

No. 33068

**IRELAND
and
HUNGARY**

Agreement on the international carriage of passengers and goods by road (with protocol). Signed at Budapest on 29 June 1992

Authentic text: English.

Registered by Ireland on 26 August 1996.

**IRLANDE
et
HONGRIE**

Accord relatif au transport routier international de voyageurs et de marchandises (avec protocole). Signé à Budapest le 29 juin 1992

Texte authentique : anglais.

Enregistré par l'Irlande le 26 août 1996.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF IRELAND AND
THE GOVERNMENT OF THE REPUBLIC OF HUNGARY ON
THE INTERNATIONAL CARRIAGE OF PASSENGERS AND
GOODS BY ROAD

The Government of Ireland and the Government of the Republic of Hungary (hereinafter referred to as the Contracting Parties),

Desiring to facilitate the international carriage of passengers and goods by road between and in transit through their countries,

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement:

the term "carrier" shall mean natural or legal person who in either Ireland or the Republic of Hungary, carries goods by road for hire or reward or on his own-account, or carries passengers for hire or reward, in accordance with the relevant national laws and regulations.

The term "vehicle" shall mean

- (a) in the carriage of passengers - a coach, i.e. any mechanically propelled road vehicle, which is constructed or adapted for the carriage of passengers and suitable for carrying more than nine persons, including the driver, and is intended for that purpose, and may also include a trailer for carrying baggage,
- (b) in the carriage of goods - any mechanically propelled road vehicle, which is constructed or adapted for the transport of goods, including any

¹ Came into force on 2 June 1993 by notification, in accordance with article 18.

accompanying trailer or semi-trailer which is registered in the territory of either Contracting Party.

The term "regular passenger transport" means carriage out by vehicles registered in the territories of the Contracting Parties according to a previously agreed timetable and route, where the initial and terminal points and any intermediate stopping points are designated.

The term "non-regular carriage" means all other passenger transport.

ARTICLE 2

Scope

1. The provisions of this Agreement shall apply to the international carriage of passengers or goods by road for hire or reward or on own-account between Ireland and the Republic of Hungary, in transit through the territory of either Contracting Party or to or from third countries.

2. The provisions of this Agreement shall not affect the rights or obligations of the two countries contained in International Conventions, Agreements and Regulations which already apply to them.

THE TRANSPORTATION OF PASSENGERS

ARTICLE 3

1. Regular transportation of passengers by coach shall be authorised by agreement between the competent authorities of the Contracting Parties.

2. Proposals for the authorisation of such transportation shall be passed to each other by the competent authorities of the Contracting Parties in good time. Those proposals must contain data concerning the name of the carrier (the firm), routes to be taken, movement timetables, tariffs, stopping points at which the carrier shall embark and disembark passengers and also the intended period and frequency of carrying out the transportation.

ARTICLE 4

1. The operation of non-regular transportation of passengers by coach between the territories of both Contracting Parties or in transit through their territories with the exception of the transport operations envisaged in Article 5 of this Agreement, shall require permits issued by the competent authorities of the Contracting Parties.

2. The competent authorities of the Contracting Parties shall issue permits for the route which passes through their territory.

3. For each non-regular transportation of passengers by coach a separate permit must be issued which confers the right to make one journey outward and return, unless otherwise stipulated in that permit. The driver must also have a list of passengers.

4. The competent authorities of the Contracting Parties shall send each other annually a mutually agreed number of blank permits for the non-regular transportation of passengers. These forms must have the stamp and signature of the competent authority which has issued the permit.

5. The competent authorities of the Contracting Parties shall agree between themselves the method of exchanging blank permits.

ARTICLE 5

1. Permits shall not be required for non-regular carriage of passengers if the same group of passengers is carried on the same coach throughout the journey:-

- (a) if the journey begins and ends on the territory of the Contracting Party, where the vehicle is registered; or
- (b) if the journey begins on the territory of the Contracting Party where the vehicle is registered and ends on the territory of the other Contracting Party, provided that the vehicle leaves the latter territory empty.

