

No. 26275

**FEDERAL REPUBLIC OF GERMANY
and
TUNISIA**

**Agreement on the international transport of passengers
and goods by road (with protocol). Signed at Tunis on
24 January 1984**

Authentic texts: German, Arabic and French.

Registered by the Federal Republic of Germany on 8 November 1988.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
TUNISIE**

**Accord sur le transport international de voyageurs et de
marchandises par route (avec protocole). Signé à Tunis
le 24 janvier 1984**

Textes authentiques : allemand, arabe et français.

Enregistré par la République fédérale d'Allemagne le 8 novembre 1988.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
REPUBLIC OF TUNISIA ON THE INTERNATIONAL TRANS-
PORT OF PASSENGERS AND GOODS BY ROAD

The Government of the Federal Republic of Germany and the Government of the Republic of Tunisia,

Desirous of regulating the international transport of passengers and goods by road between and in transit through their territory,

Have agreed as follows:

Article 1

1. Within the existing laws and regulations of the two countries, this Agreement shall regulate the transport of passengers and goods by road between the Federal Republic of Germany and the Republic of Tunisia and in transit through their territory with vehicles registered in either of the two countries.

2. This Agreement shall not affect the rights and obligations of the Contracting Parties arising from already concluded bilateral or multilateral agreements.

PASSENGER TRANSPORT

Article 2

1. For the purposes of this Agreement the term “transport of passengers by road” shall mean the commercial carriage or carriage for remuneration of passengers by motor coach.

2. The term “motor coach” shall mean any motor vehicle which, by its design and equipment, is suitable and intended to carry more than nine persons, including the driver.

Article 3

1. Carriers authorized by the country in which they are established to engage in occasional transport of passengers and whose headquarters are located in one of the two countries shall not, for services provided by motor coach in or in transit through the territory of the other country, need a permit in the case of

(a) Journeys performed with one and the same motor coach which carries the same tourist party over the whole distance of the journey and takes them back to their place of departure (closed-door circular tour); or

(b) Transport services where passengers are taken on for the outward journey and where the return trip is made unladen (return trip unladen).

¹ Came into force on 28 January 1987, the date of receipt of the last of the notifications (effected on 30 April 1986 and 27 January 1987) by which the Contracting Parties informed each other that it had been approved pursuant to their constitutional procedures, in accordance with article 22 (1).

In the case of occasional transport pursuant to letter (a) or (b), passengers may neither be taken on nor discharged *en route*, unless the competent authorities of the country concerned have permitted an exception.

2. Occasional transport services with motor coaches not complying with the provisions of paragraph 1 shall in each individual case require a permit from the competent authority of the other country.

3. Carriers providing occasional transport services within the meaning of paragraph 1 shall be obliged to produce on demand the control documents provided for under paragraph 1 of the Protocol referred to in article 19.

Article 4

1. In international regular line traffic and in regular line traffic in transit, the carriers shall require a permit from the competent authorities of both Contracting Parties. This permit shall be granted in accordance with the national regulations of the respective countries.

2. The permit shall only be granted if there is agreement on the necessity and expediency of such services and if reciprocity is ensured.

3. Timetables, rates and fares, and conditions of transport and their modifications, as well as the suspension of operations shall be subject to the prior approval of the competent authorities of both countries.

GOODS TRANSPORT

Article 5

The term "vehicle" shall mean:

(a) Any mechanically propelled road vehicle which is constructed or adapted for:

— Carrying goods;

— Towing away any other vehicle constructed or adapted for the carriage of goods;

(b) Any trailer or semi-trailer constructed for the carriage of goods;

(c) Any combination of the vehicles described in (a) and (b).

Article 6

1. Motor vehicles registered in one of the two countries shall require for the transport of goods by road in the territory of the other country a permit issued by this country.

2. The members of the Joint Commission formed pursuant to article 18 of the present Agreement shall, on the basis of reciprocity, agree upon a quota of permits, and each Contracting Party shall have the same number of such permits at its disposal.

Article 7

1. The permit shall entitle the holder to engage in the carriage of goods by road:

(a) Between the country in which the vehicle is registered and the other country (bilateral transport);

(b) Through the territory of the other country (transit).

