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**Portugal
and
Republic of Moldova**

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

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

Authentic texts: *English, Portuguese and Romanian*

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**Portugal
et
République de Moldova**

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

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

Textes authentiques : *anglais, portugais et roumain*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Portugal, 27 mars 2018*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

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

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

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

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

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

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

Agree as follows:

CHAPTER I

General provisions

Article 1 Scope

The present Agreement applies to international road transport of passengers and goods and entitles operators established on the territory of either Party to transport passengers and goods by road between the territories of the Parties or in transit through them.

Article 2 Definitions

For the purpose of this Agreement:

- a) A "Transport Operator" is any individual or legal person duly registered and authorised in the territory of either Party:
 - i) To engage in the international transport of passengers or goods by road for hire or reward;
 - ii) To perform transport on own account.
- b) A "Vehicle" means:
 - i) In the case of transport of passengers, any motor vehicle intended for carriage of passengers with more than nine seats – including the driver's seat;
 - ii) In the case of transport of goods, any lorry, tractor, trailer or semi-trailer, as well as any articulated vehicle or a combination of lorry and trailer, provided that at least the motor vehicle is registered in the territory of either Party and owned by the transport operator or put at his disposal by means of a leasing or hiring contract.

- c) "Cabotage" means transport services performed by a transport operator of one of the Parties between two points situated on the territory of the other Party;
- d) "Transit" is the transport performed by a transport operator established in one of the Parties through the territory of the other Party without taking or leaving there any passengers or goods;
- e) "Triangular transport" is the transport performed by a transport operator registered in one of the Parties, between the territory of the other Party and a third country, provided that the territory of the other Party is either destination or origin of the transport operation.

CHAPTER II

Transport of passengers

Article 3

Types of services

1. The transport services of passengers to be performed under the provisions of this Agreement may be:
 - a) Regular services;
 - b) Occasional services.
2. "Regular services" are services which provide for the carriage of passengers on specified routes, according to previously determined itinerary, schedule, fares and stopping points for collecting and setting down passengers.
3. "Occasional services" are services which do not fall within the definition of regular services.

Article 4

Regime of authorization

1. Apart from the exceptions referred to in paragraph 1 of Article 5, any passenger transport services performed under this Agreement are subject to an authorization granted by the competent authority of the other Party on the basis of reciprocity.
2. In what regards regular services:
 - a) The establishment of a regular service, as well as the modification of the operating conditions thereof, will be authorised by common agreement between the competent authorities of the Parties, provided that an approval is obtained from the competent authorities of the transit countries, whenever necessary;
 - b) An authorization granted by the competent authority of a Party will be valid on that part of the route which is situated on the territory of the same Party;
 - c) The authorization for each regular service will be granted on the basis of the principle of reciprocity, unless concrete situations prevent the application of such principle, in which case the authorizations shall be granted to the applicant;
 - d) The term of validity of an authorization cannot exceed five years.

3. In what regards occasional services:
 - a) Occasional services between the two countries or in transit through their territories, performed under this Agreement, apart from the exceptions referred to in paragraph 1 of Article 5, are subject to an authorization granted by the competent authority of the other Party on the basis of the principle of reciprocity;
 - b) Competent authorities of the Parties issue authorization for transport operators for the part of the route on their territories;
 - c) Each occasional service needs a separate authorization valid only for one trip, unless otherwise stated in the authorization;
 - d) Each authorization should be numbered, signed and stamped by the competent issuing authority.

Article 5

Transport services exempted from authorization

1. The following occasional services do not require authorization:
 - a) "Closed-door tours", i.e. services whereby the same vehicle carries the same group of passengers throughout the journey and brings them back to the place of departure, provided that the place of departure and destination is situated on the territory of the Party where the vehicle is registered;
 - b) Services involving a laden journey from a place of departure situated on the territory of the Party where the vehicle is registered to a place of destination situated on the territory of the other Party, followed by an empty journey back to the place of departure;
 - c) Services including an unladen journey entering the territory of the other Party, followed by a laden journey, provided that all passengers are picked up in the same place and that:
 - i) They are grouped by a transport contract concluded before they enter the territory of the other Party; or
 - ii) They have been previously carried by the same transport operator to the territory of the other Party; or
 - iii) They have been invited to come to the territory of the Party where the transport operator is established, the costs of transport being at the charge of the person responsible for the invitation.
 - d) Unladen runs of a passenger vehicle sent to replace a vehicle, which has broken down in another country, in order to continue the carriage of passengers under cover of the waybill of the broken down vehicle.
2. Services exempted from authorization under the provisions of paragraph 1 of this Article shall be carried out under cover of a control document to be established by the Joint Committee mentioned in Article 17 of this Agreement.

CHAPTER III

Transport of goods

Article 6

Regime of authorization

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

Article 7

Transport services exempted from authorization

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

h) Transport of bodies and remains of the dead.

2. Exceptions stipulated in subparagraphs e) and f) of this Article are valid only if the goods are subject to return to the country of registration of the vehicle or are carried to the territory of a third country.

CHAPTER IV

Common provisions

Article 8 Cabotage

Performance of transport services by a transport operator of one of the Parties between two points situated on the territory of the other Party is forbidden, unless there is a specific authorization of the competent authority of this other Party.

Article 9 Fiscal regime

1. Vehicles which are registered on the territory of one Party and are temporarily admitted into the territory of the other Party to perform transport services in accordance with this Agreement shall be exempt, on the basis of the principle of reciprocity, from taxes on the possession and circulation of vehicles, levied on the territory of the other Party.

2. The provision of paragraph 1 of this Article shall not apply to tolls or charges related to the use of motorways, similar infrastructures, bridges and tunnels, neither to services performed by heavy and non-standard dimension vehicles, nor vehicles carrying dangerous goods, which shall be levied on the basis of the principle of non discrimination.

Article 10 Customs regime

1. In transport operations carried out under this Agreement, the exemption from import duties, as well as other charges will be mutually granted to:

- a) Fuel contained in the normal tanks of the vehicles, which have been built-in by the vehicle's manufacturer;
- b) Lubricants in the necessary quantity to ensure the maintenance of the vehicle during the journey;
- c) Spare parts and instruments meant for repairing a vehicle performing international transport operations.

2. Each Party shall allow the temporary admission of spare parts meant for repairing a vehicle performing international transport operations, under this Agreement, provided that the non used parts or those having been replaced shall be re-exported or destroyed, in accordance with the law in force on the territory of the respective Party.

Article 11
Weight and dimensions of vehicles

1. In what concerns weights and dimensions of vehicles, each Party undertakes not to submit vehicles registered in the territory of the other Party to more severe conditions than those that are imposed on vehicles registered in its own country.
2. When the weight and /or the dimensions of a vehicle of one of the Parties, loaded or unloaded, exceeds the maximum limits admissible on the territory of the other Party, a special authorization is required from the competent authority of this Party.
3. Whenever the authorization stipulates that the vehicle must use a specific itinerary, it shall be valid only for that itinerary.

