



REPUBLIKA E KOSOVËS – PRESIDENTI
REPUBLIC OF KOSOVO – THE PRESIDENT
REPUBLIKA KOSOVA – PREDSEDNIK

DECREE FOR RATIFICATION OF THE INTERNATIONAL AGREEMENT

Pursuant to Article 18, item 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, item 3 of the Law No. 03/L-004 on the Ministry of Foreign Affairs and Diplomatic Service, I hereby issue the following;

Decree

The ratification of the Agreement on Reciprocal Regulating of international road transport of passengers and goods, between the Government of the Republic of Kosovo and the Government of the Republic of Italy, signed in Prishtina on July 24, 2014, and received in the Office of the President of the Republic of Kosovo on September 04, 2014.

Pursuant to Article 18, item 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-018-2014

Prishtina, September 11, 2014

Atifete Jahjaga
President of the Republic of Kosovo

AGREEMENT

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOSOVO AND THE GOVERNMENT OF THE ITALIAN REPUBLIC FOR MUTUAL REGULATION OF INTERNATIONAL ROAD TRANSPORT OF PASSENGERS AND GOODS

GOVERNMENT OF THE REPUBLIC OF KOSOVO AND THE GOVERNMENT OF THE ITALIAN REPUBLIC, hereinafter referred to as "the Contracting Parties", given that it is in the process of finalizing the Stabilization and Association Agreement between the Republic of Kosovo and the European Union in order to facilitate and regulate road transport of passengers and goods to the mutual interest of both countries, both to or in transit through their respective territories, have agreed as follows:

Article 1

The carriers of either Contracting Party shall have the right to carry out transport of passengers and goods, both to and in transit through the territory of the other Party with transport vehicles for passenger and goods registered in the Contracting State where the carrier has its registered office, according to the terms laid down in this Agreement.

I – TRANSPORT OF PASSENGERS

1.1. SCOPE OF APPLICATION

Article 2

In compliance with the provisions in force for the entry and stay of people in the territories of both Contracting Parties, this Agreement applies to the international transport of passengers between the territories of both countries - also in transit - by means of passenger transport vehicles having more than nine seats, including the driver (bus driver).

1.2. REGULAR SERVICES BETWEEN THE TWO COUNTRIES

Article 3

1. For the purpose of this Agreement, the transport of passengers by bus on a fixed route according to a fixed timetable and tariffs, as previously defined, is considered regular service.
2. Regular transport service is allowed to embark and disembark passengers at departure stations or stations along the road.
3. For the purposes of the service any passenger in the departure places and stops is to be accepted on the vehicles - provided that there are seats in compliance with the provisions of this Agreement and the national laws regulating line services for the transport of passengers

Article 4

The regular services between the two Countries are established jointly by the relevant authorities of the Contracting Parties referred to in the subsequent article 25 and on the basis of the decisions taken by the Joint Commission envisaged by article 26 of this Agreement (below named as Joint Commission).

Article 5

1. The regular transport service is carried out on the basis of an authorization which cannot be assigned.
2. According to paragraph 1 of this article, the authorization is issued by the relevant authorities of the Contracting Parties as to the part of route in national territories on the basis of reciprocity, unless otherwise agreed by the authorities.
3. The duration of the authorization is decided by the Joint Commission.
4. The authorization is granted to carry out the regular services on the basis of an application submitted by the company to the relevant authority of the contracting Party where the company has its registered office.
5. The application shall include the itinerary, the timetable for the whole year, price list and other useful indicators, possibly requested by the relevant authorities of the Contracting Parties. The application shall include a itinerary of the proposed route with the indication of stops and kilometers.
6. The relevant authority of either Contracting Party transmits to the other Party the applications accepted together with all the documents requested.
7. Applications shall be approved by the relevant authorities of the Contracting Parties on the basis of the terms decided by the Joint Commission.
8. During transport, the original of the authorization or a certified copy of the authorization issued from the same authority that have issued the original shall be carried on board of the vehicles used for regular services.

Article 6

Transport operators cannot carry out domestic service of passengers in the territory of the other Contracting Party.

