

No. 26707

**PORTUGAL
and
AUSTRIA**

Agreement concerning the international transport of passengers and goods by road. Signed at Vienna on 18 April 1985

Authentic text: English.

Registered by Portugal on 28 June 1989.

**PORTUGAL
et
AUTRICHE**

Accord relatif au transport routier international de voyageurs et de marchandises. Signé à Vienne le 18 avril 1985

Texte authentique : anglais.

Enregistré par le Portugal le 28 juin 1989.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF PORTUGAL AND THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA CONCERNING THE INTERNATIONAL TRANSPORT OF PASSENGERS AND GOODS BY ROAD

The Government of the Republic of Portugal and the Government of the Republic of Austria, hereinafter referred to as the “Contracting Parties”, desiring to regulate and encourage the international transport by road of passengers and goods between their countries and in transit through their territories, have agreed as follows:

SCOPE

Article 1

(1) The provisions of this Agreement entitle carriers domiciled in Portugal or in Austria to transport passengers or goods by road in motor vehicles registered in either of the two States between the territories of the Contracting Parties or in transit through their territories.

(2) A “carrier” is any physical or juridical person or any company authorised either in the Republic of Portugal or in the Republic of Austria to engage in the transport of passengers or goods by road for hire or reward or on his own account.

(3) A “vehicle” is any motor vehicle which is:

(a) Constructed to carry more than eight persons — not counting the driver — or goods and which is used for that purpose on roads,

(b) Registered in either of the Contracting Parties,

as well as any trailer or semi-trailer which fulfills the condition of Article 1 (3) (a) and is operated by a carrier of either Contracting Party.

(4) Nothing in this Agreement entitles a carrier of either Contracting Party to collect passengers or goods in the other Contracting Party’s territory for transport within that territory.

PASSENGER TRANSPORT

Article 2

(1) Motor transport line traffic is defined as the carriage of passengers by buses on a definite route in accordance with a fixed timetable and table of fares with the right to collect and drop passengers at the starting and terminal points and other fixed stops.

(2) A motor transport line may be established with the permission of the competent authorities of the Contracting Parties for the section of the route in their territory, in accordance with their domestic laws and regulations, as well as

¹ Came into force on 1 April 1987, i.e., the first day of the third month following the month in which the Contracting Parties had informed each other (on 26 March 1986 and 30 January 1987) of the completion of the domestic prerequisites, in accordance with article 15 (1).

with the consent of the transit countries. Such a permit will be issued for a period of one to five years on the basis of reciprocity.

(3) Applications for such permits shall be submitted to the competent authority of the other Contracting Party in writing in good time. Such applications shall contain the following data: Company, route, timetable, table of fares, stops where passengers are collected or dropped, proposed period of operation, and the time when operations are to start.

(4) The competent authorities of the Contracting Parties will decide conjointly in writing or in a Joint Committee (Article 15) in particular on the following matters:

- a) Establishment of new and operations of existing motor transport lines;
- b) Timetables;
- c) Tables of fares;
- d) Terms and conditions of service;
- e) Restriction, expansion or discontinuation of motor transport lines.

Article 3

(1) Occasional transport within the meaning of this Agreement are transport services which are neither line transport nor shuttle transport. In occasional transport, passengers shall not be collected or dropped on the way, unless the competent authorities of the Contracting Party concerned permit exceptions from this rule. Such journeys may be made with a certain frequency without thereby losing their character of occasional transport.

(2) Apart from the exceptions referred to in Article (4), occasional passenger transport may only be engaged in by carriers of either Contracting Party with a permit issued in advance by the competent authority of the other Contracting Party.

Article 4

(1) A carrier of either Contracting Party is entitled to use a vehicle in the territory of the other Contracting Party, in accordance with that Party's laws and regulations, for the following international occasional transport services without needing an authorisation:

- (a) "Round trips with closed doors", i.e., trips made in the same vehicle which carries the same group of travellers throughout the itinerary, and takes them back to their starting point;
- (b) Transport services where passengers are collected for the outward journey while the return is an empty run;
- (c) Transport services where the outward journey is empty and all passengers are collected in the same place, and the passengers:
 - (i) Are collected under transport contracts in the territory of a third State, are brought together to form groups and are carried to the territory of the Contracting Party where the vehicle is registered, provided the transport contracts are concluded prior to the arrival of the passengers; or
 - (ii) Have been invited to come to the territory of the other Contracting Party, with the inviter paying the transport costs. The passengers must be a

coherent group of persons not formed for the purpose of the trip who will be taken back to the territory of the Contracting Party where the vehicle is registered.

(2) A carrier engaging in occasional transport services within the meaning of this Agreement shall ensure that any vehicle of his used for such purposes carries a control document issued by the competent authorities of the Contracting Party where the vehicle is registered.

Article 5

(1) Shuttle transport within the meaning of this Agreement is a transport service where travellers previously brought together in groups are carried from the same starting point to the same destination and where there are several outward and return journeys. Each group of travellers who have made the outward journey together is taken back to the starting point in a body on a later journey.

“Starting point” and “destination” are to be understood to mean the place of departure and the place where the travellers are going as well as the areas surrounding these places.

(2) On shuttle journeys, passengers shall not be collected or dropped on the way.

(3) The first return journey and the last outward journey in the series of shuttle journeys are empty runs.

(4) A carrier of either Contracting Party is not entitled to use a vehicle for shuttle services in the territory of the other Contracting Party without a permit issued by the competent authority of this Contracting Party.

(5) The subsumption of a transport service under shuttle services shall not, however, be affected by the fact that, with the approval of the competent authorities of the Contracting Party concerned,

- Contrary to paragraph (1), travellers make the return journey with another group;
- Contrary to paragraph (2), travellers are collected or dropped on the way;
- Contrary to paragraph (3), the first outward journey and the last return journey are empty runs.

TRANSPORT OF GOODS

Article 6

(1) With the exception of the transports referred to in Article 8 the carriage of goods between the territories of the Contracting Parties or in transit through their territories requires a permit from the other Contracting Party; such a permit will be valid for the use of one vehicle or a combination of vehicles. It shall be issued for a specific period of time and shall in each case cover one journey (outward and return, including transit).

(2) A permit will be issued by the competent authority of the Contracting Party in whose jurisdiction the vehicle is registered, on behalf of the competent authority of the other Contracting Party in the name of the carrier concerned; it may only be used by that carrier, and is not transferable.

Article 7

(1) The competent authorities of the two Contracting Parties, acting on the basis of reciprocity, will negotiate the type and number of permits for the following year. When the quotas are being determined, the interests of either Contracting Party regarding both its traffic and its overall economic situation will be taken into consideration.

(2) The details of the permit procedure, the format of the forms to be used as well as the number of permits allotted to the carriers of each Contracting Party will be mutually agreed by the competent authorities of the Contracting Parties. The permits issued will be handed to each carrier through the channels of the competent authority of the Contracting Party to which the carrier belongs.

(3) The permits and any other documents required under this Agreement shall be carried on the vehicle and produced on demand to the persons authorised by the Contracting Parties to examine them.

Article 8

(1) No permits shall be required for:

- (a) Occasional transport of goods to and from airports in cases where air services are rerouted;
- (b) Carriage of luggage in trailers drawn by passenger vehicles, and the carriage of luggage by vehicles of any description to and from airports;
- (c) Carriage of mails;
- (d) Carriage of refuse and sewage;
- (e) Carriage of animal carcasses for disposal;
- (f) Carriage of damaged vehicles;
- (g) Carriage of bees and fish fry;
- (h) Carriage of corpses;
- (i) Carriage of objects and works of art intended for exhibitions, fairs or commercial purposes;
- (j) Carriage of objects and equipment exclusively intended for publicity and information;
- (k) Carriage of properties, equipment and animals to or from theatrical, musical, cinematographic or circus performances or sporting events or fairs, or to or from the making of radio or television broadcasts or films;
- (l) Transport of goods in motor vehicles whose permitted gross laden weight, including trailers, does not exceed [6] tons, or when the permitted payload, including trailers, does not exceed 3.5 tons;
- (m) Transport of precious goods (e.g., precious metals or securities) in special vehicles accompanied by the police or other security personnel;
- (n) Transport of medical supplies and equipment needed for emergencies, notably in the event of natural disasters;
- (o) Unladen run of a relief vehicle used for transporting goods sent to replace a vehicle which has broken down in another country, and continuation of the

haul by the relief vehicle under cover of the permit issued for the vehicle which has broken down;

- (p) Unladen runs by goods vehicles;
- (q) Transport of goods of abnormal dimensions or weight, provided that the carrier is specially licensed as required under internal regulations concerning road traffic.

(2) Household removals performed by carriers using specialised personnel and equipment need a permit but are not subject to quota.

Article 9

(1) A permit under Article 6 (1) does not entitle carriers of the Contracting Parties to carry out transport of goods between the territory of the other Contracting Party and the territory of a third State. However, the competent authorities of the other Contracting Party may permit such runs, provided that they shall bear in mind in particular the density of traffic.

(2) The competent authorities of the two Contracting Parties acting on the basis of reciprocity may negotiate a special quota for these transports, considering both traffic and the general economic situation.

JOINT PROVISIONS

Article 10

In any cases not regulated by the provisions of this Agreement or the provisions of international agreements of which the Contracting Parties are signatories or to which they have acceded, the national laws and regulations of the Contracting Parties shall be applied.

Article 11

(1) If the weight, the dimensions or the axle pressure of the vehicle exceed the maximum amounts permitted in the territory of either Contracting Party, the vehicle requires a special authorisation from the competent authority of the Contracting Party concerned.

(2) Where such authorisation stipulates that the vehicle must use a specific route, transports are only permissible on that route.

Article 12

(1) Vehicles registered in the territory of either Contracting Party are exempt from taxes and charges levied on the operation or possession of motor vehicles in the territory of the other Contracting Party.

(2) The exemption referred to in paragraph (1) will not be applied to taxes or charges on fuel consumption, and to tolls (special charges for using particular bridges, tunnels, ferries or road sections).

(3) The exemption referred to in paragraph (1) will neither be applied to the Road Transport Contribution (*Strassenverkehrsbeitrag*) levied under Austrian law nor to the taxes on passenger line services levied under Portuguese law.

(4) The exemption referred to in paragraph (1) will be granted in the territory of either Contracting Party as long as the customs regulations applicable

in the territory concerned to temporary imports — without paying import taxes and import tariffs — of vehicles coming under the provisions of this paragraph are complied with.

Article 13

(1) If a carrier or his driving personnel infringe the laws and regulations applicable in the territory of the other Contracting Party, the provisions of this Agreement or the conditions stated in the transport permit, the competent authority of the country where the vehicle is registered shall at the request of the competent authority of the other Contracting Party take the following steps:

- (a) Issue a warning to the carrier telling him to observe the existing regulations;
- (b) Discontinue the issuance of permits to the carrier for transports in the territory of the Contracting Party where the infringement was committed, or revoke a permit previously issued.

(2) The competent authorities of both Contracting Parties will inform each other of any infringements within the meaning of paragraph (1).

(3) This Article shall be applied without prejudice to any steps provided for by law which may be taken by courts or executive authorities of the State in whose territory the infringement was committed.

Article 14

(1) The competent authority of either Contracting Party may ask for a meeting of a Joint Committee composed of representatives of both Contracting Parties to discuss any questions that may arise in interpreting and implementing this Agreement.

(2) The Joint Committee will meet alternately in the territory of one and the other Contracting Party.

Article 15

(1) This Agreement will enter into force on the first day of the third month following the month in which the Contracting Parties have informed each other in writing through diplomatic channels that the domestic prerequisites for the entry into force of the Agreement have been fulfilled.

(2) This Agreement will remain in operation for a year after its entry into force. Its operation will be prolonged automatically each year by one year unless it is terminated in writing by either Contracting Party six months before its expiry.

DONE at Vienna, on 18 April 1985, in two originals, each in the English language, both texts having equal validity.

For the Government
of the Republic of Portugal:

[Signed — Signé]¹

For the Government
of the Republic of Austria:

[Signed — Signé]²

¹ Signed by Jaime Gama — Signé par Jaime Gama.

² Signed by Leopold Gratz — Signé par Leopold Gratz.