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TRANS-EUROPEAN NORTH-SOUTH
MOTORWAY PROJECT



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TRANS-EUROPEAN NORTH-SOUTH MOTORWAY

LEGAL BACKGROUND TO TRAFFIC MOVEMENTS AND
TRANSPORT OPERATIONS

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1. INTRODUCTION

1.1 Objectives

In all countries, international road traffic and international transport of passengers and goods are subject to various regulations defining the framework for their existence and development.

The future Trans-European North-South Motorway (TEM) will cross ten European countries, and it is greatly to be hoped that traffic and transport on the Motorway will not be limited merely to domestic traffic but will extend beyond the frontiers of each of the countries concerned. Such is, in fact, the justification for the co-operation of ten countries in building this Motorway.

Analysis of the multilateral and bilateral conventions, and sometimes of national laws, compared where necessary with the actual situation found at the frontiers, should give a clear picture of the situation regarding international traffic and international road transport in the TEM countries. This analysis of the present situation might suggest various recommendations concerning the rules to be laid down for the future use of TEM for the international traffic of private (passenger) cars, buses and lorries. These recommendations might be of some value for the subsequent formulation of a legal status and principles of uniform use of the motorway over the territory of all ten TEM countries.

The purpose of this study, therefore, is to analyse the situation, de jure and de facto, in the ten TEM countries with regard to international vehicle traffic and road transport.

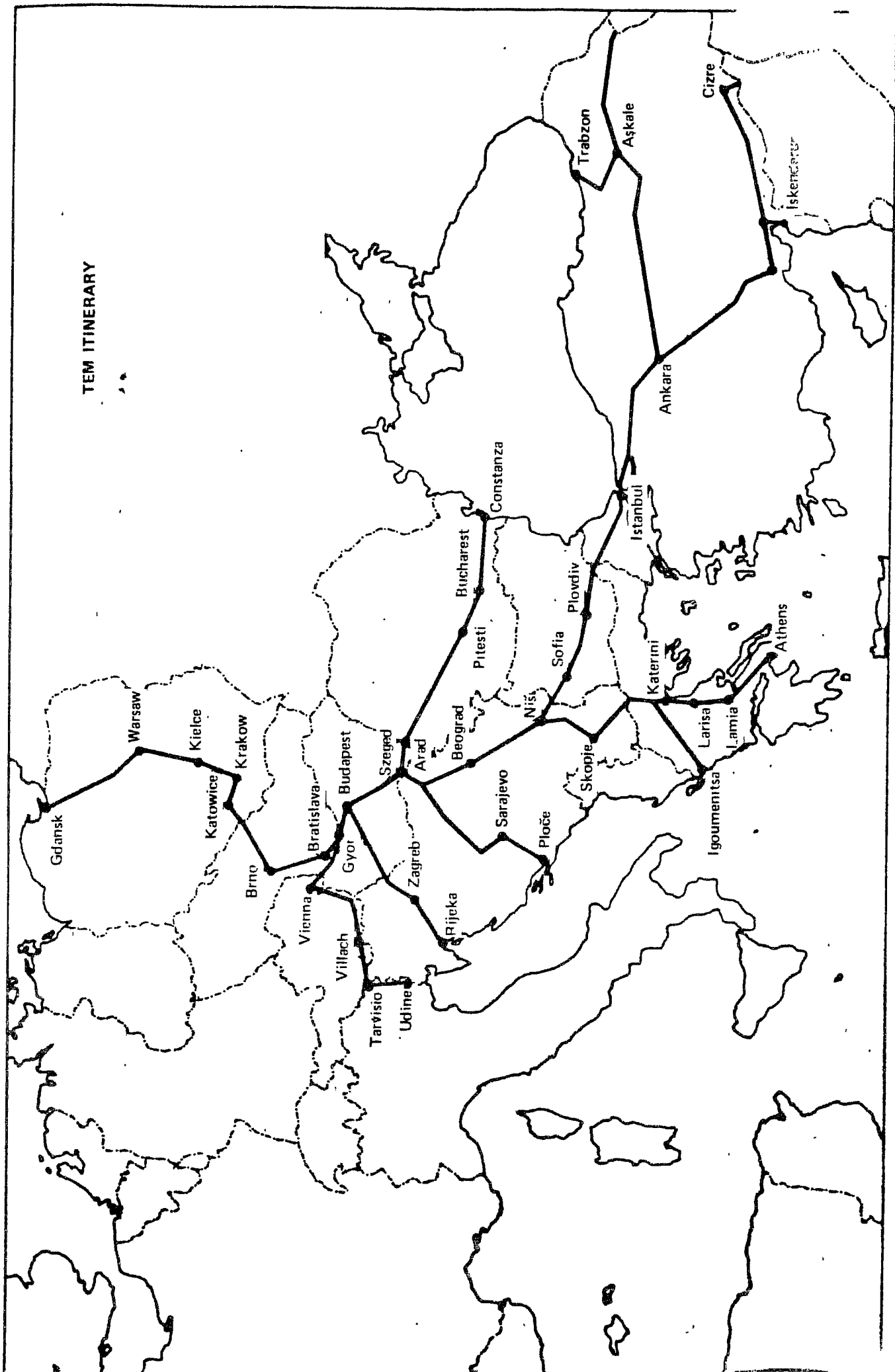
1.2 Scope

1.2.1. Geographical

The Trans-European North-South Motorway is to start at Gdańsk, the Polish port on the Baltic Sea, and will cross Poland, Czechoslovakia and Austria to reach Udine in Italy. Further south, another spur of this Motorway will lead to the Balkans through Hungary and Yugoslavia, one branch reaching Rijeka and the other Ploce on the Adriatic. Another TEM link will go from Szeged in Hungary to Constanza on the Black Sea coast of Romania continuing south to Nis in Yugoslavia and through Greece, Bulgaria and Turkey to the frontiers of Iran, Iraq and Syria. TEM will therefore cross ten countries: Poland, Czechoslovakia, Austria, Italy, Hungary, Romania, Yugoslavia, Greece, Bulgaria and Turkey, linking the Baltic, Adriatic, Aegean, Mediterranean and Black Sea coasts with a major road traffic network. To the west, TEM will be linked to existing roads in central and western European countries; to the north, there will be ferry-boat links with the Nordic countries' road networks; while to the east and south it will provide links with Asian and African road systems.

Obviously its construction, in response to the future needs of tourist traffic and commercial transport, will stimulate tourism and help to develop international trade. Its major social and economic significance for the ten countries it will serve merits particular emphasis. It will, however, also be of no little importance for the central and western European countries, the Scandinavian countries and the countries of the near and middle East, whose mutual social and economic interests already require a network of major traffic arteries.

TEM ITINERARY



1.2.2. Legal

The analysis required for the objectives of this study will concentrate on multilateral and bilateral conventions and agreements, and on domestic law and certain practices affecting road traffic and international road transport. It is not necessary, however, to analyse all the international arrangements or all domestic law on the subject. To illustrate the existing legal situation and then formulate recommendations on the future rules for traffic and transport on this land link, it would seem perfectly adequate to confine the study to the laws that are more or less common to the ten TEM countries, with occasional reference to domestic legislation and practice at their frontiers.

Although the importance of the North-South Motorway extends beyond the outer frontiers of the TEM group of countries, as emphasized above, it is hardly necessary to consider the existing legal links between the TEM countries and every other State that might have an interest in the construction of the motorway.

The proposals developed on the basis of the existing legal situation in the ten TEM countries with regard to traffic and transport might be taken as a model for the mutual relations of the ten TEM countries as well as for their relations with the outside world.

In view of the objective of the work, the analysis of the multilateral and bilateral agreements will be by no means exhaustive but confined to the requirements of the study itself. The same comment applies also to the analysis of domestic law and frontier practices. It must, however, be borne in mind that the study will consider not only conventions in force but also conventions currently being prepared and conventions which have already been signed and may in due course enter into legal force in the signatory countries.

1.3. Sources

1.3.1. Sources of road transport law

Although it would be difficult to imagine that any State, being a member of the international community made up of countries recognizing the same principles of international law, could cut itself off from all relationships with this community and still remain a member of it, it seems undeniable at present that freedom of communication by land, to the extent that it exists, is not a result of the norms of customary international law but depends on the acquiescence of the States.

Consequently, international road transport is entirely subject to the national sovereignty of each country and can exist only within the limits which each country is prepared to accept.

The exclusive competence of each State in respect of road transport, which has not been disputed with regard to bilateral transport, was called in question in cases of transit overland. However, in the dispute between Poland and Lithuania concerning railway traffic between Landwarów and Kaisiadris, the Permanent Court of International Justice confirmed the exclusive competence of the State over its own territory, even in cases of transit overland. ^{1/} This opinion was confirmed,

^{1/} PCIJ 1931, series A/B, No.42 p. 114.

after the Second World War, by the International Court of Justice in the dispute between India and Portugal concerning the right of passage over Indian territory. 2/ Thus, international road transport, including transit by road, can be regulated only by means of treaties within the limits accepted by the States, which do, however, have the full sovereign right to decide whether or not they accept the principle of the freedom of such transport; they are also free to specify the conditions of its application and the geographical scope (bilateral, multilateral) of their commitment.

International treaty law contains abundant material of road transport law, although bilateral agreements predominate. Among the multilateral agreements, the Agreement on the Lifting of Restrictions on the Freedom of the Road, concluded in 1947-1949 and the General Agreement on Tariffs and Trade of 1947 should be particularly stressed.

If the general principles of road transport law, including transit by road, tend to appear in bilateral agreements rather than in multilateral conventions, the latter often make it possible to implement those principles and are numerous in spheres which can be effectively controlled only by multilateral means. These involve road traffic and road signs and signals, contracts of carriage and insurance, and customs, taxation and work-related problems in road transport.

The multilateral conventions and the bilateral agreements settle only a part of the problems of road transport. Another area is governed by the domestic law of the individual country, an analysis of which in parallel with that of treaty law should give a picture of the legal situation of road transport in the TEM countries.

1.3.2. Documents taken into consideration in the study

The study requires an analysis of the multilateral conventions drawn up under the auspices of various international organizations, bilateral agreements relating to road transport, and the domestic law of the various countries.

All the TEM countries belong to the United Nations Organization. The conventions it has drawn up or is preparing, particularly under the auspices of the Economic Commission for Europe, are consequently the most essential ones for defining the present legal situation of international road transport and future trends in this sphere.

The fact that a collection has been made of the bilateral agreements on road transport, thanks to the Economic Commission for Europe, combined with its work and analyses on the subject, have considerably facilitated the task of this study. Bulgaria, Poland, Romania and Czechoslovakia are members of the Council for Mutual Economic Assistance (CMEA), and Yugoslavia participate in its work. The conventions and recommendations prepared within CMEA give a very good idea of road transport in half of the TEM countries and will be set forth as required in this study. The role of the European Economic Community (Brussels), is no less important in road transport, but the conventions prepared under its auspices concern only Greece and Italy of the TEM countries, and Austria in respect of transit under Customs seal. Consequently, the analysis of these conventions is restricted to cases where they may be applied by TEM countries in their mutual relations.

2/ ICJ Pleadings, Case concerning Right of Passage over Indian territory.

The contributions of other intergovernmental organizations to the development of international road transport in the TEM countries should also be stressed. It would be difficult to attain the goal of this study without taking into consideration the conventions concluded by the TEM countries within the Customs Co-operation Council, the Council of Europe, the Organization for Economic Co-operation and Development and the International Atomic Energy Agency. The same is true of the resolutions adopted in the European Conference of Ministers of Transport.

Although the role of the intergovernmental organizations is decisive for the development of international road transport, the importance of the private international organizations which represent actual practice, is also recognized. The documents of the International Road Transport Union (IRU) and of its members, particularly in the 10 TEM countries, have been taken into consideration to a considerable extent, as well as some documents of the International Touring Alliance.

The Arbeitsgemeinschaft Deutscher Kraftwagenspediteure eG. (Adekra) has prepared a practical handbook on international road transport in Europe which also proved very useful for the requirements of this study.

2. DEFINITIONS

2.1. Motorway

"Motorway" 1/ means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:

- (i) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;
- (ii) Does not cross at level with any road, railway or tramway track, or footpath; and
- (iii) Is specially signposted as a motorway.

2.2. Motor vehicles

"Motor vehicle" means:

Any self-propelled vehicle normally used for the transport of persons or goods upon a road, other than vehicles running on rails or connected to electric conductors. Cycles fitted with an auxiliary engine are excluded from this definition; 2/ or:

Any power-driven vehicle (excluding mopeds which are not treated as motor-cycles and excluding rail-borne vehicles) which is normally used for carrying persons or goods by road. This term embraces trolley-buses, that is to say, vehicles connected to an electric conductor, and not rail-borne. It does not cover vehicles, such as agricultural tractors, which are only incidentally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of passengers or goods. 3/

1/ Convention on Road Traffic, of 8 November 1968.

2/ Convention on Road Traffic of 19 September 1949. This definition is accepted by the TEM countries.

3/ Convention on Road Traffic of 8 November 1968. This definition has, to date, been accepted by Bulgaria and Hungary and has been made mandatory in their mutual relations.

"Private car" means a motor vehicle, other than a motor-cycle, intended for the transport of passengers and seating not more than nine persons (including the driver). 4/

"Motor coach" or "bus" means a passenger motor vehicle, seating more than nine persons (including the driver). 5/

"Tractor" means a road motor vehicle designed, exclusively or primarily, to haul other road vehicles. 6/

"Lorry" means a motor vehicle for goods transport. 7/

"Trailer" means any vehicle designed to be drawn by a power-driven vehicle. 8/

"Light trailer" means any trailer of a permissible maximum weight not exceeding 750 kg. 9/

"Heavy trailer" means any trailer other than a light trailer. 10/

"Semi-trailer" means any trailer without a front axle, coupled to a motor vehicle in such a way that a substantial part of its weight and of the weight of its load is borne by the motor vehicle. 11/

"Articulated vehicle" means a combination of vehicles comprising a motor vehicle and semi-trailer coupled to the motor vehicle. 12/

"Combination of Vehicles" means a unit intended for the transport of goods, made up of a road motor vehicle and of one or more trailers (other than semi-trailers). 13/

4/ Statistics of Road Traffic Accidents in Europe, annex 1, United Nations, 1980.

5/ Ibid.

6/ Ibid.

7/ "Draft glossary of terms generally employed in statistics, tariffs, Economic Surveys and customs operations relating to inland transport" (W/TRANS/WP/191, 29 March 1965).

8/ Conventions on Road Traffic, of 19 September 1949 and 8 November 1968.

9/ Annex 8 to the Convention on Road Traffic, of 19 September 1949 and the Convention on Road Traffic, of 8 November 1968.

10/ Ibid.

11/ Conventions on Road Traffic, of 1949 and 1968.

12/ Ibid.

13/ "Draft glossary of terms etc." (W/TRANS/WP/191, 29 March 1965).

2.3. Weight

"Load per axle" means the weight per axle which must not be exceeded by a vehicle whether laden or not in order to be approved for use, either anywhere or on a specific run. 14/

"Tandem axle" means two neighbouring axles spaced as specified by domestic law. 15/

"Permissible maximum weight" means the weight of the vehicle and its maximum load when the vehicle is ready for the road, 16/ or the maximum weight of the laden vehicle declared permissible by the competent authority of the State in which the vehicle is registered. 17/

2.4. Containers

"Container" means an article of transport equipment (lift-van, movable tank or other similar structure):

- (i) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (ii) specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;
- (iii) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;
- (iv) so designed as to be easy to fill and empty; and
- (v) having an internal volume of one cubic metre or more;

and shall include the normal accessories and equipment of the container, when imported with the container; the term "container" includes neither vehicles nor conventional packing; 18/ or

An article of transport equipment (lift-van, movable tank or other similar structure):

- (i) fully or partially enclosed to constitute a compartment intended for containing goods;

14/ "Draft glossary of terms etc." (W/TRANS/WP/191).

15/ See 4.2.1. with regard to certain standards accepted in this regard by 10 TEM countries.

16/ Convention on Road Traffic, of 1949.

17/ Convention on Road Traffic, of 1968.

18/ Customs Convention on Containers (18 May 1956); also Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 15 January 1959).

- (ii) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (iii) specially designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;
- (iv) designed for ready handling, particularly when being transferred from one mode of transport to another;
- (v) designed to be easy to fill and to empty; and
- (vi) having an internal volume of one cubic metre or more.

"Demountable bodies" are to be treated as containers. 19/

2.5. International Road Transport

"Foreign motor vehicle" means any motor vehicle in the territory of a State if it is not registered in that State; 20/

"International Traffic" means any traffic involving the crossing of at least one frontier, or

any traffic in the territory of a State if the vehicle:

- (i) is owned by a natural or legal person normally resident outside that State;
- (ii) is not registered in that State; and
- (iii) is temporarily imported into that State;

provided, however, that a Contracting Party may refuse to regard as being "in international traffic" a vehicle which has remained in its territory for more than one year without a substantial interruption, the duration of which may be fixed by that Contracting Party.

A combination of vehicles is said to be "in international traffic" if at least one of the vehicles in the combination conforms to the above definition. 21/

"Cabotage" means domestic traffic between two points situated in the territory of one country by vehicles registered in the territory of the other country. 22/

"Contract of carriage" (i) Passengers, means a contract whereby the carrier undertakes to carry the passenger and his luggage, if any, under specified conditions, and (ii) Goods, means a contract between a carrier and a sender

19/ Customs Convention on Containers (2 December 1972) and Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 14 November 1975.

20/ Cf. article 20 of the Convention on Road Traffic, of 1949 and article 37 of the Convention on Road Traffic, of 1968.

21/ Convention on Road Traffic of 1968.

22/ Cf. "Technical and Administrative Clauses in Bilateral Agreements" (W/TRANS/SC1/422, 27 May 1971).

whereby the former undertakes, on specified conditions, to convey goods handed over by the latter for delivery to the consignee. 23/

"Triangular traffic" means transport between two countries using a motor vehicle registered in a third country. 24/

"Customs transit" means the customs procedure under which goods are transported under customs control from one customs office to another. 25/

"Transit" means transport through the territory of a country when the points of departure and of destination are situated outside that territory. 26/

"Voluminous and heavy transport" means transport using motor vehicles whose over-all weight or weight per axle or dimensions, laden or unladen, exceed the dimensions, weight per axle or maximum weight permitted in the territory of the country where the transport is effected. 27/

"International passenger transport" means the transport of persons and their baggage, if any, for remuneration, reward or other consideration, and any transport operated by means of passenger transport vehicles having more than eight seats in addition to the driver's seat, when the route taken crosses at least one frontier between two countries. 28/

"Regular international bus service" means the international carriage of passengers by a prescribed route in accordance with time-tables and tariffs published in advance. The vehicles must admit for the purposes of carriage any passenger present at departure and arrival points and other stops, if any, determined by the time-table, provided that there are free places. 29/

23/ "Draft glossary of terms" (W/TRANS/WP.6/191).

24/ Cf. "Technical and Administrative Clauses etc." (W/TRANS/SC1/422).

25/ United Nations Convention on International Multimodal Transport of Goods (24 May 1980), Annex, article 1. See also the Customs Convention on the ATA Carnet for the temporary admission of goods (6 December 1961).

26/ "Draft glossary of terms etc." (W/TRANS/WP.6/191).

27/ Cf. Annex I to the Convention on Road Traffic, of 1968.

28/ Convention on the Taxation of Road Vehicles Engaged in International Passenger Transport (14 December 1956). The Agreement on General Conditions for the International Carriage of Passengers by Bus of 5 December 1970 (Berlin Agreement) follows the same line.

29/ This approach is adopted in the bilateral agreements between Greece and Yugoslavia of 18 June 1959, Poland and Hungary of 18 July 1965, Bulgaria and Turkey of 15 December 1967, Austria and Poland of 1 March 1966, Italy and Poland of 14 May 1969. Also the Berlin Agreement of 1970 and the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (1 July 1970).

"International shuttle service" means an international service organized to carry from one and the same point of departure to one and the same holiday resort or place of tourist interest passengers previously formed into groups according to the planned length of stay and to return each group to the point of departure at the end of the period so planned. All passengers who have performed an outward journey to the holiday resort or place of tourist interest together must travel back together. The first return journey and the last outward journey of the series shall be effected unladen. 30/

"Occasional international transport" means the international carriage of passengers under one of the following conditions:

(a) Carriage of the same passengers in one and the same vehicle during the entire tour beginning and intended to end in the country of registration of the vehicle;

(b) Carriage of the same passengers in one and the same vehicle on a journey beginning at a seaport or airport of the country of registration of the vehicle and ending at a seaport or airport in the territory of the other country, on condition that the vehicle returns: .

Unladen, or

With passengers who have arrived by ship or plane at the seaport or airport where the first passengers were set down on arrival, and who continue the journey by boat or by aircraft from another port or airport in the territory of the country of registration of the vehicle; or

With passengers who have arrived by boat or by aircraft at a seaport or an airport of the same country as the port where the first passengers were set down on the outward journey, and who leave by boat or by aircraft from another seaport or airport of the country of registration;

(c) Journeys unladen into the territory of the other contracting party, under a tourist arrangement made in advance, for the purpose of picking up tourists to carry them into the country of residence of the carrier, on the understanding that the same vehicle will carry them back to the same point at which they were picked up. 31/

"Circular international carriage" or "Closed-door carriage" means occasional international carriage as defined in (a). 32/

30/ This approach is adopted in the bilateral agreements between: Greece and Yugoslavia of 18 June 1959, Poland and Turkey of 9 September 1977, and Austria and Turkey of 7 November 1969 and in the Berlin Agreement of 1970.

31/ The bilateral agreement between Yugoslavia and Greece of 18 June 1958. The other bilateral agreements give a less complex definition, for example, the agreements between Poland and Italy of 13 July 1968, Austria and Italy of 19 May 1956, Czechoslovakia and Yugoslavia of 22 October 1962, Austria and Turkey of 7 November 1969, Yugoslavia and Turkey of 10 January 1968, Bulgaria and Turkey of 10 January 1968, and Bulgaria and Turkey of 15 December 1967.

32/ In this case, the bilateral agreements between: Poland and Italy of 13 July 1968, Austria and Yugoslavia of 23 March 1961, Turkey and Poland of 9 September 1977. Also Cf. the Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 1 March 1973.

"International transport unladen" means occasional international transport as defined above under (c). 33/

"International transport of goods" means the industrial or commercial transport for remuneration or otherwise when the route taken crosses at least one frontier between two countries. 34/

"Transport on own account" means a transport operation carried out for its operational requirements and with the vehicles at its disposal which is not a professional transport enterprise. The conditions to be fulfilled in order that a transport operation may be regarded as transport on own account are established by national laws and regulations. 35/

"Transport for hire or reward" or "commercial traffic" means carriage by a third party for reward. 36/

"International multimodal transport" means the carriage of goods by at least two different modes of transport on the basis of a multimodal transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery situated in a different country. The operations of pick-up and delivery of goods carried out in the performance of a unimodal transport contract, as defined in such contract, shall not be considered as international multimodal transport. 37/

"Reciprocity" means a legal balance of the provision of mutual services by the contracting parties. 38/

"Formal reciprocity" means a legal balance of the provision of mutual services, the practical content of which is not specified (symmetrical reciprocity but not equivalent reciprocity). 39/

"Material reciprocity" means a legal balance of the provision of mutual services, the practical content of which is identical for the contracting parties (symmetrical and equivalent reciprocity). 40/

33/ See the bilateral agreements between: Austria and Yugoslavia of 23 March 1966, Yugoslavia and Czechoslovakia of 22 October 1962, and Poland and Turkey of 9 September 1977.

34/ Convention on the Taxation of Road Vehicles engaged in International Goods Transport (14 December 1956).

35/ "Draft Glossary of Terms, etc." (W/TRANS/WP.6/191).

36/ Ibid.

37/ United Nations Convention on International Multimodal Transport of Goods (24 May 1980).

38/ Cf. J.P. Nibyet "La notion de réciprocité dans les traités diplomatiques de droit international privé". "Recueil des Cours de l'Académie de Droit International de la Haye", Tome 52, 1935, pp. 264-267.

39/ Cf. J.P. Nibyet op. cit., p. 286.

40/ Cf. J.P. Nibyet, op. cit., p. 297.

2.6. Persons

"Driver" means any person, whether wage-earning or not, who drives the vehicle even for a short period, or who is carried on the vehicle in order to be available for driving if necessary. 41/

"Passenger" means any person, other than the driver, who is in or on a vehicle. 42/

2.7. Goods

"Perishable foodstuffs" means foodstuffs which, by reason of their physical, chemical or biological instability and, possibly, of the reduction in temperature which they have undergone, are sensitive to atmospheric conditions and particularly to temperature; such foodstuffs require special precautions in the chain of operations from production to consumption in order to prevent or limit the deterioration they may suffer. 43/

"Dangerous goods" means goods of such a nature that they are liable to cause damage and the carriage of which is accordingly either prohibited or subject to special precautions. 44/

41/ AETR Convention, of 1 July 1970.

42/ Cf. Statistics of Road Traffic Accidents in Europe for 1979, United Nations 1980, annex 1.

