

No. 21147

**IRELAND
and
ITALY**

**Agreement on the international carriage of goods by road.
Signed at Dublin on 22 April 1981**

Authentic text: English.

Registered by Ireland on 15 July 1982.

**IRLANDE
et
ITALIE**

**Accord relatif au transport international de marchandises
par route. Signé à Dublin le 22 avril 1981**

Texte authentique : anglaise.

Enregistré par l'Irlande le 15 juillet 1982.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE ITALIAN REPUBLIC ON THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD

The Government of Ireland and the Government of the Italian Republic,
Desiring to regulate and facilitate the international carriage of goods by road between the two countries and in transit through their territories,
Have agreed as follows:

Article 1. 1. 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 Italian Republic, in transit through either country and to or from third countries wherever such traffic is permitted by the Joint Committee in accordance with the provisions of paragraph 4 of Article 3.

2. The carriage of goods referred to in paragraph 1 may be undertaken by an authorised carrier being a person (including a legal person) who, in either Ireland or the Italian Republic, carries goods by road for hire or reward or on his own account in accordance with the relevant national laws and regulations.

Article 2. 1. Except as provided in Article 4 of this Agreement, a carrier of one country shall require a permit of the other country, issued by the competent authority of his own country in order to engage in the international carriage of goods by road between the countries or in transit through the other country.

2. The permits shall be issued within the annual quota limits laid down by common agreement between the competent authorities of the two contracting parties who shall exchange the necessary blank permits.

Article 3. 1. A permit for the international carriage of goods allows the carrier in each case to engage in a return journey or transit through the territory of the other contracting party with one vehicle only, loaded or empty. For this purpose "vehicle" shall mean any mechanically propelled road rigid vehicle or tractor, which is constructed or adapted for the transport of goods, or any unaccompanied trailer or semi-trailer. When the drawing vehicle is drawing a trailer or semi-trailer having the same nationality as the drawing vehicle the whole combination shall be considered as one vehicle.

2. A permit may be used only by the carrier to whom it has been issued and it is not transferable.

3. The permit shall give the carrier the right to carry goods on the return journey from the territory of one contracting party to the territory of the other contracting party.

4. The carriers living in the territory of one of the contracting parties shall not be authorised to take a load of goods on the territory of the other contracting party for a third country or vice versa. The mutual interests having been considered, the possibility for hauliers of both countries to find in the other country loads directed to a country different from that of registration of the vehicles will be the subject of discussion in the Joint Committee referred to in Article 15.

¹ Came into force on 1 August 1981, i.e., the first day of the month following the month of the last of the notifications (effected on 22 June and 16 July 1981) by which the Parties informed each other of the completion of the constitutional procedures, in accordance with article 17 (1).

Article 4. A permit shall not be required for:

- (i) The types of carriage listed in Annex I 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, 4th March, 1974, 14th February, 1977, and 20th February, 1978, and by any future Council Directive on the establishment of common rules for certain types of carriage of goods by road between member States;
- (ii) Combined road/rail carriage of goods, as defined in the Directive of the Council of the European Communities of 17th February, 1975, as amended by Council Directive of 19th December, 1978 and by any future Council Directive on the establishment of common rules for certain types of combined road/rail carriage of goods between member States.

Article 5. The following shall be subject to a permit but not to a quota:

- a) Carriage of objects or works of art for exhibitions or for commercial reasons;
- b) Occasional carriage of objects or materials exclusively for advertising or information;
- c) Removals carried out by undertakings which are specifically equipped as regards personnel and materials;
- d) Carriage of materials, accessories and animals for or from theatrical, musical, cinema, sports, circus events, fairs and festivals or for radio recordings, filming or television productions;
- e) Carriage of spare parts for ships and aeroplanes;
- f) Carriage of live animals, with specialised vehicles.

Article 6. The permits referred to in Article 3 shall be of two kinds:

- a) Permits valid for one outward and return journey which must be made within three months from the date the permit is issued;
- b) Permits for one outward and/or return journey made exclusively in transit through the territory of the other contracting party which must be made within three months from the date the permit is issued;

In the mutual interest of the contracting parties and within the limits of the quota the granting of permits valid for more than one journey will be examined by the Joint Committee.

Article 7. 1. Permits shall be issued to Italian carriers by the competent Italian authorities on forms sent by the competent Irish authorities within the quota limit to be fixed by the above-mentioned authorities by common agreement.

2. Permits may be issued to Irish carriers by the competent Irish authorities on forms sent by the competent Italian authorities within the quota limit to be fixed by the above-mentioned authorities by common agreement.

Article 8. 1. Each permit shall be accompanied by a statistical sheet which shall be completed by the carrier before each trip.

2. The permits and the statistical sheets shall be stamped by the Customs on entry into and on exit from the country for which they have been issued. They shall always be kept on board the vehicle and produced at the request of any person authorised for this purpose.

Article 9. The carriers, their personnel, the vehicles and the goods shall be subject to the laws and regulations of the contracting party on whose territory they are.

Article 10. 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 same country.

Article 11. The fuel contained in the normal tanks of the vehicles shall be admitted exempt from Customs duty, from all other entrance taxes and levies, with the understanding that the normal tank is that provided for the type of vehicle in question.

Article 12. 1. The carriers whose head offices are on the territory of one of the contracting parties and which carry goods on the basis of the provisions of this Agreement shall be liable to pay the taxes on vehicles, on traffic and on carriage provided for in the laws in force on the territory of the other party.

2. With the aim of arriving at equal treatment, the Joint Committee shall examine the possibility of proposing to the competent authorities the granting of tax facilities based on the principle of reciprocity and permissible under the provisions in operation in each of the two countries.

3. These facilities shall not be concerned with motorway tolls or with fuel consumption tax.

Article 13. The competent authorities of the contracting parties shall periodically exchange details of the permits issued and statistical information obtained through the issue of permits.

Article 14. 1. In the event of serious 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 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 exclusion for a specified period 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 shall request the competent authority of the other country to convey its decision to the carrier and, in cases covered by sub-paragraph c), to suspend the issue of permits to him for a specified 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 15. 1. The contracting parties shall notify each other as to which authorities are competent to deal with the issues relating to the application of this Agreement.

2. The representatives of the competent authorities of the contracting parties shall meet in Joint Committee at the request of one of the competent authorities to determine the conditions and the detailed rules for the application and execution of this Agreement and to resolve the difficulties that may arise.

3. The Joint Committee may also suggest to the competent authorities all the measures which may facilitate and develop in a satisfactory manner carriage between the two countries, including proposals for fiscal measures and, where necessary, changes in the annual quotas.

4. The decisions of the Joint Committee shall be subject to the approval of the competent authorities of the contracting parties.

Article 16. The provisions of this Agreement shall be subject to the provisions of other international conventions entered into by the contracting parties and the acts of the institutions of the European Communities.

Article 17. 1. Each contracting party shall notify the other of the completion of the procedures required by its Constitution to bring the Agreement into force. The Agreement shall enter into force on the first day of the month following that in which the later of these notifications is received.

2. This Agreement shall remain in force for one year and shall be automatically extended from one year to the next except when notice to the contrary is given by one of the contracting parties three months at the latest before renewal falls due.

DONE at Dublin this 22nd day of April 1981 in the English language.

[Signed]

ALBERT REYNOLDS
For the Government
of Ireland

[Signed]

GUERRINI MARALDI
For the Government
of the Italian Republic
