

No. 16497

**FRANCE
and
IRELAND**

**Agreement on the international carriage of goods by road
(with protocol). Signed at Dublin on 20 January 1976**

Authentic texts: French and English.

Registered by France on 28 February 1978.

**FRANCE
et
IRLANDE**

**Accord concernant les transports routiers internationaux de
marchandises (avec protocole). Signé à Dublin le 20
janvier 1976**

Textes authentiques: français et anglais.

Enregistré par la France le 28 février 1978.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF IRELAND ON THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD

The Government of the French Republic and the Government of Ireland,
Desiring to facilitate the international carriage of goods by road between the two States and transit traffic across their respective territories,
Have agreed as follows:

Article 1. DEFINITION

For the purposes of this Agreement:

The term “authorised carrier” shall mean a person (including a legal person) who, in either France or Ireland, carries goods by road for hire or reward or on his own account in accordance with the relevant national laws and regulations; and references to “a carrier authorised” in the territory of either Contracting Party shall be construed accordingly.

Article 2. EXTENT OF APPLICATION

The provisions of this Agreement shall apply to the international carriage of goods by road for hire or reward or on own account between any point in the territory of the French Republic and any point in the territory of Ireland, or in transit across the territory of either Contracting Party.

Article 3. TRANSPORT BETWEEN FRANCE AND IRELAND

(1) Subject to the provisions of Article 6 of this Agreement, a carrier authorised in the territory of one Contracting Party shall be permitted to use a goods vehicle to carry goods to and from the territory of the other Contracting Party or in transit through its territory.

(2) A carrier authorised in the territory of one Contracting Party, having delivered a load in a third State and returning empty or not fully laden through the territory of the other Contracting Party, may pick up a load in that territory for delivery in the territory in which the carrier is authorised.

(3) A carrier authorised in the territory of one Contracting Party may send an empty vehicle into the territory of the other Contracting Party to collect goods; in such case the permit applying to the transport operation which is to follow shall be carried on the vehicle on entry into the territory of the other Contracting Party.

Article 4. EXCLUSION OF CABOTAGE

Nothing in this Agreement shall be held to permit a carrier authorised in the territory of one Contracting Party to use a vehicle for the carriage of goods which are loaded on to it at a point in the territory of the other Contracting Party for delivery at any other point in that territory.

¹ Came into force on 1 March 1976, in accordance with article 18 (2).

Article 5. CARRIAGE TO AND FROM THIRD STATES

A carrier authorised in the territory of one Contracting Party shall be permitted to carry goods between the territory of the other Contracting Party and any third State, insofar as the laws of that State and the provisions of any Agreement between that State and Contracting Party concerned allow such operations.

Article 6. PERMITS

(1) Except as provided in article 7 of this Agreement, a carrier authorised in the territory of one Contracting Party shall require a permit in order to engage in the international carriage of goods by road between the territory of that Contracting Party and the territory of the other Contracting Party or in transit through the latter territory.

(2) A permit shall be used only by the authorised carrier to whom it is issued and shall not be transferable. It shall be valid for the use of one vehicle or one combination of vehicles (articulated vehicle or road train) at any one time.

(3) Permits will

- (a) Be granted to French authorised carriers by the Minister for Transport and Power of Ireland and issued by the Secrétariat d'Etat aux Transports of the French Republic or by any authority to whom that function may be entrusted;
- (b) Be granted to Irish authorised carriers by the Secrétariat d'Etat aux Transports of the French Republic and issued by the Department of Transport and Power of Ireland or by any authority to whom that function may be entrusted.

(4) Permits confer on the carrier the right to carry goods on the return journey.

Article 7. EXEMPT TRAFFICS

No permit shall be required in respect of:

- (1) The types of carriage listed in annex I of the First Directive of the Council of the European Economic Community of 23rd July 1962, as amended by the Council Directives of 19th December 1972 and 4th March 1974 and by any future Council Directive, on the establishment of common rules for certain types of carriage of goods by road between Member States; and
- (2) Combined road/rail carriage of goods, as defined in the Directive of the Council of the European Communities of 17th February 1975, on the establishment of common rules for certain types of combined road/rail carriage of goods between Member States.

