

No. 23234

**BELGIUM
and
ROMANIA**

Agreement concerning the international transport of passengers and goods by road (with protocol). Signed at Brussels on 27 January 1984

*Authentic texts: French, Dutch and Romanian.
Registered by Belgium on 16 January 1985.*

**BELGIQUE
et
ROUMANIE**

Accord concernant les transports routiers internationaux de voyageurs et de marchandises (avec protocole). Signé à Bruxelles le 27 janvier 1984

*Textes authentiques : français, néerlandais et roumain.
Enregistré par la Belgique le 16 janvier 1985.*

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA CONCERNING THE INTERNATIONAL TRANSPORT OF PASSENGERS AND GOODS BY ROAD

The Government of the Kingdom of Belgium and the Government of the Socialist Republic of Romania, hereinafter referred to as the “Contracting Parties”,

Desiring to regulate and develop the international transport of passengers and goods by road between the two countries and in transit through their territories on the basis of mutual advantage,

Have agreed as follows:

GENERAL PROVISIONS

Article 1. SCOPE

The provisions of this Agreement shall apply to the transport of passengers and goods to or from or in transit through the territory of one of the Contracting Parties, using vehicles registered in the territory of the other Contracting Party and belonging to transport enterprises or firms which, according to the provisions of their national legislation, may engage in international transport, and which have their head office in the Socialist Republic of Romania or in the Kingdom of Belgium.

Article 2. DEFINITIONS

1. The term “carrier” shall mean any natural or juridical person based in the Socialist Republic of Romania or in the Kingdom of Belgium that, in accordance with the provisions of national legislation, is authorized to transport passengers or goods by road for that person’s own account or for the account of a third party.

2. The term “vehicle” shall mean any mechanically propelled road vehicle, as well as any combination of vehicles intended for the transport of:

- (a) More than eight persons seated, excluding the driver;
- (b) Goods.

A combination of vehicles formed by a tractive unit and a trailer or semi-trailer shall be considered a single vehicle, provided that both have the same registration number.

3. The term “authorization” shall mean any licence, concession or authorization which is issued by either Contracting Party, in accordance with its respective national regulations, and which, during its period of validity, gives a vehicle, with or without a trailer, the right to make a single round trip.

The authorization is not transferable and may be used only by the carrier for which it has been issued.

¹ Came into force on 13 September 1984, i.e., the thirtieth day following the date of the last of the notifications (effected on 2 April and 14 August 1984) by which the Contracting Parties notified each other of the completion of the national legal procedures, in accordance with article 20.

TRANSPORT OF PASSENGERS

Article 3. AUTHORIZATIONS

The transport of persons, under this Agreement, with the exception of the services referred to in article 4, may be undertaken only by a carrier from one Contracting Party possessing an authorization issued in advance by the competent authority of the other Contracting Party.

Article 4. TRANSPORT NOT REQUIRING AUTHORIZATION

No authorization shall be required for the following occasional services:

- (1) Transport of the same persons by the same vehicle throughout a journey for which the point of departure and point of arrival are situated in the country of registration of the vehicle and during which no person is taken on or set down on the way or at stops outside that country (closed-door tour);
- (2) Transport of a group of persons from a point situated in the country of registration of the vehicle to a point situated in the other Contracting Party when the vehicle leaves the latter's territory empty;
- (3) Transport of persons in transit through the territory of the other Contracting Party, save for repeated journeys made at intervals of less than 16 days.

Article 5. REGULAR SERVICES

(1) The term "regular services" refers to the transport of persons over a specific route, according to a timetable and fares agreed in advance by the competent authorities of the Contracting Parties with passengers being taken on and set down at the points of departure and arrival and at other agreed points.

(2) Regular services shall be authorized jointly by the competent authorities of the two Contracting Parties with the agreement of the countries crossed in transit.

(3) The competent authorities of the two Contracting Parties shall approve the regular services with regard to the section of the route situated in their respective territories.

(4) The Contracting Parties shall authorize their competent authorities to resolve by common agreement the following questions with regard to regular services:

- (a) Approval of routes and number of trips, cancellation of scheduled trips, and modification of routes;
- (b) Approval of fares;
- (c) Establishment of any special transport conditions based on applicable regulations;
- (d) Revocation or suspension of authorization and modification of their period of validity under the conditions laid down in the national legislation of each Contracting Party.