1.3. REGULAR TRANSIT SERVICES.

Article 7

1. For the purposes of this Agreement, the transport of passengers departing from the territory of either Contracting Party and crossing the territory of the other Party to

- reach a third country without any passenger being embarked or disembarked in the territory of the other Party is considered to be regular transit service.
2. Regular transit services are carried out on the basis of an authorization issued by the relevant authority of the transit country, to which the transport company has submitted the related application through the authority of the place of origin.

1.4. OCCASIONAL SERVICES

Article 8

For the purposes of this Agreement, occasional service is considered:

- a. Transport with the same vehicle, with the same passengers, for a whole route which must start and end in the territory of the Country where the vehicle is registered (closed-door services);
- b. Outward journeys with passengers towards the other Contracting Party and return journey with no passengers towards the country, where the vehicle is registered (return journeys with no passengers);
- c. Service carried out with no passengers in the territory of the other Contracting Party to transport groups to the country where the vehicle is registered made on the basis of a prior agreement between the carrier and the customer (Outward Journeys with no passengers).

Article 9

1. The services under subparagraphs a) and b) of article 8 of this Agreement, either bilaterally or in transit, are carried out without any permit (authorization).
2. In cases under paragraph 1 of this Article, the bus driver should have with him in the vehicle the travel sheet. Travel sheet model is determined by mutual agreement by the Joint Commission.
3. In the case envisaged under paragraph c. of article 8 of this Agreement the relevant authority of the country where the company has its registered office which must carry out the service shall ask for the authorization to the other contracting Party. The relevant authorities shall every year exchange a quota of yearly authorizations according to modules authorized and determined by the Joint Commission of this Agreement. Passengers list should be attached to the Authorization.
4. A bus which performs regular or occasional services has suffered damage can be replaced by another bus without authorization according to the terms fixed by the Joint Commission.

1.5. OTHER BUS SERVICES

Article 10

1. For all the other bus services not envisaged in article 8 of this Agreement it is necessary to obtain the prior authorization issued by the relevant authority of the other Contracting Party.
2. The authorization, according to paragraph 1 of this article, is issued to the transporting company on the basis of the application sent to the relevant authority of the Contracting Party in the territory of the main office of the transporting company.
3. The application shall include the indication of the destination of the travel, the itinerary, the aim of this travel, the vehicle to be used and all the other information's which shall be requested according to the mutual agreement from the relevant authorities of the Contracting Parties.
4. The relevant authority, according to paragraph 2 of this article, transmits the applications accepted to the relevant authority of the other Contracting Party together with all the necessary documents.
5. The relevant authority of the other Party shall inform of its decisions within 20 days from the reception of the application.

II – TRANSPORT OF GOODS

Article 11

1. The transport operator having its main registered office in the territory of either Contracting Party which carries out the transport of goods must have an authorization for transport between two countries, issued by the relevant authority of the other country unless otherwise decided in the article 12 of this agreement, and in cases where the Joint Commission decides that transport between the Contracting Parties is carried out without any bilateral authorization.
The authorization is valid for the outward and return journey.
2. While carrying out the transport of goods, the entry, movement and stay of vehicles, as well as drivers, in the territory of the other Contracting Party may be subject to particular conditions, controls and caution, on the basis of reciprocity, when required by State security
3. According to this Agreement, transit transport is considered the transportation through the territory of one Contracting Party with destination for a third Country without loading or unloading goods in the territory of a contracting country but only passing as transit.

Article 12

1. Subject to the rules in force which regulate the entry and possibly exit of the materials under the following list of transport to and from the territories of the two Contracting Parties, what follows is not subject to the authorization envisaged in the previous article:
 1. Funeral transport;
 2. Transport of material for exhibitions/fair;

3. occasional transport of goods to or from airports in case of service deviation;
 4. transport of luggage by means of trailers to vehicles for the transport of passengers and luggage by means of any type of vehicle to or from airports;
 5. postal transport;
 6. transport of items for medical treatment in case of first-aid, especially in the case of natural disasters;
 7. transport of valuable goods (for example precious metals) carried out with special vehicles escorted by police or other security forces;
 8. the transport of spare parts for maritime and air navigation;
 9. Movement of an empty vehicle used for the transport of goods and aimed to replace a vehicle which can be no longer used in the territory of the other Contracting State, as well as the return with no load of the vehicle which has suffered damage after it has been repaired. The continuation of transport with the new vehicle shall be carried out by using the authorization issued for the vehicle which can no longer be used;
 10. transport of bees and fish larvae;
 11. transportation for non-commercial purposes or animal equipment for theatre, music, film, sports, circuses, fairs and those for recording in radio or television or cinema production;
2. The list of transport exempted from authorization, under this article may vary if so decided by the Joint Commission.

