



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;

D e c r e e

The ratification of the Agreement on International Road Transport of Passengers as a Regular and non-Regular Service, between the Government of the Republic of Kosovo and the Government of Austria, signed in Vienna on June 21, 2013, and received in the Office of the President of the Republic of Kosovo on March 03, 2014.

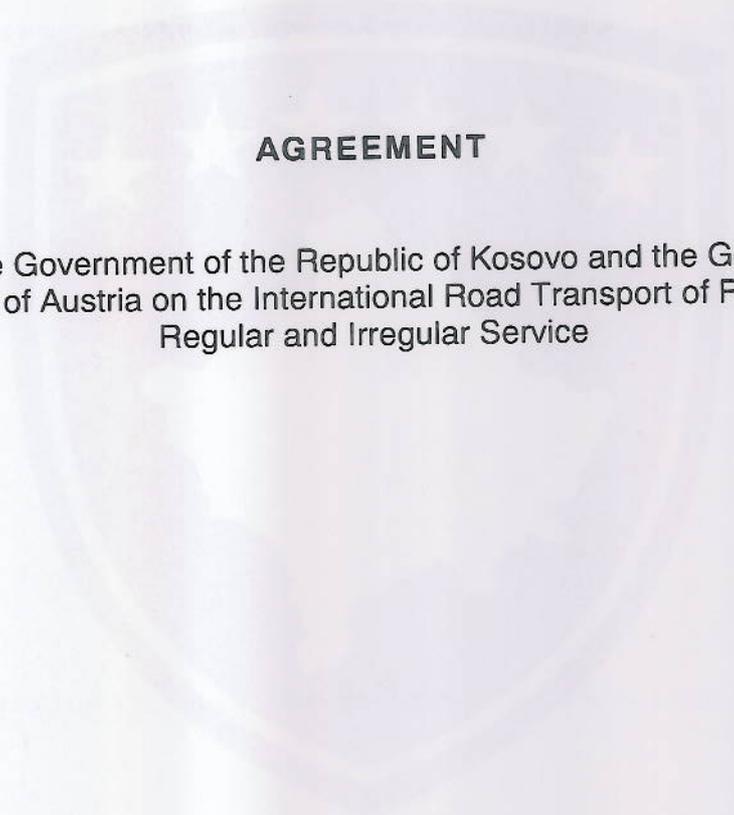
Pursuant to Article 18, item 3 of the Constitution of the Republic of Kosovo, the ratified agreement shall be forwarded to the Parliament of the Republic of Kosovo as a notification.

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

Decree No: DMN-008-2014

Prishtina, March 11, 2014

Atifete Jahjaga
President of the Republic of Kosovo



AGREEMENT

Between the Government of the Republic of Kosovo and the Government of
the Republic of Austria on the International Road Transport of Passengers as
Regular and Irregular Service

INTRODUCTION

The Government of the Republic of Kosovo and the Government of the Republic of Austria, hereinafter referred to as contracting parties,

CONSCIOUS of decisions of the Third Pan-European Conference of Ministers for Transport held in June of 1997 in Helsinki for undertaking measures to ensure the increase of safety of road transport and the road transport of passengers,

DETERMINED to use, for the purpose of implementation of an objective of high level of environment protection, new technologies according to technical condition – especially in terms of reducing gas emissions and harmful noise and ensuring a high technical safety standard,

ENDEAVOUR to regulate the international road transport as regular and irregular transport between their countries so as to facilitate its organization and implementation by providing a contribution to the promotion of tourism and mutual understanding between people in Europe,

Have agreed as follows:

PART I GENERAL PROVISIONS

Article 1 Scope

- (1) The agreement shall apply to **irregular** international road transport of passengers (occasional transport, shuttle transport between two points) between the territories of the contracting parties and transit through their territories by vehicles allowed for traffic in one of the two contracting parties.
- (2) The agreement shall apply to **regular** international road transport of passengers between the territories of the contracting parties as well as transit through their territories by vehicles allowed for traffic in one of the two contracting parties.

Article 2 Definitions

For the purpose of this agreement:

- (1) „Occasional transport“ means a service falling neither within the definition of regular transport (paragraph 3) nor within the definition of shuttle service between the two points (paragraph 2).
- (2) a) „Shuttle transport between two points“ means a transport service by means of repeated outward and return journeys previously organized groups of passengers are carried from a single place of departure to a single destination. These passengers are either citizens of one of the contracting party of the establishing country or citizens of a third country. Each group of passengers who travel together on the onward journey shall be returned together to the place of departure on a later journey.
- b) “place of departure” and “destination” means the place where the journey begins and the place where the journey ends and the surrounding locality within 50 km. Out of the place of departure and destination groups can be picked up and dropped off in no more than three different points.

- (3) „Regular transport“ means a transport of passengers by vehicles with a certain schedule and authorised tariffs in a certain transport itinerary by bus where passengers can be picked up and dropped off in preliminary specified stations.
- (4) „Transit transport“ means a regular transport that begins or ends on the territory of one Contracting Party and crosses the territory of the other contracting party without picking up or dropping off passengers, by ending or beginning in the territory of a third country;
- (5) "Transport operator" means any natural or legal person having its seat in the territory of respective contracting party and is authorised for commercial transport of passengers via road transport.
- (6) "Bus" means every vehicle:
 - a) allowed for traffic in the territory of the one of contracting parties and
 - b) by virtue of construction and equipment intended for transport of more than nine persons (including the driver).
- (7) "Authorisation" means the evidence that the transport operator meets the necessary conditions for obtaining the right to perform transport services referred to in Article 1, paragraph 1 of this Agreement.
- (8) "Permit/concession" means the authorization issued by the authorities of each contracting parties in accordance with the applicable legal provisions for the itinerary that crosses through its territory and that gives to the transport operator, during its validity, the right to perform a certain regular transport between the territories of both contracting parties or in transit transport on their territories.
- (9) "Competent authorities" responsible for implementation of this agreement is: for the Republic of Kosovo the Minister of Infrastructure, for the Federal Republic of Austria the Federal Minister of Transport, Innovation and Technology.

PART II**SPECIAL PROVISIONS****A. IRREGULAR TRANSPORT OF PASSENGERS****Article 3****Occasional transport**

- (1) Occasional transport referred to under article 1, paragraph 1 of this agreement includes:
 - a) closed door tours, i.e. journeys performed with the same vehicle to carry the same group of passengers throughout the journey and bring them back to the place of departure;
 - b) transport services which make the outward journey laden, and the return journey unladen (journeys to take passengers to a certain destination)
 - c) transport services which make the outward journey unladen, while all passengers are picked up at the same place where they are previously dropped off by the same transport operator on the territory of the contracting party where they are picked up again and return to the territory of the contracting party of the country of establishment (journeys for picking up passengers)
 - d) all other occasional transport services
- (2) Picking up and dropping off passengers during the occasional transport is not permitted, unless special authorisation is granted by the competent authority of the contracting party. These journeys are permitted to be performed with different frequency without losing the capacity of occasional transport.

Article 4**Shuttle transport between two points**

- (1) Picking up and dropping off passengers during the shuttle transport between two points is not permitted.
- (2) The first return journey and the last outward journey during the shuttle journeys between two points are made unladen.

- (3) Based on a previous agreement made between the contracting parties, the passengers are allowed to:
- a) return, unlike article 2, paragraph 2 of this agreement, with another group;
 - b) be picked up or dropped off, unlike article 4, paragraph 1 of this agreement, during the journey.
- (4) A group of passengers previously established means a group for which a person or a responsible body, in compliance with the legal provisions in force, of the one contracting party has taken over to contract or implement the transport service.

