

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1992 Nr. 115

A. TITEL

*Wegvervoersovereenkomst tussen het Koninkrijk der Nederlanden, het Koninkrijk België, de Republiek Estland, de Republiek Letland, de Republiek Litouwen en het Groothertogdom Luxemburg;
Athene, 11 juni 1992*

B. TEKST

Agreement on Road Transport between the Kingdom of the Netherlands, the Grand Duchy of Luxembourg, the Republic of Lithuania, the Republic of Estonia, the Republic of Latvia and the Kingdom of Belgium

The Governments of

the Kingdom of the Netherlands,
the Grand Duchy of Luxembourg,
the Republic of Lithuania,
the Republic of Estonia,
the Republic of Latvia,
the Kingdom of Belgium,

called hereafter the Contracting Parties,

desirous of promoting, in the interest of their economic relations, the development of transport of goods and passengers by road in, to and from their countries and in transit across their territories;

have agreed as follows:

Article 1

Scope

1. The provisions of this Agreement apply to the carriage of goods and passengers by road for hire or reward or on own account between the Contracting Parties, in transit through their territories, to or from third countries and to the carriage of goods and passengers within the territory of a Contracting Party, called hereafter cabotage, effectuated by carriers with vehicles as defined in Article 2.

2. The Contracting Parties shall ensure the rights and obligations arising from agreements concluded between the European Community and the Baltic States.

Each of the Contracting Parties which is a member state of the European Communities will apply this Agreement in accordance with its obligations under the treaties establishing the European Communities, as amended or supplemented.

3. Each Contracting Party which is a party to the treaty establishing the Benelux Economic Union will apply this Agreement in accordance with the obligations under this treaty, as amended or supplemented.

Article 2

Definitions

For the purpose of this Agreement:

1. the term "carrier" means a person (including a legal person), who is established in one of the Contracting Parties and legally admitted in the country of establishment to the international transport market of goods or passengers by road for hire or reward or on his own account in accordance with the relevant national laws and regulations.

2. the term "vehicle" means a motor vehicle registered in one of the Contracting Parties or a combination of vehicles of which at least the motor vehicle is registered in a Contracting Party and which is used and equipped exclusively for the carriage of goods or the carriage of passengers.

3. the term "cabotage" means the operation of transport services within the territory of a Contracting Party by a carrier not established in that country.

4. the term "transport" means the conveyance of laden or unladen vehicles by road, even if for a part of the journey the vehicle, trailer or semi-trailer is using rail or waterways.

Article 3

Access to the market

1. Each Contracting Party may allow any carrier established in the territory of another Contracting Party to carry out any transport of goods or passengers:

a. between any point in its territory and any point outside that territory,

b. in transit through its territory, and

c. within its territory (cabotage),

subject to permits, except if otherwise agreed upon by the Joint Committee, to be issued by the competent authorities or other empowered organizations of each Contracting Party.

2. In any case no permits shall be required for the following types of transport or for unladen journeys made in conjunction with such transport:

- carriage of mail as a public service;
- carriage of vehicles which have suffered damage or breakdown;
- the carriage of goods in motor vehicles, the permissible laden weight of which, including that of trailers, does not exceed 6 tons or the permissible payload of which, including that of trailers, does not exceed 3,5 tons;
- carriage of medical goods and equipment or other goods necessary in case of emergency, in particular for natural disasters.

Article 4

Weights and dimensions

1. Weights and dimensions of vehicles shall be in accordance with the official registration of the vehicle and may not exceed the limits in force in the host country.

2. A special permit is required if the weights and/or dimensions of a laden or unladen vehicle when engaged in transport under the provisions of this Agreement exceed the permissible maximum in the territory of the host country.

Article 5

Compliance with national law

Carriers of a Contracting Party and the crews of their vehicles shall, when on the territory of another Contracting Party, comply with the

laws and regulations in force in that country. In the case of cabotage the Joint Committee will precise the laws and regulations applicable in the host country, which includes tariffs and contractual conditions for transport services, weights and dimensions of vehicles, legislation for specific categories of transport, notably dangerous goods, perishable goods and living animals, driving and rest hours and value added tax on transport services. This legislation will be applied under the same conditions to which own residents are submitted so that discrimination on grounds of nationality or place of establishment is excluded.

Article 6

Infringements

In the event of any infringement of the provisions of this Agreement by a carrier of a Contracting Party, the Contracting Party on whose territory the infringement occurred shall, without prejudice to its own legal proceedings, notify this other Contracting Party which will take such steps as are provided for by its national laws. These Contracting Parties will inform each other about the sanctions that have been imposed.

Article 7

Fiscal matters

1. Vehicles, including their spare parts, carrying out transport in accordance with this Agreement, shall be mutually exempted from all taxes and charges levied on the circulation or possession of the vehicles as well as from all special taxes or charges levied on transport operations in the territory of the other Contracting Parties.

2. Taxes and charges on motor fuel, VAT on transport services and tolls are not exempted.

3. The fuel contained in the normal tanks of the vehicle, as well as the lubricants contained in the vehicles for the sole purpose of their operation, shall be mutually exempted from customs duties and any other taxes and payments.

Article 8

Joint Committee

1. The competent authorities of the Contracting Parties shall regulate all questions regarding the implementation and the application of this Agreement.

