

ACT ON CARRIAGE IN THE ROAD TRANSPORT

(DRAFT)

1. GENERAL PROVISIONS

Article 1

This Act arranges the management, terms and way of performing the carriage of passengers and goods in the domestic and the international road transport.

The transport of passengers and goods in the international road transport shall be carried out in compliance with this Act and the International Agreements signed by the Republic of Macedonia.

If there is no signed Agreement with some countries as referred to in the previous paragraph, the carriage between those countries and the Republic of Macedonia shall be performed in accordance with this Act and multilateral international treaties observing the principle of reciprocity.

Article 2

Certain expressions used in this Act have the following meaning:

1. Carriage in the domestic road transport is any carriage by road performed within the borders of the Republic of Macedonia.

2. Carriage in the international road transport is any carriage by road performed by passing at least one state border.

3. Public transport is transport which is available for all users under equal conditions.

4. License is a document which allows performance of a business activity in the public road transport.

5. Transport for one's own needs is transport that a natural or legal person performs for the purpose of meeting the requirements while performing its business activity, that is, duties of its field of activity.

6. Domestic carrier is a legal or natural person with its seat in the Republic of Macedonia and which is holder of a license for carriage of passengers and goods in the domestic or international road transport, and a legal or natural person with its seat in the Republic of Macedonia which performs carriages of passengers or goods in the domestic and international road transport for which, according to the provisions of this Act, license is not required.

7. Foreign carrier is a foreign legal or natural person which performs carriages of passengers or goods in the international road transport and with its seat outside the Republic of Macedonia.

8. International Agreement is any international, multilateral or bilateral agreement, protocol, that is, exchange of Notes, by which the international road transport is governed and which is obligatory for the Republic of Macedonia.

9. Bilateral transport of goods is an international transport when the goods are transported between the territory of the Republic of Macedonia and the territory of some other country.

10. Transit transport of goods is an international transport when the goods are transported through the territory of certain country without their unloading or loading on the territory of that country.

11. Transport of goods to and from a third country is an international transport performed by a carrier which does not have its seat in the country where the carriage starts, that is, ends.

12. Cabotage is any carriage of passengers or goods between two destination points in the Republic of Macedonia performed by a foreign carrier.

13. Line is a defined route and driving direction from a starting to a destination bus station or bus stop on which the carriage of passengers is performed by regular road service, in accordance with a previously set and announced timetable and tariffs for the transport service.

14. A route is the distance between any two places on the route, set in the timetable such as bus station or bus stop.

15. Timetable is a document which determines the regular service, the kind of transport operation, the routes on which the transport service is performed, the schedule of bus stations and bus stops and their distance from the departure to the destination station or stop, the time of arrival, stop and departure at each bus station and stop, the time period in which the carrier performs transport service on the route and the time of validity.

16. International regular transport of passengers is carriage on a determined line when the first station or stop is at the territory of the Republic of Macedonia and the last one is at the territory of a foreign country, as well as carriage on a determined line which pass in transit through a foreign country while the last station or stop is at the territory of the Republic of Macedonia.

17. Non-regular transport of passengers in the domestic and the international transport is transport where the route and the other conditions are determined for each transport separately between the carrier and user of the service.

18. Long-distance regular service is public transport which is carried out on lines between two or more municipalities.

19. Municipal (local) transport of passengers is public transport which is performed on the area of one municipality, that is, the town and its district.

20. Urban transport of passengers is a public regular service which is carried out within the urban city area.

21. Auto-taxi passenger transport is transport which is carried out by passenger cars with at most five seats including the driver's seat.

22. Itinerary means a determined direction of movement of the means of transportation on a determined line.

23. Passenger transport is transport of passengers when the passengers, according to the timetable, get in and out at all bus stations and stops.

24. Fast transport is transport of passengers when the passengers, according to the timetable, get in and out at bus stations.

25. Direct transport is transport of passengers when the passengers, according to the timetable, get in only at the departure station and get out only at the end station

26. Bus station is an area determined for bus arrivals and departures which should have covered platforms, arranged for safe entry and exit of the passengers, premises for staying of the passengers and driving crew, for keeping the luggage, toilets and transport bureau and equipment as determined by special regulations.

27. Bus stop is an area determined for the buses to stop in accordance with the timetable and for safe entry and exit of the passengers.

28. Parking area for goods vehicles i.e. buses is an arranged area intended for parking which fulfills minimum safety and hygienic conditions.

29. Station for goods vehicles is an arranged area with appropriate facilities intended for parking or storing in a garage of goods vehicles.

30. Foreign vehicle is a vehicle which is used for performing carriage by road, and which is not registered in the Republic of Macedonia.

31. Domestic vehicle is a vehicle which is used for performing carriage by road and it is registered in the territory of the Republic of Macedonia.

32. A permit on carriage is a common name for some kinds of documents as set by this Act or an international agreement which permit access for a foreign vehicle on the Macedonian roads and driving on them, that is, for a vehicle with Macedonian registration, access on the roads of the country of the authority that has issued the permit.

33. Control document - Waybill is a form which is used by a carrier while performing public transport of passengers in the international non-regular transport of passengers.

34. International waybill is a document which contains data for the vehicle, the load and the driver, and it is used in the international transport by road.

35. Travel order is a document which contains data for the plate number and the type of the vehicle by which the transport is performed, data for the driver and the route on which the transport is performed.

36. The other expressions from the field of the road transport in this Act have the meaning as set in other regulations from this field and international agreements which are obligatory for the Republic of Macedonia.

Article 3

The Ministry competent for transport keeps a file on carriers and motor vehicles signed up (registered) for transport of passengers and goods by road, in dependence of the mode of transport. The file keeps data as defined by this Act.

The file from the previous paragraph can be kept as central information base, on the bases of the data which are provided and used by the Ministry competent for transport, the Ministry of Finances, the Ministry of Internal Affairs, the Ministry of Justice, and the Fund for pension and disability insurance.

The file from the previous paragraphs is divided into file on international and file on domestic carriers.

The Ministry competent for transport collects, processes, keeps, mediates and uses data necessary for issuing licenses for performing certain modes of transports by road and registration of bus timetables, as well as data necessary for distribution of Permits intended for transport of passengers and goods.

The file covers the following data:

- personal registry number, tax number and seat of the carrier
- name of the company or the businessman individual, name and surname of the person responsible for the transport,
- number and validity period of the issued license, modes of carriages for which the license is issued, make, type and license number and other data for the vehicles for which copies of licenses have been issued,
- name and surname, single personal registry number of the citizen (SPNC) and the level of education of the employed drivers,
- sentence for criminal act against property, economy or the safety in the transport and pronounced sentence for made infringements while performing carriage of persons or things in the domestic and the international road transport without an appropriate license.
- data for settled tax obligations,

- stated measures against carriers on the basis of this Act i.e. international agreements.

The data as referred to in paragraph 5 of this Article can also be taken from the files in the Ministry of Internal Affairs, the Ministry of Finances, the Ministry of Justice, and the Fund for Pension and Disability Insurance. While taking data for the legal or natural person from the already existing data collections, the Ministry competent for transport is not bound to inform the legal or natural person whom the data refer to. The authorities, organizations and the individuals who have the data i.e. the data collections as referred to in the previous paragraph, if requested they should submit these data to the Ministry competent for transport. For the purpose of providing access to the data as referred to in this Article, the Ministry competent for transport may establish a direct computer connection with all mentioned authorities and organizations which keep such data or data collections.

The data of this Article are kept all the time while the carrier is registered into the files of the carriers. The data are kept for additional five years from the day when the carrier has been deleted from the file on carriers by road.

The data of this Article may be given to other state authorities if they ask for it and if their requirement is exclusively in connection with transport activity that the entities deal with and whose data are kept in the file as referred to in this Article.

The Ministry competent for transport will delete the carrier from the files on the carriers if:

- the license owned by the carrier for performing transport by road, has ceased to be valid, on the day when the license cease to be valid, and
- the carrier has been deleted from the trade registry book, on the day of deleting.

Article 4

While performing carriage in the international road transport the driver of the domestic carrier, during the performance of the carriage, has to hold in the vehicle a copy of the license certified by the issuing authority and the waybill which indicates the data for the mode of transport, the company i.e. the name and the seat of the carrier, the name and surname of the driver, the main data for the driving direction and the plate number of the vehicle.

While performing carriage in the domestic road transport the driver during the performance of the carriage has to hold a copy of the license certified by the issuing authority and a travel order which indicates the data for the kind of transport, the company i.e. the name and the seat of the carrier, the name and surname of the driver, the main data for the driving direction and the plate number of the vehicle, state of the odometer at the start and the end of driving, and a signature of an authorized person who has issued the order.

While performing public transport of persons in the urban, suburban and auto-taxi transport of passengers, it is not necessary to hold in the car the travel order as referred to in the previous paragraph of this Article.

It is compulsory for the domestic carrier to keep file on issued travel orders as referred to in paragraph 2 of this Article, and to keep them for at least one year.

Article 5

The carriage in the road transport is performed by motor vehicles and drawn vehicles which fulfill the conditions set by the regulations for the traffic safety on the roads and the special technical and operating conditions prescribed for certain modes of transport.

The special technical and operating conditions for the vehicles for certain modes of transport are prescribed by the Minister competent for transport.

A certificate for fulfillment of the special technical and operating conditions for certain kinds of vehicles used for performing public transport is issued by a station for technical inspection or other specialized institution authorized by the Minister competent for transport.

Article 6

A domestic carrier may perform public transport of passengers and goods in the domestic and the international road transport on the basis of a license.

The license for performing public transport of passengers and goods in the international road transport is issued in one of the world languages, too.

Article 7

For the purpose of performing public road transport the following types of licenses are issued:

1. In the domestic road transport for :
 - long-distance regular transport of passengers,
 - municipal (local) regular transport of passengers,
 - city regular transport of passengers,
 - non regular transport of passengers,
 - transport of passengers on own needs,
 - auto-taxi transport,
 - public transport of goods, and
 - transport of goods on own needs,
2. In the international road transport intended for:
 - international regular transport of passengers,

- international non regular transport of passengers,
- international transport of passengers for own needs,
- international public transport of goods, and
- international transport of goods on own needs.

Licenses as referred to in paragraph 1 of this Article are not required for we performing carriages by vehicles intended for the need of the public security, defense and the need of the state authorities, about carriages by post vehicles or vehicles for interventions, for medical and humanitarian carriages and for carriages for own needs which are performed by legal and natural persons by vehicles with maximum bearing capacity which does not exceed 3.500 kg and about carriages by special vehicles which are additionally adapted for special purpose and they can not be used for performing carriages as by the standard vehicles and they are used for transport on own needs.

