

No. 17130

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**FEDERAL REPUBLIC OF GERMANY**  
**and**  
**IRELAND**

**Agreement on the international carriage of goods by road  
(with protocol). Signed at Dublin on 26 May 1977**

*Authentic texts: German and English.*

*Registered by the Federal Republic of Germany on 13 October 1978.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**  
**et**  
**IRLANDE**

**Accord relatif au transport international routier de mar-  
chandises (avec protocole). Signé à Dublin le 26 mai  
1977**

*Textes authentiques : allemand et anglais.*

*Enregistré par la République fédérale d'Allemagne le 13 octobre 1978.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL  
REPUBLIC OF GERMANY AND THE GOVERNMENT OF IRE-  
LAND ON THE INTERNATIONAL CARRIAGE OF GOODS BY  
ROAD

The Government of the Federal Republic of Germany and the Government of Ireland,

In relation to the international carriage of goods by road between and in transit through their countries,

Have agreed as follows:

*Article 1. DEFINITIONS*

For the purposes of this Agreement:

(a) The term “carrier” shall mean a person (including a legal person) who, in either Ireland or the Federal Republic of Germany, carries goods by road for hire or reward or on his own account in accordance with the relevant national laws and regulations;

(b) The term “vehicle” shall mean any mechanically propelled road vehicle, which is constructed or adapted for the transport of goods, including any accompanying trailer or semi-trailer.

*Article 2. SCOPE*

1. Within the existing laws and regulations of the two countries this Agreement shall regulate the international carriage of goods by road for hire or reward or on own account between Ireland and the Federal Republic of Germany, in transit through the two countries and to or from third countries.

2. The provisions of this Agreement shall not affect the rights and obligations of the two countries contained in international Conventions, Agreements and Regulations which already apply to them.

*Article 3. PERMITS*

1. Except as provided in article 5 of this Agreement, a carrier of one country shall require a permit granted by the competent authority of the other country in order to engage in the international carriage of goods by road between the two countries, including the carriage of return loads, and in transit through the other country.

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

3. A permit may be used for transport between and in transit through the two countries.

4. Permits may be of two types:

(a) Journey permits valid for a single journey, the outward and return journeys to count as one journey. The period of validity of journey permits may not exceed three months;

<sup>1</sup> Came into force on 1 August 1977, in accordance with article 16 and by virtue of a special understanding between the Contracting Parties.

(b) Period permits valid for an unlimited number of journeys within a period of at least three months but not exceeding one year. Each period permit will count against the quota on the basis of a determined number of journeys, that number to be fixed, by mutual agreement, by the competent authorities.

5. Each competent authority shall send the other on request an adequate supply of blank permits.

#### *Article 4. UNLADEN JOURNEYS*

A carrier of one country may send an unladen vehicle into the other country 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 other country.

#### *Article 5. EXEMPTIONS*

A permit shall not be required for the following:

- (a) 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 amendments, on the establishment of common rules for certain types of carriage of goods by road between Member States;
- (b) 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; and
- (c) Carriage of goods in trailers and semi-trailers.

#### *Article 6. QUOTAS*

1. Not more than the agreed maximum number (quota) of permits may be issued by the competent authority in either country in any year. The maximum number shall be fixed each year, by mutual agreement, by the competent authorities in accordance with the general need for transport and with due regard for road safety.

2. Permits may be issued, without counting against the quota, for:

- (a) 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 amendments, on the establishment of common rules for certain types of carriage of goods by road between Member States; and
- (b) Carriage of goods on own account.

#### *Article 7. PROHIBITED TRANSPORT OPERATIONS*

1. Nothing in this Agreement shall be held to permit a carrier of one country to pick up goods at a point in the other country for delivery at any other point in that country.

2. A permit shall not entitle a carrier of one country to carry goods between the other country and a third country. This prohibition shall not apply to:

- (a) Transport operations in which the vehicle concerned passes through the country in which it is registered using the normal route; and
- (b) Transport operations mentioned in the protocol to this Agreement.

*Article 8.* CONSIGNMENT NOTE

Every consignment of goods transported by road for hire or reward, other than personal and household effects (removals), shall be accompanied by an international consignment note.

*Article 9.* OWN ACCOUNT OPERATIONS

In the case of every own account transport operation a transport document containing the following particulars must be carried on the vehicle:

- (a) The name and address of the carrier and an accurate description of the nature of his business;
- (b) Index mark and registration number of the motor vehicle;
- (c) Loading point or points and name and address of consignor;
- (d) Point or points at which the vehicle is to be unloaded and name and address of consignee(s);
- (e) Nature and gross weight, or other indication of quantity, of the load;
- (f) Point or points at which the frontier is to be crossed;
- (g) Signature of carrier or his authorised representative and date of signing.

*Article 10.* CARRIAGE AND INSPECTION OF DOCUMENTS

The documents referred to in articles 3, 8 and 9 of this Agreement must be carried on the vehicle and produced on demand to any person duly authorised to demand them.

*Article 11.* COMPLIANCE WITH NATIONAL LAW

Carriers of either country and drivers of their vehicles must, when in the other country, comply with the laws and regulations in force in that country.

