

**Agreement on the International Carriage of Passengers by Road by means of Occasional Coach
and Bus Services (ASOR)**
**Final Act - Declarations by the Contracting Parties - Declaration by the European Economic
Community**

Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE GOVERNMENT OF SPAIN,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF NORWAY,
THE GOVERNMENT OF THE PORTUGUESE REPUBLIC,
THE GOVERNMENT OF SWEDEN,
THE SWISS FEDERAL COUNCIL,
THE PRESIDENT OF THE REPUBLIC OF TURKEY,

DESIRING to promote the development of international transport and especially to facilitate the organization and operation thereof;

WHEREAS some international carriage of passengers by road by means of occasional coach and bus services are liberalized as far as the European Economic Community is concerned by Council Regulation No 117/66/EEC of 28 July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus [1] and by Regulation (EEC) No 1016/68 of the Commission of 9 July 1968 prescribing the model control documents referred to in Articles 6 and 9 of Council Regulation No 117/66/EEC [2];

[1] OJ No 147, 9.8.1966, p. 2688/66.

[2] OJ No L 173, 22.7.1968, p. 8.

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA:

WHEREAS, in addition, the European Conference of Ministers of Transport (ECMT) adopted on 16 December 1969 resolution No 20 concerning the formulation of general rules for international coach and bus transport [3] which also concerns the liberalization of some international carriage of passengers by road by means of occasional coach and bus services;

[3] Volume of ECMT resolutions, 1969, p. 67 ; volume of ECMT resolutions, 1971, p. 133.

WHEREAS it is desirable to provide for harmonized liberalization measures for occasional international services for passengers by road and to simplify inspection procedures by introducing a single document;

WHEREAS it is desirable to assign some administrative tasks concerned with the Agreement to the Secretariat of the European Conference of Ministers of Transport;

HAVE DECIDED to establish uniform rules for the international carriage of passengers by road by means of occasional coach and bus services,

AND TO THIS END have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

M. Herman DE CROO, Ministre des Communications du Royaume de Belgique, Président en exercice du Conseil des Communautés européennes;

M.G. CONTOGEOORGIS, Membre de la Commission des Communautés européennes

M. Karl LAUSECKER, Ministre fédéral des transports;

THE GOVERNMENT OF SPAIN:

Don Emilio PAN DE SORALUCE, Ambassadeur;

THE PRESIDENT OF THE REPUBLIC OF FINLAND:

M. Jarmo WAHLSTROEM, Ministre des Transports;

THE GOVERNMENT OF THE KINGDOM OF NORWAY:

M. Erik RIBU, Secrétaire général au Ministère des Transports et Communications;

THE GOVERNMENT OF THE PORTUGUESE REPUBLIC:

M. José Carlos VIANA BAPTISTA, Ministre du Logement, des Travaux publics et des Transports;

THE GOVERNMENT OF SWEDEN:

M. Nils Erik BRAMSVIK, Sous-secrétaire d'Etat au Ministère des Communications;

THE SWISS FEDERAL COUNCIL:

M. Léon SCHLUMPF, Conseiller fédéral, Chef du département fédéral des Transports, des Communications et de l'Energie;

FOR THE PRESIDENT OF THE REPUBLIC OF TURKEY:

Dr Mustafa A. AYSAN, Ministre des Transports;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

SECTION I Scope and definitions

Article 1

1. This Agreement shall apply:

(a) to the international carriage of passengers by road by means of occasional services effected:

- between the territories of two Contracting Parties, or
- starting and finishing in the territory of the same Contracting Party,

and, should the need arise during such services, in transit through the territory of another Contracting Party or through the territory of a non-contracting State, and

- using vehicles registered in the territory of a Contracting Party which by virtue of their construction and their equipment, are suitable for carrying more than nine persons, including the driver, and are intended for that purpose;

(b) to unladen journeys of the vehicles concerned with these services.

2. For the purpose of this Agreement, international services are understood to be services which cross the territory of at least two Contracting Parties.

3. For the purposes of this Agreement, the term "territory of a Contracting Party" covers, as far as the European Economic Community is concerned, those territories where the Treaty establishing that Community is applied and under the conditions laid down in that Treaty.

Article 2

1. For the purposes of this Agreement, occasional services shall mean services falling neither within the definition of a regular service in Article 3 nor within the definition of a shuttle service in Article 4. They include:

- (a) closed-door tours, that is to say services whereby the same vehicle is used to carry the same group of passengers throughout the journey and to bring them back to the place of departure;
- (b) services which make the outward journey laden and the return journey unladen;
- (c) all other services.

