



Treaty Series No. 48 (1994)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Albania

on International Road Transport

Rome, 9 February 1993

[The Agreement entered into force on 3 November 1993]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1994*

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**AGREEMENT
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF THE REPUBLIC OF ALBANIA
ON INTERNATIONAL ROAD TRANSPORT**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Albania (hereinafter called "the Parties");

Desiring to facilitate international road transport between their two countries and in transit through their territories;

Have agreed as follows:

DEFINITIONS

ARTICLE 1

For the purposes of this Agreement:

- (a) the term "carrier" shall mean any physical or legal person who, in either the United Kingdom or the Republic of Albania, is authorised in accordance with the relevant national laws and regulations to engage in the international carriage of passengers or goods by road for hire or reward or on his own account;
- (b) the term "passenger vehicle" shall mean any mechanically propelled road vehicle which:
 - (i) is constructed or adapted for use and used on the roads for the carriage of passengers;
 - (ii) has at least eight seats in addition to that of the driver;
 - (iii) is registered in the territory of one Party and is owned or operated by or on behalf of a carrier authorised in that territory to carry passengers; and
 - (iv) is temporarily imported into the territory of the other Party for the purpose of the international carriage of passengers to, from or in transit through that territory;
- (c) the term "goods vehicle" shall mean any mechanically propelled road vehicle which is:
 - (i) constructed or adapted for use and used on the roads for the carriage of goods;
 - (ii) registered in the territory of one Party;
 - (iii) temporarily imported into the territory of the other Party for the purpose of the international carriage of goods for delivery at or collection from any point in that territory or in transit through that territory;
and any trailer or semi-trailer which fulfils conditions (i) and (iii) of this paragraph and is operated by a carrier of one Party; provided that if a trailer or semi-trailer and its towing vehicle both fulfil the conditions of this paragraph the combination shall be regarded as one vehicle;
- (d) the term "territory" shall mean in relation to the United Kingdom, England, Wales, Scotland, Northern Ireland, the Channel Islands, the Isle of Man and Gibraltar.
- (e) the competent authorities shall be:
 - in the United Kingdom, the Department of Transport;
 - in the Republic of Albania, the Ministry of Transports and Communications.

PASSENGER TRANSPORT

ARTICLE 2

Transport services

Carriers licensed in the United Kingdom or in the Republic of Albania shall be permitted to operate transport services using passenger vehicles registered in the state in which they are based either between the territories of the two Parties or in transit through the territory of either Party, subject to the conditions laid down in this Agreement.

ARTICLE 3

Authorisations and exemptions

- (1) The carriage of passengers in passenger vehicles of a carrier authorised in the territory of one Party to or from any point in the territory of the other Party or in transit through that territory shall, with the exception of the services referred to in paragraph (2) of this Article, require to be authorised by that other Party.
- (2) The following shall be exempted from the requirement for authorisation referred to in paragraph (1) of this Article:
- (a) "closed-doors tours"; that is, services 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) "inward services": that is, services on which a group of passengers is brought into the territory of the other Party for a temporary stay and the passenger vehicle leaves that territory empty or on a service covered by (c) below;
 - (c) "outward services": that is, services on which a passenger vehicle is used to enter the territory of the other Party empty or on a service covered by (b) above and carries to the territory in which the carrier is authorised a group of passengers each of whom:
 - (i) has been carried to the territory of the other Party by the carrier;
 - (ii) before being so carried, had concluded a contract for both journeys in the territory of the Party in which the carrier is authorised.
 - (d) "shuttle services": that is, services whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single destination. Each group of passengers who have made the outward journey together shall subsequently be carried back to the place of departure. Passengers shall not be taken up or set down during the journey. The first return journey and the last outward journey shall be made unladen.
 - (e) the transit of the territory of the other Party by an empty passenger vehicle in the course of a journey to or from a third country;
 - (f) the replacement of a passenger vehicle which has become unserviceable by a serviceable one.

GOODS TRANSPORT

ARTICLE 4

Authorised carriage of goods

Subject to Article 5 of this Agreement, a carrier authorised in the territory of one Party shall be permitted, without being required to obtain a permit, licence or other authorisation for that purpose in accordance with the laws of the other Party, to import an empty or laden goods vehicle temporarily into the territory of the other Party for the purpose of the carriage of goods, including return loads:

- (a) between any point in the territory of one Party and any point in the territory of the other Party;
- (b) in transit across the territory of the other Party; and
- (c) between any point in the territory of the other Party, and any point in the territory of a third country.

ARTICLE 5

Special permits

Each Party may require a special permit for the use in its territory of any vehicle which by reason of its weight or dimensions or those of its load may not otherwise lawfully be used on roads in the territory of that Party.

GENERAL PROVISIONS

ARTICLE 6

Taxation

(1) Goods vehicles and passenger vehicles which are registered in the territory of one Party and are temporarily imported into the territory of the other Party shall be exempt from the taxes and charges levied on the possession of vehicles. The competent authorities of the Parties may agree to reciprocal exemption from other taxes and charges.

(2) The exemption referred to in paragraph (1) of this Article shall be granted in the territory of each Party so long as the conditions laid down in the Customs regulations in force in that territory for the temporary admission of such vehicles into that territory without payment of import duties and import taxes are fulfilled.

(3) The fuel contained in the tanks of a vehicle shall be exempt from taxes and duties.

(4) Spare parts temporarily imported into the territory of the other Party, intended for the breakdown service of vehicles operating within the framework of this Agreement, shall be exempt from Customs duties and from other import charges and taxes in accordance with Customs regulations. Replaced spare parts shall be re-exported or destroyed under the control of the competent Customs authorities of the other Party.

ARTICLE 7

Exclusion of cabotage

Nothing in this Agreement shall be held to permit a carrier authorised in the territory of one Party to pick up passengers or goods at a point in the territory of the other Party for setting down or delivery at any other point in that territory.

ARTICLE 8

Compliance with national laws

Except where otherwise provided in Agreements between the Parties, including this Agreement:

- (a) carriers and drivers of one Party and passenger vehicles as defined in Article 1(b) and goods vehicles as defined in Article 1(c) shall, when in the territory of the other Party, comply with national laws and regulations in force in that territory concerning road transport and road traffic;
- (b) neither of the Parties shall impose on passenger or goods vehicles of the other Party requirements which are more restrictive than those applied by its national laws and regulations upon its own vehicles.

ARTICLE 9

Infringements

(1) In the event of any infringement of the provisions of this Agreement by a vehicle or driver of one Party when in the territory of the other Party, the competent authority of the Party in whose territory the infringement occurred may (without prejudice to any lawful sanctions which the courts or enforcement authorities of that Party may apply) request the competent authority of the Party to:

- (a) issue a warning to that carrier;
- (b) issue such a warning together with a notification that subsequent infringement will lead to a temporary or permanent exclusion of vehicles owned or operated by that carrier from the territory of the Party in which the infringement occurred; or
- (c) issue a notice of such exclusion.

(2) The competent authority receiving any such request shall comply therewith and shall as soon as possible inform the competent authority of the other Party of the action taken.

FINAL PROVISIONS

ARTICLE 10

Joint Committee

At the request of either competent authority representatives of both shall meet as a Joint Committee to review the operation of the Agreement.

ARTICLE 11

Entry into force and duration

(1) Each Party shall notify the other in writing that the measures necessary for giving effect to this Agreement in their territory have been taken. The Agreement shall enter into force on the thirtieth day after the date of the later of these two notifications.¹

(2) This Agreement shall remain in force for a period of one year after its entry into force. Thereafter, it shall continue in force unless it is terminated by either Party giving six months' notice thereof in writing to the other Party.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in two originals at Rome, this 9th of February 1993, in the English and Albanian languages, each text being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

P. S. FAIRWEATHER

For the Government of the Republic of Albania:

EDMOND DULAJ

¹The Agreement entered into force on 3 November 1993.

MARREVESHJE
MIDIS QEVERISE SE MBRETERISE SE BASHKUAR TE BRITANISE SE
MADHE DHE IRLANDES SE VERIUT DHE QEVERISE SE REPUBLIKES SE
SHQIPERISE PER TRANSPORTIN RRUGOR NDERKOMBETAR

Qeveria e Mbreterise se Bashkuar te Britanise se Madhe dhe Irlandes se Veriut dhe Qeveria e Republikes se Shqiperise (me poshte te quajtura "Pale");

me deshiren per te lehtesar transportin rrugor nderkombetar midis te dy vendeve te tyre si dhe ate tranzit permes territorave te tyre;

rane dakord sa me poshte:

PERKUFIZIME

NENI 1

Per qellim te kesaj Marreveshjeje:

- (a) termi "transportues" kupton çdo person fizik ose juridik i cili, qofte ne Mbreterine e Bashkuar ose ne Republiken e Shqiperise, eshte i autorizuar qe ne perputhje me ligjet dhe rregullat perkatese kombetare te angazhohet ne transportin nderkombetar rrugor te udhetareve apo te mallrave, si i marre me qera, me shperblim apo per llogari te vete tij;
- (b) termi "automjet per udhetare" do te thote çdo mjet mekanik levizes rrugor i cili:
 - (i) eshte ndertuar ose pershtatur per t'u perdonur dhe i perdon-shem ne rruget per transportimin e udhetareve;
 - (ii) ka te pakten tete vende perveç atij te shoferit;
 - (iii) eshte regjistruar ne territorin e njerës nga Palet dhe i perket ose perdoret nga ose ne emer te nje transportuesi te autorizuar ne ate territor per transport te udhetareve; dhe
 - (iv) eshte perkohesisht i derguar ne territorin e Pales tjeter per qellim te transportit nderkombetar te udhetareve nga, ose tranzit permes ketij territori;
- (c) termi "automjet per mallra" do te thote çdo mjet levizes mekanik rrugor, i cili eshte:
 - (i) ndertuar apo pershtatur per t'u perdonur dhe ne perdonim ne transportin rrugor te mallrave;
 - (ii) regjistruar ne territorin e njerës nga Palet;
 - (iii) derguar perkohesisht ne territorin e Pales tjeter per qel-lim te transportit nderkombetar te mallrave per dergimin ose grumbullimin e tyre nga çdo pike e ketij territori apo tranzit permes ketij territori;
dhe çdo rimorkio ose gjysem rimorkio qe permbushin kushtet (i) dhe (iii) te ketij paragrafi dhe perdoret nga nje transportues i njerës Pale; me kusht qe ne se nje rimorkio ose gjysem rimorkio dhe mjeti bashkues i saj se bashku permbushin kushtet e ketij paragrafi, kombinimi do te konsiderohet si nje mjet i vetem;
- (d) termi "territor" per sa ka te beje me Mbreterine e Bashkuar, do te thote Anglia, Uells, Skooia, Irlanda e Veriut, Ishulli i Kanalit, Ishulli i Man-it dhe Gjibraltar;
- (e) Autoritetet kompetente do te jene:
 - ne Mbreterine e Bashkuar, Departamenti i Transportit;
 - ne Republiken e Shqiperise, Ministria e Transporteve dhe Komunikacioneve.

TRANSPORTI I UDHETAREVE

NENI 2

Sherbime transporti

Transportuesit e paisur me patente ne Republiken e Shqiperise ose Mbreterine e Bashkuar, lejohen te kryejne sherbime transporti nermjet territorave te te dy Paleve apo tranzit permes territorit te seciles Pale, duke perdonur automjete udhetareshe te regjistruar ne shtetin ku kane piknisjen ato, te detyruar sipas kushteve te hartuara ne kete Marreveshje.

NENI 3

Autorizimet dhe perjashtimet

1. Transporti i udhetareve me automjet udhetaresha nga ana e transportuesit te autorizuar ne territorin e njerës Pale per/ose nga çdo pike e territorit te Pales tjeter, ose tranzit permes ketij territori, do te behet me autorizim te kesaj Pale tjeter, me periashtim te sherbimeve percaktuar ne paragrafin e dyte te ketij Neni.
2. Per sa vijon perjashtohen nga kerkasat per autorizim siç per-mendet ne paragrafin (1) te ketij Neni per:
 - (a) "Udhetimet me dyer te mbyllura", qe jane sherbimet nepermjet te cileve i njejtë mjeti perdoret per transportimin e te njejtë grup udhetaresha gjate gjithe udhetimit dhe kthimit te tyre mbropsht ne vendin e nisjes;
 - (b) "Sherbimet e brendeshme", qe jane ato sherbime nepermjet te cilave nje grup udhetaresha eshte transportuar ne territorin e Pales tjeter per nje qendrim te perkohshem, ndersa mjeti i tyre kthehet nga ky territor bosh ose shkon per te kryer nje sherbim siç përshtakuhet ne shkronjen "c" si me poshte:
 - (c) "Sherbimet e jashtme", qe jane ato sherbime nepermjet te cileve mjeti i transportit te udhetareve perdoret per te hyre bosh ne territorin e Pales tjeter, ose per te kryer nje sherbim sipas shkronjes "b" me lart dhe transporton per ne territorin ku mjeti eshte regjistruar nje grup udhetaresha te cilet:
 - (i) kane qene transportuar nga ky mjet ne territorin e Pales tjeter,
 - (ii) para se te kene qene transportuar, eshte perfunduar nje kontrate per udhetime reciproke per ne territorin e Pales ne te cilin mjeti eshte regjistruar.
 - (d) "Sherbime vajtje-ardhje", qe jane sherbime me anen e te cilave ne udhetimet e perseritura nga brenda-jashte dhe kthim, grupet e paraformuara te udhetareve transportohen nga nje vend i vetem i nisjes ne nje destinacion te vetem.
Secili grup udhetaresha i cili ka kryer udhetimin per jashte se bashku, me vone do te kthehet mbropsht ne vendin e nisjes. Udhetaresh nuk mund te hypin ose zbresin gjate udhetimit. Kthimi i pare i udhetimit dhe rejsi i fundit ne drejtimin kryesor, kryhen pa ngarkese.
 - (e) Tranziti ne territorin e Pales tjeter nga ana e nje mjeti bosh udhetaresha gjate udhetimit per/ose nga nje vend i trete;
 - (f) Zevendesimi i nje mjeti udhetaresha i cili ka dale jashtë sherbimit me nje mjet te rregullt.

TRANSPORTI I MALLRAVE

NENI 4

Transporti i autorizuar i mallrave

Sipas Nenit 5 te kesaj Marreveshjeje, nje transportues i regjistruar ne territorin e njerës Pale do te lejohet pa i kerkuar t'i jepet nje leje, licence ose autorizim tjeter per kete qellim, ne perputhje me ligjet e Pales tjeter, te dergoje nje automjet te ngarkuar ose jo me mallra, perkohejsh ne territorin e Pales tjeter per qellimet e transportit te mallrave, perfshire dhe ngarkesat e kthimit:

- (a) midis çdo pike qe ndodhet ne territorin e njerës Pale dhe çdo pike te territorit te Pales tjeter, ose
- (b) ne tranzit permes territorit te Pales tjeter; dhe
- (c) midis çdo pike ne territorin e Pales tjeter dhe çdo pike ne territorin e nje vendi te trete.

NENI 5

Lejet speciale

Cdo Pale mund te kerkajoje nje leje speciale per perdorimin ne territorin e tij te çdo mjeti transporti i cili per shkak te peshes se tij, ose te dimensioneve te tij, ose per ngarkesen e tij nuk mund te perdoret ndryshe ne perputhje me ligjet ne rruget e territorit te kesaj Pale.

DISPOZITA TE PERGJITHSHME

NENI 6

Taksat

1. Mjetet e transportit te mallrave dhe te udhetareve, te cilet jane te regjistruar ne territorin e nje Pale dhe qe perkohesisht ndodhen ne territorin e Pales tjeter do te perjashtohen nga taksat dhe pagesat per zoterimin e mjeteteve. Autoritetet kompetente te Paleve mund te bien dakord per perjash-time reciproke nga taksa dhe detyrime te tjera.
2. Perjashtimi i permendur ne paragrafin 1 te ketij Neni do te jepet ne territorin e secciles Pale par sa kohe qe jane plotesuar konditat e parashikuara ne rregullat Doganore ne fuqi ne ate territor per pranimin e perkohshem e te tille mjeteteve ne kete territor pa pagesen e taksave dhe detyrimeve te importit.
3. Karburanti qe permbahen ne depozitat e nje mjeti do te perjash-tohet nga taksat dhe pagesat.
4. Pjeset e kembimit qe sillen perkohesisht ne territorin e Pales tjeter qe nevojiten per sherbimet e avarive te mjeteteve transportuese, te cilat veprojne ne kuadrin e kesaj Marreveshjeje do te perjashtohen nga pagesat e Doganes dhe nga taksat dhe pagesat e tjera te importit ne pershatje me rregullat Doganore. Pjeset e kembimit te zevendesuara, do te rieksportohen ose do te asgjesohen nen kontrollin e organeve kompetente doganore te Pales tjeter.

