

REPUBLIC OF
IRELAND



Treaty Series No. 74 (1980)

Agreement ✓

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Ireland

on the International Carriage of Goods by Road

Dublin, 9 April 1980

[The Agreement entered into force on 1 July 1980]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1980*

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**AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND
THE GOVERNMENT OF THE REPUBLIC OF IRELAND
ON THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland, hereinafter called "the Parties";

Desiring to facilitate the international carriage of goods by road between their two countries and in transit through their territories;

Have agreed as follows :

**PART I
GENERAL PROVISIONS**

ARTICLE 1

Definitions

For the purposes of this Agreement :

- (a) the term "carrier" shall mean a person (including a legal person) who, in either the United Kingdom or the Republic of Ireland, carries goods by road for hire or reward or on his own account in accordance with the relevant national laws and regulations, and references to "a carrier of a Party" shall be taken as references to a carrier using vehicles authorised in the territory of a Party;
- (b) the term "vehicle" shall mean any mechanically propelled road vehicle which is constructed or adapted for the transport of goods, including any accompanying trailer or semi-trailer;
- (c) for the purposes of this Agreement the term "territory" shall mean that area over which each Party exercises jurisdiction;
- (d) the term "competent authority" shall mean:
 - (i) for the Republic of Ireland, the Minister for Transport, Dublin, or any authority appointed by him;
 - (ii) for the United Kingdom, the Department of Transport, London, and the Department of the Environment (Northern Ireland).

ARTICLE 2

Scope of Agreement

The provisions of this Agreement shall apply to the international carriage of goods by road by means of vehicles owned or operated by carriers of either Party :

- (a) between any point in the territory of one Party and any point in the territory of the other Party;
- (b) in transit through the territory of that other Party;
- (c) between any point in the territory of that other Party and any point in the territory of a third country or vice versa.

ARTICLE 3

Cabotage

Nothing in this Agreement shall be held to permit a carrier authorised in the territory of one Party to pick up goods at a point in the territory of the other Party for setting down or delivery at any other point in that territory.

ARTICLE 4

Permits

(1) Except as provided in Article 5 of this Agreement a carrier of either Party shall require a permit in order to engage in any of the operations set out in Article 2 of this Agreement. Such permits shall be issued within the limits of annual quotas fixed by the Joint Committee provided for in Article 9 of this Agreement.

(2) Permits shall be issued by the competent authority in the territory of the Party in which the vehicle is authorised.

(3) A permit shall be used only by the carrier to whom it is issued and shall not be transferable. It shall be valid for the use of one vehicle or one combination of vehicles (articulated vehicle or road train) at any one time.

(4) Permits may be of two types :

- (a) journey permits valid for one or more return journeys, with a maximum period of validity not exceeding six months;
- (b) period permits, valid for any number of journeys, within a period of one year.

(5) Permits may be issued without counting against the quota for the types of carriage listed in Annex II of the First Directive of the European Economic Community of 23 July 1962, as amended by any existing or future Council Directive, on the establishment of common rules for certain types of carriage of goods by road between Member States.

(6) The competent authorities of the Parties may agree to further reciprocal exemption from quotas in accordance with the provisions of Article 9 of this Agreement.

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

(8) Matters of administrative procedure concerning the implementation of the permit system shall be agreed in accordance with the provisions of Article 9 of this Agreement.

ARTICLE 5

Exemptions from Permits

(1) The permits referred to in Article 4 of this Agreement shall not be required for:

- (a) the types of carriage listed in Annex I of the First Directive of the Council of the European Economic Community of 23 July 1962, as amended by any existing or future Council Directive, on the establishment of common rules for certain types of carriage of goods by road between Member States;

- (b) the type of carriage referred to in the Directive of the Council of the European Economic Community No. 130/75 of 17 February 1975, as amended by any existing or future Council Directive, on the establishment of common rules of certain types of combined road/rail carriage of goods between Member States;
- (c) the carriage of goods under an authorisation granted pursuant to Council Regulation (EEC) No. 3164/76 of 16 December 1976 on the Community quota for the carriage of goods by road between Member States, as amended from time to time, or by virtue of a licence issued pursuant to the scheme adopted by Resolution of the Council of Ministers of the European Conference of Ministers of Transport on the 14 June 1973;
- (d) transport on own-account, provided that an appropriate own-account document is carried on the vehicle, the form of the document to be agreed by the competent authorities of the Parties;
- (e) transport of spare parts and provisions for ocean-going ships;
- (f) transport of works and objects of art for fairs and exhibitions or for commercial purposes;
- (g) transport of articles and equipment intended exclusively for advertising and information purposes;
- (h) unladen runs by goods vehicles, but if the vehicle is entering to collect goods, the permit applying to the transport operation which is to follow shall be carried on the vehicle on entry;
- (j) transport of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances, fairs or fetes and those intended for radio, recordings, or for film, or television productions.

(2) The exemption conferred by paragraph (1) of this Article may be extended to further categories of international transport by agreement between the competent authorities of the Parties in accordance with the provisions of Article 9 of this Agreement.

ARTICLE 6

Taxation

(1) Subject to the provisions of paragraph (3) of this Article, vehicles which are authorised, and for which the appropriate rates of vehicle excise duties have been paid, in the territory of one Party and are temporarily imported into the territory of the other Party shall be exempted from the taxes and charges levied on the circulation and possession of vehicles and from taxes and charges levied on transport operations carried out in the territory of the other Party.

(2) The exemptions referred to in paragraph (1) of this Article shall be granted in the territory of each Party so long as the conditions laid down in the Customs regulations in force in that territory for the temporary admission of such vehicles into that territory without payment of import duties and import taxes are fulfilled.

(3) The exemptions referred to in paragraph (1) of this Article shall not apply to taxes and charges included in the price of fuel or to tolls for the use of particular bridges, tunnels or ferries.

(4) The fuel contained in the normal supply tanks of a vehicle shall be exempt from taxes and duties.

ARTICLE 7

Compliance with National Laws

Except where otherwise agreed, carriers and drivers of one Party and vehicles operated by carriers of that Party shall, when in the territory of the other Party, comply with the laws and regulations in force in that territory concerning road transport and road traffic.

ARTICLE 8

Infringements

(1) In the event of serious or repeated infringements of the provisions of this Agreement by a carrier of one Party while in the territory of the other Party, the competent authority for the territory 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 carrier from the territory in which the infringement occurred;

(c) to issue a notice of such revocation or exclusion;

and may request the competent authority for the other Party to convey any such 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 Party receiving any such request shall as soon as reasonably practicable comply therewith and shall inform the competent authority of the other Party of the action taken.

ARTICLE 9

Administrative Arrangements

(1) The competent authorities of the Parties shall jointly concert all administrative measures for giving effect to the provisions of this Agreement. These measures, which shall be recorded in an Administrative Memorandum, may be modified by agreement between the competent authorities, in particular so as to conform to the current requirements for the transport of goods by road.

(2) At the request of either competent authority representatives of both shall meet as a Joint Committee to review the operation of this Agreement and agree any measures to be implemented.

(3) The Joint Committee may by agreement amend or add to the Memorandum.

(4) At the request of one competent authority, the other shall provide any relevant information which can reasonably be made available concerning the manner in which traffic covered by this Agreement has developed.

ARTICLE 10

Production of Documents

Permits and any other documents required in accordance with the provisions of this Agreement or its Administrative Memorandum must be carried on the vehicles to which they relate and be produced on demand to any person who is authorised in the territory of either Party to demand them.

ARTICLE 11

Entry into Force and Duration

(1) Each Party shall notify the other in writing when the measures necessary for giving effect to this Agreement in their territory have been taken. The Agreement shall enter into force on the thirtieth day after the date of the later of these notifications⁽¹⁾.

(2) The Agreement shall remain in force for a period of 5 years after its entry into force unless it is terminated by either Party giving six months notice thereof in writing to the other Party. Thereafter, it shall only continue in force if both Parties agree, and for such further period as they specify.

PART II

PROVISIONS RELATING TO EXISTING RECIPROCAL ARRANGEMENT ON CROSS-BORDER HAULAGE OF GOODS

ARTICLE 12

Exemption from Quota

(1) Permits shall be issued without counting against the quota for the carriage of goods in either direction between Northern Ireland and the Republic of Ireland in vehicles authorised in either Northern Ireland or the Republic of Ireland. Such carriage must in all cases be to or from places in Northern Ireland from or to places in the Republic of Ireland.

(2) Carriers which are subsidiaries or associates of non-Northern Ireland concerns and which were set up in Northern Ireland after 1966 are not eligible to participate in the arrangement at (1) of this Article.

⁽¹⁾ The Agreement entered into force on 1 July 1980.

(3) Notwithstanding paragraph (1) of this Article, the carriage of goods in any trailer or semi-trailer drawn by a towing vehicle authorised in Northern Ireland on behalf of a carrier authorised elsewhere in the United Kingdom shall require permits within the limits of the quota.

ARTICLE 13

Review of Article 12

Not later than one year from the date of entry into force of this Agreement and annually thereafter the Parties shall review the terms of Article 12.

In witness thereof the undersigned being duly authorised thereto by their respective Governments have signed this Agreement.

Done in two originals at Dublin on the 9th day of April 1980.

For the Government of the United Kingdom of Great Britain and Northern Ireland: For the Government of the Republic of Ireland:

ROBIN HAYDON

ALBERT REYNOLDS