



**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

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Group on Road Transport

Draft Report by ALBANIA on current state of implementation of the QUALITY CHARTER

Information note on Implementation of the Quality Charter in Albania , including the national provisions on financial standing requirements (i) and classification of infringements and penalties (ii) in Albania [cf. Annex 1- Decision of Council of Ministers no. 53, date 6.2.2019; Annex 2 - Guideline of Minister of Transport and Infrastructure No. 328 of 20.01.2017]

This document amends the draft Application on Implementation of the Quality Charter by Albania ITF/TMB/TR(2016)3/ADD28/REV.

It is presented under Draft Agenda Item 3.1 of the meeting to be held 14-15 March 2019 in The Hague, The Netherlands.

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REPUBLIKA E SHQIPËRISË

Ministry of Infrastructure and Energy of Albania

IMPLEMENTATION OF THE QUALITY CHARTER IN ALBANIA

Information note on Implementation of the Quality Charter in Albania , including the national provisions on financial standing requirements (i) and classification of infringements and penalties (ii) [cf. Annex 1- Decision of Council of Ministers no. 53 of 6.2.2019; Annex 2 - Guideline of Minister of Transport and Infrastructure No. 328 of 20.01.2017]

The Ministry of Infrastructure and Energy of Albania is pleased to inform that Albania is in the fully compliance with the requirements of the Quality Charter for International Road Haulage under the ECMT Multilateral Quota. Compliance with the Quality Charter is achieved through European Union regulations and implementation of appropriate European Union directives.

The key international legal instruments are as follows:

- Regulation (EC) no. 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.
- Regulation (EU) no 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport.
- Regulations (EEC) no. 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) no. 3821/85 and (EC) no. 2135/98 and repealing Council Regulation (EEC) no. 3820/85 and (EEC).
- Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/ 439/EEC and repealing Council Directive 76/914/EEC.
- Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006, on driving licences.
- European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR).

The legal instruments above mentioned are supplemented with domestic legislation to ensure the implementation of those legal acts on the national level.

Recently the Council of Ministers has approved the Decision no. 53 of 6.2.2019 “On some addenda and amendments to Decision of Council of Ministers no. 325 of 19.3.2008 “On the approval of rules of acceptance in the activity of the operator of road transportation of goods and passengers as well as the recognition of official documents issued to these operators”, as amended, aiming to approximate the Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.

(Article 7(1) – regarding financial obligations of the undertakings, capital and reserves totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used). {OJ of Republic of Albania no.15 of 12.02.2019}.

Useful link: http://www.qbz.gov.al/botime/fletore_zyrtare/2019/PDF-2019/15-2019.pdf.

(See attached courtesy translation of the DCoM no. 53 of 6.2.2019).

On the basis of these laws the Ministry of Infrastructure and Energy of Albania through Association ANALTIR manages allocations, issues the ECMT licences in Albania and ensures that undertakings meet all the requirements of the Quality Charter.

The national provisions regarding the **classification of infringements and penalties** are in equivalence or conformity with the Charter provisions respectively by:

- Law no. 8378 of 22.07.1998 “Rode Code of the Republic of Albania”, as amended;
- Law no. 9514 of 18.04.2006 "On the accession of the Republic of Albania in the European Agreement “For crews of vehicles involved in international road transport (AETR)”;
- DCoM no. 1054 of 22.12.2010 “On approval of the Rules on recording equipment in road transport”;
- DCoM no. 1243 of 10.09.2008 “On Approval of the regulation for the organization of the working time for the persons that are engaged in the road transport, for the work time of vehicle conductors and registration equipment”;
- DCoM no. 207 of 25.02.2009 “On approval of the regulations for road side checks and undertakings, as regards the application of working time rules for persons engaged in road transport, and for drivers working hour”

In the Annex 2, of the Guideline of Minister of Transport and Infrastructure no. 328 of 20.01.2017 “On detailed rules for the list of data, which are kept in the national electronic register on road transport, as well as its modality”, is set out the list of the most serious infringements. *[This Guideline approximates the Article 16(1) of Regulation (EC) no 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC]. {OJ of Republic of Albania no.17 of 6.02.2017}.*

Useful link: http://www.qbz.gov.al/botime/fletore_zyrtare/2017/PDF-2017/17-2017.pdf

(See attached courtesy translation of the Guideline no. 328 of 20.01.2017).

The national electronic register is established in the General Directorate of Road Transport Services.

The General Directorate of Road Transport Services (GDRTS) and Road Traffic Policy are responsible for road side checks. The GDRTS is responsible for checks at the undertaking's premises.

Roadside checks are carried out on the basis of a rotation system of an appropriate geographical balance. The number of controls includes a number that is greater every year, of workers carrying out mobile road transportation, vehicle operators, enterprises and vehicles, of all categories of transportation included in the regulations approved by DCoM no. 1243 of 10.09.2008 and, or in the AETR Agreement.

