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AEPLAC
ARMENIAN-EUROPEAN POLICY
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**Assessment of
institutional standing
in the field of
road and rail transport**

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Abbreviations used

ADR	European Agreement concerning the International Carriage of Dangerous Goods by Road
AEPLAC	Armenian European Policy and Legal Advise Center
ARD	Armenian Road Directorate
CPO	Consumer rights protection NGO
EA	European Cooperation for Accreditation
EA's MLA	EA's multilateral agreement on the acceptance of conformity assessment results
EAC	European Accreditation of Certification
EAL	European co operation for Accreditation of Laboratories
EMS	Environment Management System in compliance with ISO 14000 Standards
FMG	Free Movement of Goods
IAF	International Accreditation Forum, INC
ILAC	International Laboratory Accreditation Cooperation
ISPA EC	Instrument for structural policy for pre accession (limited to programmes for the environment and transport)
MFE	Ministry of Finance and Economy of the RA
MNP	Ministry of Nature Protection
MOA	Ministry of Agriculture of the RA
MOE	Ministry of Energy
MOTC	Ministry of Transport and Communications
MTED	Ministry of Trade and Economic Development of the RA
MUP	Ministry of Urban Planning of the RA
NGO	Non governmental organization
NIS	The National Institute of Standards
NP	National Program on strategies of Armenia's PCA implementation and integration with Europe, adopted by the Government of Armenia on March 23, 2006
OIML	International Organization of Legal Metrology – Organisation Internationale de Métrologie Légale.
PCA	Partnership and Co operation Agreement signed between Armenia, the EU and its fifteen Member States, entered into force on 1 July 1999.
PHARE	EC Programme of Community aid to the countries of Central and Eastern Europe
PSRC	Public Service Regulatory Commission of RA
QMS	Quality Management System in compliance with ISO 9000 Standards
RA	Republic of Armenia
RID	Regulation concerning the International Carriage of Dangerous Goods by Rail as set out in Annex I to Appendix B of the amended version of the Convention concerning the international carriage of goods by rail (COTIF)
TC	Technical Committee of ISO
TI	Transport Inspectorate (MTC)
UPI	Urban Planning State Inspectorate (MUP)
WTO	World Trade Organization

EXECUTIVE SUMMARY

On March 23, 2006 the Government of Armenia adopted **National Programme** (2006-2009) for the implementation of the partnership and Co-operation Agreement for the European Union integration signed between the Republic of Armenia and the European Communities and its Member states (hereinafter **NP**)¹, which became the most important development strategy of Armenia's PCA implementation and integration with Europe.

A successful realisation of NP requires a country to bring its institutions, management capacity and administrative and judicial systems up to the **EU standards** with a view to implementing the *acquis* effectively.

At the general level, this requires a well-functioning and stable public administration built on efficient and impartial civil service, and the independent and efficient judicial system. Within the overall public administration, each area of the *acquis* may require specific structures to be put in place.

A successful realisation of a NP significantly depends on a systematic assessment of a country's administrative capacity, which will allow independent assessment of progress in the NP implementation, together with problems, which may occur on the way.

Short-Term Expert (STE), **Areg Barseghyan** was hired by AEPLAC to undertake a pilot study to analyse the current institutional infrastructure needed to support the NP in chapter of **Transport**, particularly in the fields of automobile roads and rail roads, based on the **Guide to the main administrative structures required for implementing *acquis*** (hereinafter Guide), produced as a working tool by experts working for the European Commission.

This Report summarises data collected during interviews with government officials, representatives of institutions involved, analysis of both Armenian legislation and the EU requirements in the field concerned, as well as experience of other countries especially those that have recently acceded the EU. Pavel Hovhannisyanyan assisted Short term expert for the interview as well as during preparation of the main report.

EU administrative structural requirements for transport sector

The vast **majority** of the **legislative measures** in the **transport** sector does **not provide for the setting up of specific administrative structures**. There are a few Regulations and Directives for which this is the case, and these are addressed below. In general, it is left to each Member State to decide which institution (most often the Ministry of Transport) is responsible for an effective implementation of the *acquis*.

In Armenia there is a single act on Transport² that regulates transport activities for road and railway sectors. The Armenian legislation that is regulating road transport partially meets the requirements of the EU legislation. The national legislations define the state institutions that responsible for policy and regulatory activity in the sector as well as agencies that responsible for implementation of those regulations. In compare with EU transport legislation, the Armenian one is not in the perfect shape to comply the all requirements. For instance national legislation on transport does not include legal act for

¹ Protocol No 11 of Government meeting of March 23 2006

² Law of Armenia on Transport, HO-201, 03.02.1998

regulating the operation of non-resident carriers in national road transport market³, common rules for international carriage of passengers by bus, and the system of national security standards for road transport⁴.

Although the Armenian legislation for transportation of nuclear and radioactive materials complies with the EU legislation (it is defined by the Decree of the Government of Armenia No. 1263 of 24 December 2001 on Approving Special Rules for Nuclear and Radioactive Materials Transportations⁵, drafted by the Department of State Atomic Control under the Ministry of Nature Protection of Armenia), but it does not comply with the Council Regulation No. 94/55/EC of 21 November 1994 laying down the order of transport of dangerous goods by road⁶ mainly in terms of the lack of the system of national security standards for road transport in Armenia. The national legislation does not also define the inspection procedure for the carriage of dangerous goods by road. It is expected that a regulation for carriage of dangerous goods by road for road transport sector would be drafted and approved.

Below is given a brief comparison of EU and Armenian legislative structure of the transport sector.

1. **Ministry for Transport**, or a competent authority under its responsibility, which is in charge of policy-making and responsible for:
 - issuing certificates,
 - ensuring the relevant safety rules,
 - access to the market and profession,
 - level playing field between the operators.
- **Armenian administrative structure is partially not matching with the EU requirements, particularly:**
 - It is not providing access to the market for profession,
 - It is not involved in the market regulatory functions.
2. **Authority responsible for Road Transport Sector** (social legislation, licensing and legislation related to technology and safety).
 - **Roadworthiness tests** for motor vehicles and their trailers (Dir. 96/96/EC⁷).
 - Tests shall be carried out by the State or by bodies designated and directly supervised by the State in order to guarantee an equal level of **safety and ecological quality**. In general the Member State authorities delegate the tasks to private companies.
 - Authorized companies, or the traffic police to control the applications (at road-side inspections) on the **tread depth of tyres** of motor vehicles and their trailers (Dir. 89/459⁸).
 - It must be ensured that the commercial vehicles circulating within the territories of the Member States and of the Community comply more fully with certain technical conditions imposed by Dir. 96/96/EC.

³ Council Regulation (EEC) No. 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State

⁴ Council Regulation (EC) No. 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State

⁵ The Decree of the Government of Armenia N-1263, 24.12.2001 on Approving Special Rules for Nuclear and Radioactive Materials Transportations

⁶ Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

⁷ Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers

⁸ Council Directive 89/459/EEC of 18 July 1989 on the approximation of the laws of the Member States relating to the tread depth of tyres of certain categories of motor vehicles and their trailers

- **Armenian administrative structure is partially not matching with EU requirements, particularly;**
Armenian Authority responsible for Road Transport Sector is the Ministry of Transport and Communication of RA (licensing, policy making, elaboration technology and safety on transport).
 - No State Authority is assigned to control (at road-side inspections) the **tread depth of tyres** of motor vehicles and their trailers. Commercial vehicles circulating within Armenia are not subject to tread depth checks. However national legislation requires the mandatory road worthiness testing (traffic police is responsible for that) to take those exercises, but there is a lack of human capacity and equipment to actually implement it.

- 3. Roadside inspections to check the braking and exhaust systems, the lamps, lighting and signalling devices (Dir. 2000/30/EC⁹).
 - The administrative capacity must be put in place to implement or supervise the periodic roadworthiness tests and the technical roadside inspections (Dir. 96/96/EC and Dir. 2000/30/EC).

- **Armenian administrative structure is not matching with the EU requirements, particularly;**
 - Traffic police in Armenia is responsible for checking the braking and exhaust systems, lamps, lighting and signalling devices in the operation on the vehicles on road, as well as during the roadworthiness tests. Unfortunately, the Traffic police has very low capacity, suffers from lack of equipment and qualified personnel.

- 4. **Licensing system for international transport**
 - **road freight** (Regulation 881/92). Competent authorities of the Member States issue the relevant 'Community authorisation' (Reg. 881/92¹⁰) and take appropriate sanctions in cases of infringements and verify regularly whether the conditions of issue are still being met by the holder.
 - **road passenger transport** (Regulation 684/92). Competent authorities of the Member States issue the relevant 'Community licence' (Reg. 684/92¹¹), take appropriate sanctions in cases of infringements and verify regularly whether the conditions of issue are still being met by the holder.

- **Armenian administrative structure is not matching with the EU requirements, particularly;**
 - No Licensing system for road freight transport exists in Armenia.

- 5. **The state agency** or directly supervised by the state the Road transport operator (Dir. 96/26/EC¹² and 98/76/EC¹³) **responsible for enforcement the transport of dangerous goods by road** (Dir. 94/55/EC¹⁴ and 95/50¹⁵).

⁹ COMMISSION DIRECTIVE 2003/26/EC of 3 April 2003 adapting to technical progress Directive 2000/30/EC of the European Parliament and of the Council as regards speed limiters and exhaust emissions of commercial vehicles

¹⁰ Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States

¹¹ Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus

¹² Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations

¹³ Council Directive 98/76/EC of 1 October 1998 amending Directive 96/26/EC on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations

- 'Independent examination and certificate issuing bodies shall be set up for the purposes of the training of transport operators (*Dir 98/76/EC*), safety advisers (*Dir 96/35/EC*¹⁶), and drivers of vehicles carrying dangerous goods in regards driving times and rest periods (*Regulation 3820/85*¹⁷).
 - **Tachographs** (*Regulation 3821/85* and *2135/98*¹⁸) and speed limitation devices shall be installed by workshops approved by the Member State's authorities. For the digital tachograph the delivery of driver cards must be organised.

- **Armenian administrative structure is not matching with the EU requirements, particularly;**
 - Independent examination and certificate issuing bodies for the purposes of the training of transport operators, safety advisers, and drivers of vehicles carrying dangerous goods in regards to driving time and rest periods do not exist.
 - There are no requirements to install tachographs, speed limitation and/or other recording devices in Armenia.

- 6. Appropriate Member State's authorities, in general the Ministry of Transport, need to consider whether it is necessary to set up an administrative structure for the issuing of documents proving the **environmental classification** (e.g. Euro I, Euro II etc) of **heavy goods vehicles (HGV)**. This will contribute to HGVs travelling in EU Member States applying the Eurovignette being charged with the correct amounts.

- **Armenian administrative structure is not matching with the EU requirements, particularly;**
 - Appropriate legislation classifying documentation related to environmental classification (e.g. Euro I, Euro II etc) of heavy goods vehicles (HGV) does not exist.

- 7. Member States shall designate (an) administrative authority (ies), which shall have responsibility for ensuring that all aspects of the safety of a tunnel are assured and which shall take the necessary steps to ensure compliance with the Directive 2004/54/EC¹⁹.

- **Armenian administrative structure is matching with the EU requirements, particularly;**
 - The state authority responsible for safety in tunnels is the Ministry of Transport and Communication and the Local Authorities.
 - Due to insufficient financing the authority is not fully equipped to perform its duty in regard to maintenance and safety.

¹⁴ Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (OJ L 319, 12.12.1994, p 7).

¹⁵ Proposal for a Directive of the European Parliament and of the Council amending Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road

¹⁶ Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway

¹⁷ Consultation seeking views on the EC's proposal to repeal Council Regulation (EEC) 3820/85 on drivers' hours and replace it with a new Regulation to make it easier to understand and enforce.

Published: 30 November 2005; Replacement of Council Regulation (EEC) No 3820/85 on drivers' hours - response: European Commission proposal to replace Council Regulation (EEC) No 3820/85 on drivers' hours - summary of responses. Published: 04 October 2005

¹⁸ Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85

¹⁹ Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (Official Journal of the European Union L 167 of 30 April 2004)

8. It is necessary for an effective implementation of the acquis relative to driving licences that the administrative capacity is put in place to establish the equivalence between the categories of licences issued before implementation of the Directive and the equivalence thereof with the categories as defined in Directive 91/439/EEC²⁰ as amended. As all valid licences have to be mutually recognised, this equivalence is a necessity.
- **Armenian administrative structure is not matching with the EU requirements, particularly;**
 - Categories of the driving licences in Armenian are the same with EU, but no special purpose Driving Licenses are issued for vehicles transporting dangerous goods. The capacities of certified vocational training schools for issuing the driving licences are weak.

Rail Transport

1. **Ministry for Transport**, or a competent authority under its responsibility, which is in charge of policy-making and responsible for:
 - issuing of certificates,
 - ensuring compliance with safety rules,
 - access to the market and profession,
 - level playing field between the operators.
2. **Authority responsible for the Rail Transport sector;** this agency must not provide rail transport services itself.
 - License railway undertakings (Dir. 95/18, as amended by 01/13²¹).
 - Setting infrastructure charges (Dir. 2001/14²²).
 - Allocating infrastructure capacity (Dir. 2001/14).
- **Armenian administrative structure is not matching with the EU requirements, particularly;**
 - The Rail Transport sector in Armenia is a monopoly. It provides all railroad services itself, but the infrastructure usage fees are approved by the PSRC.
3. **Independent Regulatory Body that** shall act as an appeal body against decisions taken regarding (e.g.) the level of charging and access to the tracks. (article 30 of Dir. 2001/14). There could also be set up
 - **Notified body for assessment of the conformity for interoperability** according to Directive 2004/50/EC²³ (such a notified body might take the form of a company or a body in another Member State Directives 96/48 and 2001/16).
 - Independent rail safety authority and an independent accident and incident investigation body have to be set up (Dir. 2004/49 adopted in April 2004).

Descriptions for Notified bodies and interoperability are given in the boxes below:

²⁰ Council Directive 91/439/EEC of 29 July 1991 on driving licences

²¹ Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings

²² Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification

²³ Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system (OJ L 164, 30.4.2004)

Notification is an act whereby a Member State informs the Commission and the other Member States that a body, which fulfils the relevant requirements, has been designated to carry out conformity assessment according to a directive. Notification of **Notified Bodies** (NB) and their withdrawal are the responsibility of the notifying Member State.

The Member States, EFTA countries (EEA members) and other countries with which the EC has concluded Mutual Recognition Agreements (MRAs) and Protocols to the Europe Agreements on Conformity Assessment and Acceptance of Industrial Products (PECAs) have designated Notified Bodies, established per directive. Lists of Notified Bodies can be searched on the **NANDO** web site. The lists include the identification number of each notified body as well as the tasks for which it has been notified, and are subject to regular update.

NB: The lists of notified bodies are given for information only and are valid at the date indicated. Information is made available as provided by the designating authorities of the Member States.

Any comments concerning the information contained in the lists should be addressed by the notified bodies themselves directly to the relevant competent authorities in the Member States which are responsible for the designation of the bodies.

NANDO (New Approach Notified and Designated Organisations) Information System

Interoperability means the ability of the trans-European high-speed rail system to allow the safe and uninterrupted movement of high-speed trains which accomplish the specified levels of performance. This ability rests on all the regulatory, technical and operational conditions which must be met in order to satisfy essential requirements.

- **Armenian administrative structure is not matching with the EU requirements, particularly;**
 - There is no independent regulatory body established in the country with the responsibility and capacity to control the safety, and acting as independent accident and incident investigation body and notified body for assessment of the conformity for interoperability.

Recommendations

Road Transport

Recommendation 1. Framework legislation:

1. Adoption of RA Government Decree “On Licensing of activities in the field Carriage of goods and Cargo”. The aim of the adoption of the Decree is introduction of licensing and requirement norms for this activity.
2. Adoption of Law of RA “On Transport of Dangerous Goods”. The aim of this Law is definition of transporters and dangerous goods, technical requirements for transporters in the process of carriage of dangerous goods within the territory of Armenia and population safety related to that.
3. Adoption of a Government Decree on transport of dangerous goods within the territory of Armenia. The aim of this Decree is the regulation of some technical and safety norms related to carriage.
4. Adoption of Decree of the Government of Armenia on carriage of transportable pressure equipment by road.
5. Adoption of Decree of the Government of Armenia on approving maximum dimensions and weights of certain road vehicles intended for national and international carriage of goods by road.
6. Adoption of Decree of the Government of Armenia on organising the working hours of road transport operator in the territory of the country in order to regulate the working hours of road transport operator in the territory of RA.
7. Adoption of Decree of the Government of Armenia on approving the order of preservation, carriage, installation and usage of recording equipment intended for road transport.
8. Adoption of Decree of the Government of Armenia on Urban Public and Interregional transport management in order to enhance mechanisms of State regulations and technical conditions of transport means and develop intermarz cooperation.

Recommendation 2. NP implementation infrastructure:

- To establish inter-ministerial working group with delegation of specific functions by the Government of the RA.
- Establish the special structures in each relevant Ministry (e.g. Subdivision of EU Legislative and Institutional Approximation in the sphere of Transport).
- The main obstacle in the NP implementation is translation of primary and secondary legislation of the EU into national language. The establishment of a Legal Translation Centre as a state non-commercial organisation operating under the Ministry of Justice of Armenia shall be defined by the Government of the RA.

Recommendation 3.

It is necessary to strengthen the capacities of “Armenian International Carriers’ Association” NGO, which organises short-term seminars for road transport operators in order to provide recognition of operation, as well as mutual recognition of transport specialists’ diplomas, certificates and other qualification-proving documents.

Recommendation 4.

With the view to secure safety and increase quality services in road transport sector, elaborate decree of the Government of Armenia on approving the order of initial qualification and terms of periodic training intended for drivers of certain road vehicles for road haulage and road passenger transport operators within the territory of Armenia.

Recommendation 5.

On transport borders of the country establish checking units of Transport Inspectorate, with the aim of control the technical condition, utilized capacity, and other requirements of foreign vehicles entered and exit from the territory of Armenia.

Recommendation 6.

Organise the translation of the Agreement “On Transportation of Dangerous Goods by Road” and adopt it.

Recommendations for the Rail Transport Sector

Recommendation 7.

1. Adoption of the Law of RA “On Transport of Dangerous Goods”.
2. Adoption of the Law on amendments to the Law of RA “On Licensing”, in order to differentiate railway activities in the activity list subject to licensing.
3. Draft Decree of the Government of Armenia on approving the order of safety evaluation of railway infrastructure and undertakings using them.
4. Draft Decree of the Government of Armenia on approving the order of levying of charges for the use of railway infrastructure and safety certification.
5. Draft Decree of the Government of Armenia on approving the order of licensing of railway undertakings within the territory of RA.
6. Draft Decree of the Government of Armenia on approving the order of transport of dangerous goods within the territory of RA.

Recommendation 8.

It is necessary to enlarge the functions and liabilities and the staff of Transport Inspection of RA, in order the Inspectorate to fulfil its stationary obligations provided by Law “On

Transport Inspectorate” more effectively, it mainly concerns transport accidents, crash and occurrence.

