

No. 19520



**SPAIN
and
HUNGARY**

**Agreement concerning international road transport (with
protocol). Signed at Madrid on 19 February 1980**

*Authentic texts: Spanish, Hungarian and French.
Registered by Spain on 28 January 1981.*



**ESPAGNE
et
HONGRIE**

**Accord concernant les transports routiers internationaux
(avec protocole). Signé à Madrid le 19 février 1980**

*Textes authentiques : espagnol, hongrois et français.
Enregistré par l'Espagne le 28 janvier 1981.*

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING INTERNATIONAL ROAD TRANSPORT

The Government of Spain and the Government of the Hungarian People's Republic, desiring to promote the transport of passengers and goods between the two countries, and through their territories, by means of motor vehicles registered in one of the two countries, have agreed as follows:

I. PASSENGER TRANSPORT

Article 1. All transport of passengers between the two countries and through their territories undertaken by the carrier on his own account or on behalf of a third party, by means of motor vehicles having more than eight seats in addition to the driver's seat, shall require authorization, with the exception of the transport operations specified in article 4.

Article 2. 1. Regular services between the two countries or in transit through their territories shall be approved jointly by the Contracting Parties.

2. Each of the Contracting Parties shall issue authorizations for the section of the route situated in its territory.

3. The Contracting Parties shall jointly determine the conditions of authorization, and in particular the period of validity, the frequency of transport operations, the timetable and the charges to be applied.

Article 3. 1. Applications for authorizations must be submitted to the competent authorities of the country of registration of the vehicle which, if they have no objection, shall transmit them to the competent authorities of the other Contracting Party.

2. Applications for authorizations must be accompanied by the documents required under the law in force in the two countries.

Article 4. Occasional services shall not require authorization. An occasional service is a service on which the same persons are carried in the same vehicle either:

- (a) On a round-trip on which the intended point of departure and destination are situated in the territory of the country of registration of the vehicle, or
- (b) On a journey on which the point of departure is situated in the territory of the country of registration of the vehicle and the intended destination is situated in the territory of the other Contracting Party, provided that the vehicle returns empty to the country of registration.

¹ Applied provisionally from 20 March 1980, i.e., 30 days after the date of its signature, and came into force definitively on 6 December 1980, i.e., 30 days after the date of receipt of the last of the notifications (effected on 1 October and 6 November 1980) by which the Parties informed each other of the completion of the constitutional or legislative requirements, in accordance with article 21 (1) and (2).

Article 5. Applications for authorizations for non-regular services for which authorization is required must be submitted directly to the other Contracting Party.

II. GOODS TRANSPORT

Article 6. Authorization shall be required for all international transport of goods undertaken by the carrier on behalf of a third party or on his own account, beginning or ending in the territory of one of the Contracting Parties, as well as for traffic in transit through the territory of one of them, with the exception of the transport operations specified in article 7.

Article 7. No authorization shall be required for:

- (a) The transport of damaged vehicles, and the entry of vehicles for repairs;
- (b) Funeral transport operations;
- (c) The transport of *objets d'art* and works of art intended for exhibitions or fairs;
- (d) The transport of objects and material intended exclusively for publicity or information purposes;
- (e) Furniture removals carried out by enterprises employing specialized equipment for this purpose;
- (f) The transport of equipment, properties and animals to and from theatrical, musical and cinematographic presentations, sports events, circuses and fairs, and also for use in radio, cinematographic and television productions.

Article 8. 1. Authorizations for transport operations shall be issued to enterprises by the competent authorities of the country of registration of the vehicles, on behalf of the other Contracting Party, subject to quotas established annually by agreement between the Contracting Parties.

2. The Contracting Parties shall exchange the necessary blank forms for this purpose.

Article 9. 1. Authorizations shall conform to models drawn up by agreement between the Contracting Parties and shall be of two types:

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

2. The authorizations must show the particulars of the journey, which must be supplied by the recipients before the journey is begun.

Article 10. Authorizations shall be returned by the recipients to the office by which they were issued, after use or on the expiry of their period of validity in the event of non-use.

III. GENERAL PROVISIONS

Article 11. The transport of passengers or goods between two points in the territory of one Contracting Party by means of a vehicle registered in the other Contracting Party is prohibited.

Article 12. 1. The competent authorities shall issue free of charge the authorizations provided for by this Agreement, except for the special authorizations referred to in article 16.

2. Authorizations must be used by the carriers to whom they have been issued, and thus may not be transferred to third parties.

3. Authorizations must be kept on board the vehicles concerned and must be produced at the request of inspection officials.

Article 13. Vehicles registered in the territory of one of the Contracting Parties which temporarily enter the territory of the other Contracting Party to carry out transport operations in accordance with this Agreement shall be exempt from the payment of the vehicle tax (*gépjárműadó*) in the Hungarian People's Republic and from the payment of the *canon de coincidencia* in Spain.

Article 14. Vehicles registered in one of the Contracting Parties which temporarily enter the territory of the other Party to carry out transport operations in accordance with this Agreement shall be subject to the following customs régime:

- (a) The vehicles shall be exempt from all customs duties on the vehicle itself;
- (b) Fuel contained in the vehicles' tanks as designed by the manufacturer shall be exempt from all taxes, duties and payments;
- (c) Spare parts temporarily imported into the territory of the other Contracting Party and intended for the repair of vehicles shall be exempt from customs duties and all other taxes and import charges. Spare parts which have been replaced must be re-exported or destroyed under the supervision of the competent customs agents of the other Contracting Party.

Article 15. Carriers shall be required to comply with the laws and regulations in force in the territory of each of the Contracting Parties, especially in respect of transport and road traffic; the transport operations undertaken by them must be in accordance with the conditions specified in the authorization.

Article 16. 1. Each Contracting Party undertakes not to subject vehicles registered in the territory of the other Contracting Party to weight and dimensions conditions which are more restrictive than those imposed on vehicles registered in its own country.

2. If 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 must be provided with a special authorization, issued — provided that the transport operation is technically feasible — by the competent authority of that other Contracting Party.

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

4. If the authorizations envisaged in this article restrict the vehicle to a particular route, the transport operation may be carried out only on that route.

Article 17. 1. Carriers of the Contracting Parties must comply with the provisions of this Agreement, and the competent authorities shall monitor such compliance by carriers and their employees.

2. If a carrier from one Contracting Party violates a provision of this Agreement in the territory of the other Contracting Party, that other Party must inform the first Party.

3. In the event of the violation mentioned in paragraph 2 of this article, the Contracting Party in whose territory the violation has occurred may request the other Contracting Party, without prejudice to possible legal sanctions in force in the country in which the journey took place:

- (a) To warn the carrier that a further violation could lead to the suspension for a certain period of time of the authorizations granted to vehicles in his possession to enter the territory in which the violation occurred;
- (b) To revoke the authorization and inform the carrier to that effect.

4. The Contracting Party receiving such a request must comply with it and inform the other Contracting Party as soon as possible of the measures taken.

Article 18. Each Contracting Party shall notify the other of the authorities competent to take in its territory the measures referred to in this Agreement.

Article 19. 1. The Contracting Parties shall maintain direct contact regarding all questions arising in the implementation of this Agreement.

2. For the purpose of ensuring the proper application of the provisions of this Agreement, the Contracting Parties shall establish a Mixed Commission.

3. The Commission shall meet at the request of one of the Contracting Parties, alternately in the territory of each of them.

Article 20. 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 19 of this Agreement shall be competent to make any necessary amendments to the protocol.

Article 21. 1. The Contracting Parties shall notify one another through the diplomatic channel when the constitutional or legislative formalities required for the entry into force of this Agreement have been completed. It shall enter into force 30 days after the date of receipt of the last such notification.

2. This Agreement shall be applied on a provisional basis 30 days after the date of its signature.

3. This Agreement shall remain in force for one year and shall be extended automatically from year to year, unless it is denounced by notification from one Contracting Party three months before the expiry date.