The form and the contents of the license as referred to in paragraph 1 of this Article are prescribed by the Minister competent for transport.

II. CONDITIONS FOR OBTAINING A LICENSE

Article 8

A license may be issued to a domestic legal or natural person (hereinafter called: carrier), if the following conditions are fulfilled:

1. to be recorded in the trade registry book for performing carriage by road;
2. to be owner of certain number of vehicles for various types of carriages or to have right to use those vehicles on the basis of a signed rental or leasing agreement;
3. to have employed an appropriate number of bus drivers i.e. drivers of goods motor vehicles which fulfill the conditions foreseen by the regulations for road traffic safety;
4. to have employed bus drivers i.e. auto taxi drivers who have fluent knowledge of the Macedonian language;
5. the manager or the authorized person responsible for carriages to have successfully passed the test of professional competence;
6. to have own capital of at least ECU 3 000 in Denars countervalue for the first vehicle and at least ECU 2 000 for each next vehicle or with ECU 150 in Denars countervalue per tone of the highest allowed weight of a goods vehicle i.e. per seat in the bus.
7. not to have in effect a pronounced court verdict for a criminal act against the property, the economy of the safety in the public transport or not to be sentenced for a made offense while performing transport of passengers or goods in the domestic and the international road transport without an appropriate license.

8. to own personal or by a contract provided area for parking and maintenance of the vehicles he has.

The provisions as referred to item 6 of this Article do not refer to the legal and natural persons for obtaining a license for performing carriages in the domestic road transport.

The way and the procedure for fulfillment of the conditions for obtaining a license for various types of carriages are prescribed by the minister competent for transport.

Inspection on the professional competence is carried out in accordance with the programme prescribed by the minister competent for transport and in front of a commission established by the minister competent for transport.

Article 9

The licenses as set in Article 7 of this Act are issued by the Ministry competent for transport, except the licenses intended for municipal (local) and auto taxi transport of passengers which are issued by the competent authority in the municipality, that is, the town of Skopje.

Article 10

The legal or natural person submits a request for obtaining a license to the Ministry competent for transport that is to the competent authority in the municipality, that is, the town of Skopje, precisely defining the modes of transport he wants to obtain a license for and a written evidence for fulfilling the conditions prescribed by this Act.

The authorities as referred to in paragraph 1 of this Article issue the license in time limit of 30 days from the day when received complete request for issuing a license and keep file of the issued licenses.

It is permitted to put an appeal against the decision on rejecting a request for issuing a license to the Commission of the Government of the Republic of Macedonia for resolving administrative matters in second degree from the field of transport, that is, to the Ministry competent for transport.

Article 11

A domestic carrier may start to perform transport of passengers and goods in the domestic and the international road transport upon the receipt of the license.

The license is issued to the name of the carrier and it can not be transferred to other carrier.

Article 12

The authorities competent for issuing licenses to a domestic carrier will deprive the license if they find out that he does not fulfill the conditions for obtaining a license any more or that he performs the carriage contrary to the issued license. In the decision for deprivation of the license the issuing authority calls the domestic

carrier to return the license and the certified copies of it, within a time limit of 8 days upon the receipt of the decision. The issuing authority informs immediately the competent inspection services for the deprivation of the license.

It is permitted to put an appeal against the decision as referred to in the previous paragraph of this Article, in time limit of 8 days, to the Commission of the Government of the Republic of Macedonia for resolving administrative matters in second degree from the field of transport, that is, to the Ministry competent for transport.

III. TRANSPORT OF PASSENGERS

1. Public transport of passengers

Article 13

Public transport of passengers by road (hereinafter called: transport of passengers) is performed as regular transport or as non regular transport in the domestic and the international road transport.

1.1. Regular transport of passengers

Article 14

Regular transport of passengers is performed on a defined route in accordance with previously established timetable, set and announced tariffs and other transport conditions.

The regular transport of passengers may be performed as passenger, direct and fast transport.

Article 15

The carrier may perform a regular transport of passengers on the basis of a permit.

The permit as referred to in paragraph 1 of this Article is issued with a validity period from 1 to 5 years.

The permit as referred to in paragraph 1 of this Article may be used only by the carrier to whom it has been issued.

The permit intended for performing regular transport includes:

- title of the line
- name and seat of the carrier
- timetable
- direction of movement (itinerary)
- validity period

- tariffs

The minister competent for transport prescribes the conditions for obtaining the permit as referred to in paragraph 1 of this Article, the form of the permit, the procedure for issuing it, the conditions for establishing the timetable and keeping the files.

Article 16

A file is kept on the issue of permits.

The files on the issued permits are kept by the competent permit issuing authority.

The competent authority as referred to in paragraph 2 of this Article informs the bus stations and the competent inspection authorities for the permits issued and for each change made.

Article 17

The carrier is bound to perform the transport on the line in accordance with the issued permit.

While performing the transport, the permit as referred to in paragraph 1 of this Article has to be held in the vehicle.

Article 18

An application form for obtaining a permit with a proposed timetable for a determined line is submitted by the carrier, to the authority competent for issuing permits.

Article 19

The carrier sets the tariffs for the transport, except if not otherwise established by international agreement.

The carrier is bound to submit the tariffs to the bus stations that he uses according to the timetable.

The carrier is bound to announce through the media the start of the operation of the line and the timetable

Article 20

The timetable and the direction of movement (itinerary) may not be changed before the expiration of the validity period of the permit.

By way of exception, the timetable and the direction of movement (itinerary) can be changed if it is necessary because of the changes caused by an Act of God, if

those changes are caused as a result of reconstruction and putting into operation new roads or because of other exceptional events.

Article 21

During the validity period of the timetable, the transport can be temporarily stopped if there are reasons created and while those reasons the carrier could not have anticipated and whose consequences the carrier could not have removed (Act of God), last.

The carrier is bound to declare the temporarily stoppage as referred to in paragraph 1 of this Article to the authority that has issued the permit, immediately after creation of the reasons that have caused it.

Article 22

If the carrier is not able to perform regular transport of passengers, for which he has obtained the permit, he is bound to submit a request to the competent authority for temporarily or permanent stoppage of the transportation.

The transportation can be terminated temporarily for a period of six months or permanently stopped as the competent authority issues a written decision.

Article 23

The carrier is bound to announce in the media and the bus station for a temporarily or permanent stoppage of the transportation and the change in the timetable for a regular service.

Article 24

The carrier can not stop, because of unjustified reasons and without approval by the competent authority, the transportation on a regular service for which he has a permit.

If the carrier, because of unjustified reasons, does not perform the transportation on a regular service in continuity more than 7 (seven) days or with interruptions in a period of two months, in case if over 50% of the carriages are not performed, the competent authority will take a decision to revoke the permit.

An appeal is allowed to be put against the decision as referred to in paragraph 2 of this Article, to the Commission of the Government of the Republic of Macedonia for resolving administrative matters of second degree from the field of transport, that is, to the Ministry competent for transport, within 15 days from the day of the receipt of the decision.

Article 25

The carrier must sell bus tickets at organized places for selling (bus stations, agencies, representative offices and alike.)

By way of exception of paragraph 1 of this Article the carrier may sell bus tickets also in the bus, where there are not organized places for selling.

The carrier, the bus station, agency, representative office and alike may sell bus tickets only for the approved regular services in accordance with the approved timetable and the tariffs.

The carrier may, on the bus line for which he has a registered timetable, perform transport services by one and by more vehicles .

Article 25a

Regarding the regular transport of passengers, picking up and setting down passengers, that is loading and unloading of luggage is allowed to be carried out only at the bus stations and the bus stops which are set in the permit and the timetable for the regular service.

At the places in which bus stations are built, the carrier who has a permit for performing regular transport of passengers, the carrier is allowed to pick up and set down passengers only at those bus stations.

Article 25b

The carrier is bound to stop at the bus station, that is at the bus stop in accordance with the permit and timetable for the regular service, the conditions at the station and the safety regulations.

a) Domestic regular service of passengers

Article 26

The domestic regular transport of passengers is performed as municipal (local) and on long-distances.

The domestic regular transport of passengers can be also performed as special regular transport of passengers.

Article 27

The municipal regular transport of passengers is established in accordance with the provisions of this Act, the decision on the management of the regular transport of passengers in the area of the municipality, that is the Town of Skopje and other regulations.

The decision as referred to in paragraph 1 from this Article is made by the competent authority of the municipality, that is the Town of Skopje.

Article 28

Permit for municipal regular transport is issued by a competent authority of the municipality, that is the Town of Skopje.

Permit for long distance regular transport is issued by the Ministry competent for transport.

Article 29

While performing regular municipal and long-distance transport of passengers, the carrier is bound to have in the vehicle permit and timetable for the relevant line, in original or a certified copy.

Article 30

Special regular transport is carriage of a certain type of passengers by exclusion of the other passengers if such a transport is performed according to an established timetable and on a defined route (for example: transportation of workers to the place of the job and back to the place of residence or transportation of students to school and back to the place of residence, transportation of beneficiaries to the airport and back)

The timetable is established by the carrier and adjusted to the requirements of the customer of the transportation (the beneficiary of the transportation).

The passengers are, in the course of the trip, allowed to get on and down the bus only at approved bus stops.

Article 31

The permit intended for a special regular transport as referred to in Article 30 from this Act is issued by the competent authority in the municipality, that is the Town of Skopje if the transportation is performed in the area of one municipality, that is the Ministry competent for transport if the transportation is performed in the area of two or more municipalities.

Article 32

The carrier and the customer of the transportation sign a contract on transportation as referred to in Article 30 of this Act for a time period in which the transportation will be performed and the passengers who are going to use this transportation.

The passengers who are transported in this way of transportation have to keep with them an evidence for identification by the customer of the transportation.

a) International regular transport of passengers

Article 33

The international regular transport of passengers between the Republic of Macedonia and other countries and regular transport in transit through the territory of the Republic of Macedonia is established in accordance with international agreements, and on the basis of former agreement by the ministries competent for transport from the countries where the line passes.

The transportation as referred to in paragraph 1 from this Article is performed on the basis of permit issued by the Ministry competent for transport.

Article 34

The permit as referred to in paragraph 2 of Article 33 from this Act is issued at the request of a concerned domestic or foreign carrier.

The request as referred to in paragraph 1 of this Article is submitted to the Ministry competent for transport. Together with the request the carrier is bound to submit a timetable, itinerary, tariffs, contract signed with the foreign carrier and other enclosures foreseen with international agreement.

The foreign carrier submits the request for issuing of a permit through the competent authority of the country in which the vehicle is registered.

Article 35

The regular transport of passengers in the international road transport has to be performed in accordance with the timetable, itinerary and the tariffs determined by the domestic and the foreign carrier.