2. The permit shall not entitle the holder to transport goods with vehicles registered in one country between two points located in the territory of the other country (inland transport).

3. The permit shall not entitle carriers of either country to transport goods between the territory of the other country and the territory of a third country. However, in the case that the normal route crosses the country in which the vehicle is registered, the Joint Commission provided for in article 18 may decide to authorize such transport.

Article 8

Transport services provided under paragraph 6 of the Protocol referred to in article 19 shall not require a permit.

Article 9

Without counting against the quota stipulated in article 6, paragraph 2, permits may be issued for the carriage of goods in the case of removals, if these are carried in vehicles which are specially equipped or exclusively intended for this purpose.

Article 10

1. Permits shall be issued only to carriers who, according to the laws and other regulations of the country in which the vehicle is registered, are authorized to engage in the international carriage of goods by road.

2. The permit shall be issued to the carrier for a specific vehicle.

3. The carrier shall not transfer the permit to another vehicle or to another carrier.

Article 11

Permits shall be issued for one outward and return journey.

Article 12

The competent authorities of both Contracting Parties shall place at each other's disposal a sufficient number of blank permits.

JOINT PROVISIONS

Article 13

The documents required pursuant to the provisions of this Agreement shall be carried on board the vehicle on all journeys and shall be produced, on demand, to inspection officials.

Article 14

Carriers and drivers of one country shall be bound, in the territory of the other country, to comply with the laws and regulations in force in that country.

Article 15

Where the weight or dimensions of vehicles registered in the territory of one of the Contracting Parties exceed the limits permitted in the territory of the other Contracting Party, the vehicles must be provided with a special permit issued by the competent authority of that Contracting Party.

Article 16

Each Contracting Party shall guarantee to transfer to the other Contracting Party the excess of income over expenditure deriving from operations conducted under this Agreement, in accordance with the regulations in force in each country.

Article 17

1. In the event of any infringement of the laws and regulations in force in the other country or of the provisions of this Agreement by a carrier or drivers, the competent authorities of the country in which the motor vehicle is registered shall, at the request of the competent authorities of the country in which the infringement occurred, take one of the following measures:

(a) Issue a warning to the carrier concerned to comply with the regulations in force;

(b) Suspend the granting of permits to the carrier concerned or withdraw the permit already issued for the period during which the competent authorities of the other country have banned it from operating.

2. The competent authorities shall inform each other of the action taken.

3. This article shall be without prejudice to any lawful sanctions which may be applied by the courts or enforcement authorities of the country in whose territory the infringement occurred.

Article 18

Representatives of the competent authorities of both countries shall form a Joint Commission in order to ensure the implementation of this Agreement and its adaptation to the development in traffic. The Joint Commission shall meet at the request of either competent authority.

Article 19

1. The Contracting Party shall lay down rules for the implementation of this Agreement in a Protocol which shall form an integral part of the Agreement and which shall be signed and enter into force at the same time as the Agreement.

2. The Joint Commission provided for in article 18 shall be entitled to amend this Protocol so as to conform to the current development of the transport of passengers and goods by road.

Article 20

All questions concerning the reciprocal exemption of vehicles from road taxes that are related to this Agreement shall be settled by a supplementary agreement.

Article 21

This Agreement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the Republic of Tunisia within three months of the date of entry into force of this Agreement.

Article 22

1. This Agreement shall be approved in accordance with the constitutional procedures of both countries and shall enter into force on the date of the receipt through the diplomatic channel of the last notification of approval.

2. The Agreement is concluded for a period of one year and shall be tacitly renewed from year to year, unless one of the Contracting Parties informs the other Contracting Party at least six months before the end of the current period of its decision to forego the extension of the Agreement.

DONE at Tunis on 24 January 1984, in duplicate in the German, Arabic and French languages, all three texts being equally authentic. In case of disagreement as to the interpretation of the German text and the Arabic text, the French text shall prevail.