2. Save for exemptions authorized by the competent authorities of the Contracting Party concerned, in the course of occasional services no passenger may be taken up or set down during the journey. Such services may be operated with some degree of frequency without thereby ceasing to be occasional services.

Article 3

1. For the purposes of this Agreement regular services shall mean services which provide for the carriage of passengers according to a specified frequency and along specified routes, whereby passengers may be taken up or set down at predetermined stopping points. Regular services can be subject to the obligation to respect previously established timetables and tariffs.

2. For the purposes of this Agreement, services, by whomsoever organized, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, in so far as such services are operated under the conditions set out in paragraph 1, shall also be considered to be regular services. Such services, in particular those providing for the carriage of workers to and from their place of work or of school children to and from school, are called "special regular services".

3. The fact that a service may be varied according to the needs of those concerned shall not affect its classification as a regular service.

Article 4

1. For the purposes of this Agreement, shuttle services shall mean services whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single destination. Each group, consisting of the passengers who made the outward journey, shall be carried back to the place of departure on a later journey.

Place of departure and destination shall mean respectively the place where the journey begins and the place where the journey ends, together with, in each case, the surrounding locality.

2. In the course of shuttle services, no passenger may be taken up or set down during the journey.
3. The first return journey and the last outward journey in a series of shuttles shall be made unladen.
4. However, the classification of a transport operation as a shuttle service shall not be affected by the fact that, with the agreement of the competent authorities in the Contracting Party or Parties concerned:
 - passengers, notwithstanding the provisions of paragraph 1, make the return journey with another group,
 - passengers, notwithstanding the provisions of paragraph 2, are taken up or set down along the way,
 - the first outward journey and the last return journey of the series of shuttles are, notwithstanding the provisions of paragraph 3, made unladen.

SECTION II Liberalization measures

Article 5

1. The occasional services referred to in Article 2 (1) (a) and (b) shall be exempted from the need for any transport authorization on the territory of any Contracting Party other than that in which the vehicle is registered.
2. The occasional services referred to in Article 2 (1) (c) shall be exempted from the need for any transport authorization on the territory of any Contracting Party other than that in which the vehicle is registered where they are characterized by the following:
 - the outward journey is made unladen and all the passengers are taken up in the same place, and
 - the passengers:
 - (a)
 - constitute groups, in the territory of a non-Contracting Party or a Contracting Party other than that in which the vehicle is registered or that where the passengers are taken up, formed under contracts of carriage made before their arrival in the territory of the latter Contracting Party, and
 - are carried in the territory of the Contracting Party in which the vehicle is registered ; or
 - (b)
 - have been previously brought, by the same carrier in the circumstances provided for under Article 2 (1) (b), into the territory of the Contracting Party where they are taken up again and carried into the territory of the Contracting Party in which the vehicle is registered ; or
 - (c)
 - have been invited to travel into the territory of another Contracting Party, the cost of transport being borne by the person issuing the invitation. Such passengers must constitute a homogeneous group, which has not been formed solely with a view to undertaking that particular journey and which is brought into the territory of the Contracting Party where the vehicle is registered.
3. In so far as the conditions laid down in paragraph 2 are not satisfied, in the case of occasional

services referred to in Article 2 (1) (c), such services may be made subject to a transport authorization in the territory of the Contracting Party concerned.

SECTION III Control document

Article 6

Carriers operating occasional services within the meaning of this Agreement shall, whenever required to do so by any authorized inspecting officer, produce a passenger waybill which forms part of a control document issued by the competent authorities in the Contracting Party where the vehicle is registered or by any duly authorized agency. This control document shall replace the existing control documents.

Article 7

1. The control document referred to in Article 6 shall consist of detachable passenger waybills in duplicate in books of 25. The control document shall conform to the model shown in the Annex to this Agreement. This Annex shall form an integral part of the Agreement.
2. Each book and its component passenger waybills shall bear a number. The passenger waybills shall also be numbered consecutively, running from 1 to 25.
3. The wording on the cover of the book and that on the passenger waybills shall be printed in the official language or several official languages of the Member State of the European Economic Community or of any other Contracting Party in which the vehicle used is registered.