Article 8. QUOTAS

(1) Permits may be issued within the limits of quotas fixed each year, by mutual agreement, by the competent authorities of the Contracting Parties.

(2) For this purpose the competent authorities shall exchange the necessary blank permits.

Article 9. TRANSPORT OUTSIDE THE QUOTA

Permits may be issued, without counting against the quota, for the types of carriage listed in annex II of the First Directive of the Council of the European Economic Community of 23rd July 1962, as amended by the Council Directives of 19th December 1972 and 4th March 1974 and by any future Council Directive, on the establishment of common rules for certain types of carriage of goods by road between Member States.

Article 10. TYPES OF PERMIT

Permits may be of two types:

- (a) Period permits valid for an unlimited number of journeys within a period of one year. Each period permit shall be counted against the quota on the basis of an equivalent number of journeys, that number to be fixed by the competent authorities by agreement under the terms of the Protocol to this Agreement;
- (b) Journey permits valid for one or more journeys with a maximum period of validity not exceeding three months.

Article 11. JOURNEY RECORDS

(1) Permits shall be accompanied by a journey record which must be completed by the carrier before each journey.

(2) This record shall be stamped by the Customs Authorities.

Article 12. EXCHANGE OF INFORMATION

The competent authorities of the two Contracting Parties shall periodically exchange details of permits issued. They shall also exchange statistical information obtained through the issue of permits.

Article 13. FISCAL PROVISIONS

(1) Carriers authorised in the territory of one Contracting Party shall be subject to the taxes and charges payable in the territory of the other Contracting Party in respect of carriage within the latter territory.

(2) However, the two Contracting Parties may grant reductions in or exemptions from such taxes and charges. The Protocol referred to in article 17 of this Agreement shall specify such reductions or exemptions.

*Article 14. COMPLIANCE WITH NATIONAL LAW
AND INSPECTION OF PERMITS*

(1) Permit holders and their employees shall be required to comply in the territory of each Contracting Party with the laws, regulations and administrative provisions of that State and, in particular, with those concerning transport, road traffic and Customs.

(2) Transport must be carried out in conformity with the requirements of the permit, which must be carried on the vehicle and produced on demand to any person who is duly authorised in the territory of either Contracting Party to demand it.

Article 15. INFRINGEMENTS

(1) If a vehicle of a carrier authorised in the territory of one Contracting Party, when in the territory of the other Contracting Party, is in such a condition, or is used in such a manner, as to infringe any provision of this Agreement, the competent authority of the Contracting Party in whose territory the infringement was committed shall inform the competent authority of the other Contracting Party accordingly, without prejudice to any lawful sanction which may be applied by the courts or competent authority of the Contracting Party in whose territory the infringement was committed.

(2) In the case of any infringement referred to in paragraph (1) of this article, the competent authority of the Contracting Party in whose territory that infringement occurred may decide:

(a) To issue a warning to the authorised carrier;

(b) In the case of a serious infringement, to issue such a warning together with a notification that any subsequent infringement may lead:

(i) To the revocation of the permit or permits issued to the authorised carrier;

(ii) Where a permit is not required, to the temporary or permanent exclusion of vehicles owned or operated by that person from the territory in which the infringement occurred;

(c) To issue a notification of such revocation or exclusion;

and may request the competent authority of the other Contracting Party to convey its decision to the authorised carrier and, in cases covered by sub-paragraph (c), to suspend the issue of permits to him for either a specified or indefinite period.

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

Article 16. JOINT COMMITTEE

(1) Representatives of the competent authorities of the two Contracting Parties shall form a Joint Committee to ensure the satisfactory implementation of the Agreement and its adaptation to developments in traffic.

(2) The Joint Committee shall, at the request of either of the Contracting Parties, meet alternately on the territory of each of the Contracting Parties.

Article 17. IMPLEMENTATION OF THE AGREEMENT

(1) The Contracting Parties shall lay down detailed rules for the implementation of this Agreement in a Protocol signed at the same time as the Agreement.

(2) The Joint Committee established in accordance with the provisions of article 16 shall have power to modify the said Protocol.

