



REPUBLIKA E KOSOVËS – PRESIDENTI
REPUBLIC OF KOSOVO – THE PRESIDENT
REPUBLIKA KOSOVO – PREDSIEDNIK

**DECREE FOR RATIFICATION OF THE
INTERNATIONAL AGREEMENT**

Pursuant to Article 18, paragraph 2 of the Constitution of the Republic of Kosovo, Article 10, paragraph 4 of the Law no. 04/L-052, on International Agreements and Article 4, paragraph 3 of the Law No. 03/L-044 on the Ministry of Foreign Affairs and Diplomatic Service, I hereby issue the following:

D e c r e e

The Ratification of the Agreement on road transport of passengers and goods, between the Government of the Republic of Kosovo and the Government of Hungary, signed in Budapest on December 09, 2015 and received in the Office of the President of the Republic of Kosovo on May 04, 2016.

Pursuant to Article 18, paragraph 3 of the Constitution of the Republic of Kosovo, the ratified agreement shall be forwarded to the Parliament of the Republic of Kosovo as a notification.

The ratified agreement shall enter into force on the day of its publication in the Official Gazette.

Decree No: DMN-014-2016

Prishtina, May 11, 2016

Hashim Thaçi
President of the Republic of Kosovo

AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOSOVO
AND
THE GOVERNMENT OF HUNGARY
ON ROAD PASSENGERS AND GOODS TRANSPORT

The Government of the Republic of Kosovo and the Government of Hungary (hereinafter referred to as the Contracting Parties),

Desirous to regulate and develop the road passenger and goods transport between their states and in transit through their territories on terms of reciprocity and in the spirit of cooperation and mutual benefit,

Have agreed on the following:

I. INTRODUCTORY PROVISIONS

Article 1

(1) The provisions of this Agreement are referring to the road passenger and goods transport between the States of the Contracting Parties, the passenger and goods transport in transit through the territories of the States of the Contracting Parties as well as the goods transport from and to a third state, that are operated by buses or lorries registered on the territory of the State of either Contracting Party.

(2) This Agreement shall not affect the rights and obligations of the Contracting Parties deriving from other international agreements. This Agreement shall not affect the obligations of Hungary and the Republic of Kosovo towards the European Union, including the obligations from the primary and secondary law of the European Union in respect of Hungary.

(3) This Agreement shall not affect the passenger or goods transport carried out for the Armed Forces of the Contracting Parties.

Article 2

For the purposes of this Agreement, individual terms have the following meaning:

- 1) "Transport Operator"

means any subject in the Republic of Kosovo i.e. any natural or legal person (i.e. business association without status of legal person) in Hungary, which is authorized, according to the national legislation of the Republic of Kosovo i.e., Hungary to transport passengers or goods by road for own account or for remuneration;

2) "Bus"

means a motor vehicle with mechanical propulsion for the carriage of passengers, which is according to certain technical conditions suitable for transport of more than nine passengers, including the driver, and the trailer for transport of luggage;

3) „Motor vehicle"

means a motor vehicle with mechanical propulsion for the carriage of goods, which is according to certain technical conditions suitable for the transport of goods, including each accompanying trailer or semi-trailer;

4) "Transport from or to a third State"

means the carriage performed by an operator established in the State of a Contracting Party from the territory of a third State in which this operator is not established into the territory of the State of the other Contracting Party as well as the carriage from the territory of the State of a Contracting Party, which is performed by an operator established in the State of the other Contracting Party into the territory of a third State in which this operator is not established;

5) "Cabotage"

means the transport of passengers or goods between two places on the territory of the State of a Contracting Party by bus or by motor vehicle registered on the territory of the State of the other Contracting Party;

6) "Transit"

- 6.1 means the passenger transport which is operated through the territory of the State of the other Contracting Party without picking up and setting down passengers on the route;
- 6.2 the goods transport by a motor vehicle, which is operated through the territory of the State of the other Contracting Party without loading and unloading goods;

7) "Regular passenger service"

means the passenger transport by bus over a specified route with a specified frequency, according to specified timetable and fares, whereby passenger are picked up and set down only at predetermined stopping points;

8) "Special regular passenger service"

means regular bus transport of organized passenger group defined by the travel objective, with exclusion of other passengers;

9) "Occasional passenger service"

means bus transport of passengers falling neither within the definition of a regular passenger service nor within the definition of a special regular passenger service;

10) "Competent Ministry" in the Republic of Kosovo is the Ministry in charge of transport and in Hungary is the Ministry led by the Minister in charge of transport.

