



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-127

**ON AMENDING AND SUPPLEMENTING THE LAW ON ROAD TRANSPORT
NO. 2004/1**

The Assembly of Kosovo,

Pursuant to Chapter 5.1 (h) and 9.1.26 (a) of the Constitutional Framework for Provisional Self-Government in Kosovo, (UNMIK Regulation No. 2001/9 of 15th of May 2001).

Having into consideration the need to amend and supplement the Law on Road Transport No. 2004/1, for establishment of conditions that the Law finds full applicability,

Approves:

**LAW ON AMENDING AND SUPPLEMENTING
THE LAW ON ROAD TRANSPORT NO. 2004/1**

Article 1

Throughout the whole text of the Law on Road Transport No. 2004/1, word "Transporter" is replaced by word "Transport Operator" and word "Minister" is replaced by word "Ministry".

Article 2

Article 3 is replaced as following: Terms which are valid only for this law are defined as follows:

"Ministry" means "The Ministry of Transport and Communications"

"Municipality" means basic *territorial unit* of self-governance in Kosovo, as set by UNMIK Regulation No. 2000/45;

"Public Road" means main, regional or local road with the right to be utilized by all users under determined terms;

"Auto-Taxi" means passenger transport activity exercised by natural and legal persons;

“Bus Terminal” means an object with back-up surface, licensed by Ministry to provide services to transport operators and passengers;

“Bus Stop” means a surface built-up and marked particularly, designated for buses to stop that enables safe embarking and disembarking of passengers and baggage ;

“Bilateral Transport” means passenger or goods transport between Kosovo and other countries

“Itinerary” means an act which sets direction of movement of the vehicles in the route;

“License Issuer” means an authority which according to provisions of this Law is competent to issue the license;

“Vehicle Certificate” means a document which is issued by competent authority for each vehicle and containing information on: competent authority issuer, transport operator, number of license respectively of permit, number plates, model and type of vehicle, mode of transport which could be performed, date of issue of certificate, stamp and signature ;

“Public Transport” means transport which under unique terms may use all users of transport services;

“Regular Passenger Public Transport” means the transport performed in given relations and according to the timetable, price and general conditions of transport set in advance;

“Cabotage” means any passenger or goods transport between particular points in the territory of Kosovo performed by a foreign transport operator;

“License” means an act through which it is allowed performance of passenger and goods road transport activity;

Transport Permit” means an act set under this law or international agreement based on which road transport of passengers and goods shall be performed;

“Permission of the European Conference of Ministers of Transport (CEMT)” means a multilateral permit for international road transport performance of goods in the territories of CEMT member states, by vehicles registered in one of CEMT Member States;

“Route” means a relation or a set of relations for performance of transport in road traffic, from initial station up to final station, bus stop respectively, in which passengers are transported according to registered and published timetable of one or more departures;

”Interurban routes” means a route preceded in main and regional roads of Kosovo and connecting two or more Municipalities;

“International Route” means a route which its initial station has it in the territory of Kosovo whilst the final one outside the territory of Kosovo”;

“Urban Route” means route which links two or more stations, respectively bus stops within urban boundaries of a municipality;

“Suburb-urban route” means a route which links two or more stations, respectively bus stops within the territory of a municipality;

“Passenger Route” means a route in which transport between initial and final station, respectively bus stop with mandatory stops in all stations, respectively bus stops along the determined road in the timetable;

“Direct Route” means a route in which transport is performed between initial and final bus terminal, respectively bus stop, as set in the timetable with no stops in bus stops along the road;

“Express Route” means a route in which transport is performed between initial and final bus terminal, respectively bus stop as set in the timetable, stopping also in any important bus station, respectively in bus stops as set in the timetable;

“Regular Interurban Transport” means passenger public transport between two or more municipalities, whilst may be performed as regular passenger transport, express or direct;

“International Agreement” means any bilateral or multilateral agreement obliging Kosovo and which concerns transportations in road traffic;

“Transport on International Routes” means passenger public transport between Kosovo and other countries;

“Passenger” means a person who is transported by a transport operator upon compensation and which according to the contract is entitled to transport;