Article 5 **The need for authorisation**

- (1) For transport services performed in compliance with article 1, paragraph 1 of this agreement, in principle an authorisation of the contracting party is required for the territory of which the transport of passengers is performed, unless otherwise specified under article 6 of this agreement.
- (2) Authorisations are valid for a period of one calendar year and the following month (January), unless otherwise stated by the Joint Committee (article 17).
- (3) Authorisation shall at least contain the following data:
- a) name (company) and the seat of the operator
 - b) the plate number of the vehicle/vehicle plates,
 - c) name and surname of the driver/drivers,
 - d) itinerary (citing border crossing points),
 - e) start and end of journey (place and date).
- (4) The exact form and contents of authorization shall be determined by the Joint Committee (article 17).
- (5) The authorization shall apply without exception for the transport operator in whose name it is issued and cannot be alienated. Authorization shall be issued by the competent authority of one Contracting Party to the competent authority of the other contracting party. Data under Article 5, paragraph 3, items from b to e, of this agreement shall be filled in by the transport operator.

Article 6
Transport exempted from authorization

- (1) Transport services listed below can be performed without authorization, if the transport vehicle is in high technical condition in terms of emissions and safety technical standards:
 - a) closed door journeys under article 3, paragraph 1, item a of this agreement;
 - b) transport services under article 3, paragraph 1, item b
 - c) transport services under article 3, paragraph 1, item c
- (2) Relevant technical condition in force in terms of paragraph 1 and the valid evidence is determined by the joint Committee (article 17).
- (3) In addition, contracting parties may agree, especially with the Joint Committee's proposal (Article 17), on other transport services that can be performed without authorization.

Article 7
Required documents

- (1) During the entire journey, the following documents must be kept in the vehicle and presented to the control authorities when required:
 - a) a control document for occasional transport of passengers;
 - b) an authorization under article 5or
 - c) an evidence under article 6, paragraph 2
- (2) Control document and evidence under article 6, paragraph 2 shall be issued by the competent authorities of the concerned Contracting Party where the vehicle is allowed for traffic or by another authorized body.
- (3) The form and contents of the control document and the evidence under article 6, paragraph 2 shall be determined by the Joint Committee (article 17).

**Article 8
Contingencies**

Competent authorities of contracting parties, based on the proposal of the Joint Committee (article 17), shall agree on the number of annual authorizations (contingency) and the submission date for one calendar year.

B. REGULAR TRANSPORT OF PASSENGERS

Article 9 Permit / Concession

- (1) A regular international transport can be performed only on the basis of permits/concessions of the competent authorities of both contracting parties and the permit of concerned third countries.
- (2) The application for obtaining a permit/concession shall be addressed to the competent authority of the country of establishment of the transport operator.

The application shall contain the following information:

- name and address of the transport operator,
- itinerary,
- itinerary schedule,
- transport prices,
- a schedule (citing all stations and border crossing points),
- estimated period of operation,
- start of intended operation and
- records on number, type of construction and equipment of buses (especially the general maximum allowed size and weight) to be used.

Establishing authority shall send to the competent authority of the other contracting party a copy of the application for obtaining consent and if necessary to the authorities of third countries affected by the transport route. This proves reliability, financial capacity and professional capability of the transport operator.

- (3) After obtaining consent for the route while maintaining the principle of reciprocity and when there is consent of other concerned countries, the competent authorities issue permits (concessions), exchange and send a copy to the authorities of other concerned countries. Under the principle of reciprocity, when granting authorization to a transport operator of one of the contracting parties, a permit (concession) for the same route and in the same conditions shall be also granted to a convenient transport operator proposed by the competent authority of the other contracting party.

- (4) Permits /concessions shall be issued for a maximum period of five (5) years and shall be exchanged by authorities in two copies. One of the copies along with the permit (concession) issued by its authority of establishment shall be taken by the application submitter.
- (5) In case of crossing the border of the Republic of Austria, the original copy of the concession documents (blue) shall be presented to the competent authority of Austria, and in case of crossing the border of the Republic of Kosovo the original permit must be presented to the competent authority of Kosovo. Based on a request, the competent authorities issue more copies of the document of concession and permit as required to meet the regular transport operation program, depending on the available capacities.
- (6) Since the Republic of Kosovo and the Republic of Austria do not have a common border, the exercise of concessions granted reciprocally depend on the condition if the competent authorities of third countries where transit transport operator is in transit provide necessary legal authorizations. Nevertheless, the joint committee established under this agreement may decide otherwise.