Article 13

1. The authorization, cannot be transferred and authorize the company to carry out transport with a vehicle or a group of vehicles (truck without trailer, truck with trailer, trailer, semi-trailer) within the period of validity shown in the authorization itself, however not exceeding one year.
2. The transit transport crossing in the territory of the Contracting Parties, if parties otherwise agreed are subject of authorization rule.
3. In case of combining the tools, a trailer or a semi-trailer registered in the territory of another Contracting Party can be used.

Article 14

1. It is forbidden to load in the territory of the other Contracting Party and to unload goods in the territory of that same Party. (Kabotazh)
2. It is also prohibited that transport operators based in the territory of one of the contracting Parties to perform transport between the contracting Country and a third Country and vice versa, excluding cases of agreements between the contracting Parties; in this case, the Joint Commission defines a contingent of authorization, with the exception of special authorizations of the third country, if necessary.

III - GENERAL PROVISIONS

Article 15

1. The requirements of technical and professional abilities of Transport Operators, compatibility of vehicles, the content of required documentations for the vehicles, driver's ability, insurance and liability towards third parties and towards the transported passengers, are decided by the national provisions in force from relevant national bodies of the place of vehicle registration.
2. The terms of the insurance policy, must be in line with the law provisions in force in the country where the transport is carried out.

Article 16

The terms for the issuance of tickets, the filling in of the documents necessary for the transport of passengers and goods, for the keeping of books and registers and the collection of statistics to be exchanged between the relevant authorities are decided jointly by the respective bodies of the Contracting Parties.

Article 17

1. The carriers and the personnel employed on the vehicles with which transport is carried out under this Article are to comply with the rules related to traffic and road transport in force in the territory of the Contracting Party when these vehicles are in the territory of the latter.
2. For the violations of the rules under the previous paragraph, the one is responsible to the relevant authorities of the Contracting Party in the territory of which these violations have been perpetrated.

Article 18

1. The carriers of both Contracting Parties are obliged to comply with the currency, customs and tax rules in force in the territory of the Contracting Party where the transport is carried out.
2. The Joint Commission may propose facilitations of fiscal character, which are allowed by both States' legislations.

Article 19

1. Each Contracting Party allows the vehicles registered in the territory of the other Party to enter its territory without any customs duties, without prohibitions and restrictions, provided that they will be re-exported.

2. The Contracting Parties can require that these vehicles are subject to the customs formalities necessary for the temporary import/ acceptance in the respective national territory.

Article 20

1. The driver of the vehicle and the other members of the crew can temporarily export/accept - with the exemption from customs duties and entry fees - a reasonable quantity of items necessary for their personal needs, for the ordinary travel needs commensurate with the duration of their stay in the territory of the other Contracting Party, provided that they are not to be sold.
2. Food for catering and a small quantity of tobacco, cigars and cigarettes for personal use are exempted from customs duties and entry fees in compliance with the customs provisions in force in the territory of the other Contracting Party.

Article 21

The fuel contained in the ordinary tanks of the vehicles temporarily imported are admitted free from customs duties and entry fees without prohibitions and restrictions, provided that the ordinary tank be that envisaged by the manufacturer for the kind of vehicle concerned and is technically connected with the supply system of the engine.

Article 22

1. The spare parts to repair the already temporarily imported/accepted vehicle carrying out one of the transports envisaged by this Agreement are admitted with temporary exemption from customs duties and entry fees, without restrictions and prohibitions, in compliance with the customs formalities envisaged by the legislations of both Contracting Parties.
2. For the parts replaced and not re-exported customs duties and entry fees are to be paid unless, in compliance with the legislation of the importing/accepting country, these parts have been given for free from that Country or destroyed at the expense of the persons concerned under customs supervision.