43/ "Draft Glossary of Terms, etc." (W/TRANS/WP.6/191).

44/ Ibid. Cf. also European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) (30 April 1957).

2.8 Control services

"Public safety service" means the service authorized to control the movement of persons and goods so as to prevent traffic dangerous for the public safety. 45/

"Customs" means the Government Service which is responsible for the administration of Customs law and the collection of import and export duties and taxes and which also has responsibility for the application of other laws and regulations relating, inter alia, to the importation, transit and exportation of goods. 46/

"Medico-sanitary inspection" means the inspection exercised for the protection of the life and health of persons, excluding veterinary inspection. 47/

"Veterinary inspection" means the sanitary inspection applied to animals and animal products with a view to protecting the life and health of persons and animals, as well as that applied to objects or goods which may serve as vectors for animal diseases. 48/

"Phytosanitary inspection" means inspection for pests of plants and plant products in order to prevent their spread and their entry across national frontiers. 49/

"Control of compliance with technical standards" means the control to ensure that goods meet the international or national standards defined by relevant laws and regulations. 50/

"Quality control" means any control other than those referred to above for checking that the goods are of the minimum quality or qualities defined by relevant international or national legislation or regulations. 51/

45/ Cf. TRANS/GE.30/R.48 (11 August 1977).

46/ TRANS/GE.30/R.88 (18 December 1980).

47/ TRANS/GE.30/21 (13 November 1980).

48/ Ibid.

49/ Ibid.

50/ Ibid.

51/ Ibid.

3. INVENTORY OF INTERNATIONAL AGREEMENTS

3.1. Multilateral conventions

3.1.1. Conventions relating to road traffic, road signs and signals and road transport

No.	Title of the Convention	Date	Contracting States									
			A	BG	CS	GR	H	I	PL	R	TR	YU
1	Convention on road traffic	19 Sept. 1949	x	x	x	x	x	x	x	x	x	x
2	European Agreement on the application of the 1949 Convention on road traffic, concerning the dimensions and weights of vehicles permitted to travel on certain roads of the Contracting Parties	16 Sept. 1950				x		x				x
3	Protocol on road signs and signals	19 Sept. 1949	x	x	x	x	x	x	x	x		x
4	European Agreement supplementing the 1949 Convention on road traffic and the 1949 Protocol on road signs and signals	16 Sept. 1950	x			x	x	x	x			x
5	Convention on road traffic	8 Nov. 1968		x	x		x			x		x
6	Convention on road signs and signals	8 Nov. 1968		x	x		x			x		x
7	European Agreement supplementing the Convention on road traffic (1968)	1 May 1971		x	x		x			x		x
8	European Agreement supplementing the Convention on road signs and signals (1968)	1 May 1971		x	x		x			x		x
9	European Agreement on Road Markings	13 Dec. 1957		x	x		x			x	x	x
10	Protocol on Road Markings, additional to the European Agreement supplementing the Convention on road signs and signals ^{1/}	1 Mar. 1973		x	x		x					x

^{1/} Not yet in force.

No.	Title of the Convention	Date	Contracting States									
			A	BG	CS	GR	H	I	PL	R	TR	YU
11	Agreement on Minimum Requirements for the Issue and Validity of Driving Permits (APC) <u>1/</u>	1 Apr. 1975		x								x
12	European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR)	1 July 1970	x		x	x		x				x
13	Convention <u>153</u> concerning Hours of Work and Rest Periods in Road Transport <u>2/</u>	27 June 1979										
14	Regulation No. 543/69 on the harmonization of certain social legislation relating to road transport <u>3/</u>	25 Mar. 1969				x		x				
15	Agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP)	1 Sept. 1970	x	x				x				x
16	European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)	30 Sept. 1957	x				x	x	x			x
17	Protocol amending article 14, paragraph 3 of ADR <u>4/</u>	21 Aug. 1975	x					x				x
18	European Convention for the protection of animals during international transport <u>5/</u>	13 Dec. 1968	x			x		x			x	
19	Agreement on General Conditions for the International Carriage of Passengers by Bus <u>6/</u> (annex 1)	5 Dec. 1970		x	x		x		x			
20	Agreement on General Conditions for the International Carriage of Goods by Road <u>7/</u>	29 June 1974		x	x		x					

1/ Not yet in force.

2/ Drafted under the auspices of the ILO, not yet in force.

3/ Drafted under the auspices of the European Economic Community.

4/ Not yet in force.

5/ Drafted under the auspices of the Council of Europe.

6/ Drafted under the auspices of CMEA.

7/ Drafted under the auspices of CMEA, not yet in force.

No.	Title of the Convention	Date	Contracting States									
			A	BG	CS	GR	H	I	PL	R	TR	YU
21	Agreement on occasional international services for the carriage of passengers by coach and bus (ASOR) <u>1/</u>											
22	Agreement on technical and other assistance to road vehicles in international transport <u>2/</u>	21 June 1973		x	x		x	x	x			
23	General Agreement on Tariffs and Trade	30 Oct. 1947	x		x	x		x	x		x	
24	Agreements on the lifting of restrictions on the freedom of the road (a) Freedom of transit for transport of goods by road (b) Freedom of transport of goods by road other than in transit (c) The most liberal application of authorization systems for certain international transport by road (d) Freedom for international tourist traffic by road (e) The most liberal application of their authorization systems for all international passenger transport by road and, in particular, for international tourist traffic services not falling under (d)	1947- 1949										
			x		x		x	x			x	
			x				x				x	
					x			x				
			x		x		x	x			x	
			x		x		x	x			x	

1/ Drafted under the auspices of CMEA.

2/ Drafted under the auspices of the European Conference of Ministers of Transport (ECMT), initialled on 23 April 1980, not yet signed.

3.1.2. Conventions relating to customs problems in road transport

No.	Title of the Convention	Date	Contracting States									
			A	BG	CS	GR	H	I	PL	R	TR	YU
1	Customs Convention on the temporary importation of private road vehicles	4 June 1954	x	x				x	x	x		x
2	Customs Convention on the temporary importation of commercial road vehicles	18 May 1956	x	x		x	x	x	x	x		x
3	Customs Convention on containers	18 May 1956	x	x	x	x	x	x	x	x		x
4	Customs Convention on containers	2 Dec. 1972	x	x	x		x			x		
5	Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention)	15 Jan. 1959	x	x	x	x	x	x	x	x	x	x
6	Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention)	14 Nov. 1975	x	x	x	x	x		x	x		x
7	Agreement on customs control of international road transport by lorry (AGT Agreement) <u>1/</u>	18 Nov. 1963		x	x		x		x			
8	Customs Convention on the international transit of goods (ITI Convention) <u>2/</u>	7 June 1971										
9	Customs Convention on the ATA carnet for the temporary admission of goods (ATA Convention)	6 Dec. 1961	x	x	x		x	x	x	x		x
10	Community (EEC) transit regulation No. 222/77 <u>3/</u>	13 Nov. 1976	x			x		x				
11	Agreement on customs formalities for temporarily imported and exported vehicles <u>4/</u>	22 Oct. 1965		x	x		x		x			
12	Agreement on the simplification and harmonization of customs formalities for goods for fairs and exhibitions <u>4/</u>	24 June 1965		x	x		x		x			

1/ Drafted under the auspices of CMEA.

2/ Not yet in force.

3/ Drafted under the auspices of the European Economic Community.

4/ Drafted under the auspices of CMEA.

3.1.3. Conventions relating to vehicle taxation systems

No.	Title of Convention	Date	Contracting States									
			A	BG	CS	GR	H	I	PL	R	TR	YU
1	Convention on the Taxation of Road Vehicles for Private Use in International Traffic	18 May 1956	x		x				x	x		x
2	Convention on the Taxation of Road Vehicles engaged in International Passenger Transport	14 Dec. 1956	x		x				x	x		x
3	Convention on the Taxation of Road Vehicles engaged in International Goods Transport	14 Dec. 1956	x		x				x			x

3.1.4. Conventions relating to the contract of carriage

No.	Title of Convention	Date	Contracting States									
			A	BG	CS	GR	H	I	PL	R	TR	YU
1	Convention on the contract for the international carriage of passengers and luggage by road (CVR) <u>1/</u>	1 Mar. 1973			x							x
2	Agreement on General Conditions for the International Carriage of Passengers by Bus (annex 2) <u>2/</u>	5 Dec. 1970		x	x		x		x			
3	Convention on the contract for the international carriage of goods by road (CMR)	19 May 1956	x	x	x	x	x	x	x	x		x
4	Agreement on general conditions for the implementation of international carriage of goods at frontiers <u>3/</u>	9 June 1974		x	x		x					
5	United Nations Convention on International Multimodal Transport of Goods <u>1/</u>	24 May 1980										

1/ Not yet in force.

2/ Drafted under the auspices of CMEA.

3/ Drafted under the auspices of CMEA, not yet in force.

3.1.5. Conventions relating to insurance and third party liability

No.	Title of Convention	Date	Contracting States									
			A	BG	CS	GR	H	I	PL	R	TR	YU
1	European Convention on compulsory insurance against civil liability in respect of motor vehicles <u>1/</u>	20 Apr. 1959	x			x						
2	European Convention on civil liability for damage caused by motor vehicles <u>2/</u>	14 May 1973										
3	Convention on civil liability for nuclear damage <u>3/</u>	21 May 1963										x
4	Convention on third party liability in the field of nuclear energy <u>4/</u>	23 July 1960				x		x			x	
	Supplementary Convention <u>4/</u>	31 Jan 1963				x		x			x	

1/ Drafted by the Council of Europe.

2/ Drafted by the Council of Europe, not yet in force.

3/ Drafted by the International Atomic Energy Agency.

4/ Drafted by the Organisation for Economic Co-operation and Development.

3.1.6. Conventions in preparation

1. International Convention on the Harmonization of Frontier Controls of Goods (ECE)
2. Convention relating to civil liability for damage caused during the carriage overland of hazardous substances (UNIDROIT)

3.2. Bilateral agreements on international road transport and other related legal requirements

3.2.1. Carriage of passengers

No.	Country		Legal situation	
			Bilateral agreement	Other arrangement
1	<u>Austria:</u>	Bulgaria	-	carriage governed by the domestic laws of the two countries
		Greece	4 May 1970	
		Hungary	9 Apr. 1965	
		Italy	31 Dec. 1958	
		Poland	1 Mar. 1966 carriage regular only	occasional carriage governed by the domestic laws of the two countries
		Romania	-	carriage governed by the domestic laws of the two countries
		Czechoslovakia	21 Oct. 1964 regular carriage 19 Oct. 1967 occasional carriage	
		Turkey	7 Nov. 1969	
		Yugoslavia	23 Mar. 1961 and 18 Dec. 1962	
2	<u>Bulgaria:</u>	Austria	-	carriage governed by the domestic laws of the two countries
		Greece	9 July 1964	
		Hungary	-	carriage governed by the domestic laws of the two countries
		Italy	11 Jan. 1968	
		Poland	22 Dec. 1972	
		Romania	15 Nov. 1979	
		Czechoslovakia	24 July 1975	
		Turkey	16 Apr. 1977	
		Yugoslavia	17 July 1964	

No.	Country		Legal situation	
			Bilateral agreement	Other arrangement
3	<u>Greece:</u>	Austria	4 May 1970	
		Bulgaria	9 July 1964	
		Hungary	18 Mar. 1977	
		Italy	22 June 1974	
		Poland	30 Aug. 1977	
		Romania	15 June 1974	
		Czechoslovakia	6 June 1977	
		Turkey	4 Apr. 1970	
		Yugoslavia	18 June 1959 and 1 Nov. 1969	
4	<u>Hungary:</u>	Austria	9 Apr. 1965	
		Bulgaria	-	carriage governed by the domestic laws of the two countries
		Greece	18 Mar. 1977	
		Italy	1 Mar. 1968	
		Poland	18 July 1965	
		Romania	9 Feb. 1972	
		Czechoslovakia	12 Apr. 1969	
		Turkey	14 Sept. 1968	
		Yugoslavia	16 Nov. 1965	

No.	Country	Legal situation		
		Bilateral agreement	Other arrangement	
5	<u>Italy:</u>	Austria	31 Dec. 1958	
		Bulgaria	11 Jan. 1968	
		Greece	22 June 1974	
		Hungary	1 Mar. 1968	
		Poland	13 July 1968	
		Romania	14 Aug. 1966	
		Czechoslovakia	26 May 1966	
		Turkey	1 Oct. 1970	
		Yugoslavia	1 Oct. 1970	
6	<u>Poland:</u>	Austria	1 Mar. 1966 regular carriage only	occasional carriage governed by the domestic laws of the two countries
		Bulgaria	22 Dec. 1972	
		Greece	28 July 1977	
		Hungary	18 July 1965	
		Italy	13 July 1968	
		Romania	29 Jan. 1968	
		Czechoslovakia	8 Dec. 1970	
		Turkey	9 Sept. 1977	
		Yugoslavia	18 Dec. 1969	
7	<u>Romania:</u>	Austria	-	carriage governed by the domestic laws of the two countries
		Bulgaria	15 Nov. 1973	
		Greece	15 June 1977	
		Hungary	9 Feb. 1972	
		Italy	14 July 1968	

No.	Country	Legal situation	
		Bilateral agreement	Other arrangement
		Poland	29 Jan. 1968
		Czechoslovakia	6 Dec. 1967
		Turkey	9 June 1976
		Yugoslavia	25 Dec. 1963
8	<u>Czechoslovakia:</u>	Austria	21 Oct. 1964 regular carriage 19 Oct. 1967 occasional carriage
		Bulgaria	24 July 1975
		Greece	6 June 1977
		Hungary	12 Apr. 1969
		Italy	26 May 1966
		Poland	8 Dec. 1970
		Romania	6 Dec. 1967
		Turkey	-
		Yugoslavia	22 Oct. 1962
9	<u>Turkey:</u>	Austria	7 Nov. 1969
		Bulgaria	16 Apr. 1977
		Greece	4 Apr. 1970
		Hungary	14 Sept. 1968
		Italy	1 Oct. 1970
		Poland	9 Sept. 1977
		Romania	9 June 1976
		Czechoslovakia	-
		Yugoslavia	10 Jan. 1968
			carriage governed by the domestic laws of the two countries
			carriage governed by the domestic laws of the two countries

No.	Country	Legal situation		
		Bilateral agreement	Other arrangement	
10	<u>Yugoslavia:</u>	Austria	23 Mar. 1961 and 18 Dec. 1962	
		Bulgaria	17 July 1964	
		Greece	18 June 1959 and 1 Nov. 1969	
		Hungary	16 Jan. 1965	
		Italy	27 July 1969	
		Poland	18 Dec. 1969	
		Romania	25 Dec. 1969	
		Czechoslovakia	22 Oct. 1962	
		Turkey	10 Jan. 1968	

Sources: United Nations document TRANS/SC1/R.112 (10 October 1980).
IRU Handbook of International Road Transport, 1981.

3.2.2. Carriage of goods

No.	Country	Legal situation		
		Bilateral agreement	Other arrangement	
1	<u>Austria:</u>	Bulgaria	18 Dec. 1959	
		Greece	8 Apr. 1960	
		Hungary	21 Dec. 1960	
		Italy	12 May 1960 and 17 Feb. 1962	
		Poland	25 Oct. 1963	
		Romania	27 May 1964	

No.	Country	Legal situation	
		Bilateral agreement	Other arrangement
	Czechoslovakia	19 Oct. 1967	
	Turkey	7 Nov. 1969	
	Yugoslavia	23 Mar. 1961 and 18 Dec. 1962	
2	<u>Bulgaria:</u>	Austria	18 Dec. 1959
		Greece	9 July 1964
		Hungary	23 Nov. 1959
		Italy	11 Jan. 1960
		Poland	22 Dec. 1972
		Romania	15 Nov. 1973
		Czechoslovakia	24 July 1975
		Turkey	16 Apr. 1977
		Yugoslavia	17 July 1964
3	<u>Greece:</u>	Austria	8 Apr. 1960
		Bulgaria	9 July 1964
		Hungary	18 Mar. 1977
		Italy	25 May 1972
		Poland	30 Aug. 1977
		Romania	15 June 1974
		Czechoslovakia	6 June 1977
		Turkey	4 Apr. 1970
		Yugoslavia	18 June 1959 and 1 Nov. 1969
4	<u>Hungary:</u>	Austria	21 Dec. 1960
		Bulgaria	23 Nov. 1959
		Greece	18 Mar. 1977
		Italy	1 Mar. 1968

No.	Country		Legal situation	
			Bilateral agreement	Other arrangement
		Poland	16 July 1965	
		Romania	9 Feb. 1972	
		Czechoslovakia	12 Apr. 1969	
		Turkey	14 Sept. 1968	
		Yugoslavia	9 Feb. 1962	
5	<u>Italy:</u>	Austria	17 Feb. 1962	
		Bulgaria	11 Jan. 1968	
		Greece	25 May 1972	
		Hungary	1 Mar. 1968	
		Poland	13 July 1968	
		Romania	14 Aug. 1966	
		Czechoslovakia	26 May 1966	
		Turkey	1 Oct. 1970	
		Yugoslavia	27 July 1960	
6	<u>Poland:</u>	Austria	25 Oct. 1963	
		Bulgaria	22 Dec. 1972	
		Greece	26 July 1977	
		Hungary	18 July 1965	
		Italy	13 July 1968	
		Romania	29 Jan. 1968	
		Czechoslovakia	8 Dec. 1970	
		Turkey	9 Sept. 1977	
		Yugoslavia	18 Dec. 1969 and 25 Oct. 1979	

No.	Country		Legal situation	
			Bilateral agreement	Other arrangement
7	<u>Romania:</u>	Austria	27 May 1964	
		Bulgaria	15 Nov. 1973	
		Greece	15 June 1974	
		Hungary	9 Feb. 1972	
		Italy	14 Aug. 1966	
		Poland	29 Jan. 1966	
		Czechoslovakia	6 Dec. 1967	
		Turkey	9 June 1976	
		Yugoslavia	25 Dec. 1965	
8	<u>Czechoslovakia:</u>	Austria	19 Oct. 1967	
		Bulgaria	24 July 1975	
		Greece	6 June 1977	
		Hungary	12 Apr. 1969	
		Italy	26 May 1966	
		Poland	6 Dec. 1976	
		Romania	6 Dec. 1967	
		Turkey	-	carriage governed by the domestic laws of the two countries
		Yugoslavia	22 Oct. 1962	

No.	Country		Legal situation	
			Bilateral agreement	Other arrangement
9	<u>Turkey:</u>	Austria	7 Nov. 1969	
		Bulgaria	16 Apr. 1977	
		Greece	4 Apr. 1976	
		Hungary	14 Sept. 1966	
		Italy	1 Oct. 1970	
		Poland	9 Sept. 1977	
		Romania	9 June 1976	
		Czechoslovakia	-	carriage governed by the domestic laws of the two countries
		Yugoslavia	10 Jan. 1966	
10	<u>Yugoslavia:</u>	Austria	23 Mar. 1961 and 18 Dec. 1962	
		Bulgaria	17 July 1964	
		Greece	18 June 1959 and 1 Nov. 1969	
		Hungary	9 Feb. 1962	
		Italy	27 July 1960	
		Poland	16 Dec. 1969 and 23 Oct. 1975	
		Romania	23 Dec. 1963	
		Czechoslovakia	22 Oct. 1962	
		Turkey	18 Jan. 1966	

Sources United Nations document TRANS/SC1/R.112 (10 October 1980).
IRU Handbook of International Road Transport, 1981.

4. TRAFFIC AND TRANSPORT REGULATIONS

4.1. Legal background to road traffic and road signs and signals.

The 1949 Convention on Road Traffic is applied by the 10 TEM countries. The 1950 European Agreement supplementing the 1949 Convention is in force in six of the TEM countries. The 1950 European Agreement on the application of article 23 of the 1949 Convention on Road Traffic, concerning the dimensions and weights of vehicles permitted to travel on certain roads of the Contracting Parties is binding on three of the TEM countries.

The 1968 Convention on Road Traffic, which replaces the 1949 Convention, is already applied by five TEM countries. The 1975 Agreement on Minimum Requirements for the Issue and Validity of Driving Permits (APC) is accepted by two TEM countries, although it is not yet in force. The 1949 Protocol on road signs and signals is applied by nine TEM countries. The 1950 Agreement supplementing the 1949 Protocol is accepted by six TEM countries. The 1968 Convention on Road Signs and Signals, which replaces the 1949 Protocol, is in force in five TEM countries. The 1971 European Agreement supplementing the Convention on Road Traffic (1968) is applied by five TEM countries. The 1973 Protocol on road markings, additional to the 1971 Agreement, is accepted by four TEM countries, although it is not yet in force. The 1957 European Agreement on road markings is applied by six TEM countries. Eleven of the above-mentioned conventions contain:

Definitions of the main concepts concerning traffic, road signs and signals and road markings;

Rules of the road;

Provisions relating to vehicles in international traffic, including those concerning registration numbers, distinguishing signs, vehicle identification marks, technical conditions concerning the equipment, dimensions and weight of vehicles;

Provisions concerning drivers in international traffic, including the conditions to be met by drivers and the model international driving permit;

Provisions concerning road signs and signals;

Provisions concerning road markings.

Although the conventions referred to above deal with specific problems, the same questions are frequently dealt with in several conventions, which were signed at different times but are still in force, or which may become binding in the future. Furthermore, the legal background to the subject is still further complicated by the different numbers of countries which have accepted each of the conventions and by the fact that some countries are parties to several conventions whose provisions, although frequently similar, are sometimes contradictory.

The conventions referred to above were unable to provide uniform standards for all the matters to which they refer. ^{1/} Some problems have therefore been left to domestic

^{1/} The 1949 Convention on Road Traffic and the 1949 Protocol on road signs and signals standardize, for example the rules for priority, registration numbers and distinguishing signs of motor vehicles in international traffic, lights, categories of signs and signals and the colours for road signs.

legislation within the limits provided by the conventions, 2/ or left entirely to the discretion of the contracting States. 3/

Such solutions, combined with the legal background already described, explain the at times extensive lack of uniformity in conventions, particularly those on road traffic. - This problem will be referred to in subsequent chapters of the present study.

The 1968 Convention on road signs and signals provides for a transitional period of four years to replace any signs, symbols, installations and markings which have a different meaning from that provided in the Convention and a protracted 15-year transitional period to replace the signs, symbols, installations and markings that do not conform to the system prescribed in the Convention. --- If this fact is borne in mind, it becomes extremely difficult to establish the current situation with regard to road signs and signals in each of the TEM countries which is a Party to both the 1949 Protocol on road signs and signals and the 1968 Convention.

The conventions referred to above contain traffic regulations and road signs and signals regulations covering all vehicles. --- However, there are some special regulations supplementing those in the conventions referred to above which are applied to the carriage of dangerous goods. --- In five TEM countries (Bulgaria, Greece, Romania, Czechoslovakia and Turkey), the provisions of domestic law alone determine the regulations for traffic and signs for vehicles carrying dangerous goods. --- In such a situation, there is no need to emphasize that there may well be a conflict of laws.

In the other TEM countries, the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) of 30 September 1957 also governs the question of:

Circulation, prohibiting the use of combinations of vehicles with more than one trailer or semi-trailer, stipulating the conditions for stops, parking and supervision of vehicles, and making it compulsory for two members of the crew to be aboard the vehicle in certain cases;

Signs, providing for special lighting and danger signs on vehicles carrying dangerous goods.

ADR does not leave much freedom to the domestic law of its contracting States, and this ensures that the special regulations for the circulation of and the signs on vehicles carrying dangerous goods are uniform in practice in five of the TEM countries (Austria, Hungary, Italy, Poland and Yugoslavia).

2/ The 1949 Convention and Protocol specify the limits within which countries are authorized to regulate, for example, the maximum dimensions and weight of vehicles, the age of drivers and the dimensions of road signs.

3/ For example, children in front seats, speed limits, and safety belts are not governed by the 1949 Convention.

4.2. Third party liability insurance

Application of the green card and the blue card

No.	Country	Green Card 1/	Blue Card 2/
1	Austria	x	
2	Bulgaria	x	x
3	Greece	x	
4	Hungary	x	x
5	Italy	x	
6	Poland	x	x
7	Romania	x	x
8	Czechoslovakia	x	x
9	Turkey	x	
10	Yugoslavia	x	x

Source: 1/ Council of Bureau, "Minutes of the Eighteenth Meeting", 17-18 May 1979.
2/ W/TRANS/SC1/274, 17 June 1965.

In the TEM countries, there are two systems of third party liability insurance, namely the universal green card system, developed under the auspices of the United Nations and applied in all the Tem countries, and the regional blue card system, which is applied only in reciprocal relations between Bulgaria, Hungary, Poland, Romania, Czechoslovakia and Yugoslavia. Both systems have been introduced by the insurance companies of the countries concerned and, what is more important for road traffic and transport, the companies guarantee that damage caused by foreign vehicles to third parties will be covered exactly in accordance with the requirements of the country in which the accident took place.