Recommendation 9.

In order to have the possibility of functioning and ensure the safety of rail system the following steps need to be implemented,

- Unbundling the monopolistic structure: (i) infrastructure, (ii) rolling stock, (iii) retail operation (passenger tickets, small freights etc).
- Create department for regulation of the rail road activity under the MOTC;
- To reequip and modernize rails, contact network, rail logs, electro transformations and other railroads equipments;
- Rolling Stocks is luck powered and depreciated;
- Rail wheels. Majority of Rail wheels depreciated and not liable for reconstruction. The depreciation of rail wheels is a cause of the majority of accidents in the railway in Armenian railroad.
- Wagons.
- Passenger wagons have not been repaired approximately 30 years. They do not meet necessary quality and technical standards.
- Freight wagons. At the same bad condition as a Passenger wagons.
- One good feature of Armenian Railroad System is the qualified Staff. However the staff has not been trained over the long time. In the case of innovation and installation of new modern and upgraded equipment in Railroad sector, they would not have the necessary experience and skills.

INTRODUCTION

On March 23, 2006 the Government of Armenia adopted National Programme (2006-2009) for the implementation of the partnership and Co-operation Agreement for the European Union integration signed between the Republic of Armenia and the European Communities and its Member states (hereinafter NP)²⁴.

A successful realisation of NP requires a country to bring its institutions, management capacity and administrative and judicial systems up to the EU standards with a view to implementing the *acquis* effectively.

At the general level, this requires a well-functioning and stable public administration built on efficient and impartial civil service, and the independent and efficient judicial system. Within the overall public administration, each area of the *acquis* may require specific structures to be put in place.

A successful realisation of a NP significantly depends on a systematic assessment of a country's administrative capacity, which will allow independent assessment of progress in the NP implementation, together with problems, which may occur on the way.

Core beneficiaries of above activity are:

- The Prime Minister Office
- The Ministry of Transport and Communications
- Police Department
- Armenian Rail Ways

Methodology used

- Analyses of compliance to the set of standards presented in the EC Guide above, on the base of which an assessment of administrative capacities of relevant institutions can be made.
- Analyses of Status Reports on *acquis* implementation by number of countries recently acceded (Slovenia, Latvia, Bulgaria) or undertaken accession to the EU (Romania, Croatia, etc.) on the matter of their institutions capabilities analyses.
- Study and assessment of the relevant RA legislation in force on the compliance with the EU requirements.
- Preparation of questionnaire on the base of analyses above and interviewing of officials administering the fields of security of energy supply, electricity, gas, new and renewable energy, energy efficiency, and nuclear energy, as well as consumer protection NGOs.
- Analyses and summarization of data in current Report.

²⁴ Protocol No 11 of Government meeting of March 23 2006

1. THE SITUATION IN THE EU

The Communication from the Commission to the Council and the European Parliament dated 22nd June 2006 summarise the objectives of EU transport policy as follows:

“The objective of an EU sustainable transport policy is that our transport systems meet society’s economic, social and environmental needs. Effective transportation systems are essential to Europe’s prosperity, having significant impacts on economic growth, social development and the environment. The transport industry accounts for about 7% of European GDP and for around 5% of employment in the EU. It is an important industry in its own right and makes a major contribution to the functioning of the European economy as a whole. Mobility of goods and persons is an essential component of the competitiveness of European industry and services. Finally, mobility is also an essential citizen right. From a slow start, the European Union’s transport policy has developed rapidly over the past 15 years. The **objectives** of EU transport policy, from the transport White Paper of 1992²⁵ via the White Paper of 2001²⁶ to today’s Communication, remain valid: to help provide Europeans with efficient, effective transportation systems that:

- *offer a high level of **mobility** to people and businesses throughout the Union.*
The availability of affordable and high-quality transport solutions contributes vitally to achieving the free flow of people, goods and services, to improving social and economic cohesion, and to ensuring the competitiveness of European industry.
 - ***protect the environment, ensure energy security, promote minimum labour standards for the sector and protect the passenger and the citizen***
Environmental pressures have increased substantially and significant health and environmental problems will persist in the future, for example, in the field of air pollution²⁷. The promotion of a high level of protection and improvement of the quality of the environment is therefore necessary.
 - Equally, as one of the major energy *consumers transport must contribute to ensuring energy security.*
 - In the social area, the EU policy promotes employment quality improvement and better qualifications for European transport workers. EU policy also protects European citizens as users and providers of transport services, both as consumers and in terms of their safety and, more recently, their security.
- ***innovate in support of the first two aims of mobility and protection by increasing the efficiency and sustainability of the growing transport sector.*** EU policies develop and bring to market tomorrow’s innovative solutions that are energy efficient or use alternative energy sources or support mature, large intelligent transport projects, such as Galileo;
- ***connect internationally, projecting the Union’s policies to reinforce sustainable mobility, protection and innovation,*** by participating in the international organisations. The role of the EU as a world leader in sustainable transport solutions, industries, equipment and services must even be better recognised.

This communications also summaries the realised benefits of the internal market the road and aviation sectors and addressed future policy as follows: “Efficiency gains supported by EU policies will make notably rail and waterborne transport more competitive, in particular on longer routes. Mobility must be **disconnected** from its negative side effects

²⁵ (COM (92) 494) of December 2, 1992: “The future development of the Common Transport Policy.”

²⁶ (COM (2001) 370) of 12/09/2001: “European transport policy for 2010: time to decide.”

²⁷ COM(2005) 446 final of 20 September 2005 on a Thematic Strategy on Air Pollution

using a broad range of policy tools. Therefore, the future policy will have to **optimise** each mode's own potential to meet the objectives of clean and efficient transport systems. The potential for technology to make transport more environmentally friendly must be enhanced, in particular in relation to greenhouse gas emissions. A number of major infrastructure projects will help to alleviate environmental pressure on specific corridors. **Shifts** to more environmentally friendly modes must be achieved where appropriate, especially on long distance, in urban areas and on congested corridors. At the same time each transport mode must be optimised. All modes must become more environmentally friendly, safe and energy efficient. Finally, **co-modality**, i.e. the efficient use of different modes on their own and in combination, will result in an optimal and sustainable utilisation of resources".

Rail transport

The COM of 22 June 2006 summarised EU road transport as follows:

"The legal framework for rail freight transport will be completed by 2007. The third railway legislative package will also open international passenger transport. National regulatory bodies will need to ensure the full enforcement of the *acquis*. (See section on regulatory framework). This will enable the renewal of the rail industry, already observed in those Member States which have opened their markets, to spread to the whole EU internal market. The Commission will use the 'Rail Market Monitoring Scheme' to provide a scoreboard for effective rail market opening in the whole EU. The EU needs to tackle remaining structural obstacles to the competitiveness of the rail industry, in particular technical barriers such as the low levels of interoperability, the lack of mutual recognition of rolling stock and products, the weak coordination of infrastructure and interconnection of IT systems, and the problem of single wagons loads. The EU will also help by financially supporting the implementation of the priority projects within the trans-European networks, most of which are railways projects, including the ERTMS traffic management system, and by developing appropriate state aid guidelines for the sector.

In the rail sector, market share and employment have stabilised in most countries. Restructuring and adoptions have necessitated a number of socially difficult decisions and have led to a marked reduction of employment in the sector. Rail operators can now restore their long-term viability by internationalising their activities and focussing on the needs of the economy and society. Rail has shown its strengths in passenger transport, notably on high-speed connections between city centres. Enlargement opens further long-distance (over 500 km) rail links which, combined with efficient logistics operations may compete with road transport to provide environmentally friendly door-to-door service. The Commission will examine a possible programme to promote a rail freight oriented network within the broader context of a new freight transport logistics policy (see point 7.1 below). Unlocking these opportunities will require the adaptation of freight services and infrastructure management in terms of quality, reliability, flexibility and customer orientation.

Trans-European networks

In December 1992 the Commission presented a White Paper on the "Future development of the common transport policy", in which it undertook to promote trans-European transport networks (TEN-T), by encouraging links between the Member States' networks (interconnection) and national network interoperability, while at the same time taking account of environmental constraints. This is now a key pillar of EU transport policy. The overall aim of this TEN policy is to turn the 27 national networks into a single European network by eliminating bottlenecks and adding the missing links²⁸. The construction of a

²⁸ At the Essen summit, 14 priority projects were selected with the accent clearly on schemes to replace road transport: 80% of the capital expenditure involved is for building railway lines and 9% is for rail-road links.

trans-European transport network (TEN-T) is essential in promoting free movement of passengers and goods in the single market, reinforcing economic and social cohesion and promoting economic competitiveness and sustainable development in the European Union. The aim of the TEN-T is to ensure that national networks for all modes of transport are accessible, interconnected and interoperable. To achieve these objectives, the Community first established guidelines in 1996 defining its objectives and priorities, and listing projects of common interest. A number of financial instruments to support Member States in implementing these projects were also established. The guidelines were reviewed in 2004 prior to the enlargement of the EU, with the aim of integrating the ten new Member States' infrastructure into the TEN-T. The number of priority projects was raised from 14 to 30, and rules for granting Community aid were modified to allow for a higher maximum co-funding rate (of 20% rather than 10%) for priority projects which cross borders and natural barriers. The updated list of projects also aims to ensure the modal shift – advocated in the 2001 Transport White Paper as the key to a more sustainable transport policy – by focusing investments in rail and water transport.

It is also expected that completing the networks will considerably reduce journey time for passengers and goods, through a 14% reduction in road congestion and improved rail performance. For inter-regional traffic alone, the benefits are estimated to be almost 8 billion euro per year.

In addition, freight transport in the EU is expected to increase by more than two thirds between 2000 and 2020, and to double in the new Member States. Without TEN-T this increase in transport would be impossible to handle, and our rate of economic growth significantly slowed.

Completing the networks will also bring important dividends for the environment. According to the study, on current trends, CO₂ emissions from transport would be 38% greater in 2020 than in 2003. However, completing the 30 priority axes should slow down this increase by about 4%, representing a reduction in CO₂ emissions of 6.3 million tonnes per year.²⁹

However at the end of 2006 there were still huge number of 'missing links'- amounting to around 4,800 km of roads and 12 500 km of railway lines – which still have to be built before 2020 to meet the TEN-T objectives. In addition, around 3,500 km of roads, 12,300 km of rail lines, and 1,740 km of inland waterways are to be substantially upgraded. The cost of the priority projects alone is estimated at 225 billion euro by 2020 and if one includes projects of common interest not identified as priority projects, the cost will be 600 billion euro³⁰.

Although huge, the investment represents only around 0.16% of European GDP, whereas it is estimated that it would generate additional economic growth of 0.23% of GDP. Nevertheless, work on completing the TEN-T has repeatedly been delayed due to lack of funding, especially from Member States and the private sector. Indeed, EU funds (averaging 600 million euro per year between 2000 and 2006) are only available for co-financing a maximum of 50% of preparatory studies and 20% of construction costs. But, completion of the network remains crucially dependent on the EU's ability heavily to co-finance cross-border sections, because governments are more hesitant to invest in projects outside their national plans.

With this in mind, the European Commission, during negotiations (with Member States) of the 2007-2013 agreement on the EU's financial perspectives, initially proposed to

²⁹ TEN-STAC

³⁰ <http://www.euractiv.com/en>

substantially increase support for TEN-T from the EU budget to 20 billion euro. It also suggested raising the maximum co-funding rate to 50%. However, Member States rejected the proposal and support for the trans-European transport network was fixed at 8 billion euro for the period with co-funding remaining at 20 %. The EC Commission has now launched a call for proposals for the period 2007-2013 with closing date of 20th July. The TEN_T priority projects include the original priority projects as well as new projects as follows:

- **Field No 1:**

The original priority TEN-T Priority Projects included in annex III of the Community Guidelines for the development of a trans-European transport network (Decision of the European Parliament and the Council No 1692/96/EC, as last modified by Council Decision (EC) No 1791/2006). The maximum amount available for the selected proposals, for the period 2007-2013, shall range from EUR 4,9004 to 5,30105 billion.

- **Field No 2:**

Projects in the field of Intelligent transport systems, sector of Air Traffic Management (ATM)/SESAR. The maximum total amount available for the selected proposals, for the period 2007-2013, is EUR 350 million.

- **Field No 3:**

Projects in the field of Intelligent Transport Systems for road traffic (ITS road). The maximum total amount available for the selected proposals, for 2007, is EUR 100 million.

- **Field No 4:**

Projects in the field of European Rail Traffic Management System (ERTMS). The maximum total amounts available for the selected proposals in 2007 are EUR 250 million. The call is closing on 20 July 2007

Road transport

The COM of 22 June 2006 summarised EU road transport as follows:

“The internal **road** market framework is well established. While national road haulage is largely protected, international road transport is liberalised. Cabotage, the carriage of goods within one country by a haulier from another country, accounts for 1.2% of national road transport markets. By 2009 at the latest cabotage will be opened in respect of all new member States. Common rules on the level of professional qualifications and working conditions contribute to high safety and social standards. The predominance of small companies and the impact on competition of the considerable differences in fuel tax levels between Member States are important factors that will influence future development. The Commission will examine how excessive differences in fuel tax levels can be narrowed”

Rail transport

The COM of 22 one June 2006 summarised EU road transport as follows:

Intermodality (combined transport)

The objectives of the combined transport policy are to shift the balance between modes of transport by means of a pro-active policy to promote intermodality and transport by rail, sea and inland waterway. In this connection, one of the major initiatives is the “Marco Polo “Community support programme to replace the current PACT (Pilot Action for Combined Transport) programme.

The balance between modes of transport must cope with the fact that there is no close connection between sea, inland waterways and rail. The "Marco Polo" intermodality programme, is open to all appropriate proposals to shift freight from road to other more environmentally friendly modes. The aim is to turn intermodality into a competitive, economically viable reality, particularly by promoting motorways of the sea.

On 15th July 2004 the Commission presented a proposal COM (2004) 478 to establish a second, significantly expanded "Marco Polo" programme from 2007 onwards³¹. Relying on the proven mechanisms of the current programme, Marco Polo II includes new actions such as motorways of the sea and traffic avoidance measures. The programme, which will have a budget of €400 million for 2007-2013, has been extended to countries bordering the EU. The Commission estimates that every €1 in grants to Marco Polo will generate at least €6 in social and environmental benefits. Marco Polo II (2007-2013) a directive designed to guarantee the interoperability of toll systems on the trans-European road network.

³¹ (Source: http://ec.europa.eu/transport/marcopolo/index_en.htm)

2. THE SITUATION IN ARMENIA

Q1. What are the legislative acts governing the regulation of road transport and rail transport in Armenia?

There are five laws (primary legislation) and 20 secondary legislative acts governing the transport sector of Armenia. The list of laws is presented below; for the list of secondary acts please see the ANNEX 8.

Laws of the Republic of Armenia

1. Law of RA “On Transport”, (Adopted 03.02.1998, HO-201-N);
2. Law of RA “On Traffic safety”, (Adopted 08.06.2005, HO -166-N);
3. Law of RA “On Automobile transport”, (Adopted 05.12.2006, HO-233-N);
4. Law of RA “On Rail transport”, (Adopted 28.10.2007, HO-293-N);
5. Law of RA “On Transport Inspectorate”, (Adopted 05.12.2006, HO-234-N);
6. Law of RA “On Licensing”, (Adopted 30.05.2001, HO-193-N);
7. Law of RA “On Imposition and revision of tariffs on provision of services in the field of mandatory technical inspection of vehicles via defect identification technical means”, (Adopted 18.12.2007, HO-298-N).

The main scope of regulation of the transport sector related to legislative acts is as follows:

- RA law “On Transport” regulates the legal, economic and organizational provisions in the sphere of transport activity, rights and responsibilities of participants engaged in the process of transport activity and carries out the protection of their legal interests. In particular, the law defines the main conceptions of transport and transport activity, transport system and transport services (Article 1), State regulation in the spheres of Transport activity and Transport system (Articles 4, 5), Licensing of Transport activity (Article 8), Main Transport activity provisions (Articles 8-15), Security and responsibility in the process of transportation (Articles 16-27).
- RA law “On Traffic safety” regulates the relations on traffic safety sphere. The main task of the law is to protect the state and society interests on traffic safety sphere, especially the prevention and reduction of serious consequences of traffic accidents.
- RA Law “On Vehicle Transport” regulates legal and economic relations of organization and implementation of vehicle transportation activities on the territory of RA, vehicle exploitation, transportation of passengers, luggage and goods, relations connected with safety of services and transportation, and also rights and responsibilities of legal and physical entities engaged in this process. In particular, the law defines the main concepts of Vehicle transport, Vehicle transport sphere, Vehicle transport activity (Article 1), problems and principles of legislative regulations in the sphere of Vehicle transport (Article 3), State regulation and management in the sphere of Vehicle transport (Articles 5,6), Licensing and insurance (Article 8), organizational issues of transportation of passengers, luggage and goods in Vehicle transport (Articles 9-20), rights, obligations and responsibilities of ferryman and customer (Articles 21-25), Security requirements for transportation by Vehicle transport (Articles 26-28).
- RA law “On Transport Inspectorate” regulates legal, economic and organizational issues of the activities of Transport Inspectorate of the RA, as well as the relations connected with the supervision of transportation participants for compliance with the requirements of RA transport legislation during organization of transportation process. Especially Article 6 of the law defines the functions of the Transport Inspectorate in the

- sphere of transport regulation, which are the following; 1) carry out supervision of transport legislation, licenses in the sphere of transport activity, permissions on international transportation, water, electro, metro and rail transport activities, legislation on advertising in state vehicle roads of common use, technical exploitation of moving structure of related to vehicle transport for the purposes of requirements of legislation of the RA, 2) analyses of occurred road-transport accidents on common use transport, reasons, and in case of necessity jointly with respective state bodies take prevention measures; in accordance with RA legislation keep cadastre of self-propelled road-building vehicles and mechanisms, water, road-transport means.
- RA Law “On Licensing” defines types of activities subject to licensing and regulates the licensing procedure. Some provisions of the Law of Licensing relate to the transport sector. Thus, certain types of transportation activities are subject to licensing; namely, “Activity on Organizing of regular transportation by passenger vehicles of common use” and “Activity on Organizing transportation of passengers by taxis” under Article 43 “16. Transport sector” licensed activity starting from December 2006. Another important point for licensing of transport sector is “Activity on Technical diagnosis of vehicles” (effective, starting June 19, 2007). The clause of the article defines that this function shall be implemented by licensed commercial organizations. “Organizing of railroad transport activity” Article 43 defines the types of activity which also should be licensed. Another licensed activity is vehicle driving training, which is included in the Law on licensing. This type of Activity is under the responsibilities of the Ministry of Education and Science of the Republic of Armenia; supporting Governmental decrees were adopted and it is effective starting from June 19, 2007.

Regulatory Framework

Q2. Does the legislation assign specific responsibilities to a ministry or regulatory authority for the implementation control and enforcement of legislation regulating road transport and rail transport?

