

No. 16931

**SPAIN
and
MOROCCO**

Agreement concerning the international transport of passengers by road (with protocol). Signed at Madrid on 3 December 1976

Authentic texts: Spanish, Arabic and French.

Registered by Spain on 12 September 1978.

**ESPAGNE
et
MAROC**

Accord concernant les transports routiers internationaux de voyageurs (avec protocole). Signé à Madrid le 3 décembre 1976

Textes authentiques : espagnol, arabe et français.

Enregistré par l'Espagne le 12 septembre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE SPANISH STATE AND THE GOVERNMENT OF THE KINGDOM OF MOROCCO CONCERNING THE INTERNATIONAL TRANSPORT OF PASSENGERS BY ROAD

Desiring to promote the transport of passengers by road between the two countries and in transit through their territories, have agreed as follows:

Article 1. Carriers established in Spain or in Morocco are authorized to undertake the transport of passengers by means of vehicles registered in either of the two countries, either between the territories of the two Contracting Parties or in transit through the territory of each of them, under the conditions laid down in this Agreement.

Article 2. The public transport of passengers between the two countries, or in transit through their territories, shall require prior authorization with the exception of the transport operations specified in article 3 of this Agreement.

Article 3. Prior authorization shall not be required, but merely a statement on a way-bill, in the case of occasional closed-door transport operations, i.e., when the vehicle carries the same group of passengers for the entire journey and returns to its point of departure without taking on or setting down passengers during the journey.

Article 4. 1. Applications for authorizations for regular services shall be submitted to the competent authority of the country of registration of the vehicle.

2. Where the competent authority of the country in which the vehicle is registered intends to approve the application referred to in paragraph 1 it shall transmit a copy of the proposal to the competent authority of the other Contracting Party.

3. After approval by the competent authorities of both Contracting Parties of the proposals referred to in paragraph 2 of this article, each shall transmit to the other an authorization valid for the journey in the territory of its country.

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

Article 5. Applications for authorizations for the transport of passengers which do not meet the conditions mentioned in articles 3 and 4 of this Agreement shall be submitted by the carrier to the competent authorities of the country of registration of the vehicle, which shall transmit them to the competent authorities of the other Contracting Party.

General provisions

Article 6. 1. Authorizations are to be printed in the languages of the two Contracting Parties, in accordance with models drawn up by agreement between the competent authorities.

¹ Came into force provisionally on 3 December 1976 by signature, and definitively on 24 July 1978, the date by which the two Contracting Parties had informed each other through the diplomatic channel (notifications effected on 5 and 24 July 1978) of the completion of their legislative formalities, in accordance with article 18 (1).

2. Those authorities shall, where necessary, transmit to each other the blank authorizations necessary for the implementation of this Agreement.

Article 7. Carriers established in the territory of one Contracting Party may not undertake transport operations between two points situated in the territory of the other Contracting Party.

Article 8. Carriers established in the territory of one Contracting Party may not undertake transport operations between the territory of the other Contracting Party and a third country without authorization to do so.

Article 9. 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 be provided with a special authorization issued by the competent authority of that Party.

The said authorization may restrict the vehicle to a particular route.

Article 10. 1. The competent authorities shall issue the authorizations provided for by this Agreement and may impose on carriers the obligation to draw up a way-bill for each journey undertaken.

2. The authorizations and way-bills provided for by this Agreement shall be kept on board the vehicles concerned and shall be produced at the request of inspection officials.

3. Way-bills shall be stamped by the customs on entry into and exit from the territory of the Contracting Party for which they are valid.

Article 11. 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 on the terms established in the protocol referred to in article 17 of this Agreement.

Article 12. Carriers and their employees shall be required to comply with the provisions of this Agreement and with the laws and regulations relating to transport and road traffic in force in the territory of each Contracting Party.

Article 13. The internal legislation of each Contracting Party shall apply to all matters which are not regulated by this Agreement.

Article 14. 1. In the case of a violation of the provisions of this Agreement committed by a carrier in the territory of one of the Contracting Parties, the competent authorities of the country in which the vehicle is registered shall be obliged, at the request of the competent authorities of the other Contracting Party, to apply to it one of the following sanctions:

- (a) A warning;
- (b) Suspension or revocation, wholly or in part, of the right to carry out transport operations 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 15. The Contracting Parties shall designate the authorities competent to take the measures referred to in this Agreement and to exchange all the necessary statistical and other information.

Article 16. 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 17. The Contracting Parties shall determine the procedures for the application of this Agreement in a protocol to be signed at the same time as the Agreement.

The Mixed Commission provided for in article 16 of this Agreement shall be competent to make any necessary amendments to the aforesaid protocol.

