

No. 16516

**FINLAND
and
ITALY**

Agreement on international transport by road (with protocol). Signed at Helsinki on 31 August 1976

Authentic texts: Finnish, Italian and English.

Registered by Finland on 29 March 1978.

**FINLANDE
et
ITALIE**

Accord relatif aux transports routiers internationaux (avec protocole). Signé à Helsinki le 31 août 1976

Textes authentiques : finnois, italien et anglais.

Enregistré par la Finlande le 29 mars 1978.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE REPUBLIC OF ITALY ON INTERNATIONAL TRANSPORT BY ROAD

The Government of the Republic of Finland and the Government of the Republic of Italy,

Desirous of promoting, in the interest of their economic relations, the development of the transport of passengers and goods between their two countries and in transit across their territories,

Have agreed as follows:

Article 1. 1. The Contracting States grant to the carriers of the other Contracting State the right to transport, under the provisions of this Agreement, passengers and goods between the two States and in transit across their territories by means of motor vehicles registered in the territory of the other Contracting State.

2. The right referred to in paragraph 1 of this article shall be granted only to carriers who in the territory of their home State are entitled to perform transport operations belonging to the respective categories mentioned in this Agreement.

I. PASSENGER TRANSPORT

Article 2. 1. All passenger transport operations by motor vehicle (bus) between the two States or in transit across their territories, except those specified in articles 4 and 5, are subject to licencing.

2. For the purpose of this Agreement the term "passenger transport" shall mean all transport operations performed by means of a motor vehicle (bus) intended for carriage of more than eight passengers in addition to the driver.

Article 3. 1. Regular passenger services between the two States or in transit across their territories shall be subject to prior licencing.

2. The competent authorities of each Contracting State shall issue the licence for the part of the operation which is performed in its territory.

Article 4. Occasional carriage of passengers is not subject to licencing in cases where the same persons are carried by the same vehicle:

- a) on a closed-door tour beginning and ending at a place in the country of registration of the vehicle;
- b) on a journey beginning at a place in the territory of the country of registration of the vehicle and ending at a destination in the territory of the other Contracting State, provided that the vehicle returns empty to the country of its registration.

Article 5. The replacement by another bus of a bus which has become unserviceable while engaged in any of the above-mentioned services shall also be permitted without a licence as well as the carriage of the damaged bus. The replacing bus shall not carry any passengers when entering the territory of the other Contracting State.

¹ Came into force on 2 November 1977, i.e., 30 days after the Parties notified each other of the fulfilment of their required constitutional formalities, in accordance with article 22 (1).

Article 6. All passenger services by bus other than occasional passenger services (article 4) are subject to licencing. The licences shall be issued by the competent authorities of the other Contracting State on the basis of applications submitted to the competent authorities of the Contracting State in which the vehicle is registered.

Article 7. The procedure and conditions for the issue of the licences shall be determined by the Joint Committee mentioned in article 21.

II. GOODS TRANSPORT

Article 8. Goods transport operations between the two States or in transit across their territories, except those specified in article 10 of this Agreement, are subject to licencing.

Article 9. 1. The licences are:

- a) licences for a specified period authorizing an unlimited number of transport operations performed within the calendar year during which the licence was issued;
- b) licences for one journey authorizing one round trip in both directions which has to be performed within three months of the issue of the licence.

2. The licences shall be delivered for one vehicle or combination of vehicles. They authorize the entry into the territory of the other Contracting State or a transit journey across its territory either loaded or empty.

3. The carriers may take a return load in the territory of the other Contracting State to be carried to the country of registration of the vehicle.

Article 10. 1. No licence shall be required for:

- a) removal transport;
- b) funeral transport;
- c) carriage of damaged vehicles; for vehicles being substituted for damaged vehicles or for towing vehicles;
- d) carriage of equipment and objects for fairs, exhibitions or demonstrations;
- e) carriage of racing horses, motor vehicles, motor cycles, cycles and other sports equipment for sporting events;
- f) carriage of instruments, properties and equipment for musical or theatrical performances;
- g) carriage of equipment for making radio or television broadcasts or films.

2. However, the carriage of goods mentioned in paragraphs c-g above shall be exempt from licencing only if the goods or animals are later returned to the country of registration of the vehicle.

Article 11. 1. The transport licences required of the vehicles registered in Finland and travelling in the territory of Italy shall be issued by the competent authorities of Finland on forms provided by the competent authorities of Italy within the limits of a quota jointly agreed on by the aforementioned authorities.

