

The Agreement was
previously published
as Denmark No. 2
(1972), Cmnd. 5086

DENMARK



Treaty Series No. 15 (1973)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Kingdom of Denmark
on the International Carriage of
Goods by Road

London, 29 June 1972

[The Agreement entered into force on 1 January 1973]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 1973*

LONDON
HER MAJESTY'S STATIONERY OFFICE

10½p net

Cmnd. 5198

AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE KINGDOM OF DENMARK ON THE
INTERNATIONAL CARRIAGE OF GOODS BY ROAD

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Denmark;

Desiring to facilitate the international carriage of goods by road between their two countries and in transit through their territories;

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement:

- (a) the term "carrier" shall mean any physical or legal person who, either in the United Kingdom or in Denmark, is authorised in accordance with the relevant national laws and regulations to engage in the international carriage of goods by road for hire or reward or on his own account, and references to a carrier of a Contracting Party shall be construed accordingly;
- (b) the term "goods vehicle" shall mean any mechanically propelled road vehicle which is:
 - (i) constructed or adapted for use and used on the roads for the carriage of goods;
 - (ii) registered in the territory of one Contracting Party;
 - (iii) temporarily imported into the territory of the other Contracting Party for the purpose of the international carriage of goods for delivery at or collection from any point in that territory or in transit through that territory;or any trailer or semi-trailer for coupling to any vehicle which fulfils conditions (i) to (iii) of this sub-paragraph;
- (c) the term "territory" shall mean, in relation to the United Kingdom, England and Wales, Scotland, and Northern Ireland, and in relation to Denmark, the territory of the Kingdom of Denmark with the exception of the Faroe Islands and Greenland;
- (d) the competent authorities shall be:
 - (i) in the Kingdom of Denmark: The Ministry of Public Works;
and
 - (ii) in the United Kingdom: The Department of the Environment.

**OVERENSKOMST
MELLEM REGERINGEN FOR DET FORENEDE KONGERIGE
STORBRIANNIEN OG NORDIRLAND OG KONGERIGET
DANMARKS REGERING OM INTERNATIONAL
GODSTRANSPORT AD LANDEVEJ**

Regeringen for Det Forenede Kongerige Storbritannien og Nordirland og Kongeriget Danmarks regering;

Som ønsker at lette den internationale godstransport ad landevej mellem deres to lande og i transit gennem deres territorier;

Er blevet enige om følgende :

ARTIKEL 1

Definitioner

I denne overenskomst skal

- (a) udtrykket "transportudøver" betyde enhver fysisk eller juridisk person, som, enten i Det Forenede Kongerige eller i Danmark, har tilladelse i henhold til de pågældende nationale love og bekendtgørelser til at udføre international godskørsel ad landevej mod betaling eller for egen regning, og henvisninger til en transportudøver fra en kontraherende part skal fortolkes i overensstemmelse hermed;
- (b) udtrykket "lastvogn" betyde ethvert mekanisk fremdrevet til vejtrafik bestemt køretøj, som er
 - (i) konstrueret eller indrettet til benyttelse til godstransport og som faktisk benyttes som sådant i vejtrafikken;
 - (ii) registreret på et af de kontraherende parters territorier;
 - (iii) midlertidigt indført på den anden kontraherende parts territorium med henblik på international godstransport med bestemmelsessted eller udgangspunkt et hvilket som helst sted på nævnte territorium eller i transit gennem nævnte territorium;eller enhver påhængsvogn eller sættevogn, bestemt for tilkobling til et køretøj der opfylder betingelserne under (i) til (iii) ovenfor;
- (c) udtrykket "territorium", for så vidt angår Det Forenede Kongerige, betyde England og Wales, Skotland og Nordirland og, for så vidt angår Danmark betyde Kongeriget Danmarks territorium med undtagelse af Færøerne og Grønland;
- (d) de kompetente myndigheder være:
 - (i) i Kongeriget Danmark: Ministeriet for offentlige arbejder
 - (ii) i Det Forenede Kongerige: Miljøministeriet.

ARTICLE 2

Exemption from Licensing Requirements

(1) A carrier of one Contracting Party shall be permitted, without being required to obtain a licence for that purpose in accordance with the laws of the other Contracting Party, to import a goods vehicle temporarily into the territory of that other Contracting Party for the purpose of the carriage of goods, including return loads:

- (a) between any point in the territory of one Contracting Party and any point in the territory of the other Contracting Party;
- (b) in transit across the territory of that other Contracting Party.

