



Research Paper:

Exceptions to the Function and Mandate of Officers Of the Ministry of Transport and Telecommunications in the Delivery of Service and Granting of Licenses

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Executive Summary

The paper examines the exceptions and discretionary powers exercised by the officers of the Ministry of Transport and Telecommunication in the provision of services, licenses granting and approvals, including the powers prescribed in Traffic Law No. (5) of 2000, as amended, and its executive regulations and other systems applicable by the Ministry as well as relevant procedural manuals.

The analysis showed that the broadest powers in this regard are vested in the Licensing Authority, the Transport Professions Certification Authority, the Traffic Controller, and, subsequently, the Minister. It also found that the Vehicle Ownership Transfer Regulation and the Decision Regulating Private Transport Services procedurally restricted the issuance of certain licenses through mechanisms such as needs assessment, public announcement, lottery procedures, and multiple approval requirements. However, they continued to leave wide discretionary powers in determining transport needs, granting exemptions from the lottery process, amending or revoking licenses, and imposing license conditions and administrative sanctions. These risks increase when the applicable criteria are not formally documented or when decisions are not supported by adequate justification, record-keeping, and review procedures.

The interviews further confirmed the absence of a unified framework for recording exemptions, a standardized application form for requesting them, and a central register for exemption decisions. They also revealed continued reliance on guidelines and administrative instructions that are outdated, unofficial, or unpublished. In addition, cases were identified where the requirements for public announcement, lottery procedures, or eligibility criteria were bypassed, while other exceptions were driven by extraordinary circumstances such as the COVID-19 pandemic, the war, and displacement. This highlights the need to distinguish between a temporary, justified public-interest exemption and an individual exemption that grants a private benefit and therefore requires stricter oversight.

The Ministry is currently moving toward ending unregulated exemptions, reviewing the legislative framework, involving additional authorities in certain decision-making processes, automating licensing and transport services, and referring suspected corruption cases to the Anti-Corruption Commission. The paper recommends translating these efforts into sustainable institutional rules by clearly defining the concepts of public interest and justifiable grounds, publishing the methodology for transport needs assessments, regulating license amendments and administrative penalties, adopting a unified electronic application form and central registry, requiring reasoned and documented decisions, updating and publishing all applicable manuals and guidelines, and ensuring access to objection, appeal, and oversight mechanisms.

Introduction

The Palestinian Ministry of Transport and Communications is responsible for regulating the transportation sector in all its forms, developing its policies and plans, licensing vehicles and drivers, supervising public and private transport services and institutions, and carrying out monitoring, inspection, and technical examination functions. The Ministry is also charged with promoting road safety, developing transportation infrastructure and systems, regulating freight transport and border crossings, fostering international cooperation, and drafting and updating transportation legislation. In carrying out these responsibilities, the Ministry relies on Traffic Law No. (5) of 2000, its Executive Regulations No. (393) of 2005, as well as a range of decisions, directives, and procedural manuals governing licensing, traffic control, transportation professions, technical affairs, and road safety.

The Ministry exercises its functions through two types of authority: bound authority, which requires it to issue a specific decision once the legal requirements are met, and discretionary authority, which allows it to choose the most appropriate course of action within the framework established by the legislature. However, such discretion is not absolute and must be subject to clear safeguards and standards that prevent arbitrariness or abuse of power. Given the broad discretionary powers and numerous exceptions contained in the legislative framework governing the transportation sector, there is a clear need to review and assess these powers, evaluate the adequacy of their safeguards, and reconsider certain aspects of their application, particularly in the areas of services, licensing, and transportation profession certificates, in order to reduce the risk of their misuse as a gateway to corrupt practices.

Objective of the Paper:

- Review the legislation, instructions, and procedural manuals governing the operations of the Ministry of Transport and Communications, and identify the exceptions related to service delivery, the issuance of licenses, and transport profession certificates that are based on the Ministry's discretionary authority.
- Examine the nature of these exceptions to determine which should be abolished and which should be subject to specific standards and controls, in order to prevent discretionary authority from becoming a breeding ground for corrupt practices, particularly favoritism, nepotism, preferential treatment, abuse of influence and public office, and bribery.
- Identify the challenges and risks arising from the granting of exceptions in the absence of clear standards and controls.
- Propose recommendations for advocacy and lobbying efforts aimed at amending the legislation governing such exceptions, limiting them to the narrowest possible scope, and establishing clear criteria and safeguards for their issuance.

Methodology:

1. Collect and compile information relevant to the subject of the paper from various sources.
2. Review published reports on the topic, particularly those issued by the Coalition for Accountability and Integrity (AMAN).
3. Conduct interviews with relevant stakeholders and subject-matter experts, including the Ministry of Transport and Communications, the State Audit and Administrative Control Bureau, the Anti-Corruption Commission, and the Driving Schools Syndicate.
4. Analyze the information and data collected.
5. Develop findings that identify the key challenges and issues revealed through the analysis.

6. Formulate practical and actionable recommendations and propose advocacy and lobbying mechanisms to support their adoption and implementation.
7. Prepare an initial draft of the paper and discuss it in a workshop with relevant stakeholders, incorporate feedback from the discussions, and further refine the document to produce its final version.

Scope of Research:

* The scope of this research paper does not extend to purely executive functions, routine administrative procedures, or authorities that are strictly governed by precise legal requirements and leave no room for discretion. It also excludes shared or collective mandates in which a Ministry official neither makes the final decision nor exercises direct influence over the initiation, approval, or granting of an exception or benefit.