NENI 7

Perjashtimi i kabotazhit

Kjo Marreveshje nuk ka asnje fuqi per te lejuar nje transportues te autorizuar ne territorin e nje Pale qe te marre udhetare ose mallra ne nje pike te territorit te Pales tjeter per ta zbritur ose per ta transportuar ne çdo pike tjeter ne kete territor.

NENI 8

Perputhja me ligjet kombetare

Perveç rasteve qe eshte parashikuar ndryshe ne Marreveshjet midis Paleve perfshire dhe kete Marreveshje:

- (a) transportuesit dhe shoferet e nje Pale dhe mjetet e udhetareve, siç percaktohet ne Nenin 1(b), dhe mjetet e mallrave, siç percaktohet ne Nenin 1(c), kur ndodhet ne territorin e Pales tjeter, do te zbatojne ligjet kombetare dhe rregullat ne fuqi ne kete territor persa i perket transportit rrugor dhe trafikut rrugor;
- (b) asnjera nga Palet nuk do te diktoje mbi mjetet e udhetareve ose te mallrave te Pales tjeter kerkesa, te cilat jane me shume kufizuese se ato qe parashikohen nga ligjet dhe rregullat kombetare te saja per mjetet e veta.

NENI 9

Shkeljet

1. Ne rastin e çdo shkeljeje te dispozitave te kesaj Marrevesh-jeje nga transportuesi ose shoferet e nje Pale kur ndodhen ne territorin e Pales tjeter, autoritetet kompetente te Pales ne territorin e te ciles ndodh shkelja mund (pa paragjykim per çdo sanksion ligjor te cilen autoritetet gjyqesore ose policore te kesaj Pale te perdonin) tu kerkojne autoriteteteve te Pales tjeter:
 - (a) t'i japin nje paralajmerim ketij transportuesi;
 - (b) t'i japin nje paralajmerim se bashku me nje shenim qe shkelje te metejshme do te çojne me nje perjashtim te perkohshem ose te perhershem te mjetit transportues te zoteruar ose te perdonur nge ky transportues prej territorit te Pales ne te cilen ndodh shkelja; ose
 - (c) te nxjerrin nje njoftim per nje perjashtim te tille.
2. Autoritetet kompetente duke marre nje kerkese te tille do ta zbatojne menjehere dhe do te informojne sa me shpejt te jete e mundur autoritetet kompetente te Pales tjeter per veprimin e ndermarre.

DISPOZITA PERFUNDIMTARE

NENI 10

Komiteti i Perbashket

Me kerkesen e secilit, perfaqsues te autoritetete kompetente te te dyja Paleve do te takohen si një Komitet i Perbashket per te shqyrtuar ecurine e Marreveshjes.

NENI 11

Hyrja ne fuqi dhe kohezgjatja

1. Secila Pale do te vere ne dijeni me shkrim Palen tjeter qe jane ndermarrë masat e nevojshme per perdorimin e kesaj Marreveshje ne territorin e tyre. Marreveshja do te hyje ne fuqi 30 (tridhjete) dite mbas dates me te fundit te ketyre notave.
2. Kjo Marreveshje do te qendroje ne fuqi per nje periudhe prej 1 viti mbas hyrjes se saj ne fuqi. Me pas ajo do te vazhdoje te jete ne fuqi perderisa ajo quhet e perfunduar prej secesile Pale me anen e dergimit Pales tjeter, 6 muaj perpara, te nje note me shkrim.

Kjo Marreveshje nenshkruhet, si deshmi per sa me siper, nga te nenshkruarit e autorizuar nga Qeverite e tyre respektive.

Bere ne dy originale ne Rome 9th of February 1993 me gjuhet Anglisht dhe Shqip duke patur te dy tekstet fuqi te barabarte.

Per Qeverine E Mbreterise Se Bashkuar
Te Britanise Se Madhe Dhe Irlandes
Se Veriut:

P. S. FAIRWEATHER

Per Qeverine E Republikes Se
Shqiperise:

EDMOND DULAJ



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