“Regular Special Transport” means transport of a certain number of passengers which is performed based on a written contract between transport operator and the one ordering transport, in which occasion transport is paid by the one that ordered;

“Transport in Road Traffic” means any transport of passengers or of goods including driving of an empty or unloaded vehicle;

“Transport in Road Internal Traffic” means transport within the territory of Kosovo;

“Transport in Road International Traffic” means transport between two or more countries;

“Transport from or to third countries” means transport of goods or of passengers performed by a transport operator which doesn't have main office/residency in the country in which departs, respectively concludes;

“Free casual Passengers Transport in Road Traffic” means a transport by which a number of passengers in advance set is transported according to terms as agreed by a contract between transport operator and person who ordered the transport that it is not a regular public transport, regular special transport, casual free transport;

“Occasional free transport of passengers in road traffic” means a transport through which a set of journey departures and returns, groups of passengers formed in prior are transported from the same place of departure to the same destination place. Each group that concluded outward journey is returned to the place of departure by the same or later journeys of the same transport operator;

“Own Account Transport” means a transport of persons and of goods performed by natural or legal persons without any compensation, to fulfill productions or services needs within its own activities;

“Transport on hire and reward” means transport of goods by transportation vehicles or combination of transport vehicles on commercial basis for other natural and legal persons;

“Transport Operator” means a natural or legal person, a domestic or a foreign, in possession of license to perform transport activities in road traffic;

“Waybill” means a designed form that a transport operator must maintain during performance of free passenger road transport in internal transport and international;

“Road Travel-bill” - a designed form containing bus number plates carrying out regular passenger transport, route designation, time of start and of conclusion of the journey, data on the personnel of the vehicle and direction of its circulation, signature of the authorized person for issuance of the road travel-bill as well as a box for writing it down the arrival and departure from the bus terminal or bus stop in regular transport;

“Relation” means a distance between two departure places that in the timetable are noted as bus terminals, respectively bus stops;

“A Combination of Transport Vehicles” means combination of a towing vehicle and, at least, one trailer or semi-trailer;

“Domestic Transport Operator” means a natural or legal person with its main office/residence in Kosovo in possession of the license for transport performance, or performing own account transport in compliance with this Law;

“Foreign Transport Operator” means a natural or legal person in possession of a license of its state for performance of passenger and goods transport, or who performs own account transport, whilst its main office/residence in the other;

“Freight Terminal” – an object of follow-up surface, licensed by the Ministry for provision of services as admission and escort of transport vehicles of transport operators;

“Consignment Note” means an act accompanying goods and must contain: data and place of issuance, name and second name or designation of the deliverer, than its address, name and surname or designation of the transport operator, vehicle number plates, date and place of loading, name and second name or designation of the receiver and place of unloading, record of quantity and type of cargo, a list of documents to be attached to Consignment Note, transport and other costs;

“Transit Transport” means transport of passengers and of goods through territory of Kosovo with no embarking or disembarking of passengers, respectively without loading or unloading goods in Kosovo;

“Harmonized Timetable” means a certified timetable that passed harmonization procedure;

“Vehicle Driver” means a person who obtained the necessary level of qualification to drive a motor;

“Timetable” means an act containing: designation of the transport operator, route in which transport is performed, route type, of bus terminals, bus stops respectively, than distance from the place route begins, time of arrival and of departure from the bus terminal, bus stop respectively, regime of route holding, period within which the route is held and validity period of the timetable;

“Tariff” means an act containing price regarding service performance and other transportation;

“Rented Vehicle” means any road vehicle that for a payment and for a given period of time is held by a transport operator which uses it for passenger or goods transport having a rent contract with the vehicle owner;

“CMR” means the act that accompanies the goods in International Road Transport. Term “Transporter” in Law No. 2004/1 and in this Law, is replaced by the term: “Transport Operator”

Article 3

Article 11, is amended and supplemented as following:

In Article 11.1, is deleted the sentence “Its approval on behalf of the operator is done by the Ministry.”