Article 10 Transit transport

- (1) Permit/concession is also required for the territory of the contracting parties.
- (2) In order to avoid that the competent authorities of third countries submit applications to other concerned competent authorities for the same route in terms of itinerary route and the applicant shall agree that such requests will be addressed only if emerged from accompanying papers of the competent authorities of the third country that all countries affected by the aimed transport have received the same applications. If not so, such a consensus shall be achieved.

Article 11 Revocation of permit/concession

- (1) The competent authority may revoke the permit/concession according to the national legal provisions, especially if the transport operator fails to provide the service in time or does not operate the route in accordance with legal provisions and permit conditions, despite the fact that at least twice it received written warnings.

- (2) The competent authority of the other contracting party shall be informed on such measures. In case of permit (concession) revocation, this authority may propose another suitable transport operator for route operation.

Article 12
Transport schedules and price

- (1) Transport prices shall be approved, if this is required under the national legislation. Schedules shall be valid until the expiry of the permit (concession). Based on respective request, the competent authority shall approve the change of schedule.
- (2) The principle of same fee for transport operators that operate in the same bus route is valid for determining transport prices.
- (3) An agreement may be reached for reducing the price for shuttle transport tickets.

Article 13
Notification of operation data

Transport operator is obligated that until the end of February inform the authority of its establishment for the previous calendar year on the following:

- number of kilometres,
- number of transported passengers and
- buses used.

Competent authorities regularly exchange this information on operation data.

**PART III
FINAL PROVISIONS**

**Article 14
Prohibition of cabotage**

Transport of passengers in the territory of the other contracting party to transport them within this territory is prohibited.

**Article 15
Respecting national legal provisions**

Transport operator during international transport operation of passengers is obligated to respect all relevant legal provisions of the country of its establishment and the respective country.

**Article 16
Measures in case of violations**

- (1) in case of violation of legal provisions in force on the territory of the other contracting party or provisions of this agreement by the Transport Operator or its bus drivers, the competent authority of the contracting party of its country of establishment, based on the request of the competent authority of the other contracting party shall undertake the following measures:
 - a) warning of transport operator to respect the legal provisions in force and provisions of this agreement;
 - b) termination of the issuance of authorizations for the occasional transport of passengers for this transport operator in the territory of the other contracting party where the violation took place or revocation of issued authorisations.
 - c) In case of serious or repeated violations of this agreement by one transport operator of one of the contracting parties or of its bus drivers on the territory of the other Contracting Party, the competent authority of the other Contracting Party may temporarily or permanently remove the respective transport operator from the transport over its territory.
- (2) Competent authorities of both contracting parties shall inform each other on

the violations under paragraph 1 and on undertaken measures.

Article 17
The Joint Committee

- (1) The contracting parties shall establish a Joint Committee composed of representatives of both contracting parties for supervision and proper implementation of this agreement.
- (2) The Joint Committee shall convene under the expressed will of one of the two contracting parties and shall take decisions by consensus.
- (3) If the Joint Committee handles issues dealing with other sectors, the contracting parties may invite other experts from these sectors to participate in the discussions.

Article 18
Entry into force

This agreement shall enter into force on the first day of the second month after the contracting parties inform each other on the completion of foreseen procedures by the concerned country.

Article 19
Duration of agreement

This agreement is concluded for a period of four years. Its validity shall be extended for another year, if neither of the contracting parties has denounced in written three months prior the expiry of this timeline.

Made in Vienna on 21.06.2013 in two original copies in Albanian, Serbian and German, the three texts shall be equally authentic.

For the Government of the
Republic of Kosovo

Dr. Sabri Kiqmari

For the Government of the
Republic of Austria

Mag. Ursula Zechner