

No. 26806

**SPAIN
and
UNION OF SOVIET
SOCIALIST REPUBLICS**

**Agreement concerning international road transport (with
protocol). Signed at Moscow on 20 May 1986**

Authentic texts: Spanish and Russian.

Registered by Spain on 22 September 1989.

**ESPAGNE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Accord concernant les transports routiers internationaux
(avec protocole). Signé à Moscou le 20 mai 1986**

Textes authentiques : espagnol et russe.

Enregistré par l'Espagne le 22 septembre 1989.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF SPAIN AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING INTERNATIONAL ROAD TRANSPORT

The Government of the Kingdom of Spain and the Government of the Union of Soviet Socialist Republics,

Having regard to the favourable development of their bilateral economic relations,

Considering, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki on 1 August 1975,² that the improvement of the conditions of transport constitutes one of the factors essential to the development of cooperation among States and

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

Have agreed as follows:

Article 1

1. The transport of passengers, including tourists, and goods between the two countries or in transit through their territories by vehicles registered in Spain or in the Soviet Union shall be effected in accordance with this Agreement, using the roads open to international motor traffic.

2. The roads open to international motor traffic and the definition of the vehicles covered by this Agreement are given in the Protocol.

I. PASSENGER TRANSPORT

Article 2

1. Prior agreement between the competent organs of the Contracting Parties shall be required for the organization of scheduled passenger transport.

2. For this purpose, the competent organs of the Contracting Parties shall, in good time, exchange proposals concerning the organization of such transport. The proposals shall include the following particulars:

- The name of the carrier;
- The itinerary and the designated stops for the taking on and setting down of passengers;
- The period of operation;
- The frequency of service;

¹ Came into force on 18 May 1989, the date of the last of the notifications (effected on 29 September 1986 and 18 May 1989) by which the Contracting Parties informed each other of the completion of the internal requirements, in accordance with article 26.

² *International Legal Materials*, vol. 14 (1975), p. 1292 (American Society of International Law).

- The timetable;
- The fare schedule;
- Economic justification for the operation.

3. When the competent organs of the Contracting Parties have accepted the proposals referred to in paragraph 2 of this article, they shall exchange the necessary authorizations for the movement of vehicles through their territories during the period of operation of this scheduled service. This period may be extended by mutual agreement between the competent organs of the Contracting Parties.

Article 3

1. Occasional transport operations, with the exception of those referred to in article 4 of this Agreement, shall require authorizations issued by the competent organs of the Contracting Parties.

2. In the case of each occasional transport operation, an authorization shall be issued giving permission for one round-trip journey, unless otherwise specified in the authorization.

3. The competent organs of the Contracting Parties shall exchange, on a yearly basis, authorization forms for occasional transport operations. These forms shall be stamped and signed by the competent organ issuing the authorization.

Article 4

1. No authorization shall be required in the case of occasional transport operations by motor coach when the same group of passengers is carried for the entire journey in the same coach under any of the following arrangements:

(a) On a round trip which begins and ends in the territory of the Contracting Party in which the motor coach is registered;

(b) On a journey which begins in the territory of the Contracting Party in which the motor coach is registered and ends in the territory of the other Contracting Party, provided that the coach leaves the latter territory empty.

2. No authorization shall be required when a defective motor coach is being replaced with another.

3. The driver of a motor coach used for the transport operations referred to in paragraph 1 of this article must carry a document containing the list of passengers.

Article 5

The competent organs of the Contracting Parties may take additional measures to facilitate the development of tourist transport between the two countries or in transit through their territories.

II. GOODS TRANSPORT

Article 6

1. The transport of goods by road, with the exception of the operations referred to in article 7 of this Agreement, shall require an authorization issued by the competent organs of the Contracting Parties.

2. In the case of each goods transport operation, an authorization shall be issued giving permission for one round-trip journey, unless otherwise indicated in the authorization itself.

3. The competent organs of the Contracting Parties shall exchange, on a yearly basis, authorization forms for goods transport operations within a mutually agreed quota. These forms shall be stamped and signed by the competent organ issuing the authorization.

Article 7

1. No authorization shall be required for transport operations involving the following:

- (a) Bodies or mortal remains of deceased persons;
- (b) Vehicles, animals and miscellaneous material and equipment intended for sports events;
- (c) Stage scenery and theatrical properties, musical instruments and equipment and other requisites for radio, film and television productions;
- (d) Samples, equipment and material intended for fairs and exhibitions;
- (e) Mail;
- (f) Vehicles that have broken down.

No authorization shall be required for breakdown and towing vehicles.

2. The exceptions referred to in paragraphs 1 (b), 1 (c) and 1 (d) of this article shall apply only where the goods are either to be returned to the country in which the vehicle is registered or to be dispatched to the territory of a third country.

3. Transport operations involving furniture removal, as well as any other type of goods transport authorized by the competent organs of the Contracting Parties, may be carried out on the basis of authorizations issued by those organs, over and above the quota specified in paragraph 3 of article 6.

