Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 04/L-063

ON KOSOVO RAILWAYS

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

LAW FOR KOSOVO RAILWAYS

CHAPTER I
GENERAL PROVISIONS

Article 1
The aim of the Law

The purpose of this law is the arrangement and development of railways, improvement of rail security system, open access and nondiscriminatory operators and offering services in the railway sector market.

Article 2
Scope of the Law

1. This Law regulates:

1.1. the functions and competences of the State and of the railway bodies in charge of the development of the railway sector;

1.2 .the follow-up of railway sector restructuring;

1. 3. the operations and use of the railway infrastructure

1.4. the use of the railway network and infrastructure

1.5. the safety of the railway system;

1.6. the safety requirements for the railway system;

1.7. the interoperability of the railway system in Kosovo;

1.8. the modernization and the construction of the railway infrastructure;

1.9. the provision of rail transport services;

1.10. services in the public interest offered by the rail system.

Article 3
Definitions

1. The terms used in this Law shall have the following meaning:

1.1. **Railway undertaking** – any private or public undertaking the main business of which is to provide rail transport services for freight and/or passengers with the requirement that the undertaking is to ensure traction; this also includes undertakings which provide only traction services;

1.2. **Railway infrastructure** - description and arrangement as foreseen in Chapter IV of this Law;

1.3. **Railway infrastructure of common use** – the railway infrastructure which is or has to be made accessible to all railway undertakings fulfilling the access conditions;

1.4. **Railway infrastructure manager (IM)** – the organizational unit which is responsible for development, maintenance and operation of railway infrastructure of common use including allocation of train-paths and charging their use as well as traffic regulation; the infrastructure management functions can be attributed to more than one organizational unit;

1.5. **Intramodal competition** - competition between two or more railway undertakings on the same railway infrastructure;

1.6. **Railway license** - a document which officially recognizes the ability of an undertaking to carry out the transport services by rail mentioned in it;

1.7. **Safety certificate** - the document by which the railway undertaking proves that it fulfills the conditions for safe traffic on specific railway lines or whole rail networks;

1.8. **Safety authorization** - the document by which an infrastructure manager proves that he fulfils the conditions for offering safe infrastructure services;

1.9. **Private siding safety document** - the document by which a private siding operator proves that he fulfils the conditions for operating his siding safely;

1.10. **Train-path** - the capacity of use of a determined part of the railway infrastructure within a certain time period;

1.11. **Timetable** - an instruction established by the infrastructure manager which determines the time of departure and arrival of trains at stations and other planned stops as well as the waiting time and other information that is important for safe railway traffic;

1.12. **Network Statement** - the statement which sets out in detail the general rules, deadlines, procedures and criteria for charging and capacity allocation schemes including such other information as is required to enable applications for infrastructure capacity. It is a catalogue of offered services established by the infrastructure manager and the conditions that have to be fulfilled in order to obtain access to the railway infrastructure; the mandatory contents are listed in Chapter V of this Law;

1.13. **Railway services in the public interest (public services)** - those performances of railway undertakings which are considered necessary for promoting the welfare of the country as a whole and which would not be carried out unless commissioned by public authorities;

1.14. **Development of railway infrastructure** - its construction or its modernization;

1.15. **International Accounting Standards (IAS)** - the internationally agreed criteria for company accounting, including balance sheet as well as profit and loss account, and their presentation, which gives the shareholders and the public fair and full information about the results of the economic activity,

1.16. **Subsystems** - the result of the division of the rail system, as shown in Annex 2 of Directive 2008/57/EC. They may be structural or functional;

1.17**. Railway equipment** - any technical component of the railway system;

1.18. **National safety rules** - all rules containing railway safety requirements issued by the body in charge of railway safety called also National Safety Body

and applicable to infrastructure managers, railway undertakings and railway siding operators;

1.19. **Safety management system** - the organization and arrangements established by an infrastructure manager or a railway undertaking to ensure the safe management of their operations;

1.20. **Train** - a composition of railway vehicles including traction;

1.21. **Level crossing** - the crossing of a Railway line with a road infrastructure at the same level;

1.22. **Railway system** - a connected whole consisting of railway infrastructure and of railway vehicles being operated on it;

1.23. **Railway transport** - the activity of running or shunting passenger and/or freight trains on the railway infrastructure;

1.24. **International transport** - transport of passengers or freight between the Republic of Kosovo and territories outside of it;

1.25. **Transit transport** - the international transport of passengers or freight passing through the territory of the Republic of Kosovo;

1.26. **Public transport** - a transport service offered under the same conditions to all passengers;

1.27. **Interoperability** - the ability of Kosovo railway infrastructure to allow safe and uninterrupted operation of conventional trains within, to and from Kosovo accomplishing the required levels of performance for the lines. This ability depends on all the regulatory, technical and operational conditions which must be met in order to satisfy the essential requirements;

1.28. **Accident** - an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences;

1.29. **Serious accident** - any collision or derailment of trains, resulting in the death of at least one person or serious injuries to five or more persons or extensive damage to rolling stock, the infrastructure or the environment and any other similar accident with an obvious impact on railway safety regulation or the management of safety;

1.30. **Extensive damage** - damage that can immediately be assessed by the Investigating Unit to cost at least EUR 2 million in total;

1.31. **Incident** - any occurrence, other than accident or serious accident, associated with the operation of trains and affecting the safety of operation;

1.32. **Train driver -** a person capable and authorized to drive trains, including locomotives, shunting locomotives, work trains, maintenance railway vehicles or trains for the carriage of passengers or freight by rail in autonomous, responsible and safe manner;

1.33. **Common safety targets** - the safety levels that must at least be reached by different parts of the railway system and by the system as a whole, expressed in risk acceptance criteria;

1.34. **Interoperability constituents** - any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into a subsystem upon which the interoperability of the trans-European rail system depends directly or indirectly;

1.35. **Allocation of train path** - the allocation of capacity of railway infrastructure of common use, by a path allocation body, who may be the manager of the railway infrastructure of common use;

1.36. **Charging for use of railway capacity** - charging for using paths allocated by a path allocation body to a railway train operating company or any other applicant. The charging body may be the path allocation body and the manager of railway infrastructure of common use;

1.37. **Applicant** - a railway undertaking and other persons or legal entities such as competent authorities for public services, and shippers, freight forwarders and combined transport operators with a public service or a commercial interest in procuring infrastructure capacity or train path ;

1.38. **Infrastructure capacity** - the potential to schedule train paths requested for an element of infrastructure for a certain period;

1.39. **Essential requirements** - the condition as set out in the EU Directive on Interoperability 2008-57 which must be met by the railway system, the subsystems and the interoperability constituents including interfaces;

1.40. **Technical Specification for Interoperability (TSI) -** a specification adopted in accordance with the EU Directive on Interoperability 2008-57, by which each subsystem or part of sub system is covered in order to meet the essential requirements and ensure the interoperability of the system;

1.41. **Common Safety Methods (CSM)** - the methods to be developed to describe how safety levels and achievement of safety targets and compliance with other safety requirements are assessed;

1.42. **Railway Regulatory Authority of Kosovo** - an independent institution which is responsible for regulation, supervision, organization of the railway sector in Kosovo and which acts as the licensing body, the body responsible for interoperability issues and notification entities, body for railways market regulation and body for safety rail railway and other powers which are awarded on the basis of this law;

1.43. **Accident Investigation body** - the body in charge of investigating railway accidents;

1.44. **Ministry** – the ministry responsible for railway matters;

1.45. **SETTO** – regional transport organization established by Understanding memorandum for development of Main Regional Transport Network signed on 11 June 2004 by the Governments of Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Montenegro and Serbia and United nations Mission in Kosovo as well as the European Commission;

1.46. **CSI** – Common Safety Indicators under the Safety Directive 2004/49 EC;

1.47. **TENT** – Trans European Network Transport means planning for road, railway, air, water transport to serve in the whole Europe;

1.48. **CST** – Common Safety Targets under Safety Directive 2004/49 EC that must at least be reached by different parts of the railway system in relation to different groups of individuals who use the railway or are exposed to the risks coming from railway traffic indirectly;

1.49. **UIC** – International Union of Railways;

1.50. **NSO** – National Standardisation Office;

1.51. **CIRSRT** – Computerised Information and Reservation System for Rail Transport

1.52. **COTIF** - Convention Concerning International Carriage by Rail.

Article 4
Exceptions to this law enforcement

The provisions of this law do not apply for light rail systems, tram systems, railway undertakings operating rail freight services in the railway infrastructure which is privately owned and is used by the owner of the infrastructure for the operation of its goods.

CHAPTER II
FURTHER RESTRUCTURING OF THE RAILWAY SECTOR AND RAILWAY TRANSPORT MARKET OPENING

Article 5
Further restructuring of the railway sector

Railway system after the institutional division of Kosovo Railways operates in two public companies: management of railway infrastructure (INFRAKOS) and rail transport operations (TRAINKOS), at the same time intramodale competition should be introduced to railway infrastructure for common use in Kosovo as set out in this law

Article 6
Use of the railway infrastructure of common use

Any railway undertaking with its seat in Kosovo or outside of it that holds a railway license granted in Kosovo as laid down in this Law and fulfills all other conditions contained in this Law can become active in the field of transport operating on the railway infrastructure of common use in Kosovo.

Article 7
Functioning of the railway sector

1. All railway transport and infrastructure management services shall be run on a commercial basis under market conditions unless determined otherwise in this Law.

2. All railway undertakings and infrastructure managers are obliged to carry out their respective operations safely and to build and maintain their installations and equipment in safe conditions

CHAPTER III
FUNCTIONS AND COMPETENCES OF THE RAILWAY PUBLIC BODIES

SUB-CHAPTER I
Ministry competent for railway matters

Article 8
Ministry competencies

1. The Ministry:

1.1. defines policies and draft legislation for a modern, safe and efficient railway sector in Kosovo.

1.2. prepares and issues necessary secondary legislation to implement this present Railway Law.

1.3. provides strategic directions, that will consider longer term challenges facing the railway sector, such as changes in demand, environmental pressures, customer's expectations.

1.4. takes into account the EU railway strategies such as interoperability of the European railway system, safety and standards for European railway system, the strategies developed under Transport Community Agreement between SEETO partners, and prepares all necessary laws and regulations in relation with EU policy.

1.5. is responsible together with other competent public authorities for specifying and letting contracts to railway undertakings to run railway services in public interest

1.6. conducts consultations with other authorities such as managers of the railway infrastructure of shared use, railway companies that operate services, the Railways Regulatory Authority of Kosovo hereinafter "RRA", other local authorities and public Regional strategies and policies for the railway sector

1.7. provides guidance as necessary for RRA, in connection with matters relating to strategy and sector policies on the railway;

1.8. represents Kosovo in intergovernmental agreements in the rail sector. It may require from partners to do the preparatory work and to participate in preliminary discussions at intergovernmental level.

Article 9
Administration of State owned railway infrastructure of common use

1. The existing State owned railway infrastructure of Kosovo is transferred for management to Infrastructure of Kosovo Railways JSC (INFRAKOS).

2. The strategic decisions about the consistency of the State owned railway infrastructure of common use of Kosovo, regarding line closures, modernizations and developments shall be discussed at Government's level before decision making.

Article 10
Issuance of prescriptions for licensing railway undertakings and managers of infrastructure of common use

1. The application procedures, the decisions to grant licenses and the issuance of the licenses will be the duties of the licensing body.

2. RRA shall ensure that decision making process to grant licenses is fair, transparent and non discriminatory, and the decisions are subject if complain to judicial review before the competent Court of Kosovo.

3. RRA shall ensure that the licensing body keeps the register of licenses and update it.

4. The ministry may agree after consultation of the Licensing body and of interested parties, with ministries of other countries upon reciprocal recognition of granted licenses in the railway sector.

Article 11
Issuance of Safety Prescriptions

1. RRA should issue upon proposals of the body in charge of Railway Safety and of the body in charge of interoperability all prescriptions related to safety and interoperability of the railway system, in compliance with EU Safety and Interoperability policies.

2. RRA ensures that the body in charge of Railway Safety and the body in charge of interoperability supervise the implementation of all Safety and Interoperability prescriptions in the railway sector.

Article 12
Supervision of the body in charge of Railway Safety

1. RRA shall supervise the work of the body in charge of Railway Safety.

2. RRA ensures that proper supervision of the implementation of the present Law and sub-legal acts in relation with this Law and regarding safety questions is conducted under the responsibility of the body in charge of Railway Safety.

Article 13
Railway infrastructure management in situations of major disturbance

The ministry ensures that managers of railway infrastructure of common use have prepared plans stipulating all authorities and institutions that will have to be informed in the event of a serious accident or an incident with serious disruptions of the train operations.

Article 14
Planning of railway infrastructure development

The ministry prepares together with other interested ministries and parties, the update of the national program for transport infrastructure to meet the needs of the society and the economy. This national program shall consider all modes of transport within a multimodal approach, and will define the priorities for the modernization and the development of the railway infrastructure.

Article 15
Funding and financing of railway infrastructure development and maintenance

1. The Ministry considers together with interested ministries and parties, all the alternatives to finance the priority projects of the national program as defined in this Law.

2. The Ministry proposes the best financing options for the modernization and the development of the railway infrastructure, including as a possibility concessions contracts.

3. Concessions agreements to modernize or develop railway infrastructure shall not be granted without public tendering procedure organized by the competent authority.

Article 16
Participation in the granting of concessions and private public partnership for railway modernization and development

1. The possibility of granting of concessions and private-public partnerships for railway modernization and development shall be prepared according to the legislation in force.

2. Agreements for concessions and private public partnerships can be realized with the creation of new managers of railway infrastructure of common use or not.

Article 17
Closures of passenger services of general economic interest, tracks and stations

1. The ministry makes the final decision for closures of passenger services of general economic interest, tracks and stations after consultation of all interested parties including their Railway Regulatory Authority. A Sub-legal act shall describe the procedures to prepare such proposals and the necessary compulsory consultations, especially the Railway Market Regulatory body.

2. As a principle, no final decision to close passenger services of general economic interest in Kosovo shall be made without prior tendering on the international market to ensure that no train operating company should be able to provide in Kosovo the passenger services of general economic interest answering the needs for mobility in better economic conditions than the already existing service provider in Kosovo.

SUB-CHAPTER II
Body in charge of Railway Safety

Article 18
Status and tasks

1. The body in charge of railway safety shall be established as part of the Railway Regulatory Authority to ensure that rail safety is maintained and improved after the restructuring of the railway system in Kosovo.

2. The body in charge of railway safety shall be independent in its organization, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity.

3. The body in charge of railway safety shall be entrusted with at least the following tasks

3.1. authorizing the bringing into service of the structural sub systems constituting the railway system and checking they are operated and maintained in accordance with the relevant essential requirements;

3.2. supervision if the components of railway subsystems interoperability are compatible with the essential requirements required by the directives for interoperability;

3.3. authorizing the placing into service of new and substantially modified rolling stock;

3.4. the issue, renewal, amendments and revocation of relevant parts of safety certificates and of safety authorizations and checking that the conditions and requirements laid down in them are met, and that the infrastructure managers and the railway undertakings are operating under the requirements of the Law of Kosovo;

3.5. monitoring, promoting, enforcing and, where appropriate making proposals to develop in close working relations with the ministry and other market players, the safety regulatory framework including the system of national safety rules;

3.6. supervising the rolling stock is duly registered and that safety-related information in the National Vehicle register is accurate and kept up-to-date;

3.7. supervising if register of railway transport vehicle owners is maintained and regularly updated;

3.8. supervising the register of infrastructure is properly kept and updated.

Article 19
Decision making principles

1. The above tasks shall not be transferred to any infrastructure manager, railway undertaking or procurement unit.

2. The body in charge of railway safety shall carry out its tasks in an open, non discriminatory and transparent way. In particular, it shall allow all parties to express their opinion and shall justify the decisions taken.

3. The body in charge of railway safety shall promptly respond to requests and applications, and communicate its requests for information without delay. It will adopt all its decisions within four months after all requested information has been provided.

4. The body in charge of railway safety may request the technical assistance of infrastructure managers and railway undertakings or other qualified bodies when it is carrying out the tasks.

5. In the process of making proposals to develop the national regulatory framework, the body in charge of railway safety shall consult all people's involved and interested parties, including infrastructure managers, railway undertakings, manufacturers and maintenance providers, users and staff representatives.

6. The body in charge of railway safety shall be free to carry out all inspections and investigations that are needed for accomplishment of its tasks. It shall be granted access to all documents and premises, installations and equipment infrastructure managers and railway undertakings.

7. The decisions of the body in charge of railway safety may be subject to judicial review before the competent Court.

8. All persons involved and interested parties including infrastructure managers, railway undertakings, manufacturers and maintenance providers, users and staff representatives are entitled to lodge complaints with the Railway Market Regulatory body or initiate an administrative dispute against decisions of the body in charge of railway safety.

9. The body in charge of railway safety shall cooperate with other bodies in charge of railway safety, especially within the context of the Transport Community Agreement between SEETO partners in order to facilitate and coordinate the safety certification of railway undertakings having been granted international train paths.

Article 20
Annual report

1. The body in charge of railway safety shall produce an annual report about railway safety to be presented to the RRA. This Annual report shall be submitted to the RRA, till the end of January of the coming year.

2. This report shall describe the activities in the preceding year, with at least information on:

2.1. the development of railway safety including information of the Common Safety Indicators (CSI);

2.2. important changes in legislation and regulation concerning railway safety;

2.3. development of safety certification and safety authorization in Kosovo;

2.4. results of and experience relating to the supervision of infrastructure managers and railway undertakings; and

2.5. derogations that may have been decided by the body in charge of railway safety related to the identification and the certification of entities in charge of maintenance for vehicles registered in other countries than Kosovo and maintained according to the Law of these countries.

Article 21
Further implementation

Establishment, competencies, structure, organization and resources of the body responsible for railway safety will be determined by sub legal act that will be in accordance with the principles of the EU Directive 2004/49. This body operates under the supervision of the RRA.

SUB-CHAPTER III
Railway licensing body

Article 22
Status and tasks

1. The railway licensing body has the duty to grant to railway companies the licenses for train drivers necessary to operate railway services and railway infrastructure management, amending, suspending or revoking railway licenses. These licenses shall specify the type of services to be provided. The railway licensing body shall have the task to review the validity of the licenses on a regular basis at least every five (5) years, ensuring that the railway undertaking fulfils the obligations laid down in this Law.

2. The railway licensing body shall be independent from any other railway market player.

3. The railway licensing body shall have the necessary organizational capacity to carry out its missions and tasks as described in this Law.

Article 23
Decision making process

1. The railway licensing body in Kosovo shall not issue licenses or extend their validity where the requirements of the present Law and related regulations are not complied with.

2. The procedures for the granting of licenses shall be made public, as well as all the necessary forms and documents to be provided.

3. The railway licensing body shall take a decision on an application as soon as possible, but not more than three (3) months after all relevant information has been submitted. The decision shall be communicated to the applicant railway undertaking. A refusal shall state the grounds therefore.

4. The railway licensing body shall inform the ministry when a license is granted. The railway licensing body shall set up and update a register of licensed railway undertakings.

This register shall be made public and shall be on the Internet site of the railway licensing body

5. If contested, the railway licensing body's decisions may be subject to judicial review before the competent Court of Kosovo.

6. The railway licensing body shall prepare annual report and submits it to the RRA, till the end of January of the next year.

Article 24
Further implementation

The railway licensing body in Kosovo operates based on a Sub-legal act on the basis of principles of EU Directives 91/440 and 95/18. It shall be an independent department of the Railway Regulatory Authority reporting to the management of the Railway Regulatory Authority.

SUB-CHAPTER IV
Railway market regulatory body

Article 25
Status and tasks

1. The railway market regulatory body shall have the duty to ensure that conditions for the opening of the railway market in Kosovo are met.

2. The railway market regulatory body shall be independent in its organization, funding decisions, legal structure, decision-making, budget approval, appointment of their leading staff and professional oversight from any infrastructure manager, charging body, allocation body or applicant, or railway undertaking and any other public authority. It shall furthermore be functionally independent from any competent authority involved in the award of a public service contract.

3. The railway market regulatory body main tasks are as follows:

3.1. ensuring that charges set by the infrastructure manager or charging body are non-discriminatory;

3.2. ensuring track access, stations access, depots access to operators fulfilling all necessary conditions are fair, transparent and non discriminatory;

3.3. supervising the negotiations between applicants and managers of railway infrastructure of common use concerning the level of infrastructure charges. Such negotiations shall only be permitted if these are carried out under the supervision of the railway market regulatory body;

3.4. intervening if such negotiations are likely to contravene the requirements of this Law;

3.5. checking whether the Network Statement contains discriminatory clauses or creates discretionary powers for the managers of railway infrastructure of common use that may be used to discriminate between applicants;

3.6. analyzing and monitoring the status of competition and quality of services in the railway services market and the competing domestic and international markets, on its own initiative and with a view to preventing discrimination between the applicants.

4. RRA shall act also as the appeal body for the railway market , ie any market player shall have a right to appeal to the railway market regulatory body if it believes that it has been unfairly treated, discriminated against or is in any other way aggrieved, and in particular against decisions adopted by the infrastructure manager , the operator of a service facility or where appropriate the railway undertaking concerning mainly :

4.1. the network statement, and the criteria contained within it;

4.2. the paths' allocation process and its result;

4.3. the charging scheme for using the railway infrastructure ;

4.4. the level or structure of infrastructure fees which it is, or may be, required to pay;

4.5. arrangements for access to railway infrastructure;

4.6. arrangements for access to and charging for services;

4.7. decisions of the bodies in charge of railway safety and railway interoperability.

5. The railway market regulatory authority shall also act as the appeal body for the railway market, addressing consumers' complaints and ensuring consumers' protection,

6. Other tasks for the railway market regulatory body shall be:

6.1. monitoring of the entire railway market in Kosovo. In this context, the railway market regulatory body shall prepare an annual report, which will

submitted to the Parliament after being approved by its supervising authority. A Sub-legal act shall be prepared to provide the basis for such annual report on the basis of the EU recommendations for such annual report named Rail Market Monitoring Scheme (RMMS).

