

THE LAW OF UKRAINE

On Amending the Law of Ukraine "On Rail Transport"

The Verkhovna Rada (Parliament) of Ukraine hereby resolves:

To amend and restate the Law of Ukraine "On Rail Transport" (The Official Bulletin of the Verkhovna Rada (Parliament) of Ukraine, 1996, No. 40, article 183; 2002, No. 16, article 114; 2003, No. 37, article 300; 2004, No. 13; article 181; 2005, No. 33; article 427; 2006, No. 22, article 184; 2009, No. 24, article 299; 2011, No. 18, article 128, No. 22, article 146) as follows:

"THE LAW OF UKRAINE On the Rail Transport of Ukraine

This Law shall set out legal, organizational, social and economic foundations of the operation of the rail transport of Ukraine.

Chapter 1 GENERAL PROVISIONS

Article 1. Definitions of Key Terms

As used in this Law, the following terms shall have the following meanings:

"luggage" means passenger's things and other material valuables accepted, under the established procedure and for a separate reward, for the carriage in a luggage car of passenger train to the railway station of destination indicated in the passenger's travel document (ticket);

"rail transport safety" (hereinafter – traffic safety) means a condition when the rolling stock traffic and the rolling stock as such are protected and which is described by no threshold risk that transport accidents and their consequences may occur so that damage will be caused to the life and health of citizens and to the environment and property of individuals and legal entities;

"goods" means property (including products, things, minerals, materials, raw materials, production and consumption wastes) accepted, under the established procedure, for the carriage in freight cars and containers and empty cars, container and other rolling stock which the carrier does not own and which was accepted for the carriage;

"freight car" means a car designated for the carriage of goods.

"freight luggage" means property accepted from an individual or individual entrepreneur, under the established procedure, for the carriage in a luggage car of passenger train;

"consignor (shipper)" means an individual or legal entity that acts under a contract of carriage on its own behalf or on behalf of the goods, luggage or freight luggage owner and is stated in the transportation document;

"consignee (recipient)" means an individual or legal entity authorized to receive the goods, luggage or freight luggage and stated in the transportation document;

"military carriages by rail" means carriages by rail of military units and detachments,

military goods, military squads and separate military passengers undertaken under military transportation document;

"owner of rail tracks of non-public use" means a person holding ownership rights to a rail track of non-public use or using such rail track under the relevant agreement made with the owner.

"owner of rail transport infrastructure complex of non-public use" means a legal entity or an individual holding ownership rights to a rail transport infrastructure complex of non-public use or using such complex under the relevant agreement made with the owner.

"single network technological process" means a regulatory legal act concerning the regulatory and technological support of the organization and management of freight carriages by the rail transport of Ukraine and the organization of system-based technological interaction between entities involved in the process of carriage to ensure that resources available to all elements of carriage management are efficiently used;

"rail track" means a set of engineering structures and installations composing a directed track and designated for moving the rolling stock at the set rates of speed and loading.

"rail tracks of public use" means rail tracks within the area of railway stations designated for operations related to the carriage by rail using vehicles of public use and rail tracks connecting such stations;

"rail tracks of non-public use" means rail approaches joining directly or through other rail approaches the rail tracks of public use and designated for the rail transport servicing of one or several enterprises, organizations or establishments on a contractual basis to meet transportation needs of their owners;

"railway station" means a point (a set of facilities) that divides rail tracks into railway hauls or block sections, ensures that rail transport infrastructure of public use or the rail transport infrastructure complex of non-public use is operational, has a layout of tracks allowing for the performance of operations related to the accepting, shipping, crossing and overtaking of trains, operations related to the servicing of passengers and accepting, releasing, loading, unloading of goods, luggage, freight luggage and, if there are developed track-operating devices, carrying out of maneuvering works for breaking up and collecting trains and technical operations with trains, and preparation of the rolling stock and containers for the carriage;

"railway incident" (incident) - an incident that occurred in rail transport (including accident on railway crossings) and caused the death or injuries of people, damage of technical facilities, goods, rail transport facilities, movement or disruption or caused environmental damage.

"rolling stock" means traction rolling stock, freight, passenger and luggage cars designated for the carriage of passengers, goods, luggage, freight luggage and operating the rail transport;

Rail transport in Ukraine consists of rail public transport of public use and rail transport non-public use (hereinafter - rail transport).

"rail transport of public use" means a production and technological complex comprising the rail transport infrastructure of public use, rolling stock, other property and rail transport enterprises that meet the needs of individuals and legal entities relating to the carriage by rail on terms and conditions of a public agreement and performing other works (services) related to such carriages;

"rail transport of non-public use" means a set of rail tracks and rail transport infrastructure complexes of non-public use that meet the needs of individuals and legal entities relating to the transportation of goods or rolling stock by a shunting locomotive within the rail

tracks of non-public use on a contractual basis (or meeting their owners' own needs) and performing other works (services) related to such carriages;

"rail transport lands" means right-of-way lands under rail tracks and their facilities, stations with all buildings and structures of the energy, locomotive, car, maintenance-of-way, freight and passenger facilities, signaling and communications, water supply, and sewerage; under protective and reinforcing plantings, service premises, cultural and household buildings and other structures required to ensure the operation of rail transport;

"investment program" means a set of actions approved under the established procedure to raise a level of reliability and ensure efficient operation of rail transport of public use and setting out obligations assumed by a business entity engaged in the rail transport to construct (including new construction, reconstructions, restoration, capital repair) infrastructure facilities, increase the quality of services together with the relevant calculations and substantiations and indicating the sources of financing and performance schedules;

"investment component of the tariff (investment component)" means funds included in tariffs to the extent as provided for fulfilling investment programs approved under the established procedure and/or compensating for investment resources raised to finance the investment programs approved under the established procedure;

"rail transport infrastructure of public use (the "infrastructure")" means a technological complex comprising a number of facilities of economic control right and other facilities of the infrastructure designated to support all stages of the process of carriage by rail of public use and used by the operator of rail transport infrastructure of public use on the terms and conditions defined in this law and other laws;

"rail transport infrastructure complex of non-public use" means a technological complex combining a number of rail transport facilities of non-public use owned by one or several persons and designated to service certain users of rail transport of non-public use on terms and conditions of agreements or to perform works to meet their own needs;

"contact network" means a set of wires, constructions and equipment that transmit electrical energy from traction substations to current collecting devices of the electrical rolling stock;

"rail transport service user" means a passenger, consignor (shipper), consignee (recipient) or another individual or legal entity making use of services (works) provided (performed) by rail transport enterprises;

"mainline railways of public use" means railway stations and rail tracks of public use on which carriage of passengers and/or goods by rail transport is performed;

"shunting operation" means any movement of rolling stock coupled together and with a locomotive that performs the movement in a shunting way on the rail approaches or on other tracks in order to provide the operational activity of individuals or legal entities;

"network contract" means an agreement to be made by and between the infrastructure operator and the central body of executive power that implements the state policy in relation to the rail transport, which sets out obligations of parties thereto to operate, update and develop the rail transport infrastructure of public use;

"public places" means terminal and warehouse complexes, warehouses, structures and sites, rail tracks located within the area of railway stations within the right-of-way comprising the rail transport infrastructure of public use and designated for loading, unloading, sorting, and storing goods and freight luggage;

"non-public places" means rail approaches to rail transport of non-public use and warehouse complexes, warehouses, structures and sites within a railway station which are not a part of the rail transport infrastructure of public use or are let on lease to users and used under an

agreement and designated for loading, unloading, sorting, and storing goods and containers;

"rail transport facilities of public use" means infrastructure facilities, rolling stock and other property ensuring the operation of the rail transport of public use;

"rail transport facilities of non-public use" means railway stations and tracks of non-public use, structures and electricity supply devices, communication lines, signaling, centralizing and blocking systems, information complexes, traffic management systems, other buildings, constructions, structures, devices, sites, protective structures, equipment and rolling stock that are necessary to ensure carriages by rail transport of non-public use;

"support service rail transport facilities" means rail tracks and vehicles of non-public use placed within the area of an enterprise and other property designated for moving (for production purposes) raw materials, other materials, equipment, tools, products and production wastes through the area of such enterprises;

"operator of railway infrastructure" (hereinafter- railway operator) - the entity that manages the railway infrastructure (including its maintenance and development), planning supervision of rolling stock's movement on this railway infrastructure;

"operator of rolling stock, containers (the "rolling stock operator")" means a business entity participating in the process of carriage by using the rolling stock which it owns or otherwise possesses (other than traction rolling stock), containers, and rendering to consignors (shippers), consignees (recipients), carriers and other business entities services related to the provision of such rolling stock and containers for carriages by rail;

"protective zones" means land plots and air space areas with specific conditions of use that adjoin from both sides the right-of-way of rail transport of public use and non-public use and are necessary to ensure the safe operation of rail tracks, buildings, communications, structures, devices, other rail transport facilities, preserve their strength and durability and at places exposed to hazard of land slides, avalanches, erosions, mudflows, snow blockades and other dangerous impacts;

"passenger" means an individual who travels by train on the basis of a travel document (ticket) (collective, electronic travel document) or stays with a travel document (ticket) within the area of a railway station, station house, passenger train stop before or immediately after the travel;

"passenger train stop" a point on a railway haul that has no layout of tracks and is designated exclusively for embarking and disembarking of passengers;

"carriage by rail for evacuation" means evacuation by rail of the population and goods from an emergency zone, areas of potential hostilities or potentially dangerous area;

"carriage of passengers and/or goods by rail transport" – movement of goods or passengers by rail transport from the departure point to the point of destination according to the concluded agreement;

"carriage of passengers in suburban rail traffic (suburban traffic)" means the carriage of passengers in the domestic rail traffic for a distance of 70 km from the boundary of a city or town without a place number indicated in the travel documents (tickets);

"long distance carriage by rail" (long distance transportation) – carriage of passengers, goods, luggage and freight luggage between the railway stations within the territory of Ukraine with one transportation/travel document for the whole transportation route;

"carriage by rail in international traffic" means the carriage of passengers, goods, luggage and freight luggage between Ukraine and foreign states, including by transit through Ukraine when the passengers, goods, luggage and freight luggage cross the state border of Ukraine;

"transportation document" means a document evidencing that the contract of carriage has been made with respect to the goods (railway bill) or evidencing that the contract of carriage has been made with respect to the luggage or freight luggage (luggage receipt or freight luggage receipt);

"process of carriage" means a number of organizational and technological interrelated operations that are carried out in preparing, making and completing the carriage of passengers, goods, luggage and freight luggage by rail;

"carrier" means a business entity (regardless its ownership form) whose activity is the transportation of goods and/or passengers by rail and uses for this purpose traction rolling stock.

