

Special Transportation for Communities in Kosovo

POLICY BRIEF



Table of Contents

List of Abbreviations	1
Executive Summary	2
1. Introduction.....	3
2. Legal and policy framework on humanitarian bus transportation.....	4
<i>Legal framework</i>	5
<i>Policy development: the Ministry of Communities and Returns needs assessment</i>	6
3. User profiles, humanitarian bus transportation routes and current functionality	6
<i>User profiles</i>	6
<i>Functionality of humanitarian bus transportation lines</i>	6
4. Concerns regarding communities security and access to services.....	8
<i>Security and freedom of movement</i>	9
<i>Access to core services</i>	9
5. Conclusions	10
6. Recommendations.....	11
Annex A – Draft Administrative Instruction No. 13/2013 on Subsidizing Unsustainable Economic Routes.....	12
Annex B – Administrative Instruction No. 2007/06 on Procedure for the Submission and assessment of Requests for Humanitarian Bus Transportation	14
Annex C – Table: HBT routes and current situation	18
Annex D – Contract Notice, Ministry of Infrastructure, 24.09.2014	19

List of Abbreviations

AI	Administrative Instruction
HBT	Humanitarian bus transportation
MCR	Ministry of Communities and Return
MOCRs	Municipal Offices for Communities and Return
Mol	Ministry of Infrastructure
OSCE	Organization for Security and Co-operation in Europe Mission in Kosovo
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo

Executive Summary

The purpose of this policy brief is to present the current status of humanitarian bus transportation (HBT) in order to inform decision-makers and support the Organization for Security and Co-operation in Europe Mission in Kosovo's (OSCE) advocacy for a sustainable policy on free or subsidized transportation for communities.

The HBT service has been running since 1999. It is a service that the most vulnerable communities rely on to secure their freedom of movement which, in turn, gives effect to rights including education, employment and health care. In late 2013 the Ministry of Infrastructure (Mol) expressed its intention to make changes to the services provided, drafting a new Administrative Instruction (AI) that would effectively terminate the current HBT programme. In line with this announced policy shift, in September 2014 all HBT lines were discontinued and commercial lines began covering some of the routes. As of January 2015, the Mol introduced a new set of 13 HBT lines Kosovo-wide, which are expected to run for a 12-month period. However, these new 13 lines do not fully implement Kosovo institutions' obligations under the existing legal framework relating to HBT: the 2015 services do not cover all lines required and the new changes to routes have excluded communities in 12 municipalities from easy access to HBT services.

Given the temporary nature of these new lines, plans for the continuation of HBT services after 2015 remain uncertain. There is currently a lack of comprehensive and reliable data on the current functioning and effectiveness of HBT, as well as the needs of its users, and a proper needs assessment needs to be undertaken by central-level institutions. The OSCE is concerned that this situation will affect communities' continued ability to access services. Based on OSCE assessment findings, the amended lines exclude several villages, principally inhabited by communities in a numerical minority at municipal level and other vulnerable groups, who are at risk of remaining isolated if HBT services are not provided. Also, in some specific areas, communities still express their perceived security concerns for which the provision of government-organized transport is important.

The OSCE calls on Kosovo institutions to: a) continue to fully implement the current legal framework regulating HBT functioning; b) conduct a comprehensive communities' needs assessment resulting in concrete proposals to ensure that particularly disadvantaged communities are able to access services on an equal basis with other Kosovo residents; and c) define and implement a sustainable policy on special or subsidized transportation for communities.

1. Introduction

The Humanitarian Bus Transportation programme was established in 1999 by the United Nations High Commissioner for Refugees (UNHCR) to provide a secure and free of charge transport service for communities in a numerical minority at municipal level, connecting isolated villages and towns to larger urban areas and different regions of Kosovo. In 2001, the HBT programme was transferred to the UNMIK Civil Administration Pillar, and then in 2007 to the MoI. The service has facilitated communities' access to services and travel across Kosovo with the number of bus lines varying from 15 to 30 at different points in the life of the service.

The OSCE has monitored the provision of HBT services as part of its mandate to promote and protect the rights of communities, including freedom of movement and access to services. Since 2006, the OSCE has published five monitoring reports on HBT.¹

However, in late 2013, the MoI expressed its intentions to make changes to the HBT services provided, and drafted an AI to this effect.² Following advocacy undertaken by the OSCE and other international organizations and the holding of a public consultation, the draft AI was suspended. However, despite the fact that the draft AI was not signed and did not enter into force, the MoI discontinued all HBT lines in September 2014, and subsequently re-started the operation of only 13 lines in January 2015³. Plans for the continuation of HBT services are currently uncertain, a situation which is likely to affect communities' continued ability to access services.

In order to assess the implications of this change and inform future policy on subsidized transportation for communities, the Mission conducted four assessments through its field teams between February and December 2014⁴. The assessments:

- i) Tracked changes in the functioning of the 17 lines listed in AI 2007/6 on Procedure for the Submission and Assessment of Requests for Humanitarian Bus Transportation.⁵ In order to verify the functionality of services against the legal framework, OSCE field teams monitored the provision of HBT services, the coverage of the specified routes, the frequency of the services, which company provides the service, and whether or not fees are charged for travel;
- ii) Gathered the views and concerns of communities' representatives through interviews with approximately 20 HBT users in each of the five Kosovo regions (a total of 102) on the perceived impact of the discontinuation of HBT services. This sample took into account gender (approximately half of the users consulted were women or girls) as well the vulnerability of groups (approximately 50 percent of the users consulted were either elderly or youth).

¹ OSCE Report *Humanitarian Minority Bus Transportation in Kosovo Prior to Transfer to PISG* (November–December 2006), <http://www.osce.org/kosovo/24665>; OSCE Report *Humanitarian Bus Transportation in Kosovo after Transfer to PISG: Findings of a Monitoring Exercise. Report No. 2* (January–March 2007), <http://www.osce.org/kosovo/26124>; OSCE Report *Humanitarian Bus Transportation in Kosovo after Transfer to PISG: Findings of a Monitoring Exercise. Report No. 3* (April–June 2007), <http://www.osce.org/kosovo/29793>; OSCE Report *Humanitarian Bus Transportation in Kosovo after Transfer to Kosovo Institutions: Monitoring Findings. Report No. 4*. (June 2008), <http://www.osce.org/kosovo/32854>; OSCE Report *Humanitarian Bus Transportation in Kosovo after Transfer of Kosovo Institutions Monitoring Findings* (May 2012), <http://www.osce.org/kosovo/90904?download>.

² MoI, draft AI No.13/2013 on Subsidizing Unsustainable Economic Routes, Annex A of this policy brief.

³ However, OSCE field monitoring indicates that at least six of these lines are in fact not operational due to appeals against the tendering selection process. See footnote 26 for more details.

⁴ The specific field assessments collected information during the following time periods: 21 to 26 February 2014, 23 May to 16 June 2014, 12 to 29 September 2014 and 24 November to 26 December. OSCE field monitors gathered information through observing in-person the operation of services by travelling on buses, and consulting with users and other stakeholders detailed in the subsequent paragraphs.

⁵ Ministry of Transport and Communications, AI No.2007/6 on Procedure for the Submission and Assessment of Requests for Humanitarian Bus Transportation, 24 December 2007, Annex B of this policy brief.

Additional information and data was gathered through interviews and consultations with the following stakeholders:

- i) The Mol and the Ministry of Communities and Return (MCR) on the draft AI No.13/2013 on Subsidizing Unsustainable Economic Routes and the impact of the discontinuation on the ability of communities in a numerical minority in their municipality to access services;
- ii) Municipal offices for communities and returns (MOCRs)⁶ in 11 selected municipalities benefitting from HBT services on their views on the existence and functionality of HBT services, the profile of the users and the effect discontinuation or the introduction of fees would have on the security and access to services of communities in a numerical minority in their municipality;
- iii) Representatives of four bus companies⁷ on the regularity and functioning of services, fee charges, and impact of the expected changes to their contracts.

Following an overview of the relevant domestic and international legal framework and the needs assessment initiated by the MCR (Section 2), this policy brief presents an analysis of user profiles and current provision of HBT services based on a review of data collected at field level (Section 3). This is then followed by an assessment of the potential impact of the discontinuation of services (Section 4). The policy brief concludes with a number of recommendations for responsible Kosovo institutions (Sections 5 and 6). It also includes four annexes, providing easy reference to the relevant draft and applicable legislation⁸, presenting a table overview of the current situation of HBT routes and operation, and the text of the Mol's recent tender.

2. Legal and policy framework on humanitarian bus transportation

Humanitarian bus transportation in Kosovo facilitates the access of communities in a numerical minority at municipal level to services, and thereby helps ensure basic human rights guaranteed in the Kosovo legal framework.⁹ Such rights include the right to work, the right to education, and the right to health care.¹⁰ While the legal framework guarantees the human rights of all residents of Kosovo, the long physical distances from educational facilities, medical services and employment opportunities may prevent certain groups from exercising these rights on an equal basis. Institutions are required to create the conditions necessary to allow all Kosovo residents equitable access to these services.

