

No. 22130

**BELGIUM
and
DENMARK**

**Agreement concerning the carriage of passengers and goods
by road. Signed at Brussels on 6 January 1983**

Authentic texts: French, Dutch and Danish.

Registered by Belgium on 30 July 1983.

**BELGIQUE
et
DANEMARK**

**Accord sur le transport routier de voyageurs et de marchan-
dises. Signé à Bruxelles le 6 janvier 1983**

Textes authentiques : français, néerlandais et danois.

Enregistré par la Belgique le 30 juillet 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE
KINGDOM OF DENMARK CONCERNING THE CARRIAGE OF
PASSENGERS AND GOODS BY ROAD

The Government of the Kingdom of Belgium and

The Government of the Kingdom of Denmark,

Desiring to conclude an agreement concerning the international carriage of passengers and goods by road,

Have agreed as follows:

I. PASSENGER TRANSPORT

Article 1. Services coming within the purview of article 1 and of article 4, paragraph 1 of Regulation No. 117/66/EEC, concerning the international carriage of passengers by coach and bus, shall be covered by the following provisions of the Regulations of the European Economic Community:

- (a) For occasional services: the above-mentioned Regulation No. 117/66/EEC (art. 5) of 28 July 1966 in conjunction with (EEC) Regulation No. 1016/68 of 9 July 1968;
- (b) For regular services and special regular services: (EEC) Regulations Nos. 517/72 of 28 February 1972 and 1172/72 of 26 May 1972;
- (c) For shuttle services: (EEC) Regulations Nos. 516/72 of 28 February 1972 and 1172/72 of 26 May 1972.

Article 2. For services that are not covered by the provisions of article 1, an authorization shall be required from the competent authority of the other Contracting State. The application shall be submitted to the competent authorities of the country in which the vehicle is registered.

The latter authorities shall forward the application, together with their opinion, to the authorities of the other Contracting State.

II. GOODS TRANSPORT

Article 3. 1. Carriers providing transport for hire or reward, whose motor vehicles are registered in the Kingdom of Belgium or in the Kingdom of Denmark, must be in possession of a permit issued by the other State in order to engage in the international carriage of goods between their own State and the other State (bilateral transport) or in transit through the other State (transit transport).

2. Permits shall be granted to Belgian carriers by the Ministry of Public Works and issued by the Belgian Minister of Communications or his representative.

Permits shall be granted to Danish carriers by the Belgian Minister of Communications and issued by the General Directorate for Road Transport.

¹ Came into force on 5 February 1983, i.e., 30 days after the date of signature, in accordance with article 18 (1).

3. The competent bodies of the two Contracting Parties shall transmit to each other, for issue to carriers, permit forms based on the model in the Directive of the Council of the European Economic Community dated 13 May 1965 on the standardization of certain rules concerning permits for the transport of goods by road between Member States.

These permits shall be:

- (a) Fixed-term permits valid for an unlimited number of journeys and for a period of not more than one year or less than three months;
- (b) Permits valid for a set number of journeys and for a period of not more than three months.

Article 4. Transport permits must be accompanied by a detailed statement. Those documents, duly completed by the bearer of the permit or by his proxy before each journey, shall be stamped by the customs authorities.

Article 5. The Mixed Commission (see art. 16) shall establish the permit quotas in terms of single-journey permits. The Commission shall also determine the conversion table. The quota established shall at no time be exceeded.

Article 6. 1. Permits shall authorize international carriage of goods by road between the State in which the motor vehicle is registered and the other State as well as in transit through that other State.

2. Permits shall be issued in the name of the carrier. They shall not be transferable.

Permits shall be used only for one vehicle at a time.

Article 7. No permit shall be required in respect of the following:

- (a) The transport categories specified in annex 1 of the First Directive of the Council of the European Economic Community, dated 23 July 1962, concerning the establishment of common rules for certain categories of goods transport by road between Member States, in their successive versions;
- (b) The carriage of live animals in special vehicles. Special vehicles for the carriage of live animals means vehicles built or specially and permanently equipped to carry live animals and approved as such by the competent authorities;
- (c) The carriage of spare parts and supplies to service sea-going vessels and aircraft;
- (d) The passage of an unladen motor vehicle used for the carriage of goods and dispatched to replace a vehicle which becomes disabled in the territory of the other Contracting Party, as well as the continuation by the replacement vehicle of the carriage operation shall be covered by the permit issued for the disabled vehicle;
- (e) The carriage of *objets d'art* and works of art intended for exhibitions, for fair or for commercial purposes;
- (f) The carriage of articles and material intended exclusively for advertising or information purposes;
- (g) The carriage of equipment, properties and animals to and from theatrical, musical and film presentations, sports events, circuses and fairs and transport for radio recording, filming and television broadcast, and events promoting road safety;

- (h) Combined railroad carriage of goods as defined in the Directive of the Council of the European Economic Communities of 17 February 1975 (75/130/EEC);
- (i) Trips by unladen goods vehicles.