In the solutions they provide for the procedures they use, the two systems are fairly similar. The blue card system was introduced to meet the specific needs resulting from the economic and financial peculiarities of that part of Europe.

In many cases, the green cards issued by insurance companies are valid only in the geographical area of Europe. Coverage may be extended beyond that geographical zone against payment of a supplement to the premium. Since Turkey is situated in both Europe and Asia, the green card must contain a specific indication that it covers the whole of Turkish territory. Drivers travelling to Asia Minor with a green card that is valid only for the region of Thrace must take out additional third party liability insurance for the Asian part of Turkish territory.

The 1959 European Convention on compulsory insurance against civil liability in respect of motor vehicles and the 1973 European Convention on civil liability for damage caused by motor vehicles go still further. The first Convention, applied by Austria and Greece, is designed to unify insurance regulations in the contracting States. The second, which is not yet in force, is designed to do the same with regard to third party civil liability.

The European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) of 1 July 1970, which also governs this area, has had a positive influence on the harmonization of the minimum age for drivers in the TEM countries. Five TEM countries: Austria, Greece, Italy, Czechoslovakia and Yugoslavia are parties to this Agreement. Poland has already signed the Agreement, which means that it will ratify and apply it.

Since the member countries of AETR are obliged, under article 3 of the Agreement, to apply the provisions concerning the minimum age for drivers to drivers from countries which are not parties to the Agreement, it would appear that the AETR provisions have a wider significance than the actual number of contracting States would imply. In this context, it should be noted that AETR requires two drivers on board a combination of vehicles composed of more than one trailer or semi-trailer; a combination of vehicles used for passenger transport, when the maximum authorized weight of the trailer or semi-trailer is more than 5 tonnes; and a combination of vehicles for the carriage of goods, when the maximum authorized weight of the combination of vehicles is more than 20 tonnes. Whenever two drivers are required to be on board, one of them must be over 21 years of age.

4.3.2. Driving and rest periods

Driving periods under AETR

Maximum continuous driving period		Daily driving period		Weekly driving period	Fortnightly driving period
General rule	Derogation	General rule	Derogation		
4 h	4.5 h <u>1/</u>	8 h <u>2/</u>	9 h <u>3/</u>	48 h	92 h

1/ Derogation authorized to enable the driver to reach an appropriate stopping place or the final destination, provided that the driving periods per day, per week and per fortnight are maintained;

2/ Provided, however, that the distance to be covered is not more than 450 km if: a combination of vehicles includes more than one trailer or semi-trailer, a combination of vehicles for passenger transport comprises a trailer or semi-trailer, whose permissible maximum weight is more than five tonnes, or the permissible maximum weight of the combination of vehicles is more than 20 tonnes;

3/ A maximum of twice during one week and with the exception of drivers of combinations of vehicles referred to under 2/ above.

The uniform regulations on civil liability are supplemented by three conventions on civil liability for nuclear damage. The first Convention, drafted in 1960 by the Organisation for Economic Co-operation and Development, is applied by Greece, Italy and Turkey.

The Convention concluded under the auspices of the International Atomic Energy Agency is a world-wide instrument. The 1963 Convention drafted by OECD supplements the 1960 Convention and is designed to eliminate a possible conflict with the AIEA Convention. All three conventions apply to the carriage of nuclear substances and radio active waste by road, although their field of application goes far beyond road transport matters.

4.3. Regulations concerning persons

4.3.1. Minimum age for obtaining driving licence

No.	Country	Cars	Buses	Lorries up to 3.5 t	Lorries over 3.5 t	Lorries with heavy trailer
1	Austria	18	21	18	18	18
2	Bulgaria	18	21	18	18	20
3	Greece	no information	21	18	18	18/21
4	Hungary	17/18	21	17/18	18	20
5	Italy	18	21	18	18	18
6	Poland	16/18 1/	22	16/18 1/	18	18
7	Romania	18	22	18	18	18
8	Czechoslovakia	18	21	18	18	19
9	Turkey			no information		
10	Yugoslavia	18	21	18	18	18

Source: United Nations document TRANS/SC.1/R.115 of 27 October 1980. Greece, under the AETR Convention.

1/ Parental consent is needed to obtain a driving licence at the age of 16.

The minimum age for obtaining a licence to drive private (passenger) cars is the same in the majority of the TEM countries, with the exception of Hungary and Poland. There is no information on the situation in Greece and Turkey.

The data provided above, as well as that concerning the right to drive buses and lorries, also shows a fair degree of uniformity. The situation in Poland, Romania, Bulgaria and Hungary is sometimes different from that in the majority of the TEM countries.

Rest periods under AETR

Time between driving periods		Daily uninterrupted rest period				Weekly uninterrupted rest period	
General rules <u>1/</u>	Derogation	Passenger transport		Transport of goods		General rules	Derogation
		General rules	Derogation	General rules	Derogation		
30 m	1 h	10 h	10 h <u>5/</u>		10 h <u>5/</u>		
or	or	or	or	11 h <u>7/</u>	or		
2 x 20 m	2 x 30 m	11 h <u>4/</u>	8 h <u>6/</u>		8 h <u>6/</u>	24 h	60 h <u>8/</u>
or							
3 x 15 m	2 x 30 m <u>3/</u>						

1/ Provided that the daily driving period is not more than eight hours and that the drivers are driving vehicles other than the combinations of vehicles referred to in foot-note 2 above;

2/ This applies to drivers of the combinations of vehicles referred to in foot-note 2 above;

3/ This applies to drivers whose daily driving period exceeds eight hours;

4/ This rest period may be reduced twice a week to ten consecutive hours and twice a week to nine consecutive hours, provided that the service includes a scheduled stop of at least four consecutive hours or two scheduled stops of at least two consecutive hours and that during those stops the driver does not carry out any of his occupational activities or any other occupational work;

5/ If there are two drivers on board and if the vehicle does not have a bunk on which it is possible to lie down comfortably;

6/ If there are two drivers on board and if the vehicle has a bunk on which it is possible to lie down comfortably;

7/ This rest period may be reduced to nine consecutive hours not more than twice in one week, if the rest can be taken at the driver's normal place of residence, or to eight consecutive hours not more than twice in one week, if, because of his work schedule, the rest cannot be taken at the driver's normal place of residence.

8/ In international passenger transport during the period from 1 April to 30 September inclusive, with the exception of regular services.

The AETR provisions set out above do not apply in principle to vehicles whose permissible maximum weight is less than 3.5 tonnes. Drivers may also depart from these provisions, with the exception of those concerning weekly rest, to reach a convenient stopping place or the final destination of the trip, or when such a measure is justified for reasons of: danger, force majeure, rendering aid, breakdown, or the safety of persons, the vehicle or its load.

Five TEM countries: Austria, Greece, Italy, Czechoslovakia and Yugoslavia are parties to AETR. However, in accordance with AETR, these provisions are also applied to transport within the territories of the contracting States by vehicles from States that are not parties to the Convention. Thus the scope of AETR is wider than the number of parties to the Convention would imply. It should be noted, for example, that transport to and from Poland is subject to the provisions of AETR, because it has to pass through the territory of Czechoslovakia which is a party to AETR.

Only in mutual relations between Hungary, Romania, Bulgaria and Turkey are the provisions of the domestic laws of these countries applicable to driving and rest periods for drivers.

Although Italy and Greece belong to the European Economic Community, where transport is subject to Regulation No. 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport, 4/ the drivers of these countries and third countries are obliged to apply AETR to transport operations through the territory of countries which are not members of the Community.

The analysis of the situation with regard to driving and rest periods would be incomplete without a reference to Convention 153 concerning Hours of Work and Rest Periods in Road Transport, of 27 June 1979, drafted under the auspices of the International Labour Organisation. This Convention is not yet in force. Without going into detail on the subject we should note that the ILO Convention contains the following standards: four hours maximum driving period, nine hours driving period per day, 48 hours driving period per week, and a minimum of 10 hours rest per day, and leaves most of the other problems regulated by AETR to national regulations. The ultimate entry into force of Convention 153 and its application by certain TEM countries could create a situation of conflict with AETR, since the two conventions do not provide for the settlement of such a dispute.

4.3.3. Children in front seats

No.	Country	Prohibited until the age of	Permitted
1	Austria	12 years	-
2	Bulgaria	10 years	-
3	Greece	10 years	-
4	Hungary	6 years	-
5	Italy	-	x
6	Poland	-	x
7	Romania	12 years	-
8	Czechoslovakia	12 years	-
9	Turkey	-	x
10	Yugoslavia	12 years	-

Source: United Nations document TRANS/SC1/R.115 of 27 October 1980.
Greece: ECMT, Resolutions of the European Conference of Ministers of Transport and reports approved in 1978, Volume II; 1978, p.103(F).

Three countries: Italy, Poland and Turkey permit children to travel in the front seat. Most of the TEM countries make such travel dependant upon the child's age. Finally, in the majority of cases, the minimum age for children travelling in front seats is fixed at 12 years. Only Hungary, Greece and Bulgaria authorize children over the ages of six and ten respectively to travel in front seats.

4/ Official Journal of the European Communities, No. C 73/1, of 17 March 1979.

4.4. Regulations concerning motor vehicles

4.4.1. Dimensions, load per axle, permissible maximum weight

Dimensions, load per axle, weight of vehicles	Measurement unit	Countries									
		A	BC	CS	GR	H	I	PL	R	TR	YU
Height	m	4	4	4	4	4	4	4	4	4	4
Width	m	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Length	m										
Bus		12	12	12	11	12	12	12	12	11	12
Lorry											
two-axle		12	11	12	12	12	12	11	12	10	11
three-axle		12	12	12	12	12	12	11	12	12	12
Articulated vehicle											
three-axle		16	16.5	15.5	15	16	15.5	15	16.5	15	16.5
four-axle		16	16.5	15.5	15	16	15.5	15	16.5	15	16.5
five-axle		16	16.5	15.5	15	16	15.5	15	16.5	15	16.5
Road train		18	20	18	18	18	18	18	18	18	18
Load: per axle	t	10	10	10	10	10	12	10	10	10	10
per tandem axle 1/		16	10	16	19	16	19	16	16	16	16
Permissible maximum weight	t										
Bus: two-axle	-	16	-	16	14	20	18	16	16	-	16
three-axle		22	-	24	20	24	24	24	22	-	-
Lorry: two-axle		16	22.5	16	19	20	18	16	16	from 20 to	40
three-axle		22	25.5	24	26	24	24	24	22	36.25	40
Articulated vehicle:											
three-axle		36	35	26	28	28	30	32	26	from	40
four-axle		38	35	32	32	32	40	32	32	20 to	40
five-axle		38	35	38	38	38	44	38	38	36.25	40
Road train		38	40	38	38	38	44	38	38	38	40

Source: United Nations document W/TRANS/SCL/R.30/Rev.1 of 22 July 1976; also Amend. 1 of 27 October 1977 and Amend. 2 of 22 March 1979 IRU, Handbook of International Road Transport, 1981 Adekra; Heft 3, 1980.

1/ Distance between the axles: Austria: 1-2m, Bulgaria: more than 2 m, Czechoslovakia: 1.3-2 m, Hungary: 1-2m, Italy: less than 2 m, Poland: E roads, roads signposted with one or two numerals, and roads having signs prohibiting the entry of vehicles with a weight per axle exceeding 10 t, Turkey: 1-2.

Only the height (4 m) and the width (2.5 m) of vehicles are completely uniform in the TEM countries. The other characteristic data of vehicles in traffic frequently differ from country to country. Thus, according to country, the length of buses may not exceed 11 or 12 m; that of lorries may not exceed 10, 11 or 12 m and that of articulated vehicles may not exceed 15 or 16.5 m. On the other hand, the length of road trains (lorry plus trailer) seems to be standard, except in Bulgaria where it can exceed 18 m.

The standard load per axle of 10 tonnes is generally accepted, except in Italy. The load per tandem axle is not uniform, although 16 tonnes is the most widely accepted. Nevertheless, it should be noted that there is no generally accepted standard regarding the distance between the axles of a tandem axle, a fact which considerably limits in practice the positive results of the degree of standardization of the maximum load per tandem axle.

The permissible maximum weights of vehicles are far from uniform in the TEM countries and it is not easy to pinpoint any prevailing tendencies. Although, in the case of buses, the differences in permissible maximum weights are not more than 2-4 tonnes, in the case of lorries they increase to 3, 5 and 6 tonnes. The standard of 40 tonnes in Yugoslavia, which also applies to lorries with two or three axles, even appears to be too generous in the light of the permissible load per axle in that country. In the TEM countries, there are some substantial differences in the permissible maximum weights of articulated vehicles and road trains, although a standard of 38 tonnes for articulated vehicles with five axles and for road trains would seem to be the most popular.

4.4.2 Maximum speed limits on motorways (km/h)

No.	Country	Motor car	Bus	Lorries up to 3.5 t			Lorries exceeding 3.5 t		
				With trailer	With light trailer	With heavy trailer	With trailer	With light trailer	With heavy trailer
1	Austria	130	100	130	130	70	80	80	70
2	Bulgaria	120	100	120	120	-	100	100	100
3	Greece	80	70	80	80	80	60-70 ^{3/}	60-70 ^{3/}	60-70 ^{3/}
4	Hungary	100	80	100	80	80	80	80	80
5	Italy	90-140 ^{1/}	80	90-140 ^{1/}	90-140 ^{1/}	-	80-130 ^{4/}	80-130 ^{4/}	80-130 ^{4/}
6	Poland	90	70	90	70	70	70	60	60
7	Romania	80-100 ^{1/}	70	100	60	50	60	50	50
8	Czechoslovakia	110	70-90 ^{2/}	110	110	-	70-80 ^{5/}	70-80 ^{5/}	70-80 ^{5/}
9	Turkey	90	No information	70	60	60	70	60	60
10	Yugoslavia	120	80	120	-	-	70-80 ^{6/}	60	60

Source: United Nations document TRANS/SC1/R.115 of 27 October 1980.

Turkey: IRU Handbook of International Road Transport, 1981 and the Centrale Européenne d'Information Routière, TCS, Revue de la Section Genevoise, June 1979.

1/ Speed depends on engine capacity.

2/ In the case of public transport, only 70 km/h.

3/ Vehicles up to 5 t - 70 km/h, vehicles exceeding 5 t - 60 km/h.

4/ Vehicles up to 8 t - 130 km/h, vehicles exceeding 8 t - 80 km/h.

5/ Vehicles up to 6 t - 80 km/h, vehicles exceeding 6 t - 70 km/h.

6/ Vehicles up to 7.5 t - 80 km/h, vehicles exceeding 7.5 t - 70 km/h.

Maximum motor speed limits have not been standardized in Europe and those adopted by the TEM countries differ quite considerably.

It is even very difficult to find any predominant trends in this area. Although the maximum speed limit for private (passenger) cars and lorries up to 3.5 t, with or without a light trailer, is 80 km/h in Greece, it rises to as much as 130 km/h in Austria. Buses in Greece, Poland and Romania may not exceed 70 km/h, while Austria and Bulgaria authorize speeds of 100 km/h.

The maximum speed limit for lorries up to 3.5 t with a heavy trailer is 50 km/h in Romania, but is 80 km/h in Greece, Hungary and Turkey. Lorries exceeding 3.5 t, with or without trailer, can circulate in Bulgaria at a speed of 100 km/h, while their speed-limit in Romania is 60 km/h.

4.4.3. Lighting of vehicles on motorways

No.	Country	Passing lights by day	Rear fog lights
1	Austria	-	-
2	Bulgaria	-	-
3	Greece	No information	No information
4	Hungary	Recommended	Recommended <u>2</u> / 1 light
5	Italy	Permitted	Recommended <u>3</u> / 1 light
6	Poland	-	Permitted <u>4</u> / 1 or 2 lights
7	Romania	Mandatory <u>1</u> / 1 or 2 lights	Recommended <u>2</u> / 1 or 2 lights
8	Czechoslovakia	Recommended	Recommended <u>5</u> / 2 lights
9	Turkey	Mandatory	Mandatory
10	Yugoslavia	-	Recommended <u>2</u> / 1 or 2 lights

Source: United Nations document TRANS/SC1/R.115 of 27 October 1980.

1/ Only in cases of dense fog, rain, snow or when passing through a tunnel.

2/ Reduced visibility.

3/ Visibility less than 50 m.

4/ Dense fog.

5/ Fog, heavy rain or snow.

The problem of the lighting of motor vehicles does not present itself in a uniform way in the TEM countries. Austrian and Bulgarian laws are silent as to the use of passing lights by day and of rear fog lights. The same situation exists in Polish and Yugoslav laws concerning the use of passing lights by day. Italy tolerates the use of passing lights by day, some countries such as Hungary and Czechoslovakia recommend such use while other countries even make it mandatory.

Rear fog lights are recommended in five TEM countries, Poland tolerates them and Turkey makes them mandatory. There is, however, a total lack of uniformity in the regulation concerning the number of rear fog lights. Some countries accept such lights, while others give the option of one or two lights. Czechoslovak legislation is in favour of two lights, and Turkish legislation is silent on the subject.

4.4.4. Seat belts in private (passenger) cars

No.	Country	Front seats	Use	Rear seats	Use
1	Austria	Mandatory	Mandatory	Optional	Optional
2	Bulgaria	Mandatory	Optional 2/	-	Optional
3	Greece	Mandatory	Mandatory	Optional	Optional
4	Hungary	Mandatory	Mandatory	Optional	Optional
5	Italy	Mandatory 1/	Optional	Optional	Optional
6	Poland	Mandatory	Mandatory	-	-
7	Romania	Optional	Optional	Optional	Optional
8	Czechoslovakia	Mandatory	Mandatory	Optional	Optional
9	Turkey	Mandatory	Mandatory	Optional	Optional
10	Yugoslavia	Mandatory	Optional	Mandatory 3/	Optional

Source: United Nations document TRANS/SC1/R.115 of 27 October 1980.
Greece: according to the Centrale Européenne d'Information Routière, TCS,
Revue de la Section Genevoise, June 1979.

1/ For motor cars registered for the first time after 1 January 1979.

2/ It is proposed to introduce mandatory use.

3/ For motor cars whose registration has to be extended after 1 January 1979.

The situation regarding the installation and use of seat belts in private (passenger) cars seems fairly uniform in the TEM countries. Except in Romania, installation of such belts in the front seats is compulsory in the TEM countries. However, their use is mandatory in six TEM countries and optional in four.

Apart from Yugoslavia, where the installation of belts in the back seats has become mandatory, but where the use remains optional, the other TEM countries leave the owners of the cars free in this respect.

For the moment, the problem affects only private (passenger) cars. Nevertheless, Resolution No. 38 on seat belts, 5/ adopted by the European Conference of Ministers of Transport (ECMT), recommends to the countries members of ECMT that they should continue to introduce regulations concerning the equipment of new vehicles with seat belts and should gradually extend them to:

The rear seats of passenger cars (Italy entered a reservation on this point),

Low-tonnage utility vehicles, and, at a later stage,

Other categories of utility vehicles.

Of the TEM countries, Austria, Greece, Italy, Turkey and Yugoslavia belong to ECMT.

5/ ECMT, Resolutions of the European Conference of Ministers of Transport and reports approved in 1978, Volume II, p. 100 (F)

4.4.5 Restrictions on traffic on Sundays and public holidays
Prohibition of the movement of motor vehicles

Prohibition of the movement of motor vehicles										
No.	Country	Type of motor vehicle	Exceptions	Period	Fridays h	Saturdays h	Sundays h	Mondays h	Eve of public holiday h	Public holiday h
1	Austria	Lorry with trailer; lorry or articulated vehicle exceeding 3.5 t of payload	Carriage of: milk, perishable foodstuffs, animals, etc.	January-December	-	15-22	0-22	-	-	0-22
2	Bulgaria	Heavy lorries according to the special regulations		June-October according to the special regulations						
		All working days 8-18 h								
3	Greece	Heavy lorries	Carriage of: vegetables, fruit, fresh fish	January-December	-	-	17-23	-	-	-
4	Hungary	Heavy lorries	-	January-December	-	12-24	0-24	-	12-24	0-24
5	Italy	Heavy lorries whose maximum weight exceeds 5 t	Carriage of: milk, fruit, vegetables, fish	1.01-5.04 29.09-31.12	-	12-20	8-20	-	-	8-20
				6.04-28.09			8-22		8-22	
6	Poland	-	-	-	-	-	-	-	-	-
7	Romania	Heavy lorries	Carriage of foodstuffs	May-September	-	12-24	0-24	0-6	-	0-24
8	Czechoslovakia	Heavy lorries whose maximum weight exceeds 3.5 t	-	15.04-30.09	15-21	7-11	15-21	-	15-21	First public holiday 7-11
										Last public holiday 15-21
9	Turkey 1/	Heavy lorries whose maximum weight exceeds 7 t	-	Every day 20-8 h (night-time)						
10	Yugoslavia	Heavy lorries whose maximum weight exceeds 5 t	-	15.06-15.09	15-20	6-9 2/	15-20 15-20 2/		15-20	Last public holiday 15-20 15-22 2/

Source: IRU, Handbook of International Road Transport, 1981. Adakra, Hef 3, 1980

1/ Istanbul only.

2/ Slovenia only.

PUBLIC HOLIDAYS

No.	Country	Month												Holidays with movable dates
		1	2	3	4	5	6	7	8	9	10	11	12	
1	Austria	1 6				1			15		26	1	25 ^{8/} 26	Easter Monday Ascension, Whit Monday, Corpus Christi
2	Bulgaria	1				1 2 24				9 10		7		
3	Greece	1 6	25			1			15				25 26	Shrove Monday 7/ Good Friday 1/ Easter Monday 1/ Whit Monday
4	Hungary	1			4 16	1			20			7	25 26	Easter Monday
5	Italy	1			25	1			15			1	8 21 25 26	Easter Monday
6	Poland	1				1		22				1	25 26	Easter Monday Corpus Christi
7	Romania	1 2				1 2			23					
8	Czecho- slovakia	1				1 9							25 26	Easter Monday
9	Turkey	1			22 ^{1/} 23	1 19			30		28 ^{1/} 29 30		31 ^{1/}	Seker Bayram Kurban Bayram
10	Yugoslavia	1 2			27 ^{2/}	1 2		4 7 ^{3/} 13 ^{4/} 22 ^{2/} 27 ^{3/}	2 ^{6/}		11 ^{6/}	12 ^{2/} 29 30		

Source: IRU, Handbook of International Road Transport, 1981; Adekra Heft 3, 1980; "Feiertage", DKV, Europa Service.

1/ Afternoon.

2/ Slovenia.

3/ Serbia.

4/ Montenegro.

5/ Croatia and Bosnia-Herzegovina.

6/ Macedonia.

7/ The dates of these holidays in Greece differ from those in Roman Catholic countries.

The restrictions on the movement of vehicles do not affect private (passenger) cars and buses. On the other hand, the movement of goods vehicles, particularly those whose maximum weight or payload exceed, according to country, 3.5, 5 or 7 t, is subjected in the TEM countries to what are often quite significant restrictions on Sundays and public holidays. Only Poland and, in principle, Turkey, impose no restrictions on the movement of heavy lorries.

The restrictions in the TEM countries are in force either throughout the year (Austria, Greece, Hungary and Italy) or during the summer (Bulgaria, Romania, Czechoslovakia and Yugoslavia).

The restrictions do not relate just to Sundays and public holidays (8 TEM countries) but also affect the preceding days, mainly Saturdays (5 TEM countries), sometimes Fridays (2 TEM countries) or the eves of public holidays (3 TEM countries) and, very rarely, Mondays (Romania).

The hours during which the movement of heavy lorries is prohibited also vary: on Sundays and public holidays - from not less than six hours (Greece) to 24 hours (Hungary and Romania), on Saturdays - from not less than four hours (Czechoslovakia) to 12 hours (Hungary and Romania), on Fridays and the eves of public holidays - five to six hours (Czechoslovakia and Yugoslavia) and Mondays - six hours (Romania).

It should however be noted that the carriage of certain goods benefits from derogations in this respect, particularly the carriage of perishable foodstuffs, live animals and fresh fish.

The number and dates of the public holidays are not the same in all the TEM countries. In Romania and Czechoslovakia, there are only five and six public holidays respectively per year while in Turkey, Austria and Greece the number rises to 14, 13 and 12 days respectively. In Bulgaria and Yugoslavia, there are seven public holidays, there are eight in Poland and Hungary and 10 in Italy. Certain holidays and, consequently, their dates are common to the 10 TEM countries. This is so in the case of the New Year's Day and May Day holidays (10 TEM countries), Christmas (6 TEM countries) and Easter (5 TEM countries). However, the dates of most public holidays differ.

If we add the public holidays and their eves to the Fridays, Saturdays and Sundays, the reduction in the movement of vehicles seems quite considerable, particularly when there is an accumulation of days when the movement of vehicles is forbidden. The accumulation in the month of December, when Sunday falls between Christmas Day and New Year's Day, makes it virtually impossible for about 10 days to carry goods from Poland across Czechoslovakia, Hungary and Yugoslavia to Turkey. A similar accumulation at the beginning of May appears no less serious for the carriage of goods. Although the effect of the restrictions on the movement of goods in the TEM countries is not as serious during the rest of the year as in the months of May and December, it will be clear that all these restrictions reduce the speed of road transport, a decisive factor in the competition with other modes of transport.