TRANSPORT OF GOODS

Article 6. AUTHORIZATIONS

1. The transport of goods under this Agreement, with the exception of the categories of transport referred to in article 7, and the movement of unladen vehicles by road between, or in transit through, the territories of the two Contracting Parties

shall require prior authorization, by the competent authorities of the other Contracting Party.

2. The authorization shall be issued by the competent authorities of the country of registration of the vehicles, on behalf of the other Contracting Party.

3. Taking into account the needs of the carriers of the two countries, the competent authorities of the Contracting Parties shall agree on the number of blank authorization forms to be exchanged for the next year.

Where the number of authorizations thus furnished is insufficient, the competent authority of either Contracting Party may, at the request of the other competent authority, transmit additional authorizations.

4. The competent authorities of the Contracting Parties shall agree on a model authorization form.

5. The authorization shall entitle the carrier, on the return journeys to take on goods in the territory of the other Contracting Party if they are destined for the country of registration of the vehicle.

6. Transport operations may be effected on the basis of authorizations issued at frontier posts, if the national legislation of each Contracting Party contains such provisions.

Article 7. TRANSPORT NOT REQUIRING AUTHORIZATION

No authorization shall be required for the following categories of transport:

- (a) The removal of household effects;
- (b) The transport of articles intended for fairs and exhibitions;
- (c) The transport of equipment, accessories and animals to or from theatrical, musical, cinematographic or sporting events, circuses, or fairs;
- (d) The transport of sound-recording equipment for radio broadcasting, film-making equipment or television equipment;
- (e) The transport of corpses;
- (f) The transport of emergency medical supplies particularly in the case of natural disasters;
- (g) The transport of live animals (except livestock intended for slaughter);
- (h) The unladen entry of:
 - Replacement vehicles;
 - Vehicles to transport damaged vehicles;
 - Vehicles to tour, or to be used in the repair of damaged vehicles;
- (i) The occasional transport of goods to or from airports and harbours when air or sea transport services are re-routed.

PROVISIONS APPLICABLE BOTH TO TRANSPORT OF PERSONS AND TO TRANSPORT OF GOODS

Article 8. TRANSPORT TO THIRD COUNTRIES

The carriers referred to in article 2 of this Agreement may undertake transport between the territory of the other Contracting Party and a third country and from a third country to the territory of the other Contracting Party provided that they have

obtained the authorization to do so from the competent authority of the other Contracting Party.

Article 9. WEIGHT AND DIMENSIONS OF VEHICLES

Where the weight, dimensions and number of axles of a vehicle exceed the limits permitted in the territory of one of the Contracting Parties, the vehicle must obtain a special authorization from the competent authority of that Contracting Party.

If the authorization restricts the movement of the vehicle to a specific route, the transport operation shall be carried out only over that route.

Article 10. PROHIBITION OF CABOTAGE

The carriers referred to in article 2 of this Agreement are prohibited from transporting passengers or goods by road between two points in the territory of the other Contracting Party.

Article 11. INSPECTION OF DOCUMENTS

1. The competent authorities of the Contracting Parties shall determine by common agreement the documents concerning supervision of transport operations performed under the provisions of this Agreement and those required for the vehicles and drivers.

2. The licences and other documents required by the provisions of this Agreement must be on board the vehicle and be produced for inspection at the request of authorized officials in the territory of the two Contracting Parties.

Article 12. CUSTOMS AND TAX PROVISIONS

1. Motor vehicles registered in the territory of one of the Contracting Parties, as well as trailers and semi-trailers bearing the same registration number and used for the transport operations governed by this Agreement, shall be admitted temporarily into the territory of the other Contracting Party without being subject to entry duties or taxes, or import prohibition or restrictions, on articles to be re-exported. The exemption shall be extended to spare parts, accessories and regular equipment imported and re-exported with the vehicles in question.

2. Lubricants and fuel in standard tanks installed in the above-mentioned motor vehicles by the manufacturer which are used for both propulsion and where appropriate the operation of a refrigeration system shall be admitted without being subject to entry duties and taxes or import prohibitions or restrictions.