Article 8

1. Where the dimensions or weight of the vehicle, laden or unladen, exceed the standards prescribed in the territory of the other Contracting Party, and also in the case of the transport of dangerous goods, a special authorization must be issued by the competent organs of that other Contracting Party.

2. Where the authorization referred to in paragraph 1 of this article specified a particular route, the vehicle must follow that route.

III. GENERAL PROVISIONS

Article 9

1. The transport operations referred to in this Agreement may be effected only by carriers which are entitled under the law of their country to engage in international transport operations.

2. Vehicles used for international transport operations must be registered and must display the nationality plate of their country.

3. The transport authorizations referred to in articles 3, 6, 8 and 10 of this Agreement shall be kept on board the vehicle which carries out the international transport operation and shall be produced by the driver of the vehicle at the request of the inspection authorities.

Article 10

1. Carriers shall not be permitted to convey passengers or goods between two points situated in the territory of the other Contracting Party;

2. Carriers may not effect transport operations from the territory of the other Contracting Party to the territory of a third country and from the territory of a third party to the territory of the other Contracting Party unless they have obtained a special authorization from the competent organs of that other Contracting Party.

Article 11

1. Drivers must carry a domestic or international driving permit and the national registration documentation of the vehicle.

2. The domestic or international driving permits must conform to the model established by the international Convention on Road Traffic.

Article 12

A carrier of one Contracting Party which, in accordance with this Agreement, is engaged in transport operations in the territory of the other Contracting Party shall be subject to the traffic regulations and other legal provisions in force in the territory of the latter Contracting Party.

Article 13

Payments arising in connection with transport operations under this Agreement shall be effected in accordance with the payments agreements in force between the Contracting Parties at the time the payments are made.

Article 14

Passenger and goods transport operations effected by carriers of one Contracting Party in the territory of the other Contracting Party under this Agreement, and vehicles used for such transport operations, shall be exempt from taxes and charges connected with the issuance of authorizations under this Agreement, the use of roads and the possession or use of these vehicles, and from taxes on profits derived from goods transport operations.

Article 15

Transport operations carried out under this Agreement require civil liability insurance cover in respect of each vehicle used for such operations.

Article 16

Matters relating to health, customs and frontier inspections shall be governed by the international agreements by which both Contracting Parties are bound. Any questions not covered by such agreements shall be settled in accordance with the law in force in each of the Contracting Parties.

Article 17

Transport operations involving persons who are seriously ill, passengers on regular motor coach routes, livestock and perishable merchandise shall be given priority in health, customs and frontier inspections.

Article 18

1. Transport operations carried out under this Agreement shall be exempt, on the basis of reciprocity, from customs duties, entry charges and the import permit requirement in the territory of the other Party in respect of:

(a) The fuel contained in the fuel tanks connected by the manufacturer to the fuel supply system of the vehicle's engine;

(b) Lubricants in the quantities necessary for use during the transport operation;

(c) Spare parts and tools intended for the repair of a vehicle used for international transport operations.

2. Unused spare parts must be re-exported and replaced parts must be taken out of the country, destroyed or surrendered in accordance with the regulations in force in the territory of the Contracting Party concerned.

Article 19

The Contracting Parties shall take all possible steps to facilitate the practical conduct of the transport operations referred to in this Agreement.

Article 20

The competent organs of the Contracting Parties shall establish direct contact with each other for the purpose of facilitating the implementation of this Agreement and, on the proposal of one of the Contracting Parties, shall meet to settle questions arising from the system of authorizations for the transport of passengers and goods, and to exchange experience and information concerning the use of the authorizations issues.

Article 21

The competent organs of the Contracting Parties shall agree upon the system and the dates for the exchange of authorization forms and for the return of used forms.

Article 22

In the event of a breach of the provisions of this Agreement in the territory of one of the Contracting Parties, the competent organs of the country in which the vehicle is registered shall, at the request of the competent organs of the other Contracting Party, take the measures provided for under its domestic law against the offending carriers.

At the request of the competent organs of one of the Contracting Parties, the competent organs of the other Contracting Party shall report on the measures taken.

Article 23

The Contracting Parties shall settle by means of negotiation and consultation any disputes arising in connection with the interpretation and application of this Agreement.

Article 24

Questions not covered by this Agreement or by the international agreements by which both Contracting Parties are bound shall be settled in accordance with the domestic law of each Contracting Party.

Article 25

This Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international agreements and conventions concluded by them.

Article 26

This Agreement shall enter into force on the date on which the Contracting Parties inform each other, by an exchange of notes through the diplomatic channel, that they have complied with the domestic requirements for the entry into force of the Agreement.

This Agreement is concluded for an indefinite period. Each Contracting Party is entitled to denounce it at any time, however, by giving 90 days' notice of such denunciation to the other Contracting Party through the diplomatic channel.