Not all the laws directly assign or specify any ministry or regulatory authority for the implementation, control and enforcement. In general there is a corresponding government degree with the reference to the particular law that delegates responsibility to the certain ministry or authority.

The Armenian state institution responsible for the Transport Sector is the Ministry of Transport and Communication. Transport Inspectorate of the RA operates under the Ministry of Transport and Communication, as an external department of staff.

Ministry of Transport and Communication of the Republic of Armenia³²

Aims and tasks of the Ministry are:

- a) within its scope of powers administration, regulation, elaboration the state policy and implementation it in the transport sector;
- b) elaboration and implementation of short- and long-term programmes in the transport sector;
- c) ensuring the scientific-technological development in the transport sector;
- d) coordination, analysis of the information in the transport sector and forecasting;
- e) within its scope of powers coordination of activities in the transport sector with local governments and local self-governing authorities;

³² Decision of the Government of Armenia No.1809-N, dated 21 November 2002 on “Establishment of the State agency as Ministry of Transport and Communications” and approval of the Charter and organizational staff structure of the Ministry.

- f) elaboration of mobilization programmes in the transport sector and coordination of functions of transport units in emergency cases;
- g) elaboration of normative legal and normative technical acts related to transport sector;
- h) elaboration of technical norms and standards for operation of transport means;
- i) within its scope of powers carrying out control in regard of implementation of normative legal acts;
- j) within its scope of powers organization of universal service for carriage of passengers.

Ministry of transport and communications performs the following functions in accordance with the legislation of the Republic of Armenia:

- a) licensing of activities prescribed by the law in the field of transport;
- b) elaboration of normative legal and normative technical acts relating to transport field, within its powers and in accordance with the legislation of the Republic of Armenia adoption of subsidiary normative acts regulating the transport field;
- c) within its scope of powers representing of interests of the Republic of Armenia against of international organizations in the transport sector;
- d) in accordance with the law and other legal acts, implementation of relevant administrative statistical reports and maintenance of administrative statistical registry based on the collected information;
- e) elaboration of chapters of the RA social-economic programmes which relate to the transport sector;
- f) in accordance with the legal acts of the Republic of Armenia, official examination and registration of the railroad accidents and crashes in the territory of the Republic,
- g) provision of control over functions of newly-built or re-built railroads and units building owner;
- h) provision of functions in regard of general-use motor road network development, road-construction, repair (rehabilitation, current repair), operation and maintenance (minor repair, preservation) programmes, classification of motor roads and registration of their nomenclature thereof;
- i) provision of authorisation for construction and operation of general-use non-state and non-general-use motor roads;
- j) registration of road accidents occurred in the Republic of Armenia on international and national roads, etc.

Transport Inspectorate of the Republic of Armenia under the Staff of the Ministry of Transport and Communication of the Republic of Armenia

The Transport Inspectorate of the Republic of Armenia is a Republican institution of the executive power, operating within the structure of the Ministry of Transport and Communication of the Republic of Armenia. The Inspectorate implements inspection activities, imposes sanctions in the transport field on behalf of the Republic of Armenia, in accordance with its statutorily tasks and the Law on Transport Inspectorate.

The aims and tasks of the Inspection are:

- a) to ensure within its authority and examine of transport sector legal acts for compliance with national legislation;
- b) to coordinate within its authority transport related activities with local authorities;
- c) to ensure within its authorities the coordination, analysis and forecast of information related to transport sector;

- d) within its authority to enhance the compliance with requirements of international contracts signed by the RA by means of implementing supervision over international transportations within the territory of Armenia.

The Inspectorate carries out the following functions:

- a) ensures, within its authority the compliance with legislative acts relating to transport sector;
- b) carries out within its authority inspection over international transport requirements by Armenian and foreign transportation companies.
- c) carries out inspection on parking stations and traffic over transportation requirements of the companies providing passengers services, prepares suggestions on improving the service quality.
- d) participates in organization of tender biddings for selection of passenger transportation companies, and carries out inspection of their activities according to requirements of the RA legislation.
- e) prepares recommendations and suggestions to respective state bodies concerning traffic legislation violated entities /in order to take sanctions against them/, decreasing of accident, traffic technical investigation and fulfillment of ecological requirements.
- f) in the scope of its power carries out inspection on activity of licensed transport entities.
- g) carries out professional investigation on originated accidents related to road-transport accidents in consequences of violation of technical safety requirement;
- h) in the scope of its power carries out inspection of transport objects and their safety zones;
- i) takes administrative measures and penalties against individuals and companies for the violation of transport legislation;
- g) cooperates with interested governmental bodies on issues connected with transportation of dangerous goods;
- ga) carries out inspection paid advertisements located on motor roads;
- gb) carries out state registration of self-propelled road-construction vehicles and their trailers.

Road transport

- Social legislation,

There are no special legislative acts regulating social problems in the transport sphere. Social tasks and problems are mainly regulated by the Labour Code of the RA.

- Licensing,

By the Law on Licensing of the Republic of Armenia some sectors of Road Transport Activity are under licensing, they are mentioned below;

- Activity on Organizing of regular transportation of passengers by vehicles of common use;
- Activity on Organizing transportation of passengers by taxis;
- Activity on Technical diagnosis of vehicles;
- Activity of Vehicle Driving Training.

- Technology

There is no special technology specified by legislation, which has to be implemented in the road transport sector. Former soviet technologies are still in use.

- Safety.

According to Article 23 “Safety of Transport units and goods” of the Law on Transport, under the structure of state authority of transport, a special service should be established that would be responsible for safety of transporting goods and transport units, undertaking the fire-prevention measures on transport and elimination of fair and accidents consequences. This service has not been established up to now.

According to the Law on Transport (Point 1 and point 3 of Article 24 “Provision of Safety and Ecological Norms on Transport”) Transportation structures, roads and other objects should be equipped with safety facilities or other required measures. Carriers are personally responsible for safety of peoples’ lives and health as well as environmental protection. Carriers of highly-explosive, flammable and radio-active, poisonous and other dangerous goods have to provide the safety measures to prevent emergency situations during transportation, and in case of those situations, to perform protection actions.

As required by EU legislation there should be also a state service responsible for supervision and control of those measures as well as act as a body to be notified in case of emergency situations.

- Roadworthiness tests, safety and ecological quality

In order to be eligible for operation the vehicles should pass roadworthiness tests and get appropriate certificate. The procedure includes also the ecological quality test.

The carriers are responsible to take all the possible efforts to protect the environment. They will be charged in case of damaging the environment as defined by the Law on Transport.

According to the Decision of the Government of the RA “On Approval of the Procedure to carry out necessarily technical diagnosis of vehicles in RA”, N344-N, 15.12.2007, ordered to Minister of Transport and Communication of RA and to Chief of Police of RA after the coordination with the Working Group founded according to the Decree of President NNK-301², 26.12.2005, to take joint decision on creation of Permanent Working Group and define its liabilities; main function of Group is with use of technical diagnosis means and road traffic safety condition investigation of investment productivity of implementation of mandatory technical diagnosis of vehicles.

- Private vehicles
- Commercial vehicles

There is no essential difference for regulation of the private and commercial vehicles in Armenia.

- Implementation and control

The regulatory, monitoring and control responsibilities in the transport sector are retained by the Ministry of Transport and Communication of RA and the Road Police.

- Roadside inspections

Recently positive changes have taken place in Transport sector. Road side Police disappeared. Now Road Police implements its control duty by patrolling, main responsibility of the road police is traffic regulation and safety on roads. There is no traffic policemen standing on the road and stopping the cars if there is no any special order by the government. They are stopping the cars if there is violation of traffic rules only.

- International transport

- Licensing systems for road freight and road passenger transport

There is no licensing procedure related to Road freight transport, but there is a licensing procedure for road passenger transport. Those are passenger transportations by busses, taxis, diagnostics of vehicles and vocational training for obtaining the driving license.

- Driving times and rest periods

There are no provisions provided by the legislation of RA. (Labour Code of RA)

- qualification for road transport operators

- Transport of dangerous goods by road

The Law “On Transport” sets a provision regarding the carriage of dangerous goods by road (Article N24.3): “the Government of Armenia should approve the regulation on transportation of the explosive, rapidly flammable, radioactive, toxic and other dangerous goods. The carriers of explosive, rapidly flammable, radioactive, toxic and other dangerous goods are responsible to ensure the safety of transportation on behalf of the customer, in order to prevent the accidents during the transportation, and in the case of accident to eliminate its consequences if there are no other provisions defined by the Law.

Ministry of transport is drafting amendments to the RA Law “On Transport” regarding the transportation of the dangerous goods by road in accordance with European Agreement concerning the International Carriage of dangerous goods by Road.

- Enforcement
 - Training of transport operators, safety advisers and drivers of vehicles carrying dangerous goods

No provisions regulating these issues exist in the legislation of RA, and the abovementioned enforcement/training doesn't occur.

- Tachographs requirements

There are no special procedures and requirements outlined in Armenian Legislation.

- Speed limitation devices

According to RA Government Decree N 1226-N point 24,³³ vehicles providing international carriage of goods must be equipped with tachographs, but there is no any special checking point on the border entry points as well as on roads to provide inspections of trucks and HGV.

- Administrative structure for issuing of documents proving the environmental classification (e.g. Euro I, Euro II etc³⁴) of heavy goods vehicles (HGV).

- Application of Eurovignette
 - Equivalence and mutual recognition

There is no any regulation regarding to the documents, environmental classification (e.g. Euro I, Euro II etc) of heavy goods vehicles (HGV) in Armenia.

³³ RA Government Decree No. 1226-N of 30 August 2007 “On Approval of Rules for International Carriage of Goods from the Territory of the Republic of Armenia”

³⁴ Insert regulation on EURO I and II

Rail Transport

- Organisation of rail transport: public private sector operators

“Armenian Railroad” CJSC is sole operator and manager of the rail road infrastructure and rolling stocks in Armenia. The law “On Rail Transport” was adopted on 28 October 2007, and the main purpose of it was to prepare the rail for concession. Government has signed a concession contract and handed over the rail (infrastructure and rolling stock) to concessionaire.

According to the Government Decree 12.10.2006 N1497-N, to transfer Armenian Railroad under Concession Agreement, the Coordination Council was formed to coordinate and control this transaction. The Council was headed by the Minister of Transport and Communication of RA. The Minister of Trade and Economic development of RA also became a member of this council, together with the Minister of Justice of RA, the Minister of Finance and Economic of RA and the Chief of Staff- Minister of GoA.

- Regulatory Body

In order to enhance the management structure of Transport sector of RA and in accordance with the Decision of the Government of the Republic of Armenia “On transfer of the Armenian Railroads to the Ministry of Transport and Communication” N9377, Armenian railroad has been included in the structure of the Ministry of Transport and Communication of RA since 1993 till the adoption of the concession agreement.

The regulatory body for Armenian Railroad is Ministry of Transport and Communications. Company is a monopolist in the rail road sector it is sole operator manager of the rail road infrastructure and rolling stocks.

This structure is not matching EU requirements, since the regulatory body should be independent form the infrastructure and rolling stocks operator, as well as it should not provide those operations.

- Licensing railway undertakings

By the Law on Licensing of the Republic of Armenia “Organizing of railroad transport activity” in Armenian is licensed activity. According to the same law there are two licensing procedures: (i) simplified (when it is issued by one agency) and complex (when it is issued by the Government based on the decision of the expert commission). Rail road licensing is under the complex procedure. There have no been any known cases of other undertaking to apply for this procedure in Armenia.

- Certifying railway safety

There is no specific transport safety certification outlined by legislation.

- Infrastructure charges

All fees and charges are collected by the Armenian Railroad Company. The PSRC approves the calculation methodology and infrastructure usage fees.

- Allocating infrastructure capacity

There is no any state agency responsible for the allocation of the infrastructure capacity. It is done by the Armenian Rail road Company.

- Rail safety authority

There is no any state agency responsible for the safety on the rail road. It is done by the Armenian Rail road Company.

- Independent accident and incident investigation body

According to the legislation this function is to be implemented by the Transport Inspectorate of RA. Inspectorate has low capacity (human resources and equipment) to fully perform this task. Transport inspectorate should provide investigation, analysis and recommend safety measures.

Armenian Rail Road is performing investigation of the accidents and incidents by its own rail safety department.

Q3. Does the legislation allow for the setting up of Armenian NGO's to operate in this area?

There is no special legislation regulated NGOs activity in Transport sector. The activities of NGOs in Armenia regulated by the Law of the RA "On Non-Governmental Organizations". Some NGOs are working in the transport sector, but mainly their activity is limited on public awareness on the safety rules and dissemination of transport safety literature oriented mainly for school-children.

Here the list of active NGOs in the transport sector:

- "Union of Armenian motor-car enthusiasts";
- "Union of Woman-drivers";
- "Achilles";

Q4. What is the Armenian institutional and administrative structure for the implementation control and enforcement of legislation regulating road transport and rail transport?

- a. The Ministry of Transport and Communication has responsibility for the implementation control and enforcement of legislation regulating road transport and rail transport

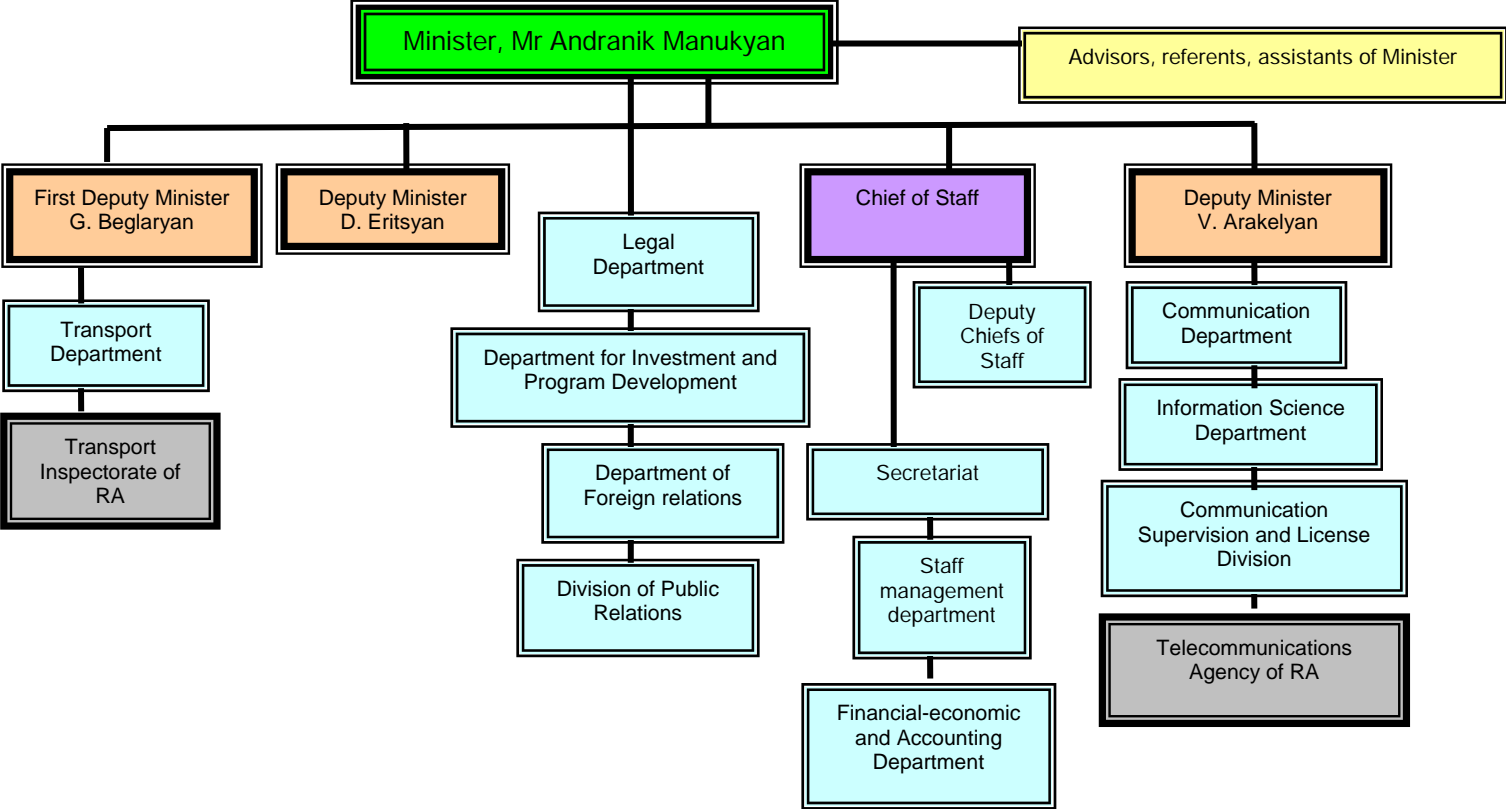
The Chart of the Structure of the Ministry of Transport and Communication is given below.

1. Transport Inspectorate; The Inspection implements control activities, imposes sanctions in the transport field on behalf of the Republic of Armenia, in accordance with the legislation of the Republic of Armenia.
2. Telecommunications Agency; The Agency is responsible for the development, operation and service of inter-agency network.
3. Foreign Relations department, the department is responsible for the foreign relations. They are recommending for international permits, negotiating international agreements relation to transport sector.
4. Transport Department, the department is responsible for the state policy elaboration and implementation in the sphere of transport.
5. Investment and Programs Development Department, the department is responsible for the development of the transport and communication fields, development strategy, and legislative changes.

6. Communication Supervision and License Division, the Division is responsible for the Licensing of Activities in the Spheres of Transport and Post.
7. Financial-Economic and Accounting Department, the department is responsible for the financial and economic analysis and procurement program of the Ministry.
8. Communication Department, the department is responsible for the state policy elaboration and implementation in communication sphere.
9. Information Science Department, the department is responsible for state policy elaboration and implementation in Information Science sphere.
10. Legal Department, the department is responsible for review all proposed legislative changes, investment plans and current transactions.
11. Public Relations Division,
12. Staff Management Department, administrative functions.
13. Secretariat, administrative functions.

Ministry has about 158 staff from which 60% have a computer and only 20% have internet access. There is a capacity of basic operations, but not for more sophisticated and complex solutions. Ministry has good inter-departmental coordination and institutional memory.

Structure of the Ministry of Transport and Communications



Transport Inspection under the Staff of the Ministry of Transport and Communication of the Republic of Armenia

The Transport Inspectorate is tasked to ensure the application of the safety requirements prescribed by technical regulations and other legislative acts with regard to protection of human life, property and environment.

Inspection has a staff of 29 people.

Structure of the Transport Inspectorate of RA

(Decree of Gov. of RA N1810-N 21.11.2002 ;)

Head of Inspectorate

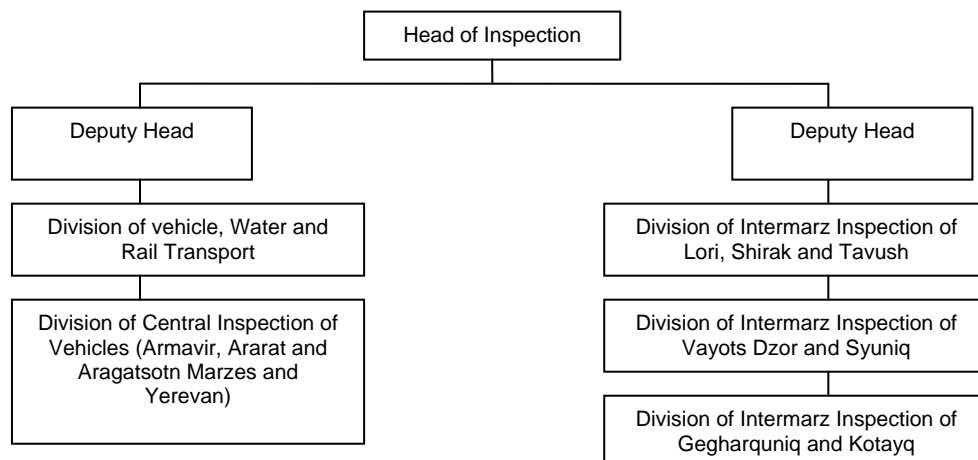
Deputy Heads - 2

I. Structural subdivisions

1. Division of Vehicle, Water and Rail Transport – 8;
2. Division of Central Inspection of Vehicles – 9;

II. Territorial subdivisions

3. Division of Intermarz Inspection of Lori, Shirak and Tavush -3, (Located in Vanadzor);
4. Division of Intermarz Inspection of Vayots Dzor and Syuniq -3; (Located in Goris);
5. Division of Intermarz Inspection of Gegharquniq and Kotayq -3; (Located in Hrazdan);



- b. Regulatory authorities ³⁵ having responsibility for the implementation control and enforcement of legislation regulating road transport and rail transport
 - Ministry of Transport and Communication (Policy-making and drafting of technical regulations, license provision);
 - Transport Department (Policy development in the sphere of transport);
 - Transport Inspectorate, (Documentary checks);
 - Police
 - Road Police (regulation of traffic and checks documentation (Technical and Licenses));
 - Municipalities (in coordination with the Police) carry out activity of traffic lights regulation, parking, road signs and mark, public transport coordination).
- c. NGOs having self regulating authority for the implementation control and enforcement of legislation regulating road transport and rail transport

There are no NGOs involved in the licensing. NGOs in Armenia are participating in the drafting procedures of the new Laws and amendments to the existing legislation.

- d. Accreditation bodies, if any, responsible for the accreditation of “notified bodies” to carry out conformity assessment procedures in relation to technical regulations and standards for road transport and rail transport.

There are no notifying bodies.

Regulatory Authorities

- Ministry of Transport and Communication (Policy-making and drafting of technical regulations)
 - Transport Department (Policy development in the scope of transport)
 - Transport Inspectorate, (Documentary checks)
- Police
 - Road Police (Traffic regulation)
- Municipalities (Traffic lights, parking, road signs and mark, public transport)

According to the President Decree (Investigation and analysis the productivity of implementation of mandatory technical diagnosis of transport means) permanent working group were formed to investigate and analyze the effectiveness of the reforms in the road police.

Road Transport

Q5. What are the institutional and administrative structural requirements of the EU *Acquis* for the implementation control and enforcement of legislation regulating road transport and rail transport?

The vast majority of the legislative measures in the transport sector does not provide for the setting up of specific administrative structures. There are a few regulations and directives for which this is the case, and these are addressed below. In general, it is left to each Member State to decide which institution (most often the Ministry of Transport) is responsible for an effective implementation of the *acquis*.

³⁵ This may also be a government agency or competent authority

1. **Ministry for Transport**, or a competent authority, which is in charge of policy-making and responsible for:
 - issuing of certificates,
 - ensuring respect of safety rules,
 - access to the market and profession,
 - level playing field between the operators.

2. **Authority responsible for Road Transport Sector** (social legislation, licensing and legislation related to technology and safety).
 - **Roadworthiness tests** for motor vehicles and their trailers (Dir. 96/96).
 - Tests shall be carried out by the State or by bodies designated and directly supervised by the State in order to guarantee an equal level of **safety** and **ecological quality**. In general the Member State authorities delegate the tasks to private companies.
 - Authorized companies, or the traffic police to control the applications (at road-side inspections) on the **tread depth** of **tyres** of motor vehicles and their trailers (Dir. 89/459).
 - It must be ensured that the commercial vehicles circulating within the territories of the Member States and of the Community comply more fully with certain technical conditions imposed by Dir. 96/96/EC.

3. Roadside inspections to check the braking and exhaust systems, the lamps, lighting and signalling devices (Dir. 2000/30/EC).
 - The administrative capacity must be put in place to implement or supervise the periodic roadworthiness tests and the technical roadside inspections (Dir. 96/96/EC and Dir. 2000/30/EC).

4. **Licensing system for international transport**
 - **road freight** (Regulation 881/92). Competent authorities of the Member States issue the relevant 'Community authorisation' (Reg. 881/92), takes appropriate sanctions in cases of infringements and verify regularly whether the conditions of issuing are still being met by the holder.
 - **road passenger transport** (Regulation 684/92). Competent authorities of the Member States issue the relevant 'Community licence' (Reg. 684/92), take appropriate sanctions in cases of infringements and verify regularly whether the conditions of issue are still being met by the holder.

5. The state agency or directly supervised by the state the road transport operator (Dir. 96/26 and 98/76) responsible for enforcement of transport of dangerous goods by road (Dir. 94/55 and 95/50).
 - 'Independent examination and certificate issuing bodies shall be set up for the purposes of the training of transport operators (98/76/CE), safety advisers (96/35/EC), and drivers of vehicles carrying dangerous goods (94/55/EC) regards driving times and rest periods (Reg. 3820/85).
 - **Tachographs** (Regulation 3821/85 and 2135/98) and speed limitation devices (Directive 92/6 as amended) shall be installed by workshops approved by the Member State's authorities. For the digital tachograph the delivery of driver cards must be organised.

6. Appropriate Member State's authorities, in general the Ministry of Transport, need to consider whether it is necessary to set up an administrative structure for the issuing of documents proving the **environmental classification** (e.g. Euro I, Euro II etc) of **heavy goods vehicles (HGV)**. This will contribute to HGVs travelling in

EU Member States applying the Eurovignette being charged with the correct amounts.

7. Member States shall designate (an) administrative authority (ies), which shall have responsibility for ensuring that all aspects of the safety of tunnels are assured and which shall take the necessary steps to ensure compliance with the Directive 2004/54/EC.
8. It is necessary for an effective implementation of the acquis relative to driving licences that the administrative capacity is put in place to establish the equivalence between the categories of licences issued before implementation of the Directive and the equivalence thereof with the categories as defined in Directive 91/439/EEC as amended. As all valid licences have to be mutually recognised, this equivalence is a necessity.

Rail Transport

1. **Ministry for Transport**, or a competent authority, which is in charge of policy-making and responsible for:
 - issuing of certificates,
 - ensuring respect of safety rules,
 - access to the market and profession,
 - level playing field between the operators.
2. **Authority responsible for the Rail Transport sector**; this agency must not provide rail transport services itself.
 - License railway undertakings (Dir. 95/18, as amended by 01/13).
 - Setting infrastructure charges (Dir. 2001/14).
 - Allocating infrastructure capacity (Dir. 2001/14).
3. **Independent Regulatory Body that** shall act as an appeal body against decisions taken regarding (e.g.) the level of charging and access to the tracks. (article 30 of Dir. 2001/14). There could also be set up
 - **Notified body for assessment of the conformity for interoperability** according to Directives 96/48 and 2001/16 (such a notified body might take the form of a company or a body in another Member State).
 - Independent rail safety authority and an independent accident and incident investigation body have to be set up (Dir. 2004/49 adopted in April 2004).

The structure of the Armenian transport sector is presented below:

Transport Sector of RA

Ministry of Transport and Communication of the Republic of Armenia

Transport Inspectorate of RA

Division of Vehicle, Water and Rail Transport

Division of Central Inspection of Vehicles

Division of Intermarz Inspection of Lori, Shirak and Tavush

Division of Intermarz Inspection of Vavots Dzor and Svunia

Division of Intermarz Inspection of Gegharkunic and Kotavc

Transport Department

Division of Transportation Policy

Division of Technical Policy

Commercial Companies Responsible for Service of Interstate and Republican Meaning Roads

World Bank Project Implementation Unit

“Armenian Road Directorate” SNCO

Municipalities

Annex C

Road Police

Transport Customers

3. DIFFERENCE BETWEEN EU AND ARMENIA

Q6. How does the Armenian institutional and administrative structure differ from the institutional and administrative structural requirements of the EU *Acquis* for the implementation control and enforcement of legislation regulating road transport and rail transport?

The answer is provided in the table below

Comparison of Armenian Road Transport administrative structure to the EU administrative structural requirements

EU administrative structural requirements	Armenian Transport administrative structure	Notes
<p>1. Ministry for Transport, or a competent authority, which is in charge of policy-making and responsible for:</p> <ul style="list-style-type: none"> ▪ issuing of certificates, ▪ ensuring respect of safety rules, ▪ access to the market and profession, ▪ level playing field between the operators. 	<p>1. Ministry of Transport and Communication of RA is responsible for transport policy formulation and monitoring tasks (e.g. internal regulation of transport)</p> <ul style="list-style-type: none"> • Issuing of certificates, • Ensuring respect of safety rules, • It is not providing market for profession • It is involved in the market regulatory functions 	<p>The structure is partially matching</p>
<p>2. Authority responsible for Road Transport Sector (social legislation, licensing and legislation related to technology and safety).</p> <ul style="list-style-type: none"> ▪ Roadworthiness tests for motor vehicles and their trailers (Dir. 96/96). <ul style="list-style-type: none"> ○ Tests shall be carried out by the State or by bodies designated and directly supervised by the State in order to guarantee an equal level of safety and ecological quality. In general the Member State authorities delegate the tasks to private companies. ▪ Authorized companies, or the traffic police to control the applications (at road-side inspections) on the tread depth of tyres of motor vehicles and their trailers of (Dir. 89/459). <ul style="list-style-type: none"> ○ It must be ensured that the commercial vehicles circulating within the territories of the Member States and of the Community comply more fully with certain technical conditions imposed by Dir. 96/96/EC. 	<p>2. Ministry of Transport and Communication of RA (licensing, policy making, elaboration technology and safety on transport).</p> <ul style="list-style-type: none"> ▪ Roadworthiness tests <ul style="list-style-type: none"> ○ Up to now this was responsibility of the traffic Police; starting from July 2007, technical diagnosis tests shall be implemented by the licensed commercial companies. ▪ Till now no authority was assigned to control (at road-side inspections) the tread depth of tyres of motor vehicles and their trailers. Commercial vehicles circulating within the territory of Armenia do not run under this technical procedure. 	<p>The structure is partially matching</p>
<p>3. Roadside inspections to check the braking and exhaust systems, the lamps, lighting and signalling devices (Dir. 2000/30/EC). The administrative capacity must be put in place to implement or supervise the periodic roadworthiness tests and the technical roadside inspections (Dir. 96/96/EC and Dir. 2000/30/EC).</p>	<p>3. Traffic police is responsible for checking the braking and exhaust systems, lamps, lighting and signalling devices in the operation on the vehicles on road as well as during the roadworthiness test. Unfortunately there is very low capacity, absence of equipment and qualified specialist.</p>	<p>The structure is not matching</p>
<p>4. Licensing system for international transport</p> <ul style="list-style-type: none"> ▪ road freight (Regulation 881/92). Competent authorities of the Member States issue the relevant 'Community authorisation' (Reg. 881/92), take appropriate sanctions in cases of infringements and verify regularly whether the conditions of issue 	<p>4. Licensing system for international transport Special Licensing system for international transportation in Armenia does not exist.</p> <ul style="list-style-type: none"> • No Licensing system in Road freight transportation system in Armenia. • In Armenia only Road passenger transportation is licensed activity. 	<p>The structure is partially matching</p>

<ul style="list-style-type: none"> are still being met by the holder. ▪ road passenger transport (Regulation 684/92). Competent authorities of the Member States issue the relevant 'Community licence' (Reg. 684/92), take appropriate sanctions in cases of infringements and verify regularly whether the conditions of issue are still being met by the holder. 		
<p>5. The state agency or directly supervised by the state the Road transport operator (Dir. 96/26 and 98/76) responsible for enforcement the transport of dangerous goods by road (Dir. 94/55 and 95/50).</p> <ul style="list-style-type: none"> ▪ 'Independent examination and certificate issuing bodies shall be set up for the purposes of the training of transport operators (98/76/CE), safety advisers (96/35/EC), and drivers of vehicles carrying dangerous goods (94/55/EC) regards driving times and rest periods (Reg. 3820/85). ▪ Tachographs (Regulation 3821/85 and 2135/98) and speed limitation devices (Directive 92/6 as amended) shall be installed by workshops approved by the Member State's authorities. For the digital tachograph the delivery of driver cards must be organised. 	<p>5. The state agency or directly supervised by the state the Road transport operator responsible for enforcement the transport of dangerous goods by road does not exist.</p> <ul style="list-style-type: none"> ▪ 'Independent examination and certificate issuing bodies for purposes of the training of transport operators, safety advisers, and drivers of vehicles carrying dangerous goods and regulation system with driving times and rest periods does not exist. ▪ Tachographs and speed limitation devices in Armenia are not in use. It is not required by Armenian transportation legislation. Working hours and rest times are regulated by Labour Code. 	<p>The structure is not matching</p>
<p>6. Appropriate Member State's authorities, in general the Ministry of Transport, need to consider whether it is necessary to set up an administrative structure for the issuing of documents proving the environmental classification (e.g. Euro I, Euro II etc) of heavy goods vehicles (HGV). This will contribute to HGVs travelling in EU Member States applying the Eurovignette being charged with the correct amounts.</p>	<p>6. Appropriate legislation classifying documentation related to environmental classification (e.g. Euro I, Euro II etc) of heavy goods vehicles (HGV) does not exist.</p>	<p>The structure is not matching</p>
<p>7. Member States shall designate (an) administrative authority(ies), which shall have responsibility for ensuring that all aspects of the safety of a tunnel are assured and which shall take the necessary steps to ensure compliance with the Directive 2004/54/EC.</p>	<p>7. The state authority responsible for safety in tunnels is the Ministry of Transport and Communication and the Local Authorities. Due to insufficient financing the authority is not fully equipped to perform its duty.</p>	<p>The structure is matching</p>
<p>8. It is necessary for an effective implementation of the acquis relative to driving licences that the administrative capacity is put in place to establish the equivalence between the categories of licences issued before implementation of the Directive and the equivalence thereof with the categories as defined in Directive 91/439/EEC as amended. As all valid licences have to be mutually recognised, this equivalence is a necessity.</p>	<p>8. Responsible Authority for Issuing of Driving Licences in Armenia is Police of RA. Driving licenses are valid only in CIS countries. Driving licences in Armenia fall into 6 categories. No special purpose Driving Licences are issued in Armenia (e.g. for vehicles transporting dangerous goods).</p>	<p>The structure is not matching</p>

Comparison of Armenian Rail Road Transport administrative structure to the EU administrative structural requirements

EU administrative structural requirements	Armenian Transport administrative structure	Notes
<p>1. Ministry for Transport, or a competent authority, which is in charge of policy-making and responsible for:</p> <ul style="list-style-type: none"> ▪ issuing of certificates, ▪ ensuring respect of safety rules, ▪ access to the market and profession, level playing field between the operators 	<p>1. Ministry of Transport and Communication of RA is responsible for rail transport policy formulation and monitoring tasks (e.g. internal regulation of transport)</p> <ul style="list-style-type: none"> • Issuing of certificates, • Ensuring respect of safety rules, • Access to the market and profession, level playing field between the operators is not regulated. 	<p>The structure is partially matching</p>
<p>2. Authority responsible for the Rail Transport sector; this agency must not provide rail transport services itself.</p> <ul style="list-style-type: none"> ▪ License railway undertakings (Dir. 95/18, as amended by 01/13). ▪ Setting infrastructure charges (Dir. 2001/14). ▪ Allocating infrastructure capacity (Dir. 2001/14). 	<p>2. Authority responsible for the Rail Transport sector in Armenia the Ministry of Transport and Communication:</p> <ul style="list-style-type: none"> ▪ MOTC is providing License for railway activity ▪ Rail Road transport in Armenian is a monopoly. PSRC approves infrastructure charges ▪ Rail Road transport in Armenian is a monopoly. Armenian Rail Road Company is allocating the infrastructure capacity. 	<p>The structure is not matching</p>
<p>3. Independent Regulatory Body that shall act as an appeal body against decisions taken regarding (e.g.) the level of charging and access to the tracks. (article 30 of Dir. 2001/14). There could also be set up</p> <ul style="list-style-type: none"> • Notified body for assessment of the conformity for interoperability according to Directives 96/48 and 2001/16 (such a notified body might take the form of a company or a body in another Member State). ▪ Independent rail safety authority and an independent accident and incident investigation body have to be set up (Dir. 2004/49 adopted in April 2004). 	<p>3. Independent Regulatory Body do not exist in Armenia for Rail Road transport:</p> <ul style="list-style-type: none"> • There are no notified bodies for assessments of the conformity for interoperability. • Independent rail safety authority and an independent accident and incident investigation body does not exist in Armenia. 	<p>The structure is not matching</p>

Road Transport

There is a single act in Armenia on Transport³⁶ that regulates transport activities for road and railway sectors. The EU legislation regulating transport sector incorporates separate acts (directives) for each of those sectors. The Armenian legislation regulating road transport mainly does not meet the requirements of the EU legislation. The Armenian legislation on transport sector does not include legal act for regulating the operation of non-resident carriers in national road transport market³⁷.

RA Government Decree N1587-N³⁸ specifies the common rules for international carriage of passengers by buses, but the system of national security standards for road transport does not exist³⁹.

The Armenian legislation does not comply with the Council Regulation No. 94/55/EC of 21 November 1994 laying down the order of transport of dangerous goods by road⁴⁰ mainly in terms of the lack of the system of national security standards for road transport in Armenia. The procedure for transportation of nuclear and radioactive materials complies with the EU legislation. It is stipulated by the Decree of the Government of Armenia No. 1263 of 24 December 2001 on Approving Special Rules for Nuclear and Radioactive Materials Transportations⁴¹ which was drafted by the Department of State Atomic Control under the Ministry of Nature Protection of Armenia. The Armenian legislation does not lay down the inspection procedure for the transport of dangerous goods by road. It is expedient to define a regulation for transport of dangerous goods by road for road transport sector.

Rail Transport

The Armenian legislation regulating rail transport partially meets the requirements of the EU legislation. There is a single act in Armenia on Transport⁴², which regulates transport activities for air, road and railway sectors, whereas the EU legislation incorporates separate acts (directives) for each those sectors.

The Armenian legislation on Transport does not involve legal act regulating combined transport of goods⁴³. The Civil Code of Armenia and the Law of Armenia on Transport defines articles of a general nature on combined transport of goods⁴⁴ but relations of carriers of different sectors as well as terms, order and tariffs for the conclusion of a single contract between the client and the carrier are not regulated.

The main incompliance of Armenian legislative norms on licensing of railway activities with the EU requirements lies in the fact that the law of Armenia on Licensing defines licensing for organizing single railway operation⁴⁵, whereas the Council Directive No. 95/18 of 19 June 1995 differentiate railway operations⁴⁶, i.e. carriage of passengers and of goods, urban, suburban, regional services, infrastructure operator, traffic operator, etc. The Armenian legislation does not

³⁶ Law of Armenia on Transport, HO-201, 03.02.1998

³⁷ Council Regulation (EEC) No. 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State

³⁸ Decree of Government of the RA "On Approval of Rules for International Carriage of Passengers and Luggage from the Territory of the Republic of Armenia", N1587-N, 27.12.2007

³⁹ Council Regulation (EC) No. 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State

⁴⁰ Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

⁴¹ The Decree of the Government of Armenia N-1263, 24.12.2001 on Approving Special Rules for Nuclear and Radioactive Materials Transportations

⁴² Law of Armenia on Transport, HO-201, 03.02.1998

⁴³ Council Directive No. 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States. OJ No. L 368, 17/12/1992

⁴⁴ Law of Armenia on the Civil Code, HO-239, 05.05.1998, Article 858, Law of Armenia on Transport HO-201, 03.02.1998, article 10

⁴⁵ Law of Armenia on Licensing HO-193, 30.05.2001, Article 43

⁴⁶ Council Directive No. 95/18/EC of 19 June 1995 on the licensing of railway undertakings, Article 2, OJ No. L 143, 27/06/1995, p70:

envisage a similar differentiation and licensing procedure for each of them (the procedure is general). The procedure for verifying financial stability of persons performing rail transport activities which is a necessary condition for receiving a licence based on the Council Directive No. 95/18 of 19 June 1995⁴⁷. The Armenian legislation does not envisage terms of access to railway infrastructure and the order of safety certification of railway infrastructure and railway undertakings. The Armenian legislation does not define the system of national standards for exploitation, safety and efficiency of railway infrastructure.

The Armenian legislation does not comply with the Council Directive No. 96/49 of 23 July 1996⁴⁸ defining the order of transport of dangerous goods by rail and the incompliance is also related to the lack of the system of national standards.

The order of transportation of nuclear and radioactive materials complies with the EU Directive No 96/49. It is defined by the decree of the Government of Armenia No. 1263 of 24 December on Approving Special Rules for Nuclear and Radioactive Materials Transportations⁴⁹. Meanwhile it is necessary to define a separate regulation for the transport of dangerous goods by rail.

EU legislative norms which are currently inapplicable in Armenia

Norms of the three EU Directives are not currently applied in Armenia since they are exclusively related to EU Member States. They are as follows:

- Regulation (EC) No. 1382/2003 of 22 July 2003 of the European Parliament and of the Council on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme)
- Directive No. 2001/16/EC of 19 March 2001 of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system
- Council No. 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system

Armenia is not involved in the system of combined transport of goods and cannot enjoy financial assistance of the system of Marco Polo II. Railway system operating in Armenia joins none of the railway system of the EU Member States and the issue of compliance of interoperability norms is not currently a priority. There is no high-speed rail system in Armenia.

Within the framework of the Programme subchapter "Rail Transport" is scheduled to completely approximate with the requirements of the EU legislation in the course of 2007-2009 except for the above-mentioned acts.

⁴⁷ Council Directive No. 95/18/EC of 19 June 1995 on the licensing of railway undertakings, Article 1, OJ No. L 143, 27/06/1995, p70

⁴⁸ Council Directive No. 96/49 of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail

⁴⁹ The Decree of the Government of Armenia N-1263, adopted on 24.12.2001 on Approving Special Rules for Nuclear and Radioactive Materials Transportations

4. INSTITUTIONAL AND ADMINISTRATIVE CAPACITIES

Q7. Do the relevant ministries and regulatory authorities and/or other technical organisation (if any) have sufficient numbers of adequately trained staff to reform the Armenian government institutional administrative structure for the implementation control and enforcement of legislation regulating road transport and rail transport and bring it in line with the EU institutional requirements?

Ministries have no sufficient staff with appropriate knowledge of English language, which is essential to deal with European and International documentations (Directives, standards) hinders from the advanced drafting of regulations. The core departments of the ministries have very limited key staff, and those people always overloaded with current operations. The short number of the staff and lack of knowledge of English language is a largest problem in the ministries.

The External Relations Department of the MOTC is the strongest link in terms of capacities, as all the staff has computers, internet access, and they are aware of the EU legislation and best practices. Besides, most of the employees have good knowledge of English.

Q8: Do the ministries have sufficient capacity to implement the NP in the area of the implementation control and enforcement of legislation regulating road transport and rail transport? Is secondment of experts, exchange and training of civil servants being undertaken?

Department of Transport of the MOTC has 12 employees from which only half have computers, and only the Head of the Department has internet access, and only 3 persons are sufficiently competent in English. All of the staff has higher education, except one person.

Department of Foreign Relations of the MOTC has 8 employees. All of them have computers and internet access. All of the staff has higher education, but there are no candidates or doctors of sciences. The most part of the staff has good knowledge of English.

Transport Inspectorate under the Staff of the MOTC has 29 employees; from them 3 do not have higher education. All the inspections are properly documented. Trainings are organised by the MOTC for the staff of the Inspectorate. Almost all the employees have participated in those trainings.

“Armenian Railway” CJSC has 4264 employees, and only 15% have higher education. There is one candidate of sciences, no doctors of sciences. About 16% of the staff is sufficiently competent in English. There are training programmes for the staff, including trainings for train drivers. 12 people participate in such trainings yearly.

Most of the issues in relation to the capacities are general for all regulatory bodies:

- The competent regulatory authorities presently do not have sufficient number of adequately trained staff to be set in working groups for the implementation of the said sector-specific European directives and master their tasks.
- Lack of or insufficient English knowledge by staff involved is relevant to all ministries. The problem becomes more complicated because of the low salaries of civil servants, as experienced lawyers, economists or engineers fluent in English are much demanded and pretend for high salaries.
- Equipment is out-of-date; access to Internet is limited or absent (usually one computer is connected to Internet per department, which has not enough power to download the documents, and time limit applied even for this one).
- Secondments, exchange, training of civil servants often fails because of lack of financing.

Q9: Is funding adequate for implementation of the NP?

Funding of MOTS and Transport Inspectorate is not sufficient for implementation of the NP. MOE and MNP have funding for the implementation of their daily activity and some development work. There is no funding for obtaining of advanced software, computers, special equipment and adequate training of the personnel. In the ministries not all personnel is computer literate and knows English. Besides of that not all of the relevant staff is provided with computers and internet.

5. THE NATIONAL PROGRAMME

Q10. What are the goal and objectives of the NP in relation to the institutional administrative structure for the implementation control and enforcement of legislation regulating road transport and rail transport?

Within the framework of the Programme subchapter "Road Transport" is scheduled to completely approximate with the standards of the EU legislation by 2009.

Road Transport

Year 2007

According to the National Programme, the Armenian legislation had to be approximated based on the Council Directive No. 684/92 of 16 March 1992⁵⁰, Commission Directive No. N2121/98 of 30 November 1993⁵¹, Council Decision No. 93/704/EC⁵², Council Directives No. 94/55/EC of 21 November 1994⁵³, No. 3821/85 of 20 December 1985⁵⁴, Council Regulations No. 1999/36/EC of 29 April 1999⁵⁵, No. 96/53/EC of 25 July 1996⁵⁶.

It was planned under the National Programme that the Armenian legislation on international carriage of passengers by bus would be approximated with the Council Regulation No. 684/92 of 16 March 1992 and Commission Regulation No. N2121/98 of 2 October 1998. In particular, according to the NP, rules for international carriage of passengers by bus and draft decree of the Government of Armenia had to be elaborated on approving the procedure for drawing up necessary documents.

At the time of elaboration of the National Programme there was no legal act in the Armenian legislation on recording equipment in road transport. For approximation, draft decree of the Government of Armenia on approving the procedure for preservation, transportation, installation and usage of recording equipment in road transport was planned to be elaborated based on Council Directive No. 3821/85 of 20 December 1985.

Rules for the carriage of transportable pressure equipment by road were not defined by the Armenian legislation. For approximation, elaboration of draft decree of the Government of Armenia on approving the order of carriage of transportable pressure equipment by road was planned based on the Council Directive No. 1999/36/EC of 29 April 1999.

Terms restricting dimensions and weights of certain road vehicles intended for international carriage of goods by road circulating within the territory of Armenia were not defined by the time of the NP adoption. For laying down restricting terms draft decree of the Government of Armenia on approving maximum dimensions and weights of certain road vehicles intended for national and international carriage of goods by road had to be elaborated based on the Council Directive No. 96/53/EC of 25 July 1996.

⁵⁰ Council Regulation (EEC) No. 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus

⁵¹ Commission Regulation (EC) No. 2121/98 of 2 October 1998 laying down detailed rules for the application of Council Regulations (EEC) No 684/92 and (EC) No. 12/98 as regards documents for the carriage of passengers by coach and bus

⁵² Council Decision No. 93/704/EC of 30 November 1993 on the creation of a Community database on road accidents

⁵³ Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

⁵⁴ Council Regulation (EEC) No. 3821/85 of 20 December 1985 on recording equipment in road transport

⁵⁵ Council Directive No. 1999/36/EC of 29 April 1999 on transportable pressure equipment

⁵⁶ Council Directive No. 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic

For strengthening institutional capacities trainings on common European rules for international carriage of goods by road will be conducted. Draft decree of the Government of Armenia on data compilation and creation of database on road accidents (crash, occurrence, accident) was planned to be elaborated for providing road safety and preventive measures in the event of emergency situation based on the Council Decision No. 93/704/EC of 30 November 1993.

Attaching importance to legislative regulation of carriage of dangerous goods within the territory of Armenia and population safety related legislation regulating that field it was planned to approximate Armenian legislation with the Council Directive No. 94/55/EC of 21 November 1994⁵⁷. Draft law of Armenia on transport of dangerous goods will be elaborated for the approximation of the Armenian legislation. Draft decree of the Government of Armenia on approving the order of transport of goods by road will also be elaborated for regulating the transport of goods by road based on Council Regulation No. 94/55/EC of 21 November 1994⁵⁸.

It was scheduled to establish a Center for transport accidents investigation under the Government of Armenia during 2007. The main goal of the Center is to provide expert's opinion on transport incidents (crash, occurrence, accident). It was planned that the Center would operate based on the Law of Armenia on Transport of Dangerous Goods which is envisaged to adopt in the course of 2007. Trainings on Common European rules for international carriage of goods by road will be conducted.

Year 2008

The Armenian legislation will be approximated based on the Council Directives No 95/50/EC of 6 October 1995⁵⁹, Commission Regulation No. 3118/93 of 25 October 1993⁶⁰, Regulation No. 2003/59/EC of the European Parliament and of the Council⁶¹, Council Regulation No. 96/35/EEC of 3 June 1996⁶², Regulations No. 2002/15/EC of the European Parliament and of the Council⁶³, Council Directives No. 881/92 of 26 March 1992⁶⁴, No. 12/98 of 11 December 1997⁶⁵ and No. 96/26/EC of 29 April of 1996⁶⁶.

For laying down the order of checks on the transport of dangerous goods by road draft decree of the Government of Armenia on approving the procedure for checks on the transport of dangerous goods by road within the territory of Armenia will be elaborated based on the Council Directives No. 95/50/EC of 6 October 1995.

With the view to securing safety and control of transport of goods draft decree of the Government of Armenia on approving the order of appointment and vocational qualification of safety advisers for the transport of dangerous goods by road will be elaborated based on the Council Directive No. 96/35/EEC of 3 June.

For liberalization of road transport market and ensuring competition two draft decrees of the Government of Armenia on approving the order and terms of access to the market in the

⁵⁷ Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

⁵⁸ Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

⁵⁹ Council Directive No. 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road

⁶⁰ Council Regulation (EEC) No. 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State

⁶¹ Directive No. 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC

⁶² Council Directive No. 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway

⁶³ Directive No. 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities

⁶⁴ Council Regulation (EEC) No. 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States

⁶⁵ Council Regulation (EC) No. 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State

⁶⁶ Council Directive No. 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations

carriage of goods by road and on approving the regulation to operate road passenger transport services for non-resident carriers within the territory of Armenia will be elaborated based on the Council Directives No. 881/92 of 26 March 1992 and No. 12/98 of 11 December 1997.

With the purpose of regulating working hours of road transport operator in the territory of Armenia draft decree of the Government of Armenia on organizing the working hours of road transport operator in the territory of Armenia will be elaborated based on the Directive No. 2002/15/EC of 11 March 2002 of the Council and of European Parliament.

For strengthening institutional capacities in the field of road transport in Armenia, a Centre for vocational training and qualifications of specialists in transport sector under the Ministry of Transport and Telecommunications. The main goal of the Centre is to secure recognition of road transport operators' activities as well as recognition of diplomas, certificates and other evidence of formal qualification of transport sector specialists.

For defining the procedure for recognition of activities of road transport operators as well as recognition of diplomas, certificates and other evidence of formal qualification of transport sector specialists draft decree of the Government of Armenia on approving the order of mutual recognition of road transport operators, road passengers transport operators as well as mutual recognition of diplomas, certificates and other evidence of formal qualification bases on the Council Directive No. 96/26/EC of 29 April 1996.

For liberalization of road transport market and ensuring competition two draft decrees of the Government of Armenia on approving the order and terms of access to the market in the carriage of goods by road, draft decree of the Government of Armenia on approving the regulation for non-resident carriers to operate road haulage services within the territory of Armenia will be elaborated based on the European Commission Regulation No. 3118/93 of 29 April 1996.

With the view to securing safety and quality services in road transport sector draft decree of the Government of Armenia on approving the order of initial qualification and terms of periodic training intended for drivers of certain road vehicles for road haulage and road passenger transport operators within the territory of Armenia based on Regulation No. 2003/59/EC of 15 July 2003 of European Parliament and of the Council.

Year 2009

The Armenian legislation will be approximated based on the Council Regulation No. 3820/85 on the harmonization of certain social legislation relating to road transport⁶⁷. For harmonizing social insurance of workers in road transport sector with the EU legislation draft law of Armenia on social insurance of workers in road transport sector will be elaborated based on the Council Regulation No. 3820/85. For strengthening institutional capacities training will be conducted on social insurance of workers in road transport sector.

Q11. Which ministry or regulatory authority is designated for co-ordination of the NP implementation in the sphere of the implementation control and enforcement of legislation regulating of road transport and rail transport ?

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
1.	Ministry of Transport and Communication of Armenia	The main tasks of the ministry in the transport sector are elaboration and implementation of the transport policy. Within its powers the public administration, regulation, state policy elaboration and implementation in the field of transport, elaboration and implementation of short- and long-term programmes in the field of	2007 3 rd Elaboration of draft decree of the Government of Armenia on creating database and compilation of data on road incidents(crash, accidents, occurrences) based on decree of the Government of Armenia No. 1297-N	

⁶⁷ Council Regulation (EEC) No. 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
		<p>transport, ensuring the scientific-technological development in the field of transport, coordination, analysis of the information in the transport system and forecasting, within its powers coordination of activities in the field of transport with regional government and local self-government authorities, elaboration of mobilization programmes in the field of transport and coordination of functioning transport units in emergency cases, elaboration of normative legal and normative technical acts relating to transport field, elaboration of technical norms and standards in regard of exploitation of transport, within its powers carrying out control in regard of execution of normative legal acts, within its powers organization of common system of carriage of passengers.</p>	<p>2007 3rd</p> <ul style="list-style-type: none"> • Elaboration of draft Law of Armenia on transport of dangerous goods • Elaboration of draft decree of the Government of Armenia on approving the order of transport of dangerous goods by road <p>2007 4th</p> <p>Elaboration of draft decree of the Government of Armenia on approving the order of preservation, carriage, installation and usage of recording equipment intended for road transport</p> <p>2007 4th</p> <p>Elaboration of draft decree of the Government of Armenia (technical regulation) on approving the order of carriage of transportable pressure equipment by road</p> <p>2007 4th</p> <p>Elaboration of draft decree of the Government of Armenia on approving maximum authorized dimensions and weights for certain types of vehicles in national and international traffic</p> <p>2008 1st</p> <p>Elaboration of draft decree of the Government of Armenia on approving the procedures for checks on transport of dangerous goods by road in Armenia</p> <p>2008 1st</p> <p>Elaboration of draft decree of the Government of Armenia on approving the procedure and terms of access to the market in the carriage of goods by road</p> <p>2008 1st</p> <p>Elaboration of draft decree of the Government of Armenia on approving the regulation to operate road passenger transport services for non-resident carriers within the territory of Armenia</p> <p>2008 2nd</p> <p>Elaboration of draft decree of the Government of Armenia on approving the order of appointment and vocational qualification of safety advisers for the transport of dangerous goods by road</p> <p>2008 2nd</p> <p>Elaboration of draft decree of the Government of Armenia on the organisation of working time of persons performing mobile road transport activities within the territory of Armenia</p> <p>2008 2nd</p> <p>Elaboration of draft decree of the Government of Armenia on approving the procedure for admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications in the territory of Armenia</p> <p>2008 3rd</p> <p>Elaboration of draft decree of the</p>	

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
			<p>Government of Armenia on approving the regulation to operate road haulage services within the territory of Armenia for non-resident carriers</p> <p>2008 4th Elaboration of draft decree of the Government of Armenia on approving the order of initial qualification and terms of periodic training of drivers of certain road vehicles for the carriage of goods or passengers within the territory of Armenia</p> <p>2009 1st Elaboration of draft law on social protection of persons working in road transport sector.</p>	
2.	Ministry of Trade and Economic Development of Armenia	<p>The main tasks of the ministry in the transport sector are (i) elaboration of structural and investment policy principles, methods and the ways of their implementation, (ii) elaboration of effective measures of state participation in economic activity regulations, (iii) support to improvement of the business and investment environment (iv) elaboration of economic safeguard measures to protect the economic safety of Armenia, (v) elaboration and implementation of policy of local trade, local market protection, support to the formation and development of the system for protection of consumers' interests, (vi) elaboration and implementation of economic policy of transport, (vii) elaboration and implementation of market substructure development policy.</p>	<p>2007 4th quarter Elaboration of draft decree of the Government of Armenia on approving the order of preservation, carriage, installation and usage of recording equipment intended for road transport</p> <p>2007 4th quarter Elaboration of draft decree of the Government of Armenia (technical regulation) on approving the order of carriage of transportable pressure equipment by road</p> <p>2007 4th quarter Elaboration of draft decree of the Government of Armenia on approving maximum authorized dimensions and weights for certain types of vehicles in national and international traffic</p> <p>2008 1st Elaboration of draft decree of the Government of Armenia on approving the regulation to operate road passenger transport services for non-resident carriers within the territory of Armenia</p> <p>2008 2nd Elaboration of draft decree of the Government of Armenia on approving the procedure for admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications in the territory of Armenia</p> <p>2008 3rd Elaboration of draft decree of the Government of Armenia on approving the regulation to operate road haulage services within the territory of Armenia for non-resident carriers</p>	
3.	Police under the Government of Armenia	<p>The main tasks of the Police under the GoA in transport sphere are to protect the life and health of individuals and traffic regulation in accordance with the legislation.</p>	<p>2007 3rd quarter Elaboration of draft decree of the Government of Armenia on creating database and compilation of data on road incidents (crash, accidents, occurrences) based on decree of the Government of Armenia No. 1297-N</p> <p>2007 4th quarter Elaboration of draft decree of the Government of Armenia on approving the order of preservation, carriage, installation and usage of recording equipment intended for road transport</p>	

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
			<p>2007 4th quarter Elaboration of draft decree of the Government of Armenia (technical regulation) on approving the order of carriage of transportable pressure equipment by road</p> <p>2007 4th quarter Elaboration of draft decree of the Government of Armenia on approving maximum authorized dimensions and weights for certain types of vehicles in national and international traffic</p> <p>2008 1st quarter Elaboration of draft decree of the Government of Armenia on approving the procedures for checks on transport of dangerous goods by road in Armenia</p> <p>2008 1st quarter Elaboration of draft decree of the Government of Armenia on approving the regulation to operate road passenger transport services for non-resident carriers within the territory of Armenia</p> <p>2008 2nd quarter Elaboration of draft decree of the Government of Armenia on approving the procedure for admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications in the territory of Armenia</p> <p>2008 4th quarter Elaboration of draft decree of the Government of Armenia on approving the order of initial qualification and terms of periodic training of drivers of certain road vehicles for the carriage of goods or passengers within the territory of Armenia</p>	
4.	Ministry of Urban Development of Armenia	The main tasks of the ministry in the transport sector are participation in state road construction and elaboration of road safety regulation.		
5.	State Customs Committee under the Government of Armenia	<p>The main tasks of State Customs Committee under the RA Government, manage, organize and monitor customs activities. The structure of the central apparatus of the State Customs Committee under the RA Government was confirmed by the RA Prime-Minister's No. 247 Decree of February 20th "On Confirming the Charter and the Central Apparatus Structure of the State Customs Committee under the RA Government".</p> <p>The regional customs houses are customs entities where the goods and means of transportation/vehicles transferred by the organizations registered in the customs zone of activity of the given regional customs house are processed.</p>	<p>2007 2nd quarter Elaboration of draft decree of the Government of Armenia on approving the procedure for drawing up necessary documents and rules for international carriage of passengers by bus.</p> <p>2007 4th quarter Elaboration of draft decree of the Government of Armenia on approving maximum authorized dimensions and weights for certain types of vehicles in national and international traffic</p> <p>2008 1st quarter Elaboration of draft decree of the Government of Armenia on approving the procedure and terms of access to the market in the carriage of goods by road</p> <p>2008 3rd quarter Elaboration of draft decree of the Government of Armenia on approving the regulation to operate road haulage services within the territory of Armenia for</p>	

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
			non-resident carriers	
6.	Ministry of Nature Protection of Armenia	The main tasks of the ministry in transport sector are elaboration and implementation policy for regulation environmental protection, assessment and analysis of transport means and road construction having negative impact on environment.	<p>2007 3rd quarter</p> <ul style="list-style-type: none"> Elaboration of draft Law of Armenia on transport of dangerous goods Elaboration of draft decree of the Government of Armenia on approving the order of transport of dangerous goods by road <p>2007 4th quarter</p> <p>Elaboration of draft decree of the Government of Armenia (technical regulation) on approving the order of carriage of transportable pressure equipment by road</p> <p>2008 1st quarter</p> <p>Elaboration of draft decree of the Government of Armenia on approving the procedures for checks on transport of dangerous goods by road in Armenia</p> <p>2008 2nd quarter</p> <p>Elaboration of draft decree of the Government of Armenia on approving the order of appointment and vocational qualification of safety advisers for the transport of dangerous goods by road.</p>	
7.	Ministry of Education and Sciences of Armenia	The main tasks of the ministry in the transport sector are elaboration and implementation state programs related to environmental protection, educational and	<p>2008 2nd quarter</p> <p>Elaboration of draft decree of the Government of Armenia on approving the procedure for admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications in the territory of Armenia</p>	
8.	Ministry of Labour and Social Affairs of Armenia	The main tasks of the ministry in the transport sector are development p of regulations on life and health protection at work, as well as compensation for damages caused at work.	<p>2008 2nd quarter</p> <p>Elaboration of draft decree of the Government of Armenia on the organisation of working time of persons performing mobile road transport activities within the territory of Armenia</p> <p>2009 1st quarter</p> <p>Elaboration of draft law on social protection of persons working in road transport sector</p>	

Q12. What are the goal and objectives of the NP in relation to the institutional administrative structure for the implementation control and enforcement of legislation regulating road transport and rail transport?

Rail Transport

Year 2007

Highlighting the importance of competition in rail market as well as safety of passengers, carriers and infrastructure, the legislation regulating Armenian rail transport will be approximated with the Directives No. 2001/14 of 26 February 2001⁶⁸ and No. 2004/49 of 29 April 2004⁶⁹ of the European Parliament and of the Council. In particular, draft law of Armenia on Rail Transport will be elaborated.

⁶⁸ Directive No. 2001/14/EC of 26 February 2001 of the European Parliament and of the Council on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification

⁶⁹ Directive No. 2004/49/EC of 29 April 2004 of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive No. 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification

Two draft decrees of the Government of Armenia on approving the order of safety evaluation of railway infrastructure and undertakings using them and on approving the order of levying of charges for the use of railway infrastructure and safety certification will be elaborated.

The legislation defining the order of awarding licence for the organization of railway activities in the territory of Armenia will be approximated with the Council Directive No. 95/18/EC of 19 June 1995⁷⁰.

For approximating the legislation regulating licensing of railway undertakings draft law on amendments to the Law of Armenia on Licensing⁷¹ will be elaborated.

Proposed amendments will refer to Article 43 of the above-mentioned Law: differentiate railway activities in the activity list subject to licensing based on the Council Directive No. 95/18 of 19 June 1995.

According to the amendments to the above-mentioned Law draft decree of the Government of Armenia on approving the procedure for awarding licence to railway undertakings within the territory of Armenia will be elaborated.

Year 2008

The legislation regulating combined transport of goods within the territory of Armenia will be approximated with the Council Directive No. 92/106 of 7 December 1992⁷². In particular, draft law on amendments to the Law of Armenia on Transport⁷³ will be elaborated for defining the order and terms for combined transport of goods. Draft decree of the Government of Armenia on approving rules for combined transport of goods will be elaborated in accordance with those amendments.

For strengthening institutional capacities it is scheduled to establish a Centre for transport accidents investigation under the Ministry of Transport and Telecommunications of Armenia. The main goal of the Centre will be to provide expert's opinion to the public on accidents in transport sector.

Year 2008

Legislation regulating transport of dangerous good within the territory of Armenia will be approximated based on the Council Directive No. 96/49 of 23 July 1996⁷⁴.

According to the requirements of the EU legislation draft decree of the Government of Armenia on approving the order of transport of dangerous goods within the territory of Armenia will be elaborated.

Q13. Which ministry or regulatory authority is designated for co-ordination of the NP implementation in the sphere of the implementation control and enforcement of legislation regulating of road transport and rail transport?

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
1.	Ministry of Transport and Communication of Armenia	The main tasks of the ministry in the transport sphere are elaboration and implementation of the transport policy. Within its powers the public administration, regulation, state policy elaboration and implementation in the field of	2007 2 nd <ul style="list-style-type: none"> Elaboration of draft law of Armenia on Transport Based on the Order N 116-052; 116-053; 116-056 and 67of the 	

⁷⁰ Council Directive No. 95/18/EC of 19 June 1995 on the licensing of railway undertakings, Article 2, OJ No. L 143, 27/06/1995, p70

⁷¹ Law of Armenia on Licencing HO-193, 30.05.2001, Article 43

⁷² Council Directive No. 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States. OJ No. L 368, 17/12/1992

⁷³ Law of Armenia on Transport, HO-201, 03.02.1998

⁷⁴ Council Directive No. 96/49 of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
		<p>transport, elaboration and implementation of short- and long-term programmes in the field of transport, ensuring the scientific-technological development in the field of transport, coordination, analysis of the information in the transport system and forecasting, within its powers coordination of activities in the field of transport with regional government and local self-government authorities, elaboration of mobilization programmes in the field of transport and coordination of functioning transport units in emergency cases, elaboration of normative legal and normative technical acts relating to transport field, elaboration of technical norms and standards in regard of exploitation of transport, within its powers carrying out control in regard of execution of normative legal acts, within its powers organization of common system of carriage of passengers.</p>	<p>Minister of Transport and Telecommunications, draft decree of the Government of Armenia on approving the order of safety evaluation of railway infrastructure and undertakings using them will be elaborated.</p> <ul style="list-style-type: none"> • Based on the Order N67-N of 15.03.2004 of the Minister of Transport and Telecommunications on Approving the Rules for Technical Exploitation of Railways draft decree of the Government of Armenia on approving the procedure for levying of charges for the use of railway infrastructure and safety certification <p>2007 4th</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the Law of Armenia on Licensing • Elaboration of draft decree of the Government of Armenia on approving the order of licensing of railway undertakings within the territory of Armenia <p>2008 1st</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the law of Armenia on Transport • Elaboration of draft decree of the Government of Armenia on approving common rules for certain types of combined transport of goods in the territory of Armenia <p>2009 2nd</p> <ul style="list-style-type: none"> • Elaboration of draft decree of the Government of Armenia on approving common rules for transport of dangerous goods by rail in the territory of Armenia 	
2.	Ministry of Trade and Economic Development of Armenia	<p>The main tasks of the ministry in the transport sector are (i) elaboration of structural and investment policy principles, methods and the ways of their implementation, (ii) elaboration of effective measures of state participation in economic activity regulations, (iii) support to improvement of the business and investment environment (iv) elaboration of economic safeguard measures to protect the economic safety of Armenia, (v) elaboration and implementation of policy of local trade, local market protection, support to the formation and development of the system for protection of consumers' interests, (vi) elaboration and implementation of economic policy of transport, (vii) elaboration and implementation of market substructure development policy.</p>	<p>2007 2nd</p> <ul style="list-style-type: none"> • Elaboration of draft law of Armenia on Transport • Based on the Order N 116-052; 116-053; 116-056 and 67of the Minister of Transport and Telecommunications, draft decree of the Government of Armenia on approving the order of safety evaluation of railway infrastructure and undertakings using them will be elaborated. • Based on the Order N67-N of 15.03.2004 of the Minister of Transport and Telecommunications on Approving the Rules for Technical Exploitation of Railways draft decree of the Government of Armenia on approving the procedure for levying of charges for the use of railway infrastructure and safety certification <p>2007 4th</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the Law of Armenia on Licensing • Elaboration of draft decree of the 	

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
			<p>Government of Armenia on approving the order of licensing of railway undertakings within the territory of Armenia</p> <p>2008 1st</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the law of Armenia on Transport • Elaboration of draft decree of the Government of Armenia on approving common rules for certain types of combined transport of goods in the territory of Armenia <p>2009 2nd</p> <ul style="list-style-type: none"> • Elaboration of draft decree of the Government of Armenia on approving common rules for transport of dangerous goods by rail in the territory of Armenia 	
3.	Ministry of Finance and Economy of Armenia	The main tasks of the ministry in the transport sector are analysis of the financial implication of the transport sector laws (taxes and state expenses).	<p>2007 2nd</p> <ul style="list-style-type: none"> • Elaboration of draft law of Armenia on Transport • Based on the Order N 116-052; 116-053; 116-056 and 67of the Minister of Transport and Telecommunications, draft decree of the Government of Armenia on approving the order of safety evaluation of railway infrastructure and undertakings using them will be elaborated. • Based on the Order N67-N of 15.03.2004 of the Minister of Transport and Telecommunications on Approving the Rules for Technical Exploitation of Railways draft decree of the Government of Armenia on approving the procedure for levying of charges for the use of railway infrastructure and safety certification <p>2007 4th</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the Law of Armenia on Licensing • Elaboration of draft decree of the Government of Armenia on approving the order of licensing of railway undertakings within the territory of Armenia <p>2008 1st</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the law of Armenia on Transport • Elaboration of draft decree of the Government of Armenia on approving common rules for certain types of combined transport of goods in the territory of Armenia 	
4.	Public Services Regulatory Commission of Armenia	<p>The aim of the Commission is to balance the interests of consumers and persons engaged in regulated activities in the field of public services, to equal conditions for regulated persons, to contribute to the establishment and development of competitive markets and to promote the efficient utilisation of resources.</p> <p>The regulated fields are:</p> <ul style="list-style-type: none"> • Energy Sector <ul style="list-style-type: none"> ○ Electric energy 	<p>2007 2nd</p> <ul style="list-style-type: none"> • Elaboration of draft law of Armenia on Transport • Based on the Order N 116-052; 116-053; 116-056 and 67of the Minister of Transport and Telecommunications, draft decree of the Government of Armenia on approving the order of safety evaluation of railway 	

NN	Institution	The main task and regulatory framework	Time frame for the NP implementation	Notes
		<ul style="list-style-type: none"> ○ Hitting ○ Gas • Water <ul style="list-style-type: none"> ○ supply of drinking, technical and irrigation water ○ waste water treatment • Telecommunication Sector <ul style="list-style-type: none"> ○ Data and information transfer • Postal service sector, • Rail Transport sector, <ul style="list-style-type: none"> ○ Approval of the methodology for the calculation of infrastructure exploitation fees, ○ Calculation and approval of the exploitation fees, <p>The mandatory technical inspection of vehicles (only in terms of rates)</p>	<p>infrastructure and undertakings using them will be elaborated</p> <ul style="list-style-type: none"> • Based on the Order N67-N of 15.03.2004 of the Minister of Transport and Telecommunications on Approving the Rules for Technical Exploitation of Railways draft decree of the Government of Armenia on approving the procedure for levying of charges for the use of railway infrastructure and safety certification <p>2007 4th</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the Law of Armenia on Licensing • Elaboration of draft decree of the Government of Armenia on approving the order of licensing of railway undertakings within the territory of Armenia <p>2008 1st</p> <ul style="list-style-type: none"> • Elaboration of draft law amending the law of Armenia on Transport • Elaboration of draft decree of the Government of Armenia on approving common rules for certain types of combined transport of goods in the territory of Armenia 	
5.	Ministry of Nature Protection of Armenia	The main tasks of the ministry in transport sector are elaboration and implementation policy for regulation environmental protection, assessment and analysis of transport means and road construction having negative impact on environment.	<p>2009 2nd</p> <ul style="list-style-type: none"> • Elaboration of draft decree of the Government of Armenia on approving common rules for transport of dangerous goods by rail in the territory of Armenia 	

6. RECOMMENDATIONS

Road Transport

Recommendation 1. Framework legislation:

1. Adoption of Law of RA “On Carriage of goods and Cargo”. The aim of the adoption of the law definition of cargo transportation activity, state regulation and supervision of the sector of cargo transportation, rights and responsibilities of participants, licensing and requirement norms for this activity.
2. Adoption of Law of RA “On Transport of Dangerous Goods”. The aim of this Law is the definition of transporters and dangerous goods, technical requirements for transporters in the process of carriage of dangerous goods within the territory of Armenia and population safety related to that.
3. Adoption of a Government Decree on transport of dangerous goods within the territory of Armenia. The aim of this Decree is the regulation of some technical and safety norms related to carriage.
4. Adoption of Decree of the Government of Armenia on carriage of transportable pressure equipment by road.
5. Adoption of Decree of the Government of Armenia on approving maximum dimensions and weights of certain road vehicles intended for national and international carriage of goods by road.
6. Adoption of the Government of Armenia on Organising the Working Hours of Road Transport operator in the territory of Armenia in order to regulate the working hours of road transport operator in the territory of RA.
7. Adoption of the Government of Armenia on approving the order of preservation, carriage, installation and usage of recording equipment intended for road transport.
8. Adoption of Decrees of the Government of Armenia on Urban Public and Interregional transport management in order to enhance mechanisms of State regulations and technical conditions of transport means and develop inter-marz cooperation.

Recommendation 2. NP implementation infrastructure:

- To establish inter-ministerial working group with delegation of specific functions by the Government of the RA.
- Organise the special structures in each relevant Ministry (e.g. Subdivision of EU Legislative and Institutional Approximation in the sphere of Transport).
- The main obstacle in the NP implementation is translation of primary and secondary legislation of the EU into national language. The establishment of a Legal Translation Centre as a state non-commercial organisation operating under the Ministry of Justice of Armenia shall be defined by the Government of the RA.

Recommendation 3.

At the aim for strengthening institutional capacities in the field of road transport in Armenia establishment a centre for training and vocational qualifications of specialists in transport sector under the Ministry of Transport and Communications of RA. The main goal of the centre is to secure recognition of road transport operators` activities as well as recognition of diplomas, certificates, and other evidence of formal qualification of transport sector specialists.

Recommendation 4.

With the view to securing safety and quality services in road transport sector draft decree of the Government of Armenia on approving the order of initial qualification and terms of periodic training intended for drivers of certain road vehicles for road haulage and road passenger transport operators within the territory of Armenia.

Recommendation 5.

Creation on the Transport Borders of RA Units of Transport Inspectorate, with the aim of checking the technical condition, utilized capacity, and other requirements of entered and exit from the territory of RA Armenian and foreign vehicles.

Recommendation 6.

Organise the translation of the Agreement “On Transportation of Dangerous Goods by Road” and adopt it.

Recommendations for the Rail Transport Sector

Recommendation 7.

7. Adoption of the Law of RA “On Transport of Dangerous Goods”.
8. Adoption of the Law on amendments to the Law of RA “On Licensing”, in order to differentiate railway activities in the activity list subject to licensing.
9. Draft Decree of the Government of Armenia on approving the order of safety evaluation of railway infrastructure and undertakings using them.
10. Draft Decree of the Government of Armenia on approving the order of levying of charges for the use of railway infrastructure and safety certification.
11. Draft Decree of the Government of Armenia on approving the order of licensing of railway undertakings within the territory of RA.
12. Draft Decree of the Government of Armenia on approving the order of transport of dangerous goods within the territory of RA.

Recommendation 8.

It is necessary to enlarge the functions and liabilities and the staff of Transport Inspection of RA, in order the Inspectorate to fulfil its stationary obligations provided by Law “On Transport Inspectorate” more effectively, it mainly concerns transport accidents, crash and occurrence.

Recommendation 9.

