

**No. 17136**

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**SPAIN  
and  
POLAND**

**Agreement concerning international road transport. Signed  
at Warsaw on 1 March 1978**

**Protocol drawn up pursuant to article XXI of the above-  
mentioned Agreement. Signed at Warsaw on 23 June  
1978**

*Authentic texts: Spanish, Polish and French.  
Registered by Spain on 19 October 1978.*

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**ESPAGNE  
et  
POLOGNE**

**Accord concernant les transports routiers internationaux.  
Signé à Varsovie le 1<sup>er</sup> mars 1978**

**Protocole établi en vertu de l'article XXI de l'Accord sus-  
mentionné. Signé à Varsovie le 23 juin 1978**

*Textes authentiques : espagnol, polonais et français.  
Enregistrés par l'Espagne le 19 octobre 1978.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE KINGDOM OF SPAIN AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC CONCERNING INTERNATIONAL ROAD TRANSPORT

The Government of the Kingdom of Spain and the Government of the Polish People's Republic, hereinafter referred to as "the Contracting Parties", desiring to contribute to the development of the road transport of passengers and goods between the two States and in transit through their territories, have agreed as follows:

*Article I.* 1. The provisions of this Agreement shall apply to the carriage of passengers and goods from or to the territory of one of the Contracting Parties, or in transit through that territory, by vehicles registered in the territory of the other Contracting Party.

2. The carriers of either Contracting Party may not engage in the transport of passengers or goods between two places within the territory of the other Contracting Party.

*Article II.* 1. The term "carrier" means any individual or body corporate entitled, either in the Kingdom of Spain or in the Polish People's Republic, to engage in road transport in accordance with the law in force in his or its own country.

2. The term "vehicle" means any mechanically propelled road vehicle or any trailer or semi-trailer intended for transport of:

- (a) More than eight seated persons, excluding the driver.
- (b) Goods.

## I. PASSENGER TRANSPORT

*Article III.* All passenger transport between the two countries, or in transit through their territories, by means of vehicles intended for the transport of more than eight seated persons, excluding the driver, shall require prior authorization, with the exception of the transport operations referred to in article IV of this Agreement.

*Article IV.* Prior authorization shall not be required in the case of:

- (a) Occasional closed-door tourist transport operations, i.e., when the vehicle carries the same group of passengers for the entire journey and returns to the country of origin without taking on or setting down passengers during the journey;
- (b) Occasional transport operations consisting of a laden outward journey and an unladen return journey.

<sup>1</sup> Applied provisionally from 31 March 1978, i.e., 30 days after the date of signature, and came into force definitively on 22 September 1978, i.e., 30 days after the date of receipt of the last of the notifications (effected on 27 July and 23 August 1978) by which the Contracting Parties informed each other of the completion of the required constitutional or legislative formalities, in accordance with article XXII (1).

*Article V.* 1. Applications for authorizations for regular services, whether or not they are intended for the tourist trade, must be submitted to the competent authority of the State in which the vehicle is registered, accompanied by the documents specified in the Protocol referred to in article XXI of this Agreement.

2. Where the competent authority of the State of residence of the applicant intends to approve the application referred to in paragraph 1 of this article, it shall transmit a copy of the application to the competent authority of the other Contracting Party.

3. The competent authority of each Contracting Party shall issue authorizations for its own territory. The competent authorities of the Contracting Parties shall transmit to each other without delay the authorizations which have been issued.

*Article VI.* Applications for authorizations for the transport of passengers other than those referred to in articles IV and V of this Agreement must be submitted by the carriers to the competent authority of the other Contracting Party through the competent authority of the country of registration of the vehicle, except in case of emergency. In such case, the competent authority of the other Contracting Party shall, without delay, inform the competent authority of the country of registration, or the carrier concerned, of the decision taken.

## II. GOODS TRANSPORT

*Article VII.* 1. Prior authorization shall be required for all international transport of goods undertaken by a carrier on his own account or on behalf of a third party, beginning or ending in one of the Contracting States and effected by means of motor vehicles registered in the other Contracting State, as well as for traffic in transit through the territory of one of the Contracting States consisting of motor vehicles registered in the other State.

2. The transport operations specified in the Protocol referred to in article XXI of this Agreement shall not, however, require authorization.

*Article VIII.* Transport authorizations shall be issued to carriers by the competent authorities of the country of registration of the vehicles used by the said carriers, subject to quotas established annually by agreement between the competent authorities of the two Contracting Parties.

To that end, the competent authorities shall send each other the necessary blank forms.

*Article IX.* The transport operations specified in the Protocol referred to in article XXI of this Agreement shall require authorization but shall not be subject to quota.

*Article X.* 1. Authorizations shall conform to models drawn up by agreement between the competent authorities of the two Contracting Parties and shall be of two types:

- (a) Authorizations valid for one or several round trips and for a period not exceeding two months;
- (b) Long-term authorizations valid for an indefinite number of round trips and for a period of one year.