II. PASSENGER TRANSPORT

Article 3

(1) For the operation of the regular passenger service an authorization is necessary.

(2) The authorizations for the operation of the regular passenger service between the States of the Contracting Parties are issued by the competent authorities of the States, each for the section on its territory. The competent authorities of the Contracting Parties, in line with the relevant national legislation, jointly define the validity period of authorizations and cooperate in the approval of timetable, fares and itinerary sketch.

(3) Application for the issuing of authorization referred to in paragraph 2 is submitted through the competent authority of the Contracting Party in which the operator is located to the competent authority of the other Contracting Party.

(4) Application referred to in paragraph 3 must comprise the following data:

4.1) Name and surname, i.e. name and address of the operator;

4.2) Kind of transport;

4.3) Authorization validity period;

4.4) Period of operating transport and projected frequency;

4.5) Itinerary sketch with stopping places (bus stations for getting on and off of passengers, rest places for drivers, border crossing points);

4.6) Route length in km at the outward journey and the return journey;

4.7) Distance covered in a day;

4.8) Driving and rest times of drivers;

4.9) Timetable;

4.10) Pricelist (fares tables) and travelling conditions.

(5) The authorization for operating regular passenger service in transit through the territory of the State of a Contracting Party is issued by the competent authority of the Contracting Party through whose state territory the transit is operated.

(6) With the application for issuing an authorization for the operation of the regular passenger service in transit have to be enclosed data from paragraph 4 included in subparagraphs 4.1, 4.2, 4.3, 4.5, and 4.9 from the present Article and permit copies of the countries between which the service is operated.

Article 4

(1) For operating the occasional service no authorization is necessary in the following cases:

1.1) In transit,

1.2) Between the territories of the States of the Contracting Parties, namely:

1.2.1) closed – door tours, i.e. the transport performed with the same bus which carries the same group of passengers throughout the whole journey and brings them back to the place of departure that is located on the territory of the State of a Contracting Party where the bus is registered and the composition of the passenger group is unchanged during the journey;

1.2.2) Transport of the same group of passengers from a place of departure which is located on the territory of the State of the Contracting Party where the bus is registered to a place of destination which is located on the territory of the State of the other Contracting Party and the return journey of unladen bus to the place of departure.

(2) For operating journey of a bus which replaces the broken down bus that performed one kind of transport referred to in paragraph 1 no authorization is necessary.

(3) For operating of occasional services referred to in paragraph 1 and paragraph 2 it is necessary to make a waybill for each journey which during the journey must be continuously kept on the bus and which is on entering the territory of the State of the other Contracting Party has to be certified by the customs officers except when entering the territory of Hungary from the territory of another EU member State.

(4) For the operation of other occasional services the authorization of the competent authority of a Contracting Party is necessary. Operator's application for issuing the permit is submitted through the competent authority of a Contracting Party where the operator is located, to the competent authority of the other Contracting Party, which resolves the application at earliest convenience.

Article 5

(1) For operating a special regular passenger service an authorization is needed. The authorizations are issued by the competent authorities of the Contracting Parties, each authority for the bus line section on its own territory.

(2) Application for issuing the authorization for special regular passenger service is submitted through the competent authority of a Contracting Party where the operator is located to the competent authority of the other Contracting Party. The application must be submitted within at least 60 days before the beginning of transport performance.

(3) Application for issuing the authorization for special regular passenger service must have the data referred to in subparagraphs 4.1) – 4.9) in paragraph 4 of Article 3 (of this Agreement).

(4) When operating special regular passenger service the operator is obliged to draw up the waybill which must be kept continually on the bus and on entering the territory of the State of the other Contracting Party has to be certified by the customs officers except when entering the territory of Hungary from the territory of another EU member State.

III. GOODS TRANSPORT

Article 6

- (1) The following activities may be carried out in possession of a permit issued previously by the competent authorities of the Contracting Parties:
- transport of goods between the territories of the States of the Contracting Parties, by a motor vehicle registered in the territory of the States of the either Contracting Party
 - transport of transit goods by a transport operator established in Hungary through the territory of the Republic of Kosovo to a third state that is not member of the EU or from a non-EU member state,
 - transport of transit goods by a transport operator established in the Republic of Kosovo from the Republic of Kosovo through the territory of Hungary to an EU Member State or from an EU Member State to a destination in the Republic of Kosovo,
 - transport of goods from or to a third State according to point 4 in Article 2.