6.2. contributing to the policy to deliver sustainable development and environmental transport services, and contributing to its implementation,

6.3. contributing to the development of an integrated transport system for passengers and freight.

6.4. contributing to the process to allow closures of passenger services, of general economic interest, closures of tracks and stations.

Article 26
Decision making process

1. The above tasks shall not be transferred to any infrastructure manager, railway undertaking or procurement unit,

2. The railway market regulatory body shall carry out its tasks in an open, non discriminatory and transparent way. In particular, it shall allow all parties to be heard and given reasons for its decisions,

3. The railway market regulatory body shall promptly respond to requests and applications, and communicate its requests for information without delay. It will adopt decisions within three (3) months after all requested information has been provided.

4. The railway market regulatory body may request the technical assistance of infrastructure managers and railway undertakings or other qualified bodies when it is carrying out its missions and tasks.

5. In the process of making proposals to develop the national regulatory framework, the railway market regulatory body shall consult all persons involved and interested parties, including infrastructure managers, railway undertakings, manufacturers and maintenance providers, users and staff representatives,

6. The railway market regulatory body shall have the power to request relevant information from the infrastructure manager, applicants and any third party involved, which must be supplied without undue delay. Based on the information received, the railway market regulatory body shall have the power to take the respective actions ex-officio. The railway market regulatory body shall be entitled to enforce such requests with the appropriate sanctions, including fines. Information to be provided to the railway market regulatory body includes all data which the regulatory body requires in the framework of its complain function and in its function of monitoring the competition in

the rail services markets. This includes data which are necessary for statistical and market observation purposes.

7. The railway market regulatory body shall be required to decide on any complaints and take action to remedy the situation within a maximum period of three months from receipt of all information. Where appropriate, the railway market regulatory body shall decide on its own initiative on measures to correct undesirable developments in the rail services markets, in particular with points mentioned in this Law as its main tasks as a regulatory and an appeal body.

8. In the event of an appeal against a refusal to grant infrastructure capacity, or against the terms of an offer of capacity, the railway market regulatory body shall either confirm that no modification decision is required, or it shall require modification of that decision in accordance with directions specified by the railway market regulatory body.

9. The decisions of the railway market regulatory body shall be possibly subject to judicial review before the competent Court of Kosovo,

10. The railway market regulatory body of Kosovo, under the coordination of RRA, shall cooperate with other such railway market regulatory bodies specially in the context of the Transport Community Agreement between the SEETO partners in order to facilitate and coordinate the railway market regulation conditions in different countries.

11. The railway market regulatory body shall produce the annual report and submit it to the RRA, till the end of January of the coming year.

Article 27
Further implementation

The Railway Market Regulatory body shall function based on a Sub-legal act based on the principles laid down in the EU Directive 2001/14 and the EU communication 2010-475 proposal for a new Directive establishing a single European area of September 2010. It shall be established as professional department within the Railway Regulatory Authority It shall report to the management of the Railway Regulatory Authority.

SUB-CHAPTER V
Body in charge of railway interoperability

Article 28
Statutes and tasks

1. Kosovo intends to be part of the interoperable European railway area which means Kosovo's railway system should meet the conditions for interoperability defined for the European railway area.

2. An independent body shall be responsible in Kosovo to ensure railway system complies and shall comply in the future with interoperability requirements as defined by EU Directives and Regulations specially Regulations of the European Railway Agency. This body shall be independent from any infrastructure manager, railway undertaking, railway equipment producer, maintenance service provider, and from any other party whose interests could conflict with the tasks entrusted to the interoperability body.

3. The body in charge of railway interoperability shall be responsible to define the conditions for interoperability to be used in Kosovo on the basis of the interoperability requirements so that Kosovo shall be part in the future of the interoperable European railway area, and to prepare their introduction in the Kosovo Laws and Regulations.

4. These conditions for interoperability concern design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of the system as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance

5. The body in charge of railway interoperability shall recognize and control the national accredited bodies in charge of establishing the declarations of conformity or suitability for use and the declarations of verification for railway structural subsystems and systems as well as the declarations of verification for railway vehicles, so that railway structural subsystems and systems as well as railway vehicles could then be authorized for placing into service

6. The body in charge of railway interoperability questions shall ensure checks are carried out in relation with interoperability requirements in the process of supervision of safety authorizations of managers of railway infrastructure of common use, of safety certificates for railway undertakings.

7. The body in charge of railway interoperability questions shall be responsible for numbering of vehicles placed in service in Kosovo and for keeping the ad hoc register with all required information as described in this Law.

Article 29
Decision making process

1. In the process of making proposals to develop the railway interoperability national framework, as well as in the process of monitoring, checking, delivering documents the body in charge of railway interoperability shall consult all persons involved and interested parties, including the national body in charge of railway safety, infrastructure managers, railway undertakings, manufacturers and maintenance providers, users and staff representatives

2. The body in charge of railway interoperability shall carry out its tasks in an open, non discriminatory and transparent way: In particular, it shall allow all interested parties to be heard and it shall give reasons for its decisions.

3. The body in charge of railway interoperability shall promptly respond to requests and applications, and communicate its requests for information without delay. It will adopt decisions within three months after all requested information has been provided,

4. The body in charge of railway interoperability may request the technical assistance of the national body in charge of railway safety, infrastructure managers and railway undertakings, manufacturers and maintenance providers, national accredited bodies or other qualified bodies when it is carrying out its missions and tasks.

5. The body in charge of railway interoperability shall have the power to request relevant information from the applicants, infrastructure managers, railway undertakings, manufacturers and maintenance providers, and any third party involved. The requested information must be supplied without undue delay.

6. The body in charge of railway interoperability shall produce the annual report and submit it to the RRA, till the end of January of the coming year.

Article 30
Further implementation

The body in charge of railway interoperability shall be established in Kosovo by a Sub-legal act based on the principles laid down in EU Directives 2004/49 and 2008/57. It shall employ professional experimented staff having the capacity to carry out the missions and tasks as described in this Law: It shall be an independent department of the Railway Regulatory Authority working closely with the body in charge of railway safety: It shall report to the management of the RRA and under its supervision

SUB-CHAPTER VI
Body in charge of railway accident

Article 31
Obligation for accident investigation

The body in charge of railway accident investigation is obliged to conduct investigation in case of accident /incident for the purpose of prevention which includes collection and analysis of information, drawing of conclusions, including the determination of causes and when appropriate the making of safety recommendations

Article 32
Obligation to declare accidents

Railway undertakings, infrastructure managers, and where appropriate the body in charge of railway safety are obliged immediately to report accidents or incidents. The body in charge of railway accident investigation shall be able to respond to such reports and make the necessary arrangements to start the investigation no later than one week after receipt of the report concerning the accident or incident

Article 33
Status of the body in charge of railway accident investigation

1. A permanent accident investigation body functions based in a Sub-legal act based on principles laid down in the EU Directive 2004/49. This body in charge of railway accident investigation shall comprise at least one permanent investigator able to perform the functions of investigator-in-charge in the event of an accident.

2. The body in charge of railway accident investigation shall be independent in its organization, legal structure and decision making from any infrastructure manager, railway undertaking, charging body, allocation body and notified body, and from any party whose interests could conflict with the tasks entrusted to the investigating body. It shall furthermore be functionally independent from the body in charge of railway safety and from any Railway Market Regulatory body

Article 34
Conditions for accident investigation

1. The body in charge of railway accident investigation shall perform its tasks independently of the organizations referred to above and shall be able to obtain enough

resources to do so. Its investigators shall be offered status giving them the necessary guarantees of independence.

2. If necessary, the body in charge of railway accident investigation may request assistance of investigating bodies from other countries, especially in the context of the Transport Community Agreement between the SEETO partners, to supply expertise or to carry out technical inspections, analysis or evaluations.

3. The accident investigation shall be carried out with as much openness as possible so that all parties shall be heard (relevant infrastructure manager, railway undertakings, safety authority, victims and their relatives, owners of damaged properties, manufacturers, emergency services involved, representatives of staff and users). All interested parties shall be regularly informed of the investigation, and its progress, and as far as possible, shall be given the opportunity to submit their opinions and views and be allowed to comment on the draft reports.

4. The body in charge of railway accident investigation shall conclude its examination at the accident site in the shortest possible time in order to enable the infrastructure manager to restore infrastructure and open it to rail transport services as soon as possible

5. The body in charge of railway accident investigation shall prepare a report in a form appropriate to the type and seriousness of the accident or incident and the relevance of the investigation findings. The report shall state the objectives of the investigation and contain where appropriate, safety recommendations.

6. The body in charge of railway accident investigation shall make public the final report in the shortest possible time and normally not later than six (6) months after the date of occurrence. This report shall follow as close as possible the reporting structure agreed at EU level and described in future. The report shall be communicated to all interested parties.

Article 35
Cooperation with other bodies in charge of railway accident investigation

The body in charge of railway accident investigation established in Kosovo shall exchange views and experience for the purpose of developing common investigation methods, drawing up common principles for follow-up of safety recommendations and adaptation to the development of technical and scientific progress.

Article 36
Annual report

Each year the body in charge of railway accident investigation shall publish by the 31st of March at the latest an annual report accounting for the investigations carried out in the preceding year, the safety recommendations that were issued, and the actions taken in recommendations issued previously.

Article 37
Further implementation

The body in charge of railway accident investigation shall function as an independent body from RRA and other bodies working on Railway Safety and Railway Market regulatory body in Kosovo by a sub-legal act based on the principles laid down in the EU Directive 2004/49. This is an independent body under the supervision of the Committee for the investigation of aeronautical incidents, according to the legislation in force of civil aviation.

SUB-CHAPTER VII
Railway Regulatory Authority

Article 38
Functioning of the Railway Regulatory Authority

1. RRA is an independent body that regulates and supervises the railway sector in compliance with the legislation in force in Kosovo and with the EU legislation in force, suitable for Kosovo in this sector.

2. RRA Board, approves all sub-legal acts of the departments which are under its authority.

3. RRA, through secondary legislation defines the modalities of management, supervision and control or department's auditing that are under its authority

4. RRA, reports to the Assembly annually on field activity of the departments which are within the facility.

5. RRA, based on its competencies participates and represents the railway sector of Kosovo in organizations and before competent bodies within and outside the state.

6. RRA`s activity, shall be supervised by a supervisory board (Board) which is non-executive board.

6.1. Assembly shall appoint four (4) members, one of whom is appointed Chairman of the Board, who are proposed by the Government based on the recommendation of the Ministry:

6.2. RRA board, is composed of five (5) members and one of them is elected as a chairperson, and the fifth member of the board is the General Director of RRA.

6.3. board member must have:

6.3.1. university degree, in legal, economic, engineering field or specialized knowledge in the transport sector;

6.3.2. at least three (3) years appropriate experience in the transport sector;

6.4. no person may be appointed member of the Board if he is:

6.4.1. actively involved in political parties or

6.4.2. employee, contractor, shareholder, partner, owner, manager, board member, administrator in bankruptcy or a member of a liquidation of any person who has submitted application or whose license has been issued, the security certificate or permit; or is sentenced for criminal offence with six (6) or more months imprisonment;

6.5. all Board members shall be citizens of Kosovo.

6.6. each Board member is appointed for a term of five years (5), and can be reappointed for another one (1) mandate.

6.7. a board member may be removed from the Board of the authority that appointed him, if:

6.7.1. according to the opinion of the authority that appointed him, he failed to exercise skill and has shown commitment expected of a person appointed to the Board;

6.7.2. has, without reason, not attended meetings and participated actively in the activities of the Board for more than three (3) months;

6.7.3. is unable to perform his responsibilities due to physical or mental disability;

6.7.4. has been sentenced to six (6) months or more imprisonment;

6.7.5. has engaged in misconduct (whether in the performance of his duties or not), which, in the opinion of the authority that appointed him, could compromise his ability to perform tasks or may adversely affect the reputation of the Board.

6.8. the Assembly may remove one or more Board members if they failed to meet the issues raised which have responsibility under this law.

6.9. a Board member may resign from the Board by written notice to the Assembly and the Board not less than one (1) month before, excluding extraordinary cases.

6.10. meeting of the Board shall be conducted in accordance with procedures approved by Board at least once every month. Chairman, according to his conviction and at the request of at least two (2) members of the Board may at any time convene additional meetings of the Board. Board meetings can not be held if there are not present three (3) of its members, including General Director who should always be present in meetings of the board. Meetings of the board may also be organized as video/audio conferences and the members may participate through tv/audio equipments. Members of the board who attend the meeting are responsible to keep confidentiality.

6.11. the Chairman shall notify the members of the date, time, place and agenda of Board meeting at least seven (7) days before the holding of such meeting. The Chairperson, for matter of urgency, may give less than seven (7) days, provided that minimum of board members required to be present to participate and confirm that the meeting was properly convened.

6.12. decision of the Board is taken with the majority of the votes. Each Board member shall have one (1) vote on each resolution and the number of votes in favor of the resolution is equal to the number vote against, the vote of the chair is crucial.

6.13. if there is an urgent matter that must be passed and the chairperson can not convene a meeting of the Board where will be present as much members of the Board as required, the issue could be addressed through a written resolution signed by the Chairperson and at least two (2) other Board members, who would have been eligible to vote on the matter if convened meeting of the Board.

6.14. the Chairman will ensure that a record of every Board meeting which will be approved at the next meeting of the Board as a true and correct. The Chairman will ensure that all records of meetings of the Board are kept in safe and secure place. Records are confidential and shall include the date, time and place of the meeting, board members and other persons present to declare any interest from any member of the Board, a review of any matter dealt with, documentation presented to the Board and decisions taken by it.

6.15. each Board member receives a fixed amount of compensation for fulfilling their duties,

6.16. the amount of compensation is proposed by the board of RRA and approved by the Assembly.

6.17. in fulfilling its duties for the board any member of it will act in good faith, for the best interests of RRA and will apply the skills and dedication in fulfilling the duties expected from them.

6.18. board member must declare any conflict of interest and abstain in decision making when the conflict is evident in direct or indirect way.

Article 39
Statutes and tasks of the Railway Regulatory Authority

1. RRA structure, shall be approved by the Board and includes: management, departments and professional staff. Each department has defined functions to respond to the needs for mobility of the society and the needs for transport and of the economy, as regulated in this law and with necessary sub-legal acts issued by them and by the management of RRA. Departments within RRA are the following ones:

1.1. Department in charge of licensing;

1.2. Department in charge of railway safety;

1.3. Department in charge of railway interoperability;

1.4. Department in charge of railway market regulation.

2. Apart departments established under this section may be created other departments according to need and with the approval of the Board of RRA and in accordance with the present law.

3. Departments shall report to the management of the RRA, which acts under the supervision of the board of RRA.

4. RRA, will have a Director General who shall be the chief executive of the Authority. Director General shall be elected and dismissed by the Board in compliance with the legislation in force of civil aviation. Anyone who is not eligible to serve on the Board will not be entitled to be appointed as Director General.

5. Director General shall exercise the powers delegated to him by the Board and by this Law and is responsible for:

5.1. conducting the usual activities of RRA, in accordance with policies and guidelines issued by the Board;

5.2. appointment and dismissal of staff members in accordance with policies and procedures and applicable laws;

5.3. providing information to the Board on issues discussed at Board meetings and ensuring the implementation of decisions of the Board;

6. RRA if necessary may engage experts for specific needs, on contractual basis that will respect all relevant legal procedures.

7. In carrying out its duties to the Authority, staff members shall not seek or accept instructions from any Government or from any other authority external to the Authority.

8. Board members, staff members, agents and subcontractors of the Authority shall at all times maintain the confidentiality of information obtained during the performance of their duties or on behalf of the Authority and not in the public sphere, which can endanger the commercial interests or other authority or person who submitted the application or who is issued license, permit or certificate of security.

9. A member of staff will avoid conflicts of interest that way may adversely affect the performance of official duties and authority of states to actual or potential conflicts of interest at the time of recruitment and later if such conflicts arise actual or potential, or become visible. According to this article conflicts of interest may arise from personal or financial interests and officials dealing with such person or the discussions and decisions related to Person.

10. Staff Member shall declare and shall be excluded from dealing with any matter in which the staff member or related person has a personal or financial interest;

11. RRA, is a budget organization under the Law on Public Financial Management and Accountability.

12. The general director and financial officer of the Authority shall submit to the Board documents prepared in accordance with the Law on Public Financial management and accountability for the approval prior to issuance.

13. Respective Ministry of Finance will ensure that funding be provided to RRA in accordance with the budget proposal approved in accordance with the budget process.

14. RRA, is subject to audits conducted in accordance with the Law in force.

15. Assembly may at any time request additional audits to be implemented in RRA, whose goal will be determined by the Assembly for each case separately.

16. RRA will create revenue including but not limited to revenues from applications for licenses, special permits, other licenses that will be specified in a document published by RRA in collaboration with the appropriate Ministry and the Ministry of Finance.

17. RRA will use dedicated income based on paragraph 16 of this Article based on the Law on management of public finance.

18. Services providers must report once a year to RRA in relation to their work.

CHAPTER IV
RAILWAY NETWORK AND RAILWAY INFRASTRUCTURE

Article 40
Kosovo railway network

Kosovo railway network is composed of the existing and future Kosovo national railway lines, and of the existing and future railway lines providing access to terminals or other specific locations whether serving one or more than one final user of railway services.

Article 41
Kosovo railway infrastructure of common use

Kosovo public railway network is composed of the existing and future Kosovo national railway lines and of the existing and future railway lines serving or able to serve terminals or any other locations providing railway services to more than one final user. This public railway network of Kosovo is called railway network of common use, and it has to be accessible under equal terms to every railway undertakings fulfilling the conditions for access. It may be publicly or privately owned. It excludes the private siding facilities, owned by a private owner and used only for its own freight services.

Article 42
Railway infrastructure

1. Railway infrastructure consists of the following items, provided they form part of the permanent way, including sidings, but excluding lines situated within railway repair workshops, depots or locomotive sheds, and private branch lines or sidings:

1.1. ground area;

1.2. track and track bed, in particular embankments, cuttings, drainage channels and trenches, masonry trenches, culverts, lining walls, planting for protecting side

slopes etc.; passenger and goods platforms; four-foot way and walkways; enclosure walls, hedges, fencing; fire-protection strips; apparatus for heating points; crossings, snow protection screens, et

1.3. engineering structures: bridges, culverts and other overpasses, tunnels, covered cuttings and other underpasses; retaining walls, and structures for protection against avalanches, falling stones, etc.;

1.4. level crossings, including appliances to ensure the safety of road traffic;

1.5. superstructure, in particular: rails, grooved rails and check rails; sleepers and longitudinal ties, small fittings for the permanent way, ballast including stone chippings and sand; points, crossings, etc.; turntables and traverses (except those reserved exclusively for locomotives);

1.6. access way for passengers and goods, including access by road;

1.7. safety, signaling and telecommunications installations on the open track, in stations and in marshalling yards, including plant for generating, transforming and distributing electric current for signaling and telecommunications; buildings for such installations or plant; track brakes;

1.8. lighting installations for traffic and safety purposes;

1.9. plant for transforming and carrying electric power for train haulage: substations, supply cables between sub-stations and contact wires, catenaries and supports; third rail with supports;

1.10. buildings used by the infrastructure manager.

Article 43
Crossings railway - road

1. Crossings of railway lines shall be with underpasses or overpasses, except if building such crossings proves uneconomical or if it disrupts the railway traffic safety.

2. If a crossing of a railway line and a public road, or an uncategorized road, is caused by the construction of a new road, the expenses for the construction of crossings, underpasses and overpasses, the expenses for placing on the new road and on the railway line necessary devices and facilities and other expenses for the provision of safe traffic on the new road, shall be borne by the investor of the new road.

3. Responsibility to protect road - railway level crossings and supply with needed road signals is under owner of the level crossing, respectively institution in charge for road maintenance which crosses with level crossing.

4. Construction of underpasses, overpasses and level crossings cannot be done without permission from the Manager of the Railway Infrastructure. Construction of underpasses, overpasses and level crossings without permission from the Manager of the Railway Infrastructure will be eliminated automatically by the manager of Railway infrastructure and the expenses for elimination of such a underpasses, overpasses and level crossings will be paid by the institution who build them.

CHAPTER V
OPERATION AND USE OF RAILWAY INFRASTRUCTURE

SUB-CHAPTER I
Infrastructure manager of railway infrastructure of common use

Article 44
Railway infrastructure management

Railway infrastructure management is provided by a railway infrastructure manager, responsible to maintain and develop its infrastructure, and provide the related services to railway undertakings providing transport services. Infrastructure management shall include essential functions of charging, including determination and collection of charges, and path allocation.

Article 45
Creation of railway infrastructure managers in Kosovo

1. The existing railway infrastructure of common use in Kosovo is a State owned property which the State delegates its management to a railway infrastructure manager, Infrastructure of Kosovo Railways (INFRAKOS jsc, later named INFRAKOS), which will be created as a publicly owned enterprise according to the Law on Publicly Owned Enterprises

2. The mission of INFRAKOS shall be to develop and maintain the existing railway infrastructure of common use and to operate it with the objective of promoting the rail transport in the country as a sustainable and efficient mode of transport for the society and the economy.

3. INFRAKOS shall be also responsible for operating the infrastructure, providing access to the infrastructure, and charging for using the infrastructure.

4. The assets constituting the railway infrastructure of common use and the buildings non allocated to the railway operations and belonging to the State shall be transferred for management to INFRAKOS jsc.

5. INFRAKOS shall be run on a commercial basis under market conditions unless determined otherwise in this Law.

6. INFRAKOS must have a license and a safety authorization as stated in this Law.

7. Considering projects to develop and maintain the railway infrastructure of common use in Kosovo, the railway infrastructure manager may negotiate and sign partnership contracts according to the Law of Kosovo on Public contracts or according to the legislation on force, if there is a relevant decision on this process.

8. The relationships between the State and INFRAKOS which is publicly owned are described in a contract. This contract shall ensure management independence to INFRAKOS staff and managers.

9. The Board and the chairman of INFRAKOS is nominated in accordance with the Law of Kosovo on Publicly Owned Enterprises.

10. A sub-legal act based on the principles laid down in the EU directive 2001/14 shall describe the missions and the statutes of INFRAKOS. It shall also precise in agreement with the Law on publicly owned enterprises the number of INFRAKOS Board members as well as the modalities for their nomination and election.

11. INFRAKOS being a Publicly Owned Enterprise shall comply with the rules described in the Law of Kosovo about Publicly Owned Enterprises for its economic, financial and technical control.

12. INFRAKOS shall take over the rights and obligations related to the assets transferred from KOSOVO RAILWAYS jsc with the exception of damages occurred before the date of the transfer and taxes related to facts previous the date of transfer .

13. All transfers of assets described above shall be free of taxes or fees for State.

14. Publicly owned assets of INFRAKOS shall be protected from usurpation as described in chapter X of this Law. INFRAKOS and the State are entitled together with the police and the justice to act against such usurpation. A Sub-legal act shall define the modalities for such actions.

15. The revenues for INFRAKOS are revenues paid by the railway undertakings using the publicly owned railway infrastructure of common use and the related services, other revenues related to INFRAKOS assets and activities, the State contributions to the development and the maintenance of the railway infrastructure of common use, and any other contribution from public or private origin.

16. The principles for the calculation of the usage charges shall be stated in a Sub-legal act based on principles described in the EU Directive 2001/14 and in the proposal for a new Directive establishing a single European railway area of September 2010. They shall allow an optimal use of the railway infrastructure of common use, and allow a fair and non discriminatory access for railway undertakings.

17. INFRAKOS shall have to publish every year an updated Network Statement as defined in this Law. This document must describe the railway infrastructure of common use, including the lines linking to terminals and dry ports and other service facilities as well as the related services which may be available, and the conditions to have access to these infrastructure and services

18. INFRAKOS shall have to establish a register of infrastructure for the infrastructure it manages, and keep it updated. .

19. INFRAKOS may issue administrative documents other than the Network Statement to be used in its relationships with railway undertakings or any other entity dealing with it. These documents shall be made public.

20. The State may negotiate and sign direct contracts to realize projects to develop and maintain the railway infrastructure of common use in Kosovo according to the legislation in force.

21. The State may then delegate to other than INFRAKOS the management of a new railway infrastructure developed according to such a Public Private Partnerships or concessions. The contract between the State and the manager of the new railway infrastructure of common use shall precise the conditions which will allow to guarantee the safety and interoperability of the operations of the infrastructure, and the continuity of public services, as well as the obligation to issue a Network statement and allow fair, transparent and non discriminatory access to the new railway infrastructure.

22. Any manager of railway infrastructure of common use other than INFRAKOS must have a safety authorization.

23. Any manager of railway infrastructure of common use other than INFRAKOS must also make public administrative documents having the same object as the administrative documents of INFRAKOS. It must also issue every year an updated Network Statement and prepare and update a register of the infrastructure it manages.

24. INFRAKOS and any other manager of railway infrastructure of common use, shall cooperate with other railway infrastructure managers in the Balkans region and in the EU to build high quality international paths and optimize the use of the European railway network.

Article 46
License and Safety authorization for infrastructure managers of railway infrastructure of common use

1. Every manager of a railway infrastructure of common use has to apply to the railway licensing body and be granted a license.

2. The conditions to be granted the license are as follows:

2.1. the headquarters of the legal entity are on the territory of Kosovo;

2.2. the company is registered for the activity of railway infrastructure management;

2.3.the company is not in a bankruptcy procedure;

2.4. the responsible person or a member of the management body of the legal entity, at the moment of obtaining of the license, is not convicted for a crime;

2.5. the company is financially capable i.e. it can fulfill its present and future obligations under normal conditions of operation may within twelve (12) months; and

2.6. the company is insured in an insurance company and submits a written proof that it is capable to indemnify the eventual damage occurred during its activity according to the Law and other regulations and international agreement obligatory for Kosovo.

3. Every manager of a railway infrastructure of common use in Kosovo shall apply and be granted a safety authorization from the body in charge of railway safety. This safety authorization shall be reviewed at intervals not exceeding five (5) years.

4. Conditions and procedures as well as forms for application, to get the safety authorization will be described in a Sub-legal act prepared on the basis of the principles laid down in the EU Directive 2004/49

Article 47
Railway infrastructure management in extraordinary circumstances

1. In the event of disruption of railway traffic caused by technical defects, serious accident, or incident, the manager of a railway infrastructure of common use shall undertake all necessary measures to reestablish regular traffic conditions in the shortest possible time period.

2. All managers of a railway infrastructure of common use shall prepare a backup plan stipulating all the authorities and institutions that will have to be informed in the event of a serious accident, accident or an incident or serious disruptions of the train traffic.

3. In case of an emergency when the railway infrastructure cannot be used, the manager of an infrastructure of common use can use other itineraries for a certain time period necessary to repair the infrastructure without previous notification to the railway undertakings using this railway infrastructure. It can also require from the railway undertakings to make available resources to normalize the situation as soon as possible.

4. If the manager of a railway infrastructure of common use deems that it is necessary, it may require the railway undertakings to make available such resources as the manager deems are most appropriate, in order to normalize the traffic conditions in the shortest possible period of time.

SUB-CHAPTER II
Special Railway facilities providers

Article 48
Special rail facility providers

1. Special rail facility means a rail link with a railway network for the purpose of or in connection with the provision of services for the carriage of passengers and goods, which is neither port nor terminal. A rail facility provider means a person that provides special rail facility services.

2. The Ministry may decide whether the special rail facility provider shall be declared as an infrastructure manager, charging and path allocation body. In this case, the special rail facility provider is obliged to apply for a license and a safety authorization according to this Law. He has also to issue a simplified Network Statement and conclude the framework contracts or track access contracts as required by this Law. Such a simplified network Statement shall be described in a Sub-legal act which shall be prepared on the basis of principles laid down in the EU Directive 2001/14 and in the proposal for a new directive establishing a single European railway area of September 2010.

3. If the Ministry competent for railway matters decides that the special rail facility provider does not have to be declared as an infrastructure manager, charging and path allocation body, no license and no safety authorization are necessary for the special rail service provider. Nevertheless a simplified Network Statement may be required.

4. The special rail facility provider is entitled to perform own-account transport for his own and commercial purposes.

5. In the case of own-account transport he shall not require a license for railway undertakings, and shall apply for a simplified safety authorization and comply with the regulations concerning the safety of rail transport as stipulated in this Law and the subsequent regulations. Such a simplified safety authorization shall be described in an Sub-legal act prepared on the basis of principles laid down in the EU Directive 2001/14 and in the proposal for a Directive establishing a single European railway area of September 2010.

6. The Ministry competent for railway matters shall prescribe the rights and obligations of the special rail facility provider with respect to safe operations, construction and maintenance and management.

SUB-CHAPTER III
General terms and conditions for access and use of the railway network

Article 49
General access and transit principles

1. Railway undertakings shall be granted, on equitable and non-discriminatory and transparent conditions, access to and transit on the railway network of the Republic of Kosovo, unless regulated differently in this Law.

2. It is the duty of the infrastructure manager to ensure that the rights conferred to railway undertakings by this Law are respected.

3. The access to railway network for railway undertakings shall be authorized by the Infrastructure manager.

4. If a railway undertaking is denied the access, it has a right of complain and appeal before the RRA .

5. Railway undertakings shall be granted on equitable and non-discriminatory and transparent conditions, the right of access to the network of other states for the purpose of operating and international service.

Article 50
Access to terminals

1. Track access to, and supply of services in the terminals and ports linked to rail activities serving or potentially serving more than one final customer, shall be provided to all railway undertakings in a non-discriminatory and transparent manner and requests by railway undertakings may be subject to restrictions only if viable alternatives by rail under market conditions exist.

2. It is the duty of enterprise in charge of rail infrastructure and supply of services in the terminals and ports to ensure that the access to and the supply of services is granted in a transparent and non-discriminatory manner.

3. If an applicant is denied the access, the applicant has a right of appeal before the RRA.

Article 51
Access to special rail facilities

1. Any applicant may request access to special rail facilities if such facility is:

1.1. a rail track: a permission to use that track for the purpose of the carriage of passengers or goods and operation of trains and traction only on that track to reach a final customer or to reach the access to the special rail facilities of the final customer since it can only be reached via the access of the facility provider;

1.2. a rail track: a permission to use that track for the purpose of reaching a maintenance depot or energy supply facility, when the maintenance depot or the energy supply facility can only be reached via the access of the facility provider or providers;

1.3. a rail track and adjacent services:, a permission to such rail track and adjacent services for the purpose of stabling or otherwise temporarily holding rolling stock in connection with the operation of trains and traction only on that track or on any other track that can only be reached via the access of the facility provider;

1.4. the provider's facility, permission to use the provider's facility for or in connection with the operation of a network and its service facilities which can only be reached via the access of the facility provider. any other special rail facility that can only be reached via the access of a facility provider.

2. In the case that the applicant does not succeed in concluding an access agreement with the provider of a special rail facility, he may request the Railway Market Regulatory body to intervene.

3. The Railway Market Regulatory body on the basis of a complaint by the applicant or by his own initiative may decide that a rail facility provider enters into an access contract with the applicant for the purpose of or in connection with the use of the special rail facilities, after duly examining if or to what extent exist:

3.1. no viable alternatives by rail under market conditions;

3.2. no substitutable alternatives by rail under market conditions;

3.3. exploitative abuses due to monopolistic behavior

3.4.foreclosure of other applicants, competitors or anti competitive behavior.

3.5. other discriminative behavior

4. If the provider of special rail service facilities does not implement the decision, the Railway Market Regulatory body is entitled to use the judicial possibilities to enforce it.

Article 52
Access to services

1. Applicants shall, on a non-discriminatory basis, be entitled to the minimum access package and track access to service facilities that are described in this Law. The supply of services (track access to services facilities and supply of services) shall be provided in a non-discriminatory manner and requests by railway undertakings may only be rejected if viable alternatives allowing them to operate the transport service concerned on the same route under market conditions exist. If the services are not offered by one infrastructure manager, the provider of the main infrastructure shall use all reasonable endeavors to facilitate the provision of these services and shall duly publish them in his own Network Statement.

2. Where the infrastructure manager offers any of the range of services described in this Law, as additional services, he shall supply them upon request to a railway undertaking.

3. Railway undertakings may request a further range of ancillary services, as defined in this Law, from the infrastructure manager or from other suppliers. The infrastructure manager is not obliged to supply these services

4. Infrastructure services to be supplied to the railway undertakings contain the following services:

4.1. the minimum access package shall comprise:

4.1.1.handling of requests for infrastructure capacity;

4.1.2. right to utilize capacity which is granted;

4.1.3.use of running track points and junctions;

4.1.4. train control including signaling, regulation, dispatching and the communication and provision of information on train movement;

4.1.5. all other information required to implement or operate the service for which capacity has been granted.

4.2. track access to services facilities and supply of services shall comprise:

4.2.1. use of electrical supply equipment for traction current, where available;

4.2.2. refueling facilities;

4.2.3. passenger stations, their buildings and other facilities;

4.2.4. freight terminals;

4.2.5. marshalling yards;

4.2.6. train formation facilities;

4.2.7. storage sidings;

4.2.8. maintenance and other technical facilities.

4.3. additional services may comprise:

4.3.1. traction current;

4.3.2. pre-heating of passenger trains;

4.3.3. supply of fuel, shunting, and all other services provided at the access services facilities mentioned above;

4.3.4. tailor-made contracts for:

4.3.4.1. control of transport of dangerous goods;

4.3.4.2. assistance in running abnormal trains.

4.4. ancillary services may comprise:

4.4.1. access to telecommunication network;

4.4.2. provision of supplementary information;

4.4.3.technical inspection of rolling stock.

5. If an applicant is denied the access to services which the service provider is obliged to supply, the applicant has a right of complain before the Railway Market Regulatory body.

6. Where the operator of the service facility belongs to a body or firm which is also active and holds a dominant position in at least one of the railway transport service markets for which the facility is used, the operator shall be organized in such a way that it is independent, in legal, organizational and decision – making terms, of this body or firm.

7. Requests by railway undertakings for access to the service facility may only be rejected if there are viable alternatives allowing them to operate the freight or passenger service concerned on the same route under economically acceptable conditions. The burden of proving for the existence of a viable alternative lies with the operator of the service facility.

8. When the operator of the service facility encounters conflicts between different requests, he shall attempt the best possible matching of all requirements. If no viable alternative is available, and it is not possible to accommodate all requests for capacity for the relevant facility on the basis of demonstrated needs, the Railway Market Regulatory body shall on its own initiative or on the basis of a complain take appropriate action to ensure that an appropriate part of the capacity is devoted to railway undertakings other than the ones which are part of the body or firm to which the facility operator also belongs.

9. Where the service facility has not been in use for at least two (2) consecutive years its owner shall publicize the operation of the facility as being for lease or rent.

Article 53
Access to training facilities

1. Railway undertakings applying for a safety certificate shall have fair and non-discriminatory access to training facilities for train drivers and staff accompanying the trains, whenever such training is necessary for the fulfillment of requirements to obtain the safety certificate.

2. The services offered must include training on necessary route knowledge, operating rules and procedures, the signaling and control command system and emergency procedures applied on the routes operated.

3. The infrastructure managers and their staff performing vital safety tasks shall have fair and non-discriminatory access to training facilities.

4. If the training services do not include examinations and granting of certificates, the Ministry competent for railway matters shall ensure that railway undertakings have access to such certification if it is a requirement of the safety certificate.

5. The body in charge of railway safety shall ensure that the provision of training services or, where appropriate, the granting of certificates meets the safety requirements.

6. If the training facilities are available only through the services of one single railway undertaking or one single infrastructure manager, the Ministry competent for railway matters shall ensure that they are made available to other railway undertakings at a reasonable and non-discriminatory price, which is cost-related and may include a profit margin.

7. When recruiting new train drivers, staff on board of trains and staff performing vital safety tasks, railway undertakings must be able to take into account any training, qualifications and experience acquired previously from other railway undertakings. For this purpose, such members of staff shall be entitled to have access to, obtain copies and communicate all documents attesting to their training, qualifications and experience.

8. If an applicant is denied the access to training facilities, the applicant has a right of appeal before the Railway Market Regulatory body.

Article 54
Cabotage and limits to the right of access to the infrastructure

1. Railway undertakings shall, in the course of an international transport service have the right to pick up passengers and freight at any station or terminal located on the international route and set them down at another, including stations and terminals located in another state

2. The Ministry competent for railway matters may limit the right of access defined above in this Law, on services between a place of departure and a destination which are covered by one or more public service contracts. Such limitation may not have the effect of restricting the right to pick up passengers or freight at any station or terminal located on the route of an international service and to set them down at another, including stations or terminals located in Kosovo, except where the exercise of this right would compromise the economic equilibrium of a public service contract.

3. Whether the economic equilibrium would be compromised shall be determined by the Railway Market Regulatory body, relevant regulatory body on the basis of an objective economic analysis and based on pre-determined criteria, following a request from:

3.1. the Ministry competent for railway matters, or the competent regional or municipal authorities that awarded the public service contract;

3.2. any other interested competent authority with the right to limit access under this Article;

3.3. the infrastructure manager; or

3.4. the railway undertaking performing the public service contract.

4. The competent authorities and the railway undertakings providing the public services shall provide the relevant Railway Market Regulatory body with the information reasonably required to reach a decision. The Railway Market Regulatory body shall consider the information provided, consulting all the relevant parties as appropriate, and shall inform the relevant parties of its reasoned decision within a pre-determined, reasonable time, and, in any case, within two (2) months of receipt of all relevant information.

5. The Railway Market Regulatory body shall give the grounds for its decision and specify the time period within which, and the conditions under which,

5.1. the relevant competent authority or competent authorities,

5.2. the infrastructure manager,

5.3. the railway undertaking performing the public service contract, or

5.4. the railway undertaking seeking access; may request a reconsideration of the decision.

6. The Ministry may also limit the right to pick up and set down passengers at stations within the same Member State on the route of an international passenger service where an exclusive right to convey passengers between those stations has been granted under a concession contract awarded on the basis of a fair competitive tendering procedure. This limitation may continue for the original duration of the contract, or fifteen (15) years, whichever is the shorter.

7. The Railway Market Regulatory body ensures the fair, transparent and non-discriminatory implementation of the decisions referred to in this article.

8. The competent authorities, concluding public service contracts, may impose a levy on railway undertakings providing passenger services for the operation of routes which fall within the jurisdiction of that authority operated in Kosovo.

9. In that case, railway undertakings providing domestic or international rail passenger transport services shall be subject to the same levy on the operation of routes which fall within the jurisdiction of that authority.

10. The levy is intended to compensate the competent public authority for public service obligations laid down in public service contracts awarded.

11. The revenue raised from such levy and paid as compensation may not exceed what is necessary to cover all or part of the cost incurred in the relevant public service obligations taking into account the relevant receipts and a reasonable profit for discharging those obligations.

12. The levy which shall be imposed shall respect in particular the principles of fairness, transparency, non-discrimination and proportionality, in particular between the average price of the service to the passenger and the level of the levy.

13. The total levies imposed pursuant to this paragraph shall not endanger the economic viability of the rail passenger transport service on which they are imposed.

14. The relevant authorities shall keep the information necessary to ensure that the origin of the levies and their use can be traced.

15. The Railway Market Regulatory body shall be notified in advance of any decision by the relevant competent public authority. The Railway Market Regulatory body may request all information that has lead to the planned levy and check it for conformity with the principles of fairness, transparency, non-discrimination, proportionality and pricing laid down in this Law.

16. The competent public authority shall consider the observations and notes of the Railway Market Regulatory body into its decision-making process before implementing the levy.

17. The railway undertakings subject to the levy stipulated in this Article are entitled to lodge a complaint with the Railway Market Regulatory body.

18. An indictment against the decision referred to in this Article, may be brought and a procedure before the competent Court may be initiated within thirty (30) days from the receipt of the decision.

SUB-CHAPTER IV
Network Statement

Article 55
Network Statement

Every infrastructure manager of an infrastructure of common use has after consultation with the interested parties including the Railway Market Regulatory body, to publish a Network Statement as defined in this Law which shall contain the description of the railway infrastructure of common use, the conditions for access to the infrastructure, the general rules for train-path application, the tariff for access to the railway infrastructure, the rules for the allocation of capacities, and all other essential information for the business relationships between the infrastructure manager and the railway undertakings.

Article 56
Network

1. The mandatory content of the Network Statement shall be described in a Sub-legal act prepared on the basis of the principles laid down in the EU Directive 2001/14 and in the proposal for a new directive establishing a single European area of September 2010. But it shall contain at least the following sections:

1.1. a section setting out the nature of the infrastructure which is available to railway undertakings and the conditions of access to it.

1.2. a section on charging principles and user fees. This shall contain appropriate details of the charging scheme as well as sufficient information on charges that apply to the infrastructure services as defined in this Law which are provided by only one supplier. It shall detail the methodology, rules and, where applicable, scales used to establish the charging regime. It shall contain information on changes in charges already decided upon or foreseen.

1.3. a section on the principles and criteria for capacity allocation. This shall set out the general capacity characteristics of the infrastructure which is available to railway undertakings and any restrictions relating to its use, including likely capacity requirements for maintenance. It shall also specify the procedures and deadlines which relate to the capacity allocation process. It shall contain specific criteria which are employed during that process, in particular. The conditions for access to the relevant infrastructure and to rail service facilities:

1.3.1. the procedures according to which applicants may request capacity from the infrastructure manager;

1.3.2. the requirements governing applicants;

1.3.3. the schedule for the application and allocation processes;

1.3.4. the principles governing the coordination process; including the dispute resolution system;

1.3.5. the procedures which shall be followed and criteria used where infrastructure is congested;

1.3.6. details of restrictions on the use of infrastructure;

1.3.7. any conditions by which account is taken of previous levels of utilization of capacity in determining priorities for the allocation process. It shall detail the measures taken to ensure the adequate treatment of freight services, international services and requests subject to the ad hoc procedure.

Article 57
Network Content

Network Statements may be purchased by interested parties at a fee that shall not exceed the publication costs. They shall be made available free of charge in electronic format through the web portal of the RRA.

Article 58
Consultations and Comments of Network Statements

Draft Network Statements shall be submitted to all stakeholders for consultation. The deadline for presenting comments shall be one (1) month after submission. Network Statements shall be regularly updated as necessary. Network Statements shall be published not later than four (4) months before the deadline for the submission of train-path requests.

Article 59
Publication of the Network Statement

Network Statements shall be published in Albanian, Serbian and English languages.

Article 60
Obligations for Network Statement

In case of inadequate information, fines and sanctions may be asked to the manager of the railway infrastructure of common use and its liability could be engaged by the Railway Market Regulatory body. The Railway Market Regulatory body shall check whether the Network Statement contains discriminatory clauses or creates discretionary powers for the infrastructure manager that may be used to discriminate applicants. The Railway Market Regulatory body shall have the necessary organizational capacity to carry on these tasks.

SUB-CHAPTER V
Infrastructure charges

Article 61
General provisions

1. Infrastructure access charges for the use of railway infrastructure of common use shall be paid by railway undertakings to the infrastructure managers and used to fund their business.

2. The infrastructure access charges charged by the infrastructure manager shall be fixed according to the nature of the service, the time of the service, the quality of the train-paths, the market situation and the costs.

3. Whereas the structure of the user charging system as well as the general level of the user charges to be proposed by the manager of the State-owned infrastructure of common use shall be approved by the Ministry, in agreement with the Ministry responsible of the Publicly Owned Enterprises. The manager of the State-owned infrastructure of common use determines the charges according to the market situation and the costs while respecting the principle of non-discrimination.

4. The infrastructure access charges shall cover the following infrastructure services as the minimum access package and track access packages to service facilities as described in Article 52 of this Law.

Article 62
Establishing, determining and collecting infrastructure access charges

1. Every manager of the railway infrastructure of common use shall determine the infrastructure access charges according to the market situation and the costs while respecting the principle of non-discrimination.

2. A Sub-legal act prepared on the basis of the EU Directive 2001/14 and on the future EU Directive establishing a single European railway area shall state the rules to be used to establish and receive the payment for these infrastructure access charges, while respecting the management independence of the managers of the infrastructure of common use.

3. The Railway Market Regulatory body shall ensure that every manager of a railway infrastructure of common use has established an infrastructure access charging scheme and publishes it in its Network Statement.

4. Every manager of a railway infrastructure of common use shall ensure that the application of the charging scheme results in equivalent and non discriminatory charges

for users of the infrastructure capacity of equivalent nature in a similar part of the market. This shall be checked by the Railway Market Regulatory body.

5. Infrastructure access charges shall be collected by every manager of a railway infrastructure of common use.

6. The charging body must be able to justify to the Railway Market Regulatory body that the charges invoiced to each railway undertaking for access to the infrastructure comply with the methodology, rules and, where applicable, scales laid down in the Network Statement and, where the Railway Market Regulatory body requests information about the charges imposed or invoiced, the manager of a railway infrastructure of common use shall supply the requested information.

7. Infrastructure managers shall cooperate to achieve the efficient operation of train services which cross more than one infrastructure network. They shall in particular cooperate in the definition of infrastructure charges in order to guarantee the optimum competitiveness of international rail service They may establish such joint organizations as are appropriate to enable this to take place. Any cooperation or joint organization shall be bound by the rules set out in this Law or any other appropriate Regulation. .

8. A manager of a railway infrastructure of common use or a charging body shall respect the commercial confidentiality of information provided to it by applicants

Article 63
Infrastructure costs and accounts

1. The ministry shall ensure that in normal business conditions and over a reasonable period of time, the accounts of the infrastructure managers are at least balanced with infrastructure access charges, surpluses from other possible commercial activities and State funding on one hand, and infrastructure expenditures on the other.

2. Infrastructure managers shall be provided with incentives to reduce their costs and levels of infrastructure charges, within due regard to safety and to maintaining and improving the quality of the infrastructure services.

3. A contractual agreement shall be established between the Government and the publicly owned manager of the existing infrastructure of common use, INFRAKOS. It shall be a multi annual contract for at least five (5) years. This contract shall describe the structure of the payments agreed to provide State funding to the railway infrastructure of common use covering the whole of the contractual period. The Government shall consult all interested parties at least one (1) month before the agreement is signed and shall publish it within one month after concluding it.

4. The manager of a railway infrastructure of common use shall prepare a business plan and ensures that this business plan is consistent with the provisions of the contractual agreement described above.

5. The Railway Market Regulatory body shall assess the appropriateness of the envisaged medium and long term income of the managers of the railway infrastructure of common use, for meeting the performance targets, and shall make relevant recommendations at least one (1) month before the contractual agreement between the competent authority representing the Government and the infrastructure manager is signed.

6. The competent authority shall give justifications to the Railway Market Regulatory body if it intends to deviate from these recommendations.

7. Managers of railway infrastructure of common use shall develop and up date an inventory of assets they manage which shall contain their current valuation as well as details of expenditure on renewal and upgrading of the infrastructure.

8. Managers of railway infrastructure of common use including operators of rail service facilities shall establish a methodology for apportioning costs to the different services offered, and to types of vehicles based on the best available understanding of costs causation and shall define the principles for charging. This methodology shall be updated from time to time to match the best international practices.

Article 64
Charging principles

1. The infrastructure charges and the method of calculating them shall be published in the Network Statement in order to allow the railway undertakings to rapidly determine themselves the fees to be paid for the use of chosen train-paths and other elements of the infrastructure.

2. The manager of an infrastructure of common use shall be able to justify the infrastructure charges, and shall comply with the methodology and the rules.

3. The infrastructure charges shall be set at the cost that is directly incurred as a result of operating the train services and maintaining the railway infrastructure.

4. The infrastructure charges may include an additional part which reflects the scarcity of capacity of the identifiable segment of the infrastructure during periods of congestion.

5. The infrastructure charges may be modified to take account of the cost of the environmental effects caused by the operation of the train. Such a modification shall be differentiated according to the magnitude of the effect caused. arging of environmental costs which results in an increase in the overall revenue accruing to the infrastructure manager shall however be allowed only if such charging is applied at a comparable level

to competing modes of transport. In the absence of any comparable level of charging of environmental costs in other competing modes of transport, such modification shall not result in any overall change in revenue to the infrastructure manager. If the Government has introduced a comparable level of charging of environmental costs for rail and competing modes of transport which generates additional revenue for the manager of the railway infrastructure of common use, the Government shall decide how this revenue shall be used.

6. To avoid undesirable disproportionate fluctuations, the charges referred to in this Law may be averaged over a reasonable spread of train services and times. Nevertheless, the relative magnitudes of the infrastructure charges shall be related to the costs attributable to the services.

7. Charges may be levied for capacity used for the purpose of infrastructure maintenance. Such charges shall not exceed the net revenue loss to the infrastructure manager caused by the maintenance.

8. Except in specific cases, as laid down in specific regulations, the manager of a railway infrastructure of common use shall ensure that the charging system in use is based on the same principles over the whole of his network.

9. Managers of railway infrastructure of common use shall be able to demonstrate to applicants that infrastructure charges and rail service facilities charges comply with the methodology and where applicable scales described in the Network Statement.

10. The Railway Market Regulatory body shall be entitled to get all necessary information on the charges imposed and on the basis for their calculation.

Article 65
Direct costs related to infrastructure maintenance

1. Direct costs related to infrastructure maintenance shall be evaluated and considered when setting the charging principles and the levels for access charges.

2. A Sub-legal act prepared on the basis of principles laid down in EU Directive 2001/14 and on the proposal for a new directive establishing a single European railway area of September 2010 shall precise the elements to be considered as costs directly incurred as a result of operating a train service and for infrastructure maintenance.

Article 66
Exceptions to charging principles

1. In order to obtain more recovery of its costs, the manager of railway infrastructure of common use may levy mark-ups if the market can bear them and on the basis of efficient, transparent and non discriminatory principles.

2. For specific investment projects the manager of railway infrastructure of common use may set higher charges on the basis of long term costs of such projects and providing these projects increase efficiency and/or cost effectiveness.

Article 67
Discounts

1. Discounts for user charges shall, without discrimination, are allowed only on the basis of access contract duration criteria but not on the basis of transport volume. Managers of railway infrastructure of common use may introduce schemes available to all users of the infrastructure, for specific traffic flows, granting time limited discounts to encourage the development of new rail services, or discounts encouraging the use of considerable underutilized lines. Except for the case described above, discounts shall be limited to the actual saving of the administrative costs to the manager of a railway infrastructure of common use.

2. In case an infrastructure manager enters in negotiation with a railway undertaking on level of infrastructure charges, this negotiation shall be authorized only if under the supervision of the Railway Market Regulatory body.

3. In order to avoid any unfair behavior of the managers of the railway infrastructure of common use towards particular railway undertakings or give preferential treatment to those railway undertakings which use the infrastructure section under discount, the infrastructure managers shall be obliged to announce at least thirty (30) days in advance its intention to give discount to the Railway Market Regulatory body.

Article 68
Performance regime

1. Infrastructure charging schemes shall through performance scheme encourage railway undertakings and the infrastructure managers to minimize disruptions and improve the performance of the railway network. This may include penalties for actions which disrupt the operation of the network, compensation for undertakings which suffer from disruption and bonuses that reward better than planned performance.

2. Through specific indicators for improvement of the quality of the transport, determined in the system for collection of the railway infrastructure access charge, the carriers and

the manager of the infrastructure shall be stimulated to reduce the delays and to improve the quality of the transport. This may include penalties for actions which disrupt the operation of the network, compensation for undertakings which suffer from disruption and bonuses that reward better than planned performance.

3. The system stipulated in this Article shall contain measures for preventing disruptions of the management of traffic, compensating carriers that suffer losses due to the traffic management disruptions and premiums which shall be awarded to those entities that have improved their indicators or have exceeded the target indicators.

4. The basic principles of the system stipulated in this Article shall refer and shall apply to the entire network in a non discriminatory and transparent matter.

5. The performance scheme shall be published in the Network Statement.

Article 69
Reservation charges

1. The managers of the railway infrastructure of common use can charge for appropriate reservations of the use of certain capacities that have been awarded, but are not used. This charge shall provide an incentive to use the capacities more efficiently.

2. The manager of the railway infrastructure of common use shall inform all interested entities that need to use infrastructure capacities that have been already awarded to users or carriers, but are not used.

3. A reservation charge can also be levied if there is more than one applicant for a train path to be allocated under the annual timetable exercise.

Article 70
Monitoring of the infrastructure charging

1. The manager of a railway infrastructure of common use shall record the revenues generated from the track access on a special account which shall be made public.

2. The manager of a railway infrastructure of common use shall keep and publish its income statement and balance sheet of the activity of railway infrastructure management on its website

3. The manager of a railway infrastructure of common use shall ensure its decision making process and its implementation are transparent, fair, and non discriminatory.

Article 71
Cooperation in relation to charging systems on more than one network

For traffic crossing more than one network, the infrastructure manager shall cooperate with other infrastructure managers to enable mark-ups and performance schemes to be efficiently applied. The Ministry shall ensure such cooperation between infrastructure managers of different states. This cooperation shall develop specially in the context of the Transport Community Agreement between the SEETO partners.

SUB-CHAPTER VI
Allocation of infrastructure capacity

Article 72
Capacity rights

1. Every railway undertaking that is in possession of a license and of a safety certificate which allows the use of the total or of a part of the Kosovo railway infrastructure of common use and that fulfills all other requirements set by the manager of railway infrastructure of common use may apply for the allocation of train paths and shall have access to existing training facilities. Other persons or legal entities such as competent public authorities in charge of provision of rail public transport services, and shippers, freight forwarders and combined transport operators with a public service or a commercial interest in procuring infrastructure capacity may apply for train paths and related rail facilities services.

2. The applications shall be submitted to the manager of the infrastructure of common use in charge of allocation of railway infrastructure capacity.

3. The allocation of infrastructure capacity, in particular train paths and access to rail facilities shall be fair, and non discriminatory.

4. The allocation of infrastructure capacity shall be granted by the infrastructure manager in the framework of a contract to be concluded between the infrastructure manager and the applicant and setting out the rights and obligations of each party. The contract shall contain detailed requirements concerning access to the railway infrastructure, in particular the time and the duration of the use, the sum and details of the user fees and other financial, administrative and technical conditions of use including those of traffic regulation and safety.

5. The contract shall be fair, transparent and non-discriminatory. It shall be in accordance with the requirements of this Law and in particular with the provisions concerning the allocation of infrastructure facilities and the determination of fees for the use of these facilities, and the safety certificates issuance.

6. The right to use specific infrastructure capacity may be granted to applicants for a maximum duration of one working timetable period.

7. The manager of a railway infrastructure of common use and an applicant may enter into a multi annual framework agreement as described in this Law.

8. The applicant who is awarded a railway infrastructure capacity cannot transfer it to another applicant: Trading of infrastructure capacity between applicants cannot take place.

9. Any trade with the infrastructure capacities shall not be allowed and will result in the exclusion of the applicant from any further awarding of the capacities.

10. The use of infrastructure capacities by a railway undertaking that works on behalf of an applicant, if the applicant is not a railway undertaking, shall not be considered a transfer or trading with capacities.

11. The manager of the railway infrastructure of common use shall:

11.1. ensure that infrastructure capacity is allocated on a fair and non-discriminatory basis;

11.2. ensure that the contracts are non-discriminatory, transparent, and in accordance with the requirements of this Law; and

11.3. respect the confidentiality of information supplied to him as part of the capacity allocation process.

Article 73
Capacity allocation

1. A manager of infrastructure of common use shall perform capacity allocation process established and published in its Network Statement.

2. A manager of infrastructure of common use shall make sure that infrastructure capacity is allocated on a fair and non discriminatory basis.

3. In the procedure for awarding infrastructure capacities, the manager of infrastructure of common use fulfils the requests for capacities to the further extent possible, including the requests for train routes that traverse more than one network.

4. The manager of railway infrastructure of common use can give the priority to a specific type of services when awarding infrastructure capacities and during the coordination process. The principles for the definition of the priorities shall be published in the Network Statement after discussion with the interested parties.

5. The manager of railway infrastructure of common use shall reconcile the timetable design with the applicants requirements starting from the day when the applications are submitted and until the day the working timetable design is prepared.

6. The applicants shall be obliged to express their opinion on the working timetable design no later than one (1) month after they have received it.

7. If the applicants fail to express their opinion within the deadline stipulated in this Article, then the manager of the infrastructure shall consider that the working timetable design has been accepted, and the applicant shall consider that it has been awarded the requested infrastructure capacity.

8. The manager of the infrastructure shall undertake all of the necessary measures in order to review and analyze the expressed remarks and proposals provided by the railway undertakings with respect to the working timetable design.

9. If an applicant is refused an infrastructure capacity, or granted non satisfactory terms for the offer, the applicant may complain to the RRA.

Article 74
Applicants

1. Application for train paths shall be made by railway undertakings or their international groupings. They shall have license and safety certificate to operate services on the infrastructure on which they apply for train paths. Other persons or legal entities such as competent public authorities in charge of provision of rail public transport services, and shippers, freight forwarders and combined transport operators with a public service or a commercial interest in procuring infrastructure capacity may apply for train paths and related rail facilities services

2. The manager of railway infrastructure of common use may set specific requirements to ensure that its legitimate expectations about future revenues and utilization of the infrastructure are safeguarded. These requirements shall be appropriate, transparent and non discriminatory. They shall be published in the Network Statement

3. The manager of railway infrastructure of common use may also include a provision for a financial guarantee that must not exceed appropriate level which shall be proportional to contemplated level of activity of the applicant, and assurance of the capability to prepare compliant bids for infrastructure capacity.

Article 75
Application for infrastructure capacity

1. The applicants shall submit applications to the manager of the railway infrastructure of common use in order to sign a contract for access to the railway infrastructure, against an access charge.

2. The applications referring to the awarding of infrastructure capacities shall be prepared in accordance with the deadlines stipulated in this Law.

3. An applicant that is a contracting party to the framework agreement stipulated in this Law shall submit an application in accordance with that agreement.

4. An applicant that submits an application for infrastructure capacities that refer to more than one network can submit its application only to one manager of the infrastructure. In that case, the manager of the infrastructure can apply for infrastructure capacity, on the applicant's behalf, to other infrastructure managers.

Article 76
Framework agreement

1. A framework agreement may be concluded between a railway undertaking and a manager of railway infrastructure of common use in a fair, transparent and non discriminatory way. Such a framework agreement shall specify the characteristics of the infrastructure capacity required by and offered to the applicant over a period of time exceeding a working timetable period. The framework agreement shall not specify a train path in detail, but shall be such as to seek to meet the applicants' reasonable requirements, while not imposing undue constraints on the wishes of other applicants for the development of their business.

2. Prior agreement of such framework agreement shall be given by the Railway Market Regulatory body in charge of railway market regulation.

3. Framework agreement shall be in principle for a period of five (5) years.

4. Framework agreement may contain penalties necessary to modify or terminate the agreement.

5. While respecting commercial confidentiality, the general nature of each framework agreement shall be made available to any interested party.

Article 77
Schedule for the allocation process

1. Every manager of railway infrastructure of common use shall allocate capacities on the basis of the following schedule:

1.1. the working time table shall be established once per calendar year;

1.2. the change of working timetable shall take place at midnight on the second Saturday of December. Where a change or adjustment is carried out after the summer, it shall take place at midnight on the last Saturday in September each year, and at such other intervals between these dates as are required;

1.3. the final date for receipt of requests for capacity to be incorporated into the working timetable shall be no more than twelve (12) months in advance of the entry into force of the working timetable;

1.4. no later than eleven (11) months before the working timetable comes into force, the manager of railway infrastructure of common use shall insure that provisional international train paths have been established in cooperation with other relevant bodies;

1.5. no later than four (4) months after the deadline for submission of bids by applicants, the manager of railway infrastructure of common use shall prepare a draft timetable.

2. Managers of railway infrastructure of common use shall agree with the other relevant infrastructure managers concerned which international train paths are to be included in the working timetable, before commencing consultation on the draft working timetable.

3. The manager of railway infrastructure of common use shall, upon request, within a reasonable time and in due time for the coordination process make the following information available free of charge to applicants in written form for review:

3.1. train paths requested by all other applicants on the same routes;

3.2. train paths allocated to all other applicants and outstanding train paths requests for all other applicants on the same routes;

3.3. train paths allocated to all other applicants on the same routes as in the previous working timetable;

3.4. remaining capacity available on the relevant routes;

3.5. full details of the criteria being used in the capacity allocation process.

Article 78
Scheduling

1. Managers of railway infrastructure of common use shall as far as possible meet all requests for infrastructure capacity including requests for train paths crossing more than one network and shall as far as possible take account of all constraints on applicants including the economic effect on their business.

2. Managers of railway infrastructure of common use may give priorities to specific services within the scheduling and coordination process, providing the priorities and specificities are described in the Network Statement.

3. Managers of railway infrastructure of common use shall consult interested parties about the draft working timetable and allow them one month to present their views. Interested parties shall include all those who have requested infrastructure capacity as well as other parties who wish to have the opportunity to comment on how the working timetable may affect the ability to procure rail services during the working timetable period.

4. Managers of railway infrastructure of common use shall take appropriate measures to deal with any concern that are expressed.

Article 79
Cooperation in the allocation of infrastructure capacity on more than one network

1. Managers of railway infrastructure of common use in Kosovo shall cooperate with other infrastructure managers to enable the efficient creation and allocation of infrastructure capacity which crosses more than one network. They shall organize international train paths, especially within the framework of the Transport Community Agreement between the SEETO partners and along the Trans European Transport Network (TEN T network).

2. The procedures to create these international train paths shall associate representatives of infrastructure managers for all railway infrastructures of common use whose allocation decisions have an impact on more than one other infrastructure manager.

3. Working in cooperation to allocate infrastructure capacity on more than one network, the managers of railway infrastructure of common use may be able to prearrange international train paths that can be made available to applicants via any of the participating infrastructure managers.

Article 80
Coordination process

1. During the scheduling process described in this Law, when a manager of infrastructure of common use encounters conflicts between different requests, he shall attempt, through coordination of requests to ensure the best possible matching of requirements

2. When a situation requiring coordination arises, the manager of infrastructure of common use shall have the right, within reasonable limits to propose infrastructure capacity that differs from that which was required

3. The manager of infrastructure of common use shall attempt, through consultation with the appropriate applicants, to achieve resolution of conflicts

4. The principles governing the coordination process shall be defined in the Network Statement. They shall in particular, reflect the difficulty of arranging international train paths and the effects that modification may have on other managers of infrastructure of common use.

5. When requests for infrastructure capacity cannot be satisfied without coordination, managers of railway infrastructure of common use shall attempt to accommodate all requests through coordination.

6. Without prejudice to the existing appeal procedures in case of disputes relating to the allocation of infrastructure capacity, a dispute resolution system shall be made available in the Network Statement in order to resolve such disputes promptly. A decision shall be reached within a time limit of ten (10) working days.

Article 81
Congested infrastructure

1. When after coordination of the requested paths and consultation with applicants, it is not possible to satisfy requests for infrastructure capacity adequately, the manager of infrastructure of common use must declare to all applicants users of the railway infrastructure and to the Railway Market Regulatory body that element of infrastructure on which this has occurred, to be congested. This shall also be done for infrastructure which it can be foreseen will suffer from insufficient capacity in the near future.

2. When infrastructure has been declared to be congested, the infrastructure manager shall carry out a capacity analysis as described in this Law unless a capacity enhancement is already being implemented.

3. When charges have not been levied or have not achieved a satisfactory result and infrastructure has been declared to be congested, manager of infrastructure of common use may in addition use priority criteria to allocate infrastructure capacity.

4. The priority criteria shall take into account the importance of a service to society relative to any other service.

5. In order to guarantee within this framework the development of adequate transport services, in particular to comply with public service requirements or promote the development of rail freight, a Sub-legal act may precise any measure necessary under non discriminatory conditions to ensure that such services are given priority when infrastructure capacity is allocated.

6. The importance of freight services and in particular international freight services shall be given adequate consideration in determining priority criteria.

7. The procedures which shall be followed and criteria where infrastructure is congested shall be described in the Network Statement.

Article 82
Ad hoc requests

1. Managers of railway infrastructure of common use shall respond to ad hoc requests for individual train paths as quickly as possible and in any event, within five working days. Information supplied about available capacity shall be made available to applicants who may wish to use this capacity.

2. Managers of railway infrastructure of common use shall necessary undertake an evaluation of the need to reserve capacity to be kept available within the final scheduled working timetable to enable them to respond rapidly to foreseeable ad hoc requests for capacity. This shall also apply in cases of congested infrastructure.

Article 83
Specialized infrastructure

1. Railway infrastructure of common use shall be available on principle for the use of all types of services, which conform to the characteristics necessary for operation of the train paths.

2. When there are suitable alternative routes, the manager of railway infrastructure of common use may, after consultation with interested parties, designate particular infrastructure for use of specific types of traffic, and give priorities to this type of traffic when allocating the infrastructure capacity.

3. Such designation shall not prevent the use of the infrastructure by other types of traffic when capacity is available and when rolling stock conforms to the technical characteristics necessary for operation on the line. The Railway Market Regulatory body shall be duly notified.

4. When infrastructure has been designed as specialized for use by specific types of traffic, to prevent any potential discrimination, this shall be described in the Network Statement.

Article 84
Capacity analysis

1. The objective of capacity analysis is to determine the restrictions on infrastructure capacity which prevent requests for capacity from being adequately met, and to propose methods of enabling additional requests to be satisfied. This analysis shall identify the reasons for the congestion and what measures shall be taken in the short and medium term to ease the congestion.

2. A capacity analysis shall be completed within six (6) months of the identification of infrastructure as congested.

3. Methodology for this capacity analysis shall be prepared by the manager of railway infrastructure of common use and agreed with the ministry competent for railway matters.

Article 85
Capacity enhancement plan

1. Within six (6) months of the completion of a capacity analysis, the manager of railway infrastructure of common use shall produce a capacity enhancement plan

2. A capacity enhancement plan shall be developed after consultation with users of the relevant congested infrastructure with the participation of the Railway Market Regulatory body.

Article 86
Use of train paths

1. In particular for congested infrastructure, the manager of railway infrastructure of common use shall require the surrender of a train path which, over a period of at least one month, has been used less than a threshold quota to be laid down in the Network Statement, unless this was due to non economic reasons beyond the railway undertaking’s control.

2. Managers of infrastructure of common use may specify in the Network Statement conditions whereby they will take into account previous levels of utilization of train paths in determining priorities in the allocation process.

Article 87
Infrastructure capacity for scheduled maintenance

1. Requests for infrastructure capacity to enable maintenance to be performed shall be submitted during scheduling process.

2. Adequate account shall be taken by managers of railway infrastructure of common use of the effect of infrastructure capacity reserved for scheduled track maintenance on applicants

3. In order to ensure transparency in the scheduling process for such requests to the applicants, the manager of the railway infrastructure of common use shall detail in the Network Statement the scheduling process for requests for infrastructure capacity to enable maintenance to be performed.

4. The manager of railway infrastructure of common use in charge of path allocation, shall issue a sufficiently early warning to every holder of paths about the possible line closures, or other traffic limitations and the completion of works within the announced time frame. In case of delays in the works, or unplanned line closures, immediate notice shall be given and comparable train paths offered automatically at the same or reduced charges than the requested or agreed path.

Article 88
Special measures to be taken in the event of disturbance

1. In the event of disturbance of train movements caused by technical failure, incident or accident, managers of railway infrastructure of common use must take all necessary steps to restore the normal situation. To this end, they will draw up contingency plans listing the various public bodies to be informed in the event of serious incident or serious disturbance to train movements.

2. In an emergency and where absolutely necessary account of a breakdown making the infrastructure temporarily unusable, the paths allocated may be withdrawn with warning for as long as is necessary to repair the system.

3. Managers of railway infrastructure of common use may if they deem it necessary require railway undertakings to make available to them resources which they feel are the most appropriate to restore the normal situation as soon as possible.

4. Managers of railway infrastructure of common use may require railway undertakings to be involved in assuring the enforcement and monitoring of their own compliance of the safety standards and rules.

CHAPTER VI
USERS OF RAILWAY INFRASTRUCTURE

SUB-CHAPTER I
Railway undertakings

Article 89
Train operations and rail transport services

Train operations and rail transport services are provided by railway undertakings, using the railway infrastructure and other assets to produce these services.

Article 90
Railway operations in Kosovo

1. The existing railway operations in Kosovo shall be organized and managed by Train Operations of Kosovo jsc (TRAINKOS) jsc , later named which will be created as a publicly owned enterprise according to the Law on publicly owned enterprises of Kosovo.

2. The mission of TRAINKOS shall be to develop the transport business by rail and other means of transport (multimodal transport) in Kosovo and other countries to offer the best services to the society and the economy of Kosovo.

3. The assets constituting the TRAINKOS assets and belonging to the State shall be managed from TRAINKOS.

4. TRAINKOS must have a license and a safety certificate as stated in this Law.

5. TRAINKOS shall be run on a commercial basis under market conditions unless determined otherwise by this Law. TRAINKOS shall have the possibility to decide its tariff and negotiate contracts with clients and partners according to the Law of Kosovo on publicly owned enterprises

6. TRAINKOS may be the service provider for rail passenger services being considered as Public service obligations receiving if necessary financial compensation from the State acting then as a public authority ordering these services or other competent public authorities. In such a case, TRAINKOS will have a contract with the State acting as the public Authority ordering the services or other competent public authorities, stating the characteristics of the services to be provided as well as their quality, and setting out the clause and the amount of the financial compensation to be received by TRAINKOS as the provider of these services

7. The Board of TRAINKOS shall be nominated in accordance of the Law of Kosovo on Publicly Owned Enterprises.

8. A Sub-legal act shall describe the missions and the statutes of TRAINKOS. It shall also precise in agreement with the Law on publicly owned enterprises the number of TRAINKOS Board members as well as the modalities for their nomination and election., and the modalities for the choice of the Chairman of the Board.

9. TRAINKOS being a Publicly Owned Enterprise shall comply with the rules described in the Law of Kosovo about Publicly Owned Enterprises for its economic, financial and technical control.

10. All transfers of assets described above shall be free of taxes or fees for State.

11. Publicly owned assets of TRAINKOS shall be protected from usurpation as described in chapter X of this Law. TRAINKOS shall be entitled together with the police and the justice to act against such usurpation. An Sub-legal act shall define the modalities for such actions.

12. The revenues for TRAINKOS shall be revenues paid by clients both passengers and freight shippers or freight forwarders, but also other revenues related to TRAINKOS assets and activities, revenues paid by the State or any other competent public Authority as a financial compensation for the provision of transport services in general interest (PSO financial compensation) and any other revenues and contribution from public or private origin.

13. TRAINKOS commercial practices shall be compliant with the Laws of Kosovo.

Article 91
General conditions to operate railway services

It is prohibited to operate railway services on the infrastructure of common use of Kosovo without the necessary licenses, certificates and authorizations.

Article 92
Issuance of licenses

1. The license is the authorization given to an undertaking to be recognized as a railway undertaking, which means any private or public undertaking the main business of which is to provide railway transport services for passengers and goods, with a requirement that the applicant undertaking must ensure the traction.

2. The License must specify the types of railway services for which the holder is granted the license.

3. A license being granted by a licensing body established in the EU and valid, shall be considered as valid in Kosovo if compliant with Kosovo legislation. .

4. The licensing body established in Kosovo issues, amends, suspends and revokes licenses.

5. The licensing body in Kosovo shall not issue licenses or extend their validity where the requirements of the present Law and related regulations are not complied with.

6. An applicant undertaking shall be entitled to apply for a license in Kosovo when it is established in Kosovo.

7. An applicant undertaking applying for a license shall provide the licensing body with documents in Albanian, Serbian or English language confirming that it is meeting the requirements specified in this Law

8. An applicant undertaking which fulfils the requirements imposed in this Law shall be authorized to receive a license.

9. No applicant undertaking shall be permitted to provide the rail transport services covered by this Law unless it has been granted the appropriate license for the services to be provided. However such a license shall not itself entitle the holder to access to the railway infrastructure.

10. An applicant undertaking must be able to demonstrate to the licensing body before the start of its activities that it will at any time be able to meet the requirements relating to good repute, financial fitness, professional competence and cover for its civil liability listed in this Article.

11. Each applicant undertaking applying for a license shall provide all relevant information.

12. Conditions under which the requirement of good repute is met to ensure that an applicant undertaking or the persons in charge of its management are as follows:

12.1. has/have not been convicted of criminal offences, including offences of a commercial nature;

12.2. has/have not been declared bankrupt;

12.3. has/have not been convicted of offences against specific legislation applicable to transport;

12.4. has/have not been convicted of serious or repeated failure to fulfill social- or Labor -Law obligations, including obligations under occupational safety and health legislation.

13. The requirements elating to financial standing shall be met when an applicant undertaking can demonstrate that it will be able to meet its actual and potential obligations, established under realistic assumptions, for a period of twelve months.

14. Each applicant undertaking shall give at least its annual accounts or in the case of applicant undertaking unable to provide annual accounts, a balance sheet. Detailed particulars must be provided in particular on the following aspects:

14.1. available funds, including the bank balance, pledged overdraft provisions and loans;

14.2. funds and assets available as security;

14.3. working capital;

14.4. relevant costs, including purchase costs of payments to account for vehicles, land, buildings, installations and rolling stock;

14.5. charges on an undertaking's assets.

15. An applicant undertaking is not financially fit if considerable arrears of taxes or social security are owed as a result of the undertaking's activity.

16. The licensing body may require the submission of an audit report and suitable documents from a bank, accountant or auditor. These documents must include information concerning the financial standing of the applicant. .

17. The requirements relating to professional competence shall be met when:

17.1. an applicant undertaking has or will have a management organization which possesses the knowledge and/or experience necessary to exercise safe and reliable operational control and supervision of the type of operations specified in the license,

17.2. its personnel responsible for safety, in particular drivers, are fully qualified for their field of activity

17.3. its personnel, rolling stock and organization can ensure a high level of safety for the services to be provided.

18. Each applicant undertaking shall give at least the particulars listed below:

18.1. particulars of the nature and maintenance of rolling stock, in particular as regards safety standards.

18.2. particulars of the qualifications of personnel responsible for safety and details of personnel training.

19. Appropriate written proof of compliance with qualification requirements shall be produced for the licensing body.

20. Applicant undertaking shall be adequately insured or shall make equivalent arrangements for cover, in accordance with national and international law, of its liabilities in the event of accidents, in particular in respect of passengers, luggage, freight, mail and third parties.

21. The procedures for the granting of licenses shall be made public, as well as all the necessary forms and documents to be provided. They shall be on the Internet site of the licensing body.

22. The Licensing body shall take a decision on an application as soon as possible, but not more than three months after all relevant information, has been submitted.
The decision shall be communicated to the applicant railway undertaking. A refusal shall state the grounds therefore.

23. The licensing body shall inform the ministry competent for railway matters when a license is granted. The licensing body shall set up and update a register of licensed railway undertakings. This register shall be made public and shall be on the Internet site of the licensing body.

24. The licensing body's decisions may be subject to judicial review.

Article 93
Suspension and revocation of licenses, amendments

1. A license shall be valid as long as the railway undertaking fulfils the obligations laid down in this Law.

2. The licensing body may make provision for a regular review at least every five (5) years.

3. Specific provisions governing the suspension or revocation of a license may be incorporated in the license itself.

4. If there is serious doubt that a railway undertaking which the licensing body has licensed, complies with the requirements of this Law, the licensing body may, at any time, check whether that railway undertaking does in fact comply with those requirements.

5. Where the licensing body is satisfied that a railway undertaking can no longer meet the requirements of this Law, it shall suspend or revoke the license.
6. Where a license is suspended or revoked on grounds of non-compliance with the requirement for financial fitness, the licensing body may grant a temporary license pending the re-organization of the railway undertaking, provided that safety is not jeopardized. A temporary license shall not, however, be valid for more than six (6) months after its date of issue.

7. When a railway undertaking has ceased operations for six (6) months or has not started operations six (6) months after the grant of a license, the licensing body may decide that the license shall be submitted for approval or be suspended. As regards the start of activities, the railway undertaking may ask for a longer period to be fixed, taking account of the specific nature of the services to be provided.

8. In the event of a change affecting the legal situation of an undertaking and, in particular, in the event of a merger or takeover, the licensing body may decide that the license shall be resubmitted for approval. The railway undertaking in question may continue operations, unless the Licensing body decides that safety is jeopardized; in that event, the grounds for such a decision shall be given.

9. Where a railway undertaking intends significantly to change or extend its activities, its license shall be resubmitted to the licensing body for review.

10. The licensing body shall not permit a railway undertaking against which bankruptcy or similar proceedings are commenced to retain its license if that authority is convinced that there is no realistic prospect of satisfactory financial restructuring within a reasonable period of time.

11. When the licensing body suspends, revokes or amends a license, the licensing body informs the Government of Kosovo that shall immediately inform the neighboring countries governments, especially in the context of the Transport Community Agreement between the SEETO partners.

12. The licensing body's decisions may be subject to judicial review.

Article 94
Safety certification

1. In order to be granted access to the railway infrastructure, a railway undertaking holding already a license, must hold a safety certificate as provided for in this Law. The safety certificate may cover the whole railway network of Kosovo or only a defined part thereof.

2. The purpose of the safety certificate is to provide evidence that the railway undertaking has established its safety management system and can meet requirements laid down in

TSIs and other relevant EU legislation, and in national safety rules in order to control risks and operate safely on the network.

3. The safety certificate shall comprise:

3.1. certification confirming acceptance of the railway undertaking's safety management system as described in this Law. The delivery of this first part of the certificate, shall be related to the description of the safety management system of the railway undertaking which must be documented in all relevant parts and shall in particular describe the distribution of responsibilities within the organization of the infrastructure manager or the railway undertaking. It shall show how control by the management on different levels is secured, how staff and their representatives on all levels are involved and how continuous improvement of the safety management system is ensured. The basic elements of the safety management system are:

3.1.1. safety policy approved by the organization’s chief executive and communicated to all staff;

3.1.2. qualitative and quantitative targets of the organization for the maintenance and enhancement of safety, and plans and procedures for reaching these targets;

3.1.3. procedures to meet existing, new and altered technical and operational standards or other prescriptive conditions as laid down in TSIs, or in national safety rules or in other relevant rules, or in authority decisions, and procedures to assure compliance with the standards and other prescriptive conditions throughout the life-cycle of equipment and operations;

3.1.4. procedures and methods for carrying out risk evaluation and implementing risk control measures whenever a change of the operating conditions or new material imposes new risks on the infrastructure or on operations;

3.1.5. provision of programs for training of staff and systems to ensure that the staff's competence is maintained and tasks carried out accordingly;

3.1.6. arrangements for the provision of sufficient information within the organization and, where appropriate, between organizations operating on the same infrastructure;

3.1.7. procedures and formats for how safety information is to be documented and designation of procedure for configuration control of vital safety information;

3.1.8. procedures to ensure that accidents, incidents, near misses and other dangerous occurrences are reported, investigated and analyzed and that necessary preventive measures are taken;

3.1.9. provision of plans for action and alerts and information in case of emergency, agreed upon with the appropriate public authorities;

3.1.10.provisions for recurrent internal auditing of the safety management system.

3.2. certification confirming acceptance of the provisions adopted by the railway undertaking to meet specific requirements necessary for the safe operation of the relevant network. The requirements may include application of TSIs and national safety rules, acceptance of staff's certificates and authorization to place in service the rolling stock used by the railway undertaking. The delivery of the network specific part of the safety certificate, called part (b) of the certificate, shall be based on documentation submitted by the railway undertaking

3.2.1. documentation from the railway undertaking on the TSIs or parts of TSIs and, where relevant, national safety rules and other rules applicable to its operations, its staff and its rolling stock and how compliance is ensured by the safety management system,

3.2.2. documentation from the railway undertaking on the different categories of staff employed or contracted for the operation, including evidence that they meet requirements of TSIs or national rules and have been duly certified,

3.2.3. documentation from the railway undertaking on the different types of rolling stock used for the operation, including evidence that they meet requirements of TSIs or national rules and have been duly certified. A Sub-legal act shall be prepared on the basis of EU Directive 2004/49 and EU Regulation 653/2007 to describe the procedures to get the safety certificates in Kosovo.

4. A safety certificate part (a) granted to a railway undertaking established in the EU, by a body in charge of railway safety in one of the EU Member States shall be considered as valid in Kosovo if it is still valid in the EU, and if it is compliant with Kosovo Legislation.

5. This body in charge of railway safety shall grant the certificates in accordance with the provisions of this Law. The body in charge of railway safety shall issue the safety certificate within thirty (30) days from the day of submitting an orderly application. The safety certification granted shall specify the type and extent of the railway operations covered.

6. A railway undertaking applying for a safety certificate shall provide the body in charge of railway safety in Kosovo with documents in Albanian, Serbian or English language confirming that it is meeting the requirements specified in this Law.

7. Bodies in charge of railway safety in other states in which the railway undertaking is planning to operate additional rail transport services shall grant the additional national certification necessary to operate the services after examination of the application of the railway undertaking.

8. The safety certificate shall be renewed upon application by the railway undertaking at intervals not exceeding five years. It shall be wholly or partly updated whenever the type or extent of the operation is substantially altered.

9. The holder of the safety certificate shall without delay inform the body in charge of railway safety of all major changes in the conditions of the relevant part of the safety certificate. It shall furthermore notify the body in charge of railway safety whenever new categories of staff or new types of rolling stock are introduced. The body in charge of railway safety may require that the relevant part of the safety certificate be revised following substantial changes in the safety regulatory framework. If the body in charge of railway safety finds that the holder of the safety certificate no longer satisfies the conditions for a certification which it has issued, it shall revoke part (a) and/or (b) of the certificate, giving reasons for its decision. The body in charge of railway safety that has revoked an additional national certification shall promptly inform the body in charge of railway safety that granted the certification of its decision. Similarly, the body in charge of railway safety must revoke a safety certificate if it is apparent that the holder of the safety certificate has not used it as intended in the year following its issue.

10. The body in charge of railway safety shall inform the ministry within one month of the safety certificates that have been issued, renewed, amended or revoked. It shall state the name and address of the railway undertaking, the issue date, scope and validity of the safety certificate and, in case of revocation, the reasons for its decision.

11. The decisions of the body in charge of railway safety regarding safety certification may be subject to judicial review.

SUB-CHAPTER II
Train drivers and other personnel

Article 95
Licenses and Certificates

1. All train drivers shall have the necessary fitness and qualifications to drive trains and shall hold the following documents:

1.1. a train driver's license demonstrating that the driver satisfies minimum conditions as regards medical requirements, basic education and general professional skills. The license shall identify the driver and the issuing authority and shall state the duration of its validity. The license shall comply with the requirements which shall be detailed in a Sub-legal act prepared on the basis of the principles laid down in the EU Directive 2007/59.

1.2. one or more certificates indicating the infrastructures on which the holder is authorized to drive and indicating the rolling stock which the holder is authorized to drive. Each certificate shall comply with the requirements stated in an Sub-legal act prepared on the basis of the principles laid down in the EU Directive 2007/59

2. However, the requirement to hold a certificate for a specific part of infrastructure shall not apply in the exceptional cases listed hereafter, provided that another train driver who possesses a valid certificate for the infrastructure concerned sits next to the driver during driving:

2.1. when a disturbance of the railway service necessitates the deviation of trains or maintenance of tracks, as specified by the infrastructure manager;

2.2. for exceptional, one-off services which use historical trains;

2.3. for exceptional, one-off freight services, provided that the infrastructure manager agrees;

2.4. for the delivery or demonstration of a new train or locomotive;

2.5. for the purposes of training and examining drivers. The use of this possibility shall be a decision of the railway undertaking and may not be imposed by the relevant infrastructure manager or by the competent authority. Whenever an additional driver is used, the infrastructure manager shall be informed beforehand.

3. The certificate shall authorize driving in one or more of the following categories:

3.1. category A: shunting locomotives, work trains, maintenance railway vehicles and all other locomotives when they are used for shunting;

3.2. category B: carriage of passengers and/or of goods.

3.3. a certificate may contain an authorization for all categories, covering all codes as referred to in this Law.

4. The body in charge of train drivers and other crew licensing in Kosovo shall adopt the EU models and rules for drivers licenses, certificates and certified copies of the certificates.

5. The body in charge of train drivers and other crew licensing in Kosovo shall take all necessary steps to avoid the risks of falsification of licenses and certificates and tampering with the registers provided for in this Law.

6. The body in charge of train drivers and other crew licensing in Kosovo shall be required to:

6.1. keep a register of all licenses issued, updated, renewed, amended, expired, suspended, withdrawn or reported lost, stolen or destroyed. This register shall contain the data for every license, which shall be accessible using the national number allotted to each driver. It shall be regularly updated;

6.2. supply, upon reasoned request, information on the status of such licenses to the competent bodies of the Governments of other countries specially in the context of the Transport Community Agreement between the SEETO partners, or to any other employer of drivers.

7. Each railway undertaking and infrastructure manager shall be required to:

7.1. keep a register, or ensure that a register is kept, of all certificates issued, updated, renewed, amended, expired, suspended, withdrawn or reported lost, stolen or destroyed. A Sub-legal act prepared on the basis of the principles laid down in EU Directive 2007/59 shall precise all data to be kept in the register for every certificate, as well as all data relating to the periodic checks. It shall be regularly updated;

7.2. cooperate with the competent authority of other states specially in the context of SEETO agreement, where drivers may be domiciled in order to exchange information with the competent authority and give it access to data required;

7.3. supply information on the content of such certificates to the competent bodies of other states specially in the context of the Transport Community Agreement between the SEETO partners, upon their request, when this is required as a consequence of their transnational activities.

8. Train drivers shall have access to the data concerning them and stored in the registers of the body in charge of licensing train drivers and other crew in Kosovo and of railway undertakings, and shall be provided with a copy of these data on request.

9. The competent body shall adopt the basic parameters of the registers to be set up such as data to be recorded, their format and the data exchange protocol, access rights, duration of retention and procedures to be followed in case of bankruptcy.

10. The competent body, infrastructure managers and railway undertakings shall ensure that the registers provided for and the modes of operation of such registers comply with

legislation on protection of personal data. The train drivers' license shall be owned by its holder

11. In Kosovo, the competent body to issue the drivers' licenses, keep the register, and provide necessary information. Its mission, tasks and procedures shall be précised in a Sub-legal act prepared on the basis of the EU Directive 2007/59.

12. The drivers' certificates shall be issued by the railway undertaking or the infrastructure manager who employs or contracts the driver. The certificate shall be owned by the undertaking or manager issuing it. However, drivers shall be entitled to obtain a certified copy. Train drivers' certificates shall be issued by railway undertakings or railway infrastructure managers in Albanian, Serbian and English,

13. Geographical validity

13.1. a train driver's license shall be valid throughout in Kosovo and could be valid in other countries providing specific agreements between Kosovo and other countries exist.

13.2. a train driver's certificate shall be valid only on those infrastructures and rolling stock identified on it.

14. A train driver‘s license granted in an EU Member State and still valid shall be considered as valid in Kosovo if compliant with Kosovo legislation.

Article 96
Conditions for obtaining the drivers' license and the drivers' certificate

1. To obtain a license, applicants shall satisfy the minimum requirements set out in this Law.. To obtain a certificate and for it to remain valid, applicants shall hold a license and satisfy the minimum requirements set out below.

2. License applicants shall be at least twenty two (22) years.

3. Basic requirements to obtain the driver's license;

3.1. applicants shall have successfully completed at least nine years' education (primary and secondary) and have successfully concluded basic training. A Sub-legal act prepared on the basis of the EU Directive 2007/59 shall describe the level of education and training required.

3.2. applicants shall provide confirmation of their physical fitness by passing a medical examination conducted by, or under the supervision of (to be decided by the Member State) a medical doctor accredited or recognized in accordance with

this law. A sub-legal act prepared on the basis of the EU Directive 2007/59 shall list the criteria to be checked by this medical examination.

3.3. applicants shall demonstrate their occupational psychological fitness by passing an examination conducted by, or under the supervision of (to be decided by the Member State) a psychologist or an accredited medical doctor accredited. A Sub-legal act prepared on the basis of the EU Directive 2007/59 shall list the criteria to be checked by this examination.

3.4. applicants shall have demonstrated their general professional competence by passing an examination. A Sub-legal act prepared on the basis of the EU Directive 2007/59 shall cover the general subjects for this examination.

4. Requirements to obtain the driver's certificate

4.1. to get a driver's license in Kosovo, the driver shall have knowledge of Albanian and Serbian language;

4.2. applicants shall have passed an examination testing their professional knowledge and competence relating to the rolling stock for which the certificate is sought. A Sub-legal act prepared on the basis of the EU Directive 2007/59 shall list the general subjects to be covered by this examination;

4.3. applicants shall have passed an examination testing their professional knowledge and competence relating to the infrastructures for which the certificate is sought. An Sub-legal act prepared on the basis of the EU Directive 2007/59 shall list the general subjects to be covered by the examination as well as where appropriate the linguistic knowledge.

4.4. applicants shall be trained by the railway undertaking or the infrastructure manager in relation to its safety management system as defined in this Law.

5. All basic requirements to obtain a driver's license and all conditions to obtain a driver's certificate shall be regrouped in a general Sub-legal act prepared on the basis of the principles laid down in EU Directive 2007/59 which shall also describe the formats of the driver's license and driver's certificate and the content of the registers of drivers licenses and certificates registers to be kept by the competent authority and made available to all interested parties.

6. The body in charge of licensing train drivers and other crew shall prepare and publish the procedure to be followed for obtaining a license.

6.1. all license applications shall be lodged with the body in charge of licensing train drivers and other crew by the candidate driver or any entity on his behalf;

6.2. applications submitted to the body in charge of licensing train drivers and other crew may be for the grant of a new license, the updating of license particulars, a renewal or a duplicate;

6.3. the body in charge of licensing train drivers and other crew shall issue the license as soon as possible and no later than one (1) month after receiving all the necessary documents;

6.4. a license shall be valid for ten (10) years subject to periodic checks, inspections and monitoring;

6.5. a license shall be issued in a single original. Any duplication of a license, other than by the body in charge of licensing train drivers and other crew where a duplicate is requested, shall be prohibited.

7. Each railway undertaking and manager of railway infrastructure shall set up its own procedures for issuing and updating certificates in accordance with this Law , as part of its safety management system, as well as appeals' procedures allowing drivers to request a review of a decision relating to the issue, updating, suspension or withdrawal of a certificate. In the event of disagreement, the parties may appeal to the Railway Market Regulatory body or any independent appeal body.

8. Railway undertakings and infrastructure managers shall update, without delay, a certificate whenever the certificate holder has taken the additional authorization in relation to the mobile means or infrastructure.

Article 97
Periodic checks and monitoring

1. In order for a driver's license to remain valid, its holder shall undergo periodic examinations and/or tests. With regard to medical requirements, the minimum frequency shall be observed in accordance with the provisions of a Sub-legal act prepared on the basis of the EU Directive 2007/59. These medical checks shall be conducted by, or under the supervision of, medical doctors accredited or recognized. As far as general professional knowledge is concerned, a process of continuous training shall be set up in order to ensure that staff competencies are maintained in accordance with requirements detailed in the an Sub-legal act prepared on the basis of the EU Directive 2007/59. When renewing a license, the competent authority shall verify in the register that the driver has met the requirements.

2. In order for a driver's certificate to remain valid, its holder shall undergo periodic examinations and/or tests. The frequency of those examinations and/or tests shall be determined by the railway undertaking or the infrastructure manager employing or contracting the driver in accordance with its own safety management system, and respect the minimum frequencies set out in the Sub-legal act prepared on the basis of the EU

Directive 2007/59. For each of these checks the body in charge of licensing train drivers and other crew shall confirm by a statement on the certificate and in the register that the driver has met the requirements,

3. Railway undertakings and infrastructure managers shall be required to ensure, and to check, that the licenses and certificates of the drivers they employ or contract are valid. They shall set up a system for monitoring their drivers. If the results of such monitoring call into question a driver's competence for the job and the continuing validity of his license or certificate, railway undertakings and infrastructure managers shall immediately take the necessary action.

4. When a driver ceases to work for a railway undertaking or an infrastructure manager, it shall inform the body in charge of licensing train drivers and other crew without delay. The driver's license shall remain valid, provided that the periodic checks remain fulfilled.

5. A driver's certificate shall become invalid when its holder ceases to be employed as a driver. However, the holder shall receive a certified copy of it and of all documents providing evidence of his training, qualifications, experience and professional competences. When issuing a certificate to a driver, a railway undertaking or infrastructure manager shall take account of all those documents.

6. The body in charge of licensing train drivers and other crew may at any time take steps to verify, on board trains operating in its area of jurisdiction, that the train driver is in possession of the documents issued pursuant to this Law. .

7. The body in charge of licensing train drivers and other crew may carry out enquiries regarding compliance with this Law by drivers, railway undertakings, infrastructure managers, examiners and training centers pursuing their activities in its area of jurisdiction. If the body in charge of licensing train drivers and other crew finds that a driver no longer satisfies one or more required conditions, it shall take actions, such as suspension of the license. Prohibition of operating trains may be decided after approach of the issuing body of the driver's certificate.

8. The body in charge of licensing train drivers and other crew shall be also responsible for checking and monitoring their validity once they are issued.

Article 98
Access to training facilities for train drivers

1. Railway undertakings applying for a safety certificate shall have fair and non-discriminatory access to training facilities for train drivers and staff accompanying the trains, whenever such training is necessary for the fulfillment of requirements to obtain the safety certificate. The services offered must include training on necessary route knowledge, operating rules and procedures, the signaling and control command system and emergency procedures applied on the routes operated. Managers of railway

infrastructure of common use and their staff performing vital safety tasks shall have also have fair and non-discriminatory access to training facilities. If the training services do not include examinations and granting of certificates, railway undertakings shall have access to such certification if it is a requirement of the safety certificate.

2. If the training facilities are available only through the services of one single railway undertaking or one infrastructure manager, they shall be made available to other railway undertakings at a reasonable and non-discriminatory price, which is cost-related and may include a profit margin.

3. When recruiting new train drivers, staff on board trains and staff performing vital safety tasks, railway undertakings must be able to take into account any training, qualifications and experience acquired previously from other railway undertakings. For this purpose, such members of staff shall be entitled to have access to, obtain copies and communicate all documents attesting to their training, qualifications and experience.

4. Each railway undertaking and each infrastructure manager shall be responsible for the level of training and qualifications of its staff carrying out safety-related work.

5. The body in charge of licensing train drivers and other crew and the railway market regulatory body shall be responsible for monitoring these conditions for provision of training for train drivers, and specially for controlling that the provision of training services meets the requirements of the TSIs.

Article 99
General working conditions for other than train drivers rail sector personnel

1. Rail sector personnel is currently employed in Kosovo with the status of employees of a Public Enterprise on the basis of a specific company agreement.

2. Organization of the working time of rail sector employees shall comply with the following minimum safety and health requirements, especially for night work

2.1. every worker is entitled to a minimum daily rest period of eleven (11) consecutive hours per twenty four (24)/hour period;

2.2. where the working day is longer than six hours, every worker is entitled to a rest break, the details of which, including duration and the terms on which it is granted, shall be laid down in collective agreements;

2.3. per each seven-day period, every worker is entitled to a minimum uninterrupted rest period of twenty four (24) hours plus the eleven (11) hours' daily rest referred to above;

2.4. keeping with the need to protect the safety and health of workers:

2.4.1. the period of weekly working time is limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry;

2.4.2. the average working time for each seven-day period, including overtime, does not exceed forty eight (48) hours;

2.5. every worker is entitled to paid annual leave of at least four weeks in accordance with the conditions for entitlement to, and granting of, such leave laid down by national legislation and/or practice;

2.6. the minimum period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated;

2.7. when night work is considered:

2.7.1. normal hours of work for night workers shall not exceed an average of eight (8) hours in any twenty four (24) hour period;

2.7.2. night workers whose work involves special hazards or heavy physical or mental strain shall not work more than eight hours in any period of twenty four (24) hours during which they perform night work;

2.8. work involving special hazards or heavy physical or mental strain shall be defined companies' agreements, taking account of the specific effects and hazards of night work;

2.9. free health assessment complying with medical confidentiality shall be offered to night workers. In case night workers suffer from health problems recognized as being connected with the fact that they perform night work, they shall be transferred whenever possible to day work to which they are suited;

2.10. night workers and shift workers shall have safety and health protection appropriate to the nature of their work;

2.11. specific working conditions are defined at companies' level for staff spending working time on board the trains and whose activities are linked to transport timetables and shall ensure the continuity and the regularity of traffic.

CHAPTER VII
SAFETY OF THE RAILWAY SYSTEM

Article 100
Safety principles

1. RRA shall ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved taking into account EU legislation most recent changes, technical and scientific progress and giving priority to the prevention of serious accidents. The ministry shall ensure that safety rules are laid down, applied and enforced in an open and non-discriminatory manner by the body in charge of railway safety.

2. RRA shall ensure that measures to develop and improve railway safety take account of the need for a system-based approach.

3. RRA shall ensure that the body in charge of railway safety lays upon the infrastructure managers and railway undertakings, the responsibility for the safe operation of the railway system and the control of the risks associated with it, and obliges them to implement the necessary risk control measures, where appropriate in cooperation with each other, to apply national safety rules and standards, and to establish safety management systems in accordance with this Law. Without prejudice to civil liability, each infrastructure manager and railway undertaking shall be made responsible for its part of the system and its safe operation, including supply of material and contracting of services, vis-à-vis users, customers, the workers concerned and third parties.

4. This shall be without prejudice to the responsibility of each manufacturer, maintenance supplier, wagon keeper, service provider and procurement entity to ensure that rolling stock, installations, accessories and equipment and services supplied by them comply with the requirements and the specified conditions for use, so that they can be safely put into operation by the railway undertaking and/or infrastructure manager.

Article 101
Safety indicators, methods and targets

1. Common safety indicators in order to facilitate the assessment of the achievement in Kosovo of the Common Safety Targets developed in the EU (CSTs) and to provide for the monitoring of the general development of railway safety, the body in charge of railway safety shall collect information on common safety indicators (CSIs) as proposed by the EU and shall propose their use in Kosovo to the ministry.

2. Common safety methods

2.1. the Common Safety Methods (CSMs) developed by the EU and published in the Official Journal of the European Union shall be considered as a basis for

railway safety in Kosovo, and shall be used by the body in charge of railway safety.

2.2. the CSMs developed by the EU describe how the safety level, and the achievement of safety targets and compliance with other safety requirements, are assessed by elaborating and defining:

2.2.1. risk evaluation and assessment methods;

2.2.2. methods for assessing conformity with requirements in safety certificates and safety authorizations issued in accordance with this Law;

2.2.3. as far as they are not yet covered by Technical Standards for Interoperability,(TSIs),, methods to check that the structural subsystems of the trans-European high-speed and conventional rail systems are operated and maintained in accordance with the relevant essential requirements;

2.3. the CSMs developed by the EU shall be the basis for safety management system in Kosovo. They will be described in a Sub-legal act prepared on the basis of the EU Directives 2004/49 and 2008/110, and other EU regulations developed by the European Railway Agency;

2.4. the ministry shall make any necessary amendments to the national safety rules for Kosovo railway system in the light of the adoption of CSMs developed by the EU and described in the above mentioned Sub-legal act.

3. Common safety targets:

3.1.common Safety Targets (CSTs) proposed at the EU level, together with an assessment of their estimated costs and benefits, an indication of their likely impact for the actors of the economy, and their impact on the social acceptance of risk shall be considered as a basis for railway safety in Kosovo and shall be proposed as targets in Kosovo by the body in charge of railway safety in Kosovo. They shall define the safety levels that must at least be reached by different parts of the European railway system and by the system as a whole;

3.2. the ministry shall make its best efforts to introduce the necessary amendments to the national safety rules to achieve the CSTs as defined at EU level. These CSTs shall be stated in a Sub-legal act prepared on the basis of the EU Directives 2004/49 and 2008/110.

Article 102
National safety rules

1. The ministry shall prescribe binding national safety rules on proposal of the body in charge of railway safety under its supervision and shall ensure that these rules are published in Albanian, Serbian and English language, and made available to all infrastructure managers, railway undertakings, applicants for a safety certificate and applicants for a safety authorization in clear language that can be understood by the parties concerned. These rules shall be available on the Internet site of the body in charge of railway safety.

2. The national safety rules shall include the following as a minimum:

2.1. general technical requirements that shall be fulfilled during design, construction, reconstruction, overhaul and maintenance of the integral parts of the railway infrastructure in order to enable safe railway traffic;

2.2. the method and procedure for maintenance of railway vehicles, the method of keeping records on the maintenance of the railway vehicles as well as the conditions that shall be met by the entity that performs railway vehicles maintenance;

2.3. equipment of the official spots of the infrastructure manager;

2.4. rules on safe railway traffic regarding the railway vehicles and railroads and the exploitation and operational regulation of the railway traffic;

2.5. procedure for obtaining a license for operational regulation of the railway traffic;

2.6. crossing of Railway with road from the aspect of safe railway traffic;

2.7. duties and responsibility of the railway personnel that participates in the railway traffic directly;

2.8. internal order and protection of the railway infrastructure and railway vehicles;

2.9. identifying of the structures of special significance for the railway traffic safety;

2.10. conditions that shall be met by the railway workers;

2.11. transport for own needs;

2.12. special safety measures.

3. A Sub-legal act shall be prepared to publish the national safety rules for railway sector in Kosovo.

4. The ministry shall consult all interested parties in due time if it wants to prescribe new national safety rules requiring a higher safety level than the CSTs developed at the EU level or developed in the context of the Transport Community Agreement between SEETO partners.

Article 103
Safety management system

1. Infrastructure managers and railway undertakings shall establish their safety management systems to ensure that the railway system can achieve at least the CSTs, are in conformity with the national safety rules and with safety requirements laid down in the TSIs, and that the relevant parts of CSMs are applied.

2. The safety management system shall meet the safety requirements and contain the elements laid down about safety for railway system, adapted to the character, extent and other conditions of the activity pursued. It shall ensure the control of all risks associated with the activity of the infrastructure manager or of the railway undertaking, including the supply of maintenance and material and the use of contractors. Without prejudice to existing national and international liability rules, the safety management system shall also take into account, where appropriate and reasonable, the risks arising as a result of activities by other parties

3. The safety management system of any infrastructure manager shall take into account the effects of operations by different railway undertakings on the railway network and make provisions to allow all railway undertakings to operate in accordance with TSIs and national safety rules and with conditions laid down in their safety certificate. It shall furthermore be developed with the aim of coordinating the emergency procedures of the infrastructure manager with all railway undertakings that operate on its infrastructure.

4. The safety management system has to be documented in all relevant parts and shall describe the responsibilities within the framework of the organization of the infrastructure manager of railway carrier. The safety management system shall describe the control method on various management levels by the management, the role of the staff at all levels and how the permanent improvement of the operations is provided.

5. Basic elements of the safety management system shall be the following as a minimum:

5.1. a document describing the safety policy approved in the infrastructure managers and railway undertakings organization by senior executive representatives. This policy shall be made available to all employees;

5.2. a description of qualitative and quantitative goals of the organization in order to maintain and improve the safety and plans and procedures for achievement of such goals;

5.3. a description of the procedures for fulfillment of the existing, new and amended technical and operative standards or other prescribed conditions in: the TSIs, in the National Safety Rules stipulated in other decisions by competent authorities and in the method of utilization of the equipment and performance of the operations;

5.4. a description of the procedures and methods for risk assessment and implementation of risk control measures always when the change of the operative conditions or the new materials pose new risks to the railway infrastructure or to the operations;

5.5. a description of the training programs for the personnel to demonstrate that the competences of the personnel are maintained and developed;

5.6. a description of information within the organization to demonstrate how information about safety plans and safety procedures is disseminated, and where applicable, a description of the information about safety plans and safety procedures is exchanged between the organizations that operate on the same railway infrastructure .

5.7. a description of procedures and forms for documentation for information about safety, a description of the procedures to control safety information as confidential where necessary;

5.8. a description of the procedures to ensure that accidents, incidents, omissions and other dangerous events are properly reported, investigated and analyzed, and that preventive measures are taken;

5.9. action plans, for emergency situations and crisis management based on cooperation with competent authorities;

5.10. a description of the periodic internal audits of the safety management system to be conducted.

6. Each year all infrastructure managers and railway undertakings shall submit to the body in charge of railway safety before 30 June an annual safety report concerning the preceding calendar year. The safety report shall contain at least:

6.1. a. information on how the organization’s corporate safety targets are met and the results of safety plans;

6.2. the development of national safety indicators, and of the CSIs laid down in this Law, as far as it is relevant to the reporting organization;

6.3. the results of internal safety auditing;

6.4. observations on deficiencies and malfunctions of railway operations and infrastructure management that might be relevant for the body in charge of railway safety.

7. More precise description of requirements, procedures and tests shall be prepared in a Sub-legal act prepared on the basis of the principles laid down in the EU Directive 2004/49.

Article 104
Safety certificates and safety authorizations

1. Every railway undertaking holding a license, shall obtain a safety certificate before being granted access to the railway infrastructure. The purpose of the safety certificate is to provide evidence that the railway undertaking has established its safety management system and can meet requirements laid down in TSIs and other relevant EU legislation and in national safety rules in order to control risks and provide transport services safely on the network.

2. Every manager of infrastructure of common use shall obtain a safety authorization. The safety authorization shall comprise:

2.1. authorization confirming acceptance of the infrastructure management system;

2.2. authorization confirming acceptance of the provisions of the infrastructure manager to meet specific requirements necessary for the safe design, maintenance and operation of the railway infrastructure including, where appropriate, the maintenance and operation of the traffic control and signaling system.

3. Every railway undertaking shall obtain a safety certificate (part a and part b) before being granting access to the railway infrastructure.

4. All market players having obtained safety certificates, safety authorizations must monitor they meet the requirements of their certificates and take corrective actions if necessary.

5. The body in charge of railway safety shall be free to carry out all inspections and investigations that are needed for accomplishment of its tasks and it shall be granted access to all relevant documents and to premises, installations and equipment of infrastructure managers and railway undertakings

6. The body responsible for delivering safety certificates and safety authorizations is the body in charge of safety.

CHAPTER VIII
SAFETY REQUIREMENTS

Article 105
General safety requirements for railway system and subsystems

1. All railway subsystems have to meet the general safety requirements as defined in this Law:

1.1 the design, construction or assembly, maintenance and monitoring of safety critical components, and more particularly the components involved in train movements, must be as such as to guarantee safety at the level corresponding to the CSTs laid down for the railway sector, including those for specific degraded situations;

1.2. the parameters involved in the wheel/rail contact must meet the stability needed in order to guarantee safe movement at the maximum authorized speed. The parameters of brake equipment must guarantee that it is possible to stop within a given brake distance at the maximum authorized speed;

1.3. the components used must withstand any normal or exceptional stresses that have been specified during their period in service. The safety repercussions of any accidental failure must be limited by appropriate means;

1.4. the design of fixed installations and rolling stock and the choice of the materials used must be aimed at limiting the generation, propagation and effects of fire and smoke in the event of a fire;

1.5. any device intended to be handled by users must be so designed as not to impair the safe operation of the devices or the health and safety if used in a foreseeable manner, albeit not in accordance with the posted instructions.

Article 106
Safety requirements specific to each railway subsystem

1. Technical Specifications for interoperability (TSIs) are prepared and issued at EU level to prepare the single European railway area, and shall be considered as a basis for railway safety in Kosovo.

2. For each railway subsystem as defined in this Law technical safety requirements in Kosovo shall be issued by RRA and must fulfill the essential requests, especially those of safety.

Article 107
Compliance of all railway subsystems to the safety requirements of the TSIs

All railway subsystems, the railway vehicles, installations, auxiliary devices, equipment and services, shall comply with the safety requirements of the TSIs and the national safety rules. These safety requirements shall be met during the execution of the activities of the railway infrastructure manager and/or the railway undertaking, regardless on the responsibility of the manufacturer, maintainer, proprietor, service provider and vendor of the subsystems and components

Article 108
Authorization for placing on the market interoperability constituents produced and /or used in Kosovo

1. Interoperability constituents shall be placed on the market only if they enable interoperability to be achieved within the rail system while at the same time meeting the essential requirements, and if they are used in their area as intended and are suitably installed and maintained

2. EC declaration of conformity or suitability for use for interoperability constituents shall be considered as valid in Kosovo if compliant with Kosovo legislation.

