

No. 17911

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**SPAIN
and
CZECHOSLOVAKIA**

**Agreement concerning international road transport (with
protocol). Signed at Madrid on 7 March 1979**

Authentic texts: Spanish, Czech and French.

Registered by Spain on 24 July 1979.

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**ESPAGNE
et
TCHÉCOSLOVAQUIE**

**Accord concernant les transports routiers internationaux
(avec protocole). Signé à Madrid le 7 mars 1979**

Textes authentiques : espagnol, tchèque et français.

Enregistré par l'Espagne le 24 juillet 1979.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF SPAIN AND THE GOVERNMENT OF THE CZECHOSLOVAK SOCIALIST REPUBLIC CONCERNING INTERNATIONAL ROAD TRANSPORT

The Government of the Kingdom of Spain and the Government of the Czechoslovak Socialist Republic, desiring to develop friendly relations between the two countries in accordance with the Final Act of the Conference on Security and Co-operation in Europe (Helsinki, 1975),² and to promote international road transport between the two States and in transit through their respective territories, have agreed as follows:

I. PASSENGER TRANSPORT

Article 1. The transport of passengers between the two countries, or in transit through their territories, by means of vehicles equipped for the transport of more than eight seated persons exclusive of the driver shall require prior authorization, with the exception of the transport operations specified in article 4.

1. The regular transport lines between the two countries or in transit through their territories shall be agreed upon by the competent authorities of the Contracting Parties on the basis of reciprocity.

2. The competent authorities of the Contracting Parties shall issue authorizations for the segment of the route situated in their own territory.

3. The conditions for issuing authorizations shall be agreed upon by the competent authorities of the two Contracting Parties.

Article 2. Applications for authorizations shall be submitted to the competent authorities of the country of registration of the vehicle at least two months before the date on which the journey is to take place. Applications must be accompanied by the documents necessary for obtaining the authorizations.

Article 3. An authorization issued by the competent authorities of the other Contracting Party shall be required for occasional passenger transport operations other than those referred to in article 4. These authorizations shall be issued by the competent authorities of the Contracting Party in which the vehicle is registered.

Article 4. 1. Occasional transport operations by motor coach shall not require authorization when the passengers are transported in the same vehicle:

- (a) On a round trip which begins and ends in the territory of the country in which the vehicle is registered or of a third country;
- (b) On a journey whose starting point is situated in the territory of the country in which the vehicle is registered and whose destination point is in the territory of

¹ Came into force on 24 June 1979, i.e., 30 days after the date of receipt of the last of the notifications (effected on 21 March and 25 May 1979) by which the Contracting Parties informed each other of the completion of the constitutional or legislative formalities required, in accordance with article 20 (1).

² *International Legal Materials*, vol. 14, 1975, p. 1292.

the other Contracting Party or of a third country, provided that the vehicle returns unladen to its country of registration, unless it has a special authorization.

2. A waybill to be filled out by the carrier according to the procedure agreed upon by the competent authorities of the two Contracting Parties shall be required for such occasional transport operations.

II. GOODS TRANSPORT

Article 5. 1. All goods transport operations between the two countries or in transit through their territories shall require authorization, with the exception of the transport operations specified in article 6.

2. The competent authorities of the two Contracting Parties shall establish by agreement an annual quota of authorizations.

3. The competent authorities of each Contracting Party shall transmit the set number of authorizations to the competent authorities of the other Contracting Party.

4. Authorizations for transport operations shall be issued to carriers by the competent authorities of the country of registration of the vehicles.

Article 6. No authorization shall be required in the case of the following transport operations:

- (a) The transport of goods intended for exhibitions and fairs;
- (b) The transport of racehorses, racing cars, and other items necessary for sports events;
- (c) The transport of material and scenery for the theatre;
- (d) The transport of musical instruments and equipment for use in radio, cinematographic and television productions;
- (e) The occasional transport of goods to and from airports when air services are diverted;
- (f) The transport of luggage by trailers attached to vehicles intended for passenger transport, and the transport of luggage by vehicles of any type to and from airports;
- (g) Postal transport operations;
- (h) The transport of disabled vehicles and the entry of an unladen vehicle to replace a disabled vehicle in order to transport the load of the disabled vehicle;
- (i) The transport of bees and fish fry;
- (j) Funeral transport operations.