For the Government of the Federal Republic
of Germany:

HANS KAHLE

For the Government of the Republic of Tunisia:

BRAHIM KHOUADJA

PROTOCOL PURSUANT TO ARTICLE 19 OF THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
AND THE GOVERNMENT OF THE REPUBLIC OF TUNISIA ON THE
INTERNATIONAL TRANSPORT OF PASSENGERS AND GOODS BY
ROAD

I. PASSENGER TRANSPORT

1. The control document provided for in article 3, paragraph 3, of the Agreement shall correspond, for Tunisian carriers, to the model given in Annex 1, and for German carriers, to the model given in Annex 2. The control document shall be issued by the competent authorities of the country in which the motor coach is registered or by other authorities empowered to do so.

2. For occasional transport services requiring a permit pursuant to article 3, paragraph 2, permits shall be granted to German carriers by the Minister of Transport and Communications (Ministre des Transports et des Communications) of the Republic of Tunisia, and to Tunisian carriers by the Federal Minister of Transport (Bundesminister für Verkehr) at Bonn.

For German carriers, permit applications shall be made to the Minister of Transport and Communications (Ministre des Transports et des Communications) at Tunis. For Tunisian carriers, permit applications shall be made to the Federal Minister of Transport (Bundesminister für Verkehr) at Bonn by the competent authorities of the Republic of Tunisia.

Applications for occasional services requiring a permit shall contain in particular:

- Firm and address of the carrier;
- Firm and address of the travel agent who has given the order;
- Country of origin of the passengers;
- Registration numbers and seating capacity of the motor coaches to be used;
- Point of departure and destination of the journey;
- Itinerary;
- Border crossing points;
- Dates of the journey;
- Number of drivers.

The two Ministries shall inform each other at the end of each year of the number of permits issued.

3. Applications for the establishment of regular line traffic pursuant to article 4 shall contain in particular:

- Firm and address of the carrier;
- Registration number and seating capacity of the motor coaches to be used;
- Proposed timetable, rates and fares, and conditions of transport;
- Period for which the permit is applied for;

- Period of operation;
- Border crossing points.

4. If a convention is concluded with the Council of the European Communities on a matter which is regulated in articles 2 and 3 of this Agreement or in the relevant provisions of this Protocol, the corresponding regulations shall be invalidated in this respect from the date of entry into force of the convention with the Council of the European Communities.

II. GOODS TRANSPORTS

5. "Competent authorities" for the purposes of articles 12, 17 and 18 shall be:

(a) In the Federal Republic of Germany, the Federal Minister of Transport (Bundesminister für Verkehr) or an authority mandated by him;

(b) In the Republic of Tunisia, the Minister of Transport and Communications (Ministre des Transports et des Communications).

Ad article 8

6. No permit shall be required for:

(a) Carriage of goods by motorcycle or passenger car;

(b) Transport of corpses or the ashes of deceased persons;

(c) Carriage of damaged vehicles;

(d) Carriage of live animals, other than animals for slaughter;

(e) Carriage of equipment and accessories to and from theatrical, musical, film or sports events, circuses, exhibitions or fairs, or to and from the making of radio or television broadcasts or films;

(f) Carriage of art objects and works of art;

(g) Occasional carriage of objects or material exclusively for publicity or educational purposes, e.g., goods intended for fairs or exhibitions;

(h) Carriage of articles required for medical care in emergency relief (in particular in cases of natural disasters).

Ad article 9

7. Any restrictions on the validity of the permits shall be noted on the permits.

Ad article 11

8. The permits shall be issued:

To German carriers for vehicles registered in the Federal Republic of Germany by the Federal Minister of Transport (Bundesminister für Verkehr) or by the authorities mandated by him;

To Tunisian carriers for vehicles registered in the Republic of Tunisia by the Minister of Transport and Communications (Ministre des Transports et des Communications) or by the authorities mandated by him.

9. The validity of journey permits shall not exceed three months.

10. The permit forms shall be drawn up by agreement between the competent authorities of both States.

DONE at Tunis on 24 January 1984.

For the Government of the Federal Republic
of Germany:

HANS KAHLE

For the Government of the Republic of Tunisia:

BRAHIM KHOUADJA

ANNEX 1¹

WAYBILL AND TRAVEL PLAN

ANNEX 2¹

WAYBILL AND TRAVEL PLAN

¹ Not reproduced, in accordance with article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations as amended in the last instance by General Assembly resolution 33/141 A of 19 December 1978.