Article 23

1. The invoices and the payment of the transport services carried out in compliance with this Agreement shall be made in convertible currency at the market exchange rate prevailing at the day when payments have been made.
2. The related transfers shall be made without limits or delays, after fulfilling all tax obligations and in compliance with provisions for using the means of payments.
3. Should a payment agreement is to be reached between the Contracting Parties, above mentioned payments shall be made according to the provisions of this Agreement in compliance with provisions mentioned in the previous paragraph.

Article 24

Subject to the penalties imposed in the Country where the violation is perpetrated, in case of violations of the provisions of this Agreement perpetrated in the territory of the other Contracting Party, the relevant authority of the Party where the vehicle is registered decides the imposition of one of the following penalties - upon report by the relevant Authority of the other Contracting Party:

- 1) warning;
- 2) notice with warning that in case of repeating, the measure envisaged by subparagraphs 3) or 4) shall be applied;
- 3) temporary suspension of the permit (authorization) to carry out transport of goods and passengers in the country where the violation has been perpetrated, with the duration from 3 to 12 months;
- 4) the revocation of the permit (authorization) to carry out transport of goods and passengers in the Country where the violation has been perpetrated.

Article 25

1. Disagreements related to the implementation and interpretation of this Agreement shall be solved jointly through consultations and negotiations by the competent authorities of the Contracting Parties (and if no agreement is reached through consultation and negotiation, issues are solved through diplomatic channels).
2. competent authorities of the Contracting Parties responsible for implementing this agreement are:
 - For The Government of the Republic of Kosovo: Ministry of Infrastructure (Ministry responsible for Transport) - Department responsible for Transport.
 - For the Italian Republic: Ministry of Infrastructure and Transport - Department for transport, navigation and general issues and personal - General Directorate of Road Transport and Intermodal.

Article 26

1. For implementing and applying the provisions of this Agreement, and for solving the problems, a Joint Commission, composed of representatives of the relevant Authorities of the Contracting Parties, is set up with the following competences:
 1. to express opinions on the regular transport service of passengers, in compliance with rules set out to carry out these services which are deemed useful for both Contracting Parties;
 2. to jointly decide the amount of authorizations for the transport of passengers and goods under articles 9, 11, 13, 14 and if necessary, for the services under article 10 or the exemption from the authorization in bilateral and transit transport;
 3. to prepare the modalities of the authorizations envisaged by articles 5, 8, 9, 10, 11, 13 and 14 and to decide the modalities of distributions/exchange;
 4. to solve the problems and the issues which may arise following the implementation of this Agreement;
 5. to adopt the measures which are deemed suitable to foster the development of road transport between both countries;

6. to consider the possibility of granting tax facilitations with competent Authorities, based on the principle of reciprocity, which are allowed in the framework of the provisions in force in both countries.
2. The relevant Authorities of the Contracting Parties appoint the representatives which shall meet in a Joint Commission, alternately in the territory of both countries, upon request of either Contracting Party.

Article 27

1. The domestic legislation of either Contracting Party applies to all the issues which are not regulated by this Agreement or by the international conventions to which both Contracting Parties adhere.
2. This Agreement does not affect the obligations of the Contracting Parties arising from bilateral or multilateral agreements, and concerning the Republic of Italy, the obligations arising from being part of the European Union.

Article 28

1. The drivers and the personnel employed on the vehicles used for the transport of people and goods under this Agreement must respect the legislative, regulatory and administrative provisions in force in the Contracting State where the transport is carried out and particularly the national rules and regulations regulating the entry and stay in the respective territories.
2. The Contracting Parties reserve their right to suspend the freedom of movement mutually granted when required for State security.

FINAL PROVISIONS

Article 29

1. This Agreement shall enter into force on the first day of the month following the date of confirmation of the second receipt of two notifications which the Contracting Parties notify each other of the completion of the internal procedures for ratification.
2. This Agreement shall last one year as from its entry into force and shall be automatically extended every year if not terminated in writing and through diplomatic channel by either Contracting Party three months before its expiry.

In witness whereof, the undersigned representatives, duly authorized by their respective Government, have signed this Agreement.

Signed at _____ on _____ in two original copies in Italian language and two original copies in Albanian language, both text being equally authentic.

For the Government of the Republic of Kosovo

For the Government of the Italian Republic