The transport operations referred to in (a) to (d) shall require authorization only if the articles or animals are re-exported.

Article 7. The following shall require authorization but shall not be subject to quota:

- (a) Transport operations involving furniture removal in vehicles specially equipped for this purpose;
- (b) The transport of goods by means of motor vehicles whose total weight when loaded, including trailers, does not exceed six tons;
- (c) Transport in vehicles specially equipped with temperature regulators.

III. GENERAL PROVISIONS

Article 8. The competent authorities of the two Contracting Parties shall issue authorizations for the transport of passengers and goods in accordance with this Agreement and solely to carriers authorized under the regulations of their country to carry out international transport operations.

Article 9. Carriers of one country shall not be authorized to carry out transport operations between two points situated in the territory of the other country.

Article 10. Carriers of one country shall be authorized to carry out transport operations between the other country and a third country if they have received special authorization from the competent authority of the other Contracting Party, which may be granted to them if the vehicle passes in transit through its country of registration.

Article 11. 1. 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 not be permitted to carry out the transport operation unless it is provided with a special authorization issued by the competent authority of that Contracting Party.

2. A special authorization issued by the competent authority of the other Contracting Party shall be necessary if the transport of dangerous goods is involved.

3. If such authorizations restrict the vehicle to a particular route, the transport operation may be carried out only on that route.

Article 12. 1. Authorizations shall be returned by the carriers to the authority by which they were issued, after use or on the expiry of their period of validity in the event of non-use; authorizations which are used shall be stamped by customs.

2. The competent authorities of the two Contracting Parties shall determine by agreement the procedure for exchanging necessary documents and statistical data.

Article 13. Transport authorizations and other documents provided for under this Agreement shall be kept on board the vehicles concerned and shall be produced at the request of the competent inspection authorities.

Article 14. 1. Carriers who have committed, in the territory of the other Contracting Party, serious or repeated violations of provisions of this Agreement or of the laws and regulations in force in the said territory and in respect of road transport and road traffic shall be liable, at the request of the competent authorities of the country where the violation was committed, to the imposition of one of the following measures:

a) A warning;

b) Temporary suspension (wholly or in part) of the right to carry out transport operations in the territory of the Contracting Party where the violation was committed.

2. The competent authorities of the Contracting Party which requests that the measures referred to in the preceding paragraph should be taken shall be informed of their imposition as soon as possible.

3. The provisions of this article shall not preclude any sanctions that may be applicable under the laws and regulations in force in the country where the violation was committed.

Article 15. The domestic regulations of each country shall be applied in situations which are not governed by the provisions of this Agreement or of the international conventions which are binding on the two Contracting Parties.

Article 16. 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, as provided in the Protocol referred to in article 19 of this Agreement.

Article 17. Each Contracting Party shall notify the other of the authorities competent to deal with problems arising from the implementation of this Agreement.

Article 18. A Mixed Commission shall be established in order to ensure implementation of this Agreement. The Commission shall meet at the request of one of the Contracting Parties, alternately in the territory of each of them.

Article 19. 1. The Contracting Parties shall determine the procedures for implementing 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 18 of this Agreement shall be competent to make any necessary amendments to the aforesaid protocol.

IV. FINAL PROVISIONS

Article 20. 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. The Agreement shall enter into force 30 days after the date of receipt of the last notification.

2. This Agreement shall remain in force for a term of one year and shall be extended automatically from year to year unless it is denounced by one of the Contracting Parties three months before the expiry of the current calendar year.