(2) A permit copy is issued for every motor vehicle. The permit is issued for an outward journey and a return journey, for laden or unladen vehicle. For transport of goods by a motor vehicle with trailer, the permit is necessary only for the motor vehicle.

(3) The permit referred to in paragraph 1 and paragraph 2 can be granted:

3.1) With payment of road charge on the territory of the Republic of Kosovo or with payment of vehicle tax on the territory of Hungary;

3.2) Without payment of duties referred to in subparagraph 3.1) of this paragraph.

(4) The Competent Ministries of the Contracting Parties within the Joint Committee referred to in Article 16 lay down kind, number, conditions for issuance and use of permits referred to in paragraphs 1, 2 and 3.

(5) The permit for transport of goods is non-transferable i.e. may be used only for the motor vehicle and for the transport activity to which it has been issued and by the operator to whom it has been issued.

(6) The permit referred to in paragraph 1 must be kept in the vehicle while transporting goods on the territory of the State of the other Contracting Party and performed, during inspection, at the request of the competent authority of the other Contracting Party.

(7) The permits are valid for the calendar year and may be used inclusive of 31st January of the next year.

Article 7

Transport of goods can be carried out without permit in the following cases:

- 1) Transport of advertising and training material (e.g. for purposes of exhibitions or fairs);
- 2) Transport of equipment, accessories and animals for theatrical, musical, film and circus performances, and those intended for radio recordings, or for film or television production;
- 3) Return journey of vehicles that are damaged or have broken down;
- 4) Transport of cemetery urns and coffins with dead bodies;
- 5) Transport of humanitarian aid;
- 6) Transport of livestock;
- 7) Transport of removing furniture;
- 8) Transport of mail matters;
- 9) Transport of pieces of work of art;
- 10) Transport of luggage in trailer of bus carrying the passengers;
- 11) Goods transport by motor vehicles whose total permissible laden weight, including trailers, does not exceed 6 tonnes, or when the permitted payload, including trailer, does not exceed 3.5 tonnes;
- 12) First unladen run in transit of a vehicle bought abroad for the operator of either State of the Contracting Parties.

Article 8

- (1) The competent authorities of the Contracting Parties ensure in the case of the motor vehicles which are granted with a permit for transport of goods on the territory of the State of the other Contracting Party that no measures/regulations are applied which count as more

unfavourable than those applied in the case of the motor vehicles registered in the own State regarding the upper limits of permissible dimensions and weight.

(2) In the cases when the dimensions and weight of motor vehicle or its load exceed the upper limit allowed on the territory of the State of the other Contracting Party where transport is being operated, it is necessary to get a special permit which is issued by the competent authority of that Contracting Party.

(3) The permit referred to in paragraph 2 may prescribe relevant limits or determine route and the border-crossing-point to use.

IV. GENERAL PROVISIONS

Article 9

(1) While operating transport of passengers and goods on the territory of the State of the other Contracting Party the operator is obliged to observe the national legislation of that State.

(2) In case an operator established on the territory of the State of either Contracting Party violates any provisions of this Agreement or national regulations in the field of road transport of the State of the other Contracting Party, the competent authority on whose territory the violation was committed, apart from carrying through its own proceedings, informs the competent authority of the Contracting Party where the operator is established, which takes measures in accordance with its national legislation.

(3) The competent authorities of the Contracting Parties notify each other of undertaken measures referred to in paragraph 2.

Article 10

(1) On entering the territory of the State of the other Contracting Party the operator is obliged, to perform a third part insurance document at the request of the competent authority of that Contracting Party.

(2) If the operator does not have the document referred to in paragraph 1 on entering the territory of the State of the other Contracting Party, the operator is obliged in accordance with national regulations to conclude a self-insurance contract.

Article 11

(1) The following vehicles are exempted from payment of road charge on the territory of the Republic of Kosovo or from payment of vehicle tax on the territory of Hungary:

1.1) Motor vehicles that operate goods transport on the basis of the permit quota defined in paragraph (4) of Article 6 with the exception of the motor vehicles referred to in subparagraph (3.1.) of paragraph 3 of Article 6,

1.2) Motor vehicles that operate goods transport referred to in Article 7 and unladen run by a vehicle in the cases of transport referred to in subparagraphs 1.1) – 1.11) of paragraph 1 of Article 7,

1.3) Buses that operate passenger transport between the territories of the States of the Contracting Parties or in transit through the territory of the State of either Contracting Party.

(2) The provision of paragraph 1 of this Article do not relate to charges, road tolls and bridge tolls which are to pay on certain highway sections, for driving through certain city areas, tunnels, over bridges and other road constructions as well as to charges for transport in case of exceeding dimensions, total permissible weight and/or axle load laid down under the national legislation of the States of the Contracting Parties.