DONE at Moscow on 20 May 1986 in two copies, each in the Spanish and Russian languages, both texts being equally authentic.

For the Government
of the Kingdom of Spain

[Signed]

FRANCISCO FERNÁNDEZ ORDÓÑEZ
Minister
for Foreign Affairs

For the Government
of the Union of Soviet
Socialist Republics

[Signed]

YURI SERGEEVICH SIKHIN
Minister
of Road Transport

PROTOCOL FOR THE APPLICATION OF THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE KINGDOM OF SPAIN AND THE GOV-
ERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CON-
CERNING INTERNATIONAL ROAD TRANSPORT

With respect to the application of the Agreement concluded at Moscow on 20 May 1986 between the Government of the Kingdom of Spain and the Government of the Union of Soviet Socialist Republics concerning road transport, the Contracting Parties have agreed as follows:

1. For the purposes of this Agreement, the competent organs are the following:

For the Government of the Kingdom of Spain:

With reference to articles 2, 3, 5, 6, 7, 8, 10, 20, 21 and 22: the Land Transport Directorate of the Ministry of Transport, Tourism and Communications of Spain;

For the Union of Soviet Socialist Republics:

With reference to articles 2, 3, 6, 7, 10, 20, 21 and 22: the Ministry of Road Transport of the Russian Soviet Federal Socialist Republic (RSFSR);

With reference to article 5: the Ministry of Road Transport of the RSFSR and the USSR State Committee for Foreign Tourism;

With reference to article 8: the Ministry of Road Transport of the RSFSR, the Ministry of Internal Affairs of the USSR and the competent road traffic authorities of the Union Republics.

2. For the purposes of this Agreement,

The term "vehicle" shall mean:

In the case of goods transport, a lorry, a lorry with a trailer, a towing vehicle or a towing vehicle with a semi-trailer;

In the case of passenger transport, a motor coach intended for the transport of more than eight persons, not including the driver, as well as a baggage trailer;

The term "scheduled passenger transport" shall mean: Transport services effected in accordance with a fixed schedule and itinerary, in the course of which passengers may be taken on and set down at predetermined stops.

3. The Soviet Party has transmitted to the Spanish Party a map of the European territory of the USSR showing the roads open to international traffic.

The Soviet Party shall, in good time, notify the Spanish Party of any changes relating to the roads open to international traffic.

4. The conditions for the exchange of the authorization forms referred to in articles 3 and 6 of the Agreement and the procedure for their use shall be determined by agreement between the Ministry of Transport, Tourism and Communications of the Kingdom of Spain and the Ministry of Road Transport of the RSFSR within three months from the date of signature of the Agreement.

When carrying out the scheduled passenger transport services referred to in article 2 of the Agreement, the driver of the motor coach must carry a certified copy of the authorization to operate the scheduled service.

5. The text of each authorization must be printed both in Spanish and in Russian.

6. Trailers and semi-trailers may bear registration plates and nationality plates of other countries, provided that the lorry or the towing vehicle bears the registration plates and nationality plates of Spain or the Soviet Union.

7. The Parties shall assist each other in enabling the drivers and other members of the crews of vehicles carrying out transport services in accordance with this Agreement to obtain visas as promptly as possible.

8. For the purposes of articles 16 and 17 of the Agreement, the term "health inspection" shall mean health, veterinary and phyto-sanitary inspection.

9. A special authorization must be issued for a vehicle of one Contracting Party which enters the territory of the other Contracting Party in order to take on goods.

On an experimental basis, a certain portion of the quota of authorizations may be used for unladen entries.

No authorization shall be required, however, for the entry of an unladen vehicle in order to take on goods which are being transported in accordance with the provisions of article 7 of the Agreement. No special authorization shall be required for the transit of an unladen vehicle.

10. The quota of authorizations shall, in principle, be established annually.

The quota of authorizations for the transport of goods shall be set at the same level for each Contracting Party.

11. The Spanish Party has indicated that in the territory of Spain there is a limited number of roads open to international traffic which may be used only on payment of a toll.

As a rule, in the vicinity of these roads there are other roads, running parallel to them, whose use does not require any toll.

12. In order to ensure a high level of cooperation between Spain and the USSR in the area of road transport, the Contracting Parties shall give the fullest possible support to the establishment of ties and contacts between transport firms and enterprises of the two countries and, in particular, to the opening of offices to represent them.

This Protocol, which forms an integral part of the Agreement, has been drawn up in Moscow on 20 May 1986 in two copies, each in the Spanish and Russian languages, both texts being equally authentic.

For the Government
of the Kingdom of Spain:

[Signed]

FRANCISCO FERNÁNDEZ ORDÓÑEZ
Minister
for Foreign Affairs

For the Government
of the Union of Soviet
Socialist Republics:

[Signed]

YURI SERGEEVICH SIKHIN
Minister
of Road Transport