Article 12
Sanctions

1. If a transport operator of one of the Parties, or his driving personnel, when on the territory of the other Party, infringes the provisions of this Agreement or its national legislation, the competent authority of the Party where the transport operator is established shall, at the request of the competent authority of the other Party, adopt one of the following measures:
 - a) Issue a warning; or
 - b) Withdraw, on a temporary or permanent basis, partially or totally, the right to perform transports under the provisions of this Agreement on the territory of the Party where the infringement has been committed.
2. The competent authority that requested the adoption of a sanction shall be informed, as soon as possible, of its effective adoption.
3. The provisions of this Article shall apply without prejudice of any sanction provided for by the national legislation of the Party in whose territory the infringement was committed.

Article 13
Control

The authorizations – or a certified copy thereof in the case of regular passenger services – as well as any control document required under the provisions of this Agreement shall be carried on board of the vehicle and be presented upon request of the control authorities.

Article 14
Additional Provisions

1. The Law in force in both Parties shall apply in all matters that are not regulated by the provisions of this Agreement or by other international agreements which are binding for both Parties.
2. Authorizations and permits, as required under the provisions of this Agreement, are personal and not transferable.

Article 15
Competent Authorities

1. The competent authorities for implementing this Agreement are:

a) For the Portuguese Republic:

Instituto da Mobilidade e dos Transporte, I.P.
Av. das Forças Armadas, 40
1649 - 022 LISBOA
Ph.: 00351-21-7949172/3
Fax:00351-21-7949003

b) For the Republic of Moldova:

Ministry of Transport and Road Industry
162, Stefan cel Mare și Sfint Bd.
MD-2004, Chisinau
Ph.: 00373-22-820711
Fax: 00373-22-546564

2. The competent authorities stipulated in paragraph 1 of this Article, shall contact each other directly.

Article 16
Implementation of the Agreement

The competent authorities of the Parties shall keep each other mutually informed of any change in national law affecting the application of the present Agreement.

Article 17
Joint Committee

1. A Joint Committee is established, composed of representatives of both Parties, in order to define the conditions for implementing this Agreement, namely in the form of a Protocol.

2. Representatives of other institutions may be invited to participate in the Joint Committee meetings.

3. The Joint Committee is competent to:

- a) Advise on the establishment of regular passenger services, namely on what concerns their operational conditions;
- b) Agree on the establishment of a yearly quota as referred to in Article 6;
- c) Submit for approval any changes to the list of exemptions from authorization for transport foreseen in Article 5 and in Article 7;
- d) Agree on the forms for authorization and control documents as stipulated in paragraph 4 of Article 6;
- e) Agree on the conditions of the authorization of triangular transports;
- f) Settle any questions arising from the application of the present Agreement;

- g) Adopt any measures needed to promote international transports both of goods and passengers, between the territories of the Parties.
4. The Joint Committee shall hold its meetings alternately on the territories of the Parties at the request of the competent authorities of either Party.

CHAPTER V

Final provisions

Article 18 Settlement of Disputes

1. Any dispute concerning the interpretation or application of the present Agreement shall be settled within the Joint Committee.
2. If the Joint Committee cannot reach agreement, the Parties shall settle the disputes by negotiation, through diplomatic channels.

Article 19 Entry into Force

The present Agreement shall enter into force on the thirtieth day following the receipt of the last notification, in writing and through diplomatic channels, stating that all the internal procedures of both Parties required for the purpose have been fulfilled.

Article 20 Compatibility with other Treaties

The provisions of this Agreement will not affect the Parties' rights and obligations regarding other international treaties that they are part of.

Article 21 Amendments

1. At the request of either Party, this Agreement may be amended on the basis of mutual written consent.
2. The amendments shall enter into force according to the procedure established in Article 19 of the present Agreement.

Article 22 Duration and Denunciation

1. The present Agreement shall remain in force for an indeterminate period of time.
2. Each Party may denounce the present Agreement at least three months before the end of each calendar year.
3. The denunciation shall be notified, in writing and through diplomatic channels, producing its effects on the first of January of the next calendar year.

Article 23
Registration

The Party in which territory the present Agreement is signed shall transmit it for registration to the Secretariat of the United Nations, according to Article 102 of the Charter of the United Nations, and shall notify the other Party of the conclusion of this proceeding, indicating the respective number of registration.

Done in Lisbon, on the 28th of May 2014, in two originals, in Portuguese, Romanian and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text of the Agreement shall prevail.

For the Portuguese Republic



For the Republic of Moldova



[PORTUGUESE TEXT – TEXTE PORTUGAIS]

AGREEMENT

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 - i) To engage in the international transport of passengers or goods by road for hire or reward;
 - ii) To perform transport on own account.
- b) A "Vehicle" means:
 - i) In the case of transport of passengers, any motor vehicle intended for carriage of passengers with more than nine seats – including the driver's seat;
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- c) "Cabotage" means transport services performed by a transport operator of one of the Parties between two points situated on the territory of the other Party;
- d) "Transit" is the transport performed by a transport operator established in one of the Parties through the territory of the other Party without taking or leaving there any passengers or goods;
- e) "Triangular transport" is the transport performed by a transport operator registered in one of the Parties, between the territory of the other Party and a third country, provided that the territory of the other Party is either destination or origin of the transport operation.

CHAPTER II

Transport of passengers

Article 3 Types of services

1. The transport services of passengers to be performed under the provisions of this Agreement may be:
 - a) Regular services;
 - b) Occasional services.
2. "Regular services" are services which provide for the carriage of passengers on specified routes, according to previously determined itinerary, schedule, fares and stopping points for collecting and setting down passengers.
3. "Occasional services" are services which do not fall within the definition of regular services.

Article 4 Regime of authorization

1. Apart from the exceptions referred to in paragraph 1 of Article 5, any passenger transport services performed under this Agreement are subject to an authorization granted by the competent authority of the other Party on the basis of reciprocity.
2. In what regards regular services:
 - a) The establishment of a regular service, as well as the modification of the operating conditions thereof, will be authorised by common agreement between the competent authorities of the Parties, provided that an approval is obtained from the competent authorities of the transit countries, whenever necessary;
 - b) An authorization granted by the competent authority of a Party will be valid on that part of the route which is situated on the territory of the same Party;
 - c) The authorization for each regular service will be granted on the basis of the principle of reciprocity, unless concrete situations prevent the application of such principle, in which case the authorizations shall be granted to the applicant;
 - d) The term of validity of an authorization cannot exceed five years.

3. In what regards occasional services:
 - a) Occasional services between the two countries or in transit through their territories, performed under this Agreement, apart from the exceptions referred to in paragraph 1 of Article 5, are subject to an authorization granted by the competent authority of the other Party on the basis of the principle of reciprocity;
 - b) Competent authorities of the Parties issue authorization for transport operators for the part of the route on their territories;
 - c) Each occasional service needs a separate authorization valid only for one trip, unless otherwise stated in the authorization;
 - d) Each authorization should be numbered, signed and stamped by the competent issuing authority.