"rail transport enterprises" means business entities that perform works (services) related to organizing and (or) implementing the process of carriage and works (services) related to the scientific and technical and scientific and technological support, designing, construction, repair, maintenance and operation of rail transport facilities of public use and protection of such facilities and goods;

"services related to the use of an infrastructure facility" means services related to the use of infrastructure facilities according to the list of such services made by the central body of executive power that implements the state policy in relation to the rail transport, which services the infrastructure operator or the infrastructure facility owner provides to interested parties to carry out activities related to the process of carriage;

"services related to accessing the infrastructure (infrastructure services)" means services related to accessing the infrastructure according to the list of technological operations made by the central body of executive power that implements the state policy in relation to the rail transport, which services the infrastructure operator provides to carriers to make the carriages or to other persons to carry out activities related to the process of carriage;

"rules of rail transport service of citizens" means a regulatory legal act approved by the Cabinet of Ministers of Ukraine and setting out general terms and conditions for servicing citizens embarking on trips, carrying luggage or freight luggage within Ukraine;

"right to travel privilege" means a citizen's statutory right to travel in the relevant traffic at no cost or at a reduced cost;

"travel document (ticket)" means a document of a prescribed form which evidences that the passenger is entitled to travel by rail transport and is an agreement for carriage of the passenger and passenger's hand luggage;

"railway infrastructure capacity" – the possibility to schedule the routes of the trains in respect to the access to infrastructure and during a certain period of time;

"hand luggage" means passenger's property carried together with such passenger within the set limit, which, in view of its dimensions, may be located at the place designated for its carriage;

"social segment of passenger carriages" means the carriage of passengers in the long-distance traffic in categories of trains and cars designated by the national commission that implements the state regulation in relation to transport and the carriage of passengers in suburban traffic, the tariffs of which are subject to state regulation in accordance with this Law;

"certificate of authorization" means a document which evidences the ability of the infrastructure operator to ensure the management and safe operation of a certain railway infrastructure with a defined level of maximum risk of rail traffic;

"safety certificate" means a document which evidences that the carrier is able to provide the transport of goods and/or passengers by rail with a defined level of maximum risk of rail traffic;

"safety management system" – structured and documented set of integrated and interacting elements of railway infrastructure manager, rail enterprise-carrier regarding the rail transport safety management in order to establish policies, targets and the relevant processes to achieve those targets.

"rail transport right-of-way (the "right-of-way")" means land plots that are used or designated for allocating rail tracks of public use and non-public use adjoining rail tracks of public use and non-public use, and used or designated for allocating railway stations, water drainage and fortifying devices, protective planting alongside rail tracks, electrical and telecommunication networks, automation, remote control and energy supply units, production and other buildings, structures and other facilities of rail transport of public use and non-public use;

"special carriages by rail" means the carriage by rail intended for especially important state and defense needs and the carriage of persons kept in custody at institutions of the criminal correction system;

"Charter of the Rail Transport of Ukraine" means a regulatory legal act approved by the Cabinet of Ministers of Ukraine and governing relations arising out of the organization and implementation of the carriages of passengers, goods, luggage, freight luggage and relations arising between carriers, consignors (shippers), consignees (recipients), infrastructure operators, owners of rail transport infrastructure complexes of non-public use, owners of rail tracks of non-public use, other legal entities and individuals upon rendering services of rail transport of public use and non-public use, and defining their rights, obligations and responsibilities;

"tariff guides" means informational collections in which the domestic carrier publishes the state-regulated tariffs for rail transport, their application rules, lists of railway stations, distances between them and operations performed within the area of the railway stations;

"terminal and warehouse complex" means a complex of buildings, staff, engineering and technical structures, technological installations that allow providing the entire set of services relating to the process of transportation and allocation of local and transit freight traffic, such as loading and unloading goods and other works, including those related to the carriage by different modes of transportation and track width, commercial operations involving goods, packing, preparing goods for the carriage, warehousing, storage (including goods received in containers), sorting and forming shipments, transport forwarding, informational, insurance and other auxiliary services;

"transportation by rail transport of public use" means technological movement by the infrastructure operator of the rolling stock and/or property by rail tracks of public use or within the area of one railway station of public use to meet its own needs;

"transportation by rail transport of non-public use" means rolling stock and/or goods moved by owners of rail transport of non-public use under an agreement (or to meet their own needs (without entering into a contract of carriage) by rail tracks of non-public use without coming to the tracks of public use;

"traction rolling stock" means locomotives, multiple unit and other rolling stock having traction features to carry out or supporting the process of carriage by rail;

"traction substation" means an electrical industry entity's electrical installation designated for transformation of electrical energy and its further transmission to the contact network of electrified rail transport to electrical energy facilities and consumer's electrical installations.

Article 2. Scope of Application of the Law

1. The rail transport of Ukraine shall comprise the rail transport of public use and rail transport of non-public use (the "rail transport").

2. This law regulates the principles of railway transport activity, traffic safety on railway transport and the way of railway transport management.

Article 3. Rail Transport Laws

1. Relations arising out of the organization, functioning and operation of rail transport shall be governed by the Constitution of Ukraine, Civil and Commercial Codes of Ukraine, Laws of Ukraine "On Transport", "On Natural Monopolies", "On Protection of Economic Competition", other laws, international treaties which have been ratified by the Verkhovna Rada (Parliament) of Ukraine, Charter of the Rail Transport of Ukraine, Rules of Rail Transport Service of Citizens, other regulatory legal acts of Ukraine that govern rail transport business.

If an international treaty of Ukraine which has been ratified by the Verkhovna Rada (Parliament) of Ukraine provides for the rules other than those set out in this Law, the rules of the international treaty of Ukraine shall prevail.

2. Certain issues related to the rail transport operation in carrying passengers, goods, luggage and freight luggage in the international traffic shall be governed by enactments of international rail transport organizations, in which Ukraine is a participant.

3. Railway carriage made to ensure the defensive capacity, safety, public order in the state and international railway carriage are regulated by other legal acts.

Article 4. Basics and principles of Rail Transport Operation in Ukraine

1. The rail transport, in interaction with the other modes of transportation, is intended to meet, timely and in a good quality manner, needs of individuals and legal entities relating to the carriage by rail, facilitate the creation of conditions for developing the economy and ensure that economic space is integrated throughout the country.

2. The rail transport shall operate based on the following principles:
rendered services shall be affordable, safe and of proper quality also for the passengers with reduced mobility;

stable operation and dynamic development of the rail transport;
safety of transport activity for human life and health, for the environment and cultural valuables;

coordinated operation of the integrated transport system of Ukraine;
combination of state interests with the interests of transport entities and their mutual responsibility;

developing the competition and establishing a well-developed market for rail transport services;

equal conditions for all the entities of transport activity notwithstanding their ownership;
ensuring the transparency and non-discriminatory access to railway infrastructure for all railway undertakings;

preserving the state regulation for monopoly and social segments of the rail transport and state control over activities of rail transport enterprises, notwithstanding their ownership in the part related to the ensuring the safety and security of freight transportations;

efficient centralized management of transportation process by the infrastructure operator;
ensuring that rail transport enterprises' property is efficiently managed and developed to render the entire range of good-quality and affordable rail transport services;
preserving the integrity and ensuring that the infrastructure functions uninterruptedly;
3. The functioning of rail transport that does not operate based on the above-mentioned principles shall be forbidden.

Chapter 2 RAIL TRANSPORT STATE REGULATION

Article 5. Basic Principles of the Rail Transport State Regulation

1. The Cabinet of Ministers of Ukraine, central body of executive power that ensures the formation of the state policy in relation to the rail transport, central body of executive power that implements the state policy in relation to the rail transport, central body of executive power that implements the state policy in relation to the land transport safety, other central and local bodies of executive power shall exercise the state regulation with respect to the rail transport acting within their competence in order to ensure:

efficient, safe and proper functioning of the rail transport and its comprehensive development;

that interests of the state, services users and rail transport enterprises are well balanced;

that the process of carriage is uninterrupted;

that a competitive market is created for the rail transport services;

the traffic and environmental safety;

fire safety and technotronic security;

timely reaction to emergencies occurring during transport accidents involving dangerous goods and elimination of their consequences;

equal access to services of railway transport infrastructure to all users interested in receiving such services,

efficient use of infrastructure facilities that are used directly to support the process of carriage.

The Cabinet of Ministers of Ukraine shall develop the rail transport based on the state target programs for development of the rail transport of Ukraine for the relevant period of time, which shall be approved by the Cabinet of Ministers of Ukraine upon the recommendation of the central body of executive power that ensures the formation of the state policy in relation to the rail transport.

2. Powers and authority of the Cabinet of Ministers of Ukraine relating to the rail transport state regulation shall include:

1) ensuring the implementation of the state policy in relation to the rail transport, directing and coordinating activities of ministries and other central bodies of executive power;

2) approving of the Charter of the rail transport of Ukraine;

3) determining the way of formation and placement of state and local orders for the socially important carriage of passengers by rail;

4) having other powers and authority provided in this Law and other laws.