In order to have the possibility of functioning and ensure the safety of rail system the following steps need to be implemented,

- Unbundling the monopolistic structure: (i) infrastructure, (ii) rolling stock, (iii) retail operation (passenger tickets, small freights etc).
- Create department for regulation of the rail road activity under the MOTC;
- To reequip and modernize rails, contact network, rail logs, electro transformations and other railroads equipments;
- Rolling Stocks is luck powered and depreciated;
- Rail wheels. Majority of Rail wheels depreciated and not liable for reconstruction. The depreciation of rail wheels is a cause of the majority of accidents in the railway in Armenian railroad.
- Wagons.
- Passenger wagons have not been repaired approximately 30 years. They do not meet necessary quality and technical standards.
- Freight wagons. At the same bad condition as a Passenger wagons.
- One good feature of Armenian Railroad System is the qualified Staff. However the staff has not been trained over the long time. In the case of innovation and installation of new modern and upgraded equipment in Railroad sector, they would not have the necessary experience and skills.

7. ANNEX A; EXAMPLES OF REGULATORY AUTHORITIES IN EU MEMBER STATES

The European approach

In Europe, the experiences have been mixed. Sometimes regulatory reform can also raise costs because of the fragmentation of activities and lead to insufficient levels of investment, as was also illustrated by certain aspects of the reform in the United Kingdom at the beginning of the 1990s.

However, new entrants may also be more efficient than historic companies because of more flexible management methods. The choices made in the United Kingdom represent one of the poles of the European approach, comprising a public strategy, a separate network manager, companies operating on this network, an independent regulator responsible for safety, performance and costs, and transit rights for freight on the most frequently used train paths. On the other hand, a number of European countries remained relatively sceptical and cautious about liberalisation and the comparative advantages of vertical disintegration.

The European approach has been able to build on these experiences in order progressively to open up of the European railway market, starting with the initial directive of 1991 up to the first railway package of 2001. The growth in the demand for transport following the creation of the internal market and the growing mismatch of supply – because of important bottlenecks that affect European infrastructure – have made the integration of railway systems indispensable. There was concern over the relative decline of this mode of transport, especially in the field of freight. It therefore seemed necessary to take action to revitalise the sector. This led the Commission, in a white paper of 2001, to make the railway system a key factor for sustainable growth. The objective of European policies was to facilitate seamless point-to-point transport to ensure the relative competitiveness of rail. The strategy adopted is based on three pillars:

- structural separation in infrastructure management,
- the establishment of independent regulatory authorities
- third-party access to national networks.

The texts adopted contain detailed provisions on the opening up of markets for railway freight and passenger transport, network access, the interoperability of high-speed and conventional railway systems, the granting of State aid, public service obligations and the conclusion of public service contracts. All these aspects are now covered, beyond the initial directive of 1991, in three railway “packages”, of which the first two are currently in force, with a third set of provisions still under study. However, the complexity of the process and the slow pace of implementation clearly illustrate a number of underlying tensions.

A key element is the vertical separation of infrastructure and service management, coupled with the management of access rights and the establishment of regulatory authorities. The ECMT (2001) considers that the EU approach seems to be most appropriate in small countries that have significant trade with each other, which is the case of Switzerland. However, this approach is not necessarily welcomed by everyone in Switzerland. For example, Pfund (2002, 2003) is sceptical about the developments under way, pointing out the great variety of the institutional solutions effectively implemented in the various European countries. Free access for passenger transport still appears to be a distant prospect. It is most highly developed for freight. Lastly, there remains the issue of the independence of the management of train paths and access, even within an integrated framework.

In economic terms, the challenge is to obtain the efficient management of freight transport paths and to establish a non-discriminatory access pricing system for the management and pricing of infrastructure use. In the current European perspective, on the basis of evaluations conducted in the United States and Australia, this will require the intervention of independent regulatory and arbitration authorities. There are two possible solutions. The first would consist of a light-handed system of arbitration that would intervene after appeals to the courts. The second one, which has been adopted by the EU, is for an authority independent of any freight operator to have the legal authority to allocate capacities and assign train paths, even though the detailed work of timetable management and the operational management of traffic can be left to the infrastructure manager, which may belong to an integrated group. The reciprocity requirement is a useful tool for ensuring non-discrimination; by blocking the entities of countries that manage access rights in order to protect their historic operator and shifting traffic towards more open countries.

Another important aspect concerns infrastructure use charges. These charges are often determined at the marginal social cost. However, studies show that this only accounts for approximately 60% of the total infrastructure costs. The rest must be covered therefore either through subsidies or through other compensation mechanisms.

An evaluation of these reforms was conducted by IDEI (2003) on the basis of World Bank panel data for the 1980-2000 periods for a group of European countries, but not including Switzerland. The reforms have improved efficiency, but their effect will depend on the sequencing of the reforms. The introduction of multiple reforms in a single package has effects that are at best limited, while sequential reforms improve efficiency. The 1% growth in freight traffic also had the effect of reducing passenger traffic by 0.25%. The reforms have generally improved efficiency, in particular for small countries. Germany and Sweden seem to have seen the greatest improvement in efficiency, both for passenger and overall transport. In Germany, the possibility of third-party access enabled many competitors to enter the market, even though infrastructure and operations remain in the hands of same holding company.

Overview of legislative framework in the European Union in the field of rail transport

The initial foundations of the modernisation of the European regulatory framework were laid by Directive 91/440/EEC of 1991, which specifies that member States must manage rail companies competitively. Companies must be independent, with a budget and an accounting system that are separate from those of the State. Also, there must be a separate accounting system for railway infrastructure and service operators. Following this initial directive, two directives were adopted in 1995 in order to define common rules. They were included and effectively implemented in the first railway package presented below.

1. The first railway package develops a coherent set of instruments for promoting the opening and liberalization of networks

- **Directive 2001/12/EC** strengthens the provisions of the 1991 Directive, which granted right of access to the network, requiring member States to extend access rights to the national segment of the Trans-European Rail Freight Network. The totality of the Trans-European Rail Freight Network will be open to international freight services by 15 March 2008.
- **Directive 2001/13/EC** amends Directive 95/18/EC and sets common criteria for the licensing of rail companies established within the Union; the licences will be valid throughout the territory of the Community.
- **Directive 2001/14/EC**, which replaces Directive 95/19/EC, defines transparent and fair rules and procedures for the allocation of train paths: the allocation and pricing of paths should not be the responsibility of companies or groups of companies active in the transport sector. It also lays down the principles for levying infrastructure charges. Lastly, the member States are required to create a regulatory body that will ensure that no candidate is discriminated against; the decisions of infrastructure managers may be appealed to this body.

2. Under the “second railway package”, a series of texts entered into force in 2004, which:

- Accelerate the opening of international freight transport and allow it to be extended to domestic transport (cabotage). The agreed date for the total opening up of rail freight markets is 1 January 2007 (**Directive 2004/51/EC**, amending Directive 91/440)
- Reinforce safety through **Directive 2004/49/EC**, which develops a common approach to safety and establishes a common system for safety certificates
- Allows greater interoperability through **Directive 2004/50/EC**, amending Directives 96/48/EC and 2001/16/EC
- Establishes a European Agency responsible for railway safety and interoperability (**Regulation 881/2004**) providing technical support for work on interoperability and safety

3. The “third railway package”, a new series of provisions is under study and contains:

- A proposal for a directive on the certification of drivers of locomotives and trains used for passenger and freight transport in the Community
- A proposal for a regulation on international rail passengers' rights
- A proposal for a directive on opening up the market for international passenger services by rail by 1-Jan-2010
- A proposal for a regulation on the quality of rail freight services

Basic regulatory framework for railway services and provisions for Third Party Access

Country	Status of incumbent operator			Infrastructure Separation		Access		
	Company	Status of company	Dates for Key recent reforms	Structural separation	Accounting separation	Third party Access	Freight	Passenger transport
AUSTRIA	ÖBB (Österreichische Bundesbahnen)	Government Ownership	1992 enterprise		Yes	2002	Yes	Yes
FRANCE	SNCF	EPICs (Public establishment with industrial and commercial purpose)	1997	Yes	Yes	1997	Partly: International freight 2003 /total freight in 2007	No: international traffic foreseen in 2010
GERMANY	DB AG	State owned private Stock company	1994 (merging DB and DR)/ 1999 (legal separation of the business units)		Yes	1994	Yes	Yes. In the field of long-distance passenger rail transport there is currently only 1 competitor: Connex Group. L passenger transport : DB holds a market share of 90%
ITALY	Trenitalia	Part of Gruppo Ferrovie dello Stato SpA, a holding company 100% state owned	2000	Yes		1999	Mandated access within a (soft) vertical separation framework.	Not really: domestic undertaking could operate passenger services in competition with Trenitalia only in principal Existing legislation limits the possibility for foreign companies to operate domestically even through cabotage (only through an international grouping)
NETHERLANDS	NS-Reizigers	100% state-owned	1996 and 2002		Yes	1995	Yes: Open market for freight services.	International passenger transport yes/Competition for passenger transport passenger market is limited to some lines not pas the core NS network
UK	Incumbent was split and does not exist anymore	All railway operating companies are private	1993 and 2000	Yes		1993	Yes	Yes
SPAIN	RENFE jan 2005. Renfe +ADIF	Public corporations under the direction of Ministry of Development (MdF)	2004	Yes		Yes	2006 market will be opened for international freight for all routes	There are currently no passenger railway operations other than RENFE for the main line network. There will be liberalization of passenger services until a new Europe Directive is agreed
SWITZERLAND	SBB	Shareholding corporation (fully state-owned)	1999		Yes	YES 1998 Rail Access Decree	Open access for Swiss railway undertakings. Limitations by congestion of infrastructure	Right of access to railway network. However, regulation of passenger transport is subject to concession. SBB is currently the sole holder of a concession for long distance traffic.

Source: National Submissions to Rail Roundtable (DAFFE/COMP/WP2(2005), Steer Davies Gleave for the European Commission, NEA Transport research and training for the European Commission adjusted by the OECD Secretariat

Licensing and Safety Regulation for railway services

Country	Licensing authority	Criteria for licensing	Comments
Austria	Ministry of Transport BMVIT ¹	Creditworthiness and competence (for national concessions), operator's eligibility and a safety certificate (for European concessions)	ÖBB. A safety certification is necessary for European Concessions
France	Ministry of Transport	Criteria for attribution are: good repute, financial capacity, ability to cover legal liability, professional competence	
Germany	EBA ²	License is awarded on criteria of reliability, financial fitness, professional competence, insurance for liability	
Italy	Ministry of Transport (MIT)	Solvability, professional competence, record of stability, proof of good maintenance of rolling stock	Ministry of Transport sets standards for safety certificates, RFI ³ issues them.
Netherlands	IVW Netherlands Railway Authority	Professional qualities, reputation, financial stability, professional insurance	Operator must hold a safety certificate issued by IVW
Spain	Ministry of Development (MdF)	Railway undertaking must be registered in accordance with Spanish company legislation and the Railway Sector Law. The undertaking must demonstrate its financial robustness: ability to cover financial needs for 12 months period, assessment of its annual accounts, its equity and shareholders guarantees. Must demonstrate that it is up-to-date with its contributory and social security payments.	Certificate issued by Ministry of Infrastructure (MdF) by ADAF ⁴
Switzerland	FOT	Guarantee of well-functioning and safety of the operations, rolling stock fulfils requirements, labour rights and conditions are respected, respect of safety measures	The safety certificate is issued by the FOT
United Kingdom	Office for Rail Regulation (ORR)	There are 5 different licences standards	ORR issues, modifies and enforces licences HSE ⁵ issues safety certificated to railway undertakings and infrastructure managers. Responsibility passed to ORR in 2005.

Source: National Submissions to Rail Roundtable (DAFFE/COMP/WP2(2005), Steer Davies Gleave for the European Commission, NEA Transport research and training for the European Commission adjusted by the OECD Secretariat

¹ BMVIT: Ministry of Transport, Innovation and Technology, ² EBA: Eisenbahn-Bundesamt, ³ RFI: Rete Ferroviaria Italiana Spa (infrastructure manager), ⁴ ADAF: Asociación de Acción Ferroviaria (institute for interoperability), ⁵ HSE: Health and Safety Executive

Regulatory framework and authorities for railway path allocation

Country	Regulator	Regulators tasks	Path allocation, infrastructure manager	Independence incumbent operator	Charges for path utilization
Austria	SCG1 and SCK2 (within SCG)	SCG: monitoring, system supervising SCK: taking decisions on conflicts between railway undertakings	Infrastructure manager ÖBB	No	BMVIT: decision-making process of charging. ÖBB is responsible for determining access charges from operators. There is no distinction between passenger and freight transport
France	Mission de contrôle des Activités ferroviaires	Monitors the railway market, handles appeals to decisions related to charging and capacity allocation	RFF	Yes. But incumbent operator remains reference body for all technical issues: construction, operation and maintenance of the national rail infrastructure.	Set by Ministry of Transport on a proposal of RFF
Germany	EBA	Traditional tasks: licensing, safety, interoperability, statistics, dispute for capacity allocation settlement. Competition control enhanced in 2002	DB Netz	No. The infrastructure manager is still not sufficiently independent from the operator of the DBGroup.	DB Netz and Germany's infrastructure managers (regional network providers). Infrastructure charging scheme is based on one-price –for-all principle
Italy	Ministry of Transport	Issues guidelines, certificates, licenses and safeguards compliance of operating companies.	RFI4 responsibility endorsed by Ministry of Transport (MIT).	Yes	Proposed by RFI, final decision by MIT. Charges reflect direct and indirect costs or running railway services (saturation of the track, weight, speed, energy consumption)
Netherlands	Dutch competition authority and Office of Transport regulation	Office of Transport Regulation has special powers to ensure correct functioning of the market	ProRail5	Yes	Prorail. Charges for passenger trains depend on km run and stations used. Charges for cargo trains depend on km run
Spain	Rail regulator still to be established, will be integrated in the MdF	Rail regulator will resolve conflicts between ADIF and Railway users, on granting of safety certificates; application of criteria contained in network statement; capacity allocation procedures; amount, structure or application of charges	ADIF6 infrastructure manager	Yes	ADIF. Charges must be in accordance with general economic principles of viability, efficient exploitation, market situation. Principles of equality, transparency nondiscrimination. Environment, congestion, accident costs
Switzerland	Railway Arbitration Commission (RACO)	RACO: handles complaints regarding competition, takes decisions concerning network access agreements between parties	Infrastructure Managers SBB, BLS within boundaries of network access law.	No, there is no legal separation between infrastructure manager and railway operator	Railway undertakings concerned agree in a convention on forms of access to the network and of charging. Federal Council defines principles for setting charges
United Kingdom	Office for Rail Regulation	Responsible for regulatory issues. with Office of Fair Trading it is responsible for competition monitoring and enforcement	ORR for primary allocation track capacity. For secondary allocation: Network Rail	Yes	ORR. Ensure that access contracts contain appropriate incentives to promote efficient and effective performance

Source: National Submissions to Rail Roundtable (DAFFE/COMP/WP2(2005), Steer Davies Gleave for the European Commission, NEA Transport research and training for the European Commission adjusted by the OECD Secretariat

¹ SCG: Schienen-Control GmbH, ² SCK: Schienen-Control Kommission, ³ RFI: Rete Ferroviaria Italiana Spa (infrastructure manager), ⁵ Prorail: infrastructure manager, ⁶ ADIF: Administrador de Infraestructuras Ferroviarias (infrastructure manager)

8. ANNEX B: LIST OF ARMENIAN LEGISLATION

Primary legislative acts (laws) regulating the Transport (road and rail) Sector

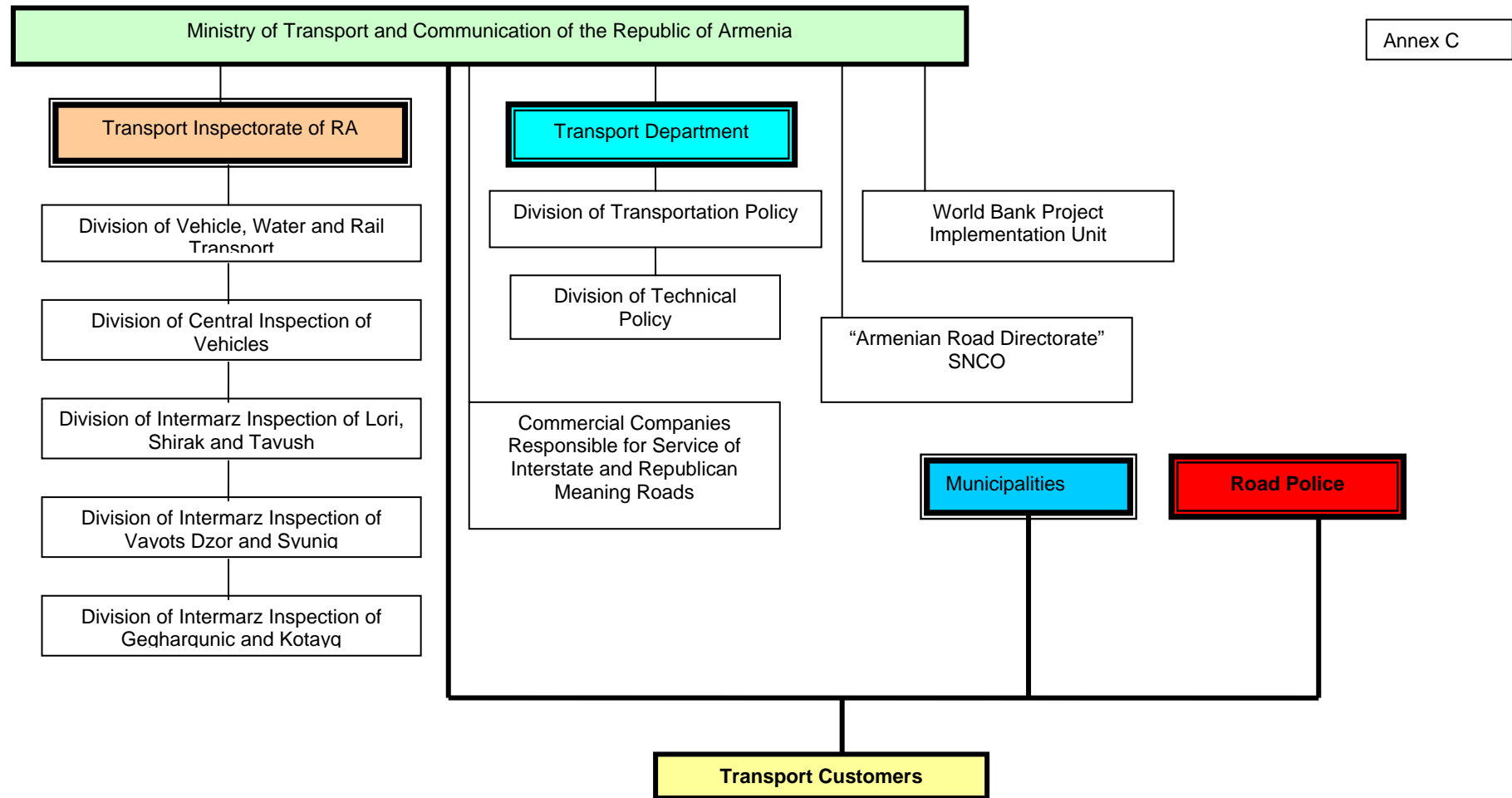
1. Law of RA “On Transport”, /Adopted 03.02.1998., HO-201-N/
2. Law of RA “On Traffic safety”, /Adopted 08.06.2005., HO-166-N/
3. Law of RA “On Vehicle transport”, /Adopted 05.12.2006., HO-233-N/
4. Law of RA “On Transport Inspectorate”, /Adopted 05.12.2006., HO-234-N/
5. Law of RA “On Licensing”, /Adopted 30.05.2001., HO-193-N/
6. Law of RA “On Rail transport”, /Adopted 28.10.2007, HO-293-N/;
7. Law of RA “On Imposition and revision of tariffs on provision of services in the field of mandatory technical inspection of vehicles via defect identification technical means”, /Adopted 18.12.2007, HO-298-N/