DONE at Madrid, on 19 February 1980, in two original copies, each in the Spanish, Hungarian and French languages, all three texts being equally authentic. In case of disagreement, the French text shall prevail.

For the Government
of Spain:

[Signed]

JOSÉ JOAQUÍN PUIG DE LA BELLACASA
Under-Secretary for Foreign Affairs

For the Government
of the Hungarian People's Republic:

[Signed]

LASZLO HINCSES
Ambassador of Hungary to Spain

PROTOCOL DRAWN UP PURSUANT TO ARTICLE 20 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF SPAIN CONCERNING INTERNATIONAL ROAD TRANSPORT

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

With reference to articles 1, 2, 3, 4 and 5:

1. The competent authorities to which applications for authorization must be submitted are:

In the case of Hungary:

Közlekedés-és Postaügyi Minisztérium
Autóközlekedési Főosztály
1400 Budapest VII
Dob u. 75-81

In the case of Spain:

Dirección General de Transportes Terrestres
Sección de Transportes Internacionales
Ministerio de Transportes y Comunicaciones
Plaza San Juan de la Cruz nº 1
Madrid

2. Applications for authorizations for the services referred to in article 5 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:

- 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 date and frontier crossing points for entering and leaving the country as well as the routes to be covered laden or unladen;
- The route and the points at which passengers are to be taken on and set down;
- The names of overnight stopping places, including, if possible, hotel addresses;
- A description of the journey: shuttle or occasional transport.

3. Occasional transport which meets conditions (a) and (b) of article 4 shall be the subject of a waybill in accordance with the internal regulations of each of the Contracting Parties.

4. Entry by an unladen vehicle to replace a damaged vehicle of the same nationality shall be covered by a document drawn up in accordance with the internal regulations of each of the Contracting Parties.

With reference to articles 4 and 7:

5. Transport operations which are exempt from authorization in accordance with articles 4 and 7 of the Agreement shall require in Spain an inspection document which shall be issued at the entry point on the frontier, duly filled out by the carriers, and returned at the exit point on the frontier.

With reference to articles 6, 8 and 9:

6. Authorizations shall be drawn up in two languages and shall conform to the models drawn up by the Contracting Parties.

7. Vehicles carrying out transit journeys may load or unload goods when in the territory traversed of the other Contracting Party under the same conditions as are envisaged for return freight.

8. For the present, the only authorizations to be issued shall be those indicated in article 9, paragraph 1 (a), of the Agreement.

9. Return freight 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 return freight without geographical restrictions.

With reference to article 10:

10. Within two months of the last day of each calendar year, the competent authorities shall exchange a report on authorizations issued during that year.

11. This report shall contain the following particulars:

- (a) The numbers of the first and last authorizations 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 quotas.

With reference to article 12, paragraph 3:

12. Authorizations must be inspected by the customs in accordance with national regulations on entry into and exit from the territory of the State for which they are valid.

With reference to article 15:

13. The authorities which are competent to issue the special authorizations envisaged in article 16, paragraphs 2 and 3, are:

In the case of Hungary:

UTINFORM
KPM Közuti Igazgatóság
1061 Budapest VI
Népköztársaság utja 1

In the case of Spain:

Dirección General de Transportes Terrestres
Sección de Transportes Internacionales
Ministerio de Transportes y Comunicaciones
Plaza San Juan de la Cruz nº 1
Madrid - 3

With reference to article 18:

14. The authorities which are competent for the application of this Agreement are the same as those appearing in paragraph 1 of this protocol.

Unladen entry

15. A special authorization for unladen entry must be issued for a vehicle which enters the other State empty in order to take on goods. However, on an experimental basis, a certain percentage of the quota may be used for unladen entry. Moreover, unladen transit shall be exempt from special authorization.

Triangular traffic

16. Within the quota, and up to a certain percentage to be determined by joint agreement between the two Contracting Parties, triangular traffic may be carried out on condition that the vehicles traverse the countries in which they are registered.

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For the Government
of Spain:

[Signed]

JOSÉ JOAQUÍN PUIG DE LA BELLACASA
Under-Secretary for Foreign Affairs

For the Government
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