2. Each authorization may be used solely by the carrier in whose name it was issued. It may not be transferred to a third party.

3. Transport authorizations shall entitle the carrier to take on a return load under the conditions specified in the Protocol referred to in article XXI of this Agreement.

4. Transport authorizations shall entitle a carrier of one Contracting Party to engage in transport between the territory of the other Contracting Party and the territory of a third country under the conditions specified in the Protocol referred to in article XXI of this Agreement.

### III. GENERAL PROVISIONS

*Article XI.* The authorizations and other documents required in accordance with this Agreement must be kept on board a road vehicle of either Contracting Party engaging in transport in the territory of the other Contracting Party and must be produced at the request of the competent bodies of the latter.

*Article XII.* Carriers and their employees shall be required to comply with the regulations relating to transport, road traffic and customs in force in the territory in which they operate; transport operations undertaken by them must conform to the conditions specified in the authorization.

*Article XIII.* 1. Each Contracting Party undertakes not to subject vehicles registered in the other State to weight and dimension conditions more restrictive than those imposed on vehicles registered in its own country.

2. Each Contracting Party reserves the right to require in its territory special authorizations for transport operations by means of vehicles whose weight and dimensions, loaded or unloaded, exceed the limits permitted in the territory in question.

3. Each Contracting Party also reserves the right to require special authorizations for the transport of dangerous goods.

*Article XIV.* Carriers engaged in transport operations according to the provisions of 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, under the conditions laid down in the Protocol referred to in article XXI of this Agreement.

*Article XV.* 1. In cases of violation of the provisions of this Agreement, the competent authorities of the country where the violation was committed shall take the measures provided for by their legislation and shall so inform the competent authorities of the country of registration of the vehicle, if they deem it appropriate to do so.

2. At the request of the competent authorities of the Contracting Party where the infraction was committed, the competent authorities of the country of registration of the vehicle shall take such measures as they deem necessary in order to apply this Agreement and shall inform the competent authority of the other Contracting Party of those measures.

*Article XVI.* Driving licences issued by the competent authority of one Contracting Party which are valid in its territory shall be recognized as valid in the territory of the other Contracting Party.

*Article XVII.* The combustibles and fuels contained in the tanks of vehicles shall be exempt from duties and taxes.

*Article XVIII.* The deductions and payments resulting from the execution of this Agreement shall be made in accordance with the payment agreements in force between the Contracting Parties.

*Article XIX.* Each Contracting Party shall designate, and shall notify the other Party of, the authorities competent to take in its territory the measures referred to in this Agreement.

*Article XX.* 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 XXI.* 1. The Contracting Parties shall determine the procedures for the application of this Agreement in a Protocol which shall enter into force at the same time as the Agreement.

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

*Article XXII.* 1. The Contracting Parties shall notify each other through the diplomatic channel of the completion of the constitutional or legislative formalities required for the entry into force of this Agreement. It shall enter into force 30 days after the date of receipt of the last of the said notifications.

2. This Agreement shall be applied provisionally 30 days after the date of its signature.

3. This Agreement is concluded for a term of one year and shall be extended automatically from year to year unless one of the Contracting Parties denounces it by notification three months before the expiry of the current term.

DONE at Warsaw on 1 March 1978, in duplicate in the Spanish, Polish and French languages, all three texts being equally authentic. In case of disagreement, the French text shall prevail.

For the Government  
of the Kingdom of Spain:

[Signed]

MARCELINO OREJA AGUIRRE  
Minister for Foreign Affairs

For the Government  
of the Polish People's Republic:

[Signed]

MIECZYSLAWA ZAJFRYDA  
Minister for Communications

PROTOCOL<sup>1</sup> DRAWN UP PURSUANT TO ARTICLE XXI OF  
THE AGREEMENT BETWEEN THE GOVERNMENT OF THE  
KINGDOM OF SPAIN AND THE GOVERNMENT OF THE POLISH  
PEOPLE'S REPUBLIC CONCERNING INTERNATIONAL ROAD  
TRANSPORT<sup>2</sup>

The following procedures have been agreed upon for the application of the Agreement between the Government of the Kingdom of Spain and the Government of the Polish People's Republic concerning international road transport:<sup>2</sup>

PASSENGER TRANSPORT

*With reference to article IV:*

1. Each Contracting Party reserves the right to require in its territory the use of a passenger waybill for the transport operations referred to in this article.

*With reference to articles V and VI:*

2. Applications for authorizations for the services referred to in article V must be accompanied by the documents required under the law in force in the two countries.

3. Applications for authorizations for the services referred to in article VI must be sent to the competent authorities at least 21 days before the date on which the journey is to take place.