Article 5

Transport services exempted from authorization

1. The following occasional services do not require authorization:
 - a) "Closed-door tours", i.e. services whereby the same vehicle carries the same group of passengers throughout the journey and brings them back to the place of departure, provided that the place of departure and destination is situated on the territory of the Party where the vehicle is registered;
 - b) Services involving a laden journey from a place of departure situated on the territory of the Party where the vehicle is registered to a place of destination situated on the territory of the other Party, followed by an empty journey back to the place of departure;
 - c) Services including an unladen journey entering the territory of the other Party, followed by a laden journey, provided that all passengers are picked up in the same place and that:
 - i) They are grouped by a transport contract concluded before they enter the territory of the other Party; or
 - ii) They have been previously carried by the same transport operator to the territory of the other Party; or
 - iii) They have been invited to come to the territory of the Party where the transport operator is established, the costs of transport being at the charge of the person responsible for the invitation.
 - d) Unladen runs of a passenger vehicle sent to replace a vehicle, which has broken down in another country, in order to continue the carriage of passengers under cover of the waybill of the broken down vehicle.
2. Services exempted from authorization under the provisions of paragraph 1 of this Article shall be carried out under cover of a control document to be established by the Joint Committee mentioned in Article 17 of this Agreement.

CHAPTER III

Transport of goods

Article 6

Regime of authorization

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

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1. The following transports are exempted from authorization:
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 - c) Unladen runs by a goods vehicle sent to replace a vehicle which has broken down in another country and also the return run, after repair, of the vehicle that had broken down;
 - d) Transport of medical supplies and equipment needed for emergencies, particularly in response to natural disasters as well as for humanitarian aid;
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 - f) Transport for non commercial purposes of material, accessories and animals to or from theatrical, musical, film, sportive, circus performances or fairs, as well as transport of material intended for radio recordings or for film or television production;
 - g) Transport of mail as public service;

h) Transport of bodies and remains of the dead.

2. Exceptions stipulated in subparagraphs e) and f) of this Article are valid only if the goods are subject to return to the country of registration of the vehicle or are carried to the territory of a third country.

CHAPTER IV

Common provisions

Article 8 Cabotage

Performance of transport services by a transport operator of one of the Parties between two points situated on the territory of the other Party is forbidden, unless there is a specific authorization of the competent authority of this other Party.

Article 9 Fiscal regime

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2. The provision of paragraph 1 of this Article shall not apply to tolls or charges related to the use of motorways, similar infrastructures, bridges and tunnels, neither to services performed by heavy and non-standard dimension vehicles, nor vehicles carrying dangerous goods, which shall be levied on the basis of the principle of non discrimination.

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- a) Fuel contained in the normal tanks of the vehicles, which have been built-in by the vehicle's manufacturer;
- b) Lubricants in the necessary quantity to ensure the maintenance of the vehicle during the journey;
- c) Spare parts and instruments meant for repairing a vehicle performing international transport operations.

2. Each Party shall allow the temporary admission of spare parts meant for repairing a vehicle performing international transport operations, under this Agreement, provided that the non used parts or those having been replaced shall be re-exported or destroyed, in accordance with the law in force on the territory of the respective Party.

Article 11
Weight and dimensions of vehicles

1. In what concerns weights and dimensions of vehicles, each Party undertakes not to submit vehicles registered in the territory of the other Party to more severe conditions than those that are imposed on vehicles registered in its own country.
2. When the weight and /or the dimensions of a vehicle of one of the Parties, loaded or unloaded, exceeds the maximum limits admissible on the territory of the other Party, a special authorization is required from the competent authority of this Party.
3. Whenever the authorization stipulates that the vehicle must use a specific itinerary, it shall be valid only for that itinerary.

Article 12
Sanctions

1. If a transport operator of one of the Parties, or his driving personnel, when on the territory of the other Party, infringes the provisions of this Agreement or its national legislation, the competent authority of the Party where the transport operator is established shall, at the request of the competent authority of the other Party, adopt one of the following measures:
 - a) Issue a warning; or
 - b) *Withdraw, on a temporary or permanent basis, partially or totally, the right to perform transports under the provisions of this Agreement on the territory of the Party where the infringement has been committed.*
2. The competent authority that requested the adoption of a sanction shall be informed, as soon as possible, of its effective adoption.
3. The provisions of this Article shall apply without prejudice of any sanction provided for by the national legislation of the Party in whose territory the infringement was committed.

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Control

The authorizations – or a certified copy thereof in the case of regular passenger services – as well as any control document required under the provisions of this Agreement shall be carried on board of the vehicle and be presented upon request of the control authorities.

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Ph.: 00351-21-7949172/3
Fax:00351-21-7949003

b) For the Republic of Moldova:

Ministry of Transport and Road Industry
162, Ștefan cel Mare și Sfint Bd.
MD-2004, Chisinau
Ph.: 00373-22-820711
Fax: 00373-22-546564

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- a) Advise on the establishment of regular passenger services, namely on what concerns their operational conditions;
- b) Agree on the establishment of a yearly quota as referred to in Article 6;
- c) Submit for approval any changes to the list of exemptions from authorization for transport foreseen in Article 5 and in Article 7;
- d) Agree on the forms for authorization and control documents as stipulated in paragraph 4 of Article 6;
- e) Agree on the conditions of the authorization of triangular transports;
- f) Settle any questions arising from the application of the present Agreement;

- g) Adopt any measures needed to promote international transports both of goods and passengers, between the territories of the Parties.
4. The Joint Committee shall hold its meetings alternately on the territories of the Parties at the request of the competent authorities of either Party.

CHAPTER V

Final provisions

Article 18 Settlement of Disputes

1. Any dispute concerning the interpretation or application of the present Agreement shall be settled within the Joint Committee.
2. If the Joint Committee cannot reach agreement, the Parties shall settle the disputes by negotiation, through diplomatic channels.

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Article 23
Registration

The Party in which territory the present Agreement is signed shall transmit it for registration to the Secretariat of the United Nations, according to Article 102 of the Charter of the United Nations, and shall notify the other Party of the conclusion of this proceeding, indicating the respective number of registration.

Done in Lisbon, on the 28th of May 2014, in two originals, in Portuguese, Romanian and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text of the Agreement shall prevail.

For the Portuguese Republic



For the Republic of Moldova



[ROMANIAN TEXT – TEXTE ROUMAIN]

Acordo entre a República Portuguesa e a República da Moldova sobre Transportes Internacionais Rodoviários de Passageiros e Mercadorias

A República Portuguesa e a República da Moldova, doravante designadas por "Partes",

Desejando contribuir para o desenvolvimento do comércio e das relações económicas entre os dois países;

Determinadas em promover a colaboração nos transportes rodoviários no quadro da economia de mercado;

Empenhadas em promover a proteção ambiental, a utilização racional de energia, a segurança rodoviária, incluindo a melhoria das condições de condução e as disposições sociais em matéria de tempos de condução e períodos de repouso;

Reconhecendo as vantagens mútuas e o interesse de um acordo sobre transportes rodoviários;

Acordam no seguinte:

CAPÍTULO I

Disposições Gerais

Artigo 1º
Âmbito

O presente Acordo aplica-se ao transporte rodoviário de passageiros e de mercadorias e confere, aos transportadores estabelecidos no território de qualquer das Partes, o direito de transportar passageiros ou mercadorias por estrada, entre os territórios das Partes ou em trânsito através desses territórios.