⁶ Obiliq/Obilić (1 MOCR officer), Ferizaj/Uroševac (2 MOCR officers), Gjilan/Gnjilane (Head of the MOCR), Novoberdë/Novo Brdo (Head of the MOCR), Parteš/Partesh (Head of the MOCR), Kamenicë/Kamenica (Head of the MOCR), Ranilug/Ranillug (Head of the MOCR), Vushtrri/Vučitrn (Head of the MOCR and the officer for sustainable return), Istog/Istok (Head of the MOCR and MOCR officer), Klinë/Klina (Head of the MOCR and two MOCR officers), Rahovec/Orahovac (Head of the MOCR and MOCR staff working in the offices in Velika Hoča/Hočë e Madhe and Upper Rahovec/Orahovac).

⁷ Between October and December 2014, the OSCE contacted representatives of the following companies: Merkatori (in Gjilan/Gnjilane), Perparimi (in Kamenicë/Kamenica), Motoja (in Prishtinë/Priština), and Kolašin Prevoz (in Mitrovica/Mitrovicë North). These are four of the five companies providing HBT services in 2014.

⁸ Annexes A, B and D present the official English translation of the documents under discussion.

⁹ Kosovo constitution, Article 22; see also in general Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, 13 March 2008; Law No. 04/L-032 on Pre-University Education in Kosovo, 2 August 2011.

¹⁰ See, for example, Article 23 (right to work), Article 25 (right to adequate standard of living, including health care) and Article 26 (right to education) of the Universal Declaration of Human Rights, United Nations General Assembly Resolution 217 A (III), 10 December 1948; See also Framework Convention for the Protection of National Minorities, Council of Europe, 1 February 1995, Article 4(2), all directly applicable in Kosovo through Article 22 of the constitution.

Legal framework

In relation to Kosovo's legal framework, in 2006, an operational arrangement¹¹ between UNMIK and the Provisional Institutions of Self-Government led to the issuance of the AI No. 2007/6 on "Procedure for Submission and Assessment of Requests for Humanitarian Bus Transport", which stipulated the then Ministry of Transport and Post-Telecommunication's¹² responsibilities to support the provision of humanitarian and other special services within road transportation. An annex to AI 2007/6 lists 17 bus lines¹³ which should operate across Kosovo, with the AI itself providing steps for the initiation of additional lines and review by specified decision-making bodies.¹⁴

In October 2013, the MoI released a draft AI No. 13/2013¹⁵ on Subsidizing Unsustainable Economic Routes which included, amongst other provisions, an article that would effectively terminate current HBT services. The OSCE raised a number of concerns and, at a minimum, requested that the draft AI be amended to address the following:

- a. The standard upon which applications for new subsidized lines will be reviewed;
- b. The categories of passengers eligible to receive subsidized bus transportation;
- c. The application process that eligible passengers should go through to receive subsidized bus transportation;
- d. Details about the composition and functioning of a commission¹⁶ that decides on requests for free/subsidized bus transportation, and;
- e. The operational protocol for discontinuing bus lines.

The OSCE referred to the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities (Advisory Committee) in its Third Opinion on Kosovo¹⁷ which examined issues and concerns with regard to access to services.¹⁸ In line with the Advisory Committee, the OSCE recommended that the scope of

¹¹ See "Operational Arrangement between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-Government (PISG) on the Transfer of Responsibility for Humanitarian and Special Transportation Services for the Minority Communities in Kosovo," signed 1 September 2006 (The Arrangement). The AI transferred responsibility for the HBT to the MoI, then called Ministry of Transport and Post-Telecommunication.

¹² Between 2006 and 2007 the Ministry of Transport and Post-Telecommunication was the predecessor of the Ministry of Infrastructure.

¹³ See Annex B, note 5, *supra*.

¹⁴ According to the AI, a minimum of ten inhabitants not included along the existing lines and who "claim that their freedom of movement is limited," shall be entitled to request HBT. The AI sets out the applicable form and procedures for the evaluation of the request, including the establishment of a Technical Commission and the Transport Advisory Committee to review such requests. AI No. 2007/6 on Procedure for Submission and Assessment of Requests for Humanitarian Bus Transport, Articles 2, 3 and 4.

¹⁵ See Annex A, note 2 *supra*.

¹⁶ See Annex A, note 2, Article 3.

¹⁷ Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Kosovo*, ACFC/OP/III(2013)002, adopted on 6 March 2013 and made publically available on 10 September 2013, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Kosovo_en.pdf.

¹⁸ See for example: "Persistent security concerns in some areas, as well as overall still limited access to core services and employment continue to impede the sustainable return of some displaced persons, mainly belonging to the Serb and Roma communities." (paragraph 11); "Amid an overall delicate socio-economic situation and alarming poverty levels, persons belonging to minority communities remain disproportionately affected. Particular obstacles further continue to exist with regard to their access to health and other core services and must be duly addressed." (paragraph 21); "There are reports, however, of continued obstacles faced by returnees as regards access to education and health, as well as other social services." (paragraph 41); "Limitations to the freedom of movement are particularly persistent for Albanian communities in mixed settlements in north Mitrovica/Mitrovicë and the three northern effectively Serbian-administered municipalities, who face security concerns in their access to most services as well as to employment opportunities, and who depend mainly on south Mitrovicë/Mitrovica for hospitals and secondary education." (paragraph 44); and "The Advisory Committee further calls on the authorities to increase their efforts to promote the sustainable integration of returnees through renewed attention to the provision of access to social services and employment opportunities, and by ensuring that all returnees are equally attended to in accordance with their specific and individual needs." (paragraph 46). *Third Opinion, ibid.*

existing measures aiding access to services for certain communities in Kosovo should not be reduced as suggested in the Mol's draft AI. As of December 2014, the draft AI has not yet been formally approved and AI 2007/6 remains in force. Despite this, changes were made to the provision of HBT services in August and September 2014 with the discontinuation of the existing lines and a contract notice for a total of 13 lines, contrary to the requirements of AI 2007/6, which will be elaborated in Section 3 below.

Policy development: the Ministry of Communities and Returns needs assessment

A meeting of the Communities Issues Group on the prospects of discontinuing HBT services was hosted by the Office for Communities Affairs on 19 June 2014. Following this, the MCR initiated an assessment of communities' needs for special transport lines. On 4 August 2014, the MCR issued a request for information to MOCRs in 15 municipalities benefitting from the 17 lines detailed in AI 2007/6. As of 31 December 2014, eight MOCRs are still to provide their assessments to the MCR.¹⁹

Once all municipal-level assessments have been submitted and assessed, it is anticipated that the MCR will issue a report analysing the data and proposing relevant actions for Kosovo institutions based on the communities' needs.

3. User profiles, humanitarian bus transportation routes and current functionality

User profiles

The assessment indicates that HBT users are mostly students, civil servants, and elderly people, including returnees, with most users coming from the Kosovo Serb community, followed by smaller numbers of users from the Kosovo Roma, Kosovo Bosniak, Kosovo Ashkali, and Kosovo Egyptian communities. Notably, HBT users also include Kosovo Albanians from municipalities where they are in a numerical minority at the municipal level, including in Mitrovica/Mitrovicë North, Zvečan/Zveçan, Zubin Potok, and Leposavić/Leposaviq.

Based on monitoring of the usage and frequency of the services, it is estimated that 10,000 passenger journeys are undertaken on HBT services on a monthly basis.²⁰ Passengers use HBT services mainly to access basic services fundamental to the enjoyment of the aforementioned human rights: i.e. students travel to schools or university, employees access their place of work, while unemployed and/or retired persons access health care and/or social and administrative services. Passengers also use HBT lines to take advantage of social and economic opportunities that are only available in larger towns (banks, public utility companies and markets, particularly important for rural subsistence farmers) or to visit friends or relatives.

Functionality of humanitarian bus transportation lines

Eight of the 17 HBT lines noted in AI 2007/6 are inter-regional, connecting rural areas in Gjilan/Gnjilane (e.g. Babljak/Bablak), Prizren (e.g. Velika Hoča/Hoçë e Madhe) and Pejë/Peć

¹⁹ MOCRs from Gračanica/Gračanicë, Istog/Istok, Kamenicë/Kamenica, Klokot-Vrbovac/Klllokot, Mitrovicë/Mitrovica South, Mitrovica/Mitrovicë North, Rahovec/Orahovac, and Viti/Vitina.

²⁰ This estimate is based on the number of HBT services (the number of lines multiplied by frequency) and estimates of the average number of passengers per bus for each separate HBT route/line as determined by OSCE field monitoring.

(e.g. returns sites Vidanje/Videjë and Osojane/Osojan) with Gračanica/Graçanicë and Mitrovica/Mitrovicë North and Zvečan/Zveçan. Other routes are intra-regional, running within municipalities or between one or two neighbouring municipalities, notably in Gjilan/Gnjilane, Mitrovicë/Mitrovica South (e.g. Leposavić/Leposaviq-Mitrovicë/Mitrovica South) and Prishtinë/Priština regions (e.g. Babin Most-Gračanica/Graçanicë).