Applications must be accompanied by the following information:

- (a) A description of the journey: shuttle or occasional transport;
- (b) The name and address of the carrier;
- (c) The name and address of the enterprise organizing the journey;
- (d) The registration number of the vehicle used;
- (e) The number of passengers to be carried;
- (f) The itinerary and names of possible overnight stopping places;
- (g) The date and frontier crossing point for entering and leaving the country, as well as the sections of route to be covered laden or unladen.
- (h) Points at which passengers are to be taken on and set down.

4. The entry of an unladen vehicle to replace a damaged one of the same nationality shall be covered by an appropriate document, copies of which shall be exchanged between the competent authorities of the two Contracting Parties.

GOODS TRANSPORT

*With reference to article VII:*

- 5. The authorizations shall be drawn up in Spanish and in Polish.
- 6. The authorizations shall be numbered and stamped by the issuing authority.
- 7. No authorization shall be required in the case of the following transport operations:
  - (a) The occasional transport of goods to or from airports when services are diverted;

<sup>1</sup> Came into force on 22 September 1978, the date of entry into force of the Agreement of 1 March 1978.

<sup>2</sup> See p. 326 of this volume.

- (b) The transport of luggage by trailers attached to vehicles intended for passenger transport, and the transport of luggage by vehicles of any type to or from airports;
- (c) Postal transport operations;
- (d) The transport of damaged vehicles and the entry of vehicles to repair them;
- (e) Funeral transport operations;
- (f) The transport of goods by means of motor vehicles whose total weight when loaded, including trailers, does not exceed 6 tons;
- (g) The transport of objets d'art and works of art intended for exhibition, for fairs or for commercial purposes;
- (h) The transport of articles and materials intended exclusively for publicity and information purposes.

*With reference to article VIII:*

8. The competent authorities shall establish by agreement the quotas for each calendar year.

*With reference to article IX:*

9. The following transport operations shall require authorization but shall not be subject to quota:

- (a) Transport in vehicles equipped with temperature regulators of goods which must be transported under such conditions;
- (b) Furniture removals carried out by enterprises employing specialized staff and equipment for that purpose;
- (c) The transport of equipment, accessories and animals to or from theatrical, musical and cinematographic presentations, sports events, circuses and fairs or bazaars, and the transport of equipment for use in radio, cinematographic and television recordings;
- (d) Where appropriate, certain additional specialized transport operations under conditions agreed upon by the competent authorities of the two Contracting Parties.

*With reference to article X:*

10. The authorization shall be valid for a rigid vehicle as well as for joined vehicles (trailer and semi-trailer or road trains).

11. Return freight may be taken on only in the provinces traversed by the standard entry route and in the provinces adjoining them. However, a certain percentage of the quota may be used to take on return freight without geographical restrictions.

12. Triangular traffic may be carried on only if the vehicle crosses its country of registration in transit. However, the Mixed Commission may restrict to a certain percentage of the quota the possibilities of engaging in triangular traffic, according to the experience and results obtained in the application of the Agreement.

13. Vehicles which enter the other State empty in order to take on goods shall require a special authorization for unladen entry. A certain percentage of the quota may, however, be used on an experimental basis for unladen entry.

However, the unladen entry of a vehicle in order to carry out a transport operation which does not require prior authorization or is not subject to quota shall not require a special authorization for unladen entry.

In addition, unladen transit journeys shall be permitted.

*With reference to article XIV:*

14. For the purpose of this article, an attempt shall be made to establish fiscal standardization on the basis of reciprocity.

*With reference to article XIX:*

15. For the purposes of the provisions of the Agreement and of this Protocol, the competent authorities shall be:

— For Spain:

Dirección General de Transportes Terrestres  
Sección de Transportes Internacionales  
Ministerio de Transportes y Comunicaciones  
Paseo de la Castellana, s/n  
Madrid — 6

— For Poland:

Ministerstwo Komunikacji  
Ul. Chałubińskiego 4/6  
00-928 Warszawa

The authorizations referred to in the Agreement and in this Protocol shall be issued or transmitted on behalf of the competent authorities by:

— For Spain:

Dirección General de Transportes Terrestres  
Sección de Transportes Internacionales  
Ministerio de Transportes y Comunicaciones  
Paseo de la Castellana s/n  
Madrid — 6

— For Poland:

Zrzeszenie Międzynarodowych Przewoźników Drogowych w Polsce  
(ZMPD)  
Ul. Grójecka 17  
02-021 Warszawa

DONE at Warsaw on 23 June 1978, in duplicate in the Spanish, Polish and French languages, all three texts being equally authentic. In case of disagreement, the French text shall prevail.

For the Ministry of Transport and Communications of the Kingdom of Spain:

[Signed]  
JESÚS MILLARUELO  
Ambassador of Spain

For the Ministry of Communications of the Polish People's Republic:

[Signed]  
ROMUALDA PIETRASKA  
Vice-Minister for Communications