3. Powers and authority of the central body of executive power that ensures the formation of the state policy in relation to the rail transport shall include:

- 1) formulating the state policy in relation to the rail transport, rail transport safety, rail transport traffic and operation safety;
- 2) defining preferred directions for development of the rail transport;
- 3) implementation the state policy relating to the international cooperation on rail transport;
- 4) coordinating of provision of measures related to the rail transport aimed at fulfilling missions related to the mobilization training and meeting the needs of civil protection within a special period;
- 5) acting as a competent authority of Ukraine in connection with the carriage of dangerous goods;
- 6) ensuring normative and legal regulation in the area of rail transport with respect to the issues falling within its competence in accordance with this Law and other laws, the Charter of Rail Transport of Ukraine;
- 7) approving investment programs;
- 8) approving the Rules of passenger and freight transportation, Single network technological process
- 9) entering into agreements for organizing socially important carriage of passengers by rail;
- 11) having other powers and authority provided in this Law and other laws.

4. Powers and authority of the central body of executive power that implements the state policy in relation to the rail transport:

- 1) ensuring the implementation of the state policy in relation to the rail transport;
- 2) keeping registers of carriers, railway rolling stock operators, operators of infrastructure, rail tracks of non-public use in the order established by the infrastructure manager;
- 4) coordination of measures to prevent emergency situations occurring to the rail transport;
- 6) approval of opening and closure for operation of rail tracks of public use and railway stations located on rail tracks of public use and non-public use;
- 7) taking the decision regarding the ceasing, in relation to rail tracks of non-public use recorded in the register of rail tracks of non-public use, all or certain types of works, opening and closing such tracks for the traffic of trains and maneuvering trains;
- 12) approving the Rules of equal access to railway transport infrastructure;
- 13) supervision over equal access to railway transport infrastructure;
- 14) consideration of disputes between the infrastructure operators, carriers and other participants of the market rail transportations regarding the issues of the access to railway infrastructure
- 15) having other powers and authority provided in this Law and other laws

5. The National Commission that implements the state regulation in relation to transport as regards the rail transport state regulation shall include:

- 1) state regulation of rail transport prices acting within its defined competence and controlling their compliance;
- 2) agreeing upon investment programs to define an investment component in the area of rail transport;

3) approving the Methodology of state regulated tariffs' formation, way of their determination and control over its compliance

4) other authorities provided in this Law and other laws.

6. Central body of executive power that implements the state policy concerning the safety issues in relation to the land transport is responsible for:

1) issuance, amendment and canceling the authorizations and safety certificates;

2) control over the functioning of the safety management system implemented by the railway enterprise-carrier, infrastructure manager;

3) issuance of the permission to drive the traction rolling stock (train drive license) under the procedure provided by the central body of executive power that implements the state policy in relation to the rail transport;

4) keeping the register of railway rolling stock under the procedure provided by the central body of executive power that implements the state policy in relation to the rail transport;

5) canceling the instructions of the officers in case such instructions contradict railway operations' safety requirements;

6) interdiction of railway rolling stock operation which creates hazards to the safe rail operation, health and life of population, to the environment until the violations of the regulative acts related to safety are eliminated;

7) interdiction or restriction of rail transport infrastructure operation in case of hazards to the safe rail operation, health and life of population, to the environment;

8) other authorities provided in this Law and other laws of Ukraine.

Article_____ Specifics of licensing in rail transport.

Licensing on rail transport is made according to the Law of Ukraine "On licensing the types of economic activity" considering the peculiarities provided by this Law.

Subject to licensing – rail enterprise-carrier transporting passengers and/or goods by rail transport.

Rail enterprise-carrier's license (hereinafter - license) attests the capacity of rail enterprise-carrier to engage the type of economic activity mentioned in it. The license of the carrier does not provide the right of access to rail infrastructure.

The license of the carrier, respecting the principle of equality, is issued to the rail enterprise-carrier which submitted the request to receive the license of the carrier (hereinafter - applicant) and has a stellar reputation, stable financial condition; with this regard the following may be checked:

adequacy of financial recourses;

action and management plans;

previous activity (good reputation);

professional competence.

Applicant's reputation is considered to be good in case if:

this applicant is not insolvent;

that the senior officials of the applicant do not have **unexpunged** or outstanding conviction.

The license of the carrier is issued for the period of five years. If the licensee performs the obligations provided by this law and meets the requirements stated in the license, the period of validity of the license is prolonged by the way of reregistration.

Article 7. Metrological Activities and Rail Transport Evaluation of Products Compliance

1. The central body of executive power that implements the state policy in relation to the rail transport shall coordinate in accordance with the laws of Ukraine the metrological activities involving rail transport and authorize rail transport enterprises and organizations and their separate units to take measurements relating to legally regulated metrology other than those related to compliance evaluation of products, processes and services.

2. Metrological services of “Ukrainska zaliznytsia” JSC shall coordinate works relating to the uniformity of measurements and metrological control and supervision at rail transport enterprises of public use and rolling stock in compliance with the Law of Ukraine "On Metrology and Metrological Activities".

3. The compliance shall be evaluated with respect to the rail transport pursuant to technical regulations governing such compliance evaluation.

Article 8. Railway Transport Tariffs

1. The tariff policy for rail transport shall be formulated in accordance with the following principles:

- the tariff shall be economically feasible;
- the tariff may be forecast;
- development of a competitive environment shall be ensured with respect to passenger and goods carriages by rail;
- the service market shall be well-balanced;
- the structure and system of building up the tariff shall be uniform throughout Ukraine;
- procedures shall be regulated in a public and open manner;
- the regulation shall be targeted and aimed at a specific natural monopoly entity;
- services quality increasing shall be encouraged;
- domestic market tariffs shall be oriented to the level of the global market tariffs.

2. Upon conducting rail transport business, tariffs applicable to works (services) shall be set in line with the state-regulated and free tariffs and the tariff determined in accordance with the applicable international treaties of Ukraine.

3. According to the law of Ukraine “On prices and pricing” the tariffs for infrastructure services are the subject to a state regulation by introducing price limits.

The state-regulated tariffs for rail transport works (services) shall be set at an economically feasible level so that to cover economically reasonable costs and expenses incurred to carry out (provide) such works (services) and make profit.

A difference between economically reasonable and actually set tariffs shall be compensated to infrastructure operators enjoying the state-regulated tariffs in accordance with the laws.

Upon setting state-regulated tariffs, such tariffs shall obligatorily comprise an investment component which is used for the development of infrastructure in accordance with the investment program approved under the established procedure.

The Cabinet of Ministers of Ukraine shall approve a procedure under which investment programs shall be prepared, agreed upon and approved.

The national commission that implements the state regulation in relation to the transport shall approve the Mechanism and Procedure for calculating and including an investment component in the tariff in pursuance of investment programs and/or compensating for investment resources raised to finance the investment program with an agreement from the central body of executive power that ensures the formation of the state policy in relation to the rail transport.

4. Payments for rail transport works (services) which are not subject to the state-regulated tariffs shall be made at free tariffs set under an agreement between the parties in accordance with the procedure not contrary to the laws on protection of economic competition.

5. Tariffs for transportation of passengers in social segment are set according to the contracts concluded between the competent state authority and the carrier.

6. Tariffs for carriages in the international traffic shall be set in accordance with the laws, unless otherwise provided for in international treaties of Ukraine.

Article 9. Public service obligation

1. Socially important railway passenger carriage are conducted upon the results of state and local public order placing in accordance with the law on public procurement to meet state priority needs, taking into account the peculiarities defined by this Law.

2. Public order of socially important passenger carriage for the whole calendar year are drafted and placed by the central body of executive power that forms and implements the state policy in relation to the rail transport, according to the state program approved by the Cabinet of Ministers of Ukraine within the amount provided by the law of Ukraine “On the State Budget of Ukraine” for the relevant calendar year.

3. State and local public order for passengers’ transportation is set in the relevant contract. In case of default of the contract or the existence of the debt for the services of socially important transportation of passengers for 3 months or more, the carrier may stop the transportation of such passengers.

Article 10. Relations with Local Bodies of Executive Power and Bodies of Local Self-Government

1. Relations between rail transport enterprises and local bodies of executive power and bodies of local self-government shall be established on a contractual basis in accordance with the laws of Ukraine.

2. Local bodies of executive power and bodies of local self-government shall be entrusted with the organization of works to improve areas adjacent to railway stations, construct and put in order approaches to railway stations, lay telephone communications and organize transport

connections with populated areas outside the location of railway stations and station houses. Local bodies of executive power shall interact with the infrastructure operator, carriers, goods owners, other business entities engaged in rail transport to improve the use of vehicles, cooperate in a well-ordered manner with other modes of transportation, establish (including on a share basis) enterprises for carrying passengers in the suburban traffic, develop transport and social infrastructure for servicing passengers, and economy of the regions.

Station houses, pedestrian bridges and tunnels, passenger platforms and other rail transport facilities connected with the servicing of the public in the region shall be built or reconstructed and the rolling stock for the suburban traffic shall be purchased at the expense of rail transport enterprises with the involvement of funds from local budgets and from other sources of financing not prohibited by the laws.

Article 11. Legal Regime of Using Rail Transport Lands

1. The legal regime of lands made available for use to meet the needs of rail transport shall be defined in accordance with the Land Code of Ukraine, this Law, Laws of Ukraine "On the Specifics of Establishing the Public Joint Stock Company of Rail Transport of Public Use" and "On Transport".

2. Protective zones shall be established to ensure that rail tracks, electrical and telecommunication networks, other devices and rail transport facilities of public use are safely operated with the right-of-way and at places exposed to hazard of land slides, avalanches, erosions, mudflows, snow blockades and other dangerous impacts. The Cabinet of Ministers of Ukraine shall set out a procedure for establishing protective zones, determining their dimensions and regime of use.

Article 12. Legal Regime of Rail Transport Property

1. Rail transport facilities of public use and non-public use may be state-owned and communally or privately owned and used in compliance with requirements set out in this Law and other legislative acts.

2. 100% of the shares of JSC "Ukrainska zaliznytsia" are in the state property.

2. Infrastructure facilities transferred to JSC "Ukrzaliznytsia" (hereinafter – facilities of economic control right) may be exclusively state-owned and assigned to the infrastructure operator, which shall have the right of its economic control, provided that such right shall be contributed into its authorized capital.

The list of categories of the **facilities of economic control right** includes:

rail tracks of public use (ballast bed, track upper structure and artificial structures) on railway hauls and stations designated for passing trains, carrying out operations to accept and dispatch trains, accept and release goods, luggage and freight luggage, performing sorting and maneuvering works;

railway crossings together with equipment;

signaling, centralizing and blocking devices and lines;

buildings, structures and premises where signaling, centralizing and blocking devices are located;

contact network;
 power transmission lines that feed traction substations, contact network, signaling, centralizing and blocking installations, computing equipment of information complexes for traffic management of rail transport of public use;
 buildings, structures, premises and equipment of traction substations;
 buildings, structures, premises and equipment of transformer substations, complex transformer substations that feed signaling, centralizing and blocking installations, computing equipment of information complexes for traffic management of rail transport of public use;
 buildings, structures and equipment of concentration points;
 buildings, structures and equipment of sectioning posts;
 buildings, structures, premises and equipment of diesel electrical power plants that feed signaling, centralizing and blocking installations, computing equipment of information complexes for traffic management of rail transport of public use;
 systems and lines for remote and long-distance control of electrical power supply equipment;
 buildings, structures and premises, engineering and life-support systems of computing and dispatching centers;
 managing and station equipment for operative and technological communication ensuring that the technological process is managed for rail transport of public use;
 buildings, structures, premises, devices and equipment of restoring and fire train bases, equipment and rolling stock of restoring and fire train bases and rail tracks of public use on which such stock is located.

Facilities of economic control right and their right-of-way may not be privatized or sold in the course of bankruptcy proceedings, nor may they be subject to enforcement under a court ruling and other enforcement documents or to attachment.

The infrastructure operator may not alienate, make available for use, rent, lease, as a concession, trust, pledge, free use, contribute into the authorized (share) capital of business entities strategic infrastructure facilities and enter into any other transactions with respect to them, which may result in alienation of such facilities.

The infrastructure operator shall apply a depreciation amount accrued on the **facilities of economic control right** exclusively to finance capital investments into the construction (reconstruction or modernization) of such facilities.

Net profits made by the infrastructure operator, from which a part of net profits (revenues) shall be deducted and paid to the State Budget of Ukraine, shall be reduced by the depreciation amount accrued on the **facilities of economic control right**.

3. Property, property rights and shares of commercial companies contributed into the infrastructure operator's authorized capital and acquired by it while conducting its activities other than facilities of economic control right, shall be the property of the infrastructure operator.

The infrastructure operator shall dispose of such property, property rights and shares under the procedure set out by the Cabinet of Ministers of Ukraine.

4. A possibility and conditions for mechanism application of public - private partnership in relation to rail transport infrastructure development is provided by a separate (special) Law of Ukraine.

Chapter 3
RAIL TRANSPORT INFRASTRUCTURE

Article 13. Designing, Constructing, Purchasing and Maintaining Infrastructure Facilities

1. The infrastructure operator shall design, construct (including new construction, reconstruction, restoration, capital repair) and purchase facilities of economic control right under the procedure set out in the laws, using budget funds appropriated for such purposes, the investment component of the tariff for services rendered by the infrastructure operator, infrastructure operator's own funds, private investors' funds and out of any other sources of financing not prohibited by the laws.

2. Facilities of economic control right created (purchased) by raising budget funds, investment component of the tariff for infrastructure operator's for services and infrastructure operator's own funds shall be state-owned and transferred to the infrastructure operator under the procedure provided by the laws.

If facilities of economic control right are newly built and/or purchased with funds not referred to in the first paragraph, the possession of such facilities shall be delivered to the state and assigned to the infrastructure operator under the procedure set out by the laws, with consent from the relevant investor or under agreements for compensation of costs and expenses for their construction (purchase), as made under the procedure and on the terms and conditions defined by the Cabinet of Ministers of Ukraine.

3. Reconstruction, restoration and capital repair of facilities of economic control right assigned under the procedure set out in the laws to the infrastructure operator shall be made using depreciation deductions, investment component of the tariff for services rendered by the infrastructure operator, infrastructure operator's own funds and at the expense of budget funds appropriated for such purposes in accordance with the laws.

4. Any infrastructure facilities other than the facilities of economic control right shall be designed, constructed (including new construction, reconstruction, restoration, capital repair) and purchased out of any other sources of financing not prohibited by the laws.

The owners of any infrastructure facilities other than facilities of economic control right, which are directly connected with supporting the traffic of rail transport of public use or technologically connected with strategic infrastructure facilities shall, under the procedure set out by the Cabinet of Ministers of Ukraine, ensure that the infrastructure operator may use such facilities to the extent as may be necessary to ensure that the rail transport of public use is efficiently and safely operated. The owners of such facilities shall be entitled, with consent from the infrastructure operator, to deliver at no cost the possession of the relevant facility to the infrastructure operator for the purpose of its operation.

The central body of executive power that implements the state policy in relation to the rail transport shall determine criteria for classifying infrastructure facilities as directly connected with supporting the traffic of rail transport of public use or technologically

connected with facilities of economic control right.

The owners of such facilities may dispose of them only to the extent that such disposal shall not prevent the infrastructure operator from using them to ensure the safe traffic and operation of the rail transport of public use.

5. A procedure for using infrastructure facilities other than the facilities of economic control right, the new construction and/or purchase of which is financed using funds out of various sources of financing shall be set out in the relevant investment agreement. A material condition of such agreement is that the parties shall designate a business entity to operate such infrastructure facility and a period of such operation.

If the construction (new construction, reconstruction, restoration, capital repair) of infrastructure facilities other than infrastructure facilities necessitates additional development of the infrastructure or its certain facilities, costs and expenses incurred by the infrastructure operator to take measures aimed at such additional development of the infrastructure or its certain facilities, provided that the investments made may be paid back, shall be compensated using the infrastructure operator's own funds under the relevant agreements made with the infrastructure operator.

6. Any infrastructure facilities shall be designed, constructed (including new construction, reconstruction, restoration, capital repair) and purchased, provided that requirements relating to their availability to persons suffering from disorders of organs of vision, hearing and the musculoskeletal system are obligatorily complied with.

Article 14. Designing, Constructing, Purchasing and Maintaining Rail Transport Facilities of Non-Public Use

1. Any rail transport facilities of non-public use shall be designed, constructed (including new construction, reconstruction, restoration, capital repair) and purchased under the procedure established in the laws out of any other sources of financing not prohibited by the laws.

2. Rail transport facilities of non-public use directly connected with supporting the train traffic and maneuvering operations on rail tracks of non-public use constructed or reconstructed using funds that do not belong to the owners of rail transport infrastructure complex of non-public use may be transferred by owners of such facilities to the owners of such complex under a trust agreement, lease or other grounds as provided by the laws. The owners of rail transport facilities of non-public use shall be entitled, with consent from the infrastructure operator, to deliver, at no cost, the possession of the relevant rail transport facility of non-public use to the infrastructure operator for the purpose of its operation.

3. A procedure for disposing of and using rail transport facilities of non-public use whose designing, new construction and/or purchase is financed using funds out of various sources of financing shall be set out in the relevant investment agreement. The parties shall designate in such agreement a business entity that will further operate such

rail transport facility of non-public use and a period of such operation.

4. If the construction (new construction, reconstruction, restoration, capital repair) of rail transport facilities of non-public use necessitates additional development of facilities of the owner of the rail transport infrastructure complex of non-public use or the owner of rail tracks of non-public use or the infrastructure operator, costs and expenses incurred to take measures aimed at such additional development of the facilities, provided that the investments made may be paid back, shall be compensated to the owner of the rail transport infrastructure complex of non-public use or the owner of rail tracks of non-public use or the infrastructure operator at the expense of such facility owner under the relevant agreements.

Article 15. Fundamental principles of infrastructure operator's activity

1. The infrastructure operator shall:

fulfill its obligations relating to the organization and implementation of the process of carriage by rail of public use;

maintain the infrastructure in a proper technical condition;

be authorized to carry out the relevant type of business and have safety certificate;

develop, approve and ensure the functioning of the safety management system;

use the infrastructure and its facilities for their designated purpose;

control and ensure that traffic, fire and occupational safety and security requirements are complied with for the rail transport;

take urgent actions to eliminate the consequences of emergencies, transport and other accidents occurring to rail transport, arrange for the taking of actions for technical cover of infrastructure facilities;

ensure that natural environment protection laws are complied with;

immediately notify, under the established procedure, bodies of executive power, bodies of local self-government and the public of emergencies of natural and man-made origin that have resulted in disruptions of the rail transport operation or occurred to rail transport facilities;

create mobilization bodies and units for managing special military carriages;

report to the central body of executive power that implements the state policy in relation to the land transport safety on transport and other accidents connected with violation of the rail transport traffic and operation safety rules and reasons of their occurrence and the measures taken;

ensure that obligations arising out of international treaties and the laws related to the mobilization training and mobilization is fulfilled;

fulfill other obligations provided for by the laws.

The infrastructure operator's rights and obligations shall be set out in the network contract made by and between the infrastructure operator and the central body of executive power that shapes the state policy in relation to the rail transport under the procedure established by the Cabinet of Ministers of Ukraine.

2. If carriage is made by rail tracks of public use with the rolling stock, the operator shall check its technical condition and documents of the persons who drive the

traction rolling stock.

Should it be found out that the traction and other rolling stocks are not in proper technical condition so that it poses a threat to the traffic safety and if the engine driver shows signs of alcohol or narcotic intoxication, the infrastructure operator shall suspend the traffic of the traction and other rolling stocks and give notice thereof to their owners.

The infrastructure operator shall make a list of infrastructure operator's employees who are entitled to carry out such inspections.

3. In the event of carriage by rail in the international traffic, terms and conditions for organizing carriages with the use of the border infrastructure of Ukraine shall be set out in the relevant border agreements made in accordance with the laws on international treaties and agreements made in pursuance of the border agreement with foreign railway operators.

4. Interaction between the infrastructure operator and owners of rail transport infrastructure complexes of non-public use, owners of rail tracks of non-public use shall be governed by the relevant agreements made pursuant to the Charter of the Rail Transport of Ukraine.

Article 16. Basic requirements for the Functioning of the Infrastructure

1. The infrastructure operator shall maintain the infrastructure and such infrastructure facilities in technically operational condition so that to ensure that the process of carriage is safe and uninterrupted.

2. The infrastructure operator shall decommission, due to the writing off of one or several technologically connected facilities of economic control right or their re-profiling, under the procedure set out by the Cabinet of Ministers of Ukraine.

Such a requirement shall not be applicable to strategic infrastructure facilities temporarily (for a period of no more than thirty days) decommissioned to repair and reconstruct such facilities.

3. If one or several technologically connected facilities of economic control right that are of state, defense or social significance may not be decommissioned, the Cabinet of Ministers of Ukraine, upon recommendation of the central body of executive power that implements the state policy in relation to the rail transport, shall designate a source of financing costs and expenses to maintain and operate such facilities to the extent not covered by revenues from their operation.

Article 17. Access to the Infrastructure

1. Access to the infrastructure shall be granted on a basis so that equal conditions

are enabled for such services on a contractual basis.

The rules of equal access to the infrastructure shall be prepared by the central body of executive power that shapes the state policy in relation to the rail transport and approved by the Cabinet of Ministers of Ukraine.

The rules of equal access to the infrastructure shall include:
 terms for equal access to infrastructure;
 furnishing information relating to the procedure for access to infrastructure;
 procedure for handling complaints related to the procedure for granting access to the infrastructure;
 criteria of railway infrastructure congestion and priority principles.

The Cabinet of Ministers of Ukraine shall approve model agreements for access services to infrastructure.

2. The procedure for access to infrastructure shall be developed by the infrastructure operator and approved by the central body of executive power that implements the state policy in relation to rail transport.

Procedure for access to infrastructure:
 procedure for applications submission for capacity allocation, requirements to applicants, schedule of applications submission and allocation process;
 list of the services that are provided by the infrastructure operator;
 parameters of infrastructure capacity that is available for railway undertakings and any restrictions regarding its usage, including requirements concerning capacity allocation exploitation;
 criteria and procedures when railway infrastructure is congested.

Article 18. Agreement for Granting Access to Infrastructure

1. The access services to infrastructure shall be rendered to:
 carriers under an agreement made with the infrastructure operator for the provision of access services to infrastructure related to carriages;
 other persons interested in receiving access services to infrastructure to carry out activities related to the process of carriage, under the relevant agreement made with the infrastructure operator.

2. Agreements for the provision of access services to infrastructure to operate carriages shall be made in writing and shall be public.

3. Material terms and conditions of the infrastructure service agreement in relation to carriages are:

list and value of the services rendered to the carrier by infrastructure operator;
 procedure for settlements and ways to pay for the infrastructure services rendered;
 procedure for exchanging information relating to agreed upon carriages, including by using electronic communications and databases;

procedure for exchanging documents evidencing that the carriages and the services to be rendered have been agreed upon, performed and completed;

procedure for technical maintenance and repair of the rolling stock when operating carriages;

procedure for interaction between the parties to prevent and mitigate adverse consequences caused by transport accidents, emergencies, fires and disasters;

parties' liability for failure to perform or improper performance of obligations, including the procedure for compensating for loss caused to third parties due to such failure or improper performance;

other terms and conditions that are defined by the parties to the agreement as material.

An effective period of the infrastructure service agreement related to carriage shall not exceed the effective period of the relevant safety certificates.

4. Any discrepancies related to the technology for arranging the process of carriage or technology for arranging the provision of infrastructure services or performing works (services) using an infrastructure facility shall be handled under the procedure set out by the central body of executive power that implements the state policy in relation to the rail transport.

5. A price of infrastructure services shall be determined based on the economically substantiated tariff set pursuant to the requirements of the present Law and, to the extent not covered by such tariff, under the relevant agreement as the parties may agree upon.

Article 19. Opening and Closing Rail Tracks of Public Use and Railway Stations Located on Them

1. The infrastructure operator shall open rail tracks of public use and railway stations for permanent usage to carry out all or certain operations under the procedure determined by the central body of executive power that shapes and implements the state policy in relation to the rail transport.

2. The Infrastructure operator shall close rail tracks of public use (other than station tracks and in the event of temporary closure due to needed repairs or reconstruction of the rail tracks) and railway stations to carry out all or certain operations by confirmation of the central body of executive power that shapes and implements the state policy in relation to the rail transport.

The Infrastructure operator shall close station rail tracks of public use and shall temporarily close rail tracks of public use due to the needed repairs or reconstruction of the rail tracks.

If rail tracks of public use that are of state, defense or social significance may not be closed, the Cabinet of Ministers of Ukraine, upon recommendation of the central body

of executive power that implements the state policy in relation to the rail transport, shall designate a source of financing costs and expenses to maintain and operate such tracks to the extent not covered by revenues from their operation.

If, within three months after a proposal was made to close rail tracks of public use, an issue relating to their closing is not resolved or no relevant sources of financing are identified, the infrastructure operator shall close such rail tracks and stations.

3. Information relating to the opening (closing) of rail tracks of public use (except for station tracks) and railway stations shall be included in the relevant tariff guide.

Chapter 4 CARRIAGE BY RAIL

Article 20. Fundamental Principles of the Organization of Carriages by Rail

1. The carriage of passengers, goods, luggage and freight luggage shall be made in accordance with this Law, the Charter of the Rail Transport of Ukraine, Order and Rules of equal access to the infrastructure of rail transport, Rules of Carriage of Goods by Rail, Rules of Rail Transport Service of Citizens, Rules of Carriage of Passengers, Luggage and Freight Luggage by Rail and contracts of carriages made in accordance with the laws. The central body of executive power that ensures the formation of the state policy in relation to the rail transport shall approve the Rules of Carriage of Goods by Rail, Rules of Rail Transport Service of Citizens, Rules of Carriage of Passengers, Luggage and Freight Luggage by Rail. Rules of equal access to the infrastructure of rail transport are approved by the central body of executive power that ensures the implementation of the state policy in relation to the rail transport. The Cabinet of Ministers of Ukraine shall determine the specifics related to organizing and implementing carriages by rail in connection with evacuation. The carriage of passengers, goods, luggage and freight luggage in the international traffic with the use of rail transport of public use shall be made in compliance with requirements set out in international treaties of Ukraine.

If the owner of the rolling stock and (or) operator of the rolling stock and their employees or a person who operates the traction rolling stock fails to comply with this Law, other regulatory legal acts and normative technical documents related to the rail transport, such rolling stock shall not be allowed to travel by rail tracks of public use and non-public use.

2. Passengers, including passengers who, in accordance with the laws, have a right to travel privilege, shall travel by rail on the basis of travel documents (tickets).

A procedure for issuing travel documents (tickets) used for the rail transport shall be set out in the Charter of the Rail Transport of Ukraine, Rules of Rail Transport Service of Citizens, Rules of Carriage of Passengers, Luggage and Freight Luggage by Rail.

A carrier shall be entitled to refuse to carry a passenger who has no properly issued travel document (ticket).

3. Military and special goods shall be carried on a contractual basis.

Military and special goods shall be carried under the protection of guards of the military

units (detachments) that carry such goods under the procedure defined by the Ministry of Defense of Ukraine.

4. Carriers shall arrange for the carriage of passengers, luggage and freight luggage by rail of public use in the long-distance traffic:

upon their own initiative;

upon the initiative of the central body of executive power that implements the state policy in relation to the rail transport under an agreement for arranging the carriage of passengers by rail in the long-distance traffic in the social segment of passenger carriage;

The carriers shall arrange for the carriage of passengers and luggage by rail of public use in the suburban traffic:

upon their own initiative;

upon the initiative of local bodies of executive power under an agreement for arranging the carriage of passengers by rail in the suburban traffic in the social segment of passenger carriage.

5. Transportation by rail of public use or non-public use shall be made under an infrastructure service agreement made accordingly with the infrastructure facility operator or the owner of rail tracks of non-public use..

Goods and empty rolling stock shall be transported via rail tracks of non-public use from/to rail tracks (railway stations) of public use accordingly to/from places of loading (unloading) by using rail transport of non-public use.

The specifics related to the transportation by rail of public use and (or) non-public use, interaction between the parties involved in the transportation shall be set out in the Charter of the Rail Transport of Ukraine.

6. Goods, luggage and freight luggage shall be carried under a contract of carriage made in compliance with requirements set out in this Law, Civil and Commercial Codes of Ukraine, Charter of the Rail Transport of Ukraine.

Obligations and responsibilities of persons participating in the organization of goods carriage shall be set out in the Charter of the Rail Transport of Ukraine, the Rules of equal access to the infrastructure of rail transport and the terms of the contract of carriage.

A contract of carriage of the goods made between the goods owner and the carrier shall at the same time serve as a contract of pledge of the goods to secure the payment of the carriage fee to the carrier and other charges due and payable to the carrier.

A material condition of the contract of carriage shall be a safe and intact delivery of the goods accepted for carriage to the point of destination at the predetermined time.

Article 21. Fundamental principles of carriers' activity

1. In order to be engaged in the carriage by rail transport of public use a carrier shall have:

a license to carry out the relevant type of business in accordance with the laws and a safety certificate;

traction rolling stock, either as its ownership or otherwise under an agreement made with its owners;

the access right to the infrastructure under an agreement for rendering access service to infrastructure made with the infrastructure operator.

maintain its rolling stock in a proper sanitary and technical condition;

admit to the work the personnel who meet the qualification requirements and have no medical contraindications relating to such work;

develop, approve and ensure the functioning of the safety management system;

ensure the fulfillment of traffic safety requirements, fire safety and labour protection in rail transport;

ensure the necessary conditions for passengers' transportation, including the passengers with reduced mobility;

ensure that natural environment protection laws are complied with;

provide the central body of executive power that implements the state policy in relation to the rail transport and infrastructure operator with information about freights and passengers transportation volumes and other information about volume of work on rail transport infrastructure;

other responsibilities defined by law.

2. A carrier may own (other than traction rolling stock) as a property or in a different way other rolling stock on the basis of corresponding agreement with rolling stock operator.

3. Information relating to carriers which are engaged in carriages by rail of public use and which obtained, under the procedure set out in this Law, access to the infrastructure shall be placed at the official website of the central body of executive power that implements the state policy in relation to the rail transport under the procedure set out by such body.

2. A carrier shall be entitled to:

verify whether the weight of goods, freight luggage and other information indicated by the consignors (shippers) in the railway bills (applications for carriage of freight luggage) are true and correct;

make overall check of freight stipulated by law that is accepted for carriage and documents for it

reject to accept freight for carriage in case if freight or documents for it doesn't correspond to the set requirements;

if a carriage charge is not paid in a timely manner, collect from the consignors (senders), consignees (receiver) of the goods a penalty at the rate and under the procedure set out by the legislation;

demand that consignors (shippers) and consignees (recipients) comply with requirements and rules relating to the use of mechanical means to carry out cargo handling operations, packages, special-purpose containers so that to prevent damage of the rolling stock, structures and devices, other infrastructure facilities and to ensure that the goods are preserved;

create international unions with other carriers;

have other rights provided for by the laws.

The rights of carriers engaged in the carriage by rail of public use with respect to the goods accepted for carriage shall be protected to the same extent as the rights of goods owners.

Article 22. Fundamental Principles of Rolling Stock Operators' Activities

1. A rolling stock operator shall:

own rolling stock (other than traction rolling stock) on the basis of ownership title or other right in accordance with agreements made with their owner or other business entities;

maintain rolling stock (other than traction rolling stock) in proper technical condition which are in its possession;

enter with the carrier into an agreement;

ensure that organizational, technical and technological requirements are complied with in relation to the activities undertaken by the rolling stock operators, as set out by the central body of executive power that ensures the formation of the state policy in relation to the rail transport;

ensure that natural environment protection laws are complied with;

provide the carriers, which bear obligations related to the carriages aimed at securing the defensive capacity of the state, mitigation of emergencies and their consequences or which are engaged in military or special carriages, with necessary rail cars and containers in a priority order in cases determined by law.

3. A rolling stock operator shall be entitled to receive from the carrier or infrastructure operator, terms and conditions agreed upon with them, any information as may be necessary for interaction in the process of carriage.

Article 23. Fundamental Principles of the Operation of Railroad Transport of Non-Public Use

1. The rail tracks of non-public use and located on it buildings and facilities should ensure shunting work according to volumes that would provide rhythmical cargoes loading and unloading as well as efficient use of rolling stock and its preservation.

Design and condition of rail tracks of non-public use that border directly or through

other rail tracks of non-public use on rail tracks of public use, located on it buildings and facilities should correspond to the construction standards and regulations and ensure wagons passing with permissible levels of technical loading on rail tracks of public use as well as locomotives passing, other rolling stock designated for rail tracks of non-public use maintenance.

An owner of rail tracks of non-public use, an owner of infrastructure complex of rail transport of non-public use ensure maintenance and operation of rail tracks of non-public use keeping up with traffic safety and rail transport operation requirements, make illumination of such tracks at loading and unloading points, cleaning garbage and snow.

In case of rolling stock running out on rail tracks of non-public use and it operates also on rail tracks of public use, rail tracks of non-public use shall comply with the requirements established on rail tracks of public use.

2. The rail tracks of non-public use bordering on existing rail tracks of public use that are under construction is done on the basis of agreement for technological connection that is concluded between infrastructure operator and the owner of new and those that are under construction rail tracks of non-public use. The central body of executive power that implements state policy in relation to rail transport shall establish the order of agreement for technological connection conclusion.

An agreement for technological connection shall be concluded in writing and shall be public. The list of measures that shall be taken for technological connection and the order of its financing by a person whose tracks are connected to the existing rail tracks of public use shall be defined in the agreement.

If infrastructure operator is the owner of the rail tracks of non-public use that are under construction, infrastructure operator shall make a decision of such a connection in its sole discretion.

3. The rail tracks of non-public use bordering on existing rail tracks of public use that are under construction is done by confirmation on the basis of agreement terms with the owner of existing rail track of non-public use.
4. The central body of executive power that implements state policy in relation to rail transport defines the order for rail track of non-public use opening for permanent operation and a possibility of putting rolling stock of public use on such a rail track.

Each rail track of non-public use shall have a technical passport, plan, its profile elevation, regulations on maintenance order and organization of traffic on rail track of non-public use.

5. The central body of executive power that implements state policy in relation to rail transport defines the order for opening (closing) of a railway station located on rail tracks of non-public use for all or certain operations performance, on the basis of proposals:

from the owners of rail track of non-public use to whom stated railway stations belong;

from infrastructure operator agreed with the owners of rail track of non-public use.

6. Information about rail tracks of non-public use and its owners, within the

territory of which there are facilities located that have public, defensive or social implication or which functioning may have a negative impact on environment as well as rail tracks of non-public use that connect stated tracks with rail tracks of public use is due to be included in the register of rail tracks of non-public use that is kept by the central body of executive power that implements the state policy in relation to rail transport.

The central body of executive power that ensures formation and implementation of the state policy in relation to rail transport shall define the order for keeping the register of rail tracks of non-public use and the list of records that it contains.

7. Termination of all or certain types of work execution on rail tracks of non-public use that are included in the register of rail tracks of non-public use and its closing for shunting trains circulation is done by its owners on their own initiative and/or on the basis of requests of the central body of executive power that implements the state policy concerning the safety issues in relation to the land transport by confirmation of infrastructure operator, corresponding local bodies of executive power and the central body of executive power that implements the state policy in relation to rail transport.

In case if it is impossible to terminate on rail tracks of non-public use execution of all or certain types of works, a proposal to define funding sources of losses that arise in the process of these rail tracks maintenance and operation is addressed to the corresponding local bodies of executive power. In case if during three months as of the date of proposal giving about closing of these rail tracks of non-public use for all or certain types of work execution an issue about its closing is not solved or funding source of losses that arise in the process of these rail tracks maintenance and operation is not defined, the owners of tracks of non-public use shall be entitled to make decision about such tracks closing or terminating corresponding types of work on their own or claim through legal proceedings to reimburse expenses for its maintenance.

In case if tracks are not included in the register of rail tracks of non-public use, a decision about its closing shall be made by the owners of infrastructure complex of non-public use that include such tracks or by the owners of such rail tracks of non-public use on their own.

8. The works on loading, unloading goods, rolling stock preparation, transportation by rail transport of non-public use, sorting, goods keeping that arrived or are due to be transported, shunting and other works connected with goods transportation taking into account technical and technological possibilities of such works execution are performed on rail transport of non-public use.

In addition, the rail transport of non-public use may be engaged to carry goods, passengers, luggage and freight luggage if the point of departure and point of destination are located within the area of rail tracks of non-public use that belong to one or several owners, provided that the rolling stock shall not travel by rail tracks of public use.

9. The owner of rail tracks of non-public use and owner of the rail transport infrastructure complex of non-public use shall:

conduct their activities in compliance with the laws and normative technical documents relating to the rail transport;

maintain tracks of non-public use in a proper technical condition;

hold a license to carry out the relevant type of business, safety certificate and have personnel that meet qualification requirements;

ensure that tools for controlling the technical condition and the functioning of rail transport of non-public use are available and operated in compliance with the existing requirements;

take urgent actions to eliminate the consequences of emergencies, transport and other accidents occurring to rail tracks of non-public use;

develop, approve and ensure the functioning of the safety management system;

ensure that traffic, fire and occupational safety and security requirements are complied with for the rail transport;

immediately notify, under the established procedure, bodies of executive power, bodies of local self-government and the public of emergencies of natural and man-made origin that have resulted in disruptions of the operation of tracks of non-public use or occurred to rail transport facilities of non-public use which are in their possession.

10. Mutual relations between the owners of rail tracks of non-public use, owners of rail transport infrastructure complexes of non-public use between themselves and with the infrastructure operator shall be defined in the Charter of the Rail Transport of Ukraine and terms and conditions of agreements made in accordance with the laws.

11. During the carriage by rail tracks of non-public use, their owners shall verify the condition of traction rolling stock and other rolling stocks which do not belong to them, as well as the documents and condition of the engine driver.

Should it be found out that traction and other rolling stocks are not in proper technical condition so that it poses a threat to the traffic safety and if the engine driver shows signs of alcohol or narcotic intoxication, the owners of the rail transport infrastructure complex of non-public use or the owner of rail tracks of non-public use shall suspend the traffic of the traction and other rolling stocks and give notice thereof to their owners.