In general, HBT services were observed to run regularly, with problems being experienced only during the period between the termination of one contract and the start of a new one. While HBT services should be free of charge, OSCE monitoring recorded that fares were charged for five HBT lines, ranging from 0.50 to 4 Euro per journey.²¹

Of the 17 initial HBT lines, four ceased to function prior to 2014 (as listed in Annex C).²² All of the remaining 13 lines were discontinued between August and September 2014, when MoI-issued contracts with service providers expired. In 11 cases, commercial lines began operating along the non-functional HBT routes²³, though in some cases with adjusted routes.²⁴

On 24 September 2014, the MoI launched a contract notice for the operation of 13 lines specified as HBT lines²⁵, with tender bids opening from 5 November 2014 for 12-month contracts. The MoI reported that these 13 lines became operational in January 2015; however, OSCE field monitoring indicates that at least six of these lines are in fact not operational due to appeal proceedings²⁶. Also, in comparison to the HBT lines specified in AI 2007/6 these lines entail amendments to the existing routes and in some cases, the complete exclusion of villages, affecting communities in numerical minority in 12 municipalities. For example, the new 13 routes no longer include transportation for returnees from the returnee villages of Babljak/Bablak, Babuš/Babush, Talinovac/Talinoci i Muhaxhirëve (Ferizaj/Uroševac municipality) to Gračanica/Graçanicë and Štrpce/Shtërpçë municipalities. Two lines are now merged²⁷, while in one case the service has been reduced

²¹ As per information collected by the OSCE in June 2014, the bus operators were charging fees for the following HBT lines, (See Annex C– Table: HBT routes and current situation): Babin Most/Babimoc-Gračanica/Graçanicë (line 1 in Annex C); Gornja Brnjica/Bërnice e Epërme-Gračanica/Graçanicë (line 1 in Annex C); Velika Hoča/ Hoçë e Madhe-Gračanica/Graçanicë (line 4 in Annex C); Gjilan/Gnjilane F or Kamenicë/Kamenica-Mitrovica/ Mitrovicë North (line 16 in Annex C); and Gjilan/Gnjilane G or Klokoto/Kllokot- Mitrovica/Mitrovicë North (line 17 in Annex C).

²² According to OSCE monitoring, the following lines ceased to function as HBT services prior to 2014 (as noted in Annex C *supra* note 21): line 1 (Babin Most/Babimoc-Gračanica/Graçanicë); line 2 (Gorja Brnjica/ Bërnice e Epërme-Gračanica/Graçanicë); line 3 (Miloševo/Milloshëvë to Gate 3); and line 13 (Gjilan/Gnjilane-Novo Brdo/Novobërdë).

²³ In addition, an ad hoc initiative was also reported, initiated by Kosovo Albanian teachers from Leposavić/Leposaviq working in Mitrovicë/Mitrovica South, who have arranged for a private van to transport them to and from work.

²⁴ According to OSCE monitoring, the following lines now have commercial services running with slightly different routes compared to the HBT ones (as noted in Annex C *supra* note 20): line 7 (while the HBT was operating from Vidanje/Videjë to Zvečan/Zveçan, the commercial bus operates from Klinë/Klina to Mitrovicë/Mitrovica South to Zvečan/Zveçan, including additional multi-ethnic villages, i.e. Kosovo Albanian and Kosovo Serb villages of Klinafc/Klinavac and Berkovë/Berkovo but leaving aside the three villages of Videjë/Vidanje, Grabc/Grabac and Bica/Binxhë, all multi ethnic); in Gjilan/Gnjilane area a single commercial line serves the HBT lines 14 and 15 (as per Annex C *supra* note 20), and another commercial line serves the HBT lines 16 and 17 (as per Annex C *supra* note 20).

²⁵ See Annex D, Contract Notice, Ministry of Infrastructure, 24.09.2014. The contract notice is available at <http://krpp.rks.gov.net/Default.aspx?PID=Notices&LID=1&PCID=-1&CID=ViewNotices&ID=94293>. The tender process was finalized in December 2014.

²⁶ The line connecting the Kosovo Albanian villages of Leposavić/Leposaviq municipality (i.e. Koshtovë/Košutovo, Bistricë e Shalës/Šaljska Bistrica, Cerajë/Ceranje) to Mitrovicë/Mitrovica South; the line connecting the Kosovo Albanian village Cabër/Čabra (Zubin Potok municipality) to Mitrovicë/Mitrovica South; the line connecting the mixed community settlement Mikronaselje/Kodra e Minatorëve (Mitrovica/Mitrovicë North) to Mitrovicë/Mitrovica South; the line connecting Frashër/Svinjare village (Mitrovicë/Mitrovica South municipality) with Mali Zvečan/ Zveçan i Vogël; the line Gjilan/Gnjilane-Stanišor/Stanishor-Gornji Makreš/Makresh i Epërm-Bostane/Bostan-Gračanica/Graçanicë-Stanišor/Stanishor-Strazha/Strazhë-Prekovce/Prekoc; the line connecting Dragash/Dragaš municipality to Prizren.

²⁷ Annex C *supra* note 20, line 7 (Vidanje/Videjë to Zvečan/Zveçan) will be merged with line 8 (Osojane/Osojan to Zvečan/Zveçan).

with fewer services per day²⁸, affecting Klinë/Klina and Zvečan/Zveçan municipalities. The three Kosovo Serbs villages of Grace/Gracë, Gojbulja/Gojbulë and Banjska/Bajskë (Vushtrri/Vuçitrn municipality) have been excluded from the lines detailed on the contract notice. Moreover, the new Mol contracts merge a number of routes connecting villages in Klinë/Klina and Istog/Istok municipalities to Zvečan/Zveçan, and fail to include three returnee villages, including Vidanje/Videjë, Grabac/Grabc and Bica/Binxhë in Klinë/Klina municipality. Thus, specific communities in a numerical minority at municipal level are less able to benefit from the reconfigured services. In addition to this, the village of Paralovo/Parallovë in Gjilan/Gnjilane municipality is no longer on the list of the villages connected with Gjilan/Gnjilane town, while Kamenicë/Kamenica town and Ranilug/Ranillug are no longer connected to Gjilan/Gnjilane town and Mitrovica/Mitrovicë North. Additionally, it is important to note that none of the former HBT routes connecting villages from the municipalities of Gjilan/Gnjilane, Kamenicë/Kamenica, and Novo Brdo/Novobërdë to Gračanica/Gračanicë and Mitrovica/Mitrovicë North remain in place under the new Mol contract notice.

While it was noted above that a certain number of commercial lines began operating along the non-functional HBT routes during the break in Mol-provided services, it should be noted that commercial lines do not currently operate along HBT routes connecting a number of areas to Mitrovica/Mitrovicë North²⁹. Also, no commercial lines exist as alternatives to connect the village of Babljak/Bablak to Gračanica/Gračanicë, a line which is not listed in the Mol tender notice³⁰.

In summary, the recent Mol tender sees a reconfiguration of the AI 2007/6-specified HBT lines with changes that, unless alternatives are provided, will negatively affect access of communities in a numerical minority at municipal level to important services.

4. Concerns regarding communities security and access to services

Across Kosovo, members of communities in a numerical minority at municipal level, including many who face certain disadvantages (e.g. residents of isolated rural locations, youth/students, returnees, or those on very low incomes) regularly use and benefit from HBT services. Based on interviews with these users and consultations with local institutions, a number of concerns were identified related to the potential impact of the discontinuation of subsidized transportation services along routes relevant to these communities.³¹

²⁸ Annex C *supra* note 20, line 6 (Leposavić/Leposaviq to Mitrovicë/Mitrovica South). While the HBT line was previously running three times per day five times a week, the new line according to the tender will run once a day, five days per week.

²⁹ Areas within Gjilan/Gnjilane, Kamenicë/Kamenica, Viti/Vitina, Novo Brdo/Novobërdë, Parteš/Partesh, Klokot/Kllokot, Ranilug/ Ranillug, and Rahovec/Orahovac. On 22 November, Kolašin Prevoz resumed its transport services on four lines: 1) Velika Hoča/ Hoçë e Madhe (RH)-Upper Rahovec/ Orahovac-Gračanica/Gračanicë (PR) and return; 2) Osojane/Osojan (IS)-Zvečan/Zveçan (ZV)-Osojane/Osojan (IS); 3) Klinë/Klina-Osojane/Osojan (IS) - Mitrovicë/Mitrovica South -Zvečan/Zveçan; and 4) Grace/Gracë (VU)-Mitrovica/Mitrovicë North (MI)-Grace/Gracë (corresponding to lines 4, 5, 7 and 8 in Annex C *supra* note 20. As of December 2014 Kolašin Prevoz was not charging a fee, but the director of the company informed the OSCE that passengers would be charged a certain fee as of 2015.

³⁰ Annex C *supra* note 20, line 10 (Babljak/Bablak to Gračanica/Gračanicë).

