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**Portugal
and
Republic of Moldova**

Agreement between the Portuguese Republic and the Republic of Moldova on international road transport of passengers and goods. Lisbon, 28 May 2014

Entry into force: *23 March 2017, in accordance with article 19*

Authentic texts: *English, Portuguese and Romanian*

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**Portugal
et
République de Moldova**

Accord entre la République portugaise et la République de Moldova relatif au transport routier international de passagers et de marchandises. Lisbonne, 28 mai 2014

Entrée en vigueur : *23 mars 2017, conformément à l'article 19*

Textes authentiques : *anglais, portugais et roumain*

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AGREEMENT

between the Portuguese Republic and the Republic of Moldova on International Road Transport of Passengers and Goods

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

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

Determined to promote co-operation in road transport within the framework of the market economy;

Concerned about environmental protection, the rational use of energy, road safety, including the improvement of driving conditions, namely the social provisions on driving and rest periods;

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

Agree as follows:

CHAPTER I

General provisions

Article 1

Scope

The present Agreement applies to international road transport of passengers and goods and entitles operators established on 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 individual or legal person duly registered and authorised in the territory of either Party:
 - i) To engage in the international transport of passengers or goods by road for hire or reward;
 - ii) To perform transport on own account.
- b) A "Vehicle" means:
 - i) In the case of transport of passengers, any motor vehicle intended for carriage of passengers with more than nine seats – including the driver's seat;
 - ii) 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) "Cabotage" means transport services performed by a transport operator of one of the Parties between two points situated on the territory of the other Party;
- d) "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;
- e) "Triangular transport" is the transport performed by a transport operator registered in one of the Parties, between the territory of the other Party and a third country, provided that the territory of the other Party is either destination or origin of the transport operation.

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. Apart from the exceptions referred to in paragraph 1 of Article 5, any passenger transport services performed under this Agreement are subject to an authorization granted by the competent authority of the other Party on the basis of reciprocity.
2. 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 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 the basis of the principle of reciprocity, unless concrete situations prevent the application of such principle, in which case the authorizations shall be granted to the applicant;
 - d) The term of validity of an authorization cannot exceed five years.

3. 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;
- b) Competent authorities of the Parties issue authorization 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:
 - i) They are grouped by a transport contract concluded before they enter the territory of the other Party; or
 - ii) They have been previously carried by the same transport operator to the territory of the other Party; or
 - iii) They 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 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 by the Joint Committee mentioned in Article 17 of this Agreement.

CHAPTER III

Transport of goods

Article 6

Regime of authorization

1. Apart from the exceptions referred to in Article 7, the transport of goods for hire or reward or on own account performed under the provisions of this Agreement by a transport operator established on the territory of one of the Parties, by means of a motor vehicle registered in the same Party, is subject to an authorization granted by the competent authority of the other Party within the limits of the quota to be fixed annually by common agreement between the competent authorities of the Parties.
2. A part of the quota referred to in paragraph 1 of this Article may be used by transport operators established on the territory of one of the Parties to perform transports between the territory of the other Party and a third country (triangular transports).
3. The competent authorities of both Parties may agree on the following two types of authorizations:
 - a) Journey authorizations, valid for one journey; or
 - b) Yearly authorizations, valid for the respective calendar year.
4. The period of validity of each authorization is from the 1st of January of each year to the 31st of January of the next year.
5. The forms for authorizations and control documents as required by this Agreement shall be established by the Joint Committee mentioned in Article 17 of the present Agreement.

Article 7

Transport services exempted from authorization

1. The following transports are exempted from authorization:
 - a) Transport of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 3,5 tons;
 - b) Transport or towing of vehicles which are damaged or have broken down by specialized breakdown repair vehicles;
 - c) Unladen runs by a goods vehicle sent to replace a vehicle which has broken down in another country and also the return run, after repair, of the vehicle that had broken down;
 - d) Transport of medical supplies and equipment needed for emergencies, particularly in response to natural disasters as well as for humanitarian aid;
 - e) Transport of works and objects for fairs and exhibitions;
 - f) Transport for non commercial purposes of material, accessories and animals to or from theatrical, musical, film, sportive, circus performances or fairs, as well as transport of material intended for radio recordings or for film or television production;
 - g) Transport of mail as public service;