The permit, timetable, itinerary and the tariffs in original or a certified copy have to be kept in the vehicle by which the transportation is performed.

Article 36

The foreign carrier is not allowed to carry out cabotage in the international regular transport of passengers.

Article 37

A foreign carrier is allowed to perform transport of passengers in transit through the territory of the Republic of Macedonia only on the basis of a permit issued in accordance with paragraph 2 of Article 33 from this Act.

By the transit permit it can not be permitted to get on and down passengers on the territory of the Republic of Macedonia if it is not otherwise provided for by international agreement.

Article 38

The domestic carrier must perform, on the approved international regular line, at least half of the total number of the annual departures, if the line has been approved in cooperation with a foreign carrier.

If one of the carriers that have signed a contract performs the transportation contrary to paragraph 1 of this Article the Ministry competent for transport will make a decision by which it will:

- revoke the permit of the domestic carrier and ask the foreign carrier by mediation of the competent authority to sign a contract on cooperation in the international transport with other Macedonian carrier.
- revoke the permit of the foreign carrier and ask the competent authority of the other country for a proposal for another carrier who is going to sign a contract on cooperation in the international transport with the Macedonian carrier.

The domestic carrier is bound to submit, each three months period to the Ministry competent for transport, data for the number of the performed carriages and transported passengers in both directions, at the latest within 15 (fifteen) days from the date when the time limit of three months has expired, and for which the report is submitted.

1.2. Non-regular transport of passengers

Article 39

The non-regular carriage of passengers in the domestic and the international transport is carriage of previously formed groups of passengers, without taking up and setting down passengers during the journey, for which the route, tariffs for the carriage and the other conditions are set by a contract between the carrier and the customer of the carriage.

The carriage as referred to in paragraph 1 of this Article can be performed as occasional and shuttle service.

Non-regular carriage of passengers covers auto-taxi services, too.

Article 40

Occasional transport for the purpose of this Act means:

- (a) "closed-door tours" that is, services (excursions, tourist journeys and alike), whereby the same vehicle is used to carry the same group of passengers throughout the journey and to bring them back to the place of departure;
- b) transport of passengers, the vehicle departs with passengers and the returns empty;
- c) transport of passengers, the vehicle departs empty and returns with passengers.

Article 41

“Shuttle services” is carriage for the purpose of repeated journeys, from a single place of departure to a single place of destination.

Each group of passengers who have made the outward journey together shall subsequently be carried back to the place of departure together. Passengers shall not be taken up or set down during the journey. The first journey at return and the last journey at departure shall be made unladen;

Article 42

During the performance of non-regular transport of passengers in the domestic road transport, the contract signed between the carrier and the customer of the service and a list of passengers signed and certified by the carrier must be carried on the vehicle.

During the performance of non-regular transport of passengers in the international road transport, the carrier must have waybill certified also by the competent customs services of the Republic of Macedonia (hereinafter called: Customs Administration).

The form of the waybill and the way to keep it is prescribed by the minister competent for transport, if not otherwise provided for by international agreement.

Article 43

Non-regular transport of passengers in the international road transport as referred to in items a, b and c of Article 40 from this Act, can be performed without permit, and the transport as referred to in Article 41 from this Act is performed with permit if not otherwise provided for by international agreement.

The permit as referred to in paragraph 1 of this Article, on a request of the carrier is issued by the Ministry competent for transport.

The form of the permit as referred to in paragraph 1 of this Article is prescribed by the minister competent for transport.

Article 44

During the performance of international non-regular transport of passengers the carrier must have in the vehicle in the right way and correct filled out waybill on an appropriate form, signed and certified by the carrier and stamped by the Customs Administration at the border crossing.

If the international non-regular transport of passengers is performed with a permit, there should be a permit kept in the vehicle, too.

Article 45

Auto-taxi carriage of passengers can be performed by legal and natural persons if they obtain a license for performing this kind of carriage.

Article 46

The conditions for performing auto-taxi transport of passengers are prescribed by this Act and regulation of the municipality, that is the Town of Skopje.

Article 47

Auto-taxi carriage is performed in the area and from the area of the municipality that is the Town of Skopje where the auto-taxi carrier has its seat.

Article 48

The vehicle by which the auto-taxi carriage is performed must have on an exposed place built-in, functioning properly, sealed and checked taximeter, and the title "taxi" exposed in a visible place.

IV. TRANSPORT OF GOODS

Article 49

The transport of goods can be performed as domestic and international transport of goods by road.

Article 50

The transport of goods in the domestic transport can be performed as public transport and as transport on own needs.

Article 51

The public transport of goods by road is carriage for which the distance, the transportation costs and other terms for the haulier are defined by a contract signed between the haulier and the customer of the carriage.

The haulier may start to perform the transport after he obtains a license.

The haulier is bound to keep a certified copy of the license in the vehicle.

Article 52

The international transport of goods by road can be performed as bilateral transport, transit transport and transport to and from third countries.

Article 53

A domestic carrier can perform international transport of goods if he has previously got a license for international transport of goods.

Besides the license or a certified copy of the license, the crew of the vehicle which performs international transport of goods must have international bill of lading and a permit for international transport of goods if it is required according to the international agreement on road transport concluded between the Republic of Macedonia and the country to, from or through which territory the transport is performed.

The international transport of goods is also permitted on the basis of an annual permit from the multilateral quota of permits provided by the European Conference of Ministers of Transport (CEMT).

Article 54

Ministry competent for transport receives the permits for international transport of goods from the competent authority of the other country on the basis of a signed international agreement.