³¹ Concerns regarding security and continued access to services were also raised in other formal forums which confirmed the information gathered and fears expressed during the OSCE field assessment. For example, concerns about security and continued access to health and education institutions were raised by both communities representatives and municipal officials during the public consultation held by the MoI on 15 May 2014 (*supra*, note 6), as well as through formal letters to the Mol (such as that sent by the Municipal Community Office in Leposaviq/Leposavić to the Mol on 28 August 2014).

It is estimated that around two thirds of current HBT users are unemployed or with a very low income, and would therefore be negatively affected if fares are introduced on some lines. The OSCE field assessment concludes that should the current level of HBT services be cut, and affordable commercial services not exist as alternatives, communities' ability to enjoy key rights will be reduced.³²

Security and freedom of movement

In general security concerns are not a factor for HBT users, as the vast majority of interviewed users and municipal officials assessed the security threat as low. However, data collected indicates that over half of the consulted HBT users in the Gjilan/Gnjilane³³ and Prishtinë/Priština³⁴ regions reported their reservations and hesitation with regard to potential future use of commercial public buses alongside members of majority communities. Information gathered also shows that some HBT users perceive security risks should HBT services be discontinued. Interviewed HBT users, namely Kosovo Serbs³⁵ from Grace/Gracë (Vushtrri/Vučitrn municipality), and Kosovo Albanians residing in the three isolated villages of Koshtovë/Koštovo, Bistricë e Shalës/Šaljska Bistrica and Cerajë/Ceranje (Leposavić/Leposaviq municipality), stated that commuting on public buses or in private vehicles through areas inhabited predominantly by other communities is likely to negatively affect their perceptions of security. For these particular community members, the continuing operation of a government-provided transportation service appears to represent a significant and meaningful contribution to their perceptions of personal security.

Access to core services

Consultation and interviews with HBT users suggest that the termination or reduction of HBT services would have a negative effect on:

- Attendance of students from communities at secondary- and tertiary-level education institutions³⁶, mainly but not exclusively education in the Serbian language;
- Communities' access to secondary health institutions for the elderly or those in poor health³⁷;
- Communities' access to services in municipal or regional centres, such as to obtain personal documents and receive Serbian-issued pensions distributed at the administrative centres in Gračanica/Graçanicë and/or Štrpce/Shtërpçë³⁸;
- Communities' access to markets, particularly important for isolated rural residents³⁹.

³² This assessment is based on the following factors: i) HBT users perceptions and statements gathered through OSCE field monitoring; ii) municipal officials and communities' representatives concerns articulated to OSCE field monitors (including some cases of formal letters submitted to central institutions, reports of municipal-level discussions, etc.); and, iii) OSCE field assessment of the absence of commercial lines along some routes, i.e. the confirmation that no alternative exists to HBT.

³³ Annex C *supra* note 20, lines 11–16, all within Gjilan/Gnjilane region.

³⁴ Annex C *supra* note 20, line 2 (Gornja Brnjica/Bërnice e Epërme to Gračanica/Graçanicë).

³⁵ HBT users for Grace/Gracë-Mitrovica/Mitrovicë North-Grace/Gracë bus line (Annex C *supra* note 20, line 5).

³⁶ HBT service users from Prishtinë/Priština, Gjilan/Gnjilane, Prizren, and Mitrovica/Mitrovicë North regions.

³⁷ As indicated by HBT users from Gjilan/Gnjilane, Mitrovica/Mitrovicë North, Mitrovicë/Mitrovica South, and Prishtinë/Priština regions. Particular concern has been expressed by Kosovo Serbs from Babljak/Bablak (Ferizaj/Uroševac municipality), mainly elderly residents who have become unable to reach Gračanica/Graçanicë or Štrpce/Shtërpçë to access medical services, administer their personal documentation, and draw their Serbian state pensions.

³⁸ HBT service users of Babljak/Bablak-Gračanica/Graçanicë-Babljak/Bablak bus line.

³⁹ The majority of Kosovo Serbs users of HBT line Velika Hoça/Hoçë e Madhe-Upper Rahovec/Orahovac-Gračanica/Graçanicë are engaged in agricultural work and wine production and the markets in Mitrovica/Mitrovicë North are one of their primary sources of income.

Some of the formerly fare-free HBT lines have already been commercialized, and fares introduced (ranging from 0.5 to 1.50 Euro) at the point when the lines were commercialized. Some users that currently travel without charge informed OSCE field monitors that the payment of fares will affect their travel given that many tickets are relatively expensive for them⁴⁰ and therefore place a great burden on their limited budgets.⁴¹ Moreover, OSCE field monitoring indicated that in certain areas the number of users has decreased by approximately 30 per cent since the recent introduction of fares on the HBT routes in question.⁴² However, this is not the case in Prizren region, where the commercial fare-based services now operating along former HBT routes have not seen a reduction in the number of users. As commercial lines do not currently operate along HBT routes connecting a number of villages to Mitrovica/Mitrovicë North, there is a growing concern that many community members, primarily Kosovo Serbs, will no longer be able to easily access the hospital and the university there.

5. Conclusions

The assessment findings indicate that there remain a significant number of community members for whom the continued running of HBT services represents an important channel for accessing core services, including education, health and municipal administration, among others. For many routes, commercial alternatives are simply not available, and in some specific areas, communities still have expressed security concerns for which the provision of government-organized transport is important.

Kosovo institutions, particularly the MoI, remain obligated to provide HBT services as per AI 2007/6. However, at the time of publication, only 13 out of the 17 required HBT lines are operational. Some of these 13 lines are operating with amended or merged routes and/or with reduced services per day or week. This has left communities in a numerical minority in 12 municipalities without support from HBT services. As for the former HBT routes which are currently covered by commercial or municipal bus operators, at the moment it is unclear whether these services will continue on a sustainable basis.

There is a lack of clarity on the future of HBT services in Kosovo. While some of the AI 2007/6 routes can be considered a lower priority due to the existence of commercial options, others remain important for particularly disadvantaged communities to be able to access services on an equal basis with other Kosovo residents. A full and detailed needs assessment is required to inform any prioritization or reconfiguration of routes.

Kosovo institutions are obliged to ensure that communities in a numerical minority at municipal level enjoy freedom of movement, equal access to services, and a positive perception of their security. Given these commitments and the continued needs from communities, it is important that a sustainable policy on special or subsidized transportation for communities is defined and implemented, and that such a policy is informed by a proper needs assessment.

⁴⁰ Kosovo Serb users of the Gornja Brnjica/Bërnice e Epërme-Gračanica/Gračanicë-Gornja Brnjica/Bërnice e Epërme HBT bus line.

⁴¹ For example, Kosovo Serb HBT users in Gjilan/Gnjilane region, predominantly elderly persons or women receiving pensions or social assistance, and Kosovo Albanian HBT users in Mitrovica/Mitrovicë North.

⁴² As indicated by the bus providers for two HBT lines in Gjilan/Gnjilane region.

6. Recommendations

To the Ministry of Infrastructure

While AI 2007/6 remains in force, the Ministry of Infrastructure should ensure it implements its obligations in full, namely the regular operation of the 17 HBT lines detailed in the AI. Additionally, the Mol should monitor and prevent the unlawful imposition of fees by HBT service providers.

To the Ministry of Communities and Return

The assessment of communities' needs for special transportation should be completed, and results published, including proposals for next steps for Kosovo institutions based on the findings of the assessment.

To municipal offices for communities and returns

Full and detailed information should be provided to support the completion of the MCR-led needs assessment. Furthermore, MOCRs should fulfil their obligations to protect and promote the rights of communities in a numerical minority in their municipality, including through promptly raising problems related to the functioning of HBT lines and communities' ability to access services. Specifically, this should be done through reporting problems and making requests under the current HBT administration system to the Mol, and ensuring the MCR is informed of significant communities-related issues.

To Kosovo institutions

A sustainable policy on special transportation for communities must be developed in close consultation with relevant actors and affected communities, and on the basis of a systematic needs assessment, approved and implemented, including with the required financial allocations, to ensure continuous and reliable services.

Annex A – Draft Administrative Instruction No. 13/2013 on Subsidizing Unsustainable Economic Routes

The Minister of the Ministry of Infrastructure, pursuant to article 4 and article 17 of the Law no. 04/L-179 on the Road Transport published in the Official Gazette no. 21/13, June 2013, article 8, subparagraph 1.4 of the Regulation no. 02/2011 on the areas of administrative responsibility of the Prime Minister and Ministries and article 38, paragraph 6 of the Rules of Procedure of the Government no. 09/2011 (Official Gazette no. 15, 12.09.2011 in order to determine the procedure and criteria to subsidize unsustainable economic routes, Hereby issues:

THE ADMINISTRATIVE INSTRUCTION NO. 13/2013 ON SUBSIDIZING UNSUSTAINABLE ECONOMIC ROUTES

Article 1

Purpose

This Administrative Instruction shall define the criteria, procedures and possibilities for subsidizing economically unsustainable routes, while their provision is in the interest of community and the Ministry in charge of transport, hereinafter "Ministry", is obligated to provide access to public transport for the community for each suburban route when the Municipality is seeking it for community needs.

