

No. 19975

**SPAIN
and
LUXEMBOURG**

**Agreement concerning international road transport (with
protocol). Signed at Luxembourg on 30 March 1981**

Authentic texts: Spanish and French.

Registered by Spain on 29 June 1981.

**ESPAGNE
et
LUXEMBOURG**

**Accord sur les transports internationaux par route (avec
protocole). Signé à Luxembourg le 30 mars 1981**

Textes authentiques : espagnol et français.

Enregistré par l'Espagne le 29 juin 1981.

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ BETWEEN THE GOVERNMENT OF SPAIN
AND THE GOVERNMENT OF THE GRAND DUCHY OF
LUXEMBOURG CONCERNING INTERNATIONAL ROAD
TRANSPORT**

The Government of Spain and the Government of the Grand Duchy of Luxembourg, desiring to promote the transport of passengers and goods by road between the two countries and in transit through their respective territories, have agreed as follows:

Article 1. 1. Carriers whose head office is situated in Spain or Luxembourg are authorized to undertake the transport of passengers or goods by means of motor vehicles registered in either of those States, either between the territories of the two Contracting Parties or in transit through the territory of one of them, under the conditions laid down in this Agreement.

2. The internal transport of passengers or goods between two points situated in the territory of one Contracting Party by means of a vehicle registered in the other Contracting Party is forbidden.

I. PASSENGER TRANSPORT

Article 2. The transport of passengers between the two States, or in transit through their territories, by means of vehicles equipped for the transport of more than eight seated persons exclusive of the driver and intended for such transport shall require prior authorization, with the exception of the transport operations specified in article 3 of this Agreement.

Regular, paid transport of persons, either by means of private vehicles or by means of minibuses carrying a maximum of eight seated passengers exclusive of the driver, shall also require prior authorization.

Article 3. 1. Prior authorization shall not be required in the following cases under article 2, paragraph 1:

- (a) Occasional closed-door tourist transports, i.e. the services performed when a single 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;
- (c) Unladen entry to return the passengers of a disabled vehicle.

2. For occasional transport operations under the provisions of paragraph 1 (a) or (b), a control document, prepared in accordance with

¹ Came into force on 29 May 1981, i.e., 60 days after the date of signature, in accordance with article 21 (1).

resolution No. 20 of the Council of Ministers of ECMT of 16 December 1969 (document CM (69) 24) or in accordance with EEC regulation No. 1016/68 of 9 July 1968, of the Commission of the European Communities, shall be carried on board vehicles.

For transport operations referred to under paragraph 1 (c), the Luxembourg breakdown vehicle shall, for transit in Spain, be covered by a document provided in duplicate at the Spanish frontier crossing point, which shall be duly filled out before entry into Spain and which shall be surrendered upon departure.

Article 4. 1. Applications for authorizations for regular transport services specified under section 1, heading I, of the aforementioned resolution No. 20 of the Council of Ministers of ECMT, whether or not they are intended for the tourist trade, shall 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 20 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 issued.

4. The competent authorities shall, in principle, issue the said authorizations on the basis of reciprocity.

Article 5. Applications for authorizations for shuttle services specified under section 1, heading II, of resolution No. 20 of the Council of Ministers of ECMT of 16 December 1969 (document CM (69) 24) shall be submitted by the carriers to the competent authority of the State to which the shuttle journeys are going. Authorizations for shuttle journeys shall be issued to the carrier concerned by the competent authority of the State which granted them.

Article 6. As a general rule, applications for authorizations for the transport of passengers which do not fulfil the conditions specified in articles 3 to 5 of this Agreement must be submitted by the carrier to the competent authority of the other Contracting Party through the competent authority of the State in which the vehicle is registered, except in case of an emergency. In such case, the competent authority of the other Contracting Party shall, without delay, inform the competent authority of the State of registration of the decision taken.

II. GOODS TRANSPORT

Article 7. 1. Prior 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 and effected by means of motor vehicles registered in the other

State as well as for traffic in transit through the territory of one of the Contracting Parties consisting of motor vehicles registered in the other State.

