

No. 32857

**GERMANY
and
REPUBLIC OF MOLDOVA**

**Agreement concerning trans-frontier movement of persons
and goods by road. Signed at Bonn on 11 October 1995**

Authentic texts: German and Moldovan.

Registered by Germany on 22 May 1996.

**ALLEMAGNE
et
RÉPUBLIQUE DE MOLDOVA**

**Accord relatif au transport routier international de voya-
geurs et de marchandises. Signé à Bonn le 11 octobre
1995**

Textes authentiques : allemand et moldove.

Enregistré par l'Allemagne le 22 mai 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
REPUBLIC OF MOLDOVA ON THE INTERNATIONAL CAR-
RIAGE OF PERSONS AND GOODS BY ROAD

The Government of the Federal Republic of Germany and the Government of the Republic of Moldova,

Desiring to regulate and develop the international carriage of goods by road,

Have agreed as follows:

Article 1

This Agreement shall, in accordance with the domestic law of the Contracting Parties, regulate the international carriage of persons and goods by road between the Federal Republic of Germany and the Republic of Moldova and in transit through those States by carriers authorized to undertake such transport in the territories of their States.

CARRIAGE OF PERSONS

Article 2

(1) For the purposes of this Agreement, the term “carriage of persons” means the carriage of persons and their baggage by motor coach on the carrier’s own account or on the account of a third party or by private motor car on the account of a third party (e.g. a taxi or a hired vehicle). This applies also to journeys made by empty vehicles in connection with such transport services.

(2) Any motor vehicle which by its construction and equipment is suitable and intended for the carriage of more than nine persons (including the driver) shall be considered to be a motor coach. Any motor vehicle which by its construction and equipment is suitable and intended for the carriage of not more than nine persons (including the driver) shall be considered to be a private motor car.

Article 3

(1) The term “regular line service” means the regular carriage of persons along a specified route in accordance with previously established and published timetables, fares, and conditions of transport, in the course of which passengers may board and alight at previously designated stops. This shall also apply to transport services which are operated essentially as regular line services.

(2) For the purposes of this Agreement, regular line service shall also, irrespective of who determines the course of the transport, be deemed to include the regular carriage of a specific category of persons to the exclusion of other passengers, provided that the transport possesses the characteristics of regular line service

¹ Came into force provisionally on 11 October 1995 by signature, and definitively on 17 March 1996, i.e., one month after the date on which the Contracting Parties had notified each other (on 16 February 1996) of the completion of the national requirements, in accordance with article 20 (1) and (2).

set out in paragraph 1. Such transport, in particular the carriage of workers to and from their workplaces and their homes, shall be termed “special forms of regular line service”.

(3) Regular line services operated in bilateral or transit traffic shall require licensing by the competent authorities of both Contracting Parties. The licences shall be issued by agreement in accordance with the applicable law of the Contracting Party concerned. Licences may be issued for a period of up to five years.

(4) Any modification of routes, stops, timetables, fares and conditions of transport shall require the prior consent of the competent authorities of both Contracting Parties. The same shall apply to the suspension of operations.

(5) Applications for the establishment of a regular line service and applications pursuant to paragraph 4 shall be submitted to the competent authority of the Contracting Party in whose territory the carrier’s principal place of business is situated. The applications, together with a statement of the views of the Ministry of Transport of that Contracting Party, shall be transmitted direct to the Ministry of Transport of the other Contracting Party.

(6) Applications pursuant to paragraphs 4 and 5 must contain, in particular, the following information:

1. Family name and given name or firm name and complete address of the carrier;
2. Type of transport;
3. Requested period of validity of the license;
4. Period of operation and number of journeys (e.g. daily, weekly);
5. Timetable;
6. Exact route (stops at which passengers are picked up or set down/other stops/frontier crossing points);
7. Length of the line in kilometres: outward/return;
8. Distance covered daily;
9. Driving time and rest periods for drivers;
10. Seating capacity of the motor coaches to be used;
11. Fares and conditions of transport (rates).