Article 2

Initiation of procedures

1. Submission of applications for subsidizing suburban routes can be made only when there is no regular departure in a route in accordance with the interurban routes network approved by the Ministry.
2. Initiation of the application for subsidized transport routes shall be made by the Municipality, where the departure shall start by the request of the community or Ministry.
3. The timeline for submission of applications, under paragraph 1, shall take place at the beginning of each calendar year, i.e. from 1 January to 31 January.

Article 3

Review of applications and procedures

1. Department of Land Transport, hereinafter "Department", shall propose the commission, review and evaluate the applications received by the Department on announcement of free regular interurban departures, after the review shall propose to the Secretary General, hereinafter "Secretary", to decide whether to announce or not the free departures.
2. Administrative procedures for announcement, evaluation of applications and other necessary procedures shall be done in compliance with administrative procedures stipulated in the Administrative Instruction in force on the routes network and timetables of interurban passenger transport by bus.
3. Review of applications shall take place within 30 days from the date of application.
3. Secretary may undertake decision for public announcement or for not announcing these departures as free departures.
4. Subsidizing the interurban routes is envisaged as a possibility when there are budget funds and shall be done only in those routes where there is no departure and timetable certified by the Ministry.

Article 4

Announcement

1. The Department shall make the announcement on keeping the routes of a certain interurban direction and shall invite the operators to participate in competitive basis.
2. The commission appointed by the Ministry shall consider the applications of operators, if there is any, and shall announce the winner for keeping certain routes.

Article 5

Lack of application

If transport operators do not express interest for applying for a departure, the Department shall evaluate and conclude that there is no expression of interest by transport operators to apply for the timetable for holding of departure in interurban transport in a certain route.

Article 6

Announcement for subsidy

1. The Ministry shall make the public announcement of departures for subsidy after exhausting all regular procedures for regular interurban routes, by inviting all road transport operators of passengers licensed by the MI to apply for holding a departure or departures in a certain route which shall be subsidized 20 cents per kilometer.
2. Maximum number of departures in a route is three departures in a certain route or direction, and this shall be evaluated by the Department.

Article 7

Selection

1. Selection of operators shall take place based on the conditions and criteria for announcement of free departures under the Administrative Instruction no. 09/2013 on the routes network and timetables of interurban passenger transport by bus, and operators who offer lower prices for the citizens.
2. Additional technical criteria for the allocation of subsidized departures shall be determined by the Department.

Article 8

Supervision

Supervision of maintaining subsidized departures shall be done by the road transport inspectors, constantly, and in addition to the immediate supervisor, they shall also report to the contract manager and Director of the Department.

Article 9

Evaluation

The department shall annually evaluate the subsidized departures approved and in accordance with the evaluations made shall propose to the Secretary General to decide for extending or allowing the subsidized departures.

Article 10

Appeals

Dissatisfied party may file appeal in the Ministry. Appeal may be filed according to the Law on Administrative Procedures in force. Against the decision of the Commission of the Ministry, regarding the appeal, legal proceedings in the competent court may be initiated.

Article 11

Transitional provisions

Routes held for humanitarian transport shall be held until the end of calendar year 2014.

Article 12

Abrogation provisions

On the day of entry into force of this Administrative Instruction, the Administrative Instruction No. 2007/6 on the submission procedure and evaluation of applications for humanitarian transport by bus and any other legal act contrary to this Administrative Instruction shall be abrogated.

Article 13

Entry into force

This administrative instruction shall enter into force on the day signed.

Fehmi Mujota

Minister of Ministry of Infrastructure

On _____ 2013

Annex B – Administrative Instruction No. 2007/06 on Procedure for the Submission and assessment of Requests for Humanitarian Bus Transportation⁴³

Ministria e Transportit dhe Postë – Telekomunikacionit
Ministarstvo za saobraćaj, poštu i telekomunikacije
Ministry of Transport and Communications

The Minister,

Having in mind that pursuant to Article 1.3 and Annex VIII, paragraph (x) of UNMIK Regulation No. 2001/19 On the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, the Ministry of Transport and Communications (MoTC) shall support the provision of humanitarian and other special services within the road transport;

Whereas, on 1 September 2006 the MoTC signed on behalf of the Kosovo Provisional Institutions of Self-Government (PISG), the Operational Arrangement between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the PISG regarding the Transfer of Responsibility for Humanitarian and Special Transportation Services for Minority Communities in Kosovo (Arrangement);

Whereas, Article 5 of the Arrangement creates a Transport Advisory Committee (TAC) composed of senior representatives of the MoTC, the Ministry of Communities and Returns (MCR), UNMIK, the OSCE Mission in Kosovo (OSCE) and the Ombudsperson Institution of Kosovo (as observer);

Whereas, Annex VI of the Arrangement contains a Route and Timetable Selection Methodology;

Whereas, pursuant to Article 4.1 of the Arrangement “by 1st January 2007 the MoTC and the MCR shall put in place the Route and Timetable Selection Methodology contained in Annex VI of the Arrangement”;

In order to enable inhabitants of locations that are not included along the existing humanitarian bus transportation routes, and who claim that their freedom of movement is limited, to request that their locations are included in the humanitarian transportation service;

Based on the TAC recommendations regarding the implementation of the Route and Timetable Selection Methodology and in consultation with the MCR, and the Ministry of Local Government Administration (MLGA);

Hereby, issues this:

ADMINISTRATIVE INSTRUCTION NO. 2007/6 On Procedure for the Submission and Assessment of Requests for Humanitarian Bus Transportation

Article 1 Definitions

1.1 For the purposes of this Procedure, the terms and abbreviations listed below shall have the following meaning:

- a) *Arrangement*: Operational Arrangement between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-Government (PISG) on the Transfer of Responsibility for Humanitarian and Special Transportation Services for Minority Communities in Kosovo (Annex 3);
- b) *Background and feasibility analysis*: Background and feasibility analysis conducted pursuant to the route and timetable selection methodology contained in Annex VI to the Arrangement;
- c) *Community needs Assessment*: Assessment of community needs conducted pursuant to the route and timetable selection methodology (Annex 3) contained in Annex VI to the Arrangement;
- d) *Form*: humanitarian bus transportation request form;
- e) *Law on Administrative Procedure*: The Assembly of Kosovo Law No. 02/L-28 as promulgated by the UNMIK Regulation No. 2006/33.
- f) *Procedure*: Procedure for the Submission and Assessment of Requests for Humanitarian Bus Transportation;
- g) *Request*: Request for humanitarian transportation;
- h) *Requesting Parties*: Applicants who submit a Request for humanitarian bus transportation;
- i) *Route*: Humanitarian bus transportation route as specified in Annex 2 to this Procedure;

⁴³ This is the official English version of the AI. Note that the form for submitting requests for the new lines/amendments to existing lines, which is included as an annex in the original, has been omitted here.

- l) *Transport Advisory Committee (TAC)*: The body set up in accordance to Article 5 of the Arrangement;
- n) *Technical Commission*: Technical Commission on Humanitarian Transportation set up pursuant to Article III of this Procedure;
- o) *The Comprehensive Assessment (Assessment)*: The decision adopted by the Technical Commission under Article 3 of this Procedure;
- p) *Transport Feasibility Assessment*: The assessment conducted by the MoTC under Article 3.5 of this Procedure;
- q) *Security Assessment*: The assessment conducted by Kosovo Police Service (KPS) and Ministry of Internal Affairs (MoIA) under Article 3.5 of this Procedure.

Article 2

Requests for Humanitarian Bus Transportation

- 2.1. A minimum of 10 inhabitants of locations that are not included along the existing Routes, and claim that their freedom of movement is limited, shall be entitled to request that their locations be reached by the humanitarian bus transportation service.
- 2.2. For this purpose, they shall submit jointly a Request either for the creation of new route or for the extension or modification of an existing route.
- 2.3. The request shall be submitted through a form, which is attached in Annex 1. The form consists of two parts: the first part to be completed by the requesting parties; and the second part to be completed by the Technical Commission. The Municipal Community Office (MCO) is responsible to make the form available to the requesting parties as well as to assist them in the submission of their requests.
- 2.4. In accordance with Article 40.3 of the Law on Administrative Procedure, the Mayor directly or through the MCO, shall receive the request and forwards it to the Technical Commission within two working days from submission.
- 2.5. The MCO shall inform the requesting parties of the starting date of the procedure.

Article 3

Technical Commission and First Instance Assessment

- 3.1. The Technical Commission is established and mandated to decide on the request as a first instance assessment body.
- 3.2. The Technical Commission is composed of three members, one from each of the following institutions: the MoTC; the MCR and the Ministry of Local Government Administration (MLGA). In addition the Kosovo Police Service (KPS), the Ombudsperson Institution and the service provider, shall sit in the Technical Commission as observers. Each Institution shall appoint its representative in the Technical Commission and shall inform the Secretary of the TAC of this appointment. Members of the Technical Commission shall not be at the same time members of the TAC.
- 3.3. Upon notification from the Mayor, the Technical Commission shall enter all the requests into a special humanitarian bus transportation requests' registry.
- 3.4. Pursuant to Article 81.1 of the Law on Administrative Procedure, within 90 days from the date in which the request has been received by the MCO, the Technical Commission is obliged to issue a comprehensive Assessment (the Assessment). The Assessment shall be composed of: a) security assessment; b) transport feasibility assessment; c) community needs assessment; and d) a conclusion based on the above assessments (a to c). The Assessment shall be accompanied by either a positive conclusion (positive Assessment) or by a negative conclusion (negative Assessment).
- 3.5. Within the Technical Commission, the KPS shall issue a security assessment. The MoTC shall issue, after consulting with the humanitarian bus transportation service provider (service provider), a transport feasibility assessment, encompassing both the financial and the technical implications of the request. After the overall humanitarian transportation needs of the community making the request have been examined, the MCR and MLGA shall issue a community needs assessment.
- 3.6. The Technical Commission shall adopt the final Assessment preferably unanimously or by simple majority of the overall membership of the Commission (two out of three). Dissenting opinions shall be attached to the Assessment. The Assessment shall contain the information provided for by Article 84.2 of the Law on Administrative Procedure. The requesting parties as well as the TAC shall be served with the assessment issued by the Technical Commission in accordance with Article 109 of the Law on Administrative Procedure.
- 3.7. In case the Technical Commission issues a negative Assessment or fails to issue an Assessment within the ninety (90) days deadline, the requesting parties are entitled to submit a complaint to the TAC, within thirty (30)

days from the date in which they were served with a negative Assessment or within sixty 60 days from the date in which the deadline has expired without an Assessment being issued by the Technical Commission.

Article 4

Transport Advisory Committee and Approval of Route and Timetable Changes

4.1. Pursuant to Article 5.2 of the Arrangement the TAC shall meet twice a year at least, to review compliance with the route selection methodology and to provide the Prime Minister and the Special Representative of the United Nations Secretary General in Kosovo with a written opinion on possible changes to the current routes and timetables.

4.2 To this purpose the TAC shall consider:

- a) the background and feasibility analysis issued by the MoTC pursuant to Article 3.1, paragraphs a) to k) of Annex VI of the Arrangement;
- b) the assessment of community needs issued by the MoTC and the MCR pursuant to Article 4.1 of Annex VI of the Arrangement;
- c) the first instance decisions on Requests for humanitarian transportation issued by the Technical Commission pursuant to this procedure.

4.3. The TAC shall keep a register with a) all the Requests; b) the Technical Commission's Assessments and c) the applicants' complaints against either the Technical Commission's negative Assessments or the Technical Commission's failure to assess.

4.4 The TAC shall issue the final decision on the Requests for humanitarian transportation based on the acts mentioned in Article 4.3.

4.5. The TAC Decision regarding route and timetable changes shall be final and taken at least once per year. The Decision shall be based on the financial and bus fleet resources planned for and available within the following year's budget and in accordance with the Kosovo Consolidated Budget (KCB). After careful consideration of elements (a) to (c) as listed in Article 4.2 above, the TAC shall ensure the publication of approved route and timetable changes.

4.6. The TAC decision will include the following:

- a) a list of either existing or new routes to be prioritized and provided with humanitarian bus transportation in the following year's budget, through the KCB;
- b) a list of new routes or new stops within existing routes to be provided with humanitarian bus transportation only upon availability of additional resources either from the KCB, donations, or community contributions;
- c) a list of rejected requests.

4.7. In itself, the submission of a request in accordance with Article II does not entitle the applicants to have their request included in the scope of the route and timetable changes approved by the TAC. Dissatisfied submitters of a request may file an administrative law suit in accordance with the applicable legislation.

Article 5

Final Provision

5.1. The present Procedure shall enter into force on the date of its signature and shall be published in the Albanian, Serbian and English languages in the Official Gazette of the Provisional Institutions of Self-Government and in the web-sites of the MoTC and MCR. The Procedure shall also be made available at the MCO.

5.2. Requests for humanitarian bus transportation presented before the entry into force of this Procedure, shall be re-submitted by the requesting parties in accordance with this procedure. The MCOs, in the respective Municipalities are responsible to inform the mentioned requesting parties of this requirement and shall assist them in submitting new Requests.

Article 6

Enter in force

This Administrative Instruction enters in force on the day of signature.

Pristina
On the 24.12.2007
Qemajl Ahmeti, Minister

Annex II to ADMINISTRATIVE INSTRUCTION NO. 2007/6

PISG operated Humanitarian Bus Transportation Routes

- 1) Babin Most/Babimoc (OB) -Miloševo/Milloshëvë (OB) - Gračanica/Gračanicë (PR) - Miloševo/Milloshëvë (OB) - Babin Most/Babimoc (OB);
- 2) Gornja Brnjica/Bërnice e Epërme (PR) – Gračanica/Gračanicë (PR) - Gornja Brnjica/ Bërnice e Epërme (PR);
- 3) Miloševo/Milloshëvë (PR) - Gate 3 - Miloševo/Milloshëvë (PR);
- 4) Velika Hoča/ Hoçë e Madhe (RH) – Upper Rahovec/ Orahovac - Gračanica/Gračanicë (PR) - Upper Rahovec/ Orahovac - Velika Hoča/ Hoçë e Madhe (RH);
- 5) Grace/Gracë (VU) - Mitrovica/Mitrovicë North (MI) - Grace/Gracë (VU);
- 6) Leposavić/Leposaviq (LE) – Mitrovicë/Mitrovica South (MI) - Leposavić/Leposaviq (LE);
- 7) Vidanje/Videjë (KL) - Klinë/Klina (KL) - Drsnik/Dresnik (KL) - Grabac/Grabc (KL) - Bica/Binxhë (KL) - Zvečan/Zveçan (ZV) Klinë/Klina - Drsnik/Dresnik (KL)- Grabac/Grabc (KL) - Biča/Binxhë (KL) - Vidanje/Videjë (KL);
- 8) Osojane/Osojan (IS) - Zvečan/Zveçan (ZV) - Osojane/Osojan (IS);
- 9) Velika Hoča/ Hoçë e Madhe (RH) - Rahovec/Orahovac (RH) - Zvečan/Zveçan (ZV) - Rahovec/Orahovac (RH) - Velika Hoča/ Hoçë e Madhe (RH);
- 10) Babljak/Bablak (UR) – Gračanica/Gračanicë (PR) - Babljak/Bablak (UR);
- 11) (*Gjilan/Gnjilane A*) or Gjilan/Gnjilane (GN) - Poneš/Ponesh (GN) - Koretište/Koretishtë (GN) - Stanišor/Stanishor (GN) - Gornje Kusce/Kufcë e Epërme (GN)- Kmetovce/Kmetoc (GN) - Šilovo/Shillovë (GN) - Gjilan/Gnjilane (GN);
- 12) (*Gjilan/Gnjilane B*) or Gjilan/Gnjilane (GN) - Donja Budriga/Budrikë e Poshtme (GN) - Pasjane/Pasjan (GN) - Donja Budriga/Budrikë e Poshtme (GN) - Parteš/Partesh (GN) – Cernica/Cernicë (GN) - Gjilan/Gnjilane (GN) Gornji Livoc/Livoç i Epërm (GN) - Gjilan/Gnjilane (GN);
- 13) (*Gjilan/Gnjilane C*) or Gjilan/Gnjilane (GN) – Stanišor/Stanishor (GN) - Gornji Makreš/Makresh i Epërm (GN) - Trnjicevce/Tërniqec (NB) - Čuljkovce - Bostane/Bostan (NB) - Izvor/Izvor (NB) - Prekovce/Prekoc (NB) - Zebince/Zebincë (NB) - Straža/Strazhë (GN) – Kosmata - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN) - Paralovo/Parallovë (GN) - Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Kosmata - Straža/Strazhë (GN) - Zebince/Zebincë (NB) - Prekovce/Prekoc (NB) - Izvor/Izvor (NB) - Bostane/Bostan (NB) - Čuljkovc - Trnjicevce/Tërniqec (NB) - Gornji Makreš/Makresh i Epërm (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN) - Paralovo/Parallovë (GN) - Gjilan/Gnjilane (GN);
- 14) (*Gjilan/Gnjilane D*) or Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Gornji Makreš/Makresh i Epërme (GN) - Trnicevce/Tërniqec (NB) – Čuljkovce - Novo Brdo/Novobërdë (NB) - Bostane/Bostan (NB) - Izvor/Izvor (NB) - Prekovce/Prekoc (NB) - Gračanica/Gračanicë (PR) - Prekovce/Prekoc (NB) - Izvor/Izvor (NB) - Bostane/Bostan (NB) - Novo Brdo/Novobërdë (NB) – Čuljkovc - Trnjicevce/Tërniqec (NB) - Gornji Makreš/Makresh i Epërm (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN);
- 15) (*Gjilan/Gnjilane E*) or Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Straža/Strazhë (GN) - Zebince/Zebincë (NB) - Prekovce/Prekoc (NB) - Šilovo/Shillovë (GN) - Gračanica/Gračanicë (PR) - Šilovo/Shillovë (GN) - Prekovce/Prekoc (NB) - Zebince/Zebincë (NB) - Straža/Strazhë (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN);
- 16) (*Gjilan/Gnjilane F*) or Kamenicë/Kamenica (KK) - Ranilug/Ranillug (KK) - Šilovo/Shillovë (GN) - Gjilan/Gnjilane (GN) - /Mitrovica/ Mitrovicë North (MI) - Gjilan/Gnjilane (GN) - Šilovo/Shillovë (GN) - Ranilug/Ranillug (KK) – Kamenicë/Kamenica (KK);
- 17) (*Gjilan/Gnjilane G*) or Klokot/Kllokot (VI) - Parteš/Partesh (GN) - Gjilan/Gnjilane (GN) - /Mitrovica/ Mitrovicë North (MI) - Gjilan/Gnjilane (GN) - Parteš/Partesh (GN) - Klokot/Kllokot (VI).

Annex C – Table: HBT routes and current situation

No. of line (as listed in AI 2007/6 Annex)	HBT route summary	Discontinuation	Line expected to resume as part of the Contract Notice (MoI, 24 Sept 2014).	Existence of alternatives, i.e. commercial lines or municipal buses along this route
1.	Babin Most/Babimoc (OB) -Miloševo/Milloshëvë (OB) - Gračanica/Graçanicë (PR) - Miloševo/Milloshëvë (OB) - Babin Most/Babimoc (OB)	Discontinued in August 2012	No	Commercial line
2.	Gornja Brnjica/Bërnice e Epërme (PR) – Gračanica/Graçanicë (PR) - Gornja Brnjica/Bërnice e Epërme (PR);	Discontinued in 2010	No	Commercial line
3.	Miloševo/Milloshëvë (OB) – Gate 3 - Miloševo/Milloshëvë (OB)	Discontinued in 2010	No	No
4.	Velika Hoça/ Hoçë e Madhe (RH) – Upper Rahovec/ Orahovac - Gračanica/Graçanicë (PR) - Upper Rahovec/ Orahovac - Velika Hoça/ Hoçë e Madhe (RH)	Discontinued in September 2014	No	Commercial line (as of December 2014 free of charge)
5.	Grace/Gracë (VU) - Mitrovica/Mitrovicë North (MI) - Grace/Gracë (VU)	Discontinued in August 2014	No	Commercial line (as of December 2014 free of charge)
6.	Leposavić/Leposaviq (LE) – Mitrovicë/Mitrovica South (MI) - Leposavić/Leposaviq (LE)	Discontinued in August 2014	Yes	No
7.	Vidanje/Videjë (KL) - Klinë/Klina (KL) - Drsnik/Dresnik (KL) - Grabac/Grabc (KL) - Bica/Binxhë (KL) - Zvečan/Zveçan (ZV) Klinë/Klina - Drsnik/Dresnik (KL)- Grabac/Grabc (KL) - Biça/Binxhë (KL) - Vidanje/Videjë (KL)	Discontinued in August 2014	Yes, with amended route (as per lot no 7 in the contract notice).	Commercial line (as of December 2014 free of charge)
8.	Osojane/Osojan (IS) - Zvečan/Zveçan (ZV) - Osojane/Osojan (IS)	Discontinued in August 2014	Yes	Commercial line (as of December 2014 free of charge)
9.	Velika Hoça/ Hoçë e Madhe (RH) - Rahovec/Orahovac (RH) - Zvečan/Zveçan (ZV) - Rahovec/Orahovac (RH) - Velika Hoça/ Hoçë e Madhe (RH)	Discontinued in September 2014	No	Commercial line
10.	Babljak/Bablak (UR) – Gračanica/Graçanicë (PR) - Babljak/Bablak (UR)	Discontinued in August 2014	No	Commercial line
11.	(Gjilan/Gnjilane A) or Gjilan/Gnjilane (GN) - Poneš/Ponesh (GN) - Koretište/Koretishtë (GN) - Stanišor/Stanishor (GN) - Gornje Kusce/Kufcë e Epërme (GN)- Kmetovce/Kmetoc (GN) - Šilovo/Shillovë (GN) - Gjilan/Gnjilane (GN)	Discontinued in August 2014	Yes	Commercial line
12.	(Gjilan/Gnjilane B) or Gjilan/Gnjilane (GN) - Donja Budriga/Budrikë e Poshtme (GN) - Pasjane/Pasjan (GN) - Donja Budriga/Budrikë e Poshtme (GN) - Parteš/Partesh (GN) – Cernica/Cernicë (GN) - Gjilan/Gnjilane (GN) Gornji Livoc/Livoç i Epërm (GN) - Gjilan/Gnjilane (GN)	Discontinued in August 2014	Yes	Commercial line

13.	<i>(Gjilan/Gnjilane C)</i> or Gjilan/Gnjilane (GN) – Stanišor/Stanishor (GN) - Gornji Makreš/Makresh i Epërm (GN) - Trnjičevce/Tërniqec (NB) - Čuljkovce - Bostane/Bostan (NB) - Izvor/Izvor (NB) - Prekovce/Prekoc (NB) - Zebince/Zebincë (NB) - Straža/Strazhë (GN) – Kosmata - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN) - Paralovo/Parallovë (GN) - Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Kosmata - Straža/Strazhë (GN) - Zebince/Zebincë (NB) - Prekovce/Prekoc (NB) - Izvor/Izvor (NB) - Bostane/Bostan (NB) - Čuljkovc - Trnjičevce/Tërniqec (NB) - Gornji Makreš/Makresh i Epërm (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN) - Paralovo/Parallovë (GN) - Gjilan/Gnjilane (GN)	Discontinued in August 2011	Yes	Commercial line
14.	<i>(Gjilan/Gnjilane D)</i> or Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Gornji Makreš/Makresh i Epërme (GN) - Trnicevce/Tërniqec (NB) – Čuljkovce - Novo Brdo/Novobërdë (NB) - Bostane/Bostan (NB) - Izvor/Izvor (NB) - Prekovce/Prekoc (NB) - Gračanica/Graçanicë (PR) - Prekovce/Prekoc (NB) - Izvor/Izvor (NB) - Bostane/Bostan (NB) - Novo Brdo/Novobërdë (NB) – Čuljkovc - Trnjičevce/Tërniqec (NB) - Gornji Makreš/Makresh i Epërm (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN)	Discontinued in August 2014	No	Commercial line (route served in combination with route n. 15)
15.	<i>(Gjilan/Gnjilane E)</i> or Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Straža/Strazhë (GN) - Zebince/Zebincë (NB) - Prekovce/Prekoc (NB) - Slivovë/Slivovo (NB) - Gračanica/Graçanicë (PR) - Šilovo/Shillovë (GN) - Prekovce/Prekoc (NB) - Zebince/Zebincë (NB) - Straža/Strazhë (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN).	Discontinued in August 2014	Yes, amended route (as per lot no 1, Gjilan/Gnjilane C in the contract notice)	Commercial line (route served in combination with route n.14)
16.	<i>(Gjilan/Gnjilane F)</i> or Kamenicë/Kamenica (KK) - Ranilug/Ranillug (KK) - Šilovo/Shillovë (GN) - Gjilan/Gnjilane (GN) - Mitrovicë/Mitrovica (MI) - Gjilan/Gnjilane (GN) - Šilovo/Shillovë (GN) – Ranilug/Ranillug (KK) – Kamenicë/ Kamenica (KK).	Discontinued in August 2014	No	Commercial line (route served in combination with route n.17)
17.	<i>(Gjilan/Gnjilane G)</i> or Klokot/Kllokot (VI) - Parteš/Partesh (GN) - Gjilan/Gnjilane (GN) - Mitrovicë/Mitrovica (MI) - Gjilan/Gnjilane (GN) - Parteš/Partesh (GN) - Klokot/Kllokot (VI).	Discontinued in August 2014	No	Commercial line (route served in combination with route n.16)

Annex D – Contract Notice, Ministry of Infrastructure, 24.09.2014

CONTRACT NOTICE

Services

According to Section 40 of Law No. 04/L-042 on Public Procurement.

Date: 24.09.2014

Procurement No	MI	1	4	0	7	1	2	1	1
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This notice has been prepared in the LANGUAGES:

Albanian Serbian English

(The English language version, if one has been prepared, shall control).