The annual multilateral quota of CEMT permits is provided in the Ministry competent for transport by the Secretariat of the European Conference of Ministers of Transport .

Article 55

The distribution of the permits as referred to in Article 54 from this Act is carried out by the Ministry competent for transport.

The procedure, criteria and the way of distribution of the permits is determined by the minister competent for transport.

Article 56

The permit can obtain a domestic legal and natural person who has a license for performing international transport of goods.

The request for obtaining a permit is submitted to the Ministry competent for transport.

The expenses made with reference to the issue of permits are covered by the haulier who submits a request for getting permits.

. Article 57

A foreign haulier registered in a state which the Republic of Macedonia has concluded a contract with on international transport of goods by road, performs

international transport of goods on the territory of the Republic of Macedonia on the basis of a license intended for transport of goods and issued by the Ministry competent for transport if it is not provided for by international agreement to perform the transport without permit.

. The Ministry competent for transport hands over the licenses on international transport of goods to the competent authority of the country in which the foreign haulier is registered.

The international transport of goods by a foreign motor vehicle with an attached vehicle (vehicle train) is performed on the basis of one permit.

If the foreign motor vehicle and the attached vehicle, in a vehicle train, have license plates of different countries, a permit is required only for the motor vehicle.

The permit for international transport of goods must be kept in the foreign vehicle all the time while it is in the territory of the Republic of Macedonia, and the control is carried out by the customs authorities, inspectors on road transport and the police service..

The form of the license for international transport of goods is prescribed by the minister competent for transport.

Article 58

If the foreign haulier comes from a country with which the Republic of Macedonia has not signed an agreement on international transport of goods, the custom authority at the border crossing station, that is, at other place where the customs control is carried out, shall issue a special permit upon a previously provided approval from the Ministry competent for transport.

Article 59

If the customs authority finds out that the foreign haulier, at the entry to or exit from the Republic of Macedonia does not have permit for international transport of goods, he will place a ban on the entry to that is the exit of the vehicle from the territory of the Republic of Macedonia and inform about it the Ministry competent for transport.

The Ministry competent for transport may permit movement of the vehicle and to authorize the customs authority to issue a particular permit against collection of a charge.

The form of the particular permit as referred to in paragraph 2 of this Article is prescribed by the minister competent for transport.

Article 60

Notwithstanding the provisions of Articles 57 of this Act, permit is not required for:

1. carriage of goods from public aviation port and to public aviation port in case of damage and other aircraft accident or in case if the aircraft has to make an emergency landing because of the forced diverted flying direction or in case if the aircraft services are canceled;
2. carriage of a damaged motor vehicle and its trailer;
3. funeral transport
4. carriage of things for the purpose of moving by appropriate special vehicles;
5. carriage of mail parcels;
6. carriage of exhibits intended for fairs and exhibitions;
7. carriage of devices and other accessories for theater scenery, music and other cultural shows, circus shows or for making film, radio or TV recording.
8. carriage of dead animals, except for industrial processing;
9. carriage of bees and fish progeny;
10. carriage of medical and other items as aid in case of natural disasters and carriage items for humanitarian purposes.
11. empty vehicles which replace damaged vehicles and undertake the items from the damaged vehicles for carriage in the Republic of Macedonia or a third country;
12. vehicles for technical assistance for the damaged vehicles to be repaired (repair - overhaul vehicles);
13. Carriage of loads only for advertisement purposes or for lecturing;
14. Vehicles with maximum bearing capacity not exceeding 3.500 kg, and including the bearing capacity of the attached vehicles or total weight of 6.000 kg, including the weight of the attached vehicles.

As for the carriages listed in paragraph 1 of this Article, the driver in the vehicle should hold documents and other papers whereat it can be seen that one of the listed carriages is in questions.

Article 61

A foreign haulier shall be permitted to carry out domestic transport of goods between two points on the territory of the Republic of Macedonia (cabotage) only in case if he obtains a particular permit for such a transport.

The foreign haulier submits his request for a permit to the competent authority for transport in the county of his seat and that same authority submits it to the Ministry competent for transport in the Republic of Macedonia.

The permit as referred to in paragraph 1 of this Article could be issued in case if there is a lack of appropriate transportation means in the country and it is necessary for the carriage to be performed by a foreign carrier.

Article 61a

A domestic and a foreign carrier by a vehicle on a public road which unladen or together with the load overcomes the prescribed terms with regard to the dimensions, the overall weight, the axle load, is permitted to perform transports only on the basis of a permit for non-regular transport.

The permit, at a request from a domestic carrier, is issued by the public enterprise for maintenance and protection of the public roads upon a provided opinion form the Ministry of Internal Affairs, and at a request from a foreign carrier, the Ministry competent for transport upon a provided opinion form the Ministry of Internal Affairs and the public enterprise for maintenance and protection of the public roads.

The permit for non-regular transport determines the way and terms for performing the transport and the valid time of the permit.

The proceeding for issuing the permit is urgent.

Article 61b

A foreign vehicle which performs international transport will not be permitted to enter that is to exit the Republic of Macedonia if it does not posses a permit for non-regular transport.

V. TRANSPORT ON OWN NEEDS

Article 62

Transport of passengers and goods on own needs by road is transport which is performed by legal and natural persons for the purpose of meeting the production and service needs within the framework of their business activity.