Artigo 2º
Definições

Para efeitos do presente Acordo, entende-se por:

- a) "Transportador", qualquer pessoa singular ou coletiva devidamente autorizada, quer na República Portuguesa, quer na República da Moldova, a:
 - i) Exercer a atividade de transporte internacional rodoviário de passageiros ou de mercadorias por conta de outrem;
 - ii) Efetuar transportes por conta própria;
- b) "Veículo":
 - i) No caso do transporte de passageiros, qualquer veículo automóvel destinado ao transporte de passageiros, com mais de nove lugares sentados, incluindo o lugar do condutor;
 - ii) No caso do transporte de mercadorias, qualquer camião, trator, reboque ou semirreboque, bem como qualquer veículo articulado ou conjunto camião-reboque, na condição de pelo menos o veículo automóvel estar matriculado no território de uma das Partes e ser propriedade de um transportador ou estar ao seu dispor mediante contrato de *leasing* ou de aluguer;

- c) "Cabotagem", o serviço de transporte efetuado por um transportador de uma das Partes entre dois pontos situados no território da outra Parte;
- d) "Trânsito", o transporte efetuado por um transportador estabelecido numa das Partes, através do território da outra Parte, sem aí tomar ou largar quaisquer passageiros ou mercadorias;
- e) "Transporte triangular", o transporte efetuado por um transportador estabelecido no território de uma das Partes, entre o território da outra Parte e um país terceiro, desde que o território da outra Parte seja destino ou origem da operação de transporte.

CAPÍTULO II

Transporte de passageiros

Artigo 3º

Tipos de serviços

1. Os serviços de transporte de passageiros a efetuar ao abrigo do presente Acordo podem ser:
 - a) Serviços regulares;
 - b) Serviços ocasionais.
2. "Serviços regulares" são serviços que asseguram o transporte de passageiros em percursos estabelecidos, de acordo com itinerários, horários, tarifas e pontos de paragem para o embarque e desembarque de passageiros, previamente determinados.
3. "Serviços ocasionais" são serviços que não são abrangidos pela definição de serviços regulares.

Artigo 4º

Regime de autorização

1. Sem prejuízo das exceções referidas no nº 1 do artigo 5º, quaisquer serviços de transporte de passageiros efetuados ao abrigo do presente Acordo estão sujeitos a uma autorização, a conceder pela autoridade competente da outra Parte, com base no princípio da reciprocidade.
2. No que respeita a serviços regulares:
 - a) O estabelecimento de um serviço regular, bem como a alteração das respetivas condições de exploração, será autorizado de comum acordo pelas autoridades competentes das Partes, na condição de se obter, sempre que necessário, a aprovação das autoridades competentes dos países de trânsito;
 - b) Uma autorização concedida pela autoridade competente de uma Parte só será válida para o segmento do percurso situado no seu território;
 - c) A autorização de cada serviço regular será concedida com base no princípio da reciprocidade, salvo se alguma situação concreta impedir a aplicação desse princípio, caso em que a autorização será concedida ao requerente;
 - d) O prazo de validade de uma autorização não pode exceder cinco anos.

3. No que respeita a serviços ocasionais:
- a) Os serviços ocasionais entre os dois países ou em trânsito através dos seus territórios, efetuados ao abrigo do presente Acordo, sem prejuízo das exceções referidas no nº 1 do artigo 5º, estão sujeitos a uma autorização a conceder pela autoridade competente da outra Parte, com base no princípio da reciprocidade;
 - b) As autorizações concedidas pelas autoridades competentes das Partes só serão válidas para o segmento do percurso situado no seu território;
 - c) Cada autorização emitida para a realização de um serviço ocasional será válida para uma única viagem, a menos que na autorização se disponha de forma diferente;
 - d) Cada autorização deverá ser numerada, assinada e carimbada pela autoridade competente que a emite.

Artigo 5º

Serviços de transporte isentos do regime de autorização

1. Não necessitam de autorização os seguintes serviços ocasionais:
- a) "Circuitos em portas fechadas", isto é, serviços em que um mesmo veículo transporta um mesmo grupo de passageiros em toda a viagem, reconduzindo-os ao ponto de partida, desde que o local de partida e o de destino estejam situados no território da Parte em que o veículo está matriculado;
 - b) Serviços que comportem uma viagem em carga de um local de partida situado no território da Parte em que o veículo está matriculado para um local de destino situado no território da outra Parte, seguida de uma viagem de retorno em vazio ao local de partida;
 - c) Serviços que comportem uma viagem de entrada em vazio no território da outra Parte, seguida de uma viagem em carga, desde que todos os passageiros sejam tomados no mesmo lugar e que:
 - i) Sejam agrupados por contrato de transporte celebrado antes da sua entrada no território da outra Parte; ou
 - ii) Tenham sido previamente transportados pelo mesmo transportador para o território da outra Parte; ou
 - iii) Tenham sido convidados para se deslocar ao território da Parte na qual o transportador está estabelecido, sendo o custo do transporte suportado pela entidade que formulou o convite.
 - d) As viagens em vazio efetuadas por um veículo de passageiros enviado para substituir um veículo avariado num outro país, a fim de prosseguir o transporte de passageiros ao abrigo da folha de itinerário do veículo avariado.
2. Os serviços isentos de autorização nos termos do nº 1 do presente artigo serão efetuados a coberto de um documento de controlo, a definir pela Comissão Mista estabelecida no artigo 17º do presente Acordo.

CAPÍTULO III

Transporte de mercadorias

Artigo 6º

Regime de autorização

1. Sem prejuízo das exceções referidas no artigo 7º, o transporte de mercadorias por conta de outrem ou por conta própria, efetuado ao abrigo do presente Acordo, por um transportador estabelecido no território de uma das Partes, por meio de um veículo automóvel matriculado nessa mesma Parte, está sujeito a autorização concedida pela autoridade competente da outra Parte, nos limites do contingente a fixar anualmente de comum acordo entre as autoridades competentes das Partes.
2. Uma parte do contingente, referido no nº 1 do presente artigo, pode ser utilizado, pelos transportadores estabelecidos no território de uma das Partes, para efetuar operações de transporte entre o território da outra Parte e um país terceiro (transporte triangular).
3. As autoridades competentes de ambas as Partes podem acordar nos dois tipos de autorização seguintes:
 - a) Autorizações por viagem, válidas para uma só viagem; ou
 - b) Autorizações a prazo, válidas para o respetivo ano civil.
4. Cada autorização é válida de 1 de janeiro de cada ano a 31 de janeiro do ano subsequente.
5. Os modelos das autorizações e dos documentos de controlo previstos no presente Acordo serão definidos pela Comissão Mista estabelecida no artigo 17º do presente Acordo.