Article 18. ENTRY INTO FORCE AND DURATION

(1) This Agreement is concluded for a period of one year from the date of its entry into force; thereafter it shall continue in force unless terminated by either

Contracting Party giving three months' notice thereof to the other Contracting Party.

(2) This Agreement shall enter into force on 1st March 1976.

DONE in duplicate at Dublin this twentieth day of January, 1976, in the French and English languages, both texts being equally authentic.

[Signed]

For the Government
of the French Republic:
P. DE MENTHON

[Signed]

For the Government
of Ireland:
PETER BARRY

PROTOCOL DRAWN UP UNDER ARTICLE 17 OF THE AGREEMENT
BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND
THE GOVERNMENT OF IRELAND ON THE INTERNATIONAL
CARRIAGE OF GOODS BY ROAD

The following detailed rules have been agreed for the implementation of the Agreement between France and Ireland on the carriage of goods by road:

I. *In relation to article 8*

The annual number of journeys (return or transit) which the authorised carriers of each State are allowed to undertake in the territory of the other State shall be fixed each year by mutual agreement between the competent authorities of the Contracting Parties.

The competent authorities shall periodically exchange the necessary blank permits and shall, where necessary, take joint action to ensure that there is no interruption in their supply.

II. *In relation to articles 10 and 11*

(a) Permits shall conform to the models annexed to Directive No. 65/269 of the Council of the European Economic Community of 13th May 1965 concerning the standardisation of certain rules relating to authorisations for the carriage of goods by road between Member States.

(b) Permits valid in the territory of Ireland shall bear the letters "IRL" in the top left-hand corner; those valid in the territory of France, the letter "F".

(c) Where goods are being carried on own account, the permit shall be endorsed to this effect immediately beside the title.

(d) The journey record which accompanies the permit shall state:

- (i) The number of the permit to which it relates;
- (ii) In relation to the vehicle: the registration number, the carrying capacity (in weight) and the laden weight;
- (iii) In relation to the goods carried: the points of loading and unloading, their nature and weight.

(e) The journey record shall have a space for the Customs stamp. It shall be endorsed on entry and exit by the Customs Authorities.

(f) Permits and journey records shall be returned to the issuing Authorities by the holders after use or, if they are not used, after the expiry of their period of validity:

- In France to the Services Régionaux de l'Équipement; and
- In Ireland to the Department of Transport and Power.

III. *In relation to article 12*

Not later than three months after the end of each calendar year, the competent authorities shall forward to each other an account of the permits which they issued during that year. The account shall give the following details:

- The number of the first and last period permits issued;
- The number of the first and last journey permits issued as well as the number of journeys authorised;
- The number of journeys actually made;
- The number, if any, of permits cancelled or not used.

IV. *In relation to article 13*

Vehicles of carriers authorised in the territory of one of the Contracting Parties temporarily imported into the territory of the other Contracting Party shall be exempted:

- (i) In the territory of France, from the special tax on certain road vehicles under article 16 of Law No. 67-1114 of 21st December 1967;
- (ii) In the territory of Ireland, from excise duties imposed by the Finance (Excise Duties) (Vehicles) Act, 1952, as amended, in respect of mechanically propelled vehicles used on public roads.

V. *In relation to articles 8, 12, 15 and 16*

The competent authorities for the purpose of the implementation of the Agreement shall be:

- For France: Secrétariat d'Etat aux Transports, Direction des Transports Terrestres, 244, boulevard Saint-Germain, 75007 Paris;
- For Ireland: Department of Transport and Power, Kildare Street, Dublin 2.

VI. *Quota*

For the first year of application of the Agreement, the number of return journeys and transit journeys which carriers of one Contracting State will be allowed to make in the territory of the other Contracting State shall be 5,000. Each period permit shall be reckoned as equivalent to 30 journeys.

DONE in duplicate at Dublin this twentieth day of January, 1976, in the French and English languages, both texts being equally authentic.

[Signed]¹

For the Government
of the French Republic

[Signed]²

For the Government
of Ireland

¹ Signed by P. de Menthon.

² Signed by Peter Barry.