2. A permit shall not be required for the replacement of a faulty coach by another coach.

CARRIAGE OF GOODS

ARTICLE 6

Permits

1. Except as provided in Article 9 of this Agreement, a carrier of one Contracting Party shall require a permit granted by the competent authority of the other Contracting Party in order to engage in the international carriage of goods by road between the two territories, including the carriage of return loads, and in transit through the territory of the other Contracting Party.
2. A permit shall be used only by the person to whom it is issued and shall not be transferable. It shall be valid for the use of a single vehicle or a coupled combination of vehicles (articulated vehicle or road train) at any one time.
3. A permit may be used for transport:-
 - (a) between the territories of the two Contracting Parties;
 - (b) in transit through the territory of the other Contracting Party;
 - (c) between the territory of the other Contracting Party and a third country, insofar as the laws and regulations of the third country and the provisions of any Agreement between the third country and either Contracting Party allow such operations.

4. Permits may be of three types:
 - (a) Journey permits valid for a single journey, the outward and return journeys to count as one journey (bilateral transport).
 - (b) Journey permits valid for a single journey, the outward and return journeys to count as one journey, and where either the outward or the return journey may involve transport to or from a third country. The period of validity of such permits may not exceed one year (third country).
 - (c) Period permits valid for an unlimited number of journeys within a period of one calendar year from the date of its issue. Each period permit will count against the quantity of permits on the basis of a determined number of journeys, that number to be fixed by mutual agreement, by the competent authorities.

5. A Permit shall not be required for trailers and semi-trailers.

6. Each competent authority shall send the other on request an adequate supply of blank permits.

7. Permits will:-
 - (a) be granted to Irish carriers for vehicles registered in Ireland, by the Ministry of Transport, Communications and Water Management of the Republic of Hungary, and be issued by and at the discretion of the Minister for Tourism, Transport and Communications of Ireland or any authority appointed by him;
 - (b) be granted to Hungarian carriers for vehicles registered in Hungary by the Minister for Tourism, Transport and Communications of Ireland and be issued by and at the discretion of the Ministry of Transport, Communications and Water Management of the Republic of Hungary.

ARTICLE 7**Unladen Journeys**

An authorised carrier of one Contracting Party may send an unladen vehicle into the territory of the other Contracting Party to collect goods, and in such cases, the permit applying to the transport operation to be effected shall be carried on the vehicle on entry into the territory of the other Contracting Party.

ARTICLE 8**Quantity of Permits**

1. The competent authorities shall fix by mutual agreement an annual quantity of permits for journeys.
2. The quantity shall be written into the Protocol referred to in Article 15.
3. The Joint Committee shall have power to modify the quantity so as to ensure its adaptation to suit the needs of current traffic levels.

ARTICLE 9**Exemptions**

A permit shall not be required for the following:-

- (a) occasional transport of goods to or from airports, in the event of air services being diverted;

- (b) transport of luggage in trailers coupled to passenger-carrying vehicles and the carriage of luggage in all types of vehicles to and from airports;
- (c) transport of mails;
- (d) transport of damaged or broken-down road transport vehicles;
- (e) transport of bees and fish fry;
- (f) funeral transport;
- (g) carriage of goods in vehicles the permissible gross weight of which, including that of trailers, does not exceed 6 metric tonnes or the permissible payload of which, including that of trailers, does not exceed 3.5 metric tonnes;
- (h) own-account carriage of goods in motor vehicles provided the following conditions are fulfilled -
 - (i) the goods carried must be the property of the undertaking or must have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking,
 - (ii) the purpose of the journey must be to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own purposes,
 - (iii) motor vehicles used for such carriage must be driven by employees of the undertaking,
 - (iv) the vehicles carrying the goods must be owned by the undertaking or have been bought by it in deferred terms or have been hired without a driver,
 - (v) the transport must be no more than ancillary to the overall activities of the undertaking;
- (i) aid-transport in emergency relief, in particular for natural disasters;
- (j) transport of spare parts for sea-going vessels and aircraft;
- (k) transit, in an unladen state, of a vehicle used for goods transport and intended to replace a vehicle which has become unserviceable, and the

continuation, by the replacement vehicle, of the transport under cover of an authorisation issued for the vehicle which has become unserviceable;

