

**No. 48013**

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**Switzerland  
and  
Serbia**

**Agreement between the Swiss Federal Council and the Government of the Republic of Serbia on road passenger and goods transport (with protocol). Bern, 9 December 2009**

**Entry into force:** *10 July 2010 by notification, in accordance with article 14*

**Authentic texts:** *English, German and Serbian*

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**Suisse  
et  
Serbie**

**Accord entre le Conseil fédéral suisse et le Gouvernement de la République de Serbie relatif aux transports par route de personnes et de marchandises (avec protocole). Berne, 9 décembre 2009**

**Entrée en vigueur :** *10 juillet 2010 par notification, conformément à l'article 14*

**Textes authentiques :** *anglais, allemand et serbe*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Suisse, 14 décembre 2010*

**AGREEMENT BETWEEN THE SWISS FEDERAL COUNCIL AND  
THE GOVERNMENT OF THE REPUBLIC OF SERBIA  
ON ROAD PASSENGER AND GOODS TRANSPORT**

The Swiss Federal Council and the Government of the Republic of Serbia (hereinafter referred to as the Contracting Parties), being desirous to facilitate the passenger and goods transport between both States and in transit through their territories, have agreed as follows:

**Article 1**                      Scope

The present Agreement applies to passenger and goods transport by road operating from or to the State's territory of a Contracting Party or in transit through the State's territory of a Contracting Party by means of vehicles registered on the State's territory of the other Contracting Party.

**Article 2**                      Definitions

In this Agreement:

1. The term „Transport Operator" means any natural or legal person residing in Switzerland or any person residing in the Republic of Serbia who is in accordance with provisions in force in one of the State's of the Contracting Parties authorized to operate international passenger and goods transport by road;
2. The term "Vehicle" means a road vehicle with mechanical propulsion or a combination of road vehicle and trailer, registered in the State's territory of one Contracting Party, which is with its construction and its equipment intended for the international transport by road of more than nine seated passengers, including the driver, or for the international goods transport by road;
3. The term "Regular public passenger service" means a service which carries passengers over a specified route, according to specified timetables and fares, which are set and published. Passengers are picked up or set down at approved stopping points;
4. The term "Shuttle service" means a transport of organized passenger groups for several tourist journeys from the same place of departure or the surrounding locality to a single place

of destination whereby each group that made the outward journey is carried back and consists of the same number of passengers. The first return journey and the last outward journey in a series of shuttles are made unladen;

The term "Shuttle service with accommodation" means a shuttle service which provides accommodation for at least 80 per cent of passengers at the destination place;

5. The term "Occasional service" means a service falling neither within the definition of a regular passenger service nor within the definition of a shuttle service;

6. The term "Cabotage" means a transport of passengers or goods which is carried out by a transport operator residing in the State's territory of one Contracting Party between places on the State's territory of the other Contracting Party;

7. The term "Authorization" means every licence, concession or permit which is required by the law in force in each Contracting Party.

### **Article 3**                      Passenger transport

1. Regular public passenger service, occasional service and shuttle service are carried out on the basis of an authorization.

2. The authorization referred to in Paragraph 1 of this Article is issued in accordance with the reciprocity principle.

3. As an exemption to paragraph 1 of this Article, the occasional services listed below are exempted from any authorization:

a) circular closed-doors tours which begin and terminate on the State's territory of the Contracting Party in which the vehicle is registered, whereby the same group of passengers is carried by the same vehicle throughout the whole journey without picking up and setting down passengers on the route at stops outside the said country.

b) transport of a group of passengers from a place of departure which is located on the State's territory of the Contracting Party where the vehicle is registered to a place of destination on the State's territory of the other Contracting Party and the return journey unladen;

c) transport on which the outward journey is made unladen and the return journey laden that provided passengers:

- constitute of a group formed under a contract of carriage concluded before their arrival in the State's territory of the Contracting Party where they are being picked

up or,

- have been previously brought by the same transport operator to a place of destination on the State's territory of the other Contracting Party, where they are again picked up by him and carried into the State's territory of the Contracting Party where the vehicle is registered or,
- have been invited to travel into the territory of the state of the other Contracting Party, the transport costs being covered by the host. The passengers have to form a homogeneous group that must not be formed only for the purpose of the journey.

d) transit journeys through the State's territory of the other Contracting Party.

4. As an exemption to paragraph 1 of this Article, shuttle service with accommodation is exempted from an authorization.

5. The occasional service referred to in paragraph 1 and 3 of this Article is carried out with a control document (waybill).

6. The authorization referred to in paragraph 1 of this Article or the control document (waybill) referred to in paragraph 5 of this Article must be kept in the vehicle and presented at the request of control authorities.

#### **Article 4**                      Goods transport

The transport operator has the right to temporarily import unloaded or loaded vehicles to transport goods:

- 1) between a place on the State's territory of a Contracting Party and a place on the State's territory of the other Contracting Party;
- 2) in transit through the State's territory of the other Contracting Party;
- 3) from the State's territory of the other Contracting Party to a third country or from a third country to the State's territory of the other Contracting Party.

#### **Article 5**                      Weights and dimensions of vehicles

1. The permissible maximum weight, axle load and dimensions of vehicles must not be higher than the values entered in the registration documents.

2. If the values or dimensions of loaded or unloaded vehicles operating transport in

compliance with provisions of this Agreement exceed the permissible maximum limits applicable in the State on which territory transport is operated, a special authorization is needed which is issued in accordance with the national legislation of the Contracting parties.

3. The authorization referred to in Paragraph 2 of this Article must be kept on the vehicle and presented at the request of control authorities.

#### **Article 6**                      Application of the national legislation

Regulations of each Contracting Party are applied to all issues that are not settled in this Agreement with the objective to be applied in a non-discriminatory way.

#### **Article 7**                      Cabotage

1. Internal transport of passengers and goods is prohibited.
2. Apart from paragraph 1 of this article, the Joint Committee can propose to the competent authorities of the Contracting Parties to introduce exceptions to this rule.

#### **Article 8**                      Violations of the provisions of the Agreement

1. By carrying out the transport, the operators are obliged to comply with the provisions of this Agreement.
2. The competent authority of the Contracting Party in which the vehicle is registered, can, in case that the provisions of this Agreement and the laws and regulations of traffic and transport which are in force in that territory, have been violated, at the request of the competent authority of the Contracting Party on which territory the violation has been committed, take toward the transport operator or the driver one of the following measures:
  - a) Issue a warning;
  - b) Temporary or total cancellation of the authorization for the territory on which the violation has been committed.
3. The competent authority of the other Contracting Party must be informed about the measures taken pursuant to in Paragraph 2 of this Article.
4. The provisions of Paragraphs 2 and 3 do not exclude the possibility that the competent law courts or other competent authorities of the Contracting Party on which territory the