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

- (a) The transport of goods to or from airports when services are diverted;
- (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;
- (e) The transport of refuse;
- (f) The transport of animal carcasses for flaying;
- (g) The transport of bees and fish fry;
- (h) Funeral transport operations;
- (i) The transport of live animals in special vehicles. Special vehicles for the transport of live animals means vehicles built or specially and permanently equipped to transport live animals and approved as such by the competent authorities of the member countries of ECMT;
- (j) The transport of unusually bulky or heavy goods, provided that the carrier has obtained the requisite special authorization in conformity with national regulations concerning road transport;
- (k) The transport of valuable goods (e.g. precious metals) in special vehicles with a police or security escort;
- (l) The transport of emergency medical supplies (especially in case of natural disasters);
- (m) The transport of goods by motor vehicles whose maximum permissible weight, including that of trailers, does not exceed 6 tons or whose permissible carrying capacity, including that of trailers, does not exceed 3.5 tons;
- (n) The transport of objets d'art and works of art intended for exhibitions, for fairs or for commercial purposes;
- (o) The transport of articles and material intended exclusively for publicity or information purposes;
- (p) The transport of equipment, properties and animals to and from theatrical, musical and cinematographic presentations, sports events, circuses and fairs, and the transport of equipment, properties and animals for use in radio, cinematographic and television productions.

3. In the event of unladen entry to load the freight of a disabled vehicle, the breakdown vehicle shall, for transit in Spain, be covered by a document provided in duplicate at the Spanish frontier crossing point, which shall be

duly filled out before entry into Spain and which shall be surrendered upon departure.

Article 8. Authorizations for transport operations shall be issued to carriers by the competent authorities of the State of registration of the vehicles belonging to said carriers, subject to quotas established by agreement between the competent authorities of the two Contracting Parties.

The competent authorities of the two States shall exchange the necessary blank forms for this purpose.

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

- (a) The transport of perishable foodstuffs referred to in the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to Be Used for Such Carriage (ATR), signed on 1 September 1970 at Geneva;
- (b) Furniture removals carried out by enterprises employing specialized staff and equipment;
- (c) Transport in transit;
- (d) Other specialized transport operations under conditions agreed upon by the competent authorities of the two countries.

Article 10. 1. Authorizations in conformity with models drawn up by agreement between the competent authorities of the two Contracting Parties, shall be of two types:

- (a) Authorizations valid for one journey and for a period not exceeding two months;
- (b) Authorizations valid for an indefinite number of journeys and for a period of one year.

2. Authorizations, which the recipient shall be duly required to fill out before each journey, shall contain a description of the transport operation.

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

Article 11. Unless specially authorized by the competent authority of the Contracting Party concerned, carriers of either Contracting Party shall not engage in transport operations from the territory of the other Contracting Party to a third country. Such special authorization shall be issued only when the transport operation is carried out in transit through the country in which the vehicle was registered.

Article 12. Authorizations shall be returned by the recipients to the competent authorities which issued them, after use or on the expiry of their period of validity in the event of non-use.

They shall be stamped by the customs.

III. COMMON PROVISIONS

Article 13. 1. Authorizations and declarations shall always be kept on board the vehicles concerned and shall be produced at the request of inspection officials.

2. Declarations shall be inspected by the customs in accordance with national regulations on entry into and exit from the State for which they are valid.

Article 14. Carriers and their employees shall be required to comply with the laws and regulations in force in the territories in which they operate; transport operations undertaken by them must be in accordance with the conditions specified in the authorizations.

Article 15. 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. Where the weight or dimensions of an unladen or laden vehicle exceed the limits permitted in the territory of the other Contracting Party, the vehicle shall be permitted to carry out the transport operation only if it is provided with a special authorization issued by the competent authority of that Contracting Party.

3. If the authorization referred to in paragraph 2 restricts the vehicle to a particular route, the transport operation may be carried out only on that route.

Article 16. Carriers engaging in the transport operations referred to in 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 terms set forth in the Protocol referred to in article 20 of this Agreement.

Article 17. 1. The competent authorities of the Contracting Parties shall monitor compliance by carriers with the provisions of this Agreement and shall transmit to each other a list of violations noted and of proposed sanctions.

Apart from any economic sanctions provided for by law, the following sanctions may be applied:

- A warning;
- Suspension or revocation, wholly or in part, of the right to carry out the transport operations referred to in article 1 of this Agreement in the territory of the State in which the violation was committed.

2. The authorities applying sanctions shall notify accordingly the authority by which the sanctions were requested.

Article 18. 1. Each Contracting Party shall designate and shall notify to the other Party the authorities competent to take in its territory the measures referred to in this Agreement.

2. The designated authorities shall periodically exchange reports on authorizations issued and on transport operations carried out.

Article 19. 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 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 empowered to amend the Protocol when it deems it necessary.

