

No. 19546

**IRELAND
and
BELGIUM**

**Agreement on the international carriage of goods by road
(with protocol). Signed at Brussels on 28 February 1977**

Authentic texts: French, Dutch, English and Irish.

Registered by Ireland on 30 January 1981.

**IRLANDE
et
BELGIQUE**

**Accord concernant les transports routiers internationaux de
marchandises (avec protocole). Signé à Bruxelles le
28 février 1977**

Textes authentiques : français, néerlandais, anglais et irlandais.

Enregistré par l'Irlande le 30 janvier 1981.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF IRELAND ON THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD

The Government of the Kingdom of Belgium and the Government of Ireland,
Desiring to facilitate the international carriage of goods by road between and in transit through their countries,
Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Agreement:

(a) The term “carrier” shall mean a person (including a legal person) who, in either Ireland or the Kingdom of Belgium, carries goods by road for hire or reward or on his own account in accordance with the relevant national laws and regulations;

(b) The term “vehicle” shall mean any mechanically propelled road vehicle, which is constructed or adapted for the transport of goods, including any accompanying trailer or semi-trailer.

Article 2. SCOPE

The provisions of this Agreement shall apply to the international carriage of goods by road for hire or reward or on own account between Ireland and the Kingdom of Belgium, in transit through either country and to or from third countries.

Article 3. PERMITS

1. Except as provided in article 5 of this Agreement, a carrier of one country shall require a permit granted by the competent authority of the other country in order to engage in the international carriage of goods by road between the two countries, including the carriage of return loads, or in transit through the other country.

2. A permit shall be used only by the carrier to whom it is issued and shall not be transferable. It shall be valid for the use of a single vehicle or a coupled combination of vehicles (articulated vehicle or road train) at any one time.

3. A permit may be used for transport between and in transit through the two countries.

4. Permits will

(a) Be granted to Irish carriers, for vehicles registered in Ireland, by the Ministry of Communications of the Kingdom of Belgium and issued by and at the discretion of the Minister for Transport and Power of Ireland or any authority appointed by him;

¹ Came into force on 1 March 1977, in accordance with article 16 (1).

- (b) Be granted to Belgian carriers, for vehicles registered in the Kingdom of Belgium, by the Minister for Transport and Power of Ireland and issued by and at the discretion of the Ministry of Communications of the Kingdom of Belgium.

5. Permits may be of two types:

- (a) Period permits valid for an unlimited number of journeys within a period of one year. Each period permit shall be counted against the quota on the basis of a determined number of journeys, that number to be specified in the protocol to this Agreement.
- (b) Journey permits valid for one or more journeys, the outward and return journeys to count as one journey, with a maximum period of validity not exceeding three months.

Article 4. UNLADEN VEHICLES

A carrier of one country may send an unladen vehicle into the other country to collect goods; in such case the permit applying to the transport operation which is to follow shall be carried on the vehicle on entry into the other country.

Article 5. EXEMPT TRAFFICS

A permit shall not be required for

- (a) The types of carriage listed in annex 1 of the First Directive of the Council of the European Economic Community of 23rd July 1962, as amended by the Council Directives of 19th December 1972 and 4th March 1974 and by any future Council Directive, on the establishment of common rules for certain types of carriage of goods by road between Member States;
- (b) Combined road/rail carriage of goods, as defined in the Directive of the Council of the European Communities of 17th February 1975, on the establishment of common rules for certain types of combined road/rail carriage of goods between Member States;
- (c) Carriage of goods in trailers and semi-trailers unaccompanied by any towing vehicle; and
- (d) Carriage of goods on own account by Irish carriers.

Article 6. QUOTAS

1. Permits may be issued within the limits of annual quotas fixed, by mutual agreement, by the competent authorities of the Contracting Parties.

2. For this purpose the competent authorities shall exchange the necessary blank permits.

3. Permits may be issued, without counting against the quota, for

- (a) The types of carriage listed in annex II of the First Directive of the Council of the European Economic Community of 23rd July 1962, as amended by the Council Directives of 19th December 1972 and 4th March 1974 and by any future Council Directive, on the establishment of common rules for certain types of carriage of goods by road between Member States; and
- (b) The carriage of goods on own account by Belgian carriers.

Article 7. PROHIBITION OF CABOTAGE

Nothing in this Agreement shall be held to permit a carrier of one country to pick up goods at any point in the other country for delivery at any other point in that country.

Article 8. CARRIAGE TO AND FROM THIRD COUNTRIES

A carrier of one country shall be permitted to carry goods between the other country and a third country insofar as the laws of the third country and the provisions of any Agreement between the third country and the country concerned allow such operations.

Article 9. JOURNEY RECORDS

1. Permits shall be accompanied by a journey record which must be completed by the carrier before each journey.
2. This record shall be stamped by the Customs Authorities.

Article 10. CARRIAGE AND INSPECTION OF DOCUMENTS

The documents referred to in articles 3 and 9 of this Agreement must be carried on the vehicle and produced on demand to any person duly authorised to demand them.

Article 11. COMPLIANCE WITH NATIONAL LAW

Carriers of either country and the crews of their vehicles must, when in the other country, comply with the laws and regulations in force in that country and in particular with those concerning transport, road traffic and Customs.

Article 12. INFRINGEMENTS

1. In the event of serious or repeated infringement of the provisions of this Agreement by a carrier of one country while in the other country, the competent authority of the country in which the infringement or infringements occurred may decide

- (a) To issue a warning to the carrier;
- (b) To issue such a warning together with a notification that any subsequent infringement may lead
 - (i) To the revocation of the permit or permits issued to the carrier;
 - (ii) Where a permit is not required, to the temporary or permanent exclusion of vehicles owned or operated by that person from the country in which the infringement occurred;
- (c) To issue a notification of such revocation or exclusion;

and that competent authority may request the competent authority of the other country to convey its decision to the carrier and, in cases covered by subparagraph (c), to suspend the issue of permits to him for a specified or indefinite period.

2. The competent authority of the country receiving any such request shall as soon as reasonably practicable comply therewith and shall inform the competent authority of the other country of the action taken.

3. The provisions of this Article shall be without prejudice to any lawful sanctions which may be applied by the courts or by the competent authority of the country in which the infringement occurred.

Article 13. FISCAL PROVISIONS

1. Vehicles which

(a) Are registered and currently taxed in one country; and

(b) Are temporarily imported into the other country;

shall be exempted from the taxes and charges levied on the circulation or possession of vehicles in the latter country.

2. This exemption shall not extend to tolls, taxes and charges on fuel consumption.

3. This exemption shall also apply to vehicles allowed to be brought into circulation and exempted from the obligation to be registered and taxed in either country.

4. Neither Contracting Party shall, however, be required by paragraphs 1 or 3 to grant this exemption in respect of vehicles which are owned by persons resident in its territory.

Article 14. JOINT COMMITTEE

1. Representatives of the competent authorities shall form a Joint Committee to ensure the satisfactory implementation of the Agreement and its adaptation to developments in traffic. The Joint Committee shall meet at the request of either competent authority.

2. Each competent authority shall provide the other with any relevant information which can be made available concerning the manner in which traffic covered by this Agreement has developed.

Article 15. PROTOCOL

The Contracting Parties shall lay down detailed rules for the implementation of this Agreement in a protocol signed at the same time as the Agreement.

Article 16. ENTRY INTO FORCE AND DURATION

1. This Agreement shall enter into force on 1st March 1977.

2. The Agreement shall remain in force for a period of one year after its entry into force. Thereafter, it shall continue in force indefinitely unless it is terminated by either Contracting Party giving three months written notice thereof to the other Contracting Party.

FAIT en double exemplaire à Bruxelles, le 28 février 1977, en langues française, néerlandaise, anglaise et irlandaise, les quatre textes faisant également foi.

GEDAAN in tweevoud te Brussel op 28 februari 1977, in de Franse, de Nederlandse, de Engelse en de Ierse taal, elk van de teksten zijnde gelijkelijk rechtsgeldig.

DONE in duplicate at Brussels this 28th day of February 1977, in the French, Dutch, English and Irish languages, each text being equally authentic.

ARNA DHÉANAMH i ndúblach sa Bhruiséil an 28 Feabhra lá seo de 1977, i bhFraincis, in Ollannais, i mBéarla agus i nGaeilge, agus comhúdarás ag gach téacs acu.

Pour le Gouvernement du Royaume
de Belgique :

Voor de Regering van het
Koninkrijk België:

For the Government of the Kingdom
of Belgium:

Thar ceann Rialtas Ríocht na Beilge:
R. VAN ELSLANDE

Pour le Gouvernement d'Irlande :

Voor de Regering van Ierland:

For the Government of Ireland:

Thar ceann Rialtas na hÉireann:
F. A. COFFEY

PROTOCOL DRAWN UP UNDER ARTICLE 15 OF THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT
OF IRELAND ON THE INTERNATIONAL CARRIAGE OF GOODS
BY ROAD

The following detailed rules have been agreed for the implementation of the Agreement:

1. For the purposes of this Agreement, the competent authorities shall be:

- (a) In Ireland, the Minister for Transport and Power or any authority appointed by him;
- (b) In the Kingdom of Belgium, the Ministry of Communications.

In relation to article 3

2. Permits issued under this Agreement shall conform to the models annexed to Directive No. 65/269 of the Council of the European Economic Community of 13th May 1965, as amended by Council Directive No. 73/169 of 25th June 1973, and by any future Council Directive, concerning the standardisation of certain rules relating to authorisations for the carriage of goods by road between Member States. Each permit shall be serially numbered.

3. Where goods are being carried on own account, the permit, where required, shall be endorsed to this effect immediately beside the title.

4. Any restrictions on the use of permits shall be entered on the permits.

5. The journey record shall contain the following particulars:

- (a) The number of the permit to which it relates;
- (b) The registration number of the motor vehicle used, its maximum permissible laden weight and its unladen weight;
- (c) The points at which the goods were loaded and unloaded;
- (d) The nature and weight of the goods carried;
- (e) Space for a Customs stamp.

6. The journey record shall be endorsed on entry and exit by the Customs Authorities.

7. The competent authority may require that permits and journey records will be returned by the holders either after use or, in the case of unused permits, after the expiry of their period of validity.

In relation to article 6

8. The quotas shall be fixed by the competent authorities on the basis of the number of journeys which may be made by the carriers of either country in a year.

9. Each period permit shall be reckoned as equivalent to 25 journeys.

10. After the end of each year of operation of the Agreement, the competent authorities shall forward to each other an account of the number of journeys made during that year.

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Pour le Gouvernement du Royaume
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Voor de Regering van het Koninkrijk België:

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For the Government of the Kingdom
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For the Government of Ireland:

Thar ceann Rialtas Ríocht na Beilge:

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