2. The transport licences required of the vehicles registered in Italy and travelling in the territory of Finland shall be issued by the competent authorities of Italy on forms provided by the competent authorities of Finland within the limits of a quota jointly agreed on by the aforementioned authorities.

III. GENERAL PROVISIONS

Article 12. The carriers, their personnel, vehicles, passengers and goods are subject to the legal regulations and provisions of the Contracting State in the territory in which they are.

Article 13. 1. A carrier may not undertake carriage of passengers or goods between two points in the territory of the other Contracting State.

2. A carrier may perform transport operations between the territory of the other Contracting State and a third country provided that a special authorization thereto is issued by the competent authorities of that Contracting State.

Article 14. Vehicles of carriers established in the territory of one of the Contracting States shall, when engaged in international transport under the provisions of this Agreement, be exempt from taxes and charges levied on the circulation or possession of vehicles as well as from special taxes or charges on transport operations in the territory of the other Contracting State, except the taxes and charges mentioned in the annexed Protocol.

Article 15. The fuel contained in the normal tanks of the vehicles mentioned in article 1 as well as the spare parts destined for those vehicles shall in the territory of the other Contracting State be exempt from import duties and import taxes without any prohibitions or restrictions. "Normal tank" shall mean a tank constructed by the producer for that type of vehicle.

Article 16. The procedure for the exchange of the required documents and statistical information shall be jointly determined by the competent authorities of the Contracting States.

Article 17. If the weights or dimensions (length, width, height) of a vehicle or combination of vehicles exceed the permissible maximum in the territory of the other Contracting State a special licence of the competent authorities in that State shall be required in addition to the licence mentioned in article 9.

Article 18. The licences shall be carried on the vehicle on all journeys in the territory of the other Contracting State and be produced at the request of inspection officials. The licences shall be stamped by the customs authorities on the entry and on the departure from the country for which they are valid.

Article 19. Vehicles, whether used for the carriage of passengers or for the carriage of goods, shall be suitable for the transport operations to be performed and shall be maintained in sound general mechanical condition according to the regulations of the country of registration.

Article 20. In the event of any infringement of the provisions of this Agreement by a carrier established in the territory of one of the Contracting States, the Contracting State in whose territory the infringement occurs may notify the other Contracting State which will take the steps provided by its national law and the measures established by the Joint Committee mentioned in article 21.

Article 21. 1. The competent authorities of the Contracting States shall regulate all questions regarding the implementation and application of this Agreement.

2. For this purpose the competent authorities shall establish a Joint Committee the members of which will be appointed by the above-mentioned authorities.

3. The Joint Committee shall meet at the request of either Contracting State.

4. The conclusions of the Joint Committee will be subject to the approval of the respective competent authorities.

Article 22. 1. This Agreement shall enter into force thirty days after the Governments of both Contracting States have notified each other that the required constitutional formalities have been fulfilled.

2. This Agreement shall remain in force for a period of one year; its validity shall thereafter be tacitly extended from year to year unless denounced by one of the Contracting States three months before the end of the expiry of its validity.

DONE in Helsinki on the 31st day of August 1976 in two copies in the Finnish, Italian and English languages, all texts being equally authentic.

For the Government
of the Republic of Finland:

MATTI TUOVINEN

For the Government
of the Republic of Italy:

MARCO FAVALE

PROTOCOL ANNEXED TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE REPUBLIC OF ITALY ON INTERNATIONAL TRANSPORT BY ROAD

The Contracting States have agreed on the following provisions concerning taxes and fiscal charges levied on the circulation or possession of motor vehicles:

a) The term "licencing" used in this Agreement corresponds according to the cases, to the Italian term "*concessione*", or "*autorizzazione*" or to both terms together;

b) The implementation of article 13, paragraph 2, shall be considered by the competent authorities of Italy, as regards its merits;

c) The exceptions mentioned in article 14 regard the Finnish motor vehicles circulating in Italy which are subject to the payment of the circulation tax in the amount of 1/360 of the annual rate on the basis of a minimum of three days instead of the established minimum of 4 months. As regards motor vehicles used for the carriage of goods, they are exempted from the payment of the fixed duty mentioned in the Law Number 1146 of December 28, 1959.

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For the Government
of the Republic of Finland:

MATTI TUOVINEN

For the Government
of the Republic of Italy:

MARCO FAVALE