To be selected for analysis, an authority should meet at least one of the following criteria:

- It affects the legal status or rights of a license holder or service beneficiary.
- It affects the organization, operation, or management of a public service or the protection of the public interest.
- It provides for an exception to a general rule or statutory prohibition.
- It permits inconsistent application due to the absence of objective criteria, clear standards, or uniform procedures.

I. Legislative and Institutional Framework

1. Legislative Framework:

- Traffic Law No. (5) of 2000, as amended

Traffic Law No. (5) of 2000 constitutes the primary legal framework governing road traffic and land transportation, including vehicle registration and licensing, driver's licenses, driving schools, public transportation, and the powers and responsibilities of administrative authorities. Although the Law has undergone several amendments, it does not establish a comprehensive and unified framework governing the exercise of exceptions and discretionary powers. In some instances, the Law sets out the basic authority while leaving its implementation and procedural details to the Executive Regulations. In other cases, it grants administrative officials direct powers, such as recommending exemptions or determining specific matters by administrative decision. Accordingly, assessing the scope and implications of these powers requires an integrated reading of the Law, its Executive Regulations, and the related instructions and procedures.

- Executive Regulations of Traffic Law, as amended

The Executive Regulations were issued pursuant to Cabinet Decision No. (393) of 2005 and have subsequently undergone several amendments. They do not merely regulate procedures; rather, they confer a range of discretionary powers upon the Minister, the Licensing Authority, the Traffic Controller, technical bodies, and various committees. The review revealed that the Regulations generally identify the competent authority, the category of beneficiary concerned, and the applicable procedural framework. However, they do not always specify the substantive criteria governing approval or rejection. In many cases, they merely require a written application, the approval of the responsible official, or the official's satisfaction that certain conditions have been met, without defining the objective grounds upon which the decision should be based. As a result, such procedural safeguards alone are insufficient to limit inconsistencies in the exercise of discretion and to ensure the uniformity and predictability of administrative decisions.

- Council of Ministers Decision No. (4) of 2010 on the Vehicle Ownership of Public Transport Operating Licenses¹, as amended

The Vehicle Ownership Regulation for Public Transport Operating Licenses governs the procedures for granting and transferring ownership of operating licenses. It establishes transport needs assessments, public announcements, lottery procedures, the publication of eligible applicants' names, and specified timeframes as the basis for the licensing process. The Regulation also restricts the modification of route allocations and subjects any exemption from the ownership-transfer requirements to the recommendation of a technical committee, the nomination of the Minister, and the approval of the Council of Ministers.

Nevertheless, the Regulation has retained broad and loosely defined concepts such as "public interest" and "justifiable grounds," without requiring the publication of the committee's criteria or the provision and public recording of reasons for exemption decisions. Most recently, Article (36) was amended by Regulation No. (4) of 2024, whereby exceptional approvals may now be granted only by a decision of the Council of Ministers, based on the Minister's nomination and the recommendation of a technical committee that establishes criteria and parameters governing its work. As a result, the exemption process has become more restrictive from both an institutional and procedural perspective. However, the concept of "public interest" and the criteria governing its application still require clearer and more objective definition and regulation.

1 Palestinian Official Gazette. 9 June 2010. Council of Ministers Decision No. (4) of 2010 on Ownership of Operating Licenses of Public Transport, Issue 86.

- Decision No. (1) of 2019 Regulating Private Transport²

The 2019 Decision Regulating Private Transport bases the issuance of licenses on needs assessments, public announcements, lottery procedures, and predefined eligibility requirements. It does not provide a direct mechanism for granting a license outside these procedures. The Decision also reinforces transparency by requiring the participation of media representatives and the State Audit and Administrative Control Bureau in the licensing process.

However, once a license has been issued, the Decision grants the Traffic Controller broad authority to amend, renew, or revoke the license and to impose additional conditions. It also empowers the Traffic Controller to apply varying sanctions without detailed criteria or a clearly defined appeals mechanism. As a result, the Decision significantly limits discretion in the selection of beneficiaries, while preserving broad discretion in the administration of licenses and the imposition of penalties.

- Instructions and Procedural Manuals

The Ministry's day-to-day operations are also guided by a number of procedural manuals, most notably the Vehicle Licensing Procedures Manual (2014), the Driver Licensing Procedures Manual (2014), the Transport Professions Procedures Manual (2014), the General Directorate of Traffic Control Procedures Manual (2016), approved by the Minister, and the General Directorate of Technical Affairs Procedures Manual (2019), also approved by the Minister. In addition, the Ministry applies the Conditions for Licensing Hybrid and Electric Vehicle Maintenance Garages (2021), which were likewise approved by the Minister.

These manuals contain procedural details and operational standards that may contribute to the standardization of service delivery and licensing procedures. However, the age of some of these manuals, as well as the lack of clear evidence that others have been formally approved by the Minister or made publicly available, weakens their administrative standing and binding effect. Moreover, the approval of a procedural manual does not grant it legislative force enabling it to amend the provisions of the Law or the Executive Regulations, nor does it authorize the creation of new powers or exceptions. Rather, its role is limited to facilitating the implementation of existing legal provisions within the limits prescribed by the governing legislation.

In this regard, Dr. Asmaa Musleh, Head of a Supervisory Department within the General Directorate of Infrastructure at the State Audit and Administrative Control Bureau, confirmed that a number of the procedural manuals currently used by the Ministry