FRANCE
and
FEDERAL REPUBLIC OF GERMANY**

Agreement concerning the international carriage of passengers and goods by road. Signed at Paris on 10 May 1976

Authentic texts: French and German.

Registered by France on 12 October 1976.

**FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord sur le transport routier international de voyageurs et de marchandises. Signé à Paris le 10 mai 1976

Textes authentiques : français et allemand.

Enregistré par la France le 12 octobre 1976.

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH
REPUBLIC AND THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY CONCERNING THE INTERNA-
TIONAL CARRIAGE OF PASSENGERS AND GOODS BY ROAD**

The Government of the French Republic and the Government of the Federal Republic of Germany, desiring to continue to develop international passenger and goods traffic by road between the two States, have agreed as follows:

Article 1

1. The Agreement shall, within the framework of the statutory provisions of the two Contracting Parties, govern international passenger and goods traffic by road between the territories of the two Contracting Parties and in transit through their territory.

2. This Agreement shall apply to carriage effected by means of vehicles registered in one of the Contracting States by enterprises authorized, under their national legislation, to perform the types of carriage referred to in this Agreement.

3. The term "vehicle", as used in paragraph 2 above, means:

- Any motor vehicle which, in construction and equipment, is suitable for carrying more than nine persons, including the driver;
- Any mechanically propelled motor vehicle constructed or subsequently equipped for the transport of goods, and any trailers or semi-trailers attached to it.

4. This Agreement shall not affect the statutory provisions of the Contracting Parties resulting from other agreements or regulations adopted previously.

I. PASSENGER TRANSPORT*Article 2. REGULAR SERVICES*

1. The provisions of regulations (EEC) Nos. 517/72, 1,172/72 and 2,442/72 shall apply to regular and special regular services by bus or coach which accord with the provisions of article 1 and article 4, paragraph 1, of regulation No. 117/66/EEC on the introduction of common rules for the international carriage of passengers by coach and bus.

2. In order to effect international regular service or international special regular service outside the scope of the provisions referred to in paragraph 1 above, carriers shall be required to obtain prior authorization from the competent authority of the other State. Such authorization shall be granted in accordance with the national legislation of that State.

Article 3. SHUTTLE SERVICES

1. The provisions of regulations (EEC) Nos. 516/72, 1,172/72 and 2,442/72 shall apply to shuttle services provided by bus and coach which are conducted in

¹ Came into force on 10 June 1976, i.e., one month after the date of signature, in accordance with article 18 (1).

accordance with the provisions of article 2 and article 4, paragraph 1, of regulation No. 117/66/EEC.

2. In order to provide international shuttle services outside the scope of the provisions referred to in paragraph 1 above, carriers shall be required to obtain prior authorization from the competent authority of the other State. Such authorization shall be granted in accordance with the national legislation of that State.

Article 4. OCCASIONAL SERVICES

1. Enterprises providing occasional services by bus and coach which are authorized by the State in which they are located and which have the seat of their operations in France or in the Federal Republic of Germany shall not be required to obtain the authorization of the other State for occasional services in its territory or in transit through its territory, provided they fulfil the conditions laid down in articles 4 and 5 of regulation No. 117/66/EEC in association with regulation EEC No. 1,016/68.

2. Occasional services which are not conducted in accordance with the provisions of paragraph 1 above, shall, in every case, require the prior authorization of the competent authority of the other State.

3. For the services requiring prior authorization referred to in paragraph 2 above, the competent authorities of the Contracting Parties shall agree to exchange as necessary, blank authorization forms that are valid for all types of transit.

II. GOODS TRANSPORT

Article 5

Road haulage firms performing carriage for hire or reward whose vehicles are registered in the territory of one of the two Contracting Parties must be in possession of an authorization issued by the other Contracting Party in order to engage in the international carriage of goods by road for hire or reward:

- (a) Between the territory of the Contracting Party in which the vehicle being used is registered and the territory of the other Contracting Party (bilateral transport);
- (b) Across the territory of the other Contracting Party (transit).

Article 6

No authorization shall be required in the following cases:

- 1. As regards carriage for hire or reward:
 - (a) The types of carriage referred to in annex I of the First Council Directive of the European Economic Community, dated 23 July 1962, as amended by the Council Directives of 19 December 1972 and 4 March 1974 and by all subsequent Council Directives on the establishment of common rules for certain types of carriage of goods by road between Member States;
 - (b) The entry of breakdown and towing vehicles;
 - (c) The combined road/rail transport of goods under the conditions laid down by the Directive of the Council of the European Communities of 17 February 1975 on the establishment of common rules for certain types of combined road/rail carriage of goods between Member States;
- 2. The transport of goods on own account.

Article 7

1. Authorizations shall be issued, subject to quotas to be agreed upon annually on the basis of journey authorizations.
2. Journey authorizations may be converted into long-term authorizations according to a conversion table.
3. The quotas and the conversion table shall be determined by the Mixed Commission provided for under article 16.

Article 8

1. The authorization shall be valid for bilateral traffic and traffic in transit.
2. The authorization shall not be valid for carriage from the territory of the other Contracting Party to a third State or from a third State to the territory of the other Contracting Party. As an exception to this restriction, carriage whose normal route crosses the territory of the Contracting Party in which the vehicle is registered shall be authorized.

Moreover, the authorization shall not be valid for the carriage of goods by vehicles registered in the territory of one of the Contracting Parties between two points situated in the territory of the other Contracting Party.

3. Restrictions may be placed on the validity of the authorization. Such restrictions must be indicated on the authorization itself.

Article 9

Authorization not subject to quota may be issued for the types of carriage listed in annex II of the First Council Directive of the European Economic Community, dated 23 July 1962, as amended by the Council Directives of 19 December 1972 and 4 March 1974, and by all subsequent Council Directives on the establishment of common rules for certain types of carriage of goods by road between Member States.

Article 10

1. Authorizations may be granted either in the form of:
 - (a) Authorizations valid for a single journey or for a specific number of journeys, it being understood that a round trip constitutes one journey. Such authorizations shall be valid for a period not exceeding three months;
 - (b) Long-term authorizations valid for an indefinite number of journeys and for a period of no more than one calendar year and of no less than three months.
2. The authorization shall be valid only if accompanied by a journey record. The journey record shall be stamped at the frontier on each outward and return journey.
3. The authorization shall be issued to the carrier. It may not be transferred to any other carrier.

Article 11

1. Authorizations shall be:
 - (a) Granted to French carriers by the Federal Ministry of Transport and issued by the French Ministry of Transport or its duly authorized authorities;
 - (b) Granted to German carriers by the French Ministry of Transport and issued by the Federal Ministry of Transport or its duly authorized authorities.
2. The format and contents of the authorization forms and journey records shall comply with Council Directive No. 65/269/EEC of 13 May 1965 concerning the

standardization of certain rules relating to authorizations for the carriage of goods by road between Member States. The authorities responsible for issuing the authorizations shall exchange a sufficient number of blank forms.

Journey record forms shall be printed by the services of the Contracting Party which issues them.

3. Upon the expiry of their validity, authorizations and journey records shall be returned to the authority which issued them.

Article 12

Each consignment of goods by road for hire or reward must be accompanied by an international consignment note containing, at least, the following particulars:

- (a) Place and date of completion of the document;
- (b) Name and address of the sender and of the consignee;
- (c) Name, address and signature of the carrier;
- (d) Place of loading and of unloading;
- (e) Nature and quantity of the goods;
- (f) Frontier crossing point.

Article 13

All goods transported under the system for the transport of goods on own account must be accompanied by a transport document containing the following particulars:

- (a) Place and date of completion of the document;
- (b) Name, address and nature of business;
- (c) For deliveries to third parties: name, address and nature of that business;
- (d) Place of loading and of unloading;
- (e) Nature and quantity of the goods;
- (f) Seal of the firm.

III. COMMON PROVISIONS

Article 14

1. The documents required under the provisions of this Agreement (authorization, journey record, consignment note, transport document) must be carried on the vehicle throughout the journey in the territory of the other Contracting Party and be produced at the request of any authorized inspecting officer.

2. Unladen vehicles entering the territory of the other Contracting Party must already be carrying the authorization necessary to transport a return load.

Article 15

1. Carriers and drivers shall be subject to the regulations in force in the territory of the other Contracting Party.

2. In the case of serious or repeated violations of this Agreement, the competent authorities of the Contracting Party in whose territory the vehicle is registered shall, at the request of the Contracting Party in whose territory the violation was committed, take one of the following steps:

- (a) Deliver a warning that, in the case of a further violation, the measures provided for in paragraphs (b) and (c) below shall be applied;

- (b) Notify the party concerned that vehicles owned or operated by him shall be temporarily or permanently barred from carriage in the territory of the Contracting Party in which the violation was committed;
- (c) Withdraw the authorizations issued in accordance with this Agreement or prohibit temporarily or permanently the issuing of additional authorizations.
3. The competent authorities of the two Contracting Parties shall inform each other of the steps taken.

Article 16

A Mixed Commission composed of representatives of the two Ministries of Transport shall meet, at the request of either Contracting Party, in order to adapt this Agreement to road traffic development and to settle any other question by mutual agreement, particularly as regards the authorization procedure. The results of such discussions shall be recorded in the minutes of each meeting. The Mixed Commission shall be authorized to amend such minutes subsequently, as necessary.

Article 17

This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the French Republic within three months of the entry into force of this Agreement.

Article 18

1. This Agreement shall enter into force one month after the date of its signature.
2. The Agreement is concluded for one year. It shall be renewable by tacit consent, unless terminated by either of the Contracting Parties with three months' notice.
3. At the same time, the Agreement between the Minister of Public Works and Transport of the French Republic and the Federal Minister of Transport of the Federal Republic of Germany, dated 13 June 1961, as amended on 8 September 1966, shall cease to be in force.

DONE at Paris on 10 May 1976, in duplicate in the French and German languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

G. DE COURCEL

For the Government
of the Federal Republic
of Germany:

[Signed]

S. VON BRAUN