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**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

Group on Road Transport

Report of the REPUBLIC of AZERBAIJAN on implementation of the QUALITY CHARTER

APPENDIX III:

- 1. Law on Amendments to the Code of Administrative Offences of the Republic of Azerbaijan N°1017-VQD of 23 February 2018**
- 2. Law on Amendments to the Law on “Road Transport” N°1657-VQD of 12 July 2019**
- 3. Decree N°409 of 18 December 2018.**

This document amends the Application submitted by the REPUBLIC of AZERBAIJAN
ITF/TMB/TR(2016)3/ADD27/FINAL.

JT03515827

1. Law of the Republic of Azerbaijan on Amendments to the Code of Administrative Offences of the Republic of Azerbaijan [N°1017-VQD]

The Milli Majlis (Parliament) of the Republic of Azerbaijan, pursuant to item 17, part 1, Article 94 of the Constitution of the Republic of Azerbaijan, decides:

Article 1. To make the following amendments to the Code of Administrative Offenses of the Republic of Azerbaijan:

To make the following amendments to the Code of Administrative Offenses of the Republic of Azerbaijan (Collection of Laws of the Republic of Azerbaijan, 2016, No. 2, I, Article 202, Number 3, Articles 397, 403, 429, No. 4, Articles 631, 647, 654, 5, articles 835, 846, N6, articles 997, 1010, N7 articles 1247, 1249, N10, article 1608, N11 articles 1769, 1774, 1781, 1783, 1786, 1788, N12 articles 1984, 2000, 2009, 2024, 2049; 2017 N1 article 21, N2 articles 139, 147, 152, 162, N3 articles 331, 344, N5 rticles 698, 701, 734, 749, 754, N6 articles, 1020, 1033, 1036, N7 articles 1273, 1296, 1297, 1299, N11 articles 1964, 1966, 1969, 1979; the laws of the Republic of Azerbaijan – October 31, 2017 N 847-VQD, November 17 857-VQD, 870-VQD, 874-VQD, 876-VQD, 882-VQD, 1 December 898-VQD, 901-VQD, 913- VQD, December 15, 949-VQD and December 29, 969-VQD):

1.1. The words “taximeter not working properly or with tampered seal” shall be added to the article 322.0.2.

1.2. Article 326-1 shall be amended as follows:

“Article 326-1. Carrying out of international and domestic (intercity and interregional) passenger and freight transportations in violation of the rules for the use of tachographs as well as performing this operation by driver not observing the working time and rest periods

326-1.1 penalty is applied in the amount of fifty manats for the violation of rules for the use of tachographs in international and domestic (intercity and interregional) passenger and freight transport by trucks and public transport, as well as for the following infringements of the rules:

326-1.1.1. to perform without tachograph;

326-1.1.2. to perform with a tachograph, which has expired or with a tampered seal;

326-1.1.3. to perform with a tachograph completely or some part not functioning;

326-1.1.4. to perform with a tachograph with no seal of inspection or without a relevant certificate of its inspection;

326-1.1.5. for the falsification of the registration data of the tachograph – the following penalties are imposed: natural persons - one hundred and fifty manats, official persons- five hundred manats, legal entities - one thousand manats.

326-1.2. Failure to comply with the working time and rest periods by the driver performing international and domestic (intercity and interregional) passenger and freight transport by trucks and public transport - is subject to a fine of fifty manats.”;

1.3. Article 342.1.10 to be abolished.

Article 2. Transitional provisions

2.1. The articles 1.1 and 1.2 of this law come into force from 1 January 2019.

2.2. Responsibility for committing an administrative offense stipulated by Article 322.0.2 of the Code of Administrative Offenses of the Republic of Azerbaijan shall arise after the entry into force of the new edition of this article.

Ilham ALIYEV
President of the Republic of Azerbaijan

Baku city, February 23, 2018

N 1017-VQD

<https://e-qanun.az/framework/38634>

(Entered into force from 1 January 2019)

2. The Law of the Republic of Azerbaijan on Amendments to the Law on “Road Transport” [N°1657-VQD]

Guided by Item 23 (1) of Article 94 of the Constitution of the Republic of Azerbaijan Milli Majlis (parliament) of the Republic of Azerbaijan decides:

To make the following amendments to the Law of the Republic of Azerbaijan on “Road Transport” (Collection of Legislation of the Republic of Azerbaijan, 2008 N 7, article 599; 2010, N 4 article 276, N 10 article 841; 2013, N 11 article 1302; 2014 N 4 article 342; 2015, N 8 article 903, N 12 article 1439; 2016, N 2 (Book II), article 221; 2017 N 2 article 140, N 12, (Book I) article 2211; 2018, N 1, article 22, N 12 (Book I), articles 2510, 2517; 2019, N 3 article 374)

1. to add articles 1.0.9-1—1.0.9-2 with the following contents:

“1.0.9-1 international road haulage operator involved in passenger and freight transportation (hereinafter referred to as operator) – legal entity or natural person registered by a relevant executive authority, implementing international passenger and freight haulage, meeting the criteria on good repute, financial standing, professional competence as well as driver(s) of which is/are meeting the requirements of the level of practical competence;

1.0.9-2. responsible person of the operator - natural person who manages the operator's transport activities in fact and continuously on a contractual basis, as well as meets the criteria for professional competence;”

2. to add article 50.1 the words “by operator” with the following content:

“An operator shall comply with the requirements of good repute, financial standing and professional competence, and the driver(s) of the operator shall meet the requirements of the level of practical competence;

3. the word “carrier” shall be replaced with the word “carriers” in the article 50.4

4. article 50.5 to be given with the following edition:

50.5 The responsible person(s) of the operator as well as the drivers carrying out international passenger and freight transportations shall be trained (or retrained) on professional competence established by the relevant executive authority. The program of the training is determined, organized and conducted by the relevant executive authority. According to the results of the training, the responsible person(s) of the operator or the drivers are issued a document approved by the relevant executive authority.

5. to add article 50.6 with the following content:

50.6 requirements of good repute, financial standing and professional competence of operator, level of practical competence of drivers as well as registration of the operators are defined by the rules of international passenger and freight transport by road approved by relevant executive authority”.

Ilham ALIYEV
President of the Republic of Azerbaijan

Baku city, July 12, 2019

N 1657-VQD

<https://president.az/articles/34116>

(published and entered into force on 28 Aug 2019)

3. Decree of The President of The Republic Of Azerbaijan N°409 of 18 December 2018

On the implementation of the Law No. 96-VQ of the Republic of Azerbaijan dated December 29, 2015 "On Approving the Code of Administrative Offenses of the Republic of Azerbaijan" in Decree No. 795 of the President of the Republic of Azerbaijan dated February 15, 2016 and of the President of the Republic of Azerbaijan on amending the "List of officials authorized to review cases of administrative offences" approved by Decree No. 1256 dated February 23, 2017

[Unofficial translation and original text follows below]

"List of officials authorized to review cases of administrative offences" approved by Decree No. 1256 dated February 23, 2017 [<https://e-qanun.az/framework/34930>] covers the officials from the central executive bodies of the Government and local executive bodies of the government to which the civil service legislation applies, such as:

Head of the state body; deputy head of the state body; the head of the state body's office; deputy head of the state body's office;. head of department in the apparatus of a state body; deputy head of department in the apparatus of a state body; sector manager in the apparatus of the state body; Chief consultant; senior consultant; etc.

By this decree the "Article 326-1" is added to the Code of Administrative Offences of the Republic of Azerbaijan [Article 326-1. Carrying out of international and domestic (intercity and interregional) passenger and freight transportations in violation of the rules for the use of tachographs as well as performing this operation by driver not observing the working time and rest periods].

<https://e-qanun.az/framework/40967>

The provisions of this Decree related to Article 326-1 of the Code of Administrative Offenses of the Republic of Azerbaijan entered into force on January 1, 2019.

On the implementation of the Law No. 96-VQ of the Republic of Azerbaijan dated December 29, 2015 "On Approving the Code of Administrative Offenses of the Republic of Azerbaijan" in Decree No. 795 of the President of the Republic of Azerbaijan dated February 15, 2016 and of the President of the Republic of Azerbaijan on amending the "List of officials authorized to review cases of administrative offences" approved by Decree No. 1256 dated February 23, 2017

DECREE OF THE PRESIDENT OF THE REPUBLIC OF AZERBAIJAN

Guided by paragraph 32 of Article 109 of the Constitution of the Republic of Azerbaijan, I make a decision regarding the implementation of the Law No. 1017-VQD dated February 23, 2018 of the Republic of Azerbaijan "On Amendments to the Code of Administrative Offenses of the Republic of Azerbaijan":

1. Decree No. 795 of the President of the Republic of Azerbaijan dated February 15, 2016 "On the implementation of Law No. 96-VQ of the Republic of Azerbaijan dated December 29, 2015 "On the approval of the Code of Administrative Offenses of the Republic of Azerbaijan" (Legislative Collection of the Republic of Azerbaijan, 2016, No. 2 (Book II), Article 259, No. 3, Article 460, No. 4, Article 670, No. 6, Articles 1025, 1063, No. 7, Article 1272, No. 9, Article 1468, No. 10, Articles 1613, 1638; 2017, No. 2, Articles 176, 202, No. 3, Article 351, No. 4, Articles 530, 537, No. 6, Article 1101, No. 7, Articles 1314, 1346, No. 8, Article 1521, No. 9, Article 1637, No. 10, articles 1788, 1798, No. 11, articles 2003, 2027, No. 12 (Book I), articles 2290, 2320; 2018, No. 1, article 36, No. 2, articles 198, 201, No. 3, articles 418, 428, 443, 445, No. 5, Articles 914, 918, 926, 955, No. 6, Article 1243, No. 7 (Book I), Articles 1465, 1477, 1494, 1504, No. 8, Article 1697, No. 9, Article 1840; No. 331 dated November 7, 2018 of the President of the Republic of Azerbaijan i, decrees No. 343 dated November 15 and No. 360 dated November 23) to paragraph 5.1, the numbers "326-1" should be added after the numbers "323" and the numbers "342.1.10" should be removed from that paragraph.
2. Decree No. 1256 of the President of the Republic of Azerbaijan dated February 23, 2017 (Legislative Collection of the Republic of Azerbaijan, 2017, No. 2, Article 200, No. 6, Article 1105, No. 9, Article 1638, No. 11, Article 1984; 2018, No. 2, Article 199, No. 3, Articles 415, 419, 429, No. 5, Articles 915, 927, No. 7 (Book I), Article 1481, No. 8, Article 1698; 329 of the President of the Republic of Azerbaijan dated November 7, 2018 After the numbers "323" to items 2.1, 2.2 and 2.4 of the "List of officials authorized to review cases of administrative offences" approved by Decree No. 342.1.10," numbers should be removed.
3. The provisions of this Decree related to Article 326-1 of the Code of Administrative Offenses of the Republic of Azerbaijan shall enter into force on January 1, 2019.

Ilham Aliyev

President of the Republic of Azerbaijan

Baku city, December 18, 2018

No. 409

<https://e-qanun.az/framework/40967>

**“Azərbaycan Respublikası İnzibati Xətalər Məcəlləsinin təsdiq edilməsi haqqında”
Azərbaycan Respublikasının 2015-ci il 29 dekabr tarixli 96-VQ nömrəli Qanununun tətbiqi
barədə” Azərbaycan Respublikası Prezidentinin 2016-cı il 15 fevral tarixli 795 nömrəli
Fərmanında və Azərbaycan Respublikası Prezidentinin 2017-ci il 23 fevral tarixli 1256 nömrəli
Fərmanı ilə təsdiq edilmiş “İnzibati xətalər haqqında işlərə baxmağa səlahiyyəti olan vəzifəli
şəxslərin Siyahısı”nda dəyişiklik edilməsi barədə**

AZƏRBAYCAN RESPUBLİKASI PREZİDENTİNİN FƏRMANI

Azərbaycan Respublikası Konstitusiyasının 109-cu maddəsinin 32-ci bəndini rəhbər tutaraq, “Azərbaycan Respublikasının İnzibati Xətalər Məcəlləsində dəyişikliklər edilməsi haqqında” Azərbaycan Respublikasının 2018-ci il 23 fevral tarixli 1017-VQD nömrəli Qanununun icrası ilə əlaqədar **qərara alıram**:

1. “Azərbaycan Respublikası İnzibati Xətalər Məcəlləsinin təsdiq edilməsi haqqında” Azərbaycan Respublikasının 2015-ci il 29 dekabr tarixli 96-VQ nömrəli Qanununun tətbiqi barədə” Azərbaycan Respublikası Prezidentinin [2016-cı il 15 fevral tarixli 795 nömrəli](#) Fərmanının (Azərbaycan Respublikasının Qanunvericilik Toplusu, 2016, № 2 (II kitab), maddə 259, № 3, maddə 460, № 4, maddə 670, № 6, maddələr 1025, 1063, № 7, maddə 1272, № 9, maddə 1468, № 10, maddələr 1613, 1638; 2017, № 2, maddələr 176, 202, № 3, maddə 351, № 4, maddələr 530, 537, № 6, maddə 1101, № 7, maddələr 1314, 1346, № 8, maddə 1521, № 9, maddə 1637, № 10, maddələr 1788, 1798, № 11, maddələr 2003, 2027, № 12 (I kitab), maddələr 2290, 2320; 2018, № 1, maddə 36, № 2, maddələr 198, 201, № 3, maddələr 418, 428, 443, 445, № 5, maddələr 914, 918, 926, 955, № 6, maddə 1243, № 7 (I kitab), maddələr 1465, 1477, 1494, 1504, № 8, maddə 1697, № 9, maddə 1840; Azərbaycan Respublikası Prezidentinin 2018-ci il 7 noyabr tarixli 331 nömrəli, 15 noyabr tarixli 343 nömrəli və 23 noyabr tarixli 360 nömrəli fərmanları) 5.1-ci bəndinə “323,” rəqəmlərindən sonra “326-1,” rəqəmləri əlavə edilsin və həmin bənddən “342.1.10,” rəqəmləri çıxarılsın.

2. Azərbaycan Respublikası Prezidentinin [2017-ci il 23 fevral tarixli 1256 nömrəli](#) Fərmanı (Azərbaycan Respublikasının Qanunvericilik Toplusu, 2017, № 2, maddə 200, № 6, maddə 1105, № 9, maddə 1638, № 11, maddə 1984; 2018, № 2, maddə 199, № 3, maddələr 415, 419, 429, № 5, maddələr 915, 927, № 7 (I kitab), maddə 1481, № 8, maddə 1698; Azərbaycan Respublikası Prezidentinin 2018-ci il 7 noyabr tarixli 329 nömrəli Fərmanı) ilə təsdiq edilmiş “İnzibati xətalər haqqında işlərə baxmağa səlahiyyəti olan vəzifəli şəxslərin Siyahısı”nın 2.1-ci, 2.2-ci və 2.4-cü bəndlərinə “323,” rəqəmlərindən sonra “326-1,” rəqəmləri əlavə edilsin və həmin bəndlərdən “342.1.10,” rəqəmləri çıxarılsın.

3. Bu Fərmanın Azərbaycan Respublikası İnzibati Xətalər Məcəlləsinin 326-1-ci maddəsi ilə bağlı müddəaları 2019-cu il yanvarın 1-dən qüvvəyə minir.

İlham ƏLİYEV,
Azərbaycan Respublikasının Prezidenti

Bakı şəhəri, 18 dekabr 2018-ci il

№ 409

<https://e-qanun.az/framework/40967>