Artigo 7º

Serviços de transporte isentos de autorização

1. Os seguintes transportes estão isentos de autorização:
 - a) Transporte de mercadorias por meio de veículos automóveis cujo peso máximo autorizado, incluindo os reboques, não exceda 3,5 t;
 - b) Transporte ou reboque de veículos danificados ou avariados, desde que efetuado por veículos especializados em assistência;
 - c) Viagens em vazio efetuadas por um veículo enviado para substituir um veículo avariado noutro país, bem como a viagem de regresso, após reparação do veículo avariado;
 - d) Transporte de artigos e equipamentos médicos necessários em situações de emergência, particularmente em resposta a desastres naturais e prestação de ajuda humanitária;
 - e) Transporte de obras e objetos destinados a feiras e exposições;
 - f) Transporte sem fins comerciais de material, acessórios e animais de ou para atividades teatrais, musicais, cinematográficas, desportivas, circenses ou feiras, bem como transporte de material destinado a gravações radiofónicas ou a produções cinematográficas ou televisivas;

g) Transporte de correio como serviço público;

h) Transportes funerários.

2. As exceções referidas nas alíneas e) e f) do presente artigo apenas são válidas se as mercadorias regressarem ao país onde o veículo está matriculado, ou se forem transportadas para o território de um país terceiro.

CAPÍTULO IV

Disposições gerais

Artigo 8º

Cabotagem

A realização de serviços de transporte efetuados por um transportador de uma das Partes entre dois pontos situados no território da outra Parte é proibida, a menos que a autoridade competente desta outra Parte o tenha especificamente autorizado.

Artigo 9º

Regime fiscal

1. Os veículos matriculados no território de uma Parte e que sejam temporariamente importados no território da outra Parte para efetuar serviços de transporte, em conformidade com o presente Acordo, serão isentos, de acordo com o princípio da reciprocidade, dos impostos sobre a posse e circulação de veículos, cobrados no território da outra Parte.

2. As disposições do nº 1 do presente artigo não se aplicam a portagens ou outras taxas relacionadas com a utilização de autoestradas, pontes, túneis, e outras infraestruturas semelhantes, nem a serviços efetuados por veículos cujo peso e / ou dimensões excedam os limites máximos admitidos no território da outra Parte, ou que transportem mercadorias perigosas. Estes custos serão cobrados com base no princípio da não discriminação.

Artigo 10º

Regime aduaneiro

1. No caso dos transportes efetuados ao abrigo do presente Acordo, será concedida, reciprocamente, franquia dos direitos de importação e de outras imposições:

- a) Ao combustível contido nos reservatórios normais dos veículos que tenham sido montados pelo construtor do veículo;
- b) Aos lubrificantes na quantidade necessária para assegurar a manutenção do veículo durante a viagem;
- c) Às peças sobressalentes e aos instrumentos destinados à reparação dos veículos que efetuem transportes internacionais.

2. Cada Parte autorizará a importação temporária de peças sobressalentes destinadas à reparação dos veículos que efetuem transportes internacionais ao abrigo do presente Acordo, na condição de as peças não utilizadas ou as que tiverem sido substituídas serem reexportadas ou destruídas, em conformidade com a legislação em vigor no território da Parte em causa.

Artigo 11º
Pesos e dimensões dos veículos

1. No que respeita aos pesos e às dimensões dos veículos, cada Parte compromete-se a não sujeitar os veículos matriculados na outra Parte a condições mais restritivas do que as impostas aos veículos matriculados no seu próprio país.
2. Sempre que o peso e / ou as dimensões de um veículo de uma das Partes, em carga ou em vazio, excedam os limites máximos admitidos no território da outra Parte, é necessária uma autorização especial da autoridade competente dessa Parte.
3. Sempre que na autorização se determinar um itinerário específico a ser utilizado pelo veículo, a autorização só é válida para esse itinerário.

Artigo 12º
Regime sancionatório

1. Se um transportador de uma das Partes ou o seu pessoal de condução infringir, no território da outra Parte, as disposições do presente Acordo ou da sua legislação nacional, a autoridade competente da Parte na qual o transportador está estabelecido deverá, a pedido da autoridade competente da outra Parte, adotar uma das seguintes medidas:
 - a) Emissão de uma advertência; ou
 - b) Supressão, temporária ou definitiva, parcial ou total, do direito de efetuar transportes ao abrigo do presente Acordo no território da Parte na qual foi cometida a infração.
2. A autoridade competente que solicitou a aplicação de uma sanção será informada, logo que possível, da sua efetiva aplicação.
3. As disposições do presente artigo aplicam-se sem prejuízo de quaisquer sanções previstas na legislação em vigor na Parte em cujo território foi cometida a infração.

Artigo 13º
Controlo

As autorizações, ou a respetiva cópia certificada no caso dos serviços regulares de passageiros, bem como todos os documentos de controlo exigíveis nos termos do presente Acordo, deverão ser conservados a bordo do veículo e ser apresentados às autoridades de controlo sempre que estas o solicitarem.

Artigo 14º
Disposições supletivas

1. A legislação em vigor em ambas as Partes aplica-se em todos os assuntos que não são regulados pelas disposições do presente Acordo ou por outros acordos internacionais que vinculem as Partes.
2. As autorizações, conforme estabelecido pelas disposições do presente Acordo, são pessoais e intransmissíveis.

Artigo 15º
Autoridades competentes

1. As autoridades competentes para aplicar o presente Acordo são:

a) Pela República Portuguesa:

Instituto da Mobilidade e dos Transportes, I.P.
Av. das Forças Armadas, 40
1649 - 022 LISBOA
Ph.: 00351-21-7949000
Fax:00351-21-7949003

b) Pela República da Moldova:

Ministry of Transport and Road Industry
162, Stefan cel Mare și Sfint Bd.
MD-2004, Chisinau
Ph.: 00373-22-820711
Fax: 00373-22-546564

2. As autoridades competentes, referidas no nº 1 do presente artigo, contactar-se-ão diretamente.

Artigo 16º
Aplicação do Acordo

As autoridades competentes das Partes manter-se-ão mutuamente informadas relativamente a qualquer alteração nas respetivas legislações nacionais que afete a aplicação do presente Acordo.

Artigo 17º
Comissão Mista

1. É instituída uma Comissão Mista, composta por representantes de ambas as Partes, a fim de definir as condições de aplicação do presente Acordo, nomeadamente sob a forma de um Protocolo.

