

LAW
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RAILWAY CODE OF THE REPUBLIC OF ALBANIA

Based on the articles 81 and 83 item 1 of the Constitution, with the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE
REPUBLIC OF ALBANIA

DECIDED

FIRST SECTION
OBJECT, IMPLEMENTATION SCOPE, ORGANIZATIONS AND DEFINITIONS

Article 1
The Objective

The objective of the Railway Code of the Republic of Albania is to specify rights and legal relationships in the sector of railway transport and relevant activities.

Article 2
Implementation area

1. The provisions of this Code cover all the railway activities and objects within the Republic of Albanian territory, including also internal railway alignments and intersections, railway stations, buildings and services for the passengers, storage and handling of goods, all the railway vehicles, vehicles and rails repairing shops, signaling and communication equipment.

2. Aspects, related to the railway activities which are not explicitly regulated under this Code, are subjected to the legislation in use, unless they are not contrary to it.

3. Railway activities of the entities registered in Albania, which exercise this activity within the territory of other countries, are implemented in accordance to the legislation of that country by complying for as much it could be possible to this Code and to the Albanian Legislation in general.

Article 3
Definitions

For the use of this Code, its terminology should be interpreted as following:

1. “railway transporter” indicates every subject, public or private, authorized to transport passengers and/or goods by the railway which provides the self-movement;

2. “infrastructure administrator” means the entity, owner or not of some part of railway infrastructure, which administrates and maintains it, in order to operate it itself or through a third party;

3. “integrated railway company” means a railway transport entity which is also an infrastructure administrator;

4. “railway infrastructure”, means all railway lines, railway branches, equipment for communication, signals and energy supply when such are necessary for the circulation of railway vehicles and for traffic safety;

5. “Albanian Railway” (herein called AR) is a public integrated railway company, which also performs the operational and continuous management of train movement;

6. “railway activity” is the whole set of transport activities or services that are related to railway network;

7. “railway network”

8. "railway line" is the object on which the movement of railway vehicles is done;

9. "railway station" means the place where the necessary services for passenger and luggage transport, services for goods transport, and for managing the operations for the movement, mobilizing and demobilizing of convoys of trains and their departure are done entirely or in part;

10. "railway branch" means the railway line that connects the station or the main railway line with the railway lines that are situated in the territory of various entities;

11. "railway line band" means the band of land on both sides of the railway line, with a minimum width of five meters, starting from the foot of the track bed escarpment, when there are no ditches, and starting from the ditches if such are present;

12. "railway line protective band" means the band of land on both sides of the railway line with a width of 100 meters, starting from the railway line band;

13. "line air space" means the space on the railway line band, with a height of twelve meters over the track level on all the width of the railway line band;

14. "railway materials" means all the railway vehicles and equipment that are meant to be used in the railway activity;

15. "railway vehicle” means all vehicles able to move on their own wheels, with or without draught force;

16. “railway draught vehicle” means a railway vehicle that is equipped with draught equipment, and that is used to draw other railway vehicles;

17. “railway carriage and trucks” means a railway vehicle that is not equipped with draught equipment, and that is meant to be used to transport passengers, goods, or luggage and express parcels;

18. “technical acceptance” means the technical certification of some railway vehicle or material by the responsible authority, which certifies that that vehicle or material can be used in railway activity;

19. “operation acceptance” means the right given by the responsible authority that the railway vehicle can be used in railway activity;

20. “railway crossing” means the surface area where the railway line crosses with a road at the same level;

21. “technical standard” means a technical specification that has been certified by a recognized body of national/international standards as per their own agreed procedures;

22. “railway territory” means the separated area of land that is meant to be used for or protect railway lines, including with constructions, equipment or installations that are used in railway transport, and for stationing, repairing and maintaining railway vehicles;

23. “railway traffic” means the set of railway vehicles that move in the entire railway network or in certain lines of it, at specific times and in specific periods;

24. “train” means the series of formed/connected carriages and trucks, with one or several draught vehicles;

25. "Ministry" means the ministry that is responsible for the transport activity, in general, and that covers the coordination of railway activity management and control;

26. “Minister” means the person that is entrusted with the position of the responsible minister for the activity of transports, including the railway one;

Words and phrases, other than those defined in this Code, are to be construed as having the meaning attributed to them in the relevant legislation, and, in the absence of such attributions, are to be construed according to their general meaning.

Article 4

Entities

Entities whose legal relationships are subject to this Code are: the Albanian State, the relevant Ministry, and local and foreign legal entities and persons.

Article 5

Entities rights, obligations and responsibilities

In railway activities, entities are obliged to act in compliance with this Code, legal and sub legal provisions, the legislation in power, or the international law, within the area of their legal rights or rights that are stipulated in contracts, by also fulfilling their respective obligations. If the contrary, they are protected or are accountable materially as per the provisions of the Civil Code or Commercial Code, and, when necessary, disciplinary, administratively or penalty as per relevant legal provisions.

Article 6

Entity Qualification

1. Legal entities receive the attribute of a railway activity entity upon meeting legal criteria for legal entities in general.

Public and private legal entities receive the attribute of a transport entity with rights and obligations in railway activity upon receiving the activity license granted by the Ministry, as per the criteria approved by the Minister.

2. Physical entities carry out assignments or are employed for the activity of driving draught vehicles, moving and guiding trains, installing and maintaining signal and communications systems, doing the technical control of railway vehicles, materials and equipment, upon meeting the specified professional qualifications and after being tested by the organ that is assigned by the Minister, as per the regulations that the Minister has approved.

3. Foreign railway transport entities cannot perform transport activities in the Albanian railway network, except in the railway segment from border station to the state border (on both directions).

Article 7
Other entities obligations

Juridical and constitutional, private or public persons who are not organizations of this Code, when they came into juridical relationship or cause damages on the railway transport, act and respond according to the civil law criteria but respecting this Code, or contrary respond according to it when provides special liabilities.

Article 8
Ownership

1. The state is the owner of the land, the track bed and the component elements of the railway line, signal and communications systems, its power lines, and the buildings and equipment of management and commanding system. Also, the state property can include railway draught vehicles, carriages and trucks.

2. The public railway property, except the objects that are necessarily related to the state activity as per this Code, can be operated directly by the state, by public or private entities, based on the tariffs that are specified in the relevant legal provisions.

3. Public or private entities may be the owners of the land, track bed, relevant power line and component elements of railway branches, and railway draught vehicles, carriages and trucks.

Article 9
Activities as a source of risk

1. The movement of trains or of a separated draught vehicle, and a resting carriage or truck, and temporary or permanent warehouses/reservoirs of fuel, explosives, detonators, toxins or any other material that poses common danger to people and the environment, including power lines, and signal and communications systems in the railway territory is considered as an activity that derives additional danger, carrying relevant legal and civil consequences.

2. The above activities are regulated as per the relevant legislation or Minister's Orders.

HEADING II
RAILWAY ACTIVITY

Article 10
Implementation mode

1. Railway activity is performed by public and private entities independently based on the provisions of this Code, legal and sub legal acts that are decreed for its implementation, and other general provisions.

2. As an exemption from the above rule, the central management of the train movement, the command of the communications system, signal system, power system, the permit for constructions and works in the railway territory, the permit for railway activity abroad, the licenses for transport entities, the testing of employees for specific jobs, and the control of the railway activity shall be performed only by the Ministry or other public entities that are under the Ministry.

Article 11

Railway activity control and coordination

The performance of specific aspects that are provided for in this Code, the coordination of railway activity management and control is done directly by the Ministry that covers railway activity or by entities that are under such Ministry.

Article 12

Albanian Railway

1. The Albanian Railway (AR) is a public company, whose assets are totally state property. It has economic authority and operates as a shareholding company.

2. AR must also administrate the railway infrastructure, and, by means of state contributions, is entrusted with infrastructure investment, renovation, restoration, maintenance and extension, as well as with the administration of guidance and safety systems.

HEADING III

RAILWAY INFRASTRUCTURE, SEPARATION, CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF THE RAILWAY LINE

Article 13

Railway Line

1. The railway line components are:

- a) The lower stratum, consisting of the track bed and the ground under it;
- b) The upper stratum, consisting of the ballast, crossties, rails and binding elements;
- c) Line equipment, including switches and their motors;
- d) Civil work such as bridges, tunnels, viaducts, reinforcing walls and the ground beneath them, etc;
- e) The railway band on both its sides, and the railway line air space;
- f) Drainage ditches.