Article 11, paragraph 4 shall be replaced by the following “ Ministry by sub-legal acts, sets out criteria for granting the license for exercising activities on road transport of passengers, goods, own account freight transport, transport on hire and award in a surface of two or more Municipalities,

After Article 11, paragraph 4 it is added new paragraph “11.5 as following: Municipality by sub-legal act determines criteria for granting license for exercising the activities on road transport and for freight transport on own account of carriage weight from 3.5 to 12 tones in the territory of its Municipality”.

Article 4

Article 12 is replaced as following:

12.1 License, permit for road transport of passengers and goods shall be granted against the payment.

12.2 Price tariffs for licensing or permit for road transport are set out by Ministry for Transport and Telecommunication or by Municipality depending on the competency, in accordance with Article 3 of this Law, in cooperation with Ministry for Economy and Finances.

Article 5

Article 13 shall be supplemented with a new point after point b) as follows:

“c) a register and a copy of certificates of bus and transport vehicles on behalf of the passenger and freight transport operator”.

Article 6

In Article 14, paragraph 2, point a) and paragraph 3 the word “regular” shall be deleted.

Article 7

Article 16 shall be replaced as follows:

“The Ministry with sub-legal act shall design the form and content of license, of transport permit, certificate of the vehicle, road travel-bill, waybill, consignment note, price tariff, procedures for their issuance and the manner of record keeping for all types of passenger and freight road transport.

Article 8

In Article 17.1, paragraph 1, point b) the word “issuance” shall be replaced with the word “validity”.

Article 9

Article 18 is changed as following:

To paragraph 1 shall be added point “d) Own Account Passenger Transport”

In paragraph 2, the text under a, b, c shall be replaced with the text:

- “a) Transport within territory of Kosovo,
- b) Transport outside territory of Kosovo,
- c) Access and transit passing transport through territory of Kosovo”.

Paragraph 3 shall be replaced by text “Free Passenger Transport by Bus shall be exercised:

- a) Transport within territory of Kosovo,
- b) Transport outside territory of Kosovo,
- c) Access and transit passing transport through territory of Kosovo”.

Article 10

Article 19 is amended and supplemented as following:

19.1. Ministry is responsible to coordinate and regulate:

- a) Passenger transport within territory of Kosovo,
- b) Passenger transport outside territory of Kosovo,
- c) Access and transit passing transport of passengers through territory of Kosovo”.

19.2 “The Municipality is responsible to coordinate and regulate transportation in its territory, as follows:

- “a) Regular Passenger Transport,
- b) Passenger Free Transport,
- c) Passenger Taxi Transport,
- d) Own Account Passenger Transport”.

Article 11

Article 20 is replaced by the following text: The Ministry, if necessary can establish within the Department for Road Transport, a responsible unit with at most three employees for coordination of passenger transport by bus. Its content, rights and obligations are defined by Ministry with special legal act.

Article 12

Article 21 is changed as following:

Paragraph 2 is replaced by the text: “Regular passenger transport within the territory of Kosovo may be exercised also as direct and express transport”

Paragraphs 3, 4, 5 shall be deleted.

Article 13

Article 22 is changed as following:

Text of paragraph 1 shall be deleted and replaced with the text “Regular passenger transport by bus within the territory of Kosovo may be exercised as:

- a) a Urban transport,
- b) Suburb-urban transport,
- c) Interurban transport, and
- d) Special passenger transport”

In paragraph 2 after the word “urban” words “suburb-urban” shall be added.

In paragraph 3 after the word “urban” words “and suburb-urban” shall be added.

Paragraph 6 shall be deleted.

Article 14

In Article 24 after paragraph 3 shall be supplemented paragraph 4 as follows:

“The transport operator is obliged to maintain, a travel-bill in the bus, which has to be signed by the responsible person on technical condition of the vehicle”.

Article 15

Article 29 is changed as following:

In paragraph 1 after the word “every passenger” the word “on board the bus” shall be deleted.

In paragraph 2 the word “company” shall be replaced with the word “transport operator”.

Article 16

Article 30, shall be amended and supplemented as follows:

Paragraph 1, shall be amended as follows:

“Pupils and students from place of residence to destination and vice versa”.