2. Podem ser convidados a participar nas reuniões da Comissão Mista representantes de outras instituições.

3. A Comissão Mista é competente para:

- a) Emitir recomendações sobre o estabelecimento de serviços regulares de passageiros, nomeadamente no que respeita às suas condições operacionais;
- b) Estabelecer um contingente anual conforme referido no artigo 6º;
- c) Submeter para aprovação alterações às listas de serviços de transporte isentos de autorização previstas nos artigos 5º e 7º;
- d) Definir os modelos de autorização e os documentos de controlo referidos no número 5 do artigo 6º;
- e) Fixar as condições para autorização dos transportes triangulares;

- f) Resolver eventuais divergências decorrentes da aplicação do presente Acordo;
 - g) Adotar as medidas necessárias à promoção dos transportes internacionais de mercadorias e de passageiros, entre os territórios das Partes.
4. A Comissão Mista reunir-se-á alternadamente nos territórios das Partes, a pedido da autoridade competente de qualquer uma das Partes.

CAPÍTULO V

Disposições finais

Artigo 18º Resolução de conflitos

1. Qualquer conflito relativo à interpretação ou aplicação do presente Acordo deverá ser resolvido no âmbito da Comissão Mista.
2. Se a Comissão Mista não conseguir chegar a acordo, as Partes deverão resolver o conflito através da negociação, por via diplomática.

Artigo 19º Entrada em vigor

O presente Acordo entrará em vigor no trigésimo dia após a recepção da última notificação, por escrito e por via diplomática, de que foram cumpridos todos os requisitos de direito interno de ambas as Partes.

Artigo 20º Compatibilidade com outras convenções

As disposições do presente Acordo não afetarão os direitos e obrigações das Partes decorrentes de outras convenções internacionais de que elas sejam parte.

Artigo 21º Revisão

1. A pedido de qualquer uma das Partes, o presente Acordo pode ser objeto de revisão com base no mútuo consentimento escrito das duas Partes.
2. As emendas entrarão em vigor de acordo com o disposto no artigo 19º do presente Acordo.

Artigo 22º Vigência e denúncia

1. O presente Acordo permanecerá em vigor por um período de tempo ilimitado.
2. Qualquer Parte poderá denunciar o presente Acordo com uma antecedência mínima de três meses antes do termo de cada ano civil.
3. A denúncia do Acordo é notificada, por escrito e por via diplomática, e produz efeitos no dia 1 de janeiro do ano subsequente.

Artigo 23º
Registo

A Parte em cujo território o presente Acordo é assinado deverá submetê-lo para registo junto do Secretariado das Nações Unidas, em conformidade com o artigo 102º da Carta das Nações Unidas, devendo notificar a outra Parte da conclusão deste procedimento, e indicar-lhe o respetivo número de registo.

Feito em Lisboa, em 28 de maio de 2014, em dois originais, nas línguas portuguesa, romena e inglesa, todos os textos fazendo igualmente fé. Em caso de divergência de interpretação, prevalece a versão inglesa do Acordo.

Pela República Portuguesa



Pela República da Moldova



[TRANSLATION – TRADUCTION]

ACCORD ENTRE LA RÉPUBLIQUE PORTUGAISE ET LA RÉPUBLIQUE DE MOLDOVA RELATIF AU TRANSPORT ROUTIER INTERNATIONAL DE PASSAGERS ET DE MARCHANDISES

La République portugaise et la République de Moldova, ci-après dénommées les « Parties »,
Désireuses de contribuer au développement des relations commerciales et économiques entre leurs deux pays,

Déterminées à promouvoir la coopération dans le secteur du transport routier dans le cadre de l'économie de marché,

Soucieuses d'assurer la protection de l'environnement, l'utilisation rationnelle de l'énergie et la sécurité routière, notamment en améliorant les conditions de conduite et plus particulièrement les dispositions sociales relatives aux temps de conduite et de repos,

Reconnaissant l'intérêt et les avantages mutuels d'un accord sur le transport routier,

Sont convenues de ce qui suit :

CHAPITRE PREMIER. DISPOSITIONS GÉNÉRALES

Article premier

Champ d'application

Le présent Accord s'applique au transport routier international de passagers et de marchandises et autorise les opérateurs établis sur le territoire de l'une ou l'autre des Parties à transporter des passagers et des marchandises par route entre les territoires des Parties ou en transit par ceux-ci.

Article 2

Définitions

Aux fins du présent Accord :

- a) Le terme « transporteur » désigne toute personne physique ou morale qui est dûment enregistrée et autorisée sur le territoire de l'une ou l'autre des Parties à :
 - i) effectuer des transports internationaux de passagers ou de marchandises par route pour le compte d'autrui ;
 - ii) effectuer des transports pour son propre compte.
- b) Le terme « véhicule » désigne :
 - i) dans le cas du transport de passagers, tout véhicule à moteur destiné au transport de passagers qui comporte plus de neuf sièges - siège du conducteur compris ;
 - ii) dans le cas du transport de marchandises, tout camion, tracteur, remorque ou semi-remorque, ainsi que tout véhicule articulé ou camion assorti d'une

remorque, à condition qu'au moins le véhicule à moteur soit immatriculé sur le territoire de l'une ou l'autre des Parties et qu'il appartienne au transporteur ou qu'il ait été mis à sa disposition au moyen d'un contrat de crédit-bail ou de location.

- c) Le terme « cabotage » désigne les services de transport effectués par un transporteur de l'une des Parties entre deux points situés sur le territoire de l'autre Partie.
- d) Le terme « transit » désigne les transports effectués par un transporteur établi sur le territoire de l'une des Parties à travers le territoire de l'autre Partie, sans y prendre ou y laisser des passagers ou des marchandises.
- e) Le terme « transport triangulaire » désigne les transports effectués par un transporteur enregistré sur le territoire de l'une des Parties entre le territoire de l'autre Partie et le territoire d'un pays tiers, à condition que le territoire de l'autre Partie soit la destination ou l'origine du transport.

CHAPITRE II. TRANSPORT DE PASSAGERS

Article 3

Types de services

1. Les services de transport de passagers couverts par les dispositions du présent Accord sont les suivants :

- a) services réguliers ;
- b) services occasionnels.

2. Le terme « service régulier » s'entend d'un service de transport de passagers dont les trajets sont effectués selon un itinéraire, des horaires, des tarifs et des points d'arrêt prédéterminés où les voyageurs sont pris en charge et déposés.

3. Le terme « services occasionnels » désigne des services qui n'entrent pas dans la définition des services réguliers.

Article 4

Régime d'autorisation

1. En dehors des exceptions visées au paragraphe 1 de l'article 5, tout service de transport de passagers effectué dans le cadre du présent Accord doit faire l'objet d'une autorisation accordée par l'autorité compétente de l'autre Partie sur la base de la réciprocité.

