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6 February 2023

**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

Group on Road Transport

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

APPENDIX V:

**Resolution “Access rules to the international passenger and freight transport by road” № 149
adopted on 8 April 2022 by the Cabinet of Ministers of the Republic of Azerbaijan**

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

JT03511886

<https://nk.gov.az/az/document/6060/>

Cabinet of Ministers of the Republic of Azerbaijan

RESOLUTION On approval of “Access rules to the international passenger and freight transport by road ”

With an aim of ensuring the execution of Clause 1.2 of the Decree 826 dated August 28, 2019 of the President of the Republic of Azerbaijan "On Amendments to the Decree 792 dated July 4, 2008" on application of the Law 1657-VQD dated July 12, 2019 of the Republic of Azerbaijan-"On amending the Law of the Republic of Azerbaijan "On road transport" and on application of the Law of the Republic of Azerbaijan "On road transport", the Cabinet of Ministers of the Republic of Azerbaijan **decides:**

1. To approve **“Access rules to the international passenger and freight transportation by road transport”**(appended).
2. Amendments to this Resolution can be made in accordance with the clause 2.6-1 of the “Regulation on the procedures of the development and adoption of normative legal acts of the executive authorities” approved by the Decree 772 dated August 24, 2002 of the President of the Republic of Azerbaijan.
3. This resolution shall enter into force 1 (one) year after its publication.

**Ali Asadov,
Prime-minister of the Republic of Azerbaijan**

**Baku city, April 8, 2022
№ 149**

Approved pursuant to Resolution **No 149**
of the Cabinet of Ministers of the Republic
of Azerbaijan dated 8 April 2022

ACCESS RULES TO THE INTERNATIONAL PASSENGER AND FREIGHT TRANSPORTATION BY ROAD TRANSPORT

1. General Provisions

- 1.1. Rules for access to the international passenger and freight transportation by road transport (hereinafter referred to as the Rules) have been developed in accordance with Article 50.6 of the Law of the Republic of Azerbaijan "On Road Transport" and define the criteria regarding good repute, financial standing and professional competence, the requirements for the training level of the drivers of operator carrying out international passenger and freight transportation by road (hereinafter referred to as the operator), as well as regulate the registration of operators. These Rules are not applied to transportations provided in Article 3.2 of the Law of the Republic of Azerbaijan "On Road Transport".
- 1.2. Registration of the operators is carried out by the Azerbaijan Land Transport Agency (hereinafter referred to as the Agency) under the Ministry of Digital Development and Transport of the Republic of Azerbaijan.
- 1.3. The terms used in the Rules have the following meanings:
 - 1.3.1. **operator** – is a legal entity or a natural person registered to carry out international passenger and freight transportation by road, meeting the criteria related to good repute, financial standing and professional competence, as well as the requirements of training level of the driver(s);
 - 1.3.2. **responsible person of the operator** - is an individual who manages the operator's transportation activities in fact and continually on a contractual basis, and meets the criteria for professional competence.
- 1.4. Other terms used in these Rules have the meanings defined by the Law of the Republic of Azerbaijan "On Road Transport" and other normative legal acts of the Republic of Azerbaijan.

2. Criteria for good repute, financial standing and professional competence of the operators and requirements for the training level of the drivers

- 2.1. Legal entities (including a branch, representative office of a foreign legal entity) and individuals wishing to be registered as an operator must be registered in accordance with the legislation of the Republic of Azerbaijan, must have motor vehicle(s) registered according to the legislation of the Republic of Azerbaijan, as well as they must meet the criteria regarding good repute, financial standing and professional competence specified by these Rules.
- 2.2. Criteria for good repute, financial standing and professional competence of operator are as follows:
 - 2.2.1. on good repute:
 1. providing technical service to a motor vehicle(s), possessing a technical-repair station (area) for maintenance of it (them) or having been provided with access to such services or a person(s) on the basis of a contract (agreement) who provides such services as well as having a document confirming the technical inspection of the vehicle;
 2. absence of conviction of a natural person or head(s), responsible person(s) of the managing body of the legal entity for against property, economic activity, traffic safety and operation of vehicles serious and especially serious crimes, human trafficking in connection with human trafficking and illicit drug trafficking, absence of criminal liability for serious and especially serious crimes against interests of the professional activity; absence of a court decision prohibiting him from holding a relevant position or engaging in professional activities; absence of the fact of bankruptcy in court;
 3. absence of conviction of a natural person or head(s) of the management body of the legal entity, as well as responsible person(s) and driver(s) of operator for committing administrative offenses under any of the articles 326-1, 332, 337, 348 and 353 (this requirement applies to each driver separately) of the Code of Administrative Offenses of the Republic of Azerbaijan more than five times totally in 12 consecutive months before applying for registration as well as in last 12 months since being registered;
 4. Compulsory insurance of passengers for personal accident insurance, civil liability of motor vehicle owners (Compulsory insurance contract and international insurance contract concluded in respect of vehicles registered in the Republic of Azerbaijan - Azerbaijan Green Card), as well as loss of professional ability of the driver of the vehicle as a result of accidents and occupational diseases.
 - 2.2.2. on financial standing:

with the right of ownership of only one motor vehicle, use or lease 5000 (five thousand) manats, with the right of ownership of two or more motor

vehicles 3000 (three thousand) manats for each additional vehicle having assets (cash, deposits and other assets)

2.2.3. on professional competence:

1. to possess a driving license of the relevant category (subcategory) confirming the right to drive vehicles by the driver(s) intended to carry out international passenger and freight transportation;
2. Activities of the operator's responsible person (s) on international passenger and (or) freight transportation by road, including maintenance and operation of vehicles, control of contracts and accounting documents for road transport, as well as control of transportation safety issues on continual management;
3. the responsible person(s) should attend the training and retraining courses on "Rules for training and retraining on professional competence of the responsible person(s) of the operator of international passenger and freight transportation, as well as drivers engaged in international passenger and freight transportation by road transport" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan #247, dated July 8, 2020

3. Registration of operators and refusal of registration

- 3.1. Legal entities and individual entrepreneurs (hereinafter - the applicant) apply to the Agency for registration as an operator electronically through the internet portal called as "Licenses and Permits".
- 3.2. The following documents are attached to the application (these documents are not required if the information can be obtained in the manner provided in Article 30.5 of the Law of the Republic of Azerbaijan "On Administrative Proceedings"):
 - 3.2.1. copy of extract from the State Register of Legal Entities in case the applicant is a legal entity;
 - 3.2.2. copy of the identification card if the applicant is a natural person;
 - 3.2.3. a copy of the applicant's registration certificate as a taxpayer;
 - 3.2.4. if the applicant is a legal entity, information on the head(s) of its management body or if the applicant is a natural person, information on that person (name, surname and patronymic, position);
 - 3.2.5. information on the responsible person(s) and the driver(s) involved on the basis of the employment contract (name, surname and patronymic, position);
 - 3.2.6. a copy of the agreement confirming the appointment of the person(s) as the responsible person(s) of the operator;
 - 3.2.7. Information (state registration number, brand, model, type, year of manufacture, environmental class (if available), engine number, ban number, color, maximum permissible weight, unladen weight) on

- vehicles in its property or at disposal by legal basis (lease, power of attorney, etc.);
- 3.2.8. a copy of the document confirming the applicant's right of ownership, use or lease on each of the vehicles for which the information is provided;
 - 3.2.9. Information on the driver (drivers) (name, surname and patronymic), a copy of the driver's license (s) of the relevant category (subcategory) confirming the right of the driver (drivers) to drive vehicles and an extract from the "employment contract notification" subsystem of the centralized electronic information system of the Ministry of Labor and Social Protection of the Republic of Azerbaijan;
 - 3.2.10. a certificate on the availability of a maintenance station (site) for the maintenance of the vehicle (vehicles), its (their) maintenance and repair, or a copy of the agreements contracted with the person(s) who will provide such services;
 - 3.2.11. a certificate issued by the Ministry of Internal Affairs of the Republic of Azerbaijan confirming absence of conviction of the head(s), responsible person(s) of the management body of natural person or legal entity for serious and especially serious crimes pursuant to the second indent of sub-clause 2.2.1 of these Rules;
 - 3.2.12. a certificate for official(s) and driver(s) of the operator on not committing administrative offenses under any of the articles 326-1, 332, and 353 of the Code of Administrative Offenses of the Republic of Azerbaijan more than five times totally in 12 consecutive months before applying for registration as well as in last 12 months since being registered (this requirement applies to each driver separately) and certificates issued by the Ministry of Internal Affairs of the Republic of Azerbaijan and the Ministry of Emergency Situations of the Republic of Azerbaijan in accordance with Article 348 of the Code of Administrative Offenses of the Republic of Azerbaijan;
 - 3.2.13. financial report for the last reporting period and consolidated financial statements (including the auditor's opinion) approved by the independent (outsider) auditor as of the date of submission of the application pursuant to sub-clause 2.2.2 of these Rules;
 - 3.2.14. Copies of compulsory insurance certificates on relevant compulsory insurance in accordance with paragraph 4 of sub-item 2.2.1 of these Rules (series and number of compulsory insurance certificates concluded electronically);
 - 3.2.15. a copy of certificate on attendance the training and retraining courses of the responsible person(s) as well as the driver(s) on "Rules for training and retraining on professional competence of the responsible person(s) of the operator of international passenger and freight

transportation, as well as drivers engaged in international passenger and freight transportation by road” approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan #247, dated July 8, 2020

- 3.2.16. information on the availability of a carrier card and digital tachograph cards of appropriate category(subcategory) drivers for downloading relevant information about the driver's work time and rest periods.
- 3.3. The e-application is registered and processed in real time.
- 3.4. The Agency checks the compliance of the application and accompanying documents of the applicant to the requirements of clauses 3.1 and 3.2 of these Rules. If any shortcomings in the application and accompanying documents are found that do not result in non-registration, the Agency informs the applicant no later than 5 working days from the date of registration of the application and explain the legal consequences of non-compliance with the formal requirements. All shortcomings are reported to the applicant at the same time.
- 3.5. The applicant must solve these shortcomings within 10 working days of receiving the information. In this case, the flow of the registration period is interrupted and the suspended period is not included to the registration period. Following the request of the applicant on eliminating the shortcomings, the flow of the period is resumed.
- 3.6. If the applicant fails to solve the shortcomings found in the application and the accompanying documents within the period specified in clause 3.5 of these Rules, the application is decided to be kept without consideration and the applicant is notified within 5 working days. After eliminating the identified shortcomings, the applicant may again apply for registration in accordance with clauses 3.1 and 3.2 of these Rules.
- 3.7. Based on the results of consideration of the application and attached documents, the person shall be registered as an operator or refused to be registered no later than 7 (seven) working days from the date of registration of the application. Within 2 (two) working days from the date of the decision to refuse registration, the applicant shall be notified of the reason for refusal.
- 3.8. the applicant is issued an access certificate (hereinafter referred to as the certificate) in the form set out in Annex 1 to these Rules, and an access card (hereinafter referred to as the card) according to the number of the motor vehicles in the form specified in Annex 2 to these Rules after payment of the relevant state duty and service fee required by law via strengthened electronic signature of the head of the agency or the official assigned by him no later than the time specified in clause 3.7 of these Rules;
- 3.9. The registration is refused under the following cases:

- 3.9.1. if the submitted application and documents contain inaccurate or distorted information that cannot be removed (excluding the case as provided in the second sentence of clause 3.4 of these Rules);
- 3.9.2. if a person does not meet the criteria defined by Part 2 of these Rules;
- 3.9.3. in case the certificate was cancelled within 3 (three) months prior to the submission of the application for registration (applied for re-registration).

4. Registration data of the operators

- 4.1. Information about the registered operators is placed in the internet information resource of the Agency within 3 (three) working days from the date of issuance of the certificate.
- 4.2. The following data is included in the internet information resource:
 - 4.2.1. Operator's information (name and legal address of legal entity, surname, name, patronymic of physical person, identification number and work address);
 - 4.2.2. taxpayer identification number (TIN) of the operator;
 - 4.2.3. type of transportation (passenger, goods or both);
 - 4.2.4. date of issue, series, number, as well as validity period of the certificate;
 - 4.2.5. date of issue, number, as well as validity period of the card(s);
 - 4.2.6. date of issue and series of the renewal certificate (in case of reissue of the certificate);
 - 4.2.7. date of issue and number of the reissued card (cards) (in case of reissue of card (s));
 - 4.2.8. the ground and the date of suspension and renewal of the certificate;
 - 4.2.9. the cancellation date of the registration (indicating the ground for cancellation), the date of the court decision and the name of the court that adopted it.
- 4.3. the data is updated in the internet information resources of the Agency in case of any change about operator's information that provided by the clause 4.2 of these Rules.

5. Validity of certificate and card, re-formalization of them and issue of a duplicate

- 5.1. The certificate is issued to the registered operator for a period of 3 (three) year.
- 5.2. the operator desiring to continue its activity after expiration of the certificate applies for re-registration as required by clauses 3.1 and 3.2 of these Rules at least 30 days prior to the expiration date, the application is considered in accordance with these Rules and new certificate is issued for a period of three years in case no shortcoming is found.
- 5.3. Cards issued to the vehicles intended to be used for international transportations are limited to the validity period of the certificate.
- 5.4. The validity period of the certificate and the card is limited to the duration of the previous certificate and the card.
- 5.5. An additional card is required for each new motor vehicle intended to be used in international transportation.
- 5.6. The operator submits an application to the Agency for additional card, which contains the following information:
 - 5.6.1. number of the certificate;
 - 5.6.2. information on each new motor vehicle intended to be used in international transportation, as set out in subclause 3.2.7 of these Rules.
- 5.7. Documents are attached to the application in accordance with subclauses 3.2.7 and 3.2.9 of these Rules, as well as for each additional motor vehicle in accordance with subclause 3.2.13 of these Rules.
- 5.8. The application for additional card is considered within 5 business days. In the absence of incorrect or distorted information in the application and / or accompanying documents, the applicant is issued an access card in the form provided in Annex 2 to these Rules. In case of incorrect or distorted information in the submitted application and / or accompanying documents, the issuance of the access card is refused and the applicant is notified of that showing the reasons.
- 5.9. The certificate and card(s) are re-formalized in the following cases:
 - 5.9.1. reorganization of the legal entity, which is an operator;
 - 5.9.2. change of the name or legal address of the legal entity, which is an operator;
 - 5.9.3. change of surname, given name, patronymic or activity address of individual entrepreneur, which is an operator;
 - 5.9.4 change of the state registration plate of the vehicle (only in relation to the card).

- 5.10. If there are reasons specified in the clause 5.9 of these Rules, the operator must apply for re-formalization of the certificate and card no later than 5 business days from the date reasons appeared.
- 5.11. In connection with the certificate and card(s) to be re-formalized to that application, as well as the cases specified in sub-items 5.9.1-5.9.3 of these Rules, the documents specified in sub-clauses 3.2.1-3.2.3, 3.2.7 and 3.2.9 of these Rules and in connection with the case specified in sub-clause 5.9.4 of these Rules, the documents specified in sub-clause 3.2.7 of these Rules on the vehicle with the state registration plate shall be attached.
- 5.12. The certificate and card(s) are re-issued to the operator within 5 business days after receipt and appropriate adjustments of the application and accompanying documents in accordance with the clauses 5.10 and 5.11 of these Rules.
- 5.13. The validity of the reissued certificate and card is limited to the validity of the previous certificate and card.
- 5.14. In case of loss or damage of the certificate and / or card(s), the operator applies for a duplicate certificate and / or card(s). When the operator applies for a duplicate of the damaged card, the damaged card is attached to the application.
- 5.15. Duplicate of certificate and / or card is prepared and issued within 2 working days from the date of receipt of the application.
- 5.16. The duplicate of the certificate and / or card(s) has the same legal effect as a lost or damaged certificate and / or card(s).
- 5.17. When the operator notifies the Agency that a motor vehicle provided with card has been transferred to another person with the right of ownership, use or lease, the card is cancelled by the Agency at the date of notification or on the date of disclosure by the Agency of non-compliance with the obligation specified in subclause 6.2.5 of these Rules the card is cancelled at the decision of the Agency and the operator is notified about cancellation within 3 business days.
- 5.18. Issuing a card to a vehicle that has a card in the name of another operator is refused regarding that vehicle until the card in the name of another operator is considered invalid.

6. Suspension of the certificate and cancellation of the operator's registration

- 6.1. The Operator must provide information on compliance with the criteria set out in Part 2 of these Rules, along with supporting documents within 20 working days at the valid request of the Agency.
- 6.2. The operator shall comply with the following requirements:
 - 6.2.1. to submit the documents to the Agency within 30 days about new responsible person(s) having relevant professional competence and ready to perform the functions of responsible person in case of suspension of the functions or termination of activity of operator's responsible person(s);
 - 6.2.2. to provide a driver's card, tachograph card, as well as a certificate professional competence while performing international transportation;
 - 6.2.3. to submit an application to the Agency within 5 working days for reissuance of the certificate and or the card(s) with the documents confirming reorganization, change of name or legal address of legal entity or change of surname, given name, patronymic or activity address of physical person;
 - 6.2.4. to return the certificate and card(s) to the Agency within 10 working days in case of expiration of registration, suspension or cancellation of registration;
 - 6.2.5. to officially send a notification to the Agency or return the card back when a motor vehicle provided with card is transferred to another person with the right of ownership, use or lease as well as in case of termination of the exploitation of the motor vehicle;
 - 6.2.6. not to transfer the certificate to another person, as well as the card to another motor vehicle of the operator having that with the right of ownership, use or lease.
- 6.3. The decision on suspension of the certificate is made in the following cases:
 - 6.3.1. submission of relevant application by the operator;
 - 6.3.2. not complying any of the criteria by the operator provided in part 2 of these Rules;
 - 6.3.3. not submitting the documents to the Agency within 30 days about new responsible person(s) having relevant professional competence and ready to perform the functions of responsible person in case of suspension of the functions or termination of activity of operator's responsible person(s);
- 6.4. The validity of the certificate is suspended by the decision of the Agency. The decision must include the circumstances caused for the suspension and the period of suspension of the certificate. The decision to suspend the certificate

on the grounds specified in subclauses 6.3.2 and 6.3.3 of these Rules shall also indicate the measures to be taken to eliminate the circumstances giving rise to the suspension and the consequences of non-elimination of those circumstances during the suspension.

- 6.5. The operator must eliminate the cases specified in subclauses 6.3.2 and 6.3.3 of these Rules before the expiration of the suspension period of the certificate and inform the Agency about the result within 3 working days.
- 6.6. The validity of the certificate suspended with the grounds specified in subclause 6.3.1 of these Rules is restored based on the relevant application of the operator.
- 6.7. The validity of the certificate suspended in the cases specified in subclauses 6.3.2 and 6.3.3 of these Rules is restored by the decision of the Agency based on the written information provided by the operator on the elimination of such cases.
- 6.8. The decision to suspend and restore the validity of the certificate is submitted to the operator within 2 working days from the date of its adoption.
- 6.9. The decision on cancellation of the certificate is made in the following cases:
 - 6.9.1. submission of the relevant application by the operator;
 - 6.9.2. upon expiration of the certificate;
 - 6.9.3. liquidation of a legal entity which is an operator;
 - 6.9.4. termination of activity of the physical person as an individual entrepreneur who is an operator;
 - 6.9.5. by any reason, termination citizenship of the Republic of Azerbaijan of a natural person who is an operator;
 - 6.9.6. a relevant decision of court;
 - 6.9.7. non-submission of written information to the Agency on the issue specified in clause 6.5 of these Rules.
- 6.10. The registration of the operator is canceled by the decision of the Agency with reference to the cases specified in clause 6.9 of these Rules (except for subclause 6.9.6 of these Rules). The decision is submitted to the operator within 2 working days from the date of its adoption.
- 6.11. Information on suspension or restoration of the validity of the certificate or cancelation of that is placed in the official Internet information resource of the Agency.
- 6.12. The period of suspension of the validity of the certificate is limited with the expiration of the certificate.
- 6.13. Decisions of the Agency may be appealed in an administrative or judicial manner.

7. Transitional provisions

- 7.1. Until the opportunity provided to apply in the manner specified in paragraph 3.1 of these Rules:
- 7.2. An applicant wishing to be registered as an operator may apply through the Internet information resource of the Agency or by visiting the Agency directly;
- 7.3. Decisions made on the basis of these Rules must be officially sent or submitted to the person wishing to be registered by the Agency within the period specified in these Rules from the date of their adoption;
- 7.4. The certificate and card must be sent or presented to the registered operator as a document.

Annex 1

to the “Access rules to the international passenger and freight transportation by road transport”

Azerbaijan Land Transport Agency under the Ministry of Digital Development and Transport of the Republic of Azerbaijan
ACCESS CERTIFICATE
TO INTERNATIONAL TRANSPORTATION BY ROAD TRANSPORT

Series _____ № _____ “ _____ ” _____ 20____ -
_____ il _____
date of issue

Access certificate is issued to

Operator performing international _____ transportation by road.
(passenger, freight or both)

(name and legal address of legal entity, affiliation and representative of foreign legal entity)

surname, name, patronymic and work address of physical person, TIN)

Valid for _____ years, until “ _____ ” _____ 20____ - _____

This document has been approved with strengthened electronic signature.

Official _____
(name, surname and patronymic)

Position _____

(signature)

P.S.

Annex 2

to the "Access rules to the international passenger and freight transportation by road transport"

Azerbaijan Land Transport Agency under the Ministry of Digital Development and Transport of the Republic of Azerbaijan		
ACCESS CARD OF THE VEHICLE TO THE INTERNATIONAL TRANSPORTATION		
№ _____		
Access card		Motor vehicle
Series and number:	_____	Brand of the vehicle: _____ Type: _____
Validity:	From "___" _____ 20__ - __ To "___" _____ 20__ - __	State registration plate: _____
Operator:	_____ _____	Type of transportation: international _____ (passenger or freight)
Access card		
Validity:	From "___" _____ 20__ - __ To "___" _____ 20__ - __	Signature of official: _____ P.S.