3. Spare parts imported for the repair of a specific vehicle already imported temporarily, as well as for the vehicles referred to in article 7 (*h*) of this Agreement, shall be admitted temporarily without being subject to entry duties and taxes or import prohibitions or restrictions.

The replaced parts shall be re-exported or destroyed under customs supervision.

4. Authorized carriers in the territory of one of the Contracting Parties may be partially or totally exempt, on a reciprocal basis, from taxes and duties payable in the territory of the other Contracting Party on transport operations performed in the latter territory.

Any exemptions granted shall not apply to road tolls, to duties and taxes on fuel consumption, or to transport operations performed by vehicles the dimensions and weight of which exceed authorized standards.

The competent authorities of the two Contracting Parties shall agree on such exemptions.

Article 13. COMPETENT AUTHORITIES

The Contracting Parties shall notify each other regarding the competent authorities responsible for the application of this Agreement.

Those authorities shall hold direct consultations.

Article 14. PROTOCOL

The competent authorities of the two Contracting Parties shall determine the procedures for the application of this Agreement in a Protocol.

Article 15. MIXED COMMISSION

1. The competent authority of either Contracting Party may request a meeting of a Mixed Commission composed of representatives of the two Contracting Parties to resolve problems arising from the application of this Agreement.

2. The Mixed Commission shall be competent to amend the Protocol referred to in article 14.

The representatives of the two Parties in the Mixed Commission shall act in accordance with their national legislation.

3. The Mixed Commission shall meet alternately in the territory of the two Contracting Parties.

Article 16. PAYMENTS

All payments resulting from the application of this Agreement shall be made in convertible currency, in accordance with the regulations in force between the two countries.

Article 17. CONFORMITY WITH NATIONAL LEGISLATION

Matters not dealt with in this Agreement or in international conventions and agreements to which the two countries have subscribed shall be governed by the national legislation of the Contracting Parties.

Article 18. OFFENCES

1. The competent authorities of the Contracting Parties shall ensure that their carriers comply with the provisions of this Agreement.

2. If a carrier of one of the Contracting Parties in the territory of the other Contracting Party violates the laws and regulations in force in the said territory concerning road traffic and road transport, or the provisions of this Agreement, the competent authority of the country in which the vehicle is registered may, at the request of the competent authority of the country in which the offence was committed, take the following measures:

(a) Issue a caution;

(b) Suspend temporarily, partially or totally the right to undertake transport operations towards the territory of the Contracting Party in which the offence was committed.

3. The competent authorities of the other Contracting Party shall be informed of the application of the above-mentioned measures.

4. The provisions of this article shall be applied without prejudice to any legal sanction which may be imposed under national legislation by the courts or authorities of the Contracting Party in whose territory the offence was committed.

Article 19. DISPUTES

Any problems arising from the interpretation and application of this Agreement which cannot be resolved directly by the competent authorities of the Contracting Parties, referred to in article 13, shall be dealt with through the diplomatic channel.

FINAL PROVISIONS

Article 20. ENTRY INTO FORCE

This Agreement shall enter into force on the thirtieth day after the last of the notifications whereby the Contracting Parties inform each other that their national legal procedures concerning the entry into force of international agreements have been fulfilled.

On the date of its entry into force, this Agreement shall supersede the Agreement between the Government of the Socialist Republic of Romania and the Government of the Kingdom of Belgium concerning the Transport of Goods by Road by means of Commercial Vehicles concluded at Bucharest on 22 September 1967.¹

Article 21. DURATION OF VALIDITY

This Agreement shall be valid for a period of one year after its entry into force, and shall be automatically extended for further one-year periods unless one of the Contracting Parties denounces it, in writing, three months before the end of a period of validity.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Brussels on 27 January 1984, in duplicate in the French, Dutch and Romanian languages, the three texts being equally authentic.

For the Government
of the Kingdom of Belgium:

L. TINDEMANS
Minister for Foreign Affairs

For the Government
of the Socialist Republic of Romania:

I. VACAREL
Ambassador

PROTOCOL

In accordance with the provisions of article 14 of the Agreement between the Government of the Kingdom of Belgium and the Government of the Socialist Republic of Romania concerning the International Transport of Passengers and Goods by Road,

It has been agreed as follows:

¹ United Nations, *Treaty Series*, vol. 637, p. 3.