Article 12

(1) On entering the territory of the Republic of Kosovo, the operator is exempted from import duties and fees for:

1.1) Fuel contained in fixed tanks that are factory-designed and installed by the manufacturer for this model of vehicle, serving for vehicle drive, for a vehicle and a journey;

1.2) Spare parts and tools that are temporarily imported into the territory of the Republic of Kosovo on the basis of the document issued or certified by the competent customs office, for repair of the damaged or broken down vehicle which operates transport under this Agreement.

(2) Tools and unused and replaced parts referred to in subparagraph 1.2) of paragraph 1 must be returned to the State in which the vehicle is registered or be destroyed under supervision of customs authority or they are to be handled pursuant to the customs regulations valid on the territory of the Republic of Kosovo.

(3) When entering the territory of Hungary in accordance with paragraph (2) of Article 1, in regard to the road transport of passengers and goods that the provisions of this Agreement relate to, Hungary provides opportunities and allowances based on current customs regulations of the European Union according to procedures and rules laid down there in regard to duties and fees of identical effects as well as exemption from import and export limitations and prohibitions. With respect to that when entering the territory of Hungary, the operator is exempted from duties and fees of identical effects for:

3.1) fuel contained in fixed tanks that are designed and installed by the manufacturer for all motor vehicles or buses of the same type, serving the purpose of propulsion of the vehicle or bus as it is laid down in Chapter XXVIII of Council Regulation (EC) No. 1186/2009 setting up a Community system of reliefs from customs duty and any amendments thereto,

3.2) spare parts and tools that are temporarily imported into the territory of Hungary on the basis of the document certified by the customs office of entry and with simultaneous completion of the relevant customs formalities, necessary for the repair of the vehicle

damaged or broken down during the journey which operates international transport under this Agreement,

(4) spare parts and tools that are temporarily imported into the territory of Hungary for repair of the damaged or broken down Kosovar motor vehicle or bus which operates transport under this Agreement on the territory of Hungary are assigned a customs-approved treatment or use.

Article 13

Cabotage is prohibited, except for special authorization of the competent authority of the Contracting Party of the State on whose territory the cabotage is carried out.

Article 14

Concerning the customs control and control carried out by border inspection services, as well as supervision of compliance with veterinary, phytosanitary, epidemic, environment and natural conservation rules, the Contracting Parties apply national regulations or provisions of international agreements signed by the Contracting Parties.

Article 15

The competent border traffic control bodies and other bodies carrying out other official controls at the state borders shall carry out, in case of transport of severely injured persons, in case of regular passenger transport, as well as in case of motor vehicles transporting livestock, highly perishable or dangerous goods, the border-, customs-, veterinary and phytosanitary, epidemiologic and environmental protection controls out of turn.

Article 16

(1) For the purpose of implementation and application of this Agreement the Contracting Parties shall set up a Joint Committee that shall meet at least once a year or extraordinarily at the request of a Competent Ministry, alternately on the territory of the State of either Contracting Party.

(2) In case of need, the Joint Committee shall propose harmonizing of this Agreement with traffic development and multilateral agreements signed by both Contracting Parties, i.e. their States.

(3) The Joint Committee will go on examining the possibilities of the further facilitation of goods transport and will elaborate the respective proposals for the Contracting Parties.

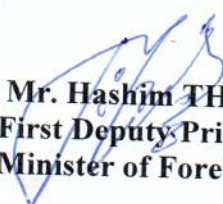
Article 17

(1) This Agreement shall enter into force on the thirtieth day (30) after the date of receipt of the last notification with which the Contracting Parties notify each other of having accomplished ratification procedure to this Agreement in accordance with the national legislations.


(2) This Agreement has been concluded for an indefinite period and may be cancelled by each Contracting Party in diplomatic way. In case of cancellation, this Agreement shall become invalid six (6) months after the receipt of cancellation notification.

Done in Budapest on 9th December 2015 in two original copies in the Albanian, Hungarian and English languages, all the texts being equally authentic. In case of dispute, the English text shall prevail.

**FOR THE GOVERNMENT
OF THE REPUBLIC OF KOSOVO**


Mr. Hashim THAÇI
First Deputy Prime Minister and
Minister of Foreign Affairs

**FOR THE GOVERNMENT
OF HUNGARY**


Mr. Dr. János FÓNAGY
Minister of State
Ministry of National Development