2. For this purpose the Contracting Parties shall establish a Joint Committee.

3. The Joint Committee shall meet regularly at the request of either Contracting Party and shall comprise representatives of the competent authorities of the administration of the Contracting Parties which can invite representatives of the road transport industry.

4. The Joint Committee shall draw up its own rules and procedures and shall meet alternately in one of the Contracting Parties. The meeting will be concluded by drawing up a protocol that will be signed by the heads of delegations of the Contracting Parties.

5. Following Article 3, paragraph 1, the Joint Committee shall decide upon the type and number of permits and the conditions of access to the market, including the labour market aspects. Notwithstanding Article 3, paragraph 2, the Joint Committee can extend the types of transport for which no permits are required.

6. The Joint Committee shall give particular consideration to the following subjects:

- the harmonious development of transport between the Contracting Parties, taking into account among others environmental aspects involved;

- the coordination of road transport policies, and of transport legislation and its implementation by the Contracting Parties at national and international level;

- the formulation of possible solutions for the respective national authorities if problems occur, notably in the field of fiscal, social, customs and environmental matters, including matters of public order;

- the exchange of relevant information;

- the method of fixing weights and dimensions;

- the promotion of cooperation between transport enterprises and institutions;

- the promotion of multimodal transport, including all questions concerning market access.

Article 9

Entry into force and duration

1. This Agreement shall be applied provisionally as from the date of its signature.

2. The Contracting Parties will notify the Secretary-General of the Benelux Economic Union in writing when the constitutional requirements necessary to give effect to the Agreement in their respective territories have been complied with.

3. This Agreement shall, when notifications have been received from at least four Contracting Parties, enter into force for those Contracting Parties on the first day of the second month following the date of the fourth notification. For each Contracting Party subsequently depositing its notification, the Agreement shall enter into force on the first day of the second month following the date of that deposit. The Secretary-General of the Benelux Economic Union shall at once inform the Contracting Parties of each deposit and the subsequent dates of entry into force.

4. The Agreement shall remain in force for a period of one year as of the date of its coming into force. Thereafter, the Agreement shall be tacitly extended from year to year unless at least six months before the expiration of that term more than two of the Contracting Parties have given a written notice of termination to the Secretary-General of the Benelux Economic Union. In the latter case the Agreement shall terminate between all Contracting Parties as of the date of expiration of that term. The Secretary-General of the Benelux Economic Union shall at once inform the Contracting Parties of each notice of termination, and of the subsequent date of termination of the Agreement.

Article 10

Application for the Kingdom of the Netherlands

With respect to the Kingdom of the Netherlands, this Agreement shall apply only to the territory of the Kingdom in Europe.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in sixfold at Athens on 11 June 1992, in the English language.

For the Government of the Kingdom of the Netherlands,

(sd.) J.R.H. MAIJ-WEGGEN

For the Government of the Grand Duchy of Luxembourg,

(sd.) R. GOEBBELS

For the Government of the Kingdom of Belgium,

(sd.) LOQUET

For the Government of the Republic of Estonia,

(sd.) E. SARAP

For the Government of the Republic of Latvia,

(sd.) A. GUTMANIS

For the Government of the Republic of Lithuania,

(sd.) J. BIRŽIŠKIS

D. PARLEMENT

De Overeenkomst behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan de Overeenkomst kan worden gebonden.

G. INWERKINGTREDING

De bepalingen van de Overeenkomst zullen ingevolge artikel 9, derde lid, in werking treden op de eerste dag van de tweede maand volgende op de datum van de vierde kennisgeving dat aan de constitutionele vereisten voor de inwerkingtreding van de Overeenkomst in de onderscheiden grondgebieden is voldaan.

De Overeenkomst wordt ingevolge artikel 9, eerste lid, voorlopig toegepast vanaf 11 juni 1992.

Wat het Koninkrijk der Nederlanden betreft, geldt de Overeenkomst ingevolge artikel 10 alleen voor Nederland.

J. GEGEVENS

De Europese Gemeenschappen, naar welke organisaties onder meer wordt verwezen in artikel 1 van de onderhavige Overeenkomst, zijn opgericht bij de volgende verdragen:

- het op 18 april 1951 te Parijs tot stand gekomen Verdrag tot oprichting van de Europese Gemeenschap voor Kolen en Staal (tekst en vertaling in *Trb.* 1951, 82; zie ook, laatstelijk, *Trb.* 1990, 151)

- het op 25 maart 1957 te Rome tot stand gekomen Verdrag tot oprichting van de Europese Economische Gemeenschap (Nederlandse tekst in *Trb.* 1957, 91; zie ook, laatstelijk, *Trb.* 1987, 116)

- het op 25 maart 1957 te Rome tot stand gekomen Verdrag tot oprichting van de Europese Gemeenschap voor Atoomenergie (Eu-

ratom) (Nederlandse tekst in *Trb.* 1957, 92; zie ook, laatstelijk, *Trb.* 1987, 117).

De Benelux Economische Unie, naar welke Organisatie in artikel 9 van de onderhavige Overeenkomst wordt verwezen, is opgericht bij een op 3 februari 1958 te 's-Gravenhage tot stand gekomen Verdrag, waarvan de tekst is geplaatst in *Trb.* 1958, 18; zie ook, laatstelijk, *Trb.* 1989, 63.

Uitgegeven de *elfde* augustus 1992.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK