

No. 19973

**SPAIN
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement on international road transport (with protocol).
Signed at Madrid on 17 January 1980**

Authentic texts : Spanish and German.

Registered by Spain on 29 June 1981.

**ESPAGNE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif aux transports routiers internationaux
(avec protocole). Signé à Madrid le 17 janvier 1980**

Textes authentiques : espagnol et allemand.

Enregistré par l'Espagne le 29 juin 1981.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF SPAIN AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON INTERNATIONAL ROAD TRANSPORT

The Government of the Kingdom of Spain and the Government of the Federal Republic of Germany, desiring to continue developing, under a régime of reciprocity, the international transport of passengers and goods by road in motor vehicles between the two countries and in transit through their territories, have agreed as follows:

Article 1. 1. Without prejudice to the legislation in force in each country, the provisions set forth in this Agreement shall be valid for the transport of passengers and goods undertaken by carriers on behalf of third parties or on their own account by means of motor vehicles registered in their respective countries, either between the territories of the two States or in transit through the territory of one of them.

2. The transport of passengers or goods between two points situated in one country in vehicles registered in the other country is not permitted.

PASSENGER TRANSPORT

Article 2. The transport of passengers by road between the two countries or in transit through their territories in vehicles equipped for the transport of more than nine seated passengers including the driver shall require prior authorization, with the exception of the transport operations specified in article 3.

Article 3. 1. Prior authorization shall not be required in the case of:

- (a) Closed-door transport operations, i.e. services carried out by the same vehicle which carries the same group of passengers for the entire journey and sets them down at the point of departure;
- (b) Occasional transport operations consisting of a laden outward journey and an unladen return journey.

2. In the case of the occasional services referred to in paragraph 1, the carrier must have on board for the entire journey the inspection document prescribed in the Protocol referred to in article 15.

¹ Applied provisionally from 16 February 1980, i.e., 30 days after the date of signature, and came into force definitively on 3 December 1980, i.e., 30 days after the date of the last of the notifications (effected on 4 March and 29 October 1980) by which the Contracting Parties notified each other of the completion of the constitutional and legislative formalities required, in accordance with article 18 (1).

Article 4. Applications for the issue of authorizations for occasional transport operations which do not correspond to the provisions of article 3 shall be submitted to the competent authority of the other Contracting Party, in the manner prescribed in the Protocol referred to in article 15.

Article 5. 1. Applications for authorizations for regular services between the two countries or in transit through one of them shall be submitted to the competent authority of the country in which the vehicle is registered, accompanied by the documents and information specified in the Protocol referred to in article 15 of this Agreement.

2. Authorizations shall be issued only when the high competent authorities of both States are in agreement on the need for the transport service.

3. The competent authorities of the two States shall issue the authorizations, as a general rule, on the basis of the principle of reciprocity.

4. Any changes in the rates, timetable or any other conditions relating to the operation of the service shall require prior approval by the competent authorities of the Contracting Parties.

GOODS TRANSPORT

Article 6. 1. Carriers who transport goods on behalf of a third party or on their own account by means of vehicles registered in the territory of one of the Contracting Parties shall require authorization from the other Contracting Party to effect transport operations between the two countries or in transit through the territory of the other country. An exception shall be made for the transport operations referred to in article 7.

2. Neither Contracting Party may issue authorizations in excess of the limit set in the quotas established by joint agreement and on the basis of reciprocity in the Mixed Commission provided for in article 16 of this Agreement.

Article 7. The transport operations specified in the Protocol referred to in article 15 shall not require authorization.

Article 8. 1. The following transport operations shall not be subject to quota but shall require authorization:

- (a) Removals, in vehicles specially equipped for this type of transport;
- (b) The transport of spare parts for seagoing vessels.

2. The Mixed Commission referred to in article 16 may establish other types of goods transport which are not subject to quota.

Article 9. 1. Authorizations shall accord the right to carry out the following types of international road transport:

- (a) Between the country in which the vehicle used is registered and the other country;

(b) In transit through one of the two countries in vehicles registered in the other country.

2. Restrictions may be imposed on the scope of the authorizations. This limitation must appear in the authorization.

3. The carrier may use the authorization only for the vehicle for which it has been issued. The authorization is not transferable.

Article 10. 1. Authorizations shall be issued:

(a) As authorizations for journeys valid for one outward journey and one return journey. The validity of the authorization shall expire after two months;

(b) As long-term authorizations for an indefinite number of outward and return journeys, for a duration of a minimum of three months and a maximum of one year.

Article 11. 1. The competent authorities of the two countries shall issue authorizations for vehicles registered in the other country.

2. Authorizations shall be issued to carriers by the competent authorities of the country of registration of the vehicle.

GENERAL PROVISIONS

Article 12. 1. Authorizations shall be issued only to carriers who, under the legislation of the country in which their vehicles are registered, are entitled to carry out the transport operations concerned.

2. The legislation in force in the territory of the other Contracting Party shall be applicable to both carriers and their drivers.

Article 13. The documents required in accordance with the provisions of this Agreement (for example, authorization and waybill) must always be kept on board vehicles and shall be produced at the request of inspection officials.

Article 14. 1. If carriers or their drivers commit serious or repeated violations of the legislation in force in the other State or of the provisions of this Agreement, the competent authorities of the State in whose territory the vehicle is registered shall take one of the following steps at the request of the competent authorities of the State in which the violation was committed, without prejudice to the legal measures applicable in that country:

(a) A warning to the carrier who is responsible regarding the obligation to observe the legal provisions in force in the other country;

(b) Suspension or cancellation of the issue of authorizations to the carrier concerned or revocation of authorizations already issued.

2. The competent authorities shall notify each other of the measures taken.

Article 15. The procedures for the application of this Agreement have been established in a Protocol which shall enter into force at the same time as the Agreement.

Article 16. 1. A Mixed Commission shall be established consisting of representatives of the competent authorities of the two countries, which shall be responsible for ensuring proper compliance with the norms established in this Agreement and resolving by joint agreement any questions which may arise.

2. The Mixed Commission shall be competent to amend the Protocol.

Article 17. This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Kingdom of Spain within three months following the entry into force of this Agreement.

Article 18. 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, which shall enter into force 30 days after the date on which the last of these notifications is received.

2. This Agreement shall take effect provisionally 30 days after the date of its signature.

3. This Agreement shall be concluded for a period of one year and shall be extended automatically from year to year unless it is denounced by notification given by one of the Contracting Parties three months before the expiry of the corresponding calendar year.

4. If the Spanish authorities sign with the Council of the European Communities an agreement on a question regulated in articles 2 to 4 of this Agreement, or in the corresponding provisions of the Protocol referred to in article 15 of the Agreement, the regulations in question shall cease to apply, to the extent appropriate, at the time when the agreement with the Council of the European Communities enters into force.

DONE at Madrid on 17 January 1980 in duplicate in the Spanish and German languages, both texts being equally authentic.

For the Government
of the Kingdom of Spain:

[Signed]

JOSÉ JOAQUÍN PUIG
DE LA BELLACASA

Under-Secretary for Foreign Affairs

For the Government
of the Federal Republic of Germany:

[Signed]

LATHAR LAHN

Ambassador of the Federal Republic
of Germany at Madrid

PROTOCOL DRAWN UP PURSUANT TO ARTICLE 15 OF THE
AGREEMENT BETWEEN THE GOVERNMENT OF THE KING-
DOM OF SPAIN AND THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY ON INTERNATIONAL ROAD TRANS-
PORT

The following procedures have been envisaged for the application of the Agreement on international road transport:

PASSENGER TRANSPORT

With reference to article 3

1. For the occasional transport operations referred to in article 3, Spanish carriers must carry the ECMT waybill on board the vehicle for the entire journey in accordance with annex 1 to document CM(71)8.

German carriers must carry the waybill provided for in regulation No. 1016/68 of the European Communities on board the vehicle for the entire journey, in accordance with annex 2 to document CM(71)8.

With reference to article 4

2. Competent authorities in the Federal Republic of Germany:

For the issue of authorizations for occasional transport operations, except shuttle transport operations:

Der Bundesminister für Verkehr
Kennedyallee 72
5300 Bonn 2

For the issue of authorizations for shuttle transport operations, the authorities of the *Land* in whose territory the journey ends, and for journeys in transit through the Federal Republic of Germany, the authorities in whose territory the first frontier crossing occurs.

3. Competent authorities in the Kingdom of Spain:

For the issue of authorizations for occasional transport operations, including shuttle transport operations:

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

Applications for authorizations for the occasional transport operations referred to in article 4 must be sent to the competent authorities well in advance of the date on which the journey is scheduled to take place; applications for authorizations for shuttle transport operations must be submitted at least 21 days before the date on which the journey is scheduled to take place. Applications must contain the following information:

- Type of journey: shuttle or occasional transport operations.
- The name and address of the carrier.
- The name and address of the entity organizing the journey.
- The registration numbers of the vehicles used and number of seats.
- The country of origin and the number of passengers to be carried.
- A personal declaration by the carrier that the conditions in each country for passenger transport have been met.
- Itinerary and name of towns in which overnight stops may be made.
- Frontier crossing points and dates for entering and leaving the country, indicating whether the vehicle is laden or unladen.
- Points at which passengers are to be taken on and set down.

With reference to article 5

4. Applications for authorizations for the passenger services referred to in article 5 must be accompanied by the documents required under the legislation in force in the two countries.

5. The high competent authorities responsible for transport in the two States shall transmit to each other directly, as soon as possible, the applications for authorizations, together with their reasoned proposals for action.

GOODS TRANSPORT

With reference to article 6

6. A special authorization for unladen entry must be issued for a vehicle which enters the other country empty to take on goods. On an experimental basis, a certain percentage of the overall quota may be used for unladen entry.

However, the unladen entry of a vehicle in order to carry out a transport operation which is not subject to authorization or to the quota shall be permitted.

7. The competent authorities shall reach agreement within the Mixed Commission on establishing quotas for each calendar year, depending on the need for transport.

The following quotas are in effect:

- General quota.
- Transit quota.
- Co-operation quota.
- Quota for piggyback transportation for frontier crossings.

8. The long-term authorization (see article 10) for one year shall be calculated on the basis of a certain number of authorizations from the overall quota which shall be established by the Mixed Commission provided for in article 16 of the Agreement.

With reference to article 7

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

- (a) Transport in vehicles whose permissible weight, including that of the trailer, does not exceed 6 tons, or whose permissible maximum load, including that of the trailer, does not exceed 3.5 tons;
- (b) The transport of objects and materials intended exclusively for publicity or educational purposes, for example, for fairs and exhibitions;
- (c) The transport of equipment or properties for theatrical, musical and cinematographic presentations, sports events and circuses, fairs or markets, and for use in television, radio or cinematographic productions;
- (d) The transport of live animals, except those destined for the slaughterhouse;
- (e) The occasional transport of goods for air transport to and from airports, when there are diversions from the routes of air services;
- (f) The transport of postal packages;
- (g) The transport of damaged vehicles;
- (h) The transport of corpses or funeral ashes;
- (i) The transport of precious goods (e.g. precious metals) undertaken by special vehicles escorted by the police or other security forces;
- (j) The transport of medicine for assistance in emergencies, particularly in the case of natural disasters;
- (k) The unladen journey of a vehicle intended to replace a vehicle which has broken down in another country, and the continuation, by the first-named vehicle, of transport under the authorization issued for the disabled vehicle;
- (l) The transport of *objets d'art* and works of art;
- (m) The transport of luggage by trailers attached to vehicles intended for passenger transport, and in vehicles of any type to and from airports.

With reference to article 9

10. Authorizations shall be valid for single vehicles and for combinations of vehicles (tractor and semi-trailer or road train).

11. With a transit authorization issued under the quota, freight may be set down in the other country on the outgoing journey and freight may be picked up on the return journey.

12. Transport operations in vehicles registered in one of the two Contracting States between the other State and a third State shall be authorized only if the vehicle passes in transit through its country of registration on its normal route.

13. The prohibition on carrying out triangular transport operations shall not affect transport operations which are not subject to authorization in accordance with article 7.

With reference to article 10

14. The competent authorities may require their long-term authorizations to be accompanied by a waybill containing:

- (a) Number of the authorization corresponding to the waybill, and that of the issuing authority;
- (b) Official registration number of the vehicle used;
- (c) Place in which the goods transported are to be picked up and set down;
- (d) Class and weight of goods;
- (e) Space for the stamp of the customs authorities.

The customs authorities shall stamp the waybill on entry and at the time of departure.

The competent authorities of each State may require their carriers to return the waybill, together with the authorization, when the latter's validity has expired.

With reference to article 11

15. The competent authorities for establishing quotas for authorizations are:

In the case of the Federal Republic of Germany:

Der Bundesminister für Verkehr
Kennedyallee 72
5300 Bonn 2

In the case of the Kingdom of Spain:

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

16. The competent authorities for the allocation of authorizations are:

For German carriers:

Der Minister für Wirtschaft, Verkehr
und Landwirtschaft des Saarlandes
Hardenbergstrasse 8
6600 Saarbrücken

For Spanish carriers:

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

17. The authorizations shall be drawn up in two languages. Their form and content shall be determined by the Mixed Commission as provided for in article 16 of the Agreement. Each type of authorization shall be numbered separately and consecutively by the issuing authority.

18. The competent authorities of the two States shall exchange authorizations corresponding to the different quotas, and sufficient numbers of authorizations for transport operations outside the quota.

DONE at Madrid on 17 January 1980, in duplicate, in the Spanish and German languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

[Signed]

LATHAR LAHN

Ambassador of the Federal Republic
of Germany in Madrid

For the Government
of the Kingdom of Spain:

[Signed]

JOSÉ JOAQUÍN PUIG
DE LA BELLACASA

Under-Secretary for Foreign Affairs
