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Rail transport in the Republic of Moldova

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The main law for conducting railway carriage service is the Railway Transport Code of the Republic of Moldova, CODE No. 309 of 17/07/2003 (hereinafter Code No. 309/2003).¹ The current Railway Transport Code of the Republic of Moldova is in effect until 18/02/2024. On 18/02/2024 the current code will be repealed and at the same time the new railway transport code of the Republic of Moldova will enter into force (Code No. 19 of 03/02/2022). Next, I will analyze the rail transport in the Republic of Moldova according to the current code (Code No. 309/2003).

The Moldovan railway transport activity is regulated and controlled by the state. Railway transport constitutes a natural monopoly, which imposes special conditions for the development and operation of railway transport. The sole railway transport enterprise in the Republic of Moldova is the State Enterprise *"Moldova Railway"*², which administers the production and financial activity of the autonomous structural subdivisions that practice rail transport, as well as coordinates the work of other enterprises, organizations and railway transport institutions that ensure its operation. *Moldova Railway* is responsible for passenger and cargo transportation, as well as railway infrastructure maintenance within the country. In 2022 the total length of the network managed by *Moldova Railway* is 1,232 kilometres. The entire network is single track and is not electrified. To sum up, the State Enterprise *"Moldova Railway"* occupies a strategic position in the transport sector of the Republic of Moldova, with an impact on many aspects of the socio-economic development of the country.

To be a Moldovan Rail Freight Forwarder, the legal entity must be a company resident in Moldova and has to conclude a contract with the State Enterprise *"Moldova Railway"*. To conclude the contract, the legal entity must present the following documents: 1. application in the name of the general director of the Moldovan railway; 2. copy of the company registration certificate; 3. extract from the state register of legal entities; 4. copy of the company article of association; 5. copy of the administrator's identity card; 6. powers of attorney notarized of the person who will submit the documents; 7. copies of the above documents will be authenticated by the company's signature and stamp.

¹ The link of the Railway Transport Code in the Romanian version: https://www.legis.md/cautare/getResults?doc_id=132926&lang=ro# and the link of the Railway Transport Code in the Russian version: https://www.legis.md/cautare/getResults?doc_id=132926&lang=ru#

² The link of the website of the State Enterprise *"Moldova Railway"*: <http://www.railway.md/>

The Railway Transport Code of the Republic of Moldova is targeting just domestic companies that reside in Moldova. Art.11 paragraph 2 of the Code No. 309/2003 provides that: "The *transport of goods by rail in international traffic in transit on the territory of the Republic of Moldova is carried out on the basis of international treaties to which the Republic of Moldova is a party.*" Moldova is a member of the Organization for Co-Operation between Railways (OSJD).³ Therefore, the Agreement on International Railway Freight Communications ("SMGS") is applicable in Moldova and to in-transit goods by rail from/to other countries.

In case Rail Freight Forwarder violates the Moldovan legislation, it provides criminal, administrative and/or civil penalty for the violation. Art.1448 of the Civil Code of the Republic of Moldova provides that: "(1) The carrier is responsible for the destruction, total or partial loss or damage to the good to the extent that the destruction, loss or damage occurred between the time of collection and the time of delivery, as well as for exceeding the delivery term. (2) The carrier is liable, as for his own actions or inactions, for the actions and inactions of his servants and of any other persons whose services he uses for the execution of the transport, if these servants or these persons act in the exercise of their function.

³ The link of the website of the Organisation for Co-Operation between Railways: <https://en.osjd.org/>