

No. 46698

**Turkey
and
Portugal**

Agreement between the Turkish Republic and the Portuguese Republic concerning international road transport of passengers and goods (with protocol). Lisbon, 11 May 2005

Entry into force: *1 August 2009 by notification, in accordance with article 20*

Authentic texts: *English, Portuguese and Turkish*

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**Turquie
et
Portugal**

Accord entre la République turque et la République portugaise concernant le transport routier international de passagers et de marchandises (avec protocole). Lisbonne, 11 mai 2005

Entrée en vigueur : *1^{er} août 2009 par notification, conformément à l'article 20*

Textes authentiques : *anglais, portugais et turc*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE TURKISH AND PORTUGUESE REPUBLIC
CONCERNING INTERNATIONAL ROAD TRANSPORT OF PASSENGERS AND
GOODS

The Turkish and Portuguese Republic, hereinafter referred to as the "Parties",

Wishing to contribute to the development of trade and economic relations between the two countries;

Determined to promote collaboration in road transport within the framework of market economy;

Recognising the mutual advantages and interest of an agreement on road transport;

Agree as follows:

CHAPTER I
GENERAL PROVISIONS

Article 1

Scope

This Agreement applies to international road transport of passengers and goods and, without prejudice to the provisions of paragraph 2 of article 7, entitles operators registered in the territory of either Party to transport passengers and goods by road between the territories of the Parties or in transit through them.

Article 2

Definitions

For the purpose of this Agreement:

- a)** A "transport operator" is any physical or juridical person duly registered and authorised either in the Portuguese Republic or in Turkey:
- 1) To engage in the international transport of passengers or goods by road for hire or reward;
 - 2) To perform transport on own account;
- b)** A "vehicle" means:
- 1) In the case of transport of passengers, any motor vehicle intended for carriage of passengers with more than 9 seats - including the driver's seat;
 - 2) In the case of transport of goods, any lorry, tractor, trailer or semi-trailer, as well as any articulated vehicle or a combination of lorry and trailer, provided that at least the motor vehicle is registered in the territory of either Party and owned by the transport operator or put at his disposal by means of a leasing or hiring contract;
- c)** "Transit" is the transport performed by a transport operator established in one of the Parties through the territory of the other Party without taking or leaving there any passengers or goods.

CHAPTER II

TRANSPORT OF PASSENGERS

Article 3

Types of Services

1. The transport services of passengers to be performed under the provisions of this Agreement may be:
 - a) Regular services;
 - b) Occasional services.

2. "Regular Services" are services, which provide for the carriage of passengers on specified routes, according to previously determined itinerary, schedule, fares and stopping points for collecting and setting down passengers.
3. "Occasional services" are services which do not fall within the definition of regular services.

Article 4

Regime of Authorization

1. In what regards regular services:
 - a) The establishment of a regular service, as well as the modification of the operating conditions thereof, will be authorised by common agreement between the competent authorities of the Parties, provided that an approval is obtained from the competent authorities of the transit countries, whenever necessary;
 - b) An authorization granted by the competent authority of a Party will be valid only on that part of the route which is situated on the territory of the same Party;
 - c) The authorization for each regular service will be granted on basis of the principle of reciprocity;
 - d) The term of validity of an authorization cannot exceed three years.
2. In what regards occasional services:
 - a) Occasional services between the two countries or in transit through their territories, performed under this Agreement, apart from the exceptions referred to in paragraph 1 of article 5, are subject to an authorization granted by the competent authority of the other Party on the basis of the principle of reciprocity and within the limits of the quota annually decided by them;
 - b) Competent authorities of the Parties issue authorizations for transport operators for the part of the route on their territories;
 - c) Each occasional service needs a separate authorization valid only for one trip, unless otherwise stated in the authorization;

- d) Each authorization should be numbered, signed and stamped by the competent issuing authority.

Article 5

Transport Services Exempted from Authorization

1. The following occasional services do not require authorization:
 - a) "Closed door tours", i.e., services whereby the same vehicle carries the same group of passengers throughout the journey and brings them back to the place of departure, provided that the place of departure and destination is situated on the territory of the Party where the vehicle is registered;
 - b) Services involving a laden journey from a place of departure situated on the territory of the Party where the vehicle is registered to a place of destination situated on the territory of the other Party, followed by an empty journey back to the place of departure;
 - c) Services including an unladen journey entering the territory of the other Party, followed by a laden journey, provided that all passengers are picked up in the same place and that:
 - They are grouped by a transport contract concluded before they enter the territory of the other Party; or
 - They have been previously carried by the same transport operator to the territory of the other Party; or
 - Have been invited to come to the territory of the Party where the transport operator is established, the costs of transport being at the charge of the person responsible for the invitation.
 - d) Unladen runs of a passenger vehicle sent to replace a vehicle, which has broken down in another country, in order to continue the carriage of passengers under cover of the waybill, or copy of the waybill of the broken down vehicle.
2. Services exempted from authorization under the provisions of paragraph 1 of this article shall be carried out under cover of a control document to be established in the Protocol referred to in article 18 of this Agreement.