Article 18. 1. This Agreement shall enter into force provisionally upon signature and definitively when the two Contracting Parties inform each other through the diplomatic channel of the completion of the formalities provided for by the legislation in force in each of the countries with regard to the ratification of international agreements.

It shall be drawn up in Arabic and Spanish, both texts being equally authentic.

2. This Agreement shall remain in force for a term of one year from the date of its entry into force. It 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 Madrid on 3 December 1976, in two original copies.

For the Government
of the Spanish State:

[Signed]

MIGUEL SOLANO
[Under-Secretary
for Foreign Affairs]¹

For the Government
of the Kingdom of Morocco:

[Signed]

ABDELLATIF FILALI
[Ambassador
of Morocco to Spain]¹

PROTOCOL DRAWN UP PURSUANT TO ARTICLE 17 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE SPANISH STATE AND THE GOVERNMENT OF THE KINGDOM OF MOROCCO CONCERNING THE INTERNATIONAL TRANSPORT OF PASSENGERS BY ROAD

For the application of the said Agreement, the Spanish delegation and the Moroccan delegation have agreed as follows:

Article 1. AUTHORIZATIONS AND WAY-BILLS

1. The applications for authorizations mentioned in article 5 of the Agreement must be sent to the competent authorities at least twenty-one days before the date on which the journey is to take place.

¹ Text between brackets appears only in the authentic Spanish text.

They must include the following information:

- The name and address of the organizer of the journey;
- The name and address of the carrier;
- The registration numbers of the vehicle or vehicles to be used;
- The number of passengers to be carried;
- The date and frontier crossing point for entering and leaving the territory as well as the sections of route to be covered laden or unladen;
- The routes and the points at which passengers are to be taken on and set down;
- A description of the journey: shuttle or occasional transport.

Transport operations shall not be undertaken at night or include daily stages of more than 500 kilometres in the territory of either of the Contracting Parties. Transport operations other than those relating to tourism carried out by vehicles having two drivers may, however, be effected at night and may complete daily stages of more than 500 kilometres, in accordance with international regulations on the matter.

2. The competent authorities of each Contracting Party shall place at the disposal of the authorities of the other Contracting Party blank authorizations, in mutually agreed quantities, for the transport of passengers on an “out full, return empty” basis.

3. The competent authorities of each Contracting Party shall send to the competent authorities of the other Contracting Party copies of the authorizations, other than those mentioned in the previous paragraph, that they issue to carriers of the other Contracting Party.

4. Carriers undertaking occasional transport operations under the terms of article 3 of the Agreement must complete a way-bill before crossing the frontier.

Article 2. GENERAL PROVISIONS

1. Authorizations and way-bills shall conform to the models adopted by agreement by the two delegations.

2. Authorizations shall bear the letters “MA” on the upper left, for those valid in the territory of the Kingdom of Morocco, and the letter “E”, for those valid in the territory of the Spanish State.

3. Authorizations shall be numbered and stamped by the authority issuing them. They shall be returned by carriers to that authority within the time-limits laid down in the said authorizations.

4. The competent authorities are:

- (a) For the Kingdom of Morocco: le Chef du Service des transports routiers, Ministère des travaux publics et des communications, Rabat;
- (b) For the Spanish State: la Dirección General de Transportes Terrestres, Sección de Transportes Internacionales, Ministerio de Obras Públicas, Avenida del Generalísimo 1, Madrid 6.

5. (a) The two delegations shall exchange information concerning the rules governing weights and dimensions in force in the two States.

(b) The applications for special authorization mentioned in article 9 of the Agreement should be submitted to the following:

- For Moroccan transport enterprises: le Chef du Service des transports routiers, Ministère des travaux publics et des communications, Rabat;
- For Spanish transport enterprises: la Dirección General de Transportes Terrestres, Sección de Transportes Internacionales, Ministerio de Obras Públicas, Avenida del Generalísimo 1, Madrid 6.

6. The competent authorities shall transmit to each other, within the three months following the end of each calendar year, statistics on the transport operations covered by the Agreement.

7. The enterprises carrying out the transport operations provided for in the Agreement shall pay, in respect of transport operations carried out in the territory of the other Contracting Party, the duties and taxes in force in that territory, which shall not exceed those applied to the carriers of that country. The harmonization of fiscal policies based on a system of reciprocity shall be studied by the tax experts of the two Contracting Parties.

DONE at Madrid on 3 December 1976, in two original copies.

For the Government
of the Spanish State:

[Signed]

MIGUEL SOLANO
[Under-Secretary
for Foreign Affairs]¹

For the Government
of the Kingdom of Morocco:

[Signed]

ABDELLATIF FILALI
[Ambassador
of Morocco to Spain]¹

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