(2) A carrier of one Contracting Party shall be permitted to cause an empty vehicle to be imported temporarily into the territory of the other Contracting Party for the purposes of accepting goods for carriage only if that carriage is in fulfilment of a contract concluded before the entry of the vehicle into that territory.

(3) The competent authorities of one Contracting Party shall not require that there shall be a licence issued by the competent authorities of the other Contracting Party in respect of:

- (a) the occasional transport of goods to and from airports in cases where air services are re-routed;
- (b) the carriage of luggage in trailers drawn by motor vehicles in which passengers are carried in accordance with regulations, and the carriage of luggage by vehicles of any description to and from airports;
- (c) the carriage of damaged vehicles;
- (d) the carriage of works of art;
- (e) the occasional carriage of objects or material exclusively for advertisement, information or educational purposes;
- (f) the carriage of properties, equipment or animals to or from theatrical, musical, film or circus performances or sporting events, exhibitions or fairs, or to or from the making of radio or television broadcasts or films;
- (g) the carriage of goods intended for fairs and exhibitions;
- (h) funeral transport;
- (i) household removals by undertakings using specialised personnel and equipment;
- (j) the carriage on own account of tools and spare parts for the purpose of replacing, repairing or adjusting machinery already installed by the company concerned or an associated company;
- (k) the carriage of goods in motor vehicles the laden weight of which (including any trailer) does not exceed 6,000 kilograms.

ARTIKEL 2

Fritagelse for krav om tilladelse

(1) En transportudøver fra en af de kontraherende parter er—uden at skulle indhente den fornødne tilladelse i henhold til den anden kontraherende parts love—berettiget til midlertidigt at indføre en lastvogn på den anden kontraherende parts territorium med henblik på at udføre godstransport, herunder returlæs:

- (a) mellem ethvert sted på den ene kontraherende parts territorium og ethvert sted på den anden kontraherende parts territorium;
- (b) i transit gennem den anden kontraherende parts territorium.

(2) En transportudøver fra en af de kontraherende parter er alene berettiget til at lade en tom lastvogn indføre midlertidigt på den anden kontraherende parts territorium med henblik på overtagelse af gods til befording, såfremt denne befording sker til opfyldelse af en forud for vognens indkørsel på nævnte territorium afsluttet kontrakt.

(3) Den ene kontraherende parts kompetente myndigheder må ikke stille krav om, at der skal foreligge en af den anden parts kompetente myndigheder udstedt tilladelse til

- (a) lejlighedsvis transport af gods til eller fra lufthavne i tilfælde, hvor flyveforbindelser omdirigeres;
- (b) transport af rejsegods i påhængsvogne til køretøjer, der benyttes til forskriftmæssig befording af passagerer, og transport af rejsegods med køretøjer af enhver art til eller fra lufthavne;
- (c) transport af beskadigede køretøjer;
- (d) transport af kunstgenstande;
- (e) lejlighedsvis transport af genstande eller materiel udelukkende bestemt til reklame-, oplysnings- eller undervisningsformål;
- (f) transport af genstande, udstyr eller dyr til eller fra teater-, cirkus- eller filmsforestillinger, koncerter, sportsarrangementer, udstillinger og messer eller til og fra radio-, fjernsyns- eller filmsoptagelser;
- (g) transport af gods bestemt for messer eller udstillinger;
- (h) ligtransport;
- (i) flyttetransporter udført af virksomheder, der benytter professionelt personale og specialiseret materiel;
- (j) transport for egen regning af værktøj og reservedele med henblik på udskiftning, reparation eller justering af maskineri, der tidligere er leveret af det pågældende firma eller af et med dette associeret firma;
- (k) transport af gods med motorkøretøjer, hvis totalvægt (inklusive en eventuel påhængsvogn) ikke overstiger 6000 kg.

ARTICLE 3

Exclusion of Cabotage

Nothing in this Agreement shall be held to permit a carrier of one Contracting Party to pick up goods at a point in the territory of the other Contracting Party for delivery at another point in that territory.

ARTICLE 4

Compliance with National Law

Subject to the provisions of this Agreement a carrier of one Contracting Party shall, when in the territory of the other Contracting Party, comply with the laws and regulations in force in that territory concerning road transport and road traffic.

ARTICLE 5

Infringements

(1) In the event of an infringement of the provisions of this Agreement by a goods vehicle, or by a driver of such a vehicle, the competent authority of the Contracting Party in whose territory the infringement occurred may notify the infringement to the competent authority of the other Contracting Party which may take any steps provided by its national laws.