As transport of goods on own need carried by legal and natural persons is considered as transport which is performed for carriage only of goods which are connected with the performance of their basic business activity, whereas the goods transported are in their ownership or they are produced or sold by them, given to be processed or reworked, repaired or given by them to be kept in a warehouse or alike.

While performing transport of goods on own needs, the owner of the vehicle is, at the same time, owner of the goods transported, and the driver is employed in the company which is owner of the same.

The legal and the natural persons have to perform the carriage of paragraph 1 of this Article by vehicles which fulfill the conditions prescribed by the regulation as referred to in Article 5, paragraph 2 of this Act.

Article 63

While performing transport of passengers on own needs by bus, the passengers must have an evidence for identification issued by the one who performs the transport on own needs, that is, an evidence for paid tourist service in which the transportation price has been calculated, when the transportation is performed for the service needs within the business activity.

While performing international transport on own needs, besides the proof for identification or proof for paid tourist service, a waybill as referred to in Article 44, paragraph 1 from this Act must be hold in the vehicle.

Article 64

While performing transport of goods on own needs the vehicle must hold:

- waybill and
- proof from which it could be identified the in question is transport as referred to in Article 62 paragraph 2 from this Act.

VI. BUS STATIONS

Article 65

The bus station arranges for reception and dispatch of buses, as provided for by the timetable, passengers and luggage, sale of tickets, undertaking and keeping luggage, providing information to the passengers and the carriers and performing other services with regard to transport of passengers.

Article 66

The bus station has to provide services on equal basis to all the carriers which perform public regular transport of passengers, at fares as determined for the relevant category of the bus station.

The categorization of the bus stations, their equipment and the amount of the user charges are prescribed by the Minister competent for transport.

Article 67

The bus station may accept and dispatch buses, by which public occasional transport of passengers is performed, in accordance with the available number of particular platforms intended for this purpose and which have to have particular marking.

Article 68

The working time of the bus station has to be harmonized with the time of departure and arrival of the buses on the lines, and at least 15 minutes before departure and 15 minutes after arrival of the bus of the last line.

Article 69

The bus station is bound to keep day book on arrival and departure of the buses.

The bus station is bound, once a week, to notify the competent authority as referred to in Article 28 paragraph 2 of this Act on failure in performing carriage on certain line.

The driver of the bus is bound to inform on the arrival and the departure of the bus at the bus station.

The way of keeping the day book as referred to in paragraph 1 of this Article is prescribed by the Minister competent for transport.

Article 70

The carrier have to inform the nearest bus station if during the carriage some obstacle appears and which may cause delay longer than 60 minutes.

The bus station which receives such information is bound to inform the next station for thatat once.

VII. ROAD USER CHARGES

Article 71

A foreign vehicle which uses the roads in the Republic of Macedonia, during the performance of the carriage pays road user charges.

Road user charges are not paid for a foreign vehicle which performs non-regular transports. Instead of user charges, as referred to in paragraph 1 of this Article, for a foreign vehicle which performs non regular transport user charges are paid as provided for in a particular regulation.

VIII. AUTHORIZATION FROM THE CUSTOMS ADMINISTRATION

Article 72

The customs administration at the border-crossing point, that is, at other point where the customs control is performed, checks-up whether the domestic or foreign carrier holds a permit or other documents, prescribed by this Act, other regulations and international agreements, and whether the carrier performs the transport in compliance with those documents.

If the customs administration finds out that a foreign carrier does not hold in the vehicle a permit and other required papers or he does not use them in a prescribed way, it will place a ban for the vehicle to enter the Republic of Macedonia, that is, to exit it and inform for that the Ministry competent for transport.

If the customs administration finds out that a domestic carrier does not hold in the vehicle permit and other required papers or he does not use them in a prescribed way, it will place a ban for the vehicle to exit from the Republic of Macedonia, and inform for that the Ministry competent for transport.

If the customs administration finds out that a legal or natural person performs public transport without a permit as referred to in Article 33, paragraphs 2 and 53 of this Act, it will give an order for unloading the goods at the closest customs terminal at the account of the legal or natural person, or it will place a ban for the bus to exit from the Republic of Macedonia and inform for that the Ministry competent for transport.

The customs administration as referred to in paragraph 1 of this Article will temporary deprive the permit on transport from a foreign carrier, issued on the basis of this Act or international agreement if he is suspicious in its correctness, that is, if the carrier does not comply with the conditions set in the license.

A temporary deprived permit together with a minutes for its depriving is submitted to the Ministry competent for transport within a time limit of 24 hours for taking a final decision.

IX. DEPRIVING AND PUTTING OUT OF FORCE THE LICENSE, AND TEMPORARY PROHIBITION FOR ACCESS IN THE TERRITORY OF THE REPUBLIC OF MACEDONIA.

Article 73

The competent authority of the administration that has issued the permit can take a decision for depriving and putting out of force the license as referred to in Article 33, paragraphs 2 and 53 of this Act if the carriage is not performed in compliance with the issued permit.

The permit for transport issued to a foreign carrier can be deprived and put out of force also in case if the competent authority of the country in which the carrier is registered, refuses to issue the required permit to the Macedonian carrier.

By the decision as referred to in paragraph 1 of this Article the permit can be deprived and put out of force for a period from 1 to 12 months.

Article 74

The Ministry competent for transport will put a temporary prohibition for access on the roads on the territory of the Republic of Macedonia to a foreign carrier in case of serious or repeated offenses on the basis of this Act.

The temporary prohibition as referred to in paragraph 1 of this Article can be decided to be for a period from 1 to 12 months.

Article 75

The decisions as referred to in Article 73 and 74 of this Act, if it is international transport are enforced by the customs administration at the border-crossing stations.

Article 76

Decision for depriving and putting out of force the license of domestic and foreign carrier and decision on temporary prohibition for access on the roads on the territory of the Republic of Macedonia is taken by the Minister competent for transport.

A decision on depriving the permit from a domestic or a foreign haulier is taken by the Ministry of Transport and Communications.

An appeal can be placed against the decision as referred to in paragraph 1 of this Article to the Commission for transport, communications and environment within the Government of the Republic of Macedonia in a time period of fifteen days from the date of receipt of the decision.

X. SUPERVISION

Article 77

The management supervision on the implementation of this Act and the regulations passed on the basis of it, is carried out by the Ministry competent for transport.

Article 78

The inspection supervision over the implementation of the provisions of this Act and the regulations passed on the basis of this Act which refer to the long-

distance and international transport of passengers and goods is carried out by the State Inspectorate for transport, and regarding the transport carried out in the area of the municipality, that is the Town of Skopje, by the inspection authorities of the municipality, that is, the Town of Skopje.

The tasks of the inspection supervision are performed by inspectors on road transport.

Article 79

The inspectors on road transport perform supervision on:

- transport of passengers in the domestic road transport
- transport of passengers in the international road transport
- transport of passengers on own needs
- transport of goods in the domestic road transport
- transport of goods in the international road transport
- bus stations
- bus stops
- parking areas for goods motor vehicles and for buses

Article 80

The inspector on road transport, while performing inspection supervision, is going to take a decision which will place a ban on the carriage:

1. if the carrier does not hold a license for certain modes of carriage (Article 6 and 7 from this Act);
2. of passengers if there is no transport permit for the determined line, held in the bus (Article 15);
3. if the carrier does not perform the carriage in accordance with the issued permit (Article 17);
4. if the carrier, without an authorization from a competent authority, does not perform the transportation in continuity more than 7 (seven) days (Article 24);
5. if the passengers do not hold an evidence of identification by the customer of the carriage (Article 32);
6. if the carrier performs regular international transport of passengers without permit, and if the permit, the timetable, the itinerary and the tariffs are not held in the vehicle (Article 33 and 35);
7. if the carrier performs cabotage in the international regular transport (Article 36);

8. if the carrier performs non-regular transport of passengers contrary to Articles 39, 40, 41 and 42 from this Act;
9. if the carrier does not hold a permit as referred to in Article 43 from this Act;
10. if the carrier performs auto-taxi carriage of passengers contrary to Articles 45, 46, 47 and 48 from this Act;
11. if the haulier performs transport of goods without a license (Article 51)
12. if the carrier does not hold in the vehicle a license, international bill of lading and a permit for transport of goods (Article 53);
13. if the foreign vehicle which performs transport of goods does not hold a permit;
14. if there are no any papers which will show that it is one of the carriages as referred to in Article 60 from this Act.
15. if the foreign carrier performs cabotage without a permit (Article 61);
16. if the carrier performs carriage on own needs contrary to the provisions as referred to in Articles 62, 63 and 64 from this Act.;
17. if the bus station does not perform services under same conditions for all carriers (Article 66);
18. if the working time of the bus station is not in accordance with article 68 from this act;
19. if the bus station does not keep a day book as referred to in Article 69 from this Act;

Article 81

Against the decision of the inspector on road transport, an appeal can be placed within 8 days from the date of the delivery of the decision to the Ministry competent for transport.

Article 82

The carriers and the other owners of motor vehicles, as well as the legal person who run the bus station are bound to allow the inspectors on road transport to do the inspection control, provide them with the necessary information and make the necessary documents available to them.

Article 83

The inspector on road transport has got a card.

The card of the inspector on road transport is issued by the authority that has appointed them.

The form of the card of the inspectors on road transport is prescribed by the minister competent for transport .

XI. PENALTY PROVISIONS

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 84

The provisions of this Act that refer to the issue of licenses for performing certain modes of transport in the public road transport will be applied within a time limit of one year from the date of passing the by-laws which are foreseen to regulate this matter.

The existing legal and natural persons who will not get a license within a time limit as referred to in paragraph 1 of this Article, are bound to stop to perform the business activity of public transport by road which shall be determined with a decision taken by the competent authority of the administration in dependence on the mode of transport.

Article 85

The regular transport of passengers in the domestic road transport shall be performed in accordance with the existing registered timetables, and the most, for a period of two years from the date of the entry into force of this Act.

The permits issued for performing regular international transport of passengers and the permits for performing transport of goods will be valid at the expiration of the time limit for which they have been issued.

Article 86

More detailed regulations on enforcement of this Act shall be passed within a period of one year from the day of the entry into force of this Act.

Until the entry into force of the regulations as referred to in paragraph 1 of this Article, the regulations which have been in force until the entry into force of this Act will be applied.

Article 87

The provisions of this Act which refer to the professional competence of the manager or the authorized person responsible for the transport operations, shall not be applied for persons who are going to prove that they have performed that activity for a period longer than five years, by the day of the entry into force of this Act.

Article 88

From the date of the entry into force of this Act, the Act on Carriage in the Road Transport (Official Gazette of RM" No. 63/95 and No. 29/98) cease to be valid.

Article 89

This Act enters into force the eighth day from the date of its publication in the "Official Gazette of the Republic of Macedonia".