- (l) transport of objects and works of art for exhibition or for commercial purposes;
- (m) occasional transport of objects and materials exclusively for publicity or information purposes;
- (n) carriage of materials, properties or animals to or from theatrical, musical or film purposes or sporting events, circuses, exhibitions or fairs, or to or from the making of radio or television broadcasts or films;
- (o) the delivery of new vehicles not engaged in a transport operation; and
- (p) carriage of furniture and other personal effects for the purposes of transfer of residence carried out by contractors with special staff and equipment for this purpose.

GENERAL PROVISIONS

ARTICLE 10

Prohibition of Cabotage

Nothing in this Agreement shall be held to permit a carrier of one Contracting Party to pick up passengers or goods at any point in the territory of the other Contracting Party for delivery at any other point in that territory, except by agreement between the competent authorities of the Contracting Parties.

ARTICLE 11**Compliance with National Law**

Carriers of either Contracting Party and the crews of their vehicles must, while in the territory of the other Contracting Party, comply with the laws and regulations in force in the territory of that Contracting Party.

ARTICLE 12**Inspection of Documents**

Permits and other necessary documents required in accordance with this Agreement shall be carried on the vehicles to which they relate and shall be produced on demand to any authority of either Contracting Party who is duly authorised to demand them.

ARTICLE 13**Fiscal Provisions**

1. Vehicles which are:-

- (a) registered and currently taxed in one country;
and
- (b) are temporarily imported into the other country, in order to be used in traffic;

shall be exempted from the taxes and charges levied on the circulation or possession of vehicles or on the use of roads in that country.

2. The following items shall be exempt from customs taxes and duties:-

- (a) fuel held in the standard fuel tanks of vehicles (as supplied by the manufacturer) at the time of importation into the territory of the other Contracting Party;
- (b) fuel held in the tanks of trailers and semi-trailers used for the cooling systems of refrigerators;
- (c) lubricants in quantities required for use during the journey;
- (d) spare parts and tools required for the repair of a vehicle which has broken-down while performing an international road transport operation. The spare parts which are replaced should be re-exported or destroyed under the control of the competent customs authority of the other Contracting Party.

3. The exemptions in this Article shall not apply to tolls which are payable for the use of particular roads, bridges or tunnels.

ARTICLE 14

Joint Committee

1. Representatives of the competent authorities shall form a Joint Committee to ensure the satisfactory implementation of the Agreement and its adaptation to developments in traffic. The Joint Committee shall meet at the request of either competent authority.

2. Each competent authority shall provide the other with any relevant information which can be made available concerning the manner in which traffic covered by the Agreement has developed.

ARTICLE 15

Protocol

1. The Contracting Parties shall lay down detailed rules for the implementation of this Agreement in a Protocol signed at the same time as the Agreement.

2. The Joint Committee established in accordance with the provisions of paragraph 1 of Article 14 shall have power to modify the said Protocol, so as to conform with and facilitate current developments in the international carriage of goods by road.

ARTICLE 16

Infringements

1. In the event of serious or repeated infringement of the provisions of this Agreement by a carrier of one Contracting Party while in the territory of the other Contracting Party, the competent authority of the Contracting Party in which the infringement or infringements occurred may decide:-

- (a) to issue a warning to the carrier;

- (b) to issue such a warning together with a notification that any subsequent infringement may lead -
 - (i) to the revocation of the permit or permits issued to the carrier,
 - (ii) where a permit is not required, to the temporary or permanent exclusion of vehicles owned or operated by that person from the country in which the infringements occurred;
- (c) to issue a notification of such revocation or exclusion;

and may request the competent authority of the other Contracting Party to convey its decision to the carrier and, in cases covered by sub-paragraph (c), to suspend the issue of permits to him for a specified or indefinite period.