3. For interoperability constituents produced in Kosovo, to get this EC declaration of conformity or suitability for use shall be possible if the manufacturer or his authorized representative established in the EU applies for such declaration providing the constituent complies with the provisions laid down in the relevant TSIs. Where the corresponding TSI so requires, assessment of conformity or suitability for use of an interoperability constituent shall be carried out by the notified body with which the authorized representative of the manufacturer established in the EU, has lodged the application.

4. Interoperability constituents may get a Kosovo declaration of conformity or suitability for use if manufacturers apply for such declaration and after possible necessary assessment by a nationally accredited body of the compliance of the constituents with Technical Specification for Interoperability (TSIs) as introduced in Kosovo legislation. Such a declaration of conformity or suitability for use shall be valid only in Kosovo in absence of any agreement with other countries.

Article 109
Authorization for placing in service structural subsystems in Kosovo

1. For each railway subsystem, an authorization for placing into service shall be obtained by the infrastructure manager or the railway undertaking from the body in charge of railway interoperability.

2. To get this authorization for placing in service of a subsystem, the applicant shall demonstrate that the subsystem is designed, constructed and installed in such a way as to meet the essential requirements when integrated into the rail system. In particular, the applicant shall demonstrate:

2.1. the technical compatibility of the subsystem with the system into which they are being integrated;

2.2. the safe integration of the subsystem into the railway system;

2.3. the subsystem complies with the relevant TSIs provision on operation and maintenance

3. A structural subsystem shall be considered as being interoperable and meeting the safety essential requirements if it is covered by a declaration of verification.

4. The EC declaration of verification for a railway subsystem shall be considered in Kosovo as valid if compliant with Kosovo legislation.

5. The task of the nationally accredited body responsible for the verification of a subsystem shall begin at the design stage and covers the entire manufacturing period through the acceptance stage before the subsystem is placed in service. It shall also cover verification of the interfaces of the subsystem in question with the system into which it is incorporated.

6. The nationally accredited body shall be responsible for compiling the technical file that has to accompany the declaration of verification. This technical file shall contain all the necessary documents relating to the characteristics of the subsystem and, where appropriate all the documents certifying conformity of the interoperability constituents. It shall also contain all the elements relating to the condition and limits concerning servicing, constant or routine monitoring, adjustment and maintenance.

7. In the event of renewal or upgrading of a subsystem, the contracting entity or the manufacturer shall send to the body in charge of railway safety a file describing the project. After examination, it will be decided whether the extent of works means a new authorization for placing in service.

8. A register of the infrastructure shall be kept, updated and published This register shall indicate the main features of each subsystem or part subsystem involved and their

correlation with the features laid down under the applicable TSIs. To that end, each TSI shall indicate what information must be included in the register of infrastructure.

9. In Kosovo, the register of infrastructure shall be kept and updated by each infrastructure manager established in Kosovo under the responsibility of the Railway Regulatory Authority with the contribution of the body in charge of railway safety.

10. A Sub-legal act prepared on the basis of the EU Directive 2004/49 shall describe the procedures, documents and tests to be presented to get such authorizations for placing into service railway structural subsystems in Kosovo.

Article 110
Authorization for placing vehicles into service in Kosovo

1. Before being used on a railway network, a vehicle shall be authorized to be placed in service.

2. A vehicle shall be given a first authorization for placing in service, by body in charge of railway safety, when all the structural subsystems of a vehicle have been authorized for placing in service after assessment and verification procedures as laid down in the relevant TSIs. RRA shall be responsible for granting authorizations for placing vehicles into service in Kosovo with the contribution of the body in charge of railway safety responsible for checking the technical compatibility between the vehicle relevant subsystems and their safe integration, and the technical compatibility between the vehicle and the network concerned as well as the technical compatibility with other specific national rules.

3. A vehicle which conforms to an already authorized type of vehicle shall be given an authorization for placing in service on the basis of a declaration of conformity to type and without any further technical checks

4. Authorizations for placing vehicles into service granted in the EU and in other countries with which Kosovo has specific agreements shall be considered as valid if compliant with the Kosovo legislation.

5. Countries having agreements with Kosovo shall recognize as valid authorizations for placing in service granted by the body in charge of railway interoperability in Kosovo.

6. In case the body in charge of railway interoperability in Kosovo refuses or revokes an agreement for placing a vehicle in service, the decision shall be duly substantiated.

7. Procedures for first authorizations of placing in service vehicles conform to TSIs or not conform, as well as additional necessary authorizations. and forms for declaration of conformity to type shall be described in a Sub-legal act prepared on the basis of the principles laid down in the EU Directives 2004/49 and 2008/110.

8. National Vehicle Number (NVN) and National Vehicle Register (NVR)

8.1. any vehicle placed in service in Kosovo shall carry a National vehicle number (NVN) assigned when the first authorization for placing the vehicle into service is granted;

8.2. if the vehicle is authorized in the EU, the applicant for the first authorization shall be responsible for marking the vehicle with an European Vehicle Number which shall be recognized for use of vehicles in Kosovo;

8.3. a register of the vehicles authorized in Kosovo shall be kept and updated: This register will be accessible to the body in charge of railway safety and to the Accident Investigation body. It shall also be accessible in response to any legitimate request to the market regulatory bodies, railway undertakings and infrastructure managers as well as to other persons and organizations;

8.4. the register shall at least contain the following information about each authorized vehicle in Kosovo:

8.4.1.the National Vehicle Number;

8.4.2. references to the declaration of verification and the issuing body;

8.4.3. identification of the owner of the vehicle and the keeper;

8.4.4. restrictions on how the vehicle may be used;

8.4.5. the entity in charge of the maintenance;

8.5. RRA will be responsible for authorizations for placing vehicles in service shall be responsible for numbering the wagons and keeping the register for vehicles placed in service in Kosovo.

Article 111
Interoperability compliance, safety authorizations of infrastructure managers and safety certification of railway undertakings

1. After getting authorization for placing in service structural subsystems, an infrastructure manager shall be able to apply for its safety authorization

2. After getting authorization for placing vehicles in service, a railway undertaking shall be able to apply for its safety certificate.

Article 112
Maintenance of vehicles

1. Each vehicle before it is placed into service or used on the network shall have an entity in charge of maintenance assigned to it and this entity shall be registered in the register of the vehicles authorized in Kosovo.

2. A railway undertaking, an infrastructure manager or a keeper may be an entity in charge of maintenance of vehicles.

3. This entity shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running by means of a system of maintenance. To this end, the entity in charge of maintenance shall ensure that vehicles are maintained in accordance with

3.1. the maintenance file of each vehicle;

3.2. the requirements in force including maintenance rules and TSIs' provisions.

4. The entity in charge of maintenance shall carry out the maintenance itself or make use of contracted maintenance workshops.

5. In the case of freight wagons, in Kosovo, each entity in charge of maintenance shall be certified by RRA (with the contribution of the body in charge of railway safety)

6. RRA shall keep a register of the entities in charge of maintenance of freight wagons established in Kosovo.

7. RRA shall keep a register of wagon keepers for wagons registered in Kosovo, and shall have the necessary contacts to have the information related to a wagon keeper and the entity in charge of maintenance for a wagon in operation in Kosovo.

CHAPTER IX
INTEROPERABILITY

Article 113
General provisions on interoperability

1. This Law sets out to establish the conditions to be met by the railway system in Kosovo to achieve interoperability with EU railway system in order to create an interoperable European railway area of which Kosovo wants to be part. The conditions for interoperability concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of the system as well as the professional

qualifications and health and safety conditions of the staff who contribute to its operation and maintenance

2. This Law and its general provisions for interoperability do not apply in Kosovo for:

2.1. railway undertakings which only operate rail passenger services on stand alone railway networks;

2.2. railway undertakings operating only freight services on privately owned railway infrastructure that exists solely for use by the infrastructure owner for its own freight operations;

2.3.metro, trams and other light rail systems.

3. This Law concerns the provisions for each subsystem relating to the interoperability constituents, the interfaces and procedures as well as the conditions of overall compatibility of the rail system to achieve its interoperability.

4. The rail system in Kosovo, subsystems and interoperability constituents including interfaces shall meet the relevant essential requirements (safety, reliability and availability, health, environmental protection, technical compatibility) as defined in the EU Regulations and approximated in Kosovo Regulations.

5. A Sub-legal act prepared on the basis of the principles of the EU Directive 2008/57 shall list the railway subsystems agreed to form the railway system, and their interfaces, as well as the essential requirements in use in the EU legislation which shall be used in Kosovo.

Article 114
Technical specifications for interoperability

1. Technical specifications for Interoperability (TSIs) adopted in Kosovo shall cover all railway subsystems which are:

1.1. structural subsystems;

1.1.1. infrastructure;

1.1.2. energy;

1.1.3. control-command and signaling;

1.1.4. rolling stock;

1.2. functional subsystems;

1.2.1. traffic operations and management;

1.2.2. maintenance;

1.2.3. telemetric application for Passenger and Freight services.

2. Each railway subsystem shall comply with the TSIs related to it and adopted in Kosovo, at the time of their placing in service, upgrading or renewal. This compliance shall be permanently maintained while each subsystem is in use

3. A Sub-legal act prepared on the basis of the principles laid down in the EU Directive 2008/57 shall list all TSIs adopted in Kosovo with possible specific approximation.

4. TSIs as adopted in Kosovo, shall not be an impediment to decisions concerning the use of infrastructure for the movement of vehicles not covered by the TSIs.

Article 115
Interoperability constituents produced in Kosovo and declaration of conformity or suitability for use

1. Interoperability constituents are placed on the market only if they enable interoperability to be achieved within the rail system while at the same time meeting essential requirements If an interoperability constituent complies with essential requirements, it shall be authorized for use in Kosovo, in particular when the procedure of EC declaration of conformity or suitability for use has been already carried out and when the constituent complies with Kosovo Regulations.

2. All interoperability constituents shall be subject to the procedure for assessing conformity and suitability for the use indicated in the relevant TSI adopted in Kosovo and shall be accompanied by the relevant certificate.

3. In case of a manufacturer in Kosovo, his authorized representative established in the EU, may apply for an EC declaration of conformity or suitability for use valid in the EU. Where the corresponding TSI so requires, assessment of conformity or suitability for use of an interoperability constituent shall be carried out by a notified body with which the authorized representative of the manufacturer established in the EU, has lodged the application.

4. Kosovo shall not prohibit, restrict or hinder the placing on the market of interoperability constituents having EC declaration of conformity or suitability for use providing they comply with Kosovo legislation.

5. In case of an interoperability constituent produced in Kosovo, it will be possible to apply for a national declaration of conformity or suitability for use valid in Kosovo. Assessment of conformity or suitability for use shall be carried out by a national

accredited body. The declaration of conformity or suitability for use shall be granted by RRA.

Article 116
Railway subsystems in Kosovo and their placing into service

1. All subsystems constituting the railway system have to receive an authorization for placing in service if they are located in Kosovo.

2. The subsystems may be placed in service only if they are designed, constructed and installed in such a way as to meet the essential requirements, specially their technical compatibility with the system into which they are being integrated and their safe integration in the railway subsystems.

3. The subsystems may be placed in service only if they comply, where applicable, with the relevant TSIs provisions on operation and maintenance, as adopted in Kosovo. .

4. After the subsystems have been placed in service in Kosovo, checks shall be carried out:

4.1. for infrastructure in the context of granting and supervising the safety authorization;

4.2. for vehicles, in the context of the granting and supervision of safety certificate;

4.3. for this purpose, the assessment and verification procedures laid down in the relevant structural and functional TSIs shall be used;

5. A structural subsystem covered by the EC declaration of verification shall be considered in Kosovo as interoperable and meeting the essential requirements concerning it when also compliant with Kosovo legislation.

6. Kosovo may not in their territory and on grounds relating to this Law, prohibit, restrict or hinder the construction, placing in service and operation of structural subsystems constituting the rail system which meet the essential requirements as approximated in Kosovo legislation. In particular, they may not require checks which have already been carried out: either as part of the procedure leading to the ‘EC’ declaration of verification, or as already realized in other States with a view to verifying compliance with identical requirements under identical operational conditions providing there are specific bilateral agreements.

7. The legal entity wishing to place in service and operation a structural subsystem in Kosovo is entitled to lodge a complain to the RRA if it feels prohibited, restricted or hindered in the construction, placing in service and operation of the structural subsystem.

Article 117
Railway body in charge of interoperability questions

RRA shall be established within the railway Regulatory Authority. It shall liaise with the body in charge of railway safety and all other interested parties in Kosovo. It shall also liaise with other bodies in charge of interoperability in the EU and in states such as in the context of the Transport Community Agreement between the SEETO partners, including with the notified bodies established in the EU working for applicants based in Kosovo and their representatives established in the EU.

CHAPTER X
MODERNIZATION AND CONSTRUCTION OF RAILWAY INFRASTRUCTURE

SUB-CHAPTER I
Construction and modernization of railway infrastructure and facilities

Article 118
Railway infrastructure development and modernization

1. The railway infrastructure consists of the substructure and superstructure of the Railway with the Railway structures (bridges, tunnels, culverts, retaining walls etc.), Railway equipment, Railway area and the air space above the railroad.

2. The railway infrastructure according to the purposes and traffic volumes, economic significance or the significance for the domestic and international traffic shall be divided to main railway infrastructure and other railway infrastructure.

3. Managers of railway infrastructure of common use shall establish and keep up dated a register of infrastructure providing technical data for all objects composing infrastructure.

4. Managers of railway infrastructure of common use shall prepare business plans and medium to long term strategic documents to be discussed with the ministry in charge of railway matters as the competent authority and taken into account in the contract to be negotiated between the managers of railway infrastructure of common use and the competent authorities.

5. Kosovo Government shall ensure that managers of railway infrastructure of common use have financial resources consistent with their tasks.

6. Kosovo Government shall ensure its railway infrastructure of common use shall develop taking into account the needs of the community of the countries of the South East Balkans area and the needs of the EU.

7. The railway market regulatory body shall have the task to assess the appropriateness of the medium and long term budgetary envelope with the performance targets for the considered period.

Article 119
Construction of railway infrastructure

1. Construction of the railway infrastructure, within the sense of this Law, shall mean construction of a new Railway on a new route as well as electric and communication, signal and safety, electrical shunting, electric energy and other facilities and devices, buildings and structures on a new Railway or on the existing railroads.

2. The provisions of this Law that regulate the construction of the railway infrastructure shall also apply to the reconstruction of the railway infrastructure.

3. The railway infrastructure shall be designed, constructed, reconstructed, overhauled, equipped and maintained to serve its purpose, according to the needs for traffic safety and environmental and nature protection, in accordance with this Act and with other regulations as well as with the determined capacity of the railroad, train speeds, axial load and weight of the freight cars per longitudinal meter, and with norms and standards prescribed by the ministry competent for railway matters according to TSIs, UIC standards and other existing norms and standards.

4. The railroads that serve the international railway traffic have to fulfill the conditions determined in the international agreements obligatory for Kosovo.

Article 120
Works for the construction, the modernization, the overhaul and the normal maintenance of the railway infrastructure within the railway infrastructure belt

1. The construction, modernization and overhaul works on the railway infrastructure shall be performed based on a technical documentation provided that it meets the required norms and standards.

2. In case of overhaul, it means replacement of the railway infrastructure superstructure (rails, gauge equipment, slippers, switches, sifting and filling of the curtain),the restoration of the substructure and substructure elements on the existing railway infrastructure according to this and other Law.

3. The legal entity holding a license for revision of design documentation according to the Law on Construction in Kosovo shall approve the technical documentation for railway infrastructure construction and modernization, and overhaul.

4. The method and dynamics of the railway infrastructure overhaul shall be determined by its infrastructure manager.

Article 121
Railway safety during construction, modernization or overhaul works

1. The legal entities that construct or reconstruct railway infrastructure and plants and depots are obliged to provide solutions for safe railway traffic in their designs for construction or reconstruction.

2. The legal entities that perform overhaul of the railway infrastructure are obliged to perform their activities in a manner that provides safe railway traffic.

3. The legal entities performing overhaul of the railway infrastructure emphasized in paragraphs 1 and 2 of this Article are obliged, after the conclusion of the works to remove the remaining material, the tools, warning signs and the other objects for provision of safe traffic from the railway infrastructure and the railway infrastructure belt.

4. During the maintenance and reconstruction of the railway infrastructure, special care must be given to the removing of the defects on the railway infrastructure as a result of which on certain spots, serious accident, accident or mishap can occur.

5. The infrastructure manager shall prescribe the method and the technical elements for safe railway traffic during reconstruction, overhaul and maintenance of the railway infrastructure.

6. The infrastructure manager shall inform the body in charge of railway safety or NSO of all modifications able to have impacts on railway safety in relation with reconstruction and other works on the railway infrastructure he manages.

Article 122
Consequences of works on the railway infrastructure

1. If a part of a railway infrastructure shall be dislocated due to the construction of another structure (public road, airport, reservoir, power structure, mine etc.) the part of the railway infrastructure that has to be dislocated, must be built from elements, suitable to that category of railway infrastructure, regardless of the actual condition before the dislocation.

2. The expenses for the dislocation of the railway infrastructure from paragraph 1. of this Article shall be borne by the investor of the structure because of which the railway infrastructure is being dislocated.

SUB-CHAPTER II
Funding of the railway infrastructure

Article 123
State responsibility

1. The State shall prepare a medium to long term railway sector development strategy, that makes it possible to meet future mobility needs and is based on a sound and sustainable financing of the railway system .Such strategy shall stimulate long lifecycle investments on which the rail industry relies. Long term commitments are necessary for attracting new actors to the market, and for developing new services.

2. All railway infrastructure costs shall, in principle, be covered by the revenue from charging the use of infrastructure and other revenue of the infrastructure manager unless stipulated otherwise.

3. Infrastructure costs which arise from investment, maintenance and operation and are not in the commercial interest of the infrastructure manager, shall be covered by the national budget. If the investment, maintenance and operation is partly in the commercial interest of the infrastructure manager, he shall participate in the covering of costs correspondingly.

4. In case of an important infrastructure investment or maintenance backlog at the time of coming into force of this Law, or in order to take into account environmental advantages of the railway mode, corresponding financial contributions may be allocated from the national budget.

5. Costs which arise from investment, maintenance and operation concerning infrastructure of purely defensive significance shall be covered by the national budget.

6. Expenses of the railway infrastructure manager for maintenance and operation of railway level crossings shall be reimbursed by the body responsible for the administration of the infrastructure crossed by a railway line.

7. Local and/or regional public authorities as well as other sources may contribute to the covering of railway infrastructure costs.

Article 124
Funding conditions and procedures

1. The funds for financing of the construction of the railway infrastructure of common use shall be provided from different sources:

1.1. the budget of Kosovo;

1.2. credits and loans;

1.3. other sources such as grants, public private partnership or private investment.

2. The amounts allocated to financing the tasks referred to in this Law for railway infrastructure shall be specified in the contract being prepared between each manager of railway infrastructure of common use and the competent authorities, and being established on a five (5) years period renewable.

3. The amounts mentioned shall be based on a five-year multimodal Government investment program as adopted by the government specified in a yearly renewed five (5) years contract concluded between the Ministry as well as the Ministry of Economy and Finance and the infrastructure manager. This contract shall contain in particular:

3.1. an investment plan of the infrastructure manager;

3.2. the list of investment tasks;

3.3. the list of funds allocated to the particular tasks;

3.4. State guarantees connected with ensuring the investment funds;

3.5. performance target parameters to be achieved by the infrastructure manager;

3.6. cost reduction incentives;

3.7. ways of conflict settlement by a neutral arbitrating body;

4. Within the framework of general policy determined by the State, the infrastructure manager shall draw up a business plan including investment and other financial measures. The plan shall be designed to ensure optimal and efficient use and development of the infrastructure while ensuring financial balance and providing means for these objectives to be achieved. The business plan shall be submitted for approval to the Ministry competent for ownership matters and the Ministry of Finance.

SUB-CHAPTER III
Concession for construction, modernization, maintenance and management

Article 125
Concession

1. A concession may be issued for the following purposes:

1.1. construction of a new railway infrastructure;

1.2. management of a part of or the entire railway infrastructure of common use according to this Law.

2. The procedure for awarding the concession stipulated in this article shall be implemented in accordance with the Law in force and other forms of public private partnerships.

Article 126
Concession for construction of a railway infrastructure

1. The concession for construction of a new railway infrastructure can be awarded for a period that cannot be longer than twenty (20) years from the day when the concession was awarded.

2. The concessionaire if he is granted the concession will design, construct and put into operation the Railway or any structure on the railroad, i.e. use it in accordance with the regulations, norms and standards for this type of structures in Kosovo including the TSIs.

Article 127
Concession for management of the railway infrastructure

1.The concession for management of a part of the railway infrastructure can be awarded upon a proposal by the relevant authorities in accordance with the procedures foreseen by the Law on Public Private Partnership and Concessions in Infrastructure and procedures for their award, as well as other forms of public-private partnership.

2. The concession can be awarded to a domestic of foreign legal entity (concessionaire) that owns capital and have staff potential and equipment for successful performance of the works subject to the concession.

3. In order to be able to obtain the concession stipulated in this Article, the applicant for the concession shall possess a license for managing the railway infrastructure and shall have to apply for a safety authorization.

4. The concession for the management of a part of the existing infrastructure shall be awarded for a period that cannot be longer than twenty (20) years from the day when the concession was awarded.

SUB-CHAPTER IV
Protection and expropriation

Article 128
Protection of the railway infrastructure

1. The protection works on the railway infrastructure, facilities, devices, plants, equipment and other protection works shall be performed by the infrastructure manager.

2. The protection works within the meaning of paragraph 1. of this Article shall include measures for prevention of forbidden activities and removal of the consequences from the forbidden activities on the railway infrastructure. It shall also include initiation of a procedure in a competent court to obtain return of an illegally occupied land from the railway infrastructure area.

3. The Administration and competent authority dealing with the internal affairs shall be informed for the illegal activities on the railway infrastructure and its protection area.

4. The perpetrator of the illegal activities, upon Administration's order shall be obliged to remove immediately the consequences of the illegal activities.