In paragraph 1, after point 2 shall be supplemented also with another new point “invalids and persons under special care”

After paragraph 6 shall be supplemented a new paragraph: “The Transport Operator shall be obliged that to all mentioned passengers in Article 30.1, fit them by an identification card.

Article 17

In Article 34, paragraph 2 before the word “recurring” the words “occasional and” shall be added.

Article 18

Article 35 is amended and supplemented as following:

In Article 35, the number 35.1 shall be added at the beginning of the Article, the word “recurring” shall be replaced with the word “occasional”.

Point d) shall be deleted, whilst point e) shall be amended and become point d): “other occasional transports”

This Article shall be supplemented with a new paragraph: Article 35.2 Occasional transport in compliance with this Law, it is:

- a) transport of groups of passengers preliminarily organized, in more journeys from the same departure place to the same arrival place,
- b) any group of passengers that performed one outward journey, shall return to the departure place on some other vehicle driving later on,
- c) first return journey and the last outward shall be performed with empty vehicle,
- d) other occasional transports”

Article 19

In Article 36, paragraph 1 the words “under (b) (c) (d) and (e) shall be replaced with the words “for all types of transports”.

Article 20

Article 37 is amended and supplemented as following:

In paragraph 2 words “Kosovo Customs Service” shall be replaced with the words “competent border authorities”

After paragraph 2, shall be supplemented 2 new paragraphs as follows:

“37.3 Waybill book to domestic transport operator shall issue the Ministry if not otherwise set by an international agreement.

37.4 The Ministry through a sub-legal act shall set conditions, procedure and tariffs for issuance of a Waybill book”.

Article 21

Article 39 is amended and supplemented as following:

In paragraph 3 to word trailer shall be added “or semi-trailer”.

After paragraph 3 shall be supplemented one new paragraph “39.4 “Auto-taxi” transport shall be forbidden in the territory of Kosovo from “auto – taxi“transport operators in another country, if not otherwise set by an international agreement.

Article 22

Article 42 is amended and supplemented as following:

Existing text of Article 42 would become the first paragraph “42.1.” and completed with two new paragraphs as follows; “42.2. “Auto-taxi” transport shall be developed within the municipal territory in which it is registered for development of taxi activity, “Auto-taxi” transport may be exercised also outside the municipality territory, if the transport starts in the territory of the municipality in which it is licensed.

42.3 Passenger Taxi Transport in a regular route it is prohibited.

Article 23

Article 43 is amended as follows:

Paragraph 1 is amended: Own account passenger transport can be exercised by legal or natural persons for the reason of performing services within its own registered activity without commercial purposes.

In paragraph 2 is amended the first sentence: Own account passenger transport inside and outside Kosovo, according to the permit issued by Ministry or Municipality according to the competency is exercised by:

After paragraph 2 shall be supplemented a new paragraph: The vehicle performing own account passenger transport must be ownership of a natural or legal person.

Article 24

Article 50 is amended and supplemented as following:

In paragraph 2 the word “record (evidence) shall be replaced with words “records book”. After paragraph 2 shall be added one paragraph “50.3 The form, content and the manner of recording book keeping shall set the Ministry through a sub-legal acts”.

Article 25

In Article 54 shall be deleted number “54.2”. at point b) after the word “consignment note” the word “CMR” shall be added.

Article 26

In Article 57 word “distribution” shall be replaced by word “obtain”.

Article 27

In Article 64, paragraph 3 will be deleted.

Article 28

In Article 65 after paragraph 2 shall be supplemented by paragraph “65.3 Transport operator in possession of license for own account freight transport according to Article 53, paragraph 1, point a) it is not entitled to apply to fit with CEMT permit”.

Article 29

In Article 66, point a) after the word “consignment note” shall be deleted conjunction “and”, and after point b) shall be added point “c) road travel-bill”.

Article 30

In article 67, paragraph 2 point a) after the word “consignment note” shall be deleted conjunction “and” and after point b) shall be added point “c) road travel-bill”.

Article 31

In Articles 79 and 80 the words “Customs Service Inspection Authorities” shall be replaced by words “competent border authorities”.