2. The competent authority of the Contracting Party receiving any such request shall within ninety days comply therewith and shall inform the competent authority of the other Contracting Party of the action taken.

3. The provisions of this Article shall be without prejudice to any lawful sanction which may be applied by the Courts or by the competent authority of the Contracting Party in which the infringement occurred.

ARTICLE 17

Weights and Dimensions of Vehicles

1. In relation to the weights and dimensions of vehicles, each Contracting Party undertakes not to impose on vehicles

registered in the territory of the other Contracting Party conditions which are more restrictive than those imposed on vehicles registered in its own territory.

2. If the weights or dimensions of a vehicle or combination of vehicles performing transport operations exceed the permissible maxima in the other country, special authorisation must be obtained from the appropriate authority in that country before the carriage is undertaken.

3. Where a permit issued for operations described in paragraph 2 of this Article specifies that the transport operation follows a particular itinerary, the operation may only be carried out within this itinerary.

Article 18 Entry into Force and Duration

1. Each Contracting Party shall notify the other through diplomatic channels when the measures necessary for giving effect to this Agreement in their country have been taken. The Agreement shall enter into force on the thirtieth day after the receipt of the later of those notifications.

2. The Agreement shall remain in force until either Contracting Party gives through diplomatic channels six months written notice of its termination.

DONE at Budapest this 29th day of June 1992, in the English language.

For the Government
of the Ireland:

For the Government
of the Republic of Hungary:

Máire Geoghegan-Quinn¹

S. Miklós²

¹ Máire Geoghegan-Quinn.

² Csaba Siklos.

PROTOCOL

Drawn up under Article 15 of the Agreement between the Government of Ireland and the Government of the Republic of Hungary on the International Carriage of Passengers and Goods by Road.

The following detailed rules have been agreed for the implementation of the Agreement:

1. For the purposes of this Agreement, the competent authorities shall be:-

- (a) in Ireland, the Minister for Tourism, Transport and Communications or any authority appointed by him;
- (b) in the Republic of Hungary, the Ministry of Transport, Communications and Water Management.

2. Permits issued under this Agreement shall conform to the model recommended in Resolution 119 of the Economic Commission for Europe on the standardisation of forms used for the authorisation of international goods transport by road.

3. The number of permits of each category as described in Article 6, paragraph 4, shall be as determined by the Joint Committee.

4. Each period permit issued shall count as _____ journeys against the quantity regardless of the number of journeys actually made.

5. The quantity shall apply from 1st January to 31st December in each calendar year. In the first year of application, the period shall run from the date of entry into force of the Agreement until 31st December, and the quantity applicable in that year shall be in proportion to the period of effect.

6. Each journey permit shall be accompanied by a journey record sheet, which shall contain the following information:-

(I) in the case of the transport of passengers -

- (a) the number of the permit to which it relates,
- (b) the registration number of the passenger transportation vehicle used,
- (c) the maximum permitted number of passengers,
- (d) starting and finishing point of the journey,
- (e) space for a customs stamp, and
- (f) any other information which either competent authority may require to be provided by its own carriers;

(II) in the case of the transport of goods -

- (a) the number of the permit to which it relates,
- (b) the registration number of the motor vehicle used, its maximum permissible laden weight and its unladen weight,

- (c) the points at which the goods are to be loaded and unloaded,
- (d) the nature and weight of the goods carried,
- (e) space for a customs stamp, and
- (f) any other information which either competent authority may require to be provided by its own carriers.

7. In relation to Article 17 the appropriate authorities shall be:-

(a) in Ireland


the Department of Tourism, Transport and Communications;

(b) in the Republic of Hungary

the Ministry of Transport, Communications and Water Management.

This Protocol is an integral part of the Agreement, signed in duplicate in the English languages.

For the Government
of the Ireland:

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For the Government
of the Republic of Hungary:

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¹ Máire Geoghegan-Quinn.

² Csaba Siklos.