Article 4

(1) A shuttle service is a transport service in which previously constituted groups of passengers make repeated outward and return journeys from the same departure area to the same destination area. Such groups composed of passengers who have made the outward journey are to be carried back to the point of departure on a subsequent journey. The terms “departure area” and “destination area” shall be understood to mean the starting point of the journey and its destination point, together with points within a 50-km radius. In addition to transport services, accommodations for the group, with or without meals, at the destination point and, where appropriate, during the journey, must be included. The first return journey and the last outward journey made in the series of shuttle journeys must be journeys made by empty vehicles.

(2) The classification of a transport service as a shuttle service shall not be affected if, contrary to the provisions of paragraph 1, passengers, with the consent of the competent authorities of the Contracting Party concerned or of both Contracting Parties, make the return journey with another group.

(3) Shuttle services shall in each individual case require licensing by the competent authorities of the other Contracting Party. Applications for the issuance of a licence shall be addressed direct to the competent authorities of that other Contracting Party. It should be submitted at least 60 days prior to the start of the transport services.

(4) In addition to the information referred to in article 3, paragraph 6, applications for the shuttle-service licences referred to in paragraph 3 must include the dates of the journeys, the number of journeys and information concerning the places and hotels or other lodging where passengers are to be accommodated during their stay and concerning the duration of the stay.

(5) The principles governing shuttle-service licensing procedures, the printed licence forms and the competent authorities shall, where necessary, be established by the Joint Commission constituted pursuant to article 17.

(6) In the case of shuttle service within the meaning of paragraph 1, carriers must have with them a passenger list, which, upon entry into the territory of the other Contracting Party, is to be stamped by its frontier authorities.

Article 5

(1) Occasional transport is transport which is not regular line transport within the meaning of article 3, paragraph 1, nor shuttle service within the meaning of article 4.

(2) Occasional transport services operated in bilateral or transit traffic shall not require licensing in the case of:

(a) Services by a motor vehicle carrying the same group of passengers the entire length of the journey and returning them to the point of departure (closed-door circular tour); or

Transport services in which passengers are picked up for the outward journey and in which the return journey is made by an empty vehicle (return journey unladen); or

Outward journeys unladen which are made for the purpose of picking up again and carrying back to the point of departure a group of passengers previously carried by the same carrier in a service referred to in subparagraph (b).

(3) In the case of occasional transport, passengers may neither be picked up nor be set down en route unless the competent authority of the Contracting Authority so permits.

(4) Occasional transport not conforming to the provisions of paragraph 2 shall in each case require licensing by the competent authority of the other Contracting Party. The application for the issuance of a license must be addressed direct to the competent authority of the other Contracting Party. It should be submitted at least 60 days prior to the start of transport services.

(5) Applications pursuant to paragraph 4 must contain, in particular, the following information:

1. Family name and given name or firm name and complete address of the carrier and, where appropriate, of the tour operator who or which made the arrangements for the transport services;
 2. Purpose of the journey (description);
 3. State in which the group of passengers is to be constituted;
 4. Departure point and destination point of the journey and country of origin of the group of passengers;
 5. Route, with frontier crossing points;
 6. Dates of the outward and return journeys, specifying whether the outward and the return journey will be made laden or unladen;
 7. Driving times and rest periods for drivers;
 8. Registration numbers and seating capacity of the motor coaches to be used.
- (6) The documents to be inspected for occasional transport services not requiring a licence shall be agreed upon by the Joint Commission constituted pursuant to article 17.

Article 6

Licences granted pursuant to article 3, paragraph 3, article 4, paragraph 3, or article 5, paragraphs 3 and 4, may be used solely by the carrier to which they were issued. They may neither be transferred to another carrier nor, in the case of occasional transport, be used for motor vehicles other than those specified in the licence. Licences shall not authorize passenger transport between two points situated in the territory of the other Contracting Party (prohibition of cabotage). In the case of a regular line service, the carrier to which the licence has been issued may use the services of contractual carriers from the territory of the other Contracting Party. Their names need not appear on the licence, but they must have with them an official copy of the said licence.

CARRIAGE OF GOODS

Article 7

Subject to article 9, carriers of goods by motor vehicle and those engaged in transport services between sites of the same enterprise shall, for transport between the territory in which the vehicle being used is registered and the territory of the other Contracting Party (bilateral transport), or for transit transport through the territory of either Contracting Party, shall require a licence from the competent authority of the latter Contracting Party for each transport operation.