Article 8. Permits shall be required for the following transport categories, but they shall not be subject to a quota:

- (a) The transport categories specified in annex II of the First Directive of the Council of the European Economic Community, dated 23 July 1962, concerning the establishment of common rules for certain categories of goods transport by road between Member States, in their successive versions, except as otherwise provided in article 7 of the Agreement;
- (b) The carriage of perishable food-stuffs;
- (c) The carriage of goods by motor vehicles whose maximum permissible laden weight, including that of trailers, does not exceed 6 tons;
- (d) Carriage in transit.

Article 9. The carriage of goods in motor vehicles registered in one of the States shall not be permitted between two points situated in the territory of the other State.

Article 10. Transport between a Contracting State and a third State by carriers of the other Contracting State shall not be permitted unless it normally transits the State in which the vehicle is registered. However, the transport mentioned in articles 7 and 8 of this Agreement may be carried out by a carrier from one Contracting State between the other Contracting State and a third country.

Article 11. Each consignment of goods for carriage by road shall be accompanied by an International Consignment Note (CMR).

III. COMMON PROVISIONS

Article 12. Carriers shall comply with the laws and regulations in force in the Contracting State, particularly those relating to road transport and traffic. They shall also comply with international transport and traffic provisions.

Article 13. The documents required under this Agreement (e.g., permits, proof of transport on own account) must be in the possession of the crew members during each journey in the territory of the other State and be produced at the request of any authorized inspecting officer.

Article 14. 1. In the case of an infringement of this Agreement, the competent authorities of the State in which the motor vehicle is registered shall, at the request of the State in whose territory the infringement occurred, without prejudice to the legislation in force in the State in which the vehicle is registered, take one of the following steps:

- (a) Issue a simple warning to the carrier responsible for the infringement;
- (b) Warn the party concerned that, in the event of any subsequent infringement, the permit will not be renewed;
- (c) Withdraw the permit temporarily or permanently.

2. The competent authority of the other State shall be notified of the steps taken.

Article 15. No payment for issuing permits shall be made to the State in which they are valid.

Article 16. The representatives of the Ministers of Transport of the two States shall meet, as required, at a Mixed Commission to review the implementation of the Agreement, to adjust it as necessary, in conformity with traffic developments and to establish the quota of permits.

IV. FISCAL PROVISIONS

Article 17. 1. Road motor vehicles duly registered in the territory of one of the Contracting Parties and trailers and semi-trailers coming from that territory and temporarily imported into the territory of the other Contracting Party while transporting goods governed by this Agreement shall be exempt from taxes and charges applied to the possession and operation of vehicles in the territory of that other Contracting Party.

2. This exemption shall not extend to tolls on roads and bridges or other similar rights nor to customs and consumer taxes on fuel with the exception of fuel imported with the said vehicles when it is contained in standard tanks permanently installed by the manufacturer in such a way as to allow direct use of the fuel, both for operating the vehicles and, where appropriate, for operating refrigeration systems.

3. This article shall not prejudice the wider exemptions resulting from other international agreements and from the internal legislation of each of the Contracting Parties.

4. The competent authorities of the Contracting Parties shall take the necessary measures to prevent abuse of the exemption set out under paragraph 1 of this article. They may withhold the exemption in cases of suspected serious abuse.

V. FINAL PROVISIONS

Article 18. 1. This Agreement shall enter into force 30 days after the date of its signature.

2. This Agreement shall remain in force for a period of one year, following its entry into force; thereafter it shall remain in force for an indefinite period until denounced by one of the Contracting States, giving six months' notice thereof in writing.

3. When it enters into force this Agreement shall supersede the Agreement of 4 February 1966 between the Kingdom of Belgium and the Kingdom of Denmark concerning the road transport of passengers and goods by commercial vehicles (with annexes) and the Convention of 20 September 1965 between the Kingdom of Belgium and the Kingdom of Denmark concerning the taxation of motor vehicles used for transport between the territories of the two States and in transit through those territories.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Brussels on 6 January 1983, in duplicate, in the French, Dutch and Danish languages, the three texts being equally authentic.

For the Government
of the Kingdom of Belgium:
L. TINDEMANS

For the Government
of the Kingdom of Denmark:
B. G. JØHNS