Secondary legislative acts regulating the Transport (road and rail) Sector

1. Decision of the Government of the Republic of Armenia “On transfer of the Armenian Railroads to the Ministry of Transport and Communication”, No.9377-N, 20.07.1993;
2. Decision of the Government of the Republic of Armenia “On ensuring business participation measures of RA in International road transportation Convention of 1975”, No.22, 26.01.1996;
3. Decision of the Government of the Republic of Armenia “On approval the procedures of traffic payments for the usage of common roads by heavy and large- sized transport means in RA”, No.248, 08.07.1997;
4. Decree of the Minister of Transport of the Republic of Armenia “On approving the procedures of railroad technical exploitation”, No.116/171-0008, 06.11.1997;
5. Decision of the Government of the RA on establishment of the “Staff of Ministry of Transport and Communication” as a State Governmental Organization and Approval of the Charter and the Structure of the Ministry of Transport and Communication”, No.1809-N, 21.11.2002;
6. Decision of the Government of RA “On Approval of the Charter and the Structure of the Transport Inspectorate of the Republic of Armenia”, No.1810-N, 21.11.2002;
7. Decision of the Government of the Republic of Armenia “On Approval the Licensing rule and license examples on rail transport activity in the Republic of Armenia”, No.1044-N, 30.06.2002;
8. Decree of the Minister of Transport of the Republic of Armenia “On approving the decree of safety of technical and industrial sanitary at the process of implementation of repair works of railroad and artificial units in Armenian railway”, No. 116-053, 09.01.2002;
9. Decision of the Government of the Republic of Armenia “On approving cadastre maintenance rules and lists of register templates for self-propelled road-building vehicles and mechanisms, water, road-transport means”, No.1847-N, 16.12.2004;
10. Decision of the Government of the RA “On definition of authorities of cadastre maintenance and registration of pledge rights of moving property, as well as registration of leasing rights through leasing contracts”, No.1678-N, 29.10.2004;
11. Decision of the Government of the RA “On establishment of Armenian Road Directorate” State non-commercial organization, No.1720-N, 18.12.2004;
12. Decision of the Government of RA “On Armenian Railroads” CJSC, No.1003-2, 14.07.2005;
13. Decision of the Government of the Republic of Armenia “On approval of technical clauses related to safety requirements of vehicles and mechanisms”, No.2390-N, 15.12.2005;

14. Decision of the Government of the Republic of Armenia "On approval the rule of organization of road traffic", No1206-N, 29.06.2006;
15. Decision of the Government of the RA "On primary measures on railroad sphere reforms", No1497-N, 12.10.2006;
16. Decision of the Government of the RA "On Approval of technical conditions of ecology safety by used vehicle means on in the territory of the RA", No.965-N, 22.06.2006,
17. Decision of the Government of the RA "On Approval of technical conditions of ecology safety by used vehicle means on in the territory of the RA", No.965-N, 22.06.2006;
18. Decision of the Government of the Republic of Armenia "On approving the rule of State registration of Vehicles", N1853-N, 30.11.2006;
19. Decision of the Government of the RA "On Approval of the Order of carry out mandatory technical diagnosis of transport means in RA", N344-N, 15.12.2007;
20. Decision of Government of the RA "On Approval of Rules for International Carriage of Goods from the Territory of the Republic of Armenia", N1226-N, 30.08.2007;
21. Decision of Government of the RA "On Approval of Rules for International Carriage of Passengers and Luggage from the Territory of the Republic of Armenia", N1587-N, 27.12.2007

9. ANNEX C: ARMENIAN TRANSPORT REGULATORY AUTHORITIES



Annex C

10. ANNEX D: LIST OF EU LEGISLATION

1. Council Regulation (EEC) No. 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State.
2. Council Regulation (EC) No. 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State.
3. Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road.
4. Directive No. 2004/54/EC of the European Parliament and of Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network.
5. Council Directive No. 91/439/EEC of 29 July 1991 on driving licences.
6. Council Regulation (EEC) No. 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus.
7. Commission Regulation (EC) No. 2121/98 of 2 October 1998 laying down detailed rules for the application of Council Regulations (EEC) No 684/92 and (EC) No. 12/98 as regards documents for the carriage of passengers by coach and bus.
8. Council Decision No. 93/704/EC of 30 November 1993 on the creation of a Community database on road accidents.
9. Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road.
10. Council Regulation (EEC) No. 3821/85 of 20 December 1985 on recording equipment in road transport.
11. Council Directive No. 1999/36/EC of 29 April 1999 on transportable pressure equipment.
12. Council Directive No. 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic.
13. Council Directive No. 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road.
14. Council Directive No. 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road.
15. Directive No. 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC.
16. Council Directive No. 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway.
17. Directive No. 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities.
18. Council Regulation (EEC) No. 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States.
19. Council Directive No. 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations.
20. Council Regulation (EEC) No. 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport.

11. OTHER RELEVANT ANNEXES

TRANSLATION ISSUES (Estonian experience):

Applicant countries are required to translate the various legal texts constituting the *acquis* into their national languages by the time of their accession. Primary and secondary legislation alone represents a considerable volume of acts, roughly estimated at 60,000-70,000 pages of the Official Journal. To help the candidate countries in this process, assistance is being provided under the **Phare programme**.

The translation of the *acquis communautaire* was managed and coordinated by the Estonian Legal Translation Centre (ELTC), a state agency administered by the State Chancellery. The ELTC was responsible, *inter alia*, for the translation of the *acquis* into Estonian and of Estonian legislation into English, and for the creation and management of the full-text database of legal translations. **These were made available to the public through the Internet.**

The ELTC had two departments, the Estonian and English Translation Units. Translation priorities were established in co-operation with the line ministries and approved by the Council of the Senior Civil Servants. The ELTC has had **81 employees, 65 of whom were translators, terminologists and linguistic and legal revisers.**

The Centre's terminologists used to work in close co-operation with subject field specialists in the line ministries and other institutions. All translations produced by the Centre passed through in-house linguistic and legal revision and, where possible, received content edit by a subject area specialist in the ministry concerned.

ELTC has started with translation and revision of all the primary legislation of the *acquis*. As of September 2001, the ELTC and ministries had revised 28 760 Official Journal pages of secondary legislation (compared to 11 385 pages in 2000).

ENERGY AND TRANSPORT, KEY FIGURES

6% of our energy comes from renewable energy sources; the target is 12% by 2010.
24.9% of oil imports (EU-15) comes from the Middle East and 29.8% of natural gas imports comes from Russia.

97.5%: oil's share of fuel consumption in the transport sector.

8%: the percentage by which the EU is committed to reduce greenhouse gas emissions over the period 1990-2010.

0.2%: the foreseeable growth in CO₂ emissions over that period if nothing is done.

7.5 million jobs: the economic significance of the transport sector in the EU.

72%: of inland freight transport is carried by road, 17% by rail, 5.5% by inland waterway and 5.5% by pipelines.

92% of inland passenger transport is by road (83% by private car and 9% by bus and coach) and 8% by rail (7% by railway and 1% by tram or metro).

19% for freight and 13% for passengers: the increased need for mobility since 1995 (excluding maritime and air transport).

84.2% of CO₂ emissions attributable to inland transport are generated by road transport.

5.3%: the reduction in the number of fatalities on the roads between 2000 and 2002.

High-Speed Rail
Directive 96/48/EC on High-speed rail

Short name:	High-speed rail
Base:	Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system (OJ No L 235 of 1996-09-17)
Modification:	Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 amending Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC on the interoperability of the trans-European conventional rail system (OJ L 164 of 2004-04-30)
Directives repealed:	[-]
Application Guide:	Guide for the application of the high-speed TSIs of Council Directive 96/48/EC
EC contact point:	DG Enterprise & Industry Mr. V. Martins, Tel. +32.2.296.08.16 Fax. +32.2.296.70.14 E-mail Website on the rail supply industry

Commission communication in the framework of the implementation of Council Directive 96/48/EC on the operability of the trans-European high-speed rail system
OJ C 332 of 2006-12-30

Summary list of titles and references of harmonised standards under Directive 96/48/EC relating to high-speed rail

The information contained in the summary list is a compilation of the references of standards which have been published in the Official Journal of the European Union.
Although the list is updated regularly, it may not be complete and it does not have any legal validity; only publication in the Official Journal produces legal affect.

ESO	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of conformity of superseded standard Note 1
CEN	EN ISO 3095:2005 Railway applications - Acoustics - Measurement of noise emitted by railbound vehicles (ISO 3095:2005)	—	
CEN	EN ISO 3381:2005 Railway applications - Acoustics - Measurement of noise inside railbound vehicles (ISO 3381:2005)	—	
CEN	EN 12663:2000 Railway applications - Structural requirements of railway vehicle bodies	—	
CEN	EN 13129-1:2002 Railway applications - Air conditioning for main line rolling stock - Part 1: Comfort parameters	—	
CEN	EN 13129-2:2004 Railway applications - Air conditioning for main line rolling stock - Part 2 : Type tests	—	
CEN	EN 13230-1:2002 Railway applications - Track - Concrete sleepers and bearers - Part 1: General requirements	—	

ESO	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of conformity of superseded standard Note 1
CEN	EN 13232-4:2005 Railway applications - Track - Switches and crossings - Part 4: Actuation, locking and detection	—	
CEN	EN 13232-5:2005 Railway applications - Track - Switches and crossings - Part 5: Switches	—	
CEN	EN 13232-6:2005 Railway applications - Track - Switches and crossings - Part 6: Fixed common and obtuse crossings	—	
CEN	EN 13232-7:2006 Railway applications - Track - Switches and crossings - Part 7: Crossings with moveable parts	—	
CEN	EN 13232-9:2006 Railway applications - Track - Switches and crossings - Part 9: Layouts	—	
CEN	EN 13260:2003 Railway applications - Wheelsets and bogies - Wheelsets - Products requirements	—	
CEN	EN 13262:2004 Railway applications - Wheelsets and bogies - Wheels - Product requirements	—	
CEN	EN 13272:2001 Railway applications - Electrical lighting for rolling stock in public transport systems	—	
CEN	EN 13481-1:2002 Railway applications - Track - Performance requirements for fastening systems - Part 1: Definitions EN 13481-1:2002/A1:2006	— Note 3	28.2.2007
CEN	EN 13481-2:2002 Railway applications - Track - Performance requirements for fastening systems - Part 2: Fastening systems for concrete sleepers EN 13481-2:2002/A1:2006	— Note 3	28.2.2007
CEN	EN 13481-5:2002 Railway applications - Track - Performance requirements for fastening systems - Part 5: Fastening systems for slab track EN 13481-5:2002/A1:2006	— Note 3	28.2.2007
CEN	EN 13674-1:2003 Railway applications - Track - Rail - Part 1: Vignole railway rails 46 kg/m and above	—	
CEN	EN 13674-2:2006 Railway applications - Track - Rail - Part 2: Switch and crossing rails used in conjunction with Vignole railway rails 46 kg/m and above	—	
CEN	EN 13674-3:2006 Railway applications - Track - Rail - Part 3: Check rails	—	
CEN	EN 13715:2006 Railway applications - Wheelsets and bogies - Wheels - Wheels tread	—	

ESO	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of conformity of superseded standard Note 1
CEN	EN 13848-1:2003 Railway applications - Track - Track geometry quality - Part 1: Characterisation of track geometry	—	
CEN	EN 14067-4:2005 Railway applications - Aerodynamics - Part 4: Requirements and test procedures for aerodynamics on open track	—	
CEN	EN 14067-5:2006 Railway applications - Aerodynamics - Part 5: Requirements and test procedures for aerodynamics in tunnels	—	
CEN	EN 14363:2005 Railway applications - Testing for the acceptance of running characteristics of railway vehicles - Testing of running behaviour and stationary tests	—	
CEN	EN 14531-1:2005 Railway applications - Methods for calculation of stopping distances, slowing distances and immobilization braking - Part 1: General algorithms	—	
CEN	EN 14535-1:2005 Railway applications - Brake discs for railway rolling stock - Part 1: Brake discs pressed or shrunk onto the axle or drive shaft, dimensions and quality requirements	—	
CEN	EN 14601:2005 Railway applications - Straight and angled end cocks for brake pipe and main reservoir pipe	—	
CEN	EN 14752:2005 Railway applications - Bodyside entrance systems	—	
CEN	EN 14813-1:2006 Railway applications - Air conditioning for driving cabs - Part 1: Comfort parameters	—	
CEN	EN 14813-2:2006 Railway applications - Air conditioning for driving cabs - Part 2: Type tests	—	
CENELEC	EN 50119:2001 Railway applications - Fixed installations - Electric traction overhead contact lines	NONE	-
CENELEC	EN 50121-1:2000 Railway applications - Electromagnetic compatibility - Part 1: General	NONE	-
CENELEC	EN 50121-2:2000 Railway applications - Electromagnetic compatibility - Part 2: Emission of the whole railway system to the outside world	NONE	-
CENELEC	EN 50121-3-1:2000 Railway applications - Electromagnetic compatibility - Part 3-1: Rolling stock - Train and complete vehicle	NONE	-
CENELEC	EN 50121-3-2:2000 Railway applications - Electromagnetic compatibility - Part 3-2: Rolling stock - Apparatus	NONE	-
CENELEC	EN 50121-4:2000 Railway applications - Electromagnetic compatibility - Part 4: Emission and immunity of the signalling and telecommunications apparatus	NONE	-
CENELEC	EN 50121-5:2000 Railway applications - Electromagnetic compatibility - Part 5: Emission and immunity of fixed power supply installations and apparatus	NONE	-

ESO	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of conformity of superseded standard Note 1
CENELEC	EN 50122-1:1997 Railway applications - Fixed installations - Part 1: Protective provisions relating to electrical safety and earthing	NONE	-
CENELEC	EN 50124-1:2001 Railway applications - Insulation coordination - Part 1: Basic requirements - Clearances and creepage distances for all electrical and electronic equipment Amendment A1:2003 to EN 50124-1:2001 Amendment A2:2005 to EN 50124-1:2001	NONE Note 3 Note 3	- Date expired (01.10.2006) 01.05.2008
CENELEC	EN 50124-2:2001 Railway applications - Insulation coordination - Part 2: Overvoltages and related protection	NONE	-
CENELEC	EN 50125-1:1999 Railway applications - Environmental conditions for equipment - Part 1: Equipment on board rolling stock	NONE	-
CENELEC	EN 50125-3:2003 Railway applications - Environmental conditions for equipment - Part 3: Equipment for signalling and telecommunications	NONE	-
CENELEC	EN 50126-1:1999 Railway applications - The specification and demonstration of Reliability, Availability, Maintainability and Safety (RAMS) - Part 1: Basic requirements and generic process	NONE	-
CENELEC	EN 50128:2001 Railway applications - Communication, signalling and processing systems - Software for railway control and protection systems	NONE	-
CENELEC	EN 50129:2003 Railway applications - Communication, signalling and processing systems - Safety related electronic systems for signalling	NONE	-
CENELEC	EN 50149:2001 Railway applications - Fixed installations - Electric traction - Copper and copper alloy grooved contact wires	NONE	-
CENELEC	EN 50155:2001 Railway applications - Electronic equipment used on rolling stock Amendment A1:2002 to EN 50155:2001	NONE Note 3	- Date expired (01.09.2005)
CENELEC	EN 50159-1:2001 Railway applications - Communication, signalling and processing systems - Part 1: Safety-related communication in closed transmission systems	NONE	-
CENELEC	EN 50159-2:2001 Railway applications - Communication, signalling and processing systems - Part 2: Safety related communication in open transmission systems	NONE	-
CENELEC	EN 50163:2004 Railway applications - Supply voltages of traction systems	NONE	-
CENELEC	EN 50206-1:1998 Railway applications - Rolling stock - Pantographs: Characteristics and tests - Part 1: Pantographs for main line vehicles	NONE	-
CENELEC	EN 50238:2003 Railway applications - Compatibility between rolling stock and train detection systems	NONE	-

ESO	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of conformity of superseded standard Note 1
CENELEC	EN 50317:2002 Railway applications - Current collection systems - Requirements for and validation of measurements of the dynamic interaction between pantograph and overhead contact line Amendment A1:2004 to EN 50317:2002	NONE Note 3	- 01.10.2007
CENELEC	EN 50367:2006 Railway applications - Current collection systems - Technical criteria for the interaction between pantograph and overhead line (to achieve free access)	NONE	-
CENELEC	EN 50388:2005 Railway applications - Power supply and rolling stock - Technical criteria for the coordination between power supply (substation) and rolling stock to achieve interoperability	NONE	-

Note 1: Generally the date of cessation of presumption of conformity will be the date of withdrawal (“dow”), set by the European Standardisation Organisation, but attention of users of these standards is drawn to the fact that in certain exceptional cases this can be otherwise.

Note 3: In case of amendments, the referenced standard is EN CCCC:YYYY, its previous amendments, if any, and the new, quoted amendment. The superseded standard (column 3) therefore consists of EN CCCC:YYYY and its previous amendments, if any, but without the new quoted amendment. On the date stated, the superseded standard ceases to give presumption of conformity with the essential requirements of the directive.

TSIs - Technical Specifications for Interoperability

2002/730/EC

Commission Decision of 30 May 2002 concerning the technical specification for interoperability relating to the maintenance subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC (*Notified under document number C(2002) 1946*)

2002/731/EC

Commission Decision of 30 May 2002 concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Council Directive 96/48/EC (*notified under document number C(2002) 1947*)

2002/732/EC

Commission Decision of 30 May 2002 concerning the technical specification for interoperability relating to the infrastructure subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Council Directive 96/48/EC (*notified under document number C(2002) 1948*)

2002/733/EC

Commission Decision of 30 May 2002 concerning the technical specification for interoperability relating to the energy subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC (*notified under document number C(2002) 1949*)

2002/734/EC

Commission Decision of 30 May 2002 concerning the technical specification for interoperability relating to the operation subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Council Directive 96/48/EC (*notified under document number C(2002) 1951*)

2002/735/EC

Commission Decision of 30 May 2002 concerning the technical specification for interoperability relating to the rolling stock subsystem of the trans-European high-speed rail system referred to in Article 6(1) of Directive 96/48/EC (*notified under document number C(2002) 1952*)