Article 21. 1. This Agreement shall enter into force 60 days after its signature.

2. The Agreement shall remain in force for one year from its entry into force. It shall be extended automatically from year to year unless it is denounced by one of the Contracting Parties at least six months before the expiry of its validity.

DONE at Luxembourg on 3 March 1981 in duplicate in the Spanish and French languages, both texts being equally authentic, in case of discrepancies between the two texts, the French text shall prevail.

For the Government
of Spain:

[Signed]

JOSÉ LUIS LOS ARCOS Y ELIO
Ambassador of Spain to Luxembourg

For the Government
of the Grand Duchy of Luxembourg:

[Signed]

COLETTE FLESCH
Minister for Foreign Affairs,
Foreign Trade and Co-operation
JOSY BARTHEL
Minister of Transport

PROTOCOL DRAWN UP PURSUANT TO ARTICLE 20 OF THE
AGREEMENT BETWEEN THE GOVERNMENT OF SPAIN AND
THE GOVERNMENT OF THE GRAND DUCHY OF LUXEM-
BOURG CONCERNING INTERNATIONAL ROAD TRANSPORT

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

Competent authorities

(1) Except with regard to article 15, the competent authorities are:

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, 1
Madrid 3

In the case of the Grand Duchy of Luxembourg:

Ministère des Transports
Section des Transports terrestres
Boulevard Royal, 19-21
Luxembourg

(2) The competent authorities referred to in article 15 are:

In the case of Spain:

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

In the case of the Grand Duchy of Luxembourg:

Ministère des Transports
Section de la circulation et de la sécurité routières
Boulevard Royal, 19-21
Luxembourg

I. PASSENGER TRANSPORT

With reference to article 3

(3) Except in the event of *force majeure* or special authorization, the transport operations referred to in article 3 shall not be undertaken in Spanish territory at night. Nocturnal traffic is considered to be that undertaken between 10 p.m. and 5 a.m.

With reference to articles 4, 5 and 6

(4) Applications for authorizations for the services referred to in articles 4 and 5 must be accompanied by the documents required under the law in force in the two countries.

The competent Spanish authorities shall make available to the competent authorities of Luxembourg application forms for authorizations for shuttle services, as well as the rate of taxes to be paid.

(5) Applications for authorization for the services referred to in article 6 must be sent to the competent authorities at least 21 days before the date on which the journey is to take place.

(6) Applications made under articles 5 and 6 shall be accompanied by the following information:

- a) The name and address of the enterprise organizing the journey.
- b) The name and address of the carrier.
- c) The registration numbers of the vehicles to be used.
- d) The number of passengers to be carried.
- e) The dates and the expected frontier crossing points for entering and leaving the country as well as the routes to be covered laden or unladen.
- f) The route and the points at which passengers are to be taken on and set down.
- g) A description of the journey: shuttle or occasional transport.

II. GOODS TRANSPORT

With reference to articles 7, 8 and 10

(7) Authorizations shall be drawn up in the French and Spanish languages and shall conform to the model annexed to this Protocol.

(8) Authorizations, which shall include a description of the journey, shall be numbered by the issuing authority.

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

(10) In a first stage, only the authorizations referred to in article 10, paragraph 1 (a), of the Agreement shall be issued.

(11) 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 return freight without geographical restrictions.

With reference to article 16

(12) A regime of harmonization and of reciprocity shall be established in order to implement the provisions in this article.

With reference to article 18

(13) During the first quarter of every year, the competent authorities shall exchange a report on authorizations issued during the past year.

(14) The said report shall contain the following particulars:

- a) The numbers of the first and last authorization 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.

Unladen entry

(15) The unladen entry of a vehicle in order to take on goods in the other country shall be undertaken only up to a certain percentage of the quota set by agreement.

(16) However, the unladen entry of a vehicle in order to carry out a transport operation which does not require prior authorization shall not require authorization.

DONE at Luxembourg on 31 March 1981, in duplicate in the French and Spanish languages, both texts being equally authentic. In case of discrepancies between the two texts, the French text shall prevail.

For the Government
of Spain:

[Signed]

JOSÉ LUIS LOS ARCOS Y ELIO
Ambassador of Spain to Luxembourg

For the Government
of the Grand Duchy of Luxembourg:

[Signed]

COLETTE FLESCH
Minister for Foreign Affairs,
Foreign Trade and Co-operation
JOSY BARTHEL
Minister of Transport