Article 8

1. The book referred to in Article 7 shall be made out in the name of the carrier ; it shall not be transferable.
2. The top copy of the passenger waybill shall be kept on the vehicle throughout the journey to which it refers.
3. The carrier shall be responsible for seeing that passenger waybills are duly and correctly completed.

Article 9

1. The passenger waybill shall be completed in duplicate by the carrier for each journey before the start of the journey.
2. For the purpose of providing the names of passengers, the carrier may use a list already completed on a separate sheet, which shall be firmly stuck in the place provided for it under item No 6 in the passenger waybill. The carrier's stamp or, where appropriate, the carrier's signature or that of the driver of the vehicle shall be placed across both the list and the passenger waybill.
3. For the services involving an outward journey unladen referred to in Article 5 (2) of this Agreement, the list of passengers may be completed as provided in paragraph 2 at the time when the passengers are taken up.

Article 10

The competent authorities in two or more Contracting Parties may agree bilaterally or multilaterally that the list of passengers under item No 6 of the passenger waybill need not be drawn up. In that case, the number of passengers must be shown.

Article 11

1. A model with stiff green covers and containing the text of the model cover page recto verso of the control document shown in the Annex to this Agreement in each official language of all the Contracting Parties must be kept on the vehicle.

2. The following shall be printed on the front cover of the model in capital letters and in the official language or several official languages of the State in which the vehicle used is registered:

"Text of the model control document in Danish, Dutch, English, Finnish, French, German, Greek, Italian, Norwegian, Portuguese, Spanish, Swedish and Turkish".

3. This model shall be produced whenever required by any authorized inspecting officer.

Article 12

Notwithstanding the provisions of Article 6, control documents used for occasional services before the entry into force of this Agreement may be used for two years after the entry into force of the said Agreement pursuant to Article 18 (2).

SECTION IV General and final provisions*Article 13*

1. The competent authorities in the Contracting Parties shall adopt the measures required to implement this Agreement.

Such measures shall cover, in particular:

- the organization, the procedure and the means of control, and penalties for any breach,
- the period of validity of the book,
- the processing and filing of the top copy and duplicate of passenger waybills,
- the designation of the competent authorities referred to in Articles 2, 6, 10, and 14, as well as the bodies referred to in Article 6,
- the stamping, if required, of the passenger waybill by authorized inspecting officers.

2. The measures taken under paragraph 1 shall be communicated to the Secretariat of the European Conference of Ministers of Transport (ECMT), which shall inform the other Contracting Parties thereof.

Article 14

1. The competent authorities in the Contracting Parties shall ensure that the carriers respect the provisions of this Agreement.

2. They shall inform each other in accordance with their respective national legislation of the offences committed in their territory by a carrier established on the territory of another Contracting Party and, where necessary, of the penalty imposed.

Article 15

The provisions of Articles 5 and 6 shall not be applied to the extent that Agreements or other arrangements in force or to be concluded between two or more Contracting Parties provide for more liberal treatment. The terms "Agreements or other arrangements in force between two or more Contracting Parties" shall cover, as far as the European Economic Community is concerned, the Agreements and other arrangements which have been concluded by the Member States of that Community.

Article 16

1. If the operation of this Agreement or the measures taken under Article 13 should make it necessary, each Contracting Party can request that a meeting of the parties to the Agreement be convened for the purpose of jointly examining the problems encountered and any solutions proposed.

2. The chairmanship of the meetings referred to in paragraph 1 shall be held alternately by the European Economic Community and another Contracting Party nominated for this purpose.

3. Requests for convening a meeting, referred to in paragraph 1, shall be addressed to the ECMT Secretariat.

4. The ECMT Secretariat shall immediately inform the other Contracting Parties of requests referred to in paragraph 1 ; unless such request for convening a meeting is withdrawn within four weeks, the ECMT Secretariat, when this period is over, shall fix the date and place of the meeting in agreement with the chairman in office since the last plenary meeting and shall convene this meeting at the earliest possible date.

Article 17

1. When signing this Agreement each Contracting Party may declare, by notification to the other Contracting Parties through the ECMT Secretariat, that it does not consider itself bound by Article 5 (2) (b) of the Agreement. In this case the other Contracting Parties shall not be bound by Article 5 (2) (b), with respect to the Contracting Party that has entered such a reservation.

2. The declaration referred to in paragraph 1 may be withdrawn at any time by a notification addressed to the other Contracting Parties through the ECMT Secretariat.