2. En ce qui concerne les services réguliers :

- a) L'établissement d'un service régulier, ainsi que la modification de ses conditions d'exploitation, sont autorisés d'un commun accord entre les autorités compétentes des Parties, à condition d'obtenir l'approbation préalable des autorités compétentes des pays de transit chaque fois que cela est nécessaire ;

- b) Une autorisation accordée par l'autorité compétente d'une Partie est valable sur la portion de l'itinéraire qui est située sur le territoire de celle-ci ;
 - c) Les autorisations de services réguliers sont accordées sur la base du principe de réciprocité, sauf si des situations concrètes empêchent l'application de ce principe, auquel cas les autorisations sont accordées au demandeur ;
 - d) La durée de validité d'une autorisation ne peut excéder cinq ans.
3. En ce qui concerne les services occasionnels :
- a) Les services occasionnels entre les deux pays ou en transit par leur territoire, effectués dans le cadre du présent Accord, hormis les exceptions visées au paragraphe 1 de l'article 5, doivent faire l'objet d'une autorisation accordée par l'autorité compétente de l'autre Partie sur la base du principe de réciprocité ;
 - b) Les autorités compétentes des Parties délivrent une autorisation aux transporteurs pour la portion de l'itinéraire située sur leur territoire ;
 - c) Chaque service occasionnel doit faire l'objet d'une autorisation distincte valable pour un seul voyage, sauf indication contraire dans l'autorisation ;
 - d) Chaque autorisation doit être numérotée, signée et tamponnée par l'autorité compétente qui l'a délivrée.

Article 5

Services de transport exemptés de l'obligation d'autorisation

1. Les services occasionnels suivants ne requièrent pas d'autorisation :
- a) Les « voyages circulaires », c'est-à-dire les services pour lesquels le même véhicule est utilisé pour transporter le même groupe de passagers tout au long du voyage et les ramener au lieu de départ, situé sur le territoire de la Partie où le véhicule est immatriculé ;
 - b) Les services de transport qui effectuent un voyage aller en charge depuis un lieu de départ situé sur le territoire de la Partie où le véhicule est immatriculé jusqu'à un lieu de destination situé sur le territoire de l'autre Partie, avant de retourner à vide au lieu de départ ;
 - c) Les services de transport qui entrent sur le territoire de l'autre Partie à vide et en ressortent en charge, à condition que tous les passagers soient pris en charge au même endroit et que :
 - i) ils forment un groupe constitué dans le cadre d'un contrat de transport signé avant leur entrée sur le territoire de l'autre Partie ; ou
 - ii) ils soient arrivés sur le territoire de l'autre Partie en étant transportés par le même transporteur ; ou
 - iii) ils aient été invités à se rendre sur le territoire de la Partie où est établi le transporteur ; les frais de transport étant à la charge de la personne à l'origine de l'invitation.
 - d) Les parcours à vide effectués par un véhicule de transport de passagers envoyé pour remplacer un véhicule en panne dans un autre pays afin d'assurer la continuité du

service de transport, sous couvert de la lettre de transport délivrée au véhicule en panne.

2. Les services exemptés de l'obligation d'autorisation, en vertu des dispositions du paragraphe 1 du présent article, sont exécutés sous le couvert d'un document de contrôle qui doit être établi par la Commission mixte mentionnée à l'article 17 du présent Accord.

CHAPITRE III. TRANSPORT DE MARCHANDISES

Article 6

Régime d'autorisation

1. En dehors des exceptions visées à l'article 7, le transport de marchandises pour le compte d'autrui ou pour son propre compte effectué au titre des dispositions du présent Accord par un transporteur établi sur le territoire de l'une des Parties, au moyen d'un véhicule à moteur immatriculé sur le territoire de cette Partie, est soumis à une obligation d'autorisation accordée par l'autorité compétente de l'autre Partie dans la limite du quota fixé tous les ans d'un commun accord entre les autorités compétentes des Parties.

2. Une part du quota visé au paragraphe 1 du présent article peut être affectée aux transporteurs établis sur le territoire de l'une des Parties qui effectuent des transports entre le territoire de l'autre Partie et un pays tiers (transports triangulaires).

3. Les autorités compétentes des deux Parties peuvent établir d'un commun accord les deux types d'autorisations suivants :

- a) autorisations de voyage valables pour un seul voyage ; ou
- b) autorisations annuelles valables tout au long de l'année civile concernée.

4. La période de validité de chaque autorisation s'étend du 1^{er} janvier de chaque année au 31 janvier de l'année suivante.

5. Les formulaires d'autorisation et les documents de contrôle requis conformément au présent Accord sont établis par la Commission mixte mentionnée à l'article 17 du présent Accord.

Article 7

Services de transport exemptés de l'obligation d'autorisation

1. Les transports suivants sont exemptés de l'obligation d'autorisation :

- a) le transport de marchandises par des véhicules à moteur dont le poids maximal autorisé en charge, poids des remorques compris, ne dépasse pas 3,5 tonnes ;
- b) le transport ou le remorquage de véhicules endommagés ou en panne par des véhicules de dépannage spécialisés ;
- c) les parcours à vide effectués par un véhicule de transport de marchandises envoyé pour remplacer un véhicule en panne dans un autre pays ainsi que le trajet de retour du véhicule en panne après réparation ;
- d) le transport des fournitures et équipements médicaux nécessaires en cas d'urgence, plus particulièrement en réponse à des catastrophes naturelles et en soutien à l'aide humanitaire déployée ;

- e) le transport d'œuvres d'art et d'objets devant être exposés dans des foires et des expositions ;
- f) le transport à des fins non commerciales de matériel, d'accessoires et d'animaux à destination ou en provenance de manifestations théâtrales, musicales, cinématographiques, sportives ou de cirques, de foires ou de fêtes, ainsi que le transport de matériel destiné à des enregistrements radiophoniques ou à la production de films ou d'émissions de télévision ;
- g) le transport de courrier s'il s'agit d'une prestation de service public ;
- h) le transport des corps et des restes de personnes décédées.

2. Les exceptions prévues aux alinéas e) et f) du présent article ne sont valables que si les marchandises sont réexportées vers le pays d'immatriculation du véhicule ou doivent être transportées vers un pays tiers.

CHAPITRE IV. DISPOSITIONS COMMUNES

Article 8

Cabotage

L'exécution de services de transport par un transporteur de l'une des Parties entre deux points situés sur le territoire de l'autre Partie est interdite, sauf autorisation expresse de l'autorité compétente de cette autre Partie.

Article 9

Régime fiscal

1. Les véhicules immatriculés sur le territoire d'une Partie et admis temporairement sur le territoire de l'autre Partie afin d'effectuer des services de transport conformément au présent Accord sont exonérés, sur la base du principe de réciprocité, des taxes sur la propriété et la circulation des véhicules perçues sur le territoire de l'autre Partie.

2. La disposition du paragraphe 1 du présent article exclut les péages ou redevances liés à l'utilisation des autoroutes, des infrastructures similaires, des ponts et des tunnels qui sont perçus sur la base du principe de non-discrimination, et ne s'applique pas aux véhicules lourds et aux dimensions non standard, ni aux véhicules transportant des marchandises dangereuses.