5. If the perpetrator fails to remove the consequences of the illegal activities, the infrastructure manager will remove them at perpetrator's expense.
6. The method for better protection works on the railway infrastructure shall be prescribed by the Ministry competent for railway matters.

7. Telephone, telegraph and other cable ducts, low voltage electric ducts i.e. power supply ducts, sewerage, water supply pipelines, district heating installations, pipelines etc. may be installed in the railway infrastructure area upon an application submitted by a legal entity or individual person under conditions and manner prescribed in the approval issued by the infrastructure manager.

8. The applicant shall bear the expenses stipulated in paragraph 7. of this Article.

9. The infrastructure manager may request from the owner of the installations and devices stipulated in paragraph 7. of this Article, to rearrange or dislocate them if necessary for renovation or reconstruction, overhaul of the railway infrastructure or in order to implement measures for railway infrastructure and railway traffic protection.

10. In this case, the expenses for rearrangement or dislocation of the installations shall be borne by the infrastructure manager.

11. The infrastructure manager may reject the application for approval stipulated in paragraph 7. of this Article, if their installation would damage the railway infrastructure or endanger the railway traffic safety, if the installation has significant impact on the railway infrastructure maintenance or if it might prevent its reconstruction.

12. The manager of the railway infrastructure, on the locations of landslides, torrents, places exposed to river erosion and places exposed to strong winds, where the railway traffic may be jeopardized, is obligated, independently or together with another legal entity, in due time to undertake the necessary measures of technical and physical protection of the railroads and the structures on the Railway against elementary disasters, in order to provide safe railway traffic.

13. The manager of the railway infrastructure, in the cases stipulated in paragraph 1. of this Article has the right, without any approval, to place and maintain temporary protection devices and temporarily to store material and other assets within the protection area, if this is deemed necessary for the undertaking of the measures that will ensure safe railway traffic or the establishment of the railway traffic.

14. When the circumstances stipulated in paragraph 12. of this Article, cease to exist, the manager of the railway infrastructure shall remove from the protective area the temporary protection devices, material and other assets that have been left there during the undertaking of the measures for the safe railway traffic or the establishment of railway traffic, and reinstate the terrain and pay a fee for the use of the land.

Article 129
Constructions near by railway infrastructure

1. Buildings and other structures may be built and plants and devices may be installed in the railway infrastructure band based on approval, under the following conditions:

1.1. in settlements, mountain or muddy terrains or other places where the field conditions require that, opening of mines, quarries, construction of lime or bricks production facilities, construction of industrial buildings, plants and other similar structures in the protection area may be approved near the Railway if the land where these facilities are situated is in an area determined by the municipal authorities for construction of structures and plants, but not closer than 50 meters from the axis of the end gages;

1.2. construction of housing, business, auxiliary and similar buildings, digging wells, reservoirs, septic tanks etc., construction of long distance power lines may be approved in the settlements and on the land stipulated in sub-paragraph 1.1. of

this paragraph, but not closer than twenty five (25) meters from the axis of the end gages; and

1.3. signs and billboards may be placed in the protection area on a distance of at least seven meters from the end point of the Railway area.

1.4. if a part of a railway fixed asset is damaged due to the construction of a new structure or its maintenance (public road, airport, reservoir, power structure, mine etc.) the part of the railway asset which has been damaged must be repaired according to the current norms and standards for the type of railway asset, regardless of the actual condition before the damage. The expenses for the repairs of the damaged railway assets shall be borne by the investor of the new structure or its maintenance.

CHAPTER XI
SERVICES OF GENERAL ECONOMIC INTEREST

Article 130
Public service contracts

1. Railway services in the public interest may be purchased at any time by the competent public authorities from railway undertakings in the framework of contracts concluded between the commissioning authorities and the railway undertakings.

2. The competent public authority to commission public services contracts may be the State or other public local or regional authorities.

3. The public service contracts between the competent authority and the service provider shall contain at least the following items:

3.1. the nature of the service to be provided, notably the standards of continuity, regularity, capacity and quality;

3.2. the price of the services covered by the contract as well as details of the financial relations between the two parties, in particular payment deadlines;

3.3. the rules concerning amendment and modification of the contract, in particular if unforeseeable changes of the business situation have to be taken into account;

3.4. the period of validity of the contract;

3.5. the penalties in the event of failure to comply with the contract;

3.6. the procedure of resolving litigations.

4. The duration of the public service contract shall be between three (3) and fifteen (15) years depending on the depreciation period of the rolling stock acquired by the railway undertaking.

5. The amount of the remuneration for the services performed shall cover the costs as calculated according to the principles set in a Sub-legal act prepared on the basis of the EU Regulation 1370-2007.

6. The remuneration shall be paid from the budget of the authority which has contracted the performance of the transport services with a railway undertaking.

7. The remuneration shall be paid by installments and in advance.

Article 131
Separate accounting for public services funded by public funds

The railway undertaking performing services in the public interest shall run separate accounting for these services and is not allowed to use public money received to cover the costs of public services to any other purpose.

Article 132
Tendering procedure and obligation to remunerate

1. The Government shall regulate by decision the tendering procedure used for the selection of the undertakings carrying out services in the public interest.

2. The determination of the remuneration amount in the budget of the commissioning authority shall have no influence on the remuneration obligation of this authority as a party to the contract.

Article 133
Reduced fares

1. Reduced fares in the form of maximum tariffs for all passengers or for certain categories of passengers may be agreed between railway undertakings and commissioning authorities.

2. The remuneration to the railway undertaking providing the service shall be paid from the budget of the authority which has contracted the fare reductions with a railway undertaking.

3. The agreement mentioned in this Law shall stipulate the category of customers enjoying the fare reductions the respective category of services and the reduction percentage. It shall contain provisions concerning contract amendments and the consequences of non-fulfillment of contract obligations including penalties in the event of failure to comply with the contract. Moreover the contract shall include its duration and the conditions of remuneration.

Article 134
Transfer of commissioning responsibilities

The Assembly or the Government of Kosovo empowered by the Assembly may delegate responsibilities in the field of commissioning public services to local or regional authorities only if they ensure transfer of the necessary funds from the State budget.

CHAPTER XII
RAILWAY SECTOR AND STATE AID

Article 135
Subsidy

The rail sector in Kosovo may receive public money when it may contribute to the common interest of the society providing such public money does not distort competition in the rail sector.

Article 136
Suspension of Subsidy

Public financing of the railway infrastructure does not constitute a State aid when rail infrastructure is open to all potential users in a fair and non discriminatory manner, and access to this infrastructure is charged for a rate established in compliance with this Law.

Article 137
Purchase and renewal of rolling stock

Purchase and renewal of rolling stock may be funded by public money providing it is a passenger rail rolling stock for suburban or regional services, it is used on specific routes, it meets the latest interoperability, safety and environmental standards, described in this Law and it contributes to a coherent regional development strategy.

Article 138
Aid on Transport Coordination

Public money for the coordination of transport is possible to guide the development of the transport sector in common interest. It may concern aid for rail infrastructure use, reducing external costs and interoperability, aid for research and development providing these aids shall not distort competition.

Article 139
State aid

State guarantees for railway undertakings are to be considered as State aids and shall not be provided.

CHAPTER XIII
PASSENGER RIGHTS

Article 140
Passenger rights

Passenger rights are defined about the following components of the transport services provided by railway undertakings holding licenses for such transports:

1. Transport contract, information and tickets

1.1. a Sub-legal act prepared on the basis of the EU Regulation 1371/2007 shall describe how the conclusion and performance of a transport contract and the provision of information and tickets shall be governed;

1.2. railway undertakings shall enable passengers to bring bicycles on to the train, where appropriate for a fee, if they are easy to handle, if this does not adversely affect the specific rail service, and if the rolling-stock so permits;

1.3. railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall make public by appropriate means, and before their implementation, decisions to discontinue services;

1.4. the information;

1.4.1. railway undertakings and ticket vendors who offer transportation contracts on behalf of one or more railway companies should provide passengers upon their request at least the information pursuant to

secondary act in accordance with Regulation 1371/2007 / the EU which has to do with travels for which transportation contract is offered on account of the railway company. Ticket sellers who provide transportation contracts and travel operators should provide this information in their account whenever they are available;

1.4.2. railway undertakings should provide passengers during the trip at least the information provided in the legal act in accordance with Regulation 1371/2007/EC;

1.4.3. the information shall be provided in the most appropriate format;

1.4.4. particular attention shall be paid in this regard to the needs of people with auditory and/or visual impairment;

1.5. availability of tickets, through tickets and reservations;

1.5.1. railway undertakings and ticket vendors shall offer, where available, tickets, through tickets and reservations;

1.5.2. railway undertakings shall distribute tickets to passengers via at least one of the following points of sale:

1.5.2.1. ticket offices or selling machines;

1.5.2.2. telephone, the Internet or any other widely available information technology;

1.5.2.3. on board trains.

1.5.3. railway undertakings shall distribute tickets for services provided under public service contracts via at least one of the following points of sale:

1.5.3.1. ticket offices or selling machines;

1.5.3.2. on board trains.

1.5.4. railway undertakings shall offer the possibility to obtain tickets for the respective service on board the train, unless this is limited or denied on grounds relating to security or antifraud policy or compulsory train reservation or reasonable commercial grounds.

1.5.5. where there is no ticket office or selling machine in the station of departure, passengers shall be informed at the station:

1.5.5.1.of the possibility of purchasing tickets via telephone or the Internet or on board the train, and of the procedure for such purchase;

1.5.5.2. of the nearest railway station or place at which ticket offices and/or selling machines are available.

1.6. computerized Information and Reservation System for Rail Transport (CIRSRT). In order to provide the information and to issue tickets, railway undertakings and ticket vendors shall make use of CIRSRT.

2. Liability of railway undertakings towards passengers and their luggage.

2.1. an Sub-legal act prepared on the basis of the EU Regulation 1371/ 2007 and COTIF shall describe the liability of railway undertakings in respect of passengers and their luggage for both domestic and international services;

2.2. railway undertaking have to be adequately insured or have to make equivalent arrangements for cover of its liabilities for passengers;

2.3. if a passenger is killed or injured, the railway undertaking shall without delay, and in any event not later than fifteen days after the establishment of the identity of the natural person entitled to compensation, make such advance payments as may be required to meet immediate economic needs on a basis proportional to the damage suffered;

2.4. an advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of this Law but is not returnable, except in the cases where damage was caused by the negligence or fault of the passenger or where the person who received the advance payment was not the person entitled to compensation;

2.5. even if the railway undertaking contests its responsibility for physical injury to a passenger whom it conveys, it shall make every reasonable effort to assist a passenger claiming compensation for damage from third parties.

3. Delays, missed connections and cancellations

3.1. an Sub-legal act based on EU Regulation 1371/2007 shall describe the liability of railway undertakings in respect of delays, missed connections and cancellations, as well as the possible reimbursements and compensations and the conditions for their payment;

3.2. Railway undertakings may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed four (4) EUR.

4. Services for disabled persons and persons with reduced mobility

4.1. railway undertakings and station managers shall, with the active involvement of representative organizations of disabled persons and persons with reduced mobility, establish, or shall have in place, non-discriminatory access rules for the transport of disabled persons and persons with reduced mobility;

4.2. reservations and tickets shall be offered to disabled persons and persons with reduced mobility at no additional cost. A railway undertaking, ticket vendor or tour operator may not refuse to accept a reservation from, or issue a ticket to, a disabled person or a person with reduced mobility, or require that such person be accompanied by another person, unless this is strictly necessary in order to comply with the access rules;

4.3. a railway undertaking, a ticket vendor or a tour operator shall provide disabled persons and persons with reduced mobility with information on the accessibility of rail services and on the access conditions of rolling stock in accordance with the access rules,, and shall inform disabled persons and persons with reduced mobility about facilities on board;

4.4. railway undertakings and station managers shall, through compliance with the TSI for persons with reduced mobility, ensure that the station, platforms, rolling stock and other facilities are accessible to disabled persons and persons with reduced mobility;

4.5. on departure from, transit through or arrival at, a staffed railway station of a disabled person or a person with reduced mobility, the station manager shall provide assistance free of charge in such a way that that person is able to board the departing service, or to disembark from the arriving service for which he or she purchased a ticket;

4.6. railway undertakings shall provide disabled persons and persons with reduced mobility assistance free of charge on board a train and during boarding and disembarking from a train.

5. Security and quality of service.

5.1. in agreement with public authorities, railway undertakings, infrastructure managers and station managers shall take adequate measures in their respective fields of responsibility and adapt them to the level of security defined by the public authorities to ensure passengers' personal security in railway stations and on trains and to manage risks. They shall cooperate and exchange information on best practices concerning the prevention of acts, which are likely to deteriorate the level of security;

5.2. railway undertakings shall define service quality standards and implement a quality management system to maintain service quality. A Sub-legal act based on the EU Regulation 1371/2007 shall list the items to evaluate the service quality standards;

5.3. railway undertakings shall monitor their own performance as reflected in the service quality standards.

Article 141
Complains

1. Railway undertakings shall set up a complaint handling mechanism for the rights and obligations covered in this Law The railway undertaking shall make its contact details and working language(s) widely known to passengers.

2. Passengers may submit a complaint to any railway undertaking involved. Within one month, the addressee of the complaint shall either give a reasoned reply or, in justified cases, inform the passenger by what date within a period of less than three months from the date of the complaint a reply can be expected.

3. Passengers who would be unsatisfied by complaint handling by the railway undertaking may complain to the Railway Market Regulatory body in charge of rail market regulation.

4. The railway undertaking shall publish in the annual report referred to this Law the number and categories of received complaints, processed complaints, response time and possible improvement actions undertaken.

Article 142
Reporting

Railway undertakings shall each year publish a report on their service quality performance together with their annual report. The reports on service quality performance shall be published on the Internet website of the railway undertakings. A Sub-legal act based on the EU Regulation 1371/2007 shall describe the content of such report.

CHAPTER XIV
PUNITIVE PROVISIONS

Article 143
Fines

1. For offenses (administrative violations), the legal person will be penalized of three thousand (3000) up to eight thousand (8000) euro in case:

1.1 Managers of ,infrastructure of common use, railway undertakings, or any other interested party do not provide requested information to the Market Regulatory Body (as per paragraph 6 of Article 26 of this law);

1.2. Managers of infrastructure of common use do not publish the Network Statement according to specified criteria (Article 55 of this law);

1.3. Managers of infrastructure of common use do not inform the Market Regulatory Body for reduction of the price for access to the railway infrastructure (Article 67 paragraph 3 of this law);

1.4. Managers of infrastructure of common use make reservations for paths without implementation of the procedures (set in Article 69 of this law);

1.5. Revenues generated from the track access charges are not recorded and made public (Article 70 of this law);

1.6. Schedule for allocation of railway infrastructure capacity is in contradiction with the provisions (of Article 77 of this law);

1.7. Infrastructure is declared as congested and capacity analysis is not prepared and completed (as per Article 84 paragraph 2.of this law);

1.8. No plan to increase infrastructure capacity is proposed by managers of infrastructure of common use, once infrastructure has been declared congested and capacity analysis has been completed (Article 85 paragraph 1. of this law);

1.9. The planning process of infrastructure maintenance proposed by managers of infrastructure of common use is inconsistent with (Article 87 of this law);

1.10. The register of train drivers' licenses and train drivers' certificates is not updated (Article 95 paragraphs 6 and 7);

1.11. Established systems for safety management do not contain the basic elements, (article 103, and paragraph 5 of this law);

1.12. No annual report on safety until June 30 is prepared by the National Safety Authority (Article 20, paragraph 1 of this law);

1.13. No annual report is prepared by the Market Regulatory body until June 30 (Article 26 paragraph 12 of this law);

1.14. Railway systems and subsystems, do not meet the general safety requirements (Article 105 of this law);

1.15. Railway subsystems do not meet specific safety requirements (Article 106 of this law);

1.16. Railway subsystems, vehicles, installations, equipment and services do not comply with safety requirements of TSIs and national security rules (Article 107 of this law);

1.17. No declaration of verification which proves that the structural subsystem shall be deemed interoperable and shall meet the essential requirements of safety (Article 109 paragraph 3 of this law) is available;

1.18. Railway vehicles are operated with no national numbering. (Article 110, paragraph 8 of this law);

1.19. The National Vehicle Register (NVR) is not correctly updated (Article 110, paragraph 8 of this law);

1.20. After receiving authorization for putting into service of structural subsystems, managers of infrastructure of common use do not apply for an updated safety authorization. (Article 111 paragraph 1 of this law);

1.21. After receiving authorization for the introduction of vehicles in service, railway undertakings do not apply for an updated safety certificate (Article 111 paragraph 2 of this law);

1.22. Managers of infrastructure of common use do not keep updated register of technical data on infrastructure facilities (Article 118 paragraph 3 of this law);

1.23. Managers of infrastructure of common use do not prepare required business plans and strategic documents (Article 118 paragraph 4 of this law);

1.24. Legal entities that construct or reconstruct rail infrastructure of common use do not take appropriate measures to ensure safe rail traffic or do not remove from the railway infrastructure or protected railway belt the remaining materials of executed works, tools, warning signals (Article 121 paragraph 3 of this law)

1.25. At the request of the manager of infrastructure of common use as described in paragraph 7, Article 128, the owner of equipment refuses to remove parts and materials (Article 128, paragraph 9 of this law);

1.26 Market Regulatory body is not given access to requested information by managers of infrastructure of common use and by railway undertakings when needed (Article 26, paragraph 6 of this law);

1.27. Market Regulatory body does not decide on complaint or take action to remedy in the 3 months period prescribed by this Law (Article 26 paragraph 7 of this law).

2. For offenses (administrative violations), the responsible person of the legal person or physical person, based on paragraph 1 of this Article will be penalized of one thousand (1000) up to five thousand (5000) Euros.

3. For offenses (administrative violations), the legal person will be penalized of five thousand (5000) up to ten thousand (10,000) Euros if:

3.1. managers of infrastructure of common use do not take adequate measures in case of disruption of train movement (Article 88 of this law);

3.2. railway undertakings do not have a safety certificate in accordance with the provisions laid down in Article 94 of this law;

3.3. railway undertakings do not comply with the provisions of this law in relation with train drivers' licenses and certificates (Articles 95 to 99 of this law);

3.4. managers of infrastructure of common use and railway undertakings do not apply for their safety authorization and safety certificate (Article 103 paragraph 1. of this law);

3.5. Railway undertakings provide services without being equipped with safety certificate (Article 104 paragraph 1. of this law);

3.6. managers of infrastructure of common use do not have safety authorization under provisions (specified in Article 104 paragraph 2 of this law);

3.7. established systems for safety management do not contain elements that relate to the safety of the railway system (Article 103 paragraph 2 and 3 of this law);

3.8. National Safety Authority is not given access to documents and premises, installations and equipment for inspections (Article 104 paragraph 5 of this law);

3.9. managers of infrastructure of common use and railway undertakings introduce into service railway subsystems without authorization from the body in charge of safety (Article 109 paragraph 1 of this law);

3.10. railway undertakings introduce into service railway vehicles without the adequate certificates and authorizations (Article 110 paragraph 1 and 2 of this law);

3.11. maintenance of railway vehicles is inconsistent with the provisions of (Article 112 of this law);

3.12. during the construction or reconstruction of railway infrastructure, information and solutions are not provided to the public. (Article 121 paragraph 1 of this law);

3.13. after construction or reconstruction of railway infrastructure, manager of infrastructure of common use fails to apply for safety authorization (Article 121 paragraph 2 of this law);

3.14. managers of infrastructure of common use do not build the railway infrastructure with appropriate elements (Article 122 of this law);

3.15. Without approval from the manager of the railway infrastructure of common use, other legal entities or persons put telephone cables, elements of electric network, water pipes, etc. in railway infrastructure belt (Article 128 paragraph 7 of this law);

3.16. managers of railway infrastructure of common use fail to take necessary technical and physical measures for protection from natural disasters (Article 128, paragraph 12 of this law);

3.17. legal entities or persons build constructions near the railway protected belt in violation of (Article 129 of this law);

3.18. Legal entities or persons build underpasses, overpasses or level crossings without prior approval from the manager of railway infrastructure of common use.

4. For offenses (administrative violations), the responsible person of the legal person or physical person, based on paragraph 3. of this article will be penalized of two thousand (2,000) up to seven thousand (7,000) Euros.

CHAPTER XV
TRANSITIONAL PROVISIONS AND FINAL PROVISIONS

Article 144
Transitional provisions

1. The incumbent railway company Kosovo Railways JSC, and its successors when created, shall be able to operate during a period of time up to six months (6) without a license. They will be granted six (6) months after their creation to apply and get a license to operate railway infrastructure services and rail transport services.

2. The incumbent railway company Kosovo Railways JSC, and its successors when created, shall be able to operate for a limited period of time up to two years (2) without safety authorization and safety certificate after their creation to prepare, apply and get their safety authorization for the infrastructure manager and their safety certificate for the train operating company.

3. Current board of RRA will continue to fulfill its duties and responsibilities until the completion of the mandate given by the Assembly of Kosovo.

4. RRA, within 6 (six) months from the date of entry into force of this law should be restructured in accordance with the rules set forth in this law.

5. The dispositions of the law on public enterprises and the public-private partnership and concessions will prevail in the interpretation of this law if the provisions of these acts are in contradiction.

6. Latest EU Regulations and Directives when they come into force instead of the one existing, and in which is based this legislation shall have legal effect for the railway sector in Kosovo.

7. Incomes generated from fines are incorporated in the consolidated budget of Kosovo.

Article 145
Final Provisions

With entry into force of this Law, will be abolished the Law No. 03/L-076 on Railways in the Republic of Kosovo (Official Gazette of the Republic of Kosovo / Pristina No. 32 / 15 June 2008) and all other provisions that conflict with this law.

Article 146
Entry into force

This law shall enter into force fifteen (15) days after publication in the Official Gazette of Kosovo.

Law No. 04/L-063
11 November 2011

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI