

THE LAW OF REPUBLIC TAJIKISTAN
"ABOUT TRANSPORT"

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Present Law handles the activity of carriers on automotive, railway, aerial and aqueous transport with a view toward the creation of conditions for the work of transportation system on basis of the market mechanisms to and sposobstvovaniya ensuring and the development of economically efficient transport services.

CHAPTER I. GENERALITY

Article 1. Definitions, accepted in present Law

In present Law following terms have following significances:

"Carrier" is a legal or physical person exploiting transport facility on right of private or another kin of property providing services as to the carrying of passengers, of baggage, of cargoes and (or) post offices for payment or as to hiring and having on this corresponding settlement (licence) produced in statutory order. Under term "carrier" as well is understood operator as to the transportation of cargoes by the different types of transport, whether or not, exploits it whereat some transport facility or no;

"Client" is a legal or physical person used by transport according to made agreement with carrier;

"Forwarding agent" is a legal or physical person carrying out activity for account of the carrier, consigner or consignee who makes contracts on carriage of goods and fulfils or will arrange the carrying out of the agreements of carriage of goods;

"Transport" is a branch of material manufacture carrying out of carriage of goods, passengers and baggage;

"Transport enterprise" is a artificial person, busy by economic-commercial activity as to carriage of goods of and passengers, to maintenance and the repairing of transport facilities;

"State transport enterprises" - of enterprise, the where the better half of it share (of block of shares) belongs state.

Article 2. Legislation about transport

The legislation of Republic Tajikistan about transport is found on [The constitution](#) of Republic Tajikistan and consists of present Law, of laws and other normative-legal acts, accepted according to this Law, as well as of international-legal acts, acknowledged by Republic Tajikistan.

Article 3. About property on transport

Transport in Republic Tajikistan is based on the manifold forms of property. The proprietors of transport enterprises are equal before law and use the similar protection of law.

Arterial railroads, of the motor road of general usage, as well as highways having defense significance, including engineering constructions on them, navigable waterway, devices and navigatsionnye symbols, regulatory and guaranteeing the security of navigation, aeronavigatsionnye the devices of control system aerial motion, the networks of telecommunications, engineering networks connected with guarantee of the security of the flights of aerial courts of law, are state property.

Article 4. Lands used for transport purposes

Application of or otvedenie lands for transport purposes is handled by laws and other normative-legal acts Republics Tajikistan.

In the purposes of guarantee of the reliable exploitation of constructions and other objects of transport in areas, liable obvalam, to landslides, razmyvam, to selyam and other dangerous natural influences, are established okhrannye zones.

Transport enterprises and carriers have to use the provided them of earth according to purposiveness and the conditions of their granting, to apply the nature-conservation technologies of manufacture and to exclude the worsenings of ecological situation as a result the activity.

CHAPTER II. CONTROL AND REGULATION

Article 5. Control by transport enterprises

To transport enterprises is provided independence in control by economic-manufacturing activity.

All sorts of activity of transport enterprises must be carried out according to legislation Republics Tajikistan about transport.

Article 6. The regulation of the activity of transport

The state regulation of the activity in the field of transport is carried out by means of legal ensuring, license tractates, of taxation, kreditovaniya, financings of and price formation, of implementation investition, of social and science-and-technology policy, of control over execution by transport enterprises the legislations of Republic Tajikistan about transport.

Public organs not right to interfere with the economic activity of transport enterprises, as well as to call the operational personnel of transport enterprises on another works, except cases envisaged by legislation Republics Tajikistan.

Activity connected with the implementation of transport process, is performed on basis of the settlement (licences) produced by The ministry of the transport of Republic Tajikistan all right established by Government Republics Tajikistan.

Article 7. State control by transport

Main warrants The governments of Republic Tajikistan are:

- the protection of the interests of Republic The tajikistan in the field of transport;
- implementation of mezhgosudarstvennogo and the international collaboration in the field of transport;
- the elaborating of projects legislative and other acts, of standards, of norms determining the legal and normative order of the operation of all sorts of transport, irrespective of the forms of property;
- the elaborating of state national programs and the concepts of the development of all sorts of transport, formation and arranging investition, of scientific and technical and social politics, as well as the preparation of frames;
- the creation of conditions for guarantee of the needs of economics and the populations of republic in carriages and connected with them services;
- control over the observance of the rights of the consumers of transport services;
- the elaborating of forecasts and the timely qualitative guarantee of the needs of the state necessities of republic and populations in carriages.

Article 8. The warrants of the organs of power on places in the transport sphere

The organs of state power on places carry out the warrants in the sphere of transport according to legislation Republics Tajikistan about transport.

Article 9. The ministry of the transport of Republic Tajikistan

The ministry of the transport of Republic Tajikistan is the organ of state control carrying out common transport politics in Republic Tajikistan.

[Instruction](#) on The ministry of the transport of Republic Tajikistan and it [structure](#) are stated by Government Republics Tajikistan.

The ministry of the transport of Republic Tajikistan consists of separate departments, in charge of sectors of automotive and aqueous transport, dorozhnogo economies, railway and aerial (including control by aerial motion in civil aviation) communications.

The legal status of departments is determined by Position been stated The ministry of the transport of Republic Tajikistan.

Article 10. The warrants of The ministry of the transport of Republic Tajikistan

In the warrants of The ministry of the transport of Republic Tajikistan enter:

- stating of the positions of the departments of ministry;
- planning and the control of programs contributing the competitive and efficient working of resources to and gain in performance the works of transportation systems; the control of tariffs and levies, vzimaemykh by state and private transport enterprises;
- the issuance of licences on the implementation of transport activity;
- the elaborating of development plans as to transport;
- the analysis of the investition needs of transport branch and the possibilities of transport enterprises, the elaborating of the long-range program of state investments;
- sposobstvovanie competition from topics, in order to promote access in transport sectors;
- assistance korporatizatsii, kommersializatsii and the privatization of state transport enterprises;
- assistance to the international and regional collaboration in the field of transport;
- ascertainment and guarantee of movement to norms as to security and the protection of consumer, to environmental protection of and natural resources to and the standards of the advanced techniques of control;
- concluding of agreements on the carrying out of activity connected with construction in the branches of transport, with the contractors of private sector which are determined on competitive and transparent basis;
- stating of the rules of the implementation of direct miscellaneous carriages.

The ministry of the transport of Republic Tajikistan carries out another warrants envisaged by present Law, other laws and normative-legal acts Republics Tajikistan.

Article 11. Interdepartmental advisory commission as to transport

In the purposes of the viewing of proposals touched the politicians of transport branch, gain in performances of and improving of methods khozyaistvovaniya, the defences of the interests of transport enterprises, carriers, clients and publics. By the government of Republic Tajikistan is established Interdepartmental advisory commission as to transport under predsestelstvom The minister of the transport of Republic Tajikistan.

In the composition of Interdepartmental advisory commission as to transport enter the representatives of the executive bodies of power on places, of other ministries, of departments, of scientific activities, of transport enterprises, carriers and clients.

Interdepartmental advisory commission as to transport carries out the activity on the basis of Position been stated by Government Republics Tajikistan.

CHAPTER III. ACTIVITY ON TRANSPORT

Article 12. Bases economic and economic activity

Basis of economic and economic attitudes on transport forms the market of demand and the proposals of transport services.

The organs of control, prinyavshie decision on organising of passenger carriages, profitability which is not provided by acting tariffs, provide subsidy from corresponding budget.

Article 13. Tariffs

On carriage of goods, passengers, of baggage and services connected with carriages, are established free (treaty) tariffs.

Article 14. State transport enterprises

State transport enterprises carry out the activity on commercial basis as independent economic units by means of agreement conclusion with The ministry of the transport of Republic Tajikistan.