The owners of the rail transport infrastructure complex of non-public use or rail tracks of non-public use shall make a list of employees engaged in such inspections.

12. The owners of the rail transport infrastructure complex of non-public use or rail tracks of non-public use shall manage the process of carriage and maneuvering operations within the area of such complex or on such tracks.

Chapter 5 ROLLING STOCK

Article 24. Basic Requirements for the Rolling Stock and Containers

1. The rolling stock designated for the carriage of passengers, goods, luggage and freight luggage and containers, irrespective of their possession, shall meet the Rules of Technical Operation of the Rail Transport of Ukraine approved by the central body of executive power that ensures the formation and implementation of the state policy in relation to the rail transport and the relevant technical regulations, rules and other regulatory legal acts.

Rolling stock and its components, containers shall have the documents proving the conformity with the requirements of technical regulations, rules and other regulatory legal acts.

2. The rolling stock shall be subject to the state registration by assigning an individual number to it under the procedure established by the central body of executive power that ensures the formation of the state policy in relation to the rail transport.

Requirements for the rolling stock engaged in the international traffic shall be determined in accordance with international treaties of Ukraine and enactments of international rail transport organizations in which Ukraine is a participant.

Article 25. Basic Principles of Organizing Technical Maintenance and Repair of the Rolling Stock and Containers

1. Technical maintenance of the rolling stock not comprising trains, equipping of the rolling stock and technical maintenance of containers shall be undertaken on a contractual basis by enterprises entitled to carry out such operations.

2. Business entities attested to carry out the relevant activities shall repair the rolling stock and containers under the procedure established by the central body of executive power that implements the state policy concerning safety issues in relation to the land transport,.

If the laws so provide, business entities whose products are used in repair and in technical maintenance of the rolling stock and containers, shall have documents evidencing that their products meet requirements of technical regulations, rules, other regulatory and technical documents and rules and regulations of admission for use on the rail transport.

Chapter 6 ORGANIZING THE MANAGEMENT OF THE PROCESS OF CARRIAGE BY RAIL

Article 26. Organizing the Management of the Process of Carriage by Rail of Public Use

1. The traffic of trains operated with the use of rail transport infrastructure of public use shall be organized based on a combined train timetable.

The infrastructure operator shall make, approve and introduce the combined train timetable under the procedure established by the central body of executive power that implements the state policy in relation to the rail transport.

2. Bodies of executive power, bodies of local self-government, carriers, passengers, consignors (shippers) and consignees (recipients) shall be entitled to submit proposals to the infrastructure operator to improve the train timetable.

The infrastructure operator shall, within thirty days of the receipt of the proposal to improve the train timetable, consider such a proposal and reply to the applicant.

If the infrastructure operator refuses to accept the proposal to improve the train timetable, such operator shall, within a prescribed period, provide the applicant with relevant substantiation of such refusal.

3. The infrastructure operator shall manage circulation of trains by rail of public use.

The Unified Network Technological Process of Carriage of Goods by Rail, as drafted by the infrastructure operator and approved by the central body of executive power that ensures the formation of the state policy in relation to the rail transport, shall be used as a basis to manage the carriages of goods by rail, including empty car flows.

Bodies of executive power, bodies of local self-government, legal entities and individuals are not entitled to interfere with organizing the management of trains circulation by rail of public use, save as provided by the laws.

Article 27. Organizing the Management of the Process of Carriage by Rail of Non-Public Use

1. Terms and conditions and a procedure for organizing the process of carriage by rail of non-public use, rendering other services related to the transportation and carriage of goods by rail of non-public use shall be set out in this Law, Charter of the Rail Transport of Ukraine and Rules of Carriage of Goods by Rail.

2. The owner of rail transport infrastructure complex of non-public use and the owner of rail tracks of non-public use shall manage the process of carriage on rail tracks of non-public use.

3. The management of rail transport of non-public use shall be organized based on the technological process of operating rail tracks of non-public use developed and approved by the owner of such tracks and confirmed by the central body of executive power that implements the state policy in relation to the rail transport

Chapter 8 RAIL TRANSPORT TRAFFIC SAFETY

Article 28. Traffic safety management system

Traffic safety management system shall be created for the purpose of increasing the level of rail transport traffic safety, preventing traffic accidents, accidents consequences severity reduction and economic losses minimization hereto related.

The central body of executive power that ensures formation and implementation of the state policy in relation to the rail transport shall approve the regulation on traffic safety management system and methodological recommendations regarding its development and implementation.

Infrastructure operator and carrier shall develop, implement, maintain and improve its own traffic safety management systems taking into account the requirements of the regulation on traffic safety management system and methodological recommendations regarding its development and implementation.

The central body of executive power that ensures formation and implementation of the state policy in relation to the rail transport shall approve traffic safety management system developed by infrastructure operator and carrier under the procedure set out by such body.

The central body of executive power that implements the state policy concerning the safety issues in relation to the land transport executes control over traffic safety management system functioning under the procedure set out by the central body of executive power that ensures formation and implementation of the state policy in relation to the rail transport.

Article 29. Authorization certificate and safety certificate

Infrastructure operator shall receive an authorization certificate in order to get right for infrastructure operation management. This certificate shall certify that infrastructure operator is capable of performing stated activity in accordance to developed by itself and approved according to the article 28 traffic safety management system.

A carrier shall receive a safety certificate in order to get right to access to infrastructure. This certificate shall certify that the carrier is capable of ensuring goods transportation and/or passengers by rail transport with established level of critical admitted risk of rail transport traffic safety in accordance to developed by itself and approved according to the article 28 traffic safety management system.

The central body of executive power that implements the state policy concerning safety issues in relation to the land transport grants authorization certificate and safety certificate according to the results of checking made by such body regarding a possibility of actual provision of developed and approved traffic safety management system functioning under the procedure set out by the central body of executive power that ensures formation and implementation of the state policy in relation to the rail transport.

Authorization certificate and safety certificate is renewed not less than every five years upon infrastructure operator's and carrier's application.

Article 30. System of compulsory notifications regarding rail transport traffic safety

The central body of executive power that implements the state policy concerning safety issues in relation to the land transport shall create a system of compulsory notifications regarding rail transport traffic safety in order to support information collection about rail traffic accidents, actual or potential weaknesses in rail transport traffic safety provision.

Infrastructure operator and carrier shall be obliged to ensure corresponding information transfer stipulated by the system of compulsory notifications.

The central body of executive power that ensures the formation and implementation of the state policy in relation to the rail transport shall define the list of rail traffic accidents and information volume concerning rail transport traffic safety that is due to compulsory notification, analysis and/or investigation as well as the procedure of investigation, analysis of received information and corresponding preventive measures taking.

The central body of executive power that ensures the formation and implementation of the state policy in relation to the rail transport shall define the order for keeping the database of voluntary and compulsory notifications, in which the information about rail traffic accidents, given in the framework of compulsory notifications system, is registered. Neither person's names nor addresses shall be input in the database of voluntary and compulsory notifications.

The central body of executive power that implements the state policy concerning safety issues in relation to the land transport shall use the database of voluntary and compulsory notifications within the limits of its authorities for the purpose of making analysis of received information on a regular basis in order to reveal worrying trends connected with rail transport traffic safety and take corresponding preventive measures.

The information collected in the database of voluntary and compulsory notifications shall be protected according to the laws.

Article 31. The system of voluntary notifications concerning rail transport traffic safety

The central body of executive power that implements the state policy concerning safety issues in relation to the land transport shall create the system of voluntary notifications concerning rail transport traffic safety for the purpose of supporting information collection about acts of legislation requirements infringing that may lead to rail transport traffic safety threatening. Stated notifications shall be registered in the framework of compulsory notifications system on a no regular basis (as soon as it becomes available).

The system of voluntary notifications shall provide each citizen with a possibility of giving information to the central body of executive power that implements the state policy concerning safety issues in relation to the land transport about cases of negative character that were detected by him/her or to which an applicant was a party.

Article 32. Investigation of rail traffic accidents

All rail transport traffic accidents, including road traffic incidents on rail crossings, with rolling stock of residents and nonresidents of Ukraine that took place on the territory of Ukraine (hereinafter referred to as accidents) shall be investigated.

Accidents investigation shall be carried out for the purpose of determining its causes, safety management system improvement and preventive measures taking regarding such accidents forewarn in the future that is a technical investigation.

Investigation of accidents shall be carried out by the specialized expert institution for accidents investigation that shall be created and which status shall be defined by the Cabinet of Minister of Ukraine (hereinafter referred to as Authority for accidents investigation) according to the procedure approved by the central body of executive power that ensures the formation and implementation of the state policy in relation to the rail transport.

The Authority for accidents investigation shall make a decision regarding accident investigation taking into account its severity, peculiarities and influence level on rail transport traffic safety as well as upon appeal of the central body of executive power that implements the state policy concerning safety issues in relation to the land transport, infrastructure operator (residents of Ukraine), carriers and rolling stock operators (residents and nonresidents of Ukraine).

Infrastructure operators and carriers (residents of Ukraine) shall carry out its own investigation of accidents according to its own traffic safety management systems.

Any administrative, internal, prosecutor's, judicial investigation aimed at ascertainment of guilt or responsibility shall be carried out separately from accidents investigation.

The Authority for accidents investigation shall not be subordinated or depended in other way from the body that grants authorization certificates and safety certificates.

Operation of the Authority for accidents investigation shall be financed at the cost of the public budget of Ukraine and other sources stipulated by the laws.

Article 33. Fire safety on rail transport

1. State supervision over the provision of fire safety in rail transport facilities and the facilities of the entities engaged in the economic activity of railway transport, except for state supervision of railway rolling stock, is made by the central body of executive power that implements the state policy in relation to civil protection according to the Law of Ukraine "On principles of state supervision (control) of economic activity".

Control over the implementation of fire safety in rail transport including railway rolling stock, which is located on the infrastructure of infrastructure operator is made by the specialized units of infrastructure operator following the procedure established by the central body of executive power that implements the state policy in relation to the rail transport and by the central body of executive power that implements the state policy in relation to civil protection.

Article 34. Protection of goods and facilities on rail transport

1. Carriers provide safety of goods, luggage and freight luggage on the route and at railway stations according to the legislation of Ukraine.

Consignees and consignors ensure the protection of goods on the route and on the railway stations in the cases defined by the Charter of rail transport of Ukraine.

2. Central body of executive power that implements the state policy in relation to the rail transport defines the list of rail transport facilities and goods that are subject to mandatory protection by the specialized units of infrastructure operator.

Protection of other facilities and goods is provided according to the law.

3. While on duty, specialized units of infrastructure operator are eligible to use rifle, ammunition device for shooting with rubber bullets or other similar non-lethal missiles, physical coercion and special devices (handcuffs, rubber batons, means for fastening, tear substances, service dogs).

Article 35. Organization of rail transport operation in emergency situations.

1. Railway enterprises are obliged to take urgent measures to eliminate emergencies and accidents.

To perform these measures:

Infrastructure operators should have the units specialized in liquidations of emergencies, involve into these actions emergency trains and fire rescue units, and have the stock of material and technical resources or conclude relevant contracts with the specialized organizations;

owner of rail transport infrastructure complex of non-public use should have specialized tools to perform repair works, should involve fire rescue units (that are part of infrastructure operator), if necessary, have the stock of material and technical resources or conclude relevant contracts with the specialized organizations.

Other railway enterprises are obliged to ensure the performance of the actions related to prevention and liquidation of emergencies and accidents, as well as to the organization of fire fights by their own means or according to the contract concluded with specialized organizations.

In case of fault of the carrier or rolling stock operator, the expenses of infrastructure operator incurred during repair works are reimbursed at their own expense.

2. Central body of executive power that implements the state policy in relation to the rail transport in coordination with the central body of executive power that implements the state policy in relation to civil protection define the emergency procedures for the participants of transportation process iIn case of emergencies or accidents.

3. Some of the issues related to the prevention of emergencies on railway transport and the liquidation of their consequences regulated by the Code of civil protection of Ukraine

Chapter 8 TECHNICAL REGULATION ON RAIL TRANSPORT

Article 36. Conformity assessment

The goods that are supplied for the needs of rail transport shall have a document that proves conformance. Technical regulations in relation to the rail transport shall introduce the procedures of conformity assessment. Its elaboration shall be done according to the Law of Ukraine about Technical Regulations and conformity assessment.

The results of the conformity assessment in relation to the rail transport that was carried out outside the territory of Ukraine shall be acknowledged according to the current legislation and international agreements of Ukraine.

Article 37. Standardization

Rail transport enterprises shall have right to arrange and execute works on standardization according to the Law of Ukraine about standardization taking into account its economic and professional needs.

Chapter 9 INTERNATIONAL COOPERATION

Article 38. Rail Transport International Cooperation

1. The central body of executive power that ensures the formation and implementation of the state policy in relation to the rail transport shall represent the state's interests in relation to the rail transport.

Article 39. Foreign Economic Ties

1. Rail transport enterprises of public use may act as entities engaged in foreign economic activities as related to the carriages and carry out their activities pursuant to the laws of Ukraine and international treaties of Ukraine.

Chapter 10 RAIL TRANSPORT STAFF

Article 40. Specifics of Regulating Employment Relations with the Rail Transport

Employment relations of employees of rail transport of public use are regulated on the basis of the Labor Code of Ukraine, Provision on “Discipline of rail transport employees”, other legislative acts of Ukraine about labor, Industrial Agreement and

collective bargaining agreements.

Peculiarities of working and rest time regulation of certain rail transport employees categories, whose work is immediately connected with trains movement are set by the central body of executive power that shapes the state policy in relation to the rail transport.

2. Rail transport employees servicing passengers shall be employed under a contractual form of employment agreement. The Cabinet of Ministers of Ukraine shall approve a list of categories and positions of rail transport employees who shall be employed under a contractual form of employment agreement.

3. Collective industrial disputes (conflicts) arising between parties to social and employment relations with respect to the introduction at rail transport enterprises of new, or change of the existing, social and economic conditions of labor and production environment, failure to comply with labor laws agreements and collective bargaining agreements shall be settled under the procedure provided for by the laws.

4. Rail transport enterprises may not apply non-traditional forms of employment to carry out works related to the carriage and provision of the traffic safety.

5. People who are hired or perform the work immediately connected with trains movement and shunting operations, as well as in harmful labor conditions, undergo compulsive prior (when being hired) and periodical (for the employment period) medical examinations, pre-trip medical examinations (pre-shift) and post-trip (after shift) medical examinations.

Article 41. Social Protection of Rail Transport Employees

Rail transport employees employed on the rail transport of public use social protection shall be carried out in accordance with the current laws of Ukraine.

Rail transport employees employed on the rail transport of public use and their family members (dependants) shall enjoy the right to free travel by train. The Cabinet of Minister of Ukraine, collective bargaining agreements and contracts shall set out the procedure and terms of these and other privileges granting.

Rail transport employees employed on the rail transport of public use who have been transferred to another job in this sector or in another sector due to an employment injury or occupational disease or have retired due to disability caused by an employment injury or age pension otherwise shall continue enjoying free travel by train and other privileges set by legislative acts of Ukraine for rail transport employees, collective bargaining agreements and contracts.

Rail transport employees employed on the rail transport of public use, who in accordance with the laws of Ukraine need to improve their housing conditions, for individual and cooperative construction or purchasing a house or apartment may be granted interest-free loans for the period of twenty years at the expense of the rail

transport enterprises of public use.

Rail transport employees employed on the rail transport of public use and their family members shall enjoy, under the established procedure, free medical service at corporate health care institutions. Such an entitlement shall be preserved after their retirement.

Pension maintenance for the employees employed on the rail transport of public use shall be carried out according to the current laws of Ukraine.

Rail transport enterprises shall have a right to create a non-state pension fund at its own cost and to pay to the railway employees sectoral pension on the basis of current laws of Ukraine.

Chapter 11 RAIL TRANSPORT LIABILITY

Article 42. Rail Transport Liability, Reasons for its Incurrence and Exempting the Liability

1. The rail transport liability, reasons for its incurrence and exempting the liability shall be defined in the Civil and Commercial Codes of Ukraine, the Charter of the Rail Transport of Ukraine and other regulatory legal acts.

Article 43. Acts, Claims and Actions

1. Circumstances that may give rise to material liability of parties involved in the process of carriage shall be evidenced by acts. Such acts shall be drafted under the procedure set out in the Charter of the Rail Transport of Ukraine.

2. Disputes arising out of the rail transport enterprise operation shall be resolved by the central body of executive power that implements the state policy in relation to the rail transport according to the laws.

If it is found impossible to reach consensus such disputes shall be solved in pre-court procedure and in court actions.

Categories of disputes for which the pre-court procedure is mandatory shall be set out in international treaties.

A procedure and time limits for making acts, raising and handling claims and actions shall be set out in the laws, international treaties of Ukraine and the Charter of the Rail Transport of Ukraine.

Chapter 12 OTHER ISSUES RELATED TO THE ORGANIZATION OF RAIL TRANSPORT OPERATIONS

Article 44. Rail Transport Insurance

1. Rail transport insurance shall be maintained in accordance with the Law of Ukraine "On Insurance" and accepted for its execution regulatory legal acts.

Article 45. Rail Transport Mobilization Training and Civil Protection

1. Mobilization training for the rail transport of public use shall be held in times of peace for the purpose of preparing for timely and organized mobilization, meeting needs related to the defense of Ukraine and population for carriages in time of need in accordance with the laws.

Measures related to mobilization training on the rail transport of public use shall be financed in accordance with the Law of Ukraine "On Mobilization Training and Mobilization" and under the procedure established by the Cabinet of Ministers of Ukraine.

2. Authorities which in accordance with the laws fulfill the relevant functions shall manage the mobilization training and civil protection for the rail transport of public use.

To implement measures relating to mobilization training and civil protection, a mobilization training and civil protection management system shall be introduced as a part of the general management system for rail transport of public use.

The rail transport enterprises' managers shall be responsible for arranging the mobilization training, level of mobilization preparation and civil protection.

Chapter 12 FINAL PROVISIONS

1. This Law shall become valid and effective six months after the day of its publication, but no earlier than the date of state registration of the public joint stock company of rail transport of public use incorporated in accordance with the Law of Ukraine "On the Specifics of Establishing the Public Joint Stock Company of Rail Transport of Public Use", save for:

article 8 that comes into force after approval of corresponding tariffs methodology for infrastructure services, Procedure for Development, confirmation and approval of investment programs, Mechanism and Procedure for investment component calculation and its inclusion in tariff;

clause 4 of this section, which shall become valid and effective on the day next following the date of publishing this Law, and paragraph 1 of article 7, which shall become valid and effective from January 1, 2015

3. Temporarily, before creating the national commission and the central body of

executive power that ensures implementation and regulation in relation to the rail transport, that implements the state regulation in relation to the transport is established, the central body of executive power that ensures the formation of the state policy in relation to the rail transport shall fulfill its functions and exercise its powers and authority, save for functions related to the licensing of rail transport business activities, which shall be fulfilled by the competent body of executive power designated pursuant to the Law of Ukraine "On Licensing Certain Business Activities".

4. The Cabinet of Ministers of Ukraine shall, within six months after the day of publishing this Law:

- adopt the regulatory legal acts arising out of this Law;
- bring its regulatory legal acts in line with this Law;
- ensure that the ministries and other central bodies of executive power adopt and bring their regulatory legal acts in conformity with this Law."