(2) The competent authority receiving any such notification shall as soon as reasonably practicable inform the competent authority of the other Contracting Party of the action taken.

(3) The provisions of this Article shall be without prejudice to any lawful sanctions which may be applied by the courts or other authorities of the Contracting Party in whose territory the infringement occurred.

ARTICLE 6

Review of Operation

(1) At the request of one competent authority the other shall provide all relevant information which can reasonably be made available concerning the manner in which traffic covered by this Agreement has developed.

(2) At the request of either competent authority representatives of both shall meet at a mutually convenient time as a Joint Committee to review the operation of this Agreement.

ARTIKEL 3

Forbud mod indenrigskørsel

Denne overenskomst hjemler ingen ret for en transportudøver fra en af de kontraherende parter til at optage gods på et sted på den anden kontraherende parts territorium og afsætte det på et andet sted på nævnte territorium.

ARTIKEL 4

Iagttagelse af nationale retsregler

Med forbehold af bestemmelserne i denne overenskomst skal en transportudøver fra en kontraherende part, når han befinder sig på den anden kontraherende parts territorium, iagttage de på dette territorium gældende love og bestemmelser vedrørende vejtransport og færdsel på vejene.

ARTIKEL 5

Overtrædelser

(1) I tilfælde af overtrædelse af bestemmelserne i denne overenskomst forårsaget af en lastvogn eller af en fører af et sådant køretøj kan den kompetente myndighed hos den kontraherende part, på hvis territorium overtrædelsen har fundet sted, give meddelelse om overtrædelsen til den anden kontraherende parts kompetente myndighed, som kan træffe de i denne parts nationale lovgivning hjemlede forholdsregler.

(2) Den kompetente myndighed, der modtager sådan meddelelse, skal så hurtigt, som det er praktisk muligt, underrette den anden kontraherende parts kompetente myndighed om de trufne forholdsregler.

(3) Bestemmelserne i denne artikel er ikke til hinder for lovlige sanktioner, der pålægges af domstolene eller af andre myndigheder hos den kontraherende part, på hvis territorium overtrædelsen har fundet sted.

ARTIKEL 6

Kontrol med overenskomstens anvendelse

(1) På begæring af den ene kompetente myndighed skal den anden fremkomme med de relevante oplysninger, som med rimelighed kan tilvejebringes angående udviklingen af den trafik, der er omfattet af overenskomsten.

(2) På begæring af en af de kompetente myndigheder skal repræsentanter for begge kompetente myndigheder på et for dem belejligt tidspunkt træde sammen som blandet kommission for at gennemgå overenskomstens praktiske gennemførelse.

ARTICLE 7

Entry into Force and Duration

(1) This Agreement shall enter into force⁽¹⁾ on the thirtieth day following the date the Contracting Parties have informed each other in writing that the measures necessary to give effect to the Agreement in their respective territories have been taken.

(2) The Agreement shall remain in force for a period of one year after its entry into force. Thereafter it shall continue in force unless it is terminated by one Contracting Party giving six months' notice thereof in writing to the other Contracting Party.

⁽¹⁾ The Agreement entered into force on 1 January 1973.

ARTIKEL 7

Ikrafttrædelse og varighed

(1) Denne overenskomst træder i kraft tredivtedagen efter, at de kontraherende parter har givet hinanden skriftlig underretning om, at de nødvendige forholdsregler for at bringe overenskomsten i anvendelse på deres respektive territorier er truffet.

(2) Overenskomsten forbliver i kraft i en periode af et år efter ikrafttrædelsen. Derefter skal den forblive i kraft, medmindre den af en af de kontraherende parter med seks måneders varsel opsiges skriftligt over for den anden kontraherende part.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Til bekræftelse heraf har undertegnede, der af deres respektive regeringer er behørigt bemyndiget dertil, underskrevet denne overenskomst.

Done in duplicate at London, this 29th day of June, 1972 in the English and Danish languages, both texts being equally authoritative.

Udfærdiget i London, den 29 juni 1972 i to eksemplarer på engelsk og dansk, således at begge tekster har samme gyldighed.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

For regeringen for Det Forenede Kongerige Storbritannien og Nordirland:

ANTHONY KERSHAW

For the Government of the Kingdom of Denmark:

For Kongeriget Danmarks regering:

ERLING KRISTIANSEN

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