*Article 12.* INFRINGEMENTS

1. In the event of serious or repeated infringement of the provisions of this Agreement by a carrier of one country while in the other country, the competent authority of the country in which the infringement or infringements occurred may decide:

- (a) To issue a warning to the carrier;
- (b) 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 carrier;
  - (ii) Where a permit is not required, to the temporary or permanent exclusion of vehicles owned or operated by that person from the country in which the infringement occurred;

(c) To issue a notification of such revocation or exclusion, and may request the competent authority of the other country to convey its decision to the carrier and, in cases covered by sub-paragraph (c), to suspend the issue of permits to him for a specified or indefinite period.

2. The competent authority of the country receiving any such request shall as soon as reasonably practicable comply therewith and shall inform the competent authority of the other country of the action taken.

3. The provisions of this article shall be without prejudice to any lawful sanctions which may be applied by the courts or by the competent authority of the country in which the infringement occurred.

*Article 13. IMPLEMENTATION OF THE AGREEMENT*

1. Representatives of the competent authorities shall form a Joint Committee to ensure the satisfactory implementation of the Agreement and its adaptation to developments in traffic. The Joint Committee shall meet at the request of either competent authority.

2. Each competent authority shall provide the other with any relevant information which can be made available concerning the manner in which traffic covered by this Agreement has developed.

*Article 14. PROTOCOL*

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 13 shall have power to modify the protocol, so as to conform to current developments in the carriage of goods by road.

*Article 15. APPLICATION TO LAND BERLIN*

This Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of Ireland within three months of the date of entry into force of this Agreement.

*Article 16. ENTRY INTO FORCE AND NOTICE OF TERMINATION*

This Agreement shall enter into force two months after the date of signature. It shall continue in force unless terminated by either Contracting Party giving three months' notice thereof in writing to the other Contracting Party.

DONE at Dublin on 26 May 1977 in duplicate, in the German and English languages, both texts being equally authentic.

For the Government  
of the Federal Republic of Germany:

[Signed — Signé]<sup>1</sup>

For the Government  
of Ireland:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by Dr. Rudolf Fechter — Signé par Rudolf Fechter.

<sup>2</sup> Signed by Tom Fitzpatrick — Signé par Tom Fitzpatrick.

PROTOCOL DRAWN UP UNDER ARTICLE 14 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY 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:

1. For the purposes of this Agreement, the competent authorities shall be:

- (a) In Ireland, the Minister for Transport and Power or any authority appointed by him;
- (b) In the Federal Republic of Germany, the Federal Minister of Transport or any authority appointed by him.

*In relation to article 3*

2. Permits will

- (a) Be granted to Irish carriers, for vehicles registered in Ireland, by the Federal Minister of Transport of the Federal Republic of Germany and issued by and at the discretion of the Minister for Transport and Power of Ireland or any authority appointed by him;
- (b) Be granted to German carriers, for vehicles registered in the Federal Republic of Germany, by the Minister for Transport and Power of Ireland and issued by and at the discretion of the Federal Minister of Transport of the Federal Republic of Germany or any authority appointed by him.

3. Permits issued under this Agreement shall conform to the models annexed to Directive No. 65/269 of the Council of the European Economic Community of 13th May 1965, as amended by Council Directive No. 73/169 of 25th June 1973, and by any future Council amendments, concerning the standardisation of certain rules relating to authorisations for the carriage of goods by road between Member States. Each permit shall be serially numbered.

4. Any restrictions on the use of permits shall be entered on the permits.

5. The competent authority issuing a permit may require it to be accompanied by a journey record giving:

- (a) The number of the permit to which it relates;
- (b) Registration number of the motor vehicle used, its maximum permissible laden weight and its unladen weight;
- (c) The points at which the goods were loaded and unloaded;
- (d) The nature and weight of the goods carried;
- (e) Space for a Customs stamp.

6. The journey record shall be endorsed on entry and exit by the Customs Authorities.

7. The competent authority may require that permits and journey records will be returned by the holders either after use or, in the case of unused permits, after the expiry of their period of validity.

*In relation to article 6*

8. The quota shall be fixed each year by the competent authorities, by mutual consent, on the basis of journey permits.

9. Each period permit valid for a year shall be reckoned as equivalent to 30 journey permits or a proportion thereof based on the length of its period of validity.

*In relation to article 7, 2(b)*

10. The prohibition on third country traffic shall not apply to the transport of perishable foodstuffs in refrigerated vehicles

— By Irish carriers between the United Kingdom and the Federal Republic of Germany

— By German carriers between Ireland and the United Kingdom, provided that such operations are permitted under any Agreement, Arrangement or Understanding between Ireland and the United Kingdom and between the Federal Republic of Germany and the United Kingdom.

DONE at Dublin on 26 May 1977 in duplicate, in the German and English languages, both texts being equally authentic.

For the Government  
of the Federal Republic of Germany:

[Signed — Signé]<sup>1</sup>

For the Government  
of Ireland:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by Dr. Rudolf Fechter — Signé par Rudolf Fechter.

<sup>2</sup> Signed by Tom Fitzpatrick — Signé par Tom Fitzpatrick.