Article 32

Article 81 shall be deleted.

Article 33

Naming of Chapter V “Administrative Sanctions” shall be replaced by “Minor Offence fines”

Article 34

Article 83 shall be replaced as follows:

83.1 A legal person for a minor offence shall be liable to a fine of an amount of 500 to 4000 Euro if:

- a) acts in contradiction to Article 8;
- b) acts in contradiction to Article 11 (paragraph 1, 2 and 3);
- c) acts in contradiction to Article 14 (paragraph 1 and 2);
- d) acts in contradiction to Article 14 (paragraph 3);
- e) acts in contradiction to Article 30 (paragraph 1);
- f) acts in contradiction to Article 32 (paragraph 4);
- g) acts in contradiction to Article 36 (paragraph 1);
- h) acts in contradiction to Article 39 (paragraph 4);
- i) acts in contradiction to Article 49;
- j) acts in contradiction to Article 50;
- k) acts in contradiction to Article 54;
- l) acts in contradiction to Article 55 (paragraph 1);
- m) acts in contradiction to Article 56 (paragraph 1);
- n) acts in contradiction to Article 59;
- o) acts in contradiction to Article 60 (paragraph 1);
- p) acts in contradiction to Article 73.

83.2 Responsible person or natural person of the legal person for offence according to paragraph 1, of this Article, shall be liable to fine on an amount of 300 to 3.500 Euro.

83.3 A legal person, for repetition of the offence according to paragraph 1, of this Article, except the fine according to paragraph 2, shall be imposed also a protective measure prohibiting exercising of the road transport activity in a duration of 6 to 12 months.

Article 35

Article 84 shall be replaced as follows:

84.1 “A legal person for a minor offence shall be liable to a fine in an amount of 300 to 3.500 Euro if:

- a) acts in contradiction to Article 21 (paragraph 1);
- b) acts in contradiction to Article 24 (paragraph 1, 3 and 4);
- c) acts in contradiction to Article 25 (paragraph 1, 3 and 4);
- d) acts in contradiction to Article 26 (paragraph 1 and 3);

- e) acts in contradiction to Article 27 (paragraph 4);
- f) acts in contradiction to Article 28 (paragraph 1 and 2);
- g) acts in contradiction to Article 29 (paragraph 1 and 2);
- h) acts in contradiction to Article 30 (paragraph 6 and 7);
- i) acts in contradiction to Article 37 (paragraph 1 and 2);
- j) acts in contradiction to Article 38;
- k) acts in contradiction to Article 39;
- l) acts in contradiction to Article 40;
- m) acts in contradiction to Article 42 (paragraph 1, 2 and 3);
- n) acts in contradiction to Article 44;
- o) acts in contradiction to Article 45;
- p) acts in contradiction to Article 47 (paragraph 2);
- q) acts in contradiction to Article 48 (paragraph 3 and 5);
- r) acts in contradiction to Article 51;
- s) acts in contradiction to Article 63 (paragraph 2);
- t) acts in contradiction to Article 64 (paragraph 1);
- u) acts in contradiction to Article 66;
- v) acts in contradiction to Article 67;
- w) acts in contradiction to Article 68 (paragraph 2);

84.2 Responsible person or natural person of the legal person for an offence according to paragraph 1 of this article shall be liable to fine in amount of 200 to 2.500 Euro.

84.3 A legal person for repetition of the offence according to paragraph 1 of this Article, despite the fine, may be imposed also the protective measure prohibiting exercising the road transport activity in a duration of 6 to 12 months.

Article 36

In Chapter VI, Provisional and Conclusive Provisions – shall be added a new Article as follows: “To all Transport Urban Operators of Passengers and Transport Freight Operators of Own Account of cargo weight from 3.5 t – 12 t, licensed by the Ministry, the license shall be valid until expiration of the license; for extension of exercising these types of transport, shall be licensed according to Article 3 of this Law”.

Article 37

This Law enters into force upon approval from the Kosovo Assembly and promulgation from the Special Representative of the Secretary-General.

Law No. 02/L-127
17 September 2007

President of the Kosovo Assembly

Kolë Berisha