SECTION I: CONTRACTING AUTHORITY

I.1 NAME AND ADDRESS OF THE CONTRACTING AUTHORITY (CA)

Official name: Ministry of Infrastructure		
Postal address: Germia Building; 1 floor, Area A; office A-104, Str. "Mother Theresa" 10000 Prishtina		
Town: Prishtinë	Town: Prishtinë	Town: Prishtinë
Internet address (if applicable):		
Contact point(s):		Email:
Telephone:		Fax:

The contracting authority is purchasing on behalf of other contracting authorities Yes No

SECTION II: OBJECT OF THE CONTRACT

II.1 DESCRIPTION

II.1.1 Contract title attributed by the contracting authority: MAINTENANCE SERVICES FOR Transporti Humanitar rrugorë i udhëtarëve: Lot: VI, IX, XII, XIV, XV, XVI, XVII, XVIII, XIX dhe XX		
II.1.2 Type of contract and location of works, place of delivery or of performance (Choose one category only - works, supplies or services - which corresponds to the main part of the specific object of your contract)		
<input type="checkbox"/> Works	<input type="checkbox"/> Supplies	<input checked="" type="checkbox"/> Services
<input type="checkbox"/> Execution <input type="checkbox"/> Design and execution <input type="checkbox"/> Realisation, by whatever means, of work, corresponding to the requirements	<input type="checkbox"/> Purchase <input type="checkbox"/> Rental <input type="checkbox"/> Hire purchase <input type="checkbox"/> A combination of these	
Main site or location of works	Main place of delivery:	Main place of performance Prishtinë, Mitrovicë Klinë, Zubin Potok, Gjilan, Kamenicë, Qaber Artanë, Leposaviç Dragash
II.1.3 The notice involves		
A public contract	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The establishment of framework agreement	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
II.1.4 Information on framework agreement (if applicable):		
Framework agreement with single operator	<input checked="" type="checkbox"/>	Framework agreement with several operators <input type="checkbox"/>

II.1.5 Execution of the Contract Call offs/Place Orders <input type="checkbox"/> Subsidiary Contracts/Mini-competition <input type="checkbox"/>
Duration of framework agreement: in months 12
II.1.6 Short description of the object of the contract Transporti Humanitar rrugorë i udhëtarëve:
II.1.7 Common Procurement Vocabulary classification (CPV) : 60000000-8
II.1.8 Variants are accepted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
II.1.9 Division into lots Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, tenders should be submitted for (tick one box only) <input type="checkbox"/> one lot only <input checked="" type="checkbox"/> one or more lots <input type="checkbox"/> All lots
II.1.10 Information about lots (if applicable)

Lot no	Short description	FFP	Quantity	Scope
1	Gjilan A Gjilan- Ponesh-Koretisht-Stanosher –Kufce e Eprme -kmetoc-Shillov-Gjilan Gjilan B Gjilan – Budrik e Poshtme-Pasjan-Budrik e Poshteme-Partesh- Cernicë-Gjilan Llivoci i Epërm-Gjilan Gjilan C Gjilan –Stanosher-Makresh i Epërm-Terriçec(NB)-Culjkovce-Boston(NB)-Izvor-(NB)-Prekoc(NB)-Zebnicë(NB)-Strazh (GN)-Kosmata-Stanishor(GN) Kosmata-Strazh-Zebnicë(NB)-Pregoc(NB)-Izvor(NB)-Boston(NB)-Culjkovec-Terriçec (NB)-Makresh i Epërm –Stanishor- Gjilan-Parllövë-Gjilan.	6000000 0-8	5484 km	refer to the tender dossier
2	Qabër Mitrovicë	6000000 0-8	1224 km	refer to the tender dossier
3	Novobërd- Prishtinë.	6000000 0-8	3600 km	refer to the tender dossier
4	Leposaviç-Mitrovicë .	6000000 0-8	1400 km	refer to the tender dossier
5	Vidimirç- Mitrovicë	6000000 0-8	1440 km	refer to the tender dossier
6	Dragash ;raoc;plavë;turbe;bicë;brezne; prizren	6000000 0-8	1760 km	refer to the tender dossier
7	Klinë;Desnik;klinovac;bekove; osjan;mitrovic;zveçan	6000000 0-8	1488 km	refer to the tender dossier
8	Frashër ;Mitrovicë ;zveçan i vogël	6000000 0-8	480 km	refer to the tender dossier
9	Mitrovicë-Kodra e Minatorëve-Mitrovicë	6000000 0-8	180 km	refer to the tender dossier
10	Kamenice;recan;hajnoc;lumi kremenat;lumi meshin;denovit;popullant;strezovc Kamenice ;berivojc;topanic;grec;domarovc;krshlanet;hodonoc;rogoçicë;muqiverc; shipashnic e ulet;kololeq;kopernic;stralic;boshce ;grizime;kamenicë	6000000 0-8	2120 km	refer to the tender dossier

II.2 QUANTITY OR SCOPE OF THE CONTRACT

Total quantity or scope (including all lots and options if applicable)

II.3 DURATION OF THE CONTRACT OR TIME LIMITS FOR COMPLETION

Duration in months 12 (from the award of contract) Starting (2) Five days after signing contract Completion ; 2015
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SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION**III.1 CONDITIONS RELATING TO THE CONTRACT**

III.1.1 Performance security required	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If yes, amount of performance security : 10 % of contract value.		
III.1.2 Legal form to be taken by grouping of economic operators to whom the contract is to be awarded:		
III.1.3 Other particular conditions to which performance of the contract is subject (if applicable): refer to the tender dossier		

III.2 CONDITIONS FOR PARTICIPATION

III.2.1 Eligibility Requirements
<ol style="list-style-type: none"> 1. Declaration under oath that the economic operator meets the eligibility requirements specified under the Law No. 04/L-042 Article 65, shall be submitted in a form of Annex – Original Required document evidence: Declaration under oath signed by the bidder, by using the form defined in the tender dossier 2. Signed certification by the Tax Administration of the country of establishment of the economic operator that the economic operator is not in delay on the payment of taxes at least till last quarter prior to applying for the tender - the original or a certified copy. 3. A document issued by the competent court verifying that the economic operator meets the “Eligibility requirements Point III.1.1.) 2.a,c,d and e. – original or notarized copy <p>Evidence 2 and 3 are required by the bidder to whom the contracting authority intends to award the contract. These documents must be submitted by the bidder before awarding the contract. Failure to submit such documentation, tender will be rejected.</p>
III.2.2 Professional Suitability refer to the tender dossier
III.2.3 Economic and financial capacity refer to the tender dossier
III.2.4 Technical and professional capacity; refer to the tender dossier

III.3 Conditions specific to services contracts

III.3.1 Execution of services is reserved to a particular profession	Yes <input type="checkbox"/>	No <input type="checkbox"/>
refer to the tender dossier		
III.3.2 Legal persons should indicate the names and qualifications of the staff responsible for the execution of	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
professional the service		

SECTION IV: PROCEDURE**IV.1 TYPE OF PROCEDURE**

<input checked="" type="checkbox"/> Open	
<input type="checkbox"/> Restricted	
<input type="checkbox"/> Negotiated	

IV.2 AWARD CRITERIA

Tick the appropriate box “only one” and delete the other			
The small price			
Sub-criteria	Weighting in %	Sub-criteria	Weighting in %
Technical		Financial	

IV.3 ADMINISTRATIVE INFORMATION

IV.3.1. Previous publications concerning the same contract			
Prior Indicative Notice			
Other publications (if applicable)			
IV.3.2 Conditions for obtaining tender dossier / prequalified documents			
Time limit for receipt of requests for tender dossier :			
Date 24.10.2014 time 16:00			
Payable documents	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
If yes, price			

IV.3.3 Time limit for receipt of tenders;

Date : 05.11.2014 , time : 14:00 place : MI- Germia Building; I floor, Area A; office A-104, Str. "Mother Theresa" 10000 Prishtina

IV.3.4 Time limits is shortened for submission of tenders

Yes No

IV.3.5 Is tender security needed (by all tenderers/ candidates)

Yes No

If yes, the value of tender security

for one lot is 1,500.00€

Period of insurance tender validity shall be 120 days .

IV.3.6 Tender validity period

Until: date: or days 90 or months 3

IV.3.7 Tender opening meeting

Date : 05.11.2014 time : 14:30 place : place: MI- Germia Building; I floor, Area A; office A-104, Str. "Mother Theresa" 10000 Prishtina

Every tenderer has the right to have a representative at the opening of tenders.

SECTION V: COMPLEMENTARY INFORMATION**V.1 COMPLAINTS**

Any interested party may file a complaint with the Procurement Review Body, according to the provisions of Title IX of Law No. 04/L-042, Law on Public Procurement.

V.1.1 ADDRESS OF THE PROCUREMENT REVIEW BODY (PRB)

Official name : THE PROCUREMENT REVIEW BODY	
Address of the PRB: Street "Garibaldi" at the Faculty of Arts building	
Town:Pristina	Postal code:10000
Electronic address (if applicable):www.ks-gov.net/oshp	
Contact person:	E-mail:
Telephone:	Fax:

V.2 ADDITIONAL INFORMATION

Note: economic operators will be entitled to submit a tender, request to participate and other documents required or permitted to be files during the conduct of a procurement activity in Albanian, Serbian or English. Add other information:



Special Transportation for Communities in Kosovo

POLICY BRIEF

Front page: picture taken on 7 October, it represents a commercial bus line in Gračanica/Graçanicë, taken by the OSCE Mission Member Bekim Uka;
Back page: photo of Humanitarian Bus transportation in Velika Hoča/ Hoçë e Madhe, taken on 15 February by THE OSCE Mission Member Gorica Šćepanović.