DONE at Madrid on 7 March 1979 in duplicate in the Czech, Spanish and French languages, the three texts being equally authentic. In the event of a disagreement with regard to interpretation, 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 Czechoslovak Socialist
Republic:

[Signed]

BOHUSLAV CHNOUPEK
Minister for Foreign Affairs

PROTOCOL DRAWN UP PURSUANT TO ARTICLE 19 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF SPAIN AND THE GOVERNMENT OF THE CZECHOSLOVAK SOCIALIST REPUBLIC CONCERNING INTERNATIONAL ROAD TRANSPORT

The following procedures have been agreed upon for the implementation of the Agreement concerning international road transport:

I. *With reference to the first four articles, article 7 and articles 10 and 11*

1. The competent authorities to whom applications for authorization are to be addressed are:

In the case of Czechoslovakia:

Federální ministerstvo dopravy
Odbor silniční a městské dopravy
Na příkopě 33
Praha 1

Applications for special authorizations under article 11 of the Agreement are to be addressed, in the case of Czechoslovakia, to:

Československé sdružení mezinárodních
automobilových dopravců — ČESMAD
Perucká 5
120 67 Praha 2

In the case of Spain:

Dirección General de Transportes Terrestres
Sección de Transportes Internacionales
Ministerio de Transportes y Comunicaciones
Plaza de San Juan de la Cruz, 1
Madrid 3

2. Applications for authorizations for the services referred to in article 1 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 3 must be sent to the competent authorities at least 30 days before the date on which the journey is to take place. Applications must be accompanied by the following information:

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

4. Entry by an unladen passenger or goods vehicle to replace another of the same nationality which is disabled shall be covered by a document drawn up by agreement between the competent authorities of the two Contracting Parties.

II. *With reference to article 5*

1. Authorization forms shall be printed in the language of the State in which they are valid and in another language agreed upon. The model for the authorization shall be agreed upon by the two Contracting Parties.

2. Authorizations shall be numbered by the issuing authority.

3. Transport in transit shall be carried out without loading or unloading goods in the country of transit.

4. Return freight to Spain may be carried only through the provinces traversed by the standard entry route and their adjoining provinces. However, a certain percentage of the quota may be used to carry freight without geographical restrictions. This percentage shall be determined by the Mixed Commission.

5. A special quota which is entirely different from the quota set for goods transport operations between the two countries shall be established for transport operations in transit.

III. *With reference to article 12*

1. Within two months following the last day of each calendar year, the competent authorities shall exchange their respective report on authorizations issued during that year.

2. These reports shall contain the following particulars for each transport category:

- a) The numbers of the first and last authorizations issued in each category and the number of journeys authorized;
- b) The number of journeys undertaken;
- c) Where applicable, the number of authorizations cancelled or not used. Such authorizations shall not be charged against the quota.

IV. *With reference to article 16*

Consideration shall be given to establishing a procedure for tax harmonization based on reciprocity for the purposes of this article.

V. *With reference to articles 14, 17 and 18*

The competent authorities for the implementation of this Agreement are:

In the case of Czechoslovakia:

Federální ministerstvo dopravy
Odbor silniční a městské dopravy
Na příkopě 33
Praha 1

In the case of Spain:

Dirección de Transportes Terrestres
Sección de Transportes Internacionales
Ministerio de Transportes y Comunicaciones
Plaza de San Juan de la Cruz, 1
Madrid 3

VI. *Unladen entry*

A special authorization for unladen entry must be issued for a vehicle which enters the other State empty in order to take on goods. The said authorization shall be issued under the conditions agreed upon by the competent authorities.

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 the quota shall not require a special authorization for unladen entry.

Unladen transit journeys shall, moreover, be permitted.

VII. *Quota*

In application of article 5, paragraph 2, of the Agreement, the competent authorities shall agree on the establishment of long distance (*loco*) and transit quotas for each calendar year.

DONE at Madrid on 7 March 1979 in duplicate in the Czech, Spanish and French languages, the three texts being equally authentic. In the event of disagreement with regard to interpretation, 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 Czechoslovak Socialist
Republic:

[Signed]

BOHUSLAV CHNOUPEK
Minister for Foreign Affairs