Such agreements must comprise following documentation regarding state transport enterprises:

- corporate and commercial status;
- plan the-schedule of works and administrative independence;
- standards and the criteria of work and the accountability of leadership;
- principles and the order of the elaborating of structure otchetnosti, including development separate otchetnosti for various task units, the identification of the value of estate and nachislenii on it iznos;
- the identification of works and services fulfilled for state necessities, and the identification of their value;
- annual financial and manufacturing planned performance.

Article 15. Carriage of goods, passengers and baggage

Carriage of goods, passengers and baggage, including rendering of ekspeditsionnykh services connected with these carriages, are performed on the basis of the carrying agreement between client and carrier.

The conditions of carriages, implementation transport-ekspeditsionnoi activity, the order of using of transport facilities, guarantee of road safety, the observance of the rules of the guard of labor, fire-control security, of tekhniko-technological and sanitary norms are determined by laws, statutes and other normative acts been stated by Government Republics Tajikistan.

Article 16. Direct miscellaneous communication with the participation of the various types of transport

Railway, inner aqueous, aerial and automotive transport will arrange the system of direct miscellaneous communications.

The relationships of transport organizations in direct miscellaneous communication, as well as the order of organising of these carriages are determined by agreements between the organizations of corresponding types of transport consisted in correspondence with been stated by The ministry of transport by rules about direct miscellaneous carriages.

Article 17. Rights and the duties of passengers

Rights and the duties of passengers used by the services of transport in Republic Tajikistan, are determined by agreement between passenger and carrier, made according to laws and other normative acts Republics Tajikistan.

Passenger has right:

- provezti together free of charge the children at the age of till 5 years old, without the right of granting of to him separate place on aerial, railway and inner aqueous transport, on inter-town buses, as well as on urban and suburban transport, except taxi;
- to acquire tickets on children at the age of from 5 till 12 years old with the payment 50 per cent of the value of ticket.

On aerial transport, urban and suburban avtobusnykh carriages is established free provoz manual put and baggage by weight not above 20 kg.

On railway, inner aqueous transport, as well as in inter-town buses is established free provoz manual put and baggage by weight not above 35 kg.

Carriers right to enlarge weight free of charge perevozimogo on all sorts of transport of baggage and to establish another privileges.

Passenger right to demand from carrier, otkazavshegosya from the continuation of carriage or postponing on another term, to carry passenger in the location of designation and to compensate all disadvantages incurred by to him the cancellation of agreement.

Passenger has right for another privileges envisaged by laws Republics Tajikistan.

Article 18. Mezghosudarstvennyye and transit carriages

Carriage of goods and passengers by transit through the territory of Republic Tajikistan or between Republic Tajikistan and by other states are carried out according to international agreements Republics Tajikistan. ____

CHAPTER IV. SECURITY AND RESPONSIBILITY ON TRANSPORT

Article 19. Demands to transport facilities

Transport facilities must have certificate determining correspondence to the demands of security, to mediko-sanitary norms, to the norms of the guard of labor and ecology, to international and state standards and specification, as well as to be booked in set legislation order.

Transport facilities, not last certification and not booked in determinate order, to exploitation are not assumed.

The certification order is determined by Government Republics Tajikistan.

Article 20. The right of control by transport facilities

Kvalifikatsionnye demands as to control by transport facility and the criteria of the evaluation of fitness of the state of health for control by him are determined all right, the set by Ministry of the transport of Republic Tajikistan in conjunction with Ministry of health Republics Tajikistan.

The right of control by transport facility is provided to person having corresponding expertise and last medical inspection about the health state with the issuance of corresponding documents of set sample on the right of control by transport facility.

Article 21. The carrier's responsibility

Carrier provides the preservation of cargoes and baggage from the moment of the adoption of them to carriage and till issuance to recipient.

Carrier is responsible for deprivation, deficiency or the injury of cargo or baggage, if will not sustain that deprivation, deficiency or the injury of cargo or baggage occured not as to it fault.

Damage incurred in cargo carriage of or baggage, is atoned for by carrier.

In case deprivation or the deficiency of cargo or baggage carrier along with recompense paying returns payment for the carriage of utrachennogo cargo or baggage.