I. TRANSPORT OF PASSENGERS

Authorizations

1. *In respect of article 3*

1.1. Applications for authorizations for the transport of persons requiring prior authorization shall be submitted to the competent authority of the country in which the vehicle is registered; this authority shall transmit them to the competent authority of the other Contracting Party at least 30 days before the scheduled date of the journey.

1.2. Applications for authorizations shall contain the following particulars:

- Name and address of the organizer of the journey;
- Name and address of the carrier;
- Number of vehicles to be used;
- Where possible number of passengers;
- Point of entry;
- Date of journey;
- Route, and points where passengers are set down or picked up;
- Nature of journey, excursion, charter or simple transport.

1.3. With the exception of the names and addresses of the organizer and carrier, any of the above-mentioned particulars may, if unnecessary, be omitted, but the carrier shall declare them before carrying out the transport operation along the route fixed by the competent authority of the other Contracting Party.

2. *In respect of article 5*

2.1. Applications for authorizations for regular services, including transit, shall be submitted to the competent authority of the country in which the vehicle is registered.

2.2. Applications for authorizations shall include the necessary items (proposed time table and fares, route, period of operation during the year, and information on the beginning of the transport operation).

2.3. Where the competent authority of the country in which the vehicle is registered supports the application it shall communicate a copy of the application together with its agreement, to the competent authority of the other Contracting Party.

2.4. The competent authority of each Contracting Party shall send to the competent authority of the other Contracting Party a copy of the authorization for the section of the journey within its own territory.

2.5. Tickets for journeys by buses performing regular services shall be paid for in the national currency of the country in which the tickets are sold.

II. TRANSPORT OF GOODS

Authorizations and quota

3. *In respect of article 6*

3.1. Transport authorizations shall be printed in the Romanian, Dutch and French languages, taking account of the model recommended by resolution 119 of

the Working Party on Road Transport of the ECE/UN Inland Transport Committee (TRANS/SC1/R.57/1978).

3.2. Authorizations shall be numbered by the issuing authority.

3.3. The competent authorities of the Contracting Parties shall fix each year, by common agreement, the number of authorizations for transport operations during the following year.

3.4. The number of authorizations valid for a round trip shall be established either by the Mixed Commission or by means of correspondence between the competent authorities.

3.5. Authorizations shall be submitted by the respective competent authorities before 30 November of the current year for the following year.

Inspection of documents

4. In respect of article 11

The following documents shall be produced at the request of the inspection bodies of either Contracting Party:

4.1. Log of vehicle's journey, and list of passengers in the case of passenger transport.

4.2. Way bill drawn up in conformity with the model established by the Convention on the Contract for the International Carriage of Goods by Road, or another similar document for the transport of goods.

4.3. Transport authorization for transport operations requiring authorization.

4.4. Driver's driving-licence (national or international) and motor vehicles certificate of registration.

5. In respect of article 12

With regard to the vehicles referred to in article 12, paragraph 1, of this Agreement and the transport operations which are governed by this Agreement on the basis of authorizations issued by the competent authorities (excluding those referred to in article 6, paragraph 6) and which are carried out in the territory of the other Contracting Party, it has been agreed as follows:

5.1. *The transport of goods* shall be exempt from duties and taxes relating to the granting of authorizations, road use, vehicular traffic or vehicle ownership and from any other duties and taxes imposed on transport operations.

5.2. *The transport of passengers* shall be exempt from the above-mentioned duties and taxes with the exception of duties and taxes imposed on transport operations.

6. In respect of article 13

The following authorities have been fully empowered to issue authorizations and to take any other measure necessary for the application of this Agreement:

For the Kingdom of Belgium:

The Ministry of Communications
1000-Brussels, Cantersteen 12
Tel. 517 06 11
Telex TRANSB-B 23285;

For the Socialist Republic of Romania:

The Ministry of Transport and Telecommunications
Bucharest, Blvd. Dinicu Golescu No. 38
Code 77 113, tel. 49 45 51
Telex DCI-R 10633.

SIGNED at Brussels on 27 January 1984, in two original copies, in the French, Dutch and Romanian languages, the three texts being equally authentic.

For the competent authorities
of the Kingdom of Belgium:

R. DEPREZ

For the competent authorities
of the Socialist Republic of Romania:

V. MATEEVICI