Article 10

Régime douanier

1. Les marchandises suivantes, qui sont transportées dans le cadre des opérations de transport exécutées au titre du présent Accord, sont exonérées des droits de douane et des autres charges sur la base du principe de réciprocité :

- a) le carburant contenu dans les réservoirs normaux des véhicules qui ont été intégrés par le constructeur du véhicule ;

- b) les lubrifiants en quantité nécessaire permettant d'assurer l'entretien du véhicule pendant le voyage ;
- c) les pièces de rechange et les instruments utilisés pour réparer les véhicules qui effectuent des opérations de transport international.

2. Chaque Partie autorise l'admission temporaire des pièces de rechange servant à la réparation d'un véhicule qui effectue des opérations de transport international dans le cadre du présent Accord, à condition que les pièces non utilisées ou celles qui ont été remplacées soient réexportées ou détruites, conformément à la législation en vigueur sur le territoire de la Partie concernée.

Article 11

Poids et dimensions des véhicules

1. En ce qui concerne le poids et les dimensions des véhicules, chacune des Parties s'engage à ne pas soumettre les véhicules immatriculés sur le territoire de l'autre Partie à des conditions plus restrictives que celles imposées aux véhicules immatriculés sur son propre territoire.

2. Lorsque le poids et/ou les dimensions d'un véhicule de l'une des Parties, chargé ou déchargé, dépassent les limites maximales admissibles sur le territoire de l'autre Partie, une autorisation spéciale doit être obtenue auprès de l'autorité compétente de cette Partie.

3. Lorsque l'autorisation exige que le véhicule emprunte un itinéraire précis, elle n'est valable que pour cet itinéraire.

Article 12

Sanctions

1. Si un transporteur de l'une des Parties ou ses conducteurs, lorsqu'ils se trouvent sur le territoire de l'autre Partie, enfreignent les dispositions du présent Accord ou sa législation nationale, l'autorité compétente de la Partie où le transporteur est établi adopte, à la demande de l'autorité compétente de l'autre Partie, l'une des mesures suivantes :

- a) émission d'un avertissement ; ou
- b) retrait partiel ou total, à titre temporaire ou permanent, du droit d'effectuer des transports au titre du présent Accord sur le territoire de la Partie où l'infraction a été commise.

2. L'autorité compétente qui a demandé l'adoption d'une sanction est informée, dans les meilleurs délais, de son adoption effective.

3. Les dispositions du présent article s'appliquent sans préjudice de toute sanction prévue par la législation nationale de la Partie sur le territoire de laquelle l'infraction a été commise.

Article 13

Contrôle

Les autorisations - ou une copie certifiée conforme de celles-ci dans le cas de services réguliers de transport de passagers - ainsi que tout document de contrôle exigé en application des

dispositions du présent Accord doivent se trouver à bord du véhicule et être présentés à la demande des autorités de contrôle.

Article 14

Autres dispositions

1. La législation en vigueur sur le territoire des deux Parties s'applique à toutes les questions qui ne sont pas régies par les dispositions du présent Accord ou par d'autres accords internationaux liant les deux Parties.

2. Les autorisations et permis, tels qu'exigés en application du présent Accord, sont personnels et non transférables.

Article 15

Autorités compétentes

1. Les autorités compétentes en ce qui concerne l'application du présent Accord sont :

a) Pour la République portugaise :

Instituto da Mobilidade e dos Transporte, I.P.

Av. das Forças Armadas, 40

1649-022 LISBONNE

Téléphone : 00351-21-7949172/3

Fax :00351-21-7949003

b) Pour la République de Moldova :

Ministère des transports et de l'industrie routière

162, Stefan cel Mare si Sfint Bd.

MD-2004, Chisinau

Téléphone : 00373-22-820711

Fax : 00373-22-546564

2. Les autorités compétentes visées au paragraphe 1 du présent article se contactent directement.

Article 16

Mise en œuvre de l'Accord

Les autorités compétentes des Parties se tiennent mutuellement informées de toute modification de leur législation nationale ayant une incidence sur l'application du présent Accord.

Article 17

Commission mixte

1. Une Commission mixte composée de représentants des deux Parties est créée afin d'établir un protocole définissant les conditions de mise en œuvre du présent Accord.
2. Les représentants d'autres organismes peuvent être invités à participer aux réunions de la Commission mixte.
3. La Commission mixte est habilitée à :

- a) prodiguer des conseils sur la mise en place de services réguliers de transport de passagers, notamment en ce qui concerne leurs conditions d'exploitation ;
- b) établir le quota annuel visé à l'article 6 ;
- c) soumettre pour approbation toute modification apportée à la liste des exemptions d'autorisation de transport prévues aux articles 5 et 7 ;
- d) établir les formulaires d'autorisation et les documents de contrôle visés au paragraphe 4 de l'article 6 ;
- e) définir les conditions d'autorisation des transports triangulaires ;
- f) régler les questions relatives à l'application du présent Accord ;
- g) adopter toutes les mesures nécessaires à la promotion des transports internationaux, tant de marchandises que de passagers, entre les territoires des Parties.

4. La Commission mixte se réunit alternativement sur les territoires des Parties, à la demande des autorités compétentes de l'une ou l'autre des Parties.

CHAPITRE V. DISPOSITIONS FINALES

Article 18

Règlement des différends

1. Tout différend relatif à l'interprétation ou à l'application du présent Accord est réglé par la Commission mixte.

2. Si la Commission mixte ne parvient pas à un accord, les Parties règlent les différends par la négociation, par la voie diplomatique.

Article 19

Entrée en vigueur

Le présent Accord entre en vigueur trente jours après la date de réception de la dernière des notifications écrites, transmises par voie diplomatique, par lesquelles les Parties s'informent de l'accomplissement des formalités internes nécessaires à son entrée en vigueur.

Article 20

Compatibilité avec d'autres traités

Les dispositions du présent Accord sont sans effet sur les droits et obligations des Parties découlant d'autres traités internationaux dont elles sont signataires.

Article 21

Modifications

1. À la demande de l'une ou l'autre des Parties, le présent Accord peut être modifié sur la base d'un consentement mutuel écrit.
2. Les modifications entrent en vigueur selon la procédure établie à l'article 19 du présent Accord.

Article 22

Durée et dénonciation

1. Le présent Accord reste en vigueur pendant une durée indéterminée.
2. Chaque Partie peut dénoncer le présent Accord au moins trois mois avant la fin de chaque année civile.
3. La dénonciation est notifiée par écrit, par la voie diplomatique, et produit ses effets à partir du premier janvier de l'année civile suivante.

Article 23

Enregistrement

La Partie sur le territoire de laquelle le présent Accord est signé procède à son enregistrement auprès du Secrétariat de l'Organisation des Nations Unies, conformément à l'Article 102 de la Charte des Nations Unies, informe l'autre Partie de l'accomplissement de cette formalité et lui communique le numéro d'enregistrement attribué.

FAIT à Lisbonne le 28 mai 2014, en deux exemplaires originaux, en langues portugaise, roumaine et anglaise, tous les textes faisant également foi. En cas de divergence d'interprétation, le texte anglais de l'Accord prévaut.

Pour la République portugaise :

[SIGNÉ]

Pour la République de Moldova :

[SIGNÉ]