By stature can be envisaged and other types of responsibility.

Article 22. The responsibility of passenger, shipper and the recipient of cargo or baggage

Passengers, shipper and the recipient of cargo or baggage carry responsibility for damage incurred as to their fault to others, to the estate of carrier to and the estate of others, for which carries responsibility carrier.

Shipper carries responsibility for damage incurred to carrier or another person, before which carrier carries responsibility in connection with incorrectness, carelessness or incompleteness stated in the transport documents of information.

Article 23. The guard of perevozimykh cargoes and objects on transport

The guard of perevozimykh cargoes, of the objects of transport and arranging of fire-control preventive work on transport are carried out all right, set by Government Republics Tajikistan.

Article 24. Responsibility for the security of carriages

Responsibility for the security of the carriages of cargoes and passengers lies on carrier. Demands to security are determined by laws and other normative acts Republics Tajikistan.

Carrier carries responsibility for harm, vznikshii because of prichineniya death or the injury of health to passenger in carriage, if will not sustain that harm vznik because of intention poterpevshego or irresistible force.

The carrier's responsibility as to commitments appearing because of prichineniya death or the injury of health, is determined by Civil code Republics Tajikistan.

Article 25. Organising of the work of transport in extraordinary situations

In the appearance of the extraordinary instances (of earthquakes, of deluges, of fires, zanosov, of epidemics and other act ofs god) transport enterprises on this time will be drawn as to deciding The governments of Republic Tajikistan, of local executive bodies for the adoption of measures as to the elimination of adversities and their consequences.

The expenditures of transport enterprises in extraordinary instances as to the implementation of carriages connected with ensuring mobilization readiness, of measures as to civil defense and aviation to-space works in republic, are atoned for from budget.

Transport enterprises have to without delay take measures as to the eliminating of the consequences of acts of God and accidents, as well as of other circumstances bearing extraordinary disposition.

Article 26. Responsibility for environmental protection of and natural resources

Carriers and transport enterprises have to accept necessary measures envisaged by legislation Republics Tajikistan for the protection of environment and natural resources from any harmful influences because of carriage of goods by inland or transit through the territory of Republic Tajikistan.

Article 27. Insurance

To compulsory insurance is subject the carrier's responsibility before passengers in making by them of trips on railway, aerial, aqueous, mezhgosudarstvennom and mezhoblastnom automotive transport and the civil-legal responsibility of the owners of avtotransportnykh facilities.

Article 28. Responsibility for the legislation disorder about transport

Legal and physical person, vinovnye in the disorder of present Law, carry responsibility in set laws Republics Tajikistan order.

CHAPTER V. FINAL POSITIONS

Article 29. Control over the transport work

Control over carrying out by enterprises, irrespective of their appurtenant to that form of property, of transport legislation, of demands as to road safety, ecology in the exploitation of transport facilities is carried out by The ministry of transport and other envisaged by legislation Republics Tajikistan by state run public authorities.

Dosmotr transport facilities is carried out only in case, set by legislation Republics Tajikistan.

Article 30. Mezhgosudarstvennye the attitudes in the field of transport

Carriers can according to acting legislation Republics Tajikistan develop vneekonomicheskoe collaboration with the legal and physical person of other states and to carry out export and the import of the production (of works, of services).

If by international agreement, acknowledged Republic Tajikistan, are established other rules than that which are comprised in present Law that are applied the rules of corresponding agreement.

Article 30.1. About acknowledgement utrativshimi the force of some stature of Republic Tajikistan

To acknowledge utrativshim force The law of Republic Tajikistan from 12 December 1997 year «About [transport](#)» (Akhbori Majlisi Oli Republics Tajikistan, 1997, №23-24, article 340), The law of Republic Tajikistan from 14 May 1999 year «About [entering of changes in the article 21 Law of Republic Tajikistan «About transport»](#)» (Akhbori Majlisi Oli Republics Tajikistan, 1999 year, № 5, article 71) (Law №59 from 15.07.04g.)

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№ 32

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