

No. 16886

**BELGIUM
and
FEDERAL REPUBLIC OF GERMANY**

Agreement concerning the international carriage of passengers and goods by road. Signed at Brussels on 9 June 1978

Authentic texts: French, Dutch and German.

Registered by Belgium on 25 July 1978.

**BELGIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord sur le transport routier international de personnes et de marchandises. Signé à Bruxelles le 9 juin 1978

Textes authentiques : français, néerlandais et allemand.

Enregistré par la Belgique le 25 juillet 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE INTERNATIONAL CARRIAGE OF PASSENGERS AND GOODS BY ROAD

The Government of the Kingdom of Belgium and the Government of the Federal Republic of Germany,

Desiring to conclude an agreement concerning the international carriage of passengers and goods by road,

Have agreed as follows:

I. PASSENGER TRANSPORT

Article 1. The provisions of EEC regulations Nos. 517/72, 1172/72 and 2442/72 shall apply to regular and special regular services by coach and bus which accord with the provisions of article 1 and article 4, paragraph 1, of EEC regulation No. 117/66 on the introduction of common rules for the international carriage of passengers by coach and bus.

Article 2. 1. In order to provide international regular service or international special regular service by coach and bus which is not covered by the provisions of article 1 above, carriers shall be required to obtain a prior permit from the competent authority of the other State. If the introduction, extension or substantial modification of a special regular service admits of no delay, the competent authority of the other State may grant a provisional exemption which may be withdrawn at any time. Permits or provisional exemption shall be granted in accordance with the national legislation of that State.

2. Application for the introduction of an international regular service or an international special regular service shall be submitted, in the requisite number of copies, to the competent authority of the State in which the applicant is established. Applications for a special regular service shall be drawn up in accordance with a model approved by the Ministers of Transport of the two States. If the competent authority of the State in which the carrier is situated has no objection to the application, the Federal Minister of Transport of the Federal Republic of Germany or the Ministry of Communications of the Kingdom of Belgium, as the case may be, shall transmit the application, together with his opinion, to the other State.

3. Permits shall be granted only where the two States agree on the need for and desirability of a service. This shall not apply in the case of special regular services.

4. When a permit or provisional exemption is granted, it shall be transmitted immediately to the applicant and a copy thereof shall be transmitted to the Federal Minister of Transport of the Federal Republic of Germany or to the Ministry of Communications of the Kingdom of Belgium, as the case may be.

5. Operation of international services shall be shared between the carriers of the two States on the basis of equitable reciprocity.

6. Temporary or permanent curtailment or the elimination of a service, and the setting or alteration of tariffs, of conditions of carriage or of time-tables shall require a

¹ Came into force on 9 July 1978, i.e., 30 days after the date of signature, in accordance with article 22 (1).

prior authorization by the competent authorities of the two States. This shall not apply to special regular services.

7. The granting of a permit for a regular transit service shall be governed by the legislation of the transited State. A regular transit service is a service provided by either State through the other State with no taking on or discharging of passengers *en route* in such other State. Applications shall be addressed to the competent authority of the State in which the carrier is established. They shall then be transmitted immediately to the other State together with the opinion of the competent higher transport authority of the State in which the contractor is established.

8. The relevant provisions of paragraphs 1 to 7 shall apply to the operation of a regular international service or of a special regular international service using vehicles which are suitably constructed and equipped to transport a maximum of nine persons, including the driver, and are intended for that purpose.

Article 3. The provisions of EEC regulations Nos. 516/72, 1172/72 and 2442/72 shall apply to the transport of passengers by bus or coach to holiday resorts (shuttle services) which is operated in accordance with the provisions of article 2 and article 4, paragraph 1, of EEC regulation No. 117/66/EEC. Simplified arrangements within the meaning of article 21 of EEC regulation No. 516/72 may be carried out with the agreement of the Ministries of Transport of the two States.

Article 4. 1. In order to provide international transport for passengers to holiday resorts (shuttle services) which is not covered by the provisions referred to in article 3 above, carriers shall be required to obtain in advance a permit from the competent authority of the other State. The granting of such permits shall be governed by the national legislation of that State.

2. The relevant provisions of paragraph 1 shall apply to transit services.

3. The procedure for applications and permits shall be governed by the respective Ministries of Transport.

Article 5. 1. Enterprises providing occasional service by coach or bus which are licensed by the State in which they are established and which have their operating headquarters in the Federal Republic of Germany or in the Kingdom of Belgium shall not require a permit from 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 EEC regulation No. 117/66/EEC in conjunction with EEC regulation No. 1016/68, or

— Resolution No. 20 of the European Conference of Ministers of Transport concerning the introduction of general rules for international passenger transport by coach or bus.

Under item 6 of the waybill it shall be sufficient to indicate the number of passengers instead of providing a list of them.

2. For occasional services not covered by paragraph 1, a permit from the competent authority of the other Contracting State shall be required for each individual case. Applications must be addressed, in the requisite number of copies, by the German carrier to the Ministry of Communications of the Kingdom of Belgium, and by the Belgian carrier to the Federal Minister of Transport of the Federal Republic of Germany in Bonn.

Notwithstanding the provisions of paragraph 2, applications of Belgian carriers for licenses for outward unladen transport in transit through the Federal Republic of Germany for the purpose of taking on passengers in Austria or Switzerland shall be submitted to the Ministry of Communications of the Kingdom of Belgium; the Federal Minister of Transport shall issue blank permits for such services.

Article 6. 1. Taxi operators holding permits issued by the State in which they are established and which have their operating headquarters in the Federal Republic of Germany or in the Kingdom of Belgium may transport passengers by taxi in the territory of the other State provided that the taxi is empty during the return journey. The permit or a short version thereof must be carried on the vehicle throughout each journey and be produced at the request of any authorized inspecting officer.

2. Passengers shall not be taken on in the other State.

II. GOODS TRANSPORT

Article 7. 1. Carriers providing transport for hire or reward whose motor vehicles are registered in the Federal Republic of Germany or in the Kingdom of Belgium must be in possession of a permit issued by the other State in order to engage in the international carriage of goods between their own State and the other State (bilateral transport) or in transit through the other State (transit transport).

2. Permits shall be granted to Belgian carriers by the Federal Minister of Transport and issued by the Belgian Minister of Communications or his representative.

Permits shall be granted to German carriers by the Belgian Minister of Communications and issued by the competent German authority or his representative.

3. The two Ministries of Transport shall transmit to each other, for issue to carriers, permit forms based on the model in the Directive of the Council of the European Economic Community dated 13 May 1965 on the standardization of certain rules concerning permits for the transport of goods by road between Member States.

These permits shall be:

- (a) Fixed-term permits valid for an unlimited number of journeys and for a period of not more than one year or less than three months;
- (b) Permits valid for a set number of journeys and for a period of not more than three months.

Article 8. 1. The Mixed Commission (article 20) shall establish the permit quotas for each successive calendar year in terms of single-journey permits. The Commission shall also determine the percentage of journey permits that may be issued as fixed-term permits, and the conversion table. The quota established shall at no time be exceeded.

Article 9. 1. Permits shall authorize the international carriage of goods by road:

- (a) Between the State in which the motor vehicle is registered and the other State;
- (b) In transit through one of the States by motor vehicle registered in the other State;
- (c) Between the other State and a third State provided that, in the course of a normal route, the State in which the motor vehicle is registered is transited.

2. Permits shall be issued in the name of the carrier. They shall not be transferable. Permits shall be used only for one vehicle at a time.

Article 10. No permit shall be required in respect of the following:

- (a) The transport categories specified in annex 1 of the First Directive of the Council of the European Economic Community, dated 23 July 1962, concerning the establishment of common rules for certain categories of goods transport by road between member States, in their successive versions;
- (b) Carriage of objects and works of art;
- (c) Occasional carriage of articles and equipment intended exclusively for advertising and information purposes;

- (d) Carriage of goods and properties to or from theatrical, musical, film or sporting events, circus performances, fairs or fêtes and those intended for radio recording, filming or television broadcasts or for events promoting road safety;
- (e) The carriage of live animals, except cattle for slaughter;
- (f) Combined rail/road carriage of goods, as defined in the Directive of the Council of the European Communities dated 17 February 1975 (75/130/EEC).

No permit shall be required for journeys by unladen vehicles used for carrying goods.

Article 11. Permits shall be required for the transport categories specified in annex II of the First Directive of the Council of the European Community, dated 23 July 1962, concerning the establishment of common rules for certain categories of goods transport by road between member States, in their successive versions, except as otherwise provided in article 10 of this Agreement, but these categories shall not be subject to a quota.

Article 12. The carriage of goods in motor vehicles registered in one of the States shall not be permitted between two points situated in the territory of the other State.

Article 13. Transport between a Contracting State and a third State by carriers of the other Contracting State shall not be permitted unless it normally transits the State in which the vehicle is registered.

Article 14. Each consignment of goods for carriage by road shall be accompanied by an International Consignment Note (CMR).

Article 15. 1. No permit shall be required for transport on own account.

2. For each journey on own account, the vehicle must be accompanied by documents establishing that the journey is on own account.

III. COMMON PROVISIONS

Article 16. Carriers shall comply with the laws and regulations in force in the Contracting State, particularly those relating to road transport and traffic, as well as the tariff provisions in force. They shall also comply with international transport and traffic provisions.

Article 17. The documents required under this Agreement (e.g. permits, proof of transport on own account) must be in the possession of the crew members during each journey in the territory of the other State and be produced at the request of any authorized inspecting officer.

Article 18. 1. In the case of an infringement of this Agreement, the competent authorities of the State in which the motor vehicle is registered shall, at the request of the State in whose territory the infringement occurred, without prejudice to the legislation in force in the State in which the vehicle is registered, take one of the following steps:

- (a) Issue a simple warning to the carrier responsible for the infringement;
- (b) Warn the party concerned that, in the event of any subsequent infringement, the permit will not be renewed;
- (c) Withdraw the permit temporarily or permanently.

2. The competent authority of the other State shall be notified of the steps taken.

Article 19. No payment for issuing permits shall be made to the State in which they are valid.

Article 20. The representatives of the Ministries of Transport of the two States shall meet, as required, as a Mixed Commission to review the implementation of the Agreement, to adjust it, as necessary, in conformity with traffic developments and to establish the quota of permits.

Article 21. 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 Kingdom of Belgium within three months of the entry into force of this Agreement.

Article 22. 1. This Agreement shall enter into force 30 days after the date of its signature.

2. This Agreement shall remain in force for a period of one year following its entry into force; thereafter it shall remain in force for an indefinite period until denounced by one of the Contracting States giving six months' notice thereof in writing.

3. With the entry into force of this Agreement, the Agreement of 1 February 1952 between the Kingdom of Belgium and the Federal Republic of Germany on the carriage of persons and goods by road shall cease to have effect.

DONE at Brussels on 9 June 1978, in two originals, in the French, Dutch and German languages, the three texts being equally authentic.

For the Government of the Kingdom of Belgium:
H. SIMONET

For the Government of the Federal Republic of Germany:
P. LIMBOURG