2. Technical conditions and standards to be fulfilled by railway lines are determined on the technical standards.

Article 14

Railway lines classification

Railway lines are classified as below:

- a) Main railway lines, connecting stations;

- b) Service railway lines within stations, which are used for train arrival and departure, maneuvering, forming and breaking trains, and for loading and unloading;
- c) Internal railway lines, which are within the territories of public or private legal entities or state institutions, and which are used by them;
- d) Railway branches, which connect railway stations with the internal lines of various entities;

Article 15

Railway lines construction and maintenance criteria

1. The railway line is designed, constructed, reconstructed, serviced and maintained in such a way as to meet all the approved standard parameters of a railway line, train speed and safety requirements for railway traffic.

2. Railway lines that are used for international transport must meet the conditions that are specified in ratified international agreements.

3. For every kind of constructions on the railway lines must be respected low provisions requests regarding construction and environmental fields.

Article 16

Technical and control and commissioning

The technical control and hand over of the implementation technical standards by the investor is made after railway line construction, reconstruction and remounting.

Article 17

Railway lines intersections

Intersection of two railway lines comes on the railway stations. In particular cases this can be done in open space line as long as are executed all determined criteria's of Minister Directive.

Article 18

Banning of other constructions

1. It is not allowed to construct buildings and every kind of other organizations on the railway line streak, except destined organizations of railway line.

2. Regarding objects under construction intercrossed on the railway line but out of railway activity must be taken the preliminary approval of AR.

Article 19

Railway lines relocation

1. Railway line relocation because of construction other objects can be done only after AR approval.

2. The relocated railway line must be built according to the approved state technical standards.

3. Expenses regarding railway line shunt are in charge of the new object investor on behalf of whom is done railway line shunt.

HEADING IV RAILWAY CROSSINGS

Article 20

Requirements for building a railway crossing

1. The crossing of the existing railway line with automotive road of the same level must be done according to the approved technical standards.
2. The road right of way, 3m from both sides of the railway line is component of this alignment.
3. The distance between the two railway consequent crossings cannot be less than 2500m.

Article 21

Technical criteria for the construction and maintenance of the railway crossings

1. Technical criteria for the construction, functioning and maintenance of railway crossings, railway overpasses and underpasses are assigning by Minister Directive.
2. To construct a railway crossing the juridical persons or the local power authorities concerned take approval of the AR.
3. Expenses regarding new railway line construction and utilizations are in charge of the organization which makes the request for crossing disclosure.

Article 22

Responsibility's regarding irregular or illegal crossings.

1. As the administrator of the railway infrastructure the AR doesn't take any civil and penal responsibility regarding accidents and breakdowns happening on the railway crossings opened in the illegal way and contrary this Code provisions.
2. The juridical or constitutional persons, who built the crossing, respective authorities approving irregular works or managing relative railway line will keep on all civil liability, based on the concrete case.

Article 23

Construction criteria's according to the crossing type

1. Motorway, main inter-urban and urban roads designing and intersection with existing railway lines can be realized with road under pass or overpass.
2. New main railway lines interruptions designing and construction with the motorways, inter-urban and urban roads can be realized by railway under passing or overpass.
3. Interest organizations on objects investments that interrupt railway lines, under passing or overpass projects before the approval must have AR approval and consulting.

Article 24

Forbidden railway crossings

It is not allowed to be open the railway passing inside the railway station terrain

Article 25

Maintenance of existing railway line passing

1. The juridical person and AR maintaining the road, knowingly between them, provides reciprocal relationship related with financial and technical obligations for each railway passing.
2. On the agreement according to the first paragraph of this article particularly is predicted the type volume and time of the works regarding maintenance, expenses to insure railway traffic safety and continuously.

HEADING V

COMMUNICATIONS AND SIGNAL SYSTEMS

Article 26

Communications system

1. Communication system on the railway network is built and maintained in order to fulfill the needs for e safety train and railway vehicle traffic.
2. Technical conditions on the railway network regarding construction, maintenance and utilization of the communication system are determined in the corresponding regulatory approved by Minister at proposal of AR.

Article 27

Signalization system

Signalization system serves to improve train flow safety, maneuvers at railway stations and procedures automation of trains coming and leaving throughout signal sighs and equipments.

Article 28

Communication and signalization system defining

Signalize system equipments, signs and indications on the railway line and embranchments, type, shape, color, signals systems and utilization maintenance rules are determined in the respective Regulation composed by AR and approved by Ministry according to the European Community standards.

HEADING VI

RAILWAY INFRASTRUCTURE MAINTENANCE

Article 29

Railway infrastructure control and maintenance

1. Railway infrastructure is inspected and maintained from its administrator in order to insure and guarantee a safe traffic of trains flow.

2. Regulation about inspection and maintenance of the railway infrastructure is approved by the minister.

Article 30

Administration and maintenance of the existing railway embranchments

Existing railway embranchments are state property and are administrated and maintained by AR.

Article 31

Construction and connection of new railway embranchments

1. The junction of the new railway embranchments of other different organizations with AR lines is arranged with the agreement between two parties.
2. New railway embranchments are built at the expenses of the juridical organization to which it serves.

Article 32

Railway infrastructure administration and maintenance in public and private organizations territories

Railway infrastructure located within private or public organizations territory is administrated and maintained by them.

HEADING VII

RAILWAY INFRASTRUCTURE PROTECTION

Article 33

Railway infrastructure protection actions

Railway administrators take the necessary actions to protect the railway infrastructure in accordance with rules determined by the minister sub-laws acts.

Article 34

Railway alignments and embranchments protection

1. Railway alignments and embranchments that are under AR administration are also under it protection.
2. New railway embranchments, as a property of a private or public organization are protected by the organizations to which it serves.

Article 35

Restrictions for the protection of the railway alignment

1. To insure the security of the railway lines is detained:
 - a) drain and watering cannels flow also of the other drainages on the railway or on its track cannels;

- b) intervention on the drainage system from the railway track canals till to the end of the cast.
 - c) stone-quarries, gravel or sand quarries, earth or channel excavations which can break ground structure in a distance not more than 100 meter from railway line streak.
Also for the construction of the objects in a distance 100-200 meter from the railway line streak must be given the authorization from AR.
 - d) passing of the heavy trucks on the railway line except the cases when AR sets up the allowed places and the passing rules.
 - e) every kind of constructions, wells, tanks and gas stations, electrical conductors during railway line more than 25 meter from the railway line streak regarding terrains out of urban areas. Also in these areas is allowed housings and other constructions, wells, tanks and gas stations, electrical conductors in a distance of 25 – 100 meter from railway line streak.
2. To construct every kind of objects located in the urban areas, out of railway line streak and in a distance up to 25 meter from the railway line streak must be taken the authorization of AR.

Article 36

Works on the protected railway alignment streak

1. On the railway line protected streak can be taken drainage, canals, electrical, telephonic conductors and other similar organization services as long as it is not interfering the railway traffic and it is not damaging the railway line stability.
2. In case of railway line crossings with the electrical conductors, telephonic and funicular railway and of the similar networks, these should be out of railway line operating space.
3. AR approves the works predicted on the first paragraph of this article after the juridical organization request to carry out the works.
4. For the execution of the works, according to item 1 of this article, AR is obliged to announce the Railway Inception Directory at least 15 days before commencements of the works.

Article 37

Protective works

The works regarding protection of railway lines and of the objects on it, works for the order and traffic safety or other activities on the railway line streak can be done only by AR approval.

Article 38

Implementation of protective works

AR and other administrators of inner railway lines and railway embranchments are obliged that in the difficult territories, exposed terrains against heavy winds, rivers degradation, possibly causing interruption or heavy railway traffic, alone or together with other juridical persons, must determine and undertake the necessary technical measurements regarding security of railway lines and objects on the line from natural disasters in order to insure a continuous traffic railway.

Article 39

Goods loading and unloading along the railway alignment

1. It is not allowed loading and unloading of goods alongside railway alignments outside railway stations.
2. Are excluded from the rules defined in item 1 of this article only aggregate loading and unloading and other materials for defense purposes, for maintenance, repair and reconstruction of the railway alignment.

Article 40

Responsibility for the damages

Damage, breaking, and interfering contrary to the rules determined in this Code, in every part of the railway infrastructure and in the railway movement direction brings up civil responsibilities when does not constitute legal offense is an administrative offense and is punished in accordance to the provisions of this Code.

Article 41

Exemption from fiscal liabilities

The site and the land on which the railway line, the railway line streak, and railway stations territory, all being state property according to the legislation in use, are excluded from fiscal liabilities.

HEADING VIII

RAILWAY TRAFFIC SAFETY

Article 42

Application of traffic safety rules

Railway transporters and administrators are obliged to act in accordance with traffic and signaling rules determined by the railway technical operation regulation, approved by the minister for establishing safe, regulated and uninterrupted railway traffic within the Republic of Albanian territory.

Article 43

Control arrangements

1. Railway infrastructure administrators and operators are obliged to organize and perform frequent controls on the status and maintenance of railway lines, objects, equipment or other supply in order to provide a better safe railway service.
2. For the implementation of item 1 of this article, the railway administrators are obliged to provide specialized structures of control.
3. Ways and rules to perform such controls are defined in the Regulation of Technical Operation of the Railways.

Article 44

Special safety measures in the railway stations

Railway places and stations that are used for the arrival and departure of passengers and luggage must be provided with comfortable equipment necessary to the passenger services and safe performance of railway operations.

Article 45
Crossing the railway line

1. Crossing of the railway line from the pedestrians, road vehicles or the animals can only take place at the spots determined for this purpose from the infrastructure administrator.
2. The crossings spots must be indicated with respective signs and be equipped with the necessary guidelines.

Article 46
Ensuring the visibility

1. For ensuring the visibility during the trains movement within the urban areas it is forbidden alongside the railway line:
 - a) planting of trees taller than 1.5m or placing of material piles higher than 1.5m up to 6m from the railway line band;
 - b) planting trees taller than 4m or placing material piles higher than 4m in the distance from 6 to 25 m from the railway line band;
 - c) installing within the distance of 26m light sources of the color, and format of railway signals and signs or of another object, which distract the driver from understanding the signal.
2. In these cases the infrastructure administrators are addressed to the respective local government organization to eliminate the aforementioned hindrances and if the organization does not take immediate actions, it has the authority to take actions by itself in cooperation with the Public Order departments.

Article 47
High security objects

AR must specify high security objects, within the framework of railway traffic safety, and must take the necessary actions for their protection.

Article 48
General restrictions

In order to ensure safe railway traffic it is prohibited to:

- a) put any kind of object on the railway line, in railway vehicles, signal and communications systems, etc., which hinder the safety of train movement;
- b) move in unauthorized way the railway manual track-change, or put anything on its extended arm, or damage signal and communications equipment, etc.;
- c) execute works near a railway crossing, which decrease or hinder the visibility on the railway line;
- d) hinder the work of the train movement managers, engine drivers, employees that deal with the railway lines, the employees that deal with crossings, bridges, tunnels or of any other railway employee during the railway traffic;
- e) allow or move vehicles, animals drawn carts at the crossings non approved by the AR;

- f) staying or moving of people or the animals and cattle grazing alongside the railway alignment;
- g) light fires, burn grass, and bushes, and breeding crops within the railway alignment.

Article 49

Restrictions to railway employees

1. Employees that organize and execute railway transport are forbidden to:
 - a) allow unauthorized persons enter the premises of trains driving environments, engines, in other vehicles and in all the other train driving spaces;
 - b) drive the railway vehicle and work in other places during train movement, out of the service time, except of the force major and unexpected illness cases;
 - c) use any kind of alcoholic drinks, drugs or any other similar substances, etc., before or during working hours;
 - d) come to work without wearing the uniform and without carrying their tools needed to carry out duties.
 - e) leave the service place without succession or substituted by the following shift employee.
 - f) abide by unclear signs and orders;
 - g) start work without being firstly familiar with technical documentation of train station;
 - h) accept passengers without tickets;
 - i) work, in case they don't possess the acquired capacity, ability attested by duly certification for the work or specific responsibilities;
 - j) work in case they failed to periodical examinations tests, according to predetermined time – frame in technical rules;
 - k) work, in case when they are in terms of disabled due to psychic and healthy state;
 - l) work in case they are recorded as chronic alcoholic and drug users;
 - m) work in case they are sentenced for crimes in railway transport area;
 - n) execute other actions, violating the regulation of technical operation of railways and other legal and by laws provisions;
2. The railway technical operation regulation determines the minimum ages and other restrictions to all professions and positions.

Article 50

Traffic Safety during Works Execution

1. Before starting works on the railway line or starting the execution of constructions or installations in the railway line, and during the process of their maintenance, the necessary measures must be taken for the safety of traffic and the employees that execute such works.
2. In the case of a third party executing such works, a written agreement must be signed between such a third party and AR, in which it is specified mutual obligations, especially regarding the safety of train traffic.
3. After the completion of works as per the first paragraph of this Article, the legal entity that has executed such works must clear up the railway line from equipment or materials, tools, signs or signals used by them in the execution of the works, and they must ensure the resuming of the functioning of signal and communications equipment and other equipment that is needed for the safe train traffic.

HEADING IX RAILWAY VEHICLES

Article 51 **Classifying railway vehicles**

Railway vehicles are classified as:

- a) draught vehicles, such as engines or engine cars;
- b) drawn vehicles, such as carriages, trucks, luggage cars and service cars;
- c) motor vehicles, such as **drezinat**, railway cranes, and other motor vehicles.

Article 52 **The railway vehicles' specifications**

The main characteristics of railway vehicles that move in the railway network of the country, and their equipment must meet the technical and operation standards approved by the Minister, while railway vehicles that move in the international network must meet the technical standards approved by the International Union of Railways.

Article 53 **Vehicle technical control**

Railway vehicles undergo programmed technical and operational controls. During their use they are controlled in compliance with the Railway Technical Operation Regulations and other regulations approved by the Minister, in order to guarantee safe train traffic.

HEADING X MANAGEMENT OF THE TRAINS AND RAILWAY VEHICLES TRAFFIC AND MANAGEMENT OF THE RAILWAY TRANSPORT

Article 54 **Management objectives of the trains and railway vehicles traffic**

The arrangement and management of railway transport aims at ensuring correct execution of passenger, luggage and freight transport, guaranteeing complete safety of train traffic to respective destinations at the times specified in the traffic timetable, the protection of passengers' life and health, guarding luggage and freight against damages and abuse, preventing and eliminating technical failures and accidents, and the protection from disasters or undesirable events.

Article 55 **The railway vehicles traffic management of subjects on the internal railway lines**

Entities that have internal railway lines in their territories, and that have draught vehicles can perform the movement of carriages in the territory that is administrated by them, as per the provisions of this law.

Article 56

The operation of other railway transporters

In addition to the AR, other railway transporters can exercise their activity, after being supplied with relevant permission from the minister. Criteria to acquire this permission are determined by the minister sub-law act.

Article 57

Foreign wagons access

Foreign carriages and trucks can circulate in all railway lines in the Republic of Albania if they meet the conditions specified in international agreements and conventions that are ratified by our country, and the provisions of this Code.

Article 58

Trains traffic timetable

1. Train traffic is done as per the general timetable prepared by AR, without discriminating the traffic of other railway transporters' trains and draught vehicles.
2. The train traffic timetable specifies the times and itineraries of all passenger and freight trains.
3. Passenger train timetables are published in the public information media and at railway stations, at least 15 days before such timetable comes into force.

Article 59

The operation of the railway line

The rules of the railway line use by various transport operators are specified by the Minister.

Article 60

User charges for the railway line

The railway transport infrastructure can be used against a user charge, which is put forward by the Ministry and approved by the Ministry of Finance.

HEADING XI

PASSENGER RAILWAY TRANSPORT

Article 61

Passenger transport legal regulation

1. The transportation of passengers and luggage is done as per legal provisions of the commercial law for transport contracts.

2. The Minister issues a set of instructions on the way of implementation of passenger and luggage transport by public and private transport operators.

Article 62

Conditions and obligations of transport operator

1. Railway transport operators that area authorized and undertake to do passenger transportation must provide passengers with all the necessary conditions before and during the journey, and to guard and handle their luggage.

2. In case of disruption of the journey due to force majeure, technical breakdown or any other factors, railway transport operators are obliged to, as soon as possible, forward passengers and their luggage to the destination railway station.

When this is not possible, passengers are reimbursed the value of their ticket for the part of the journey that has not been made if they are and want to stay in transit stations or go back to departure station by reimbursing them the value of the ticket.

3. In such cases, the transport operator is obliged to transport the luggage as soon as possible to the destination station or a transit station, if such a thing has be asked in a written form by the luggage owner.

4. Railway stations shall be equipped with the proper premises for the arrival, guarding and transport of luggage.

Article 63

Passengers' transport tariffs

1. Ministry of Transport and Ministry of Finance, by common order define the public service obligation scheme, mainly for passenger services, which for social, environmental and land use reasons, and for certain categories of citizens, will be financially compensated from Government Budget as non-efficient services.

During the transition period, until this scheme is defined, the passengers' railway transport traveling tariffs are approved by the Minister of Finance with proposal of Minister of Transport.

2. The luggage transport tariffs, with exception of small parcels are determined from railway transporters.

Article 64

Keeping public order on passenger trains

Public order on passenger trains is ensured by the Albanian Police forces, which shall also help the personnel of the railway and that of the Directorate of Railway Inspection to perform their functional duties, when they are asked to do so by the personnel.

HEADING XII

FREIGHT RAILWAY TRANSPORT

Article 65

Specifics and functioning

1. Railway freight transport is that railway activity that undertakes to transport raw materials, agriculture and industrial products, machinery and equipment, etc., destined for manufacture, commerce, consumption and services, for the needs of the state and legal persons and entities.

2. Public and private railway transport operators who have a license to do freight transport shall provide such service on the basis of free competition among themselves and with other kinds of transport.

Article 66

Legal Regulation

1. Mutual obligations of railway transport operators, senders and receivers of goods are specified in a contract, which is drafted in compliance with the provisions of law in use.

2. The regulations on loading freight trucks and the Regulations on railway transport of hazardous goods are approved by the Minister.

Article 67

Railway freight transport tariffs

Railway freight transport tariffs are specified by the railway transport operators.

Article 68

Mixed transport

1. Passenger trains can be equipped only with luggage cars.

2. Exclusively, in urgent cases and when technically possible, it is allowed to attach freight trucks to passenger trains, upon getting a permission to do so by AH central dispatcher's office.

3. Freight trucks that carry hazardous goods or nuisance goods cannot be attached to a passenger train.

HEADING XIII

RAILWAY EMPLOYEES' VOCATIONAL TRAINING

Article 69

Professional qualification criteria

Railway employees that participate in various operations of railway transport, maintenance and functioning must have the necessary certified professional qualifications for the positions they hold in the process of guaranteeing railway traffic.

Article 70

Skills qualification verification for employee assuming

1. Employees that are employed for the first time by railway transport operators and infrastructure administrators must have attended relevant vocational training courses organized by AR.

2. Regardless their vocational certificates, when employed in the sectors of train management and driving, draught vehicle driving, mechanical control of trains, and zonal maintenance of the railway line undergo a trial period which cannot be shorter than three months. Such trial period aims at verifying the real vocational qualifications and skills under the supervision of able employees.

Article 71

Periodical verifications

1. Employees' skills are verified by means of periodical tests.

2. Employees are given tests and are provided with vocational certificates by an ad hoc committee.

3. The organ under which the ad hoc committee is established, its constitution and the types, form and contents of vocational certificates, conditions and categories of the employees to be provided with certificates, expiration dates and other detailed rules are specified in a specific Regulations prepared by AR and approved by the Minister.

Article 72

Vocational training and retraining

Employee training and retraining is mandatory when he is put in charge of new equipment of machinery, or in the cases of essential upgrade of the technological process.

Article 73

Internal line employees training

Employees working for internal railway lines of various entities, in order to ensure safe railway traffic, must be trained, retrained and provided with vocational certificates as per the provisions of this Code and other bylaws issued in the process of its implementation.

HEADING XIV

OBLIGATIONS REGARDING UNUSUAL EVENTS, FAILURES AND RAILWAYS ACCIDENTS

Article 74

Actions taken in cases of unusual events, failures and railway accidents

In the case of an unusual event, the railway transport operator must take measures for rescuing passengers, giving aid to injured people, preventing and guarding luggage and freight, saving tracks for investigating and finding the causes, and resuming the traffic.

Article 75

Investigation of accident site

Railway transport operators and the authorities that investigate into the unusual event of the railway traffic must do so without interrupting railway traffic.

Article 76

Analysis of failures and accident cases

1. AR, railway transport operators and the Directorate of Railway Inspection must analyze and determine the causes of the unusual events in railway traffic, regardless the type, dimensions and consequences, and identify the respective responsibilities for every position.
2. Railway Inspection Directorate cooperates with the police departments and those of legal court during performing their respective actions at the place where the failure happened.

Article 77

Notification of other state sectors

Railway transport operator employees notify the Ministry, Public Order authorities and the nearest health center about the unusual event, in addition to giving first aid.

HEADING XV

**CONTROL STRUCTURES, THEIR RESPONSIBILITIES AND RIGHTS,
ADMINISTRATIVE CONTRAVENTIONS AND PENALTIES**

Article 78

The Directorate of Railway Inspection

The control of the implementation of this Code provisions is assigned to The Inspection Directorate of Railway. This Directorate is under direct subordination of the Ministry, having the responsibility to control the implementation of legal and sub-legal acts, and guarantee the implementation of rules regarding:

- a) the protection, maintenance, repair and reconstruction of railway infrastructure;
- b) safe movement of trains;
- c) technical control of vehicles during their operation;
- d) all procedures for railway vehicle acceptance and operation;

Article 79

Penalty measures taken by the Directorate of Railway Inspection

When it detects violation of the provisions of this Code, the Directorate of Railway Inspection has the following rights:

- a) to suspend the operation of railway lines, when such lines present danger to the traffic of trains and railway vehicles;
- b) to suspend train and vehicle traffic when such trains and vehicles do not meet the conditions for safe traffic;
- c) to interrupt works in the railway line and the railway line band, if there is evident risk that such works endanger train traffic;
- d) to suspend irregular carriage loads;

- e) to suspend employees when they violate rules. In a case of suspension of a traffic employee, such employee must communicate with the nearest superior for his/her replacement;
- f) to notify relevant authorities about the violation of this Code provisions;

Article 80

Internal control

Public/private legal entities that are involved in railway activities have their own internal control through their control structures, as per the responsibilities specified in their incorporation acts, statutes and internal regulations.

Article 81

Railway activity permission

1. Legal entities and persons that carry out works in the railway line or near it must enable the inspectors from the Directorate of Railway Inspection to perform the inspection, and they must provide such inspectors with the necessary clarifications and technical documentation.
2. Railway transport operators must provide the Directorate of Railway Inspection, upon the request of the latter, about the situation of railway lines, railway vehicles and the progress of railway traffic.

Article 82

Administrative contraventions

1. The violation of the provisions stipulated in Articles 15, 18, 22, 23, 24, 25, 29, 32, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 48, 49, 50, 53, and 77 of this Code, unless they consist in a legal offense, consist in an administrative contraventions.
2. The investigation of administrative contraventions, breakdowns and accidents, is assigned to a Commission under the Directorate of Railway Inspection, which also includes railway transport experts.
3. The membership, responsibilities and scope of work of such a commission are specified in Regulation approved by the Minister.

Article 83

Penalties

1. Regarding offenses that consist in administrative contraventions, and based on article 82, the commission dealing with the administrative contraventions determines the following penalties:
 - a) fine from 2 000 till 5 000 leke to the employees of railway transporters and administrators for contravening the articles 15; 25; 26; 34; 39; 40; 42; 43; 45; 46; 48 items "a", "d"; 49 items "c", "h"; 53; and 77 of this Code.
 - b) fine from 5000 till 200000 leke for the contraventions committed from transporters, administrators and other subjects towards the articles 18, 22, 23, 24, 29, 32, 35, 36, 37, 38, 50 of this Code.

2. Inspector of the Railway Inspection Directorate has the authority to set a fine at the site in the amount of 1 000 leke for contravening the article 48 items “d”, “f”, and “g”; and article 49 items “a”, “b”, “d”, “e”, “f”, “g”, “i”, “j”, “k”, and “l” of this Code.

3. All railway transport operators, if they detect administrative contraventions as per Article 82, in addition to their measures, notify about them also the Directorate of Railway Inspection.

Article 84

Appeals against Commission decisions

1. Against the penalty decision with a fine at the spot from the inspector of the Railway Inspection Directorate it could be appealed at the commission set up within this Directorate within 10 days from the date of its issuing. This commission takes decision within 30 days from the appeal day.

2. Against the commission decision of examining the administrative contravention it could be appealed in accordance with the law “About the administrative contraventions”.

3. The fine is collected from the Inspection railway Directorate and is accounted to the State Budget.

Article 85

Repeal of existing acts

1. Law No 7224, date 22.06.1988, “The Railway Code of the People’s Socialist Republic of Albania” is repealed.

2. Legal and sub-legal acts that are related to the scope of this Code shall continue to be in force, unless they do not contradict with this Code until the adoption of new acts.

Article 86

Issuing of new sub-legal acts

Issuing of new sub-laws is assigned to:

- a) the minister, in compliance to the article 6 items 1 and 2; article 9 item 2; article 17; article 21 item 1; article 26 item 2; article 71 item 3; and article 82 item 3 of this Code.
- b) The minister of Finance, in compliance to article 63, within a period of one year from the coming into force of this Code.

Article 87

Come into effect of Code

This code comes into effect three months after its publication into the Official Gazette. Declared by Decree, nr. 4420, dated 14.12.2004, of President of the Republic of Albania, Alfred Moisiu.

The chairman

Mr. Servet Pellumbi