Article 8

- (1) The licence shall be issued to the carrier. It shall be valid only for the carrier itself and shall not be transferable.
- (2) A licence shall be required for each truck and for each towing vehicle. It shall also be valid for the accompanying trailer or semi-trailer irrespective of the place at which it is registered.
- (3) A licence shall be valid in shuttle and transit services for an arbitrary number of journeys during the period of time specified therein (time licence) or for

one or more outward and return journeys during the period of time specified in the licence (journey licence).

(4) Transport between the territory of the other Contracting Party and a third State shall, in principle, be permitted only if the territory in which the vehicle is registered is traversed as part of the normal journey or when special licences have been issued therefor in accordance with article 17.

(5) Carriers of one Contracting Party may not carry goods between two points situated in the territory of the other Contracting Party (domestic transport).

(6) The carriage of goods performed in accordance with this Agreement shall require freight documents whose form must conform to the internationally used model (CMR).

Article 9

(1) No licence shall be required for journeys made by empty vehicles and for the transport of:

1. Articles or material intended solely for advertising or information (e.g. goods for fairs and expositions);

2. Apparatus and equipment carried to or from theatrical, musical, cinematic, sports and circus performances and to or from radio, cinematic or television recordings;

3. Damaged trucks (returning them);

4. Human remains;

5. Goods, together with motor vehicles, whose permissible total weight, including the total weight of the trailers, does not exceed 6 tonnes or whose permissible useful load, including the useful load of the trailers, does not exceed 3.5 tonnes;

6. Medicines, medical equipment and apparatus, as well as other goods intended for providing aid in emergencies (in particular in the event of natural disasters) and goods intended for providing humanitarian aid, on the basis of special documentation;

7. Live animals;

8. Goods carried on the occasion of removals (household effects).

(2) The Joint Commission constituted pursuant to article 17 may exempt other types of transport from the licence requirement.

Article 10

(1) Each Contracting Party undertakes that it will not apply to vehicles registered in the territory of the other Contracting Party any regulations with respect to maximum permissible weights and dimensions which are less favourable than those applied to vehicles registered in the territory of the first-mentioned Contracting Party.

(2) If the weight or dimensions of the vehicle or of the load exceed the limits permissible in the territory of the other Contracting Party and, where applicable, in the transport of hazardous materials, an exceptional license from the competent authority of that Contracting Party shall be required. Transport restrictions or specific transport routes may be prescribed in that connection.

Article 11

(1) The licences required for carriers of the Republic of Moldova shall be issued by the Federal Ministry of Transport of the Federal Republic of Germany and assigned by the Ministry of Transport of the Republic of Moldova or by the authorities designated by it for the purpose.

(2) The licences required for carriers of the Federal Republic of Germany shall be issued by the Ministry of Transport of the Republic of Moldova and assigned by the Federal Ministry of Transport of the Federal Republic of Germany or by the authorities designated by it for the purpose.

Article 12

(1) The Joint Commission constituted pursuant to article 17 shall, with due regard for foreign trade and for transit traffic, determine the required number of licences available each year for each Contracting Party.

(2) The agreed number of licences may, where necessary, be changed in accordance with article 17.

(3) The content and form of the licences shall be established by the Joint Commission.

GENERAL PROVISIONS

Article 13

The licences, inspection documents or other transport documents required in accordance with this Agreement must be carried in the vehicle on all journeys regulated in this Agreement and must, upon demand, be exhibited and handed over to the representatives of the competent inspection authorities for verification. The inspection documents must be completely filled out before the beginning of the journey.

Article 14

(1) The carriers of each Contracting Party shall be required to comply with the provisions of the transport and motor-vehicle legislation in force in the territory of the other Contracting Party and with the customs provisions in force at the time.