4.4.6. Special conditions for vehicles and containers carrying goods

The international transport of goods requires vehicles which are specially designed, either to cross frontiers without detailed Customs examination, to preserve the quality of the goods carried or to prevent any danger to the environment.

The TEM countries belong to different conventions facilitating the carriage of goods under Customs seal. These conventions frequently specify some very detailed standards which have a direct relationship to the construction and equipment of road vehicles and containers. ^{6/} In accordance with these conventions, vehicles and containers must be constructed and equipped in such a manner that:

The Customs seals can be simply and effectively affixed thereto;

No goods can be removed from or introduced into the sealed part of the vehicle or container without obvious damage to it or without breaking the seals; and

It contains no concealed spaces where goods may be hidden.

Although the general rules, setting forth the purpose of the construction of the vehicles or containers, seem to be common to all these conventions, the design solutions they impose sometimes differ in detail.

Each of the conventions requires that the vehicles and containers comply with its technical conditions and, consequently, introduces an approval procedure which must be repeated at the intervals it prescribes. The approval is evidenced by an approval certificate whose validity corresponds to the inspection dates. Only the Customs Convention on the International Transit of Goods (TTI Convention of 1971), which is not incidentally in force, directly recognizes the certificates issued under the TIR Conventions and the Conventions on Containers and allows for the possibility of recognizing approval certificates delivered under the other relevant conventions.

All the TEM countries belong to the 1959 TIR Convention. Only seven of them belong to the 1975 TIR Convention but, apart from Greece, all the TEM countries accept the provisions of the annexes to the 1975 TIR Convention concerning the construction of, and the approval procedure and model certificate of approval for vehicles and containers, and this considerably reduces the possibilities of conflict

^{6/} Customs Conventions on the International Transport of Goods under Cover of TIR carnets, of 1959 and 1975, Customs Conventions on Containers, of 1956 and 1972; Agreement concerning the Supervision of International Road Transport carried out by Lorry (AGT Agreement).

between the two conventions. Although nine TEM countries (Turkey being the exception) belong to the 1972 Convention on Containers, the risk of conflict with regard to the construction and equipment of containers is largely avoided since the provisions concerning containers of the annexes to the 1975 TIR Convention, accepted by all the TEM countries apart from Greece, were based on the 1972 Convention on Containers.

The same might be said of the AGT Agreement, which is in force in four TEM countries. There could, however, be a danger of conflict in the future when the 1959 TIR Convention, which influenced the AGT Agreement, expires if the provisions of the latter had not been adapted to those of the annexes to the 1975 TIR Convention.

The transport of goods such as perishable foodstuffs, dangerous goods and live animals requires special vehicles. The Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP) of 1 September 1970 provides that the contracting parties may prohibit the entry of perishable foodstuffs into their territory if they are carried in vehicles and containers that are not in keeping with the requirements of the Agreement.

ATP lays down in detail the essential technical requirements for maintaining temperature conditions in respect of the various types of vehicles and containers (insulated, refrigerated, mechanically refrigerated and heated equipment). ATP also prescribes the temperatures that must be strictly maintained when transporting various kinds of perishable foodstuffs.

Each vehicle and container intended for the carriage of perishable foodstuffs must be tested for compliance with the standards laid down in the Agreement in the testing stations of the country of registration. This test must be repeated at least once every six years, or whenever the country of registration so requires.

Vehicles that are in compliance with the standards prescribed by the ATP Agreement are issued with certificates of compliance. The Contracting Parties are entitled to recognize certificates of compliance with ATP issued by non-contracting States.

Although only four TEM countries (Austria, Bulgaria, Italy and Yugoslavia) belong to the ATP Agreement, its scope is wider in practice since its provisions are also applied to the conditions of transport and to vehicles registered in non-contracting States when they cross the territory of a State belonging to the Agreement. In the circumstances, the carriers of all the TEM countries transporting goods to or from Turkey, which is not a member of ATP, are subjected to its provisions because they have to cross Bulgaria. In view of the fact that in Poland, Czechoslovakia, Hungary and Romania, which are not members of ATP, international transport is, in principle, carried out by undertakings which are exclusively licenced for that purpose, they should be prepared to transport goods to all countries. It may be quite reasonable, therefore, to assume that their fleets of vehicles intended for the carriage of perishable foodstuffs also meet the requirements of ATP.

In conclusion, it may be inferred that standardization has been achieved in the TEM countries as regards the technical requirements for motor vehicles and containers transporting perishable foodstuffs, although the conditions for transport between countries which are not members of ATP may differ from those laid down in that Agreement.

The carriage of live animals requires special vehicles. This matter and the conditions for the transport of animals are governed by the European Convention for the protection of animals during international transport, of 13 December 1968. 7/

The Convention establishes rules for the construction and equipment of vehicles to protect the animals not only against injury during carriage but also against bad weather and climatic extremes. The Contracting Parties are entitled to refuse to admit transporting vehicles which are not in compliance with the Convention, unless such a measure would be incompatible with the welfare of the animals carried.

In view of the fact that only four TEM countries belong to the 1968 Convention, the carriage of animals between the other TEM countries takes place in conformity with their domestic laws, a fact which implies the possibility of differences, even major ones.

The question of the carriage of dangerous goods and of the vehicles and containers used for such goods is governed by the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) of 30 September 1957. ADR contains some detailed rules specifying the types of vehicles and containers, their construction and equipment. The Agreement also lays down what goods can be carried in what conditions and in what vehicles and containers.

Some types of vehicles and containers must be subjected to technical inspection to ensure that they meet the requirements of the Agreement. Inspections must take place annually or at three-yearly intervals according to the type of vehicle or container. Vehicles and containers in conformity with the standards prescribed by ADR receive special certificates of approval. Half the TEM countries (Austria, Hungary, Italy, Poland and Yugoslavia) belong to ADR, which means that the rules relating to vehicles and containers for the carriage of dangerous goods are standardized in those countries. In the other TEM countries, however, the question is settled by domestic law in keeping with the national needs and possibilities of the five TEM countries concerned.

7/ This Convention is applied by the following TEM countries: Austria, Greece, Italy and Turkey.

4.4.7. Technical assistance

Application of international assistance systems

No.	Country	FIA System <u>1/</u>	IRU System <u>2/</u>		CMEA System
		Private (passenger) cars	Buses	Lorries	Buses and lorries
1	Austria	x	x	x	
2	Bulgaria	x		x	x
3	Greece	x	x	x	
4	Hungary	x	x	x	x
5	Italy	x	x	x	
6	Poland	x	x	x	x
7	Romania	x			x
8	Czechoslovakia	x	x	x	x
9	Turkey	x	x <u>3/</u>		
10	Yugoslavia	x	x	x	

Source: Polish Automobile and Motorcycle Federation.

1981 AMI-P and AMI-M leaflets.

Agreement on technical and other assistance to road vehicles in international transport of 21 June 1973.

1/ International Automobile Federation (FIA), which organizes the International Automobile Assistance System.

2/ International Road Transport Union, which organizes the systems: International Service for Mutual Assistance "Passengers" (AMI-P), International Service for Mutual Assistance "Merchandise" (AMI-M).

3/ Network: Mercedes-Benz only.

The purpose of the technical assistance systems is, on the one hand, to come to the aid of the owners of vehicles in the event of difficulties abroad, and, on the other, to guarantee to the undertakings supplying services that they will be paid. These systems may ensure either an assistance on credit without indication of the service organizations or a system where credit is given solely in specified service stations.

The first solution has been adopted by the International Automobile Federation. Each owner of a private (passenger) car belonging to the system can obtain, in service organizations freely chosen by him, the assistance he needs against credit cards (six cards, each one up to 50 Swiss francs). Under this system, the following services can be supplied:

- Technical assistance in the event of a breakdown of the vehicle,
- Towage of the vehicle to the nearest repair shop,
- Repair of the vehicle, including the spare parts essential for the repair;
- Medical first aid, including ambulance costs where necessary;
- Legal aid and technical valuations of the vehicle;
- Forwarding of the vehicle by railway to the owner's address if it cannot be repaired abroad; and
- Purchase of return tickets for persons whose vehicle has been damaged.

The FIA system excludes assistance and services which are not essential to put the vehicle back on the road (e.g. washing, lubrication, optional accessories, and the like). The FIA system is universal in Europe and the national automobile Clubs of all the TEM countries belong to it.

The International Road Transport Union has established two systems of mutual international assistance: one for the transport of persons (AMI-P Service) and the other for the transport of merchandise (AMI-M Service). The two IRU systems guarantee their member carriers assistance on credit in strictly specified repair shops. The breakdown network of the AMI-P Service operates in eight TEM countries (the exceptions being Bulgaria and Romania) while the AMI-M Service likewise operates in eight TEM countries (the exceptions being Romania and Turkey). Services can be rendered against AMI credit cards, the number of which per vehicle is unlimited (AMI-P up to 2,000 Swiss francs per card and AMI-M up to 2,000 or 6,000 Swiss francs per card).

The AMI-P service provides benefits such as: emergency breakdown service, repairs (with the supply of tyres if necessary), supply of replacement vehicles, replacement of coach drivers and accommodation and hospital treatment for passengers and drivers.

The AMI-M service provides the following benefits: emergency breakdown service, repairs, towage, replacement of the vehicle, repatriation of the damaged vehicle, repairs to sheets, accommodation and medical treatment for drivers, replacement of staff, storing and warehousing of goods, forwarding of goods and various handling operations.

The assistance system organized by the countries members of CMEA (5 TEM countries) covers the road transport of persons and goods and provides assistance in specified service undertakings against presentation of a credit card. However, each service requested by the driver that costs more than 100 roubles must be confirmed by the owner of the vehicle.

The CMEA system provides the following benefits: towage of the damaged vehicle to the required place, its forwarding by another vehicle or other mode of transport, normal maintenance service (lubrication, washing etc.), repairs including the supply of spare parts and tyres, the carriage of passengers and their luggage to the required place, assistance regarding accommodation and medical treatment, replacement of drivers, making means of communication available to the drivers, storing or warehousing and forwarding of goods and various handling operations.

A comparison of the breakdown networks of the AMI/IRU systems and of the CMEA system with the route of the future TEM motorway leads to the conclusion that these networks correspond only remotely to the forthcoming needs of carriers in the area in question. All three systems (FIA, IRU and CMEA) described above, are, in principle, optional for the owners of vehicles and it often happens that assistance is given in the TEM countries independent of the systems.

4.4.8. Motor fuels

The problem of the import of motor fuels in the tanks of foreign vehicles is governed by two multilateral conventions and by the domestic laws of the countries which do not belong to these Conventions.

The Customs Convention on the Temporary Importation of Private Road Vehicles of 4 June 1954 states, with respect to private (passenger) cars: "The fuel contained in the ordinary supply tanks of vehicles ... shall be admitted without payment of import duties and import taxes and free of import prohibitions and restrictions, it being understood that the ordinary tank is that designed by the maker for the type of vehicle concerned". This Convention is applied by six TEM countries (Austria, Bulgaria, Italy, Poland, Romania and Yugoslavia) and, in practice, the other TEM countries follow the solution adopted by the Convention. Except in Italy, the same rules are applied with respect to the export of motor fuels in the ordinary supply tanks of private (passenger) cars. On 29 February 1980, Italy introduced the principle (Official Journal No. 59) 8/ that the car can return abroad with the same quantity of diesel oil as it had on entry or with a lesser quantity. In the event that the quantity introduced on entry cannot be proved, the car retains the right to leave Italian territory with 30 litres of diesel oil.

Although the Customs Convention on the Temporary Importation of Commercial Road Vehicles of 18 May 1956 lays down, with respect to buses and lorries, a rule similar to that concerning private (passenger) cars, it also stipulates that each Contracting Party may fix maximum quantities for the fuel which can be admitted in the supply tank of a vehicle. The 1956 Convention is applied by all the TEM countries, apart from Czechoslovakia and Turkey which, however, adopt the same principle in practice.

8/ IRU: CD/2481 of 5 March 1980 and CD/2465 of 15 February 1980..

In accordance with the 1956 Convention, Austria introduced in 1958 9/ the principle that the ordinary supply tank of a lorry, whose payload exceeds five tonnes, may contain on entry the same quantity of fuel as it had at the moment of leaving Austrian territory on the occasion of its last visit. If no proof is supplied in that respect, the vehicle may not import free of import duties and import taxes more than 30 litres of diesel oil.

Italy has adopted the opposite principle to Austria, one similar to that described above and adopted for private (passenger) cars. Buses and lorries may leave Italian territory with the same quantity of fuel as they had on entry or with a lesser quantity. If the quantity on entry cannot be proved, buses and lorries may not export in their ordinary supply tanks more than 150 litres of diesel oil.

In principle, motor fuels are paid for in cash in the TEM countries. In Poland and Romania, however, petrol and diesel oil can be obtained by vehicles registered abroad only against vouchers purchased in advance. The same principle is adopted by Hungary for the sale of diesel oil.

In seven TEM countries (Austria, Greece, Hungary, Italy, Poland, Turkey, and Yugoslavia) buses and lorries may also obtain motor fuels against credit cards using the sales system set up by a private organization: the Deutscher Kraftverkehr (DKV) of the Federal Republic of Germany. 10/ Shell has introduced a similar system of fuel supplies in six TEM countries, namely: Austria, Greece, Hungary, Italy, Turkey and Yugoslavia. 11/

4.5. Regulations concerning the carriage of passengers

4.5.1. System of permits

9/ Information from the Arbeitsgemeinschaft internationaler Strassenverkehrsunternehmen Österreich, of 16 October 1978.

10/ DKV: Diesel Service Stationen 1980.

11/ Transport Routier, No. 2, Bruxelles 1981, EuroShell Service.

4.5.1.1. Regular services

Regular services in 1981 12/

Country	A	BG	CS	GR	H	I	PL	R	TR	YU
A			x		x					
BG				x				x		x
CS	x				x		x			x
GR										
H	x		x			x	x	x		x
I										
PL			x			x				
R		x			x					x
TR										
YU								x		

Sources: Autobus. Internationaler Kraftomnibusfahrplan Der Europäischen Sozialistischen Länder 1981.

1981 Euorpubus General Indicator.

Multilateral and bilateral conventional practice and practice based on domestic legislation 13/ with regard to the international carriage of passengers by road on regular services are absolutely uniform in the ten TEM countries. A permit is always required for services to any of the TEM countries or in transit through its territory and the appropriate applications must therefore be addressed to the countries through whose territory the route of the regular service is to pass. To obtain such a permit, the carrier must, in accordance with the practice in the majority of TEM

12/ The countries with one or more services are marked with a cross. If the services are run by the carriers of both countries, the cross appears in both the horizontal and the vertical columns. If the services are run by the carrier of one country only, the cross appears in the horizontal column only (e.g. the service between Hungary and Italy is run by the Hungarian carrier).

13/ IRU Handbook of International Road Transport, 1981. This concerns Austria, Bulgaria, Hungary, Romania, Czechoslovakia and Turkey which, in certain cases listed in table 3.2.1., have not concluded bilateral agreements.

countries, apply through the competent organ of his own State to the competent organs of the countries upon whose territory he wishes to establish a bus service. 14/ The carrier may apply directly to the authorities of the country upon whose territory he intends to run the regular service, only if there is no agreement between that country and his country of origin.

Each application must contain the necessary information on the proposed regular service, such as: name of carrier; itinerary, including stops and frontier crossings; period during which the service will run including frequency, timetable, tariffs, conditions of the contract of carriage, i.e. either the special conditions for carriage, if there is a convention on the contract of carriage, or rules that are generally accepted in that field. 15/ If there is no agreement between the countries affected by the regular service, each country will decide independently whether to issue or refuse the permit. However, an analysis of agreements existing in this field shows that practice differs in the TEM countries, some of which reserve the right to consider applications from carriers independently, 16/ while others consider them jointly. 17/

The carriers' applications are accepted either in whole or in part. The countries affected by the regular service sometimes also set their own conditions for operation of the service, particularly with regard to tariffs and periods of operation. 18/

Permits are not issued to carriers unconditionally. The TEM countries generally issue them on condition that their own carrier can also participate in the operation of the service, or run separate regular services for passengers to the country whose carrier has submitted the application. 19/ In most cases, this is a matter of formal reciprocity, which means that a country reserves the right for its carrier to participate in the regular service or to run his own regular services when he chooses to do so. 20/ However, it sometimes happens that material

14/ e.g. bilateral agreements between: Czechoslovakia and Yugoslavia (1962), Hungary and Turkey (1968), Austria and Italy (1958), Bulgaria and Poland (1972). Also the 1970 Berlin Agreement.

15/ e.g. bilateral agreements between: Greece and Yugoslavia (1959), Poland and Italy (1968), Protocol of 1969, Austria and Italy (1958), Hungary and Turkey (1968). Also the 1970 Berlin Agreement.

16/ e.g. bilateral agreements of Hungary and Yugoslavia with Turkey (1968) concerning services in transit.

17/ e.g. bilateral agreements between Austria and Italy (1958), Yugoslavia and Czechoslovakia (1962).

18/ e.g. 1964 agreement between Greece and Bulgaria.

19/ e.g. agreements between Greece and Yugoslavia (1959), Austria and Yugoslavia (1961), Poland and Hungary (1965).

20/ This practice explains the situation reflected in the table of regular services above, which shows that the services between certain countries are run exclusively by the carrier of one contracting State.

reciprocity is an essential requirement and the carriers of all the countries affected by the regular service must participate in running that service, or must obtain a similar permit for other services of their choice from the countries promoting the regular service. 21/ The date of expiry of the permit issued to the carrier is established either by joint agreement between the countries concerned, 22/ or else separately by each country whether in accordance with the carrier's request or not. The agreements concluded by Poland with Italy, Czechoslovakia and Austria provide for a permit which is valid for one, three and five years respectively.

It is also a general rule in the TEM countries that carriage on regular services may only be interrupted or continued with the prior agreement of the authorities which issued the permit. 23/

4.5.1.2. Shuttle services

The conventional practice of the TEM countries concerning the running of shuttle services is not uniform. Although some agreements provide that shuttle services may be operated only with the authorization of the countries traversed, 24/ there are others which refer the problem to domestic legislation on the subject. 25/

There are also bilateral agreements, and these are the most usual among the TEM countries, which exempt carriers from making an application to the contracting States. 26/ Sometimes the bilateral agreement makes no provision for a permit for shuttle services to the contracting States, but does make it compulsory to obtain a permit for transit through their territory. 27/

The Berlin Agreement, applied by four TEM countries, refers this matter to the bilateral agreements of the Contracting Parties or their domestic legislation. If a permit is required for shuttle services, the carrier's application must include

21/ e.g. the 1958 Agreement between Austria and Italy provides that "reciprocity embraces not only each service taken individually, but the whole set of regular services between the two countries."

22/ e.g. the 1958 Agreement between Greece and Yugoslavia.

23/ e.g. the 1966 Agreement between Austria and Poland.

24/ e.g. the 1975 agreement between Bulgaria and Czechoslovakia.

25/ e.g. the 1961 agreement between Austria and Yugoslavia.

26/ e.g. agreements between: Bulgaria and Poland (1972), Hungary and Turkey (1968).

27/ e.g. 1970 agreement between Poland and Czechoslovakia.

at least the number of groups transported, the period and frequency of the run, the itinerary and the frontier crossings. 28/ In principle, the application is submitted directly to the competent authorities of the country on whose territory the carrier proposes to operate the service. 29/

Although countries reserve to themselves complete freedom of decision with regard to shuttle services, the decisions of the TEM countries are never subject in their reciprocal relationships, to the requirement that their carriers participate in the proposed shuttle services. However, although only formal reciprocity seems to prevail in this respect in bilateral agreements among the TEM countries, quotas are sometimes established for shuttle service permits and this can lead to material reciprocity. 30/ The regulations described above also apply if there is no bilateral agreement between the TEM countries. 31/

4.5.1.3. Occasional services

Practice differs in the TEM countries concerning permits for occasional service carriers. A number of the bilateral agreements concluded by the TEM countries accept occasional services without permits. 32/ The Berlin Agreement applied by the TEM countries, refers such matters to their bilateral agreements and their national legislation. The agreements on the lifting of restrictions on freedom of the road ("Geneva freedoms") settle only (paragraph(e)) for the most liberal application of the systems of authorization for all international passenger transport by road and, in particular, for international tourist traffic services, other than closed-door tours or services between seaports and airports. Austria, Hungary, Italy, Czechoslovakia and Turkey are parties to this "Geneva freedom", and Poland recognizes it de facto.

If every different type of occasional service is taken into consideration, it should be emphasized, that, as a general rule in the TEM countries, closed-door tours enjoy complete freedom and consequently do not require a permit. This

28/ e.g. 1959 agreement between Greece and Yugoslavia, 1970 Berlin Agreement.

29/ e.g. 1970 Berlin Agreement.

30/ e.g. 1975 agreement between Bulgaria and Czechoslovakia.

31/ cf. IRU Handbook of International Road Transport, 1981, Austria, Bulgaria, Hungary, Poland, Czechoslovakia.

32/ e.g. agreements between: Turkey and Hungary (1968) and Bulgaria and Poland (1972).

rule results from the "Geneva freedoms" paragraph (d) as well as from the ASOR Agreement, several bilateral agreements 33/ and ECMT resolutions nos. 16, 27 and 32. 34/

The same solution appears to be generally accepted for transport between sea ports and airports. 35/

Under certain agreements, a permit is required for empty buses entering the territory of a country other than that in which they are registered in order to pick up passengers, 36/ whereas, under others, no prior formalities are needed. 37/ The ASOR Convention makes provision for the entry of an empty vehicle to pick up passengers without a permit provided that the passengers:

Are grouped on the territory of either a non-contracting State or a contracting State other than that in which the vehicle is registered and other than that in which they are picked up, by contracts of carriage concluded before their arrival on the territory of the latter Contracting Party; and

Are carried on the territory of the Contracting Party in which the vehicle is registered; or

Have previously been carried by the same carrier whose bus has returned empty and are picked up and carried on the territory of the Contracting Party in which the vehicle is registered; or

Have been invited to the territory of another Contracting Party, carriage being payable by the person who invited them. The passengers must form a homogeneous group which must not have been constituted specifically for the purpose of the trip and which is carried to the territory of the Contracting Party in which the vehicle is registered.

The practice of carriage of passengers to a country other than that in which the bus is registered and its return empty seems to be generally accepted by the TEM countries and such trips are exempt from transport permit requirements. 38/

33/ e.g. agreements between: Austria and Italy (1958), Greece and Poland (1977), Hungary and Turkey (1968), Czechoslovakia and Yugoslavia (1962).

34/ Council resolutions, etc. Volume II. 1977.

35/ e.g. 1959 agreement between Greece and Yugoslavia; ECMT, Recommendations of the Council of Ministers, Volume II. 1977. (Resolutions 16, 27 and 32); "Geneva freedoms", paragraph (d).

36/ e.g. agreements between: Austria and Turkey (1969), Poland and Turkey (1977) (apart from transit).

37/ e.g. agreements between: Greece and Poland (1977), Greece and Yugoslavia (1959).

38/ e.g. agreements between Italy and Austria (1958), Czechoslovakia and Yugoslavia (1962).

4.5.1.4. Other services

Although the generally accepted practice in TEM countries is not to permit carriage between two points within the territory of a country by a bus registered in the territory of another country, 39/ there are in fact some bilateral agreements which allow cabotage, provided that a special permit is issued for such a service. 40/ The Polish-Hungarian agreement on international carriage by road of 18 July 1965 accepts in principle cabotage on regular services provided that the permit allows for stops within a contracting State and the picking up of passengers to carry them between such stops. However, cabotage is forbidden by this agreement for all other kinds of bus services. The Berlin Agreement does not accept cabotage in principle, referring the matter to the bilateral agreements and domestic legislation of the contracting State. Triangular traffic is accepted under certain bilateral agreements, provided that the bus passes through the territory of the country in which it is registered with passengers aboard. 41/ There are also agreements which do not accept it 42/ or which tolerate it only if a special permit is issued for such a service. 43/ The Berlin Agreement does not in principle recognize triangular traffic, but contracting States may accept such operation in their bilateral agreements or in accordance with their domestic legislation. The bilateral agreements of the TEM countries introduce a general rule whereby a special permit is needed for carriage in a vehicle whose dimensions and weight exceed those permitted under their domestic legislation. 44/ Since the rules concerning the length, load per axle and maximum weight of buses are not uniform in the TEM countries (see table 4.4.1), the movement of and carriage by buses whose specifications exceed those accepted by certain TEM countries require special permits in these countries.

4.5.2. Fiscal charges 45/

4.5.2.1. Taxes on motor vehicles

Although private motor vehicle traffic is not subject to the permit system, there are specifications concerning the taxation of such vehicles. In accordance with the Convention on the Taxation of Road Vehicles for Private Use in International Traffic,

39/ e.g. agreements between Turkey and Yugoslavia (1968), Poland and Italy (1968).

40/ e.g. agreements between Poland and Bulgaria (1972), Bulgaria and Czechoslovakia (1975).

41/ e.g. 1972 agreement between Poland and Bulgaria.

42/ e.g. 1970 agreement between Poland and Czechoslovakia.

43/ e.g. agreements between Poland and Hungary (1965), Greece and Yugoslavia (1959).

44/ e.g. agreements between Bulgaria and Czechoslovakia (1975), Greece and Poland (1977), Austria and Turkey (1969).

45/ "Taxes on transport, on motor fuel and tyres, and on motor vehicles", United Nations document TRANS/R.120, of 25 November 1980; also the Handbook of International Road Transport, IRU, 1981.

of 18 May 1956, private (passenger) cars registered in Austria, Poland, Romania, Czechoslovakia and Yugoslavia are reciprocally exempted from vehicle taxes.

The countries referred to do not subject cars from other TEM countries to vehicle tax, although their legislation sometimes makes provision for such taxes which would be applied if de facto reciprocity was not observed. 46/

In the other TEM countries, similar exemption results from their domestic legislations, which either make no provision for tax on private (passenger) cars, 47/ or exempt them in the case of de facto reciprocity. 48/

The Convention on the Taxation of Road Vehicles Engaged in International Passenger Transport, of 14 December 1956 exempts buses from taxation in the five TEM countries referred to above. The bilateral agreements concluded between the five TEM countries referred to and the other TEM countries, apart from Italy, extend the principle agreed upon in the 1956 Convention. In its agreements with the TEM countries, Italy grants, in principle, a reduction of the annual vehicle tax. 49/

Bulgaria is prepared to exempt buses from vehicle tax on a reciprocal basis. If reciprocity is not granted by any country, its buses may be subject to a single tax of 20 leva. Hungary has no bus taxes and the same is true of Poland. Sometimes, therefore, a bilateral agreement between Italy and a country whose legislation makes no provision for vehicle taxes sanctions a lack of reciprocity in this field. 50/

4.5.2.2. Transport taxes

The practice in the TEM countries in respect of this kind of taxation depends on the type of transport. Transport on regular services is sometimes subject to transport tax, 51/ although the opposite practice of exempting such transport from taxation seems to be more widespread. 52/ It will be noted in particular that, under bilateral agreements exempting regular services to a contracting State, regular services in transit through a territory are taxed. 53/

46/ e.g. Austria.

47/ e.g. Poland.

48/ e.g. Italy.

49/ e.g. 1968 agreement between Italy and Poland.

50/ e.g. Italy levies a reduced tax on Polish buses, while Italian buses in Poland are not subject to any tax.

51/ e.g. agreement between Italy and Poland.

52/ e.g. agreements between Poland and Czechoslovakia (1970), Hungary and Turkey (1968).

53/ e.g. agreements between Austria and Yugoslavia (1961), Greece and Yugoslavia (1959) (protocol).

Fiscal practice with regard to shuttle services and occasional services is more uniform and this kind of transport is generally exempt from transport tax under the bilateral agreements. 54/

If there are no bilateral agreement - and this is the case for Austria and Bulgaria, Austria and Romania, Austria and Poland (occasional services) Bulgaria and Hungary, Czechoslovakia and Turkey - it is the domestic law of each country concerned which prevails in principle.

However, the regulations and amounts of the tax are not uniform in these countries. Austria levies an 8 per cent turnover tax (value added tax) on regular bus services based on the distance travelled through Austrian territory. Occasional services are taxed at 60 groschen per passenger/kilometre for the part of the itinerary in Austria and a turnover tax of 4.8 groschen per passenger/kilometre. Bulgaria can levy a single tax of 20 leva on Austrian buses, on a reciprocal basis, and exempt Hungarian carriers from that tax because Hungary has not so far introduced transport taxes. Romania appears to levy taxes on Austrian buses, although the amount of the tax is not known.

Occasional services between Poland and Austria are not regulated by a bilateral agreement, but such services have been exempted from transport tax since 1 June 1973, with the consent of both countries, as an annex to solutions accepted by them with regard to the carriage of goods.

A permit is required in Czechoslovakia for the carriage of passengers (regular services and shuttle services) which is subject to a tax of 50 to 1,000 koruna for up to five trips and 200 to 10,000 koruna for more than five trips or for a fixed period of time.

Turkish legislation seems to be based on material reciprocity with regard to road taxes. It would therefore be natural to apply a provision whereby if Turkish vehicles are subject to taxes or other charges in another country which are not levied in Turkey, the vehicles of that country may be taxed to the same amount.

4.5.2.3. Other charges 55/

In Italy, motor vehicles allowed to travel on motorways pay vehicle tax and an additional 5 per cent tax as well as the tolls, the amount of which depends on the number of kilometres travelled. Greece reserves the right, in bilateral agreements, 56/ to charge tolls payable by vehicles travelling on motorways and on some sections of the highways. In Yugoslavia, there is a toll road between Bela Palanka and Pino in Eastern Serbia which is part of the E 95 N road from Niš to Sofia. The toll for a bus, for example, is 20 dinars. Turkey levies a toll for crossing the Bosphorus, the amount being calculated on the number of axles of the vehicle. The other TEM countries do not charge tolls.

54/ e.g. agreement between Austria and Yugoslavia (1961), Greece and Poland (1977), Hungary and Turkey (1968).

55/ According to United Nations document TRANS/R.120, of 25 November 1980 and Touring-Club Suisse, 21 February 1979.

56/ e.g. 1977 agreement with Poland.

4.5.3. Contract of carriage

There is no general convention which governs the contract of carriage of persons in a uniform manner in the TEM countries.

The Convention on the contract for the international carriage of passengers and luggage by road (CVR), of 1 March 1973, which concerns regular services and round trips, is not yet in force.

The Agreement on General Conditions for the International Carriage of Passengers by Bus, of 5 December 1970 (Berlin Agreement), which is open to all countries (article VIII), is applied by only three TEM countries, namely, Hungary, Poland and Czechoslovakia, and the conditions of carriage concern regular services only. The contract of carriage for occasional services is subject to the domestic laws of those three countries.

The TEM countries, other than those mentioned above, apply their domestic laws only to the contract of international carriage of passengers.

In the event of a dispute between the carrier and the passengers, any court called upon to decide on their rights and obligations will be competent to decide, in accordance with international private law, what domestic law is applicable. In order to resolve the problem of the legal uncertainty concerning the rights and duties of the parties to the contract, the carriers of the TEM countries usually lay down conditions of carriage. However, these conditions of carriage, whose framework is determined by domestic law, govern only part of the legal relations between carrier and passengers, and their scope may be limited by the competent jurisdiction in cases where provisions of the conditions are incompatible with the main provisions of the applicable legislation.

The possible entry into force of the CVR Convention in the TEM countries would certainly standardize the contract of carriage, but it would also give rise to a conflict between the CVR Convention and the Berlin Agreement, because the two instruments contain rules that are frequently contradictory. However, it would seem that article 31 of CVR contains provisions that would considerably reduce the possibility of such conflict and enable the member countries of the Berlin Agreement to apply it among themselves, to the extent that the protection of passengers under CVR is not affected in respect of important matters.

4.6. Regulations concerning the carriage of goods

4.6.1. Licensing system

4.6.1.1. Reciprocal transport operations

Bilateral agreements concerning the carriage of goods by road have been concluded by almost all the TEM countries. Apart from some fairly rare cases, 57/

57/ e.g. the 1977 agreement between Poland and Turkey.

the TEM countries subject the carriage of goods to or from their territories to prior authorization. 58/ There are permits that are valid for one year or less which entitle the carrier to an unlimited number of journeys. 59/ There are also permits that are valid for a single journey, and this type of permit is the most widespread in the TEM countries. 60/

In accordance with the prevailing practice in the TEM countries, transport permits are granted to carriers within the limits of the quotas fixed by joint agreement by the contracting countries and exchanged between them. 61/ In some cases material reciprocity is maintained and equal number of permits are thus issued to the carriers of the two contracting parties and may not be increased to meet the needs of one country alone. 62/ Sometimes provision is made for increasing the quota of permits at the request of a contracting State, which means that the contracting parties have accepted formal reciprocity in the matter. 63/ The Agreement on general conditions for the international carriage of goods by road, of 1974, signed at Karl-Marx-Stadt, only approves the principles resulting from bilateral agreements. The "Geneva Freedoms", paragraph (b), applied by Austria, Hungary and Turkey, make it compulsory for contracting States to grant permits automatically for reciprocal carriage, merely at the request of any carrier who is a national of the other contracting States. 64/ The bilateral agreements between Austria and Turkey (1969) and Hungary and Turkey (1968) confirm the "Geneva Freedoms" by introducing quotas which may be adapted to the needs of each contracting party. However, the agreement between Austria and Hungary introduces an annual quota which cannot be exceeded. Resolutions 26 and 31 of ECMT introduce the multilateral permit quota, which enables the carriers of member States of ECMT to provide a professional service for the carriage of goods the number of operations being unlimited.

4.6.1.2. Transit operations

The General Agreement on Tariffs and Trade (GATT), of 1947, introduced a principle of freedom of transit for means of transport, including road vehicles carrying goods (articles V and XX). Austria, Greece, Italy, Poland, Czechoslovakia

58/ e.g. agreements between Bulgaria and Czechoslovakia (1975), Poland and Italy (1968).

59/ e.g. the 1959 agreement between Austria and Bulgaria, the 1968 Agreement between Italy and Poland.

60/ e.g. agreements between Poland and Czechoslovakia (1970), Bulgaria and Greece (1964), Romania and Yugoslavia (1963), Hungary and Turkey (1968).

61/ e.g. agreements between Greece and Austria (1960), Bulgaria and Poland (1972).

62/ e.g. the 1959 agreement between Greece and Yugoslavia.

63/ e.g. the 1975 agreement between Bulgaria and Czechoslovakia.

64/ United Nations document E/ECE/TRANS/186, of 10 December 1949, resolution No. 11.

and Turkey belong to this Agreement. Freedom of transit for the carriage of goods by road is also confirmed by the "Geneva Freedoms", paragraph (a), whereby each contracting State is automatically bound to grant a transit permit merely on the request of any carrier who is a national of another contracting State. 65/ Five TEM countries (Austria, Hungary, Italy, Czechoslovakia, Turkey) belong to the Geneva Agreement. Poland recognizes it de facto.

In practice, although the majority of the TEM countries still require permits, subject to quotas, to cross their territory, 66/ others accept freedom of transit 67/ or the granting of unlimited numbers of permits. 68/ Permits for reciprocal carriage are usually also valid for carriage in transit, 69/ but two separate quotas are sometimes introduced for these two kinds of transport. 70/

The Karl-Marx-Stadt Agreement does not refer to carriage in transit.

4.6.1.3. Triangular traffic

The TEM countries seem to be divided with regard to triangular traffic. There are some bilateral agreements which prohibit triangular transport operations. 71/ However, the large majority of TEM countries accept triangular operations making them subject to special permits 72/ or tolerating them within the framework of the annual quota of permits, if the vehicle traverses the territory of the country in which it is registered. 73/ If this last condition is not observed, a special permit is required for triangular operations. 74/

The Karl-Marx-Stadt Agreement conforms to the practice prevailing in the TEM countries.

65/ Ibid.

66/ e.g. agreements between Austria and Bulgaria (1959), Greece and Yugoslavia (1959), Hungary and Poland (1965).

67/ e.g. the 1977 agreement between Poland and Greece, transit without permit.

68/ e.g. the 1977 agreement between Poland and Turkey.

69/ e.g. agreements between Austria and Bulgaria (1959), Greece and Romania (1974), Poland and Czechoslovakia (1970).

70/ e.g. the 1969 agreement between Poland and Yugoslavia.

71/ e.g. agreements between Austria and Bulgaria (1959), Italy and Czechoslovakia (1966).

72/ e.g. agreements between Austria and Greece (1960), Hungary and Poland (1965).

73/ e.g. agreements between Bulgaria and Czechoslovakia (1975), Poland and Bulgaria (1972).

74/ e.g. a 1972 agreement between Poland and Bulgaria.

4.6.1.4. Cabotage

In the TEM countries, there is no uniform practice with regard to the carriage of goods between two points situated within the territory of a single country.

Most of the TEM countries prohibit cabotage in their bilateral agreements. 75/ Some agreements accept it, however, provided that a special permit is issued for such a service. 76/ The latter solution is also accepted in the Karl-Marx-Stadt Agreement.

4.6.1.5. Transport exempted from permits

In their bilateral agreements, the TEM countries generally accept the principle that the carriage of certain types of goods requires no permit.

The same principle is adopted in the Karl-Marx-Stadt Agreement as well as by ECMT resolutions 16, 27 and 32 concerning the régime governing international road transport and the liberalization of some such services. 77/

Although the list of categories of goods whose carriage does not require a permit varies, depending on the agreement, the following are generally exempted:

- (a) Funeral transport; 78/
- (b) Removals services; 79/
- (c) Transport of theatre décor and accessories; 80/
- (d) Musical instruments, radio-recording, television and cinematographic equipment and equipment for musical events; 81/
- (e) Goods for fairs and exhibitions; 82/
- (f) Carriage of animals, vehicles and material for specific sporting events. 83/

75/ e.g. agreements between Austria and Romania (1964), Bulgaria and Greece (1964) Hungary and Turkey (1968), Italy and Poland (1968), Czechoslovakia and Yugoslavia (1962).

76/ e.g. agreements between Bulgaria and Czechoslovakia (1975), Greece and Poland (1977), Poland and Czechoslovakia (1970).

77/ ECMT, Resolutions of the Council, etc., vol. II, 1977.

78/ e.g. agreements between Austria and Bulgaria (1959), Czechoslovakia and Yugoslavia (1962), Poland and Italy (1968), Hungary and Turkey (1968).

79/ e.g. agreements between Poland and Romania (1968), Bulgaria and Greece (1964), Turkey and Yugoslavia (1968), Austria and Italy (1960).

80/ e.g. agreements between Austria and Bulgaria (1959), Czechoslovakia and Yugoslavia (1962), Poland and Italy (1968), Austria and Romania (1964).

81/ e.g. agreements between Austria and Yugoslavia (1961), Bulgaria and Czechoslovakia (1975), Poland and Turkey (1977), Greece and Bulgaria (1964).

82/ e.g. agreements between Poland and Romania (1968), Austria and Bulgaria (1959) Czechoslovakia and Yugoslavia (1962), Hungary and Turkey (1968).

83/ e.g. agreements between Austria and Italy (1960), Poland and Romania (1968), Austria and Greece (1960), Hungary and Turkey (1968).

The exemptions granted for the services listed in paragraphs (c) to (f) usually apply only on condition that the goods in question are re-exported. 84/

Some bilateral agreements extend the list of categories of goods which may be carried without a permit still further, to include:

- (1) Assistance to the victims of natural disasters; 85/
- (2) Mail; 86/
- (3) Occasional carriage of goods to and from airports when flights are diverted; 87/
- (4) Movement of an unladen vehicle to replace a damaged vehicle; 88/
- (5) Breakdown vehicles. 89/

There is a trend towards drawing up a complete list of the types of goods for which carriage is exempted from a permit. ECE resolution No. 118, 90/ the

84/ e.g. agreements between Austria and Bulgaria (1959), Poland and Italy (1968), Bulgaria and Greece (1964), Czechoslovakia and Yugoslavia (1962).

85/ Agreements concluded by Turkey with Poland (1977), Hungary (1968) and Austria (1969).

86/ Agreements concluded by Turkey with Austria (1969) and Poland (1977).

87/ Agreements concluded by Turkey with Austria (1969) and Poland (1977).

88/ Agreements between Bulgaria and Poland (1972), Austria and Turkey (1969) Bulgaria and Czechoslovakia (1975).

89/ Agreements between Poland and Turkey (1977), Turkey and Yugoslavia (1968), Poland and Yugoslavia (1969), Poland and Czechoslovakia (1970).

90/ Resolution No. 118 (TRANS/SC1/R.57/Rev.1) also provides that countries should not make the following types of goods transport in transit subject to an authorization, or if they do so, such authorization should be issued rapidly and not on a quota basis: carriage of goods for own account, carriage of goods for hire or reward, such as the carriage of goods by motor vehicles with a total permissible maximum weight not exceeding six tonnes or a load capacity not exceeding 3.5 tonnes, carriage of refuse or rubbish, carriage of bees or young fish, carriage of live animals, perishable foodstuffs as defined by ATP and carriage of road vehicles by rail or by inland waterway over the whole of the transit journey.

Karl-Marx-Stadt Agreement 91/ and the ECMT resolutions 92/ follow this trend, although the Agreement is not yet in force, and the carriage of various categories of goods without authorization as listed in ECMT resolutions cannot be accepted by Austria, Italy, Turkey and Yugoslavia. 93/ On the other hand, Greece appears ready to accept the ECMT resolutions in their entirety.

4.6.1.6. Transport of dangerous goods and of loads of exceptional dimensions or weight

Practice in the TEM countries in this field is entirely uniform. Such transport requires a special permit. 94/ This practice has been approved by the Karl-Marx-Stadt Agreement and by ECMT resolutions 16, 27 and 32. 95/

4.6.1.7. Transport in coupled vehicles

Transport in coupled vehicles (lorry and trailer, articulated vehicle) does not normally give rise to legal problems. However, such problems do arise in the case of coupled vehicles the elements of which are registered in different countries. In such a case, each country has to solve the problem of the nationality of such a transport unit when it enters its territory. Italy, 96/ Turkey 97/ and Yugoslavia 98/ have settled for dual nationality in the case of a coupled vehicle whose elements are registered in two different countries and therefore require that two permits be issued for such a combination of vehicles within the annual quotas of the countries in which each element of the coupled vehicle is registered. Austria, Greece and

91/ The Karl-Marx-Stadt Agreement adds to the list of services above the carriage of spare parts needed to repair damaged vehicles (paragraphs (a) to (f)).

92/ The list of services which, according to ECMT resolutions, should be exempt from any quota and permit system corresponds more or less to that in ECE resolution No. 118. However, the ECMT resolutions refer not only to goods in transit, but also, with the exception of perishable goods and removals, to reciprocal services. If there is reciprocity with regard to the carriage of perishable goods and removals, permits should not be subject to any quantitative restriction.

93/ Turkey and Yugoslavia expressed a reservation on the exemption of the carriage of goods for own account; Austria, Turkey and Yugoslavia on the exemption of the carriage of live animals; Italy restricts the exemption of the carriage of live animals, apart from cattle for slaughter and thoroughbred horses.

94/ e.g. agreements between Austria and Turkey (1969), Bulgaria and Czechoslovakia (1975), Greece and Poland (1977).

95/ The ECMT resolutions concern only the transport of loads of exceptional dimensions or weight.

96/ ECMT, Resolutions of the Council, etc. vol. II, p. 23, 1977.

97/ Ibid.

98/ IRU, CD/2667, of 3 June 1981.

Poland 99/ maintain that the nationality of the tractor (the lorry) decides the nationality of the combination of vehicles. Consequently, on the entry of such a transport unit, they demand a permit issued within the annual quota by the country in which the tractor is registered. Bulgaria, Hungary, Romania and Czechoslovakia also appear to accept this solution 100/ although, in Hungarian practice, transport by articulated vehicles whose elements are registered in different countries seems to be assimilated to triangular traffic which, in Hungary, require a special permit. 101/

ECMT resolution No. 36, on the nationality of coupled vehicles in transit traffic, favours a single nationality for coupled vehicles, that of the tractor vehicle. 102/ However, the 1968 Convention on Road Traffic states that: "A combination of vehicles is said to be" in international traffic "if at least one of the vehicles in the combination conforms to the above definition", i.e. is, inter alia, registered abroad. 103/

4.6.2. Fiscal charges

4.6.2.1. Taxes on vehicles

In accordance with the Convention on the Taxation of Road Vehicles engaged in International Goods Transport, of 14 December 1956, four TEM countries, namely, Austria, Poland, Czechoslovakia and Yugoslavia, have reciprocally exempted each other from the taxation of vehicles transporting goods. The bilateral agreements concluded between these four TEM countries and other TEM countries, 104/ as well as agreements between the latter countries themselves, extend the principle in the 1956 Convention. 105/

However, it should be noted that, in its bilateral agreements with the TEM countries, Italy does not exempt foreign lorries from vehicle tax, while Czechoslovakia and Turkey have not signed a bilateral agreement on the carriage of goods by road.

Foreign lorries can therefore move in Italy upon payment of 1/360 of the annual tax per 10 day period (or fraction of that period). The annual tax in Italy 106/ is as follows, depending on the payload:

99/ The bilateral agreements concluded between Austria and Poland (1963) and Greece and Poland (1977).

100/ According to the experience of Polish carriers, members of the Association of International Carriers by Road in Poland (ZMPD), as well as the documentation of the associations of international carriers by road in Hungary and Romania.

101/ According to the experience of Polish carriers.

102/ ECMT, Resolutions of the Council, etc., Vol. II, 1977.

103/ Thus, an articulated vehicle, whose tractor is registered, for example, in Poland and whose semi-trailer is registered in Hungary, would be "in international traffic" in Poland.

104/ e.g. agreements between Greece and Yugoslavia (1959), Poland and Romania (1968).

105/ e.g. the 1968 agreement between Hungary and Turkey.

106/ IRU, Handbook of International Road Transport, 1981.

Lorry

From 5 to 6 t.	22 800 lire
Not more than 7 t.	25 450 lire
" 8 t.	28 050 lire
" 9 t.	31 600 lire
" 10 t.	35 950 lire
" 11 t.	40 350 lire
More than 11 t.	46 050 lire

Trailer

From 5 to 6 t.	25 100 lire
Not more than 7 t.	28 000 lire
" 8 t.	30 700 lire
" 9 t.	34 650 lire
" 10 t.	39 450 lire
" 11 t.	43 850 lire
More than 11 t.	50 000 lire

This tax has been reduced for Austrian, Polish and Hungarian carriers 107/ who pay a daily tax equal to 1/360 of the annual tax with a minimum of three days.

Austrian vehicle tax, 108/ which is payable by Italian carriers, is 60 schillings per day (3,600 s. per annum). Poland, whose legislation does not provide for vehicle taxes, levies a tax on transport of \$US 12.5 per day reciprocally on Italian carriers. 109/ Vehicle taxes in Hungary are based on the unladen weight of the vehicles and the laden weight carried by the vehicles and on the distance of road taken by the vehicles in Hungary. For unladen lorries, the tax is ..

107/ Ibid.

108/ Ibid..

109/ 1968 agreement between Italy and Poland.

calculated on the vehicle's unladen weight and on the distance of road taken by the vehicles in Hungary. 110/ Greece, whose carriers have to pay vehicle taxes in Italy, levy a tax of 400 drachma for the first tonne of payload and 300 drachma for each additional tonne on diesel engine vehicles. The tax is payable every six months, but the tax is reduced by half for a foreign lorry entering Greece during the fourth month of a six-month period. 111/

Czech and Turkish legislation make no provision for vehicle taxes on foreign vehicles.

4.6.2.2. Transport taxes

The situation with regard to taxes on transport is far from uniform in the TEM countries. There are TEM countries which do not levy transport taxes on foreign vehicles, such as Italy and Greece, and there are TEM countries, notably Austria and Turkey, which are not willing to exempt foreign vehicles from transport tax even if reciprocity is offered by the other countries.

The rest of the TEM countries levy transport tax on foreign vehicles only if reciprocity is not granted by the countries in which those vehicles are registered. The partial taxation of Bulgarian vehicles crossing Polish territory in transit by road is but one illustration of the fact that the exception proves the rule. Austrian transport tax must be paid by all vehicles with a payload of more than five tonnes. It is 112/ 0.25 schillings per kilometre/tonne of payload. The kilometre/tonne is equal to the maximum number of tonnes of payload authorized for the vehicle multiplied by the number of kilometres travelled in Austria. This tax may also be paid on a lump-sum basis and is then calculated by calendar month begun and by tonne of the maximum authorized payload.

Not more than 8 t.:

Trailer	85 s.
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Lorry	100 s.
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More than 8 t.:

Trailer	170 s.
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Lorry	200 s.
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110/ United Nations document TRANS/R.120, of 25 November 1980.

111/ IRU, Handbook of International Road Transport, 1981.

112/ Ibid.

The carriage of goods by road in Turkey is subject to taxation only in transit through the territory of that country and the taxes are as follows: 113/

(a) Vehicles registered in a country which has signed a bilateral agreement with Turkey:

(i) 0.02 DM per tonne of load carried;

(ii) 0.1 DM per vehicle/km for unladen vehicles;

(b) Vehicles registered in a country which has not signed a bilateral agreement with Turkey:

The above amounts are multiplied by 1.5.

Vehicles whose total weight exceeds the permissible maximum weight in Turkey must pay a tax of 200 DM for a total weight not exceeding 40 t. inclusive and 250 DM for each further five tonnes above that limit.

In Yugoslavia, 114/ transport tax is calculated on the gross tonne/kilometre (tare of the vehicle plus load carried) and is not more than 0.09 dinars per gross tonne/km for vehicles weighing a total of not more than 15 t. and 0.125 dinars per gross t/km for vehicles whose total weight is more than 15 t. The tax is calculated upon entry into Yugoslavia and the bills are checked on exit. Unladen vehicles do not pay tax.

In Poland, the taxes 115/ are calculated according to the vehicle's payload. Unladen vehicles are also taxed. The amounts are as follows:

Up to and including 10 t.	400 Zl
From 10 t. to 15 t. inclusive	600 Zl
From 15 t. to 20 t. inclusive	800 Zl
From 20 t. to 25 t. inclusive	1 200 Zl
More than 25 t.	1 600 Zl

Special taxes are also added to the above for carriage in lorries whose dimensions, with or without a load, or whose axle load or total weight exceed the norms accepted in Poland. These taxes are, in principle, about 50 per cent of the taxes referred to above but, if the axle load is considerably more than the norm, they may even be 100 or 200 per cent of the highest tax.

113/ Summary of the regulations governing international road transport through Turkey, Ankara, 15 July 1980.

114/ IRU, CD/2667, of 3 June 1981.

115/ IRU, Handbook of International Road Transport, 1981.

In Romania, 116/ the following taxes may be levied:

0.015 gold francs per tonne of total gross weight and per kilometre

0.045 gold francs per tonne of total gross weight and per kilometre

For vehicles exceeding the maximum permissible weight and dimensions.

For empty trips, the tax is calculated on the net weight of the vehicle.

. One gold franc = 1.961 lei = \$US 0.44.

In Bulgaria, 117/ the following taxes are payable, except in the cases of the services listed in subsection 4.6.1.5., paragraphs (a) to (f):

(a) Up to 3 t. inclusive	15 levass
(b) From 3 t. to 7 t. inclusive	30 levass
(c) From 7 t. to 12 t. inclusive	50 levass
(d) From 12 t. to 16 t. inclusive	70 levass
(e) More than 16 t.	80 levass

Unladen lorries must pay 10, 15, 30, 40 and 60 levass respectively, these taxes being levied on the basis of the permissible load.

In Hungary, 118/ the carriage of goods may be subject to a tax of 0.20 Ft per kilometre and per tonne (loaded lorry calculated on the unladen weight plus the permissible maximum load, unladen lorry on the weight of the unladen lorry) upon exit from the country.

In Czechoslovakia, 119/ the holder of a permit for the carriage of goods is subject to the following tax:

- (a) Up to 5 journeys: 50 to 1,000 koruna;
- (b) For more than 5 journeys, or for a fixed period of time: 200 to 10,000 koruna.

If the driver of a motor vehicle is unable, upon arrival at, or departure from the Czech frontier to produce a valid permit, he will have to pay double the highest rate.

116/ Ibid.

117/ Ibid.

118/ Ibid.

119/ United Nations document TRANS/R.120, of 25 November 1980.

4.6.2.3 Other charges

The comments made in subsection 4.5.2.3 also apply to the carriage of goods by road.

4.6.3 Customs transit system

4.6.3.1 TIR system

All the TEM countries are Parties to the 1959 TIR Convention and, except for Italy and Turkey, all the TEM countries have acceded to the 1975 TIR Convention.

The table below shows the scope of the two conventions.

Scope of the 1959 and 1975 TIR Conventions

Country	A	BG	CS	GR	H	I	PL	R	TR	YU
A		Y	Y	Y	Y	X	Y	Y	XY	Y
BG	Y		Y	Y	Y	XY	Y	Y	X	Y
CS	Y	Y		Y	Y	XY	Y	Y	XY	Y
GR	Y	Y	Y		Y	XY	Y	Y	X	Y
H	Y	Y	Y	Y		XY	Y	Y	XY	Y
I	X	X	X	X	X		X	X	X	X
PL	Y	Y	Y	Y	Y	XY		Y	XY	Y
R	Y	Y	Y	Y	Y	XY	Y		XY	Y
TR	X	X	X	X	X	X	X	X		X
YU	Y	Y	Y	Y	Y	X	Y	Y	XY	

Source. United Nations document TRANS/GE.30/R.93, 1981.

- (1) The implementation of the 1959 Convention (relations between the country in which the vehicles are registered and other countries) is indicated by the letter X.
- (2) The implementation of the 1975 Convention (relations between the country in which the vehicle is registered and other countries) is indicated by the letter Y.
- (3) The implementation of the 1959 Convention (relations between the country in which the vehicle is registered and the countries for which the goods are destined) and of the 1975 Convention (relations with the countries transited) are indicated respectively by the letters XY.

Transport among eight of the TEM countries may be effected in conformity with the principles of the new TIR Convention. Transport effected by vehicles registered in one of these countries, bound for or coming from Italy or Turkey, is subject to the former TIR Convention; in the event of transit through the territory of TEM countries which are Contracting Parties to the new Convention, the latter convention will be applicable to such transport in the relations between the countries transited and the country in which the vehicle is registered. However, transport between Italy and Turkey, as well as between these countries and the other TEM countries, is subject exclusively to the earlier TIR Convention, if the vehicles are registered in Italy or in Turkey. It is worth emphasizing that, unlike the other TEM countries, Italy does not accept transport under TIR carnets if the value of the goods transported exceed about \$US 30,000. In such a case, a bond becomes necessary.

Although Italy and Turkey have not acceded to the 1975 TIR Convention, they accept the new model TIR carnet and the technical annexes of the new TIR Convention which means that, although the transport to and from these countries is effected according to the principles of the old Convention, the vehicles and containers used have been approved according to the standards of the new Convention on transport and a simplified carnet is used.

If the different ways of implementing the two TIR Conventions do not produce difficulties at the moment, it is because the Customs authorities at the borders of the TEM countries usually still accept the old model of the TIR carnet, although the new model carnet has already been made mandatory in most TEM countries.

4.6.3.2 AGT system

The AGT Customs transit system is applied in four TEM countries, namely, Bulgaria, Hungary, Poland and Czechoslovakia. It is a system reserved solely for vehicles registered in countries which have acceded to the AGT Agreement. The technical rules of the AGT Agreement in respect of vehicles are similar to those adopted by the 1959 TIR Convention and vehicles approved in conformity with the principles of this Convention and registered in the four countries referred to, may also move goods according to the principles of the AGT Agreement. However, in the event that the 1959 TIR Convention should cease to be applied, the conflict between the technical rules of the AGT Agreement and those of the 1975 TIR Convention may make it difficult for the same vehicles to be used in the context of the two instruments.

4.6.3.3 The European Economic Community system

This system, which was introduced into the Community by Regulation No.222/77 of 13 December 1976, is mandatory in Italy and, as a result of the EEC agreement with Austria, its application has been extended to the territory of that country.

Although Greece has now become a member of the EEC, the Community transit Customs procedure cannot be applied to land transport bound for and coming from that country, because Yugoslavia is outside the system. Community transit is applied to Italian-Austrian transport, but it is not restricted to vehicles registered in the territory of those two countries or to vehicles from the EEC countries. Carriers from all TEM countries may take advantage of it and several of them are doing so at the present time. 120/

120/ As far as they are concerned, Community transit operations extend to the Austrian border. They travel as far as this border under cover of another Customs transit document. See also J. Duquesne, L'Entreprise et la Douane, Paris, 1979, p.132, and IRU, SII/1175 of 5 May 1978.

4.6.3.4 ITI system

The system worked out under the auspices of the Customs Co-operation Council was designed to eliminate the disadvantages of the 1959 TIR Convention, which was limited in principle to the European countries 121/ and to road transport and thus to establish a world-wide system of Customs transit applicable to road and rail transport, even if the transport operation includes an international journey by sea or air.

Although such a system, which seems to be even simpler than that of the 1959 TIR Convention and which also recognizes the approval certificates issued to vehicles in accordance with the procedure set out in that Convention was established on 7 June 1981, the ITI Convention has not entered into force and no TEM country has ratified it. The 1975 TIR Convention eliminated some of the disadvantages of the 1959 Convention, by becoming a world convention, and its application is no longer confined to road transport. Since more and more countries are acceding to the 1975 TIR Convention and eight TEM countries have already done so, it seemed unlikely that the ITI Convention will come into force in the TEM countries.

4.6.3.5 ATA system and system of the Agreement of 24 June 1965.

There are two similar conventions involved. The 1961 Customs Convention on the ATA carnet for the temporary admission of goods is universal in character and eight TEM countries (Greece and Turkey being the exceptions) have acceded to it. The 1965 Customs Convention concerning facilities for the importation of goods for display or use at exhibitions, fairs, meetings or similar events, is confined to the CMEA countries and four TEM countries (Bulgaria, Hungary, Poland and Czechoslovakia) have acceded to it.

The two conventions do not deal with the question of transport under Customs seal, but confine themselves to goods imported temporarily and to their Customs transit which means that, in practice, the further use of other systems, such as national systems of Customs sealing, may become necessary.

4.6.3.6 National Customs transit systems

The carrier is not obliged to use the Customs transit systems which have been described (TIR, AGT, Community transit), although he is entitled to do so and is free to choose one of these systems. The carrier may also travel outside the international systems by complying with the national Customs transit systems. 122/ This system, which is, indeed, the oldest Customs transit system, may be warranted for transport between neighbouring countries or for transport by vehicles which are not eligible for transport operations under Customs seal. It should be noted however that, in practice, the Hungarian Customs usually object to the use of the national Customs transit system and insist on the use of the TIR system or the AGT system (in the latter case, even if the vehicles are not suitable for sealing). 123/ In the case of transport not using the TIR system, Turkey requires the payment of a deposit equivalent to the value of the goods transported. 124/ Austria also requires

121/ More precisely to the countries members of the European Economic Commission and the countries admitted to the Commission on a consultative basis.

122/ See the outcome of the IRU survey, document SII/1175 of 5 May 1978.

123/ In the experience of Polish carriers.

124/ IRU, Handbook of International Road Transport, 1981.

security in such cases equal to the foreseeable duty. If, however, an Austrian forwarding agent recognized as an excise guarantor is entrusted with the Customs formalities, the deposit of security is not required. 125/

4.6.4 Contract of carriage

The present situation in respect of the international carriage of goods appears to be less complex than that concerning the carriage of persons. With the exception of Turkey, all the TEM countries have acceded to the Convention on the contract for the international carriage of goods by road (CMR), of 19 May 1956, which means that the contract for the carriage of goods in the reciprocal relations of the nine TEM countries is entirely uniform.

Article 1, paragraph 1, of the CMR Convention specifies that it "... shall apply to every contract for the carriage of goods by road ... when the place of taking over of the goods and the place designated for delivery, as specific in the contract, are situated in two different countries, of which at least one is a Contracting country, irrespective of the place of residence and the nationality of the parties" (paramount clause). The effect of this requirement is that transport between the nine TEM countries and Turkey, even if effected by Turkish carriers, is also subject to the Convention.

It should be borne in mind, however, that the scope of this paramount clause and the requirements of the CMR Convention are restricted in Turkey. In a dispute concerning a contract for the international carriage of goods by road, the Turkish courts would therefore apply their domestic law rather than CMR, particularly in the event of incompatibility between CMR and Turkish law. However, the courts of the other TEM countries would apply the CMR Convention to the transport of goods by road to or from Turkey.

Although the contract for the international carriage by road is at present subject to the CMR Convention in all TEM countries other than Turkey, an operation for the transport of goods, part of which is by a road vehicle, may possibly be subject to the United Nations Convention on International Multimodal Transport of Goods, of 24 May 1980, once it enters into force. This possibility, which is incidentally envisaged in paragraph 2 of the Protocol to the CMR Convention, has come about as a result of the requirements of the 1980 Convention. However, according to article 30, paragraph 4, of the 1980 Convention, the carriage by rail, sea and river of road vehicles laden with goods will not be regulated by its provisions and will continue to be subject to CMR. This exception would not, however, apply to Turkey if it became a contracting party to the 1980 Convention and remained outside the CMR Convention. In such a case, the Turkish courts would apply only the provisions of the 1980 Convention, if the consignor has not availed himself of article 3, paragraph 2, and segmented the transport. The possible entry into force of the 1980 Convention does not mean that its provisions would have to be applied obligatorily to every international multimodal transport operation. Forwarding agents will continue to be completely free to choose between multimodal transport services and segmented transport services. In the latter eventuality, international road transport will certainly be regulated by CMR. However, even if they choose multimodal transport services, the rights and duties of road carriers will continue

125/ Ibid.

to be subject to the CMR Convention, although the possibility that road carriers may be prosecuted under the 1980 Convention (see article 20) cannot be entirely ruled out in advance. One can only hope that some of the rules in the 1980 Convention, which are similar to those in CMR, and the provisions of the 1980 Convention concerning conflict of conventions will make it possible to obviate any confusion in the implementation of the two conventions.

The agreement on general conditions for the implementation of the international carriage of goods by road, of 29 June 1974, drawn up by the CMEA countries, has not yet entered into force. Although the part of this agreement which covers the contract of carriage is almost identical with the CMR Convention (except for the provisions concerning the field of application and the maximum compensation per kilogramme of gross weight short), a conflict between the two conventions will inevitably occur in the future, since CMR introduces in its article 1 not only the paramount clause, the consequences of which have been set forth above, but also a firm requirement that "The Contracting Parties agree not to vary any of the provisions of this Convention by special agreements between two or more of them".

4.7 Documents

4.7.1 Driver's documents

4.7.1.1 Identity papers

In principle, the TEM countries require aliens entering their territory to produce valid passports. In certain cases, identity cards are accepted. ^{126/} It is a general rule in the TEM countries that passports must contain transit and visitor's visas. If visas have not been abolished by bilateral measures ^{127/}, they may be issued by diplomatic or consular representations in the driver's home country. It is also possible to obtain visas from an embassy or consulate en route. Visas are sometimes issued at the border. ^{128/}

Although drivers know their intended route before departure and can therefore obtain the necessary visas in advance, they are compelled from time to time, through circumstances unforeseen when the journey began, to change their itinerary en route and may consequently encounter difficulties at the frontiers. Even if they apply for visas in their own countries, there is often a long delay before they are granted and this is a major obstacle, particularly for the transport of goods which are often urgently needed.

4.7.1.2 Driving licence

A driving licence of the category corresponding to the vehicle is required by all the TEM countries. The categories ^{129/} of these licences are laid down by the 1949 and 1968 Conventions on Road Traffic. Both these conventions recognize two kinds of driving licence - national and international - and prescribe their models.

^{126/} e.g. in the relations between TEM countries which are members of CMEA.

^{127/} e.g. in the relations of Poland and Hungary with Austria, Turkey with Italy, Yugoslavia with Hungary.

^{128/} e.g. in Poland, but in exceptional circumstances only, in Hungary and in Romania.

^{129/} Categories A, B, C, D and E.

Italy, Turkey and Yugoslavia accept both kinds of driving licence. Czechoslovakia recognizes the national licence, except in the case of Greek and Turkish drivers who are required to be in possession of an international driving licence. Austria accepts the national driving licences of the TEM countries, if they are issued in German, or in German as well as the national language, or are accompanied by an official translation made by the Osterreichischen Automobil-Motorrad und Touring-Club. In other cases, Austria requires an international driving licence. Romania accepts the national driving licence on a reciprocal basis. The other four TEM countries insist upon international driving licences.

However, it should be emphasized that there are two models for the international driving licence, one introduced by the 1949 Convention and the other by the 1968 Convention. The latter allowed a five-year period in which to replace the international driving licences conforming to the model authorized in 1949. Drivers from the TEM countries which acceded to the 1968 Convention are therefore likely to have two international driving licences, one for journeys to the countries which are parties to the 1968 Convention and the other for journeys to other countries.

The 1949 and 1968 Conventions specify that the minimum age for driving a motor vehicle shall be 18. Thus, the TEM countries may refuse to recognize the validity in their territories of driving permits held by persons under 18 years of age. It should be remembered that Poland and Hungary provide for the possibility of issuing driving licences, in certain cases, at the ages of 16 and 17. The TEM countries which are parties to the 1968 Convention are entitled to refuse to recognize in their territories, in the case of certain types of transport 130/, driving permits held by persons under 21 years of age who are nationals of another country which is a party to the 1968 Convention. Moreover, TEM countries which are Parties to the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) are entitled to refuse to recognize in their territories, in the case of certain types of international transport (see subsection 4.3.1), driving licences whose holder is under 21, whether he is a national of a country which is a party to AETR or not.

4.7.1.3 Individual driving-time book

The Contracting Parties to AETR control driving and rest periods by requiring nationals of both contracting countries and non-contracting countries to AETR, who are drivers of motor vehicles transporting travellers or goods, to carry an individual driving-time book. This book, which contains a record of the occupational activities and rest periods of the driver, must be produced whenever required by the control authorities.

130/ For driving motor vehicles or combinations of vehicles in categories C, D and E. However, it should be noted that five TEM countries which are parties to the 1968 Convention have not yet introduced this requirement concerning the issue of driving licences for categories C and D.

Countries that are not parties to the AETR monitor driving and rest time in the light of their national regulations. These regulations are usually less stringent than the AETR requirements and, in such a case, the AETR book and its data are in principle acceptable in all the TEM countries not parties to AETR. The entry into force of ILO Convention No. 153, of 1980, and the driving-time control book prescribed therein may, in the future, increase the number of driving-time control documents and create an inevitable conflict in respect of their contents.

4.7.1.4 International vaccination certificates

International vaccination certificates against smallpox, cholera and yellow fever are seldom required in the TEM countries 131/ and only in cases where health is genuinely threatened by such an epidemic. If need be, the certificates in question are issued to drivers in accordance with the model prepared by the World Health Organization (WHO).

4.7.1.5 Other documents

The law sometimes requires foreign drivers to change a certain sum of money at the border the amount of which depends on the length of their stay in the country. The exchange operation is recorded by a document which must be produced when purchases are made in the country visited. In Poland, this requirement applies to drivers of private (passenger) cars 132/. On the other hand, the drivers of buses and lorries are exempted from this requirement. In Czechoslovakia, foreign drivers, except those from the CMEA countries, driving private (passenger) cars, buses or lorries are subject to this requirement 133/. Until quite recently, Turkey still required lorry drivers in transit through the country to change an amount in convertible currency equivalent to \$US 300.

4.7.2 Vehicle documents

4.7.2.1 Registration certificate

In conformity with the 1949 and 1968 Conventions on Road Traffic, every motor vehicle has to display a registration number whose issue is recorded by the registration certificate. This document must indicate the registration number and contain data enabling the motor vehicle and its owner to be identified and also the date of entry into service. All the TEM countries require motor vehicles to display the registration number in international traffic and make admission of the vehicles into their territories subject to the production of the registration certificate.

131/ Most recently in Italy against cholera, in 1973.

132/ \$US 15 per day. This requirement does not apply to drivers from the CMEA countries.

133/ \$US 10 per day.

4.7.2.2. Temporary importation papers

In conformity with the 1954 Customs Convention on the Temporary Importation of Private Road Vehicles and the 1956 Customs Convention on the Temporary Importation of Commercial Road Vehicles, the admission to the territory of a State of private (passenger) cars, buses and lorries registered abroad depends on their re-exportation from that territory. Although only six TEM countries 134/ are parties to the 1954 Convention and eight TEM countries 135/ to that of 1956, the domestic laws of the other TEM countries contain rules similar to those prescribed by the conventions. In principle, road vehicles may not remain in the territory for more than one year. The exit and entry dates of the road vehicle are recorded by documents called the "temporary importation papers". 136/ Apart from Italy, Greece and Turkey, 137/ the TEM countries do not require temporary importation papers. Italy requires such a document for the temporary admission of racing vehicles, radio and television vehicles and publicity vehicles. Greece and Turkey make the entry of ambulances and all lorries conditional on the production of this document.

Drivers of motor vehicles who are unable to produce importation papers are required to pay a bond, the amount of which is set by the domestic legislation of the country requiring the document.

Finally, it should be noted that, in the reciprocal relations of four TEM countries (Bulgaria, Hungary, Poland and Czechoslovakia) which are Contracting Parties to the 1965 Agreement on customs formalities for temporarily imported and exported vehicles, private (passenger) cars, buses and lorries may remain in the territory of a country other than that of their registration without any international or national temporary importation document, provided that their stay does not exceed six months. After that period, the motor vehicle should in principle leave the territory of the country.

4.7.2.3. Approval certificates

To avail themselves of the privilege of the transport of goods under Customs seal, in accordance with the relevant international conventions, road motor vehicles and containers must satisfy, as to their construction and equipment, the conditions laid down by these conventions. They must be approved by the Customs authorities, which issue an approval certificate.

The road vehicle approval certificates prescribed by the TIR Conventions may be accompanied by photographs or drawings authenticated by the authority issuing the approval certificate. All these documents must be on board the vehicle and be produced whenever required by the Customs authorities of the countries through which it passes. The approval certificate for containers prescribed by the

134/ Austria, Bulgaria, Italy, Poland, Romania and Yugoslavia.

135/ Austria, Bulgaria, Greece, Hungary, Italy, Poland, Romania and Yugoslavia.

136/ There are, in practice, two kinds of temporary importation certificate: the Carnet de passage en douane and the triptych.

137/ United Nations document TRANS/SC1/R.38, of 31 July 1979.

1975 TIR Convention confers the right of affixing on the approved container the approval plate which constitutes proof for the Customs authorities of the country, passed through in transit of the entitlement to carriage under Customs seal. While the two TIR Conventions provide the models for approval certificates, the AGT Agreement leaves this problem to the domestic legislations of the contracting countries.

The ITI Convention accepts, in principle, approval certificates issued in conformity with the other conventions relating to transport under Customs seal and Regulation No. 222/77 does not oppose the acceptance of approval certificates issued in conformity with the requirements of the TIR Convention.

Approval certificates issued in conformity with the 1959 TIR Convention are recognized in all TEM countries. Those prescribed by the 1975 TIR Convention are recognized in nine TEM countries; only Greece does not accept them. Approval certificates delivered in conformity with the AGT Agreement are recognized by four TEM countries.

Each road vehicle and each container intended for the transport of perishable foodstuffs must be approved for that type of activity. A certificate of compliance with the standards of the ATP Agreement, issued by the authorities of the countries members of the Agreement, or by non-contracting States, must be produced whenever required by the control authorities in the territories of the four TEM countries which are Parties to the ATP Agreement. This requirement applies to road vehicles and containers from signatory countries and from TEM countries not parties to the ATP Agreement. The certificate of compliance accompanying motor vehicles and containers from the contracting countries makes it easier for them to gain entry into the territory of these TEM countries which are not contracting parties to the ATP Agreement.

Motor vehicles and containers, which in conformity with the ADR Agreement are subject to technical inspections to ensure their compliance with the standards laid down by that Agreement, obtain approval certificates which must be produced whenever requested by the control authorities in the territory of five TEM countries. The carriage of dangerous goods to or from the TEM countries which are not parties to the ADR Convention, may be effected in their territory in accordance with the requirements and on the basis of documents established by the country in question.

4.7.2.4. Insurance documents

The blue card is a third-party insurance document. It is in use in six TEM countries. Although the multilateral agreement introducing the blue card specifies that it should accompany the motor vehicle and be produced whenever requested by the control authorities, the insurance companies have agreed that the distinctive sign of the country of registration and the registration number of the motor vehicle are sufficient and that a control is unnecessary.

The third-party green insurance card is applied by all the TEM countries. Although the multilateral agreement introducing the green card makes provision for inspection of this document at the border, the insurance companies of certain TEM countries dispense vehicles bilaterally or unilaterally from such inspection.

The table below shows the countries (marked by a cross) which dispense road vehicles from an inspection of the green card at borders.

	A	BG	CS	GR	H	I	PL	R	TR	YU
A			X		X	X				X
BG										
CS	X	X			X	X	X	X		X
GR										
H	X	X	X			X	X	X		X
I										
PL			X		X			X		X
R					X					
TR										
YU	X	X	X		X		X	X		

Source: TRANS/SCI/R.38/Rev.3, 24 October 1978.

4.7.2.5. Other documents

Austria requires from foreign lorries at the moment of entry a certificate of advance payment of the foreseeable road taxes which either entitles the vehicle, at the moment of departure, to reimbursement or makes it liable to additional taxes.

Austria and Italy require a declaration concerning fuel to determine the amount imported and exported in the tanks of motor vehicles. In Austria, this declaration has to be made on the document relating to the payment of road taxes and affects only lorries with a payload exceeding 5 tonnes if the tank contains diesel oil. In Italy, the declaration applies to all vehicles (private (passenger) cars, buses, lorries) whose tanks are filled with diesel oil.

Poland requires a statistical control card for all buses and lorries upon entry. In Turkey, the data enabling the vehicle to be identified are recorded on the driver's passport. The driver's passport constitutes additional proof of the importation of the vehicle in addition to the temporary importation papers.

4.7.3. Transport documents

4.7.3.1. Transport permits

The bilateral agreements concerning the carriage of person and goods, or domestic legislation where there is no bilateral agreement, specify which transport operations are subject to the system of permits (see subsections 4.5.1. and 4.6.1.). If a permit is required, it must be on board the vehicle and must be produced whenever required by the control authorities. The permit must correspond to the transport operation.

4.7.3.2. Customs transit document

The documents for the transport of goods under Customs seal include the TIR carnet (1959 model), the TIR carnet (1975 model), the AGT manifest, the T document and the national Customs transit documents of each individual TEM country, in the event of international transport operations outside the existing conventions.

Although the ATA carnet and the Customs declaration for goods intended for fairs and exhibitions are not, in principle, documents relating to transport under Customs seal, they may discharge this function if the vehicle with the goods is sealed by the Customs authorities and the journey is made under Customs seal to the place of destination. In this case, the preparation of national Customs transit documents is not essential.

The carrier is free to choose his Customs transit document. He must, however, be aware of the geographical scope and the implementation procedures of each document. The 1959 TIR carnet may be used in all TEM countries by Italian and Turkish carriers. Austrian, Bulgarian, Greek, Hungarian, Polish, Romanian, Czechoslovak and Yugoslav carriers may use the 1959 TIR carnet in transport bound for and coming from Italy and Turkey. Austria, Bulgaria, Greece, Hungary, Poland, Romania, Czechoslovakia and Yugoslavia may require their carriers, in reciprocal transport, to use the 1975 TIR carnet in implementation of the 1975 TIR Convention. Italy and Turkey are not parties to the 1975 TIR Convention but they do recognize the 1975 TIR carnet, thus enabling transport operations to be effected under cover of this carnet between those countries and the other TEM countries, with the exception of Austria and Romania which do not accept the relevant resolution. 138/ Austria, Greece, Hungary, Poland, Czechoslovakia, Yugoslavia, Bulgaria and Romania may, in their reciprocal relations, use a 1975 TIR carnet for a road vehicle or several containers loaded on to a vehicle. In the relations of the other TEM countries, the number of 1959 TIR carnets or 1975 TIR carnets must correspond to the number of road vehicles. With the exception of Romania, however, the TEM countries accept the use of a 1959 TIR carnet for several containers loaded on to a single vehicle. 139/

With the exception of Greece, Italy, Romania and Turkey, the TEM countries accept the transport of motor vehicles under cover of 1959 TIR carnets. 140/ It should be noted, however, that only Turkey opposed such a solution.

138/ Resolution of the Conference for Reviewing the TIR Convention 1959, TRANS/GE.30/AC.1/2, annex 2.

139/ Resolution No. 20, TRANS/WP.30/104, annex 2.

140/ Resolution No. 30, TRANS/WP.30/116, annex 3.

The AGT manifest may be used in the reciprocal transport operations of Bulgaria, Hungary, Poland and Czechoslovakia. The use of this manifest is confined to carriers from these TEM countries. In the relations between Austria and Italy, the carriers of these countries and carriers from the other TEM countries may use document T.141/

Carriers wishing to effect international transport operations outside the conventions mentioned above, may avail themselves of the internal Customs transit documents of each of the countries crossed. Turkey requires, however, payment of a bond equivalent to the value of the vehicle and the goods. Austria also makes provision for a bond in such a case and for the issue of an accompanying certificate. The use of the ATA carnet, which accompanies the vehicle, whether or not sealed by the Customs of the countries crossed, is possible in the case of transport bound for and coming from eight TEM countries (the exceptions being Greece and Turkey).

The counterpart document, namely the Customs declaration for goods intended for fairs and exhibitions, may be used in the reciprocal transport operations of Bulgaria, Hungary, Poland and Czechoslovakia.

4.7.3.3. Transport documents

The CMR international consignment note is a private law document which reflects the conditions of the contract of carriage between the consignor and the carrier. The model CMR consignment note, prepared by the International Road Transport Union (IRU) is generally accepted in nine TEM countries (the exception being Turkey).

The consignment note prescribed by the 1974 Agreement on general conditions for the implementation of international carriage of goods by road and the multimodal transport document prescribed by the 1980 United Nations Convention on International Multimodal Transport of Goods are not in use, since the two instruments are not yet in force.

The CMR consignment notes are only rarely checked by the authorities of the countries crossed. This inspection is designed to establish the actual destination of the goods, if it is suspected that the transport operation does not correspond to the transport permit received by the carrier.

4.7.3.4. Other documents

If certain movements of persons and goods are exempted from permits, the production of a document proving the nature of the transport operation and justifying the exemption is required.

141/ Customs transit document valid in the countries of the European Economic Community, Austria and Switzerland.

In occasional closed-door transport, a list of the names of the passengers is needed to check that the same persons are carried throughout the journey. ^{142/} Some bilateral agreements require a waybill to be made out in the case of occasional transport. ^{143/} The carnet of waybills is required by the ASOR Agreement. This Agreement also introduces the model waybill, which must be completed for any occasional transport before the beginning of each journey. The waybill must contain the following information: the name of the carrier and details of his country of origin, the itinerary and a passenger list.

For the transport of goods, a document has to be produced showing that the transport in question is that of furniture removals or goods intended for fairs and exhibitions, for theatrical, musical or cinematographic performances, sporting goods, or equipment for radio recordings, cinematographic photography or television photography.

4.8. Frontier controls

4.8.1. Types of controls

Most of the foregoing provisions would be of little importance if traffic and transport were not subject to controls, at least when vehicles enter the territory of the country visited.

The controls are carried out by the various public services, particularly the public security services, Customs, health authorities, veterinary and phyto-sanitary inspections, checks on compliance with technical standards and quantity controls.

The controls concern drivers, passengers, vehicles and the goods carried as well as their documentation. Their extent depends in principle on the nature of the transport, although every entry of a private (passenger) vehicle, bus or lorry gives rise at least to checks relating to identity documents and, where appropriate, visas, and to customs inspection. The nature of the goods carried may also lead to one of the inspections mentioned earlier. The Customs transit system applied by the carrier may give rise to an inspection of the relevant documents, of the vehicles or containers transporting the goods and even of the goods themselves. In view of the fact that, during the working hours of frontier posts, only the police and Customs services are permanently on duty, every control made by another service, if not requested in advance, lengthens the frontier procedures.

The checks on vehicles, persons and goods are organized separately by each TEM country and the lack of a joint check by similar services on both sides of the same frontier, and of the reciprocal recognition of health, veterinary, phyto-sanitary and other documents, doubles the time needed to cross a frontier.

^{142/} E.g. agreements between Poland and Czechoslovakia (1970), Bulgaria and Czechoslovakia (1975), Austria and Yugoslavia (1961) and Poland and Italy (1968).

^{143/} E.g. agreements between Bulgaria and Czechoslovakia (1975) and Greece and Yugoslavia (1959).

4.8.2. Working hours of frontier posts

No.	Country	Working hours			Remarks
		Working days	Saturdays	Sundays	
1	Austria	7.30h-15.30h <u>1/</u>	8h-13h <u>2/</u>	-	Frontier controls may also be affected outside working hours and on Sundays, on payment of fees
2	Bulgaria	0h-24h	0h-24h	0h-24h	
3	Greece	0h-24h	0h-24h	0h-24h	
4	Hungary	0h-24h	0h-24h	0h-24h	
5	Italy	8h-18h	-	-	Upon written request, frontier controls may be effected outside working hours and on holidays, on payment of fees
6	Poland	0h-24h	0h-24h	0h-24h	
7	Romania	0h-24h	0h-24h	0h-24h	
8	Czechoslovakia	0h-24h	0h-24h	0h-24h	
9	Turkey	9h-12h 13.30h-17h	9h-12h 13.30h-17h	9h-12h 13.30h-17h	
10	Yugoslavia	7h-15h <u>4/</u>	7h-15h <u>4/</u>	7h-15h <u>4/</u>	

Source: IRU, Handbook of International Road Transport, 1981.

1/ Some posts: 8 h - 16 h.

2/ Some posts: 6 h - 15 h.

3/ Some posts: 7 h - 21 h; Saturdays and Sundays: 8, 9 h - 12 h.

In most of the TEM countries, the working hours of the frontier posts are standardized, and the posts are open 24 hours a day both during the week and on Saturdays and Sundays.

Although in Italy frontier posts are open 10 hours a day on working days and closed on Saturdays and Sundays, the frontier controls may be carried out outside working hours and on holidays upon payment of the corresponding fee. The same is true in Austria. In Turkey and Yugoslavia, the recognized principle is that the daily working hours of frontier posts are limited both on working days and on Saturdays and Sundays.

4.8.3. Frontier practices

Transport of persons (situation in 1979-1980)

No.	Country	Waiting period at a crossing point	Reason for the wait	Documents checked
1	Austria	≤ 1 hour Sometimes 2-3 hours	Inspection of documents, sometimes of luggage, payment of taxes and tolls, complex procedure concerning Austrian forms. Heavy traffic.	Identity documents and visas, where appropriate, insurance card, sometimes AETR book.
2	Bulgaria	≤ 2 hours	Inspection of documents, often of luggage, recording in passports of articles transported, sometimes foreign currency checks, purchase of fuel coupons.	Identity documents and visas, if required, often insurance card, national foreign currency booklet if required by the traveller's home country for a trip abroad
3	Greece	≤ ½ hour	Inspection of documents	Identity documents and visas, if required, insurance card, sometimes AETR book.
4	Hungary	≤ ½-4 hours	Inspection of documents, often of luggage, sometimes foreign currency check, purchase of fuel coupons; priority often given to private (passenger) vehicles; waiting at the frontier.	Identity documents and visas, if required, often insurance card, national foreign currency booklet if required by the traveller's home country for a trip abroad.

Table 4.8.3. (continued)

No.	Country	Waiting period at a crossing point	Reason for the wait	Documents checked
5	Italy	$\leq \frac{1}{2}$ -2 hours	Inspection of documents, sometimes of luggage, fuel check, payment of taxes, according to density of traffic.	Identity documents and visas, if required, insurance card, declaration of quantity of fuel.
6	Poland	$\frac{1}{2}$ -1 hour	Inspection of documents, often of luggage, filling in statistical form, purchase of fuel coupons.	Identity documents and visas, if required, insurance card.
7	Romania	$\frac{1}{2}$ -1 hour	Inspection of documents and often of luggage.	Identity documents and visas, if required; insurance card.
8	Czechoslovakia	1-5 hours	Inspection of documents, thorough inspection of luggage. Purchase of fuel coupons only until 3 p.m.; foreign currency checks; priority given to private (passenger) vehicles. Waiting at the frontier.	Identity documents and visas, if required; often insurance card; national foreign currency booklet if required by the traveller's home country for a trip abroad.
9	Turkey	$\leq \frac{1}{2}$ -6 hours	Very strict inspection of documents; articles transported by travellers entered in passports, even in the driver's.	Identity documents and visas, if required, insurance card; list of travellers (in Turkish).
10	Yugoslavia	$\frac{1}{2}$ -2 hours	Inspection of documents, sometimes very strict inspection of luggage, according to density of traffic.	Identity documents and visas, if required; insurance card.

Source: IRU questionnaire, replies from road transport associations in Poland, Sweden, Italy, Austria, Norway and the Netherlands.

Transport of goods (situation in 1978)

No.	Country	Waiting period at a crossing point	Reason for the wait	Documents checked
1	Austria	$\frac{1}{2}$ -2 hours	Inspection of documents; filling in various Austrian forms, payment of road taxes and fees for the work of officials outside working hours.	Identity documents and visas, if required; Austrian transport permit, insurance card, Customs transit document, CMR letter.
2	Bulgaria	$\frac{1}{2}$ -3 hours	Documents inspection, heavy traffic and inadequate number of officials, payment of taxes if required.	Identity documents and visas, if required; Bulgarian transport permit, insurance card, Customs transit document, CMR letter.
3	Greece	$\leq \frac{1}{2}$ hour	Inspection of documents, payment of road taxes.	Identity documents and visas, if required; Greek transport permit, <u>carnet de passage</u> , TIR carnet.
4	Hungary	$\frac{1}{2}$ -1 hour	Documents inspection.	Identity documents and visas, if required; Hungarian transport permit; Customs transit document.
5	Italy	1-3 hours	Documents inspection; queueing in Customs and finance offices; payment of road taxes and of fees for work of officials outside working hours; lack of knowledge about ECMT authorization.	Identity documents and visas, if required; Italian transport permit; Customs transit document.
6	Poland	1-1 $\frac{1}{2}$ hours	Inspection of documents, filling in statistical forms, payment of road taxes if required.	Identity documents and visas, if required; Polish transport permit, Customs transit document.

Transport of goods (situation in 1978) (continued)

No.	Country	Waiting period at a crossing point	Reason for the wait	Documents checked
7	Romania	$\frac{1}{2}$ hour	Inspection of documents, payment of road taxes if required.	Identity documents and visas, if required; Romanian transport permit, Customs transit document.
8	Czechoslovakia	$\frac{1}{2}$ -1 hour	Inspection of documents, payment of road taxes if required.	Identity documents and visas, if required; Czechoslovak transport permit, Customs transit document, CMR letter.
9	Turkey	3-5 hours - 2 days	Inspection of documents, payment of road taxes, heavy traffic.	Identity documents and visas, if required; Turkish transport permit, list of goods, <u>carnet de passage</u> , TIR carnet, CMR letter.
10	Yugoslavia	$\frac{1}{2}$ -3 hours	Inspection of documents, payment of road taxes, payment of health inspection without opening the vehicle.	Identity documents and visas, if required; Yugoslav transport permit, TIR carnet; on the basis of reciprocity, <u>carnet de passage</u> .

Source: IRU questionnaire, replies from road transport associations in Turkey, Hungary, Finland and France.

The extent, and therefore the duration, of the frontier controls of TEM countries depend in principle on the state of the legal relations between the country of registration of the vehicle and the country inspecting it on entry. The training and education of drivers, including their knowledge of the language of the country visited, also affect the length of the frontier control procedure.

In this context, the information given above, arising out of the experience of the transport enterprises of various European countries, is both objective and subjective but nevertheless gives a picture of the actual situation at the frontiers of TEM countries.

What strikes one is the sometimes considerable difference in the duration of often similar checks at the frontiers of TEM countries. This is true in the case both of travellers and of goods, although controls on goods are in principle shorter than those concerning the transport of persons. Specific local procedures concerning the drawing up of some documents, sometimes in the language of the country visited, or compulsory money changing and purchase of fuel coupons, or payments for the services of officials outside normal working hours or even irrespective of the time at which such services are provided, added to the usual controls lengthen the procedure and the waiting time at frontiers. It appears from drivers' reports 144/ that, for example, the carriage of goods from Poland (Baltic Sea) to Turkey (frontier with Iraq or Iran) in principle required 11 or 13 days (1978), but 8 or 16 per cent of this time was spent at frontiers. The waiting time at frontiers of buses running regular services, which often varies within the same country and at the same frontier, makes it impossible to keep to time-tables. In the case of occasional motor coach transport, the time spent at frontiers discourages tourists from using this form of transport for their travel, especially as thereby they often miss other parts of their tour programme. It should be noted, however, that the time currently spent at frontiers by vehicles transporting persons and goods seems despite everything to be relatively short, in the light of the control operations which might be required, as described in earlier parts of this study, and those which are actually carried out.

144/ Reports of Hungarian and Finnish drivers sent to IRU by transport associations in Hungary and Finland.

5. RECOMMENDATIONS REGARDING THE LEGAL STATUS OF THE TEM

5.1. Preliminary remarks

If account is taken only of the national needs of each of the 10 countries of eastern and southern Europe in respect of the carriage of persons and goods it is quite enough to retain the legal principles currently regulating road transport in the 10 countries concerned. In which case, the joint construction of the motorway with foreign assistance would seem to lack a collective goal and interest.

Each country could therefore build, using its own resources and means, a national motorway satisfying the needs of its own society and economy alone, and apply to international transport, where appropriate, the principles already existing in that field.

However, the 10 countries interested in the building of the motorway have put forward broader objectives. 1/ The Trans-European North-South Motorway should:

- (1) provide the TEM countries with an economic and convenient mode of transport which would satisfy the demand of long-distance and international traffic;
- (2) become a transit artery which would constitute a factor of economic and social development in the TEM countries and neighbouring areas by promoting trade and tourism among them.

1/ See United Nations Development Programme, project relating to the TEM,
page 8.

The goals put forward by the 10 TEM countries are not easy to attain, bearing in mind the fact that their interests have not hitherto been identical.

It is true that the Trans-European North-South Motorway should above all satisfy the socio-economic needs of each TEM country, as well as the demands arising from their reciprocal relations.

The interests of some TEM countries, however, go beyond the framework of reciprocal relations between TEM countries. In the case of some countries whose warm climate attracts tourists, the North-South Motorway bringing the Scandinavian countries nearer to the countries of southern Europe may foster the development of tourism, which is such an important factor for their economies and the standard of living of their populations. The development of tourism, however, is not a matter of indifference to those TEM countries which merely provide a resting point on the way to the countries of tourist interest. The mass movement of private vehicles, caravans and coaches through the territory of such countries is on balance a negative factor for their economies, accelerating the wear and tear and deterioration of their roads, reducing the use and thus the profitability of their national transport, altogether depriving the railways of any profits resulting from the development of tourism, and also causing general environmental deterioration (pollution, noise). For other TEM countries, the North-South Motorway, by bringing closer the countries of the Near and Middle East, will facilitate the development of trade relations, which will in turn necessitate the development of road transport, such an important factor in present-day trade between Europe and the Near and Middle East. However, the development of the carriage of goods by road is again not a matter of indifference to the other TEM countries which will merely provide a transit artery. For these transit countries, the effects of greater heavy lorry traffic are usually negative, as is rightly pointed out in the document of the Yugoslav Government. ^{2/} Only by seeking to reconcile the often diverging interests of the TEM countries, and to create a uniform legal status for the motorway, as far as principles of traffic and transport are concerned, will it be possible to attain the essential objectives acknowledged by the TEM countries.

The standardization of the legal regulations in the economic spheres relating to the problems of the use and profitability of vehicles, and in the sphere of road safety, is equally important in order to achieve the goals laid down by the TEM countries. This is not an easy task, bearing in mind the fact that there is almost no sphere in which uniform regulations exist in the 10 TEM countries, as, indeed, was shown in the first part of this study.

However, the joint construction of the motorway for the first time in Europe by so many countries, and the assistance of the United Nations, mean that a new approach is called for, together with new ideas and solutions which, when tried and tested on the Trans-European North-South Motorway and adapted to similar structures and motorways in other parts of our continent, may bring on the dawn of a new road transport policy and philosophy.

This is a major task and a major responsibility for all the TEM countries.

^{2/} Use of Road Infrastructures in International Transport (TRANS/SCI/R.63), 14 March 1977.

5.2. Substantive proposals

5.2.1. General rule

International road transport is subject to the sovereignty of States. Even if car, coach and lorry transport has become essential for the international movement of persons and for trade, and thus is decisive for the economic development of countries and the standard of living of their populations, it has also been established beyond doubt that "necessitas non habet legem". ^{3/}

However, the unjustified refusal of a State to admit road transport from abroad, thereby restricting the socio-economic relations of another country with third countries, or forcing it to accept modes of transport less suited to its needs, would appear also to infringe the sovereignty of that country.

Thus, the solution to the general problems of road transport must be sought in mutual understanding and mutual concessions, which, besides, lie at the origin of international law and of the international community living under the rule of that law.

The solutions proposed below constitute only a minimum set of rules which could help to further the harmonious development of traffic and transport among TEM countries. However, compromise among the various States regarding their sovereignty may become necessary for the acceptance of the principles and solutions set out below.

5.2.2. Principles of traffic and transport

5.2.2.1. Private cars

Proposed solutions:

To retain in the TEM countries the principle of the free movement of private cars registered in the other TEM countries, whether bound for a final destination in the country concerned or in transit;

To retain in the TEM countries the principle of the mutual exemption of private cars registered in the other TEM countries from vehicle and road taxes;

To refrain from levying tolls in the TEM countries on private cars using the North-South Motorway.

Commentary

The principles of the free movement of private vehicles and of their exemption from vehicle and road taxes are not questioned by the TEM countries and are widely appreciated by the organization representing motorists. ^{4/} Private cars are not subject to tolls in most TEM countries, ^{5/} and the extension of the predominant practice to all TEM countries would foster travel by private cars and thus the development of tourism.

^{3/} ICJ Pleading Case concerning right of passage over Indian territory, Vol. IV, p. 66, and also confirmed by the Court in 1950 in the Asylum Case, ICJ Reports 1950, p. 277.

^{4/} International Touring Alliance: General policy statements, 1980, p. 1.

^{5/} See section 4.5.2. above.

5.2.2.2. Carriage of passengers by coach

Proposed solutions

To accord different treatment to reciprocal transport and transit transport on the North-South Motorway effected by motor-coaches of TEM countries.

Reciprocal transport

To retain the present uniform principles concerning regular services (with authorization), 5a/ shuttle services (with authorization or not, according to the agreement), closed-door services (without authorization), laden outward and empty return runs (without authorization), cabotage (with authorization), and triangular traffic (with authorization), while introducing simple, efficient criteria and procedures for the issuance of licences.

To standardize the principles relating to the entry of empty coaches to pick up passengers, based on principles introduced by the ASOR Agreement (without authorization).

Transit transport

To recognize the principle of free transit via the North-South Motorway (without authorization) of motor coaches providing regular services, if there are no stops on the territory of the country of transit at which passengers may be taken up or set down.

To standardize the principles relating to transit shuttle services, by accepting free transit on the North-South Motorway (without authorization).

To retain the existing principles concerning other regular services (with authorization) and occasional services (without authorization).

Fiscal charges

To standardize the principles relating to fiscal charges by eliminating taxes on vehicles, charges levied on transport operations and tolls on reciprocal transport operations and on transit transport using the North-South Motorway.

Commentary

The proposals concerning reciprocal transport operations seek to confirm the standard or predominant practice in TEM countries with regard to regular services, shuttle services, closed-door services, services between seaports or airports, and laden outward and empty return journeys. 6/ It seems that this practice is not in principle opposed by those engaged in such operations. 7/

The proposal to accept the solutions adopted in the ASOR Agreement concerning the entry of empty coaches seeks to extend the scope of application of the principles

5a/ However, it is recommended that consideration be given to resolution No. 100 concerning the duration of validity of licences for international passenger transport lines (TRANS/SC1/R.57 and Rev.1).

6/ See section 4.5.1. above.

7/ IRU: XIth Congress, 1968, Resolution IV.

worked out by five TEM countries. These principles encourage tourist transport and appear not to be contested in principle by the organization representing road transport. 8/

In the case of regular services whose itinerary does not include setting down or taking up travellers in the territory of the country of transit, and in the case of transit shuttle services, these may be assimilated from the legal standpoint to closed-door tours: hence the proposal that they should not be subject to licensing. With regard to transit shuttle services, the great majority of TEM countries already accept this principle. 9/

The proposals regarding other regular and occasional transit services are consistent with the uniform practice of the TEM countries. 10/

The proposal to eliminate vehicle taxes and charges levied on transport operations is justified by the practice of TEM countries, the majority of which do not levy such taxes. 11/ The same justification may be adduced with regard to tolls. However, the above proposals concern only traffic on the North-South Motorway and do not refer to other roads.

The introduction of the foregoing proposals should facilitate the development of tourist travel.

5.2.2.3. Carriage of goods by road

Proposed solutions

Separate treatment for reciprocal transport and transit transport. Hence, elimination, if necessary, of the system of licences valid for both types of transport.

Reciprocal transport operations

Maintenance, in principle, of the status quo in bilateral relations among TEM countries with regard to licences, and therefore:

(a) retain licences, 11a/ if provided for by bilateral agreement, as well as quotas if established by bilateral agreement. However, the number of licences, in the framework of annual quotas, should not depend on the state of affairs existing in respect of other means of transport.

8/ IRU: SI/870, 24 July 1981.

9/ See Shuttle services (4.5.1.2. above).

10/ See section 4.5.1. above.

11/ See section 4.5.2. above.

11a/ However, it is recommended that the authorization form should be standardized on the basis of the model given in resolution No. 119 (TRANS/SC.1/R.57 and Rev.1). It is also recommended that authorization should not be required, or should be granted rapidly and without a quota system, for the repatriation to the country of registration of damaged road vehicles to be transported by vehicles registered abroad, in the case of transport departing from or proceeding to their country (Resolution No. 111, TRANS/SC.1/R.57 and Rev.1). It is further recommended that Resolution No. 101 on the carriage of perishable foodstuffs should be accepted (TRANS/SC.1/R.57/Rev.1).

Standardize, throughout the TEM countries, the types of transport operations not subject to authorization. All experience gained in this field should be taken into consideration (Karl-Marx-Stadt Convention, ECMT Resolutions No. 16, 27 and 32, bilateral agreements);

(b) Reciprocal transport should not be subject to licensing if this is not provided for by bilateral agreement.

Transit transport operations

Introduction of the principle of freedom of non-dangerous transit on the North-South Motorway for vehicles registered in TEM countries. Consequently, transport which does not endanger public safety, morals or health, or the cultural heritage, should be accepted without quantitative restriction (with transit permit, issued in accordance with the needs of each contracting party, or without permits if these are not provided for by bilateral agreement). However, the principles given below concerning fiscal charges should be observed.

Other transport operations

Standardization of the principles of triangular traffic. Such traffic should be authorized with the same licences as are required for reciprocal transport, or without licences if they are not provided for by bilateral agreement, on the condition, however, that the laden vehicle passes in transit through its country of registration.

Recognition of the principle that the nationality of the tractor determines the nationality of the trailer, so that only one licence should be required.

Standardization of the principles concerning cabotage, by introducing in those TEM countries which prohibit such operations the more flexible system whereby cabotage is subject to special authorization.

Retention of the principles concerning special authorizations for the exceptional carriage of dangerous goods or of loads whose size and weight exceed the established limits. However, the ordinary licences for reciprocal or transit transport should not be required for the carriage of dangerous goods or of loads whose size and weight exceed the established limits.

Fiscal charges

Acceptance of the following principles concerning fiscal charges: Retention of the provisions concerning fiscal charges arising from bilateral agreements or domestic law in the case of reciprocal transport between the TEM countries, including the carriage of dangerous goods and loads whose size and weight exceed the established limits.

In the case of transit transport by vehicles of TEM countries, including the carriage in transit of dangerous goods and loads whose size and weight exceed the established limits, elimination of taxes on vehicles and on transport operations, where such taxes still exist, while introducing tolls the amount of which would vary according to the vehicle and the local costs of maintaining and modernizing the North-South Motorway and of protecting the environment, and which should be set periodically by common consent of the TEM countries.

For the purposes of fiscal charges, "triangular traffic" should be assimilated to reciprocal transport.

Maintenance of the status quo in the case of charges levied on cabotage.

Commentary

The economic interests of the contracting parties to a bilateral agreement should be adequately protected in the case of reciprocal transport operations. Consequently, the proposals for the granting of licences and quotas for reciprocal transport, and on fiscal charges relating to such operations are designed to leave the solution to the TEM countries. However, the proposal to treat road transport on an equal footing with other modes of transport seems justified by the joint construction of the motorway and by the costs which must be borne in order to carry it out. ^{12/} It should be stressed that the costs incurred for the construction and improvement of railway infrastructure sometimes justify the measures taken to protect the railways.

The proposal concerning the elimination of quotas for transit transport and of taxes on vehicles and on transport operations are justified by the joint construction of the North-South Motorway, whose capacity will make it possible to meet even the increased needs of road transport. In the circumstances, any quantitative limitation of transport would be wholly unjustified. The proposals on the elimination of the taxes on vehicles and on transport operations are justified by the fact that no direct relationship exists between transit transport and the country of transit. Acceptance of these proposals would make it possible to eliminate the double taxation which sometimes occurs in the case of transit transport when the country of registration of the vehicle and the country of transit both levy their own taxes. On the other hand, the proposal to introduce tolls on road transit transport is designed to compensate the countries of transit for any imbalance existing between transit operations in the country of transit and in the other countries. Acceptance of the above-mentioned proposal on triangular traffic would also go some way to restoring that balance. Triangular traffic, limited solely by the obligation to pass in transit through the territory of the country of registration of the vehicle, thus forestalling unfair competition, should enable the TEM countries which often serve as transit countries to share in transport between the territories of other TEM countries. ^{13/} In addition, the proposal on triangular traffic is designed to reduce the number of empty return runs by heavy lorries. ^{14/}

The purpose of the proposal to give priority to the nationality of the tractor in cases where tractor and trailer are registered in two different countries is to standardize practice in this sphere and to facilitate collaboration among carriers of different countries ^{15/} and between carriers and firms specializing in the short-term

^{12/} See "Problems connected with the use by international road transport of the transport infrastructure in Europe" (TRANS/SC.1/R.95), 10 July 1979, p. 18 (6.2.2.).

^{13/} This problem is raised by the Government of Yugoslavia. See TRANS/SC.1/R.63, 14 March 1977, p. 7 (2.2.2.).

^{14/} See "Triangular traffic" in international road transport; more particularly furniture removals (TRANS/SC.1/R.55).

^{15/} "Relay system" proposed by the Government of Yugoslavia (TRANS/SC.1/R.63, p. 9) and envisaged by the United Nations (ECE/TRANS/SC.1/R.95, p. 14). This calls for the solution of the problem of the nationality of articulated vehicles along the lines proposed in this study.

hiring of semi-trailers. The proposed solution is also substantiated by the detailed study by the Swiss Government on this matter 16/ and by ECMT Resolution No. 36 on the nationality of articulated vehicles in transit traffic. 17/

5.2.3. Regulations concerning vehicle productivity

5.2.3.1. Dimensions, load per axle, maximum permissible weight

Proposed solutions:

height

the norm of 4 m should be retained

width

the norm of 2.5 m should be retained for coaches

the norm of 2.59 m should be adopted for vehicles built for the carriage of goods

length

the length of motor coaches and 2 and 3 axle lorries should be standardized by the adoption of the norm of 12 m

the norm of 16-16.5 m should be adopted for articulated vehicles

the norm of 18.5 m should be adopted for combinations of vehicles

load per axle

the norms of a 13 tonne load per single axle and a 21 tonne load per tandem axle should be adopted

maximum permissible weight

the following maximum weights should be adopted for vehicles built for the carriage of goods:

lorries:

2-axle:	19 tonnes
3-axle:	24-27 tonnes

articulated vehicles:

3-axle:	32 tonnes
4-axle:	40-40 tonnes
5-axle:	40-48 tonnes

16/ ECMT, Resolutions, vol. II, 1977, pp. 25-32.

17/ Ibid., p. 23.

combinations of vehicles:

4-axle:	35-40 tonnes
5-axle:	42-50 tonnes
6-axle:	44-52 tonnes.

Commentary

The development of road transport is closely linked with the continual improvement of the productivity of vehicles, which may be achieved by a number of measures, including increasing dimensions, loads per axle and maximum permissible weights. This is why countries are gradually increasing the norms in question, in keeping with the improvement of the condition of their roads.

While the norms suggested above may still not appear to be acceptable, it must be borne in mind that the North-South Motorway will not be built to satisfy current needs, but to meet the expectations of the first half of the next century.

The norms suggested above have either been introduced by the European Economic Community, of which Italy and Greece are members (left-hand column), 18/ or have been proposed by the professional road transport organization (right-hand column). 19/ The TEM countries must choose between the norms which have already been introduced in part of Europe, which implies a fairly similar use of the vehicles complying with these norms in relations with eastern and southern Europe, and norms which may satisfy even better the requirements of productivity in road transport.

By way of explanation, it should be emphasized that, with regard to vehicles built for the carriage of goods:

The width of 2.59 m can be justified by the use of pallets of 800 mm and 1200 mm in width (± 10 mm construction tolerance). Side-by-side stowage of three 800 mm pallets or two 1200 mm pallets makes for a total width that is very difficult to fit into bodywork the external width of which must not exceed 2.50 m. 20/ It also becomes impossible to fit a set of pallets and modern stowage devices. The width of 2.59 m is sufficient and already permitted over a considerable area of United States;

The length of 12 m for coaches and 2-axle and 3-axle trucks conforms to the norms already permitted by the majority of the TEM countries; 21/

The length of 16 m for articulated vehicles will make it possible to transport containers of 40'. 22/ In two TEM countries (Bulgaria and Romania) 23/ the norm of 16.5 m has already been adopted, which deserves further attention;

The length of 18.5 m for combinations of vehicles will make it possible to transport containers of 20' on the towing vehicle and 30' on the trailer; 24/

18/ IRU, XXe Cours international d'études supérieures sur l'organisation des transports dans l'intégration économique européenne. L'harmonisation des poids et dimensions des véhicules routiers en Europe.

19/ Ibid.

20/ Ibid., pp. 10-12.

21/ See section 4.4.1. above.

22/ IRU. XXe Cours international, etc., p. 9.

23/ See section 4.4.1. above.

24/ IRU, XXe Cours international, etc., p. 9.

The maximum weight norms of 45 tonnes for 5-axle articulated vehicles and 52 tonnes for 6-axle combinations would make it possible to carry fully loaded 20', 30' and 40' ISO containers, 25/ thus facilitating co-operation between road transport, rail transport and shipping;

The suggested norms of a 13 tonne load per single axle and 21 tonne load per tandem axle are a direct result of proposals concerning maximum weights. The NASHO tests in the United States, confirmed by the AASHO tests, established that it is easy and inexpensive to reinforce a 10 tonne category road to bring it into the 13 tonne category. Furthermore, it was observed that a single axle caused the same wear and tear as a tandem axle 1.6 times heavier. 26/ In general economic terms, the cost of road construction will increase by approximately 2 per cent as a result of the change from the 10-tonne to the 13-tonne axle, whereas the reduction in transport costs may be estimated at not less than 8 per cent; 27/

The adoption of the norms suggested above on the North-South Motorway does not mean that TEM countries will be obligated immediately to permit vehicles conforming to these norms to use other roads. It will be for carriers and forwarding agents to organize transport in such a way as to take advantage of the possibilities offered by the North-South Trans-European Motorway, while, at the same time, respecting the limits imposed on local roads in the TEM countries.

5.2.3.2. Movement of vehicles

Proposed solutions

Maximum and minimum speeds

Private cars with or without light trailers (having a weight of no more than 750 kg).	130-110 km/h
Other vehicles:	
Motor coaches having not more than 16 seats (in addition to the driver's seat)	130-110 km/h
Motor coaches having more than 16 seats.	110-90 km/h
Vehicles having a maximum permissible weight of not more than 3.5 tonnes, with or without light trailer	130-110 km/h
Vehicles having a maximum permissible weight of 3.5 tonnes to 10 tonnes, with or without a trailer weighing not more than 3.5 tonnes	110-90 km/h
Vehicles weighing from 10 tonnes to 19 tonnes, with or without trailer	70-60 km/h
or	

25/ Ibid., p. 9.

26/ IRU. Weights and sizes: standardization of maximum norms for road vehicles.

27/ Ibid.

Vehicles having a maximum permissible weight of not more than 7.5 tonnes	130 km/h
Motor coaches having a maximum permissible weight of more than 7.5 tonnes	110 km/h
Vehicles for the carriage of goods <u>28/</u> weighing more than 7.5 tonnes	90 km/h
Minimum speed for all vehicles	60 km/h

Frontier controls

Working hours at frontier posts on the North-South Motorway should be standardized and the posts should be open 24 hours a day, seven days a week, throughout the year;

Waiting times at frontiers for vehicles of TEM countries travelling on the North-South Motorway should be substantially reduced and, to this end:

An infrastructure to match the traffic (access roads, parking places) should be created at frontier posts and sufficient facilities and equipment - if possible common for neighbouring countries - should be set up;

Care should be taken to ensure that sufficient staff are available throughout the hours of business, and the working hours of other services carrying out checks should be adapted to the hours of business of the Customs offices;

If possible, checks should be co-ordinated with the checking services of neighbouring countries;

If need be, frontier controls should be replaced by controls at the point of departure or destination of the goods;

So far as possible sample checks of vehicles and passengers should replace regular inspection;

The inspection of vehicles travelling under an international customs transit régime should be limited to cases where circumstances or actual risks justify it;

Transit of goods carried in vehicles, containers or other load units providing sufficient security should be facilitated as far as possible; reciprocal recognition of controls of TEM countries (weights, dimensions, inspections: medico-sanitary, veterinary, phytosanitary, etc.) and certificates of control should be ensured;

The preparation and checking of documents at the frontier, as well as practices which are not internationally accepted, should be eliminated;

The payment of vehicle and transport charges, if they are to be retained in future and applied to reciprocal transport, should be simplified;

28/ Except for the carriage of dangerous goods, for which the maximum speed should not exceed 70-80 km/h.

Checking of the green card should be dispensed with and replaced by checking of the distinguishing signs of the countries of registration and vehicle registration numbers;

Mixed bilateral commissions for frontier crossings should be created, composed of officials of the controlling authorities and carriers' representatives, which should meet at regular intervals to facilitate and expedite frontier crossings, while maintaining the necessary measures to prevent abuses on the part of carriers and passengers.

Restrictions on traffic on Sundays and holidays

Restrictions on traffic on Sundays and holidays should be dispensed with, or not introduced, on the North-South Motorway.

Driving and rest periods

Standards stricter than those resulting from the AETR convention should not be introduced in TEM countries.

Commentary

Any increase in the movement of vehicles, and thus any improvement in their productivity, depend to a large extent on maximum possible speed: although this speed must be adapted to traffic conditions and road characteristics, and while any classification by category is inevitably arbitrary in most cases, different norms for maximum speeds and classification already exist in TEM countries. For this reason, it would appear necessary for these countries to check them and to harmonize and adapt them to the possibilities offered by the North-South Motorway and automotive technology, while respecting the requirements of road safety. Standardization of the North-South Motorway can only facilitate co-ordinated solutions in this area.

The proposals presented above relating to maximum speeds are based on the work of the Group of Experts on Road Traffic Safety ^{29/} and on the work of the International Road Transport Union. ^{30/} It should be emphasized that a reduction in the number of categories of vehicles and of speeds, as proposed by IRU, would facilitate not only their observance by drivers, but also the task of services carrying out controls. These proposals take into account the quality of construction of the vehicles (engine power, brakes, suspension, technical equipment). The increase in the maximum speed of motor coaches in comparison to other utility vehicles can be justified by the standard of technical and safety equipment in coaches, which is generally higher than that required for private cars. If the level of specialization and training of coach drivers, generally better than those of private motorists, are also taken into account, it could even be proposed that speed limits for coaches should be the same as for private cars.

^{29/} TRANS/SC1/GE.20/R.77. Standardization of speed limits by vehicle and road category. 23 January 1976.

^{30/} TRANS/SC1/GE.20/R.74, annex 2, p. 3, opinion of the IRU.

To ensure the traffic flow that is indispensable on every motorway, it is proposed that a minimum speed of 60 km/h should be set, which corresponds to the practice in several States, 31/ thereby eliminating in principle the towing of damaged vehicles on the motorway. The latter proposal has support in the work of the ECMT, which, as has been stated, is followed up by five TEM countries. 32/

The harmonization and adjustment of vehicle speeds would be to a large extent pointless if, at the same time, waiting periods at frontier crossing points on the North-South Motorway remain unchanged. For this reason, it is proposed that working hours at frontier posts along the North-South Motorway should be standardized, by adopting the norms which are most widely applied in the TEM countries 33/ and, at the same time, most likely to ensure the uninterrupted flow of traffic. For the same reason, specific frontier control measures are necessary. The proposed solutions take account of the situation appearing to exist at several frontiers in TEM countries and do not, in principle, go further than the measures envisaged during the drafting of the International Convention on the Harmonization of Frontier Controls of Goods, 34/ ECMT Resolution No. 32 35/ relating to obstacles hindering international carriage of goods across frontiers by road, the opinion of the Government of the Netherlands 36/ and comments made by IRU and by the International Chamber of Commerce (ICC). 38/

Permanent trade relations require the constant availability of road transport. It becomes obvious the restriction of the movement of heavy lorries on Sundays and holidays runs counter to this principle by effectively replacing the natural flow of traffic with traffic movement. Measures which can be justified by the state of existing roads are largely without foundation in the context of a multi-lane motorway, particularly in view of the above proposals relating to the increase of maximum lorry speeds and the introduction of a minimum speed. Forecasts of traffic on the North-South Motorway also justify the proposal made in that regard. 39/ The driving and rest periods introduced by the AETR Convention ensure a proper balance between the principle of rapidity of road transport and the principle of road safety. The fact that driving on motorways is easier and less tiring than driving on other roads necessitates more liberal norms than those provided for by the AETR Convention.

31/ See ECMT, Resolutions etc., vol. II, p. 88. (F)

32/ Ibid., pp. 87-93.

33/ See section 4.8.2. above.

34/ See section 4.8.2. above.

35/ Paris, 3 December 1974.

36/ TRANS/SC1/R.66, 27 May 1977.

37/ TRANS/SC1/R.75, 12 July 1977.

38/ TRANS/SC1/R.74, 4 July 1977.

39/ United Nations, Trans-European North-South Motorway, 1980. Final Report: Forecast of traffic volumes.

5.2.4. Road safety

Proposed solutions:

Uniform signs, symbols, installations and markings should be established for the North-South Motorway;

Regulations concerning the use of dipped headlights during the day and the number and use of rear foglamps should be standardized;

Installation and use of safety belts in front seats should be made mandatory in TEM countries. The installation and use of rear-seat belts should be made optional;

Carriage of children in front seats should be standardized in TEM countries, and should be prohibited in the case of children of less than 12 years of age;

The minimum age for drivers of private cars, motor coaches and lorries should be standardized in TEM countries at 18, 21 (or 18) and 18 years respectively;

Commentary

The proposal concerning the standardization of signs, symbols, installations and markings on the North-South Motorway appears justified, given the lack of uniformity in TEM countries in this area. ^{40/} It would be unacceptable for the Motorway, which will be standardized in the area of technical parameters, not to be provided with standard signs and signals, which are of particular importance for road safety. It should be stressed that the organization representing motorists supports all measures which may contribute to the international standardization of traffic rules and road signs and signals and also emphasizes the importance of standardizing road signs at the international level in order to guarantee proper orientation and safe driving beyond national frontiers. ^{41/} The TEM countries must establish standard signs, symbols, installations and markings within the framework of the relevant international conventions.

The standardization, by TEM countries, of regulations concerning the use of dipped headlights during the day and the use of rear foglamps would also contribute significantly to road safety on the North-South Motorway and on national roads in the respective countries.

The proposal concerning installation and use of safety belts is justified by the fairly standard practice currently existing in TEM countries. The installation and use of safety belts is strongly recommended by ITA. ^{42/}

The proposal concerning the carriage of children in front seats is based on the prevailing practice in TEM countries. The same is true for the proposals relating to the age of drivers. Nevertheless, it should be pointed out that the professional

^{40/} See section 4.1 above.

^{41/} ITA. Déclarations de politique générale, 1980, page 11.

^{42/} Ibidem, p. 5.

road transport organization proposes allowing young people with professional training in road transport to practise their profession from the age of 18 in the case of transport by motor coach. 43/

5.3. Standardization of traffic and transport regulations

5.3.1. Standardization under existing multilateral conventions

It would be advisable for TEM countries which are not yet parties to some international conventions to consider the possibility of acceding to those having particular significance for the North-South Motorway.

These are the conventions on road traffic and road signs and signals, signed in 1968, and the agreements supplementing them. The TEM countries which have not yet acceded to those conventions would, by so doing, facilitate the task resulting from the adoption of the proposals set forth above (see 5.2.4.) If this cannot be done, acceptance by those countries of the Consolidated Resolutions (R.E.1 and R.E.2) 44/ on road traffic and road signs and signals would be strongly recommended.

The TIR Conventions are of particular importance for transport under customs seal. Those TEM countries which have not yet acceded to the new TIR Convention (1975) would, by so doing, eliminate the practical disadvantages resulting from the application of two TIR Conventions (see 4.6.3.1.). The uniform application of one convention by all countries plays an important role. It is therefore hoped that Italy will find it possible to accede to the new TIR Convention and, as a result, accept carriage of goods whose value exceeds \$US 30,000 per vehicle. It should be emphasized that the guarantee laid down by the new TIR Convention amounts to \$US 50,000 per TIR carnet, and the sum of \$US 30,000 currently represents a value which does not completely correspond to the sum established when the requirement in question was introduced.

For the same reasons of uniformity, it would also be desirable for Greece, which is already party to the 1975 TIR Convention, and Turkey, when it has acceded to that Convention, in conformity with article 15 of the Convention, to dispense with the requirement of transit carnets, cash deposits or security for the temporary importation of heavy lorries.

Given the fact that some TEM countries are also parties to agreements relating to regional customs transit regimes, it would be useful for them to be able to support ECE efforts to find solutions facilitating the passage of a vehicle under customs seal from one regime to another during similar transport operations. In this case, adapting the provisions of the AGT Agreement to those of the new TIR Convention with regard to technical requirements relating to road vehicles would enable the risk of possible conflict between the two conventions to be avoided.

The uniform application by TEM countries of conventions relating to the temporary importation of road vehicles would require Austria and Italy to adopt the prevailing practice in the area of importation and exportation of fuel contained in

43/ IRU. XVIIIth Congress, Seville, 1980.

44/ TRANS/SC1/294/Rev.2.

standard vehicle fuel tanks. It is also recommended that CMEA countries still using the system of selling fuel against fuel vouchers should reorganize the system so that the vouchers in question may be bought, not only at the frontier of those countries, but also in the vehicles' countries of registration.

In order to standardize the carriage of perishable foodstuffs and dangerous goods, it would be useful for the TEM countries who are not yet parties to the ATP and ADR Conventions to consider acceding to those conventions or, at least, bringing their domestic legislation into line with their basic provisions. A comparison of the breakdown network of the CMEA system with the route of the future North-South Motorway shows that this network seldom meets the future needs of carriers. Accordingly, the necessary measures should be taken to adapt the network in question to those needs. ^{45/}

In the area of contracts for the carriage of goods, it would be desirable if Turkey, the only TEM country outside the CMR Convention, could adhere to this Convention, thereby making it possible to standardize the transport contract in reciprocal operations among TEM countries.

Although the drafting of the International Convention on the Harmonization of Frontier Controls of Goods has not yet been completed, it is recommended that TEM countries should take an active part in the preparatory work and subsequently accede to the Convention, which concerns an area of particular importance for traffic and transport on the TEM.

5.3.2. Standardization in the context of the multilateral agreement of TEM countries concerning the North-South Motorway

Standardization within the framework of multilateral conventions will not be sufficient if the Trans-European North-South Motorway is to be provided with standard uniform principles and regulations concerning traffic and transport.

Therefore, a future agreement concerning the North-South Motorway appears necessary. This agreement, concluded by all the TEM countries, should contain provisions concerning:

(1) Principles relating to traffic and transport and, in particular, those concerning:

- (a) the free movement of private cars (see 5.2.2.1.);
- (b) the carriage of passengers by coach (see 5.2.2.2.);
- (c) the carriage of goods by road (see 5.2.2.3.);

(2) Regulations concerning vehicle productivity and, in particular, those concerning:

- (a) dimensions, load per axle, maximum permissible weight, permitted on the North-South Motorway (see 5.2.3.1.);

^{45/} The same applies to the IRU/AMI system, although in this case it is not a system introduced by an international convention.

- (b) maximum and minimum speeds of vehicles (see 5.2.3.2.);
 - (c) working hours at frontier posts on the North-South Motorway (see 5.2.3.2.);
 - (d) measures for reducing waiting times at frontiers for vehicles from TEM countries (see 5.2.3.2.)
 - (e) restrictions on traffic on Sundays and holidays (see 5.2.3.2.);
- (3) Road safety (see 5.2.4.) and, in particular:
- (a) uniform signs, symbols, installations and markings on the North-South Motorway;
 - (b) the use of dipped headlights during the day and the number and use of rear foglamps;
 - (c) safety belts;
 - (d) the carriage of children in front seats;
 - (e) age of drivers of road vehicles.

The list of problems calling for solution by means of conventions is not exhaustive, especially if the problems considered in this study are compared with those which may result from the practice of TEM countries. Nevertheless, this list appears to cover the most basic problems which the solution of which must be consistent with the objectives formulated by those countries.

5.3.3. Standardization in the context of bilateral agreements and national law

A multilateral agreement of TEM countries, as advocated above, should create favourable conditions for the standardization of the principles of carriage of persons and goods. It is obvious, however, that the international standard of principles permitted by the multilateral agreement will not be able to replace bilateral agreements on international road transport. Bilateral agreements, therefore, need to be adapted to the international standard of principles adopted by the TEM countries; however, the contracting parties will remain entirely free to guarantee or include in their bilateral agreements principles more liberal than those laid down by the multilateral agreement. Measures adopted in the multilateral agreement, with a view to reducing waiting times at frontiers for vehicles from TEM countries, will require both the abolition of existing bilateral arrangements and the modification of internal norms in the TEM countries.

The specific norms adopted by the multilateral agreement in the area of: weights and dimensions, speeds on the North-South Motorway, working hours at frontier posts on the Motorway, restrictions on traffic on Sundays and holidays, road safety (signals, lights, belts, carriage of children, driving age) will require changes in existing internal norms. Acceptance of the proposal concerning documentation and practices at frontiers which are not internationally recognized (see 5.2.3.2., frontier controls) will entail modification of the relevant internal norms.

5.4. Action to be taken

- (1) Each of the TEM countries still not parties to the international conventions which are of particular importance for the standardization of traffic and transport regulations on the future Motorway will study the possibilities of acceding to these conventions and will, where appropriate, initiate the necessary domestic accession procedure,
- (2) The TEM countries will jointly establish the international standard of mandatory principles and norms applicable to the future Motorway and, as a result, will adopt an appropriate multilateral agreement;
- (3) In the course of bilateral negotiations, the TEM countries will take the necessary measures to adapt their bilateral agreements to the international standard of mandatory principles and norms applicable to the North-South Motorway;
- (4) Each of the TEM countries will establish an inventory of its national norms and practices requiring modification and will initiate the necessary procedures for adapting those norms and practices to the international standard of mandatory principles and norms applicable to the North-South Motorway.