The GDRTS has controlled in continuity the tachograph workshops, for their compliance with approval requirements and operational documentation. The controls are carried out periodically. In addition, GDRTS has prepared a technical manual for workshop operations and leaflet for drivers who drive under specific rules as stipulated by the DCoM no. 1243 of 10.09.2008 and in the Law no. 8378 of 22.07.1998 "Road Code of the Republic of Albania", as amended.

The DCoM no. 465 of 26.07.2018 "On the establishment of the Task Force for the improvement of level of checking of motor vehicles and their trailers" was approved. The Decision stipulates the setup of a provisional special Task Force aimed to improve the level of road control of commercial motor vehicles and their trailers, for the carriage of passengers and cargo, as well as the control of repair, sale and purchase of motor vehicles, trailers and their parts that are out of use or abandoned and other related activities.

This Task Force:

- will be responsible also for the control of all transport activities (including drivers, undertaking's premises, terminals, tachograph workshops, etc), and report on quarterly base, on infringements, penalties, etc.
- reports to the Minister of Infrastructure and Energy and has a staff of 40 specialised employees, contracted according to the provisions of the Labour Code. The Task Force will carry out its activity till 31 December 2019.
- his staff was trained during the period December 2018 – January 2019 in cooperation with the GDRTS.

According Sectorial Strategy of Transport and Action Plan 2016-2020, approved through the Decision of the Council of Ministers, no 811, on 16th November 2016 and Action Plan 2016-2020", its foreseen 50% increase on roadside checks by 2020.

Under IPA 2013, the project "TA for the improvement of road safety" started in April 2017 with the contract duration of two years. Further, the contract "Supply and installation of equipment for roadside technical checks spots", was signed on November 2017. This contract will supply mobile units/containers equipped with devices for road side checks. The new equipments will increase the number of vehicles road checks undertaken. The project's objective is to set up roadside checks in Albania according to the respective EU acquis.

Courtesy translation

**Decision of Council of Ministers
no. 53 of 6.2.2019**

**“ON SOME ADDENDA AND AMENDMENTS TO DECISION OF COUNCIL OF
MINISTERS NO. 325 OF 19.3.2008 “ON THE APPROVAL OF RULES OF
ACCEPTANCE IN THE ACTIVITY OF THE OPERATOR OF ROAD
TRANSPORTATION OF GOODS AND PASSENGERS AS WELL AS
THE RECOGNITION OF OFFICIAL DOCUMENTS ISSUED
TO THESE OPERATORS”, AS AMENDED”¹**

Pursuant to Article 100 of the Constitution, article 6 of the law no. 8308 of 18.03.1998 “On road transport”, as amended, upon the proposal of the Minister of Infrastructure and Energy, the Council of Ministers,

D E C I D E D:

In the regulation that attached to the decision no. 325 of 19.3.2008 of the Council of Ministers, as amended, carry out addenda and amendments, as follows:

I. Everywhere in the text, denomination “National Centre of Licencing” and term “QKL” replace respectively with “National Centre of e Business” and “QKB”.

II. In chapter II, carry out these addenda and amendments:

1. Letter “a”, in point 5.2, reformulate with this content:

“a) At least EUR 9 000 for first vehicle and EUR 5 000 for each additional vehicle used, when carry out international transport of goods and passengers.”

2. Point 5.4, reformulate with this content:

“5.4 Condition, concerning with the minimum available capital reserve of financial standing, of activity of the undertaking in international road transportation of goods and passengers, decided according to letter “a”, of point 5.2, will be apply from 1st March 2019.”.

This decision enters into force after its publication in the Official Gazette.

¹ This decision partially approximates EU acquis no. CELEX 32009R1071 No EC/1071/2009 Regulation (EC) No 1071/2009 of the European Parliament and of the Council, of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.

GUIDELINE OF MINISTER OF TRANSPORT AND INFRASTRUCTURE NO. 328 OF 20.01.2017 “ON DETAILED RULES FOR THE LIST OF DATA, WHICH ARE KEPT IN THE NATIONAL ELECTRONIC REGISTER ON ROAD TRANSPORT, AS WELL AS ITS MODALITY”

ANNEX 2

**Most serious infringements
for the purposes of the point 2, Article 4**

1. Regarding driving time and rest period of the driver:
 - a) exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more.
 - b) exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50% or more without taking a break or without an uninterrupted rest period of at least 4,5 hours.
 - c) not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
2. Regarding travel document
 - a) driving without a valid roadworthiness certificate and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.
 - b) transporting goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle, thus endangering lives or the environment.
 - c) carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid licence.
 - d) driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
 - e) carrying goods exceeding the maximum permissible laden mass by 20% or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25% or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.