(2) In the event of severe or repeated offences against the law in force in the territory of the other Contracting Party or against the provisions of this Agreement by a carrier and its transport staff, the competent authorities of the Contracting Party in whose territory the motor vehicle is registered shall, if requested to do so by the competent authority of the Contracting Party in whose territory the offence was committed, take one of the following measures:

(a) Admonition of the carrier responsible to comply with the provisions in force (warning);

(b) Temporary exclusion from transport;

(c) Discontinuation of the issuing of licences to the carrier responsible or revocation of an already issued licence for the period for which the competent authority of the other Contracting Party has excluded the carrier from transport.

(3) The measure in accordance with paragraph 2, subparagraph (b), may also be taken direct by the competent authority of the Contracting Party in whose territory the offence was committed.

(4) The Ministries of Transport of the two Contracting Parties shall inform each other, pursuant to the provisions of article 15, concerning the measures taken.

Article 15

The protection of the personal data transmitted shall, with due regard for the legal provisions in force in respect of each Contracting Party, be governed by the following provisions:

1. The utilization of the data by the recipient shall be permitted only for the stated purpose and in conformity with the conditions prescribed by the transmitting authority.

2. The recipient shall inform the transmitting authority, upon request, concerning the utilization of the transmitted data and concerning the results achieved thereby.

3. Personal data may be transmitted solely to police authorities or frontier protection authorities. Further transmittal to other offices may take place only with the prior consent of the transmitting authority.

4. The transmitting authority shall bear responsibility for the accuracy of the data to be transmitted and for the necessity of their transmittal and for its proportionality to the purpose pursued by the transmittal. In that context, the transmittal prohibitions in force according to domestic law must be complied with. If it is found that incorrect data, or data whose transmittal was not permitted, have been transmitted, that fact must be communicated to the recipient without delay. The recipient shall be required to correct or destroy the incorrect data or to destroy those data which are covered by a transmittal prohibition.

5. The person concerned must, upon request, be informed concerning the information relating to his person that is available and concerning the purpose for which the information is to be used. The requirement to inform him shall not exist if an evaluation shows that the public interest in not informing him outweighs his interest in being informed. In other respects, the right of the person concerned to be informed concerning the data in respect of his person that are available shall be governed by the domestic law of the Contracting Party in whose territory he makes the request to be informed.

6. In making the transmittal, the transmitting authority shall make reference to the time-limits within which the data transmitted must be deleted in accordance with its own law. Irrespective of such time-limits, the transmitted personal data must be deleted as soon as they are no longer required for the purpose for which they have been transmitted.

7. The transmitting and recipient authorities shall be required to make documentary records of the transmittal and receipt of personal data.

8. Both authorities shall be required to provide effective protection for the transmitted personal data against unauthorized access, unauthorized alteration and unauthorized disclosure.

Article 16

(1) The Contracting Parties agree that for transport within the meaning of article 1 they will promote the use of vehicles which produce a reduced amount of noise and emit a reduced amount of pollutants and of vehicles with modern equipment for vehicular safety.

(2) The details shall be established by the Joint Commission constituted pursuant to article 17.

Article 17

Representatives of the Ministries of Transport of the two Contracting Parties shall constitute a Joint Commission. It shall be convened at the request of either Contracting Party for the purpose of ensuring the implementation of this Agreement. Where necessary, the Joint Commission shall, with the participation of other competent offices, formulate proposals for the adaptation of this Agreement to transport developments and to amendments to legislation.

Article 18

The Ministries of Transport of the Contracting Parties shall inform each other concerning the competent authorities in accordance with articles 3, 4, 5, 10, 11 and 14.

Article 19

This Agreement shall not affect the obligations of the Contracting Parties which arise from other international agreements, including the obligations of the Federal Republic of Germany which arise out of its membership in the European Union.

Article 20

(1) This Agreement shall enter into force one month after the date on which the Contracting Parties have notified each other that the required domestic requirements for the entry into force of the Agreement have been met.

(2) The Contracting Parties agree to implement the Agreement provisionally from the date of its signature.

(3) The Agreement shall remain in force until such time as it is denounced in writing by either Contracting Party. In the event of denunciation, the Agreement shall cease to have effect six months after the receipt of the denunciation by the other Contracting Party.

DONE at Bonn on 11 October 1995 in duplicate in the German and Moldovan languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

KLAUS KINKEL

For the Government
of the Republic of Moldova:

MIHAI POPOV