Article 18

1. This Agreement shall be approved or ratified by the Contracting Parties in accordance with their own procedures. The instruments of approval or ratification shall be deposited by the Contracting Parties with the Secretariat of the ECMT.
2. This Agreement shall enter into force, when five Contracting Parties including the European Economic Community have approved or ratified it, on the first day of the third month following the date on which the fifth instrument of approval or ratification is deposited.
3. This Agreement shall enter into force, for each Contracting Party which approves or ratifies it after the entry into force provided for under paragraph 2, on the first day of the third month following the date on which the Contracting Party concerned has deposited its instrument of approval or ratification with the ECMT Secretariat.
4. The provisions of Sections II and III of this Agreement shall apply seven months after the entry into force of the Agreement as specified in paragraphs 2 and 3 respectively.

Article 19

1. After this Agreement has been in force for three years, under the conditions set out in Article 18 (2), any Contracting Party may, by means of a notification addressed to the ECMT Secretariat, request the convening of a conference for the purpose of revising the Agreement. The Secretariat shall immediately inform the other Contracting Parties of the request and fix the date and place of the conference in agreement with the chairman in office since the previous plenary meeting and convene this conference at the earliest possible date. The chairmanship of these conferences shall be covered by the provisions of Article 16 (2), by way of analogy.
2. As far as the approval or the ratification of the revision of the Agreement between all the Contracting Parties is concerned, as well as the entry into force of the revision, the provisions of Article 18 shall apply.

Article 20

1. This Agreement shall be concluded for a period of five years from its entry into force.
2. Each Contracting Party may, for its part, denounce this Agreement with one year's notice as from 1 January by simultaneous notification to the other Contracting Parties through the ECMT Secretariat. However, the Agreement cannot be denounced during the first four years which follow its entry into force as provided for under Article 18 (2).
3. Unless five Contracting Parties including the European Economic Community have denounced it, the duration of this Agreement shall, on the expiry of the five-year period referred to in paragraph 1, be automatically extended for successive periods of five years.

Article 21

This Agreement, drawn up in the French language, this text being authentic, shall be deposited in the archives of the ECMT Secretariat which shall transmit a certified copy to each of the Contracting Parties.

In Witness whereof, the undersigned Plenipotentiaries have hereunto set their hands.

Done at Dublin on the twenty-sixth day of May in the year one thousand nine hundred and eighty-two.

ANNEX

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| DOCNUM | 21982A0526(04) |
| AUTHOR | EUROPEAN ECONOMIC COMMUNITY ; AUSTRIA ; SPAIN ; FINLAND ; NORWAY ; PORTUGAL ; SWEDEN ; SWITZERLAND ; TURKEY |
| FORM | AGREEMENT |
| TREATY | European Economic Community |
| TYPDOC | 2 ; EXTERNAL RELATIONS ; 1982 ; A |
| PUBREF | Official Journal L 230 , 05/08/1982 p. 0039 - 0056 Spanish special edition...: Chapter 7 Volume 3 p. 43 Portuguese special edition Chapter 7 Volume 3 p. 43 Finnish special edition....: Chapter 7 Volume 3 p. 4 Swedish special edition...: Chapter 7 Volume 3 p. 4 |
| DESCRIPT | multilateral agreement ; international transport ; public transport ; road transport ; bus ; transport document |
| PUB | 1982/08/05 |
| DOC | 1982/07/12 |

INFORCE 1983/12/01=EV
ENDVAL 9999/99/99
SIGNED 1982/05/26=DUBLIN
LEGBASE 11957E075..... ADOPTION
LEGCIT 31966R0177.....
31968R1016.....
MODIFIED IMPLEMENTED-BY 31982D0505..... IMPLEMENT. FR 12/7/82
IMPLEMENTED-BY 31983R0056..... FR 1/2/83
SUB EXTERNAL RELATIONS ; TRANSPORT
REGISTER 07203020 ; 11305000
AUTLANG FRENCH
DEPOS EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT
MISCINF VALIDITY : INITIAL PERIOD OF 5 YEARS
VALIDITY : NOTICE OF TERMINATION OF 1 YEAR
VALIDITY : TACIT RENEWAL FOR 5 YEARS FROM 01/12/88
DATES OF DOCUMENT.....: 12/07/1982
OF EFFECT.....: 01/12/1983; ENTRY INTO FORCE OJ 309/83 P. 33
OF SIGNATURE.....: 26/05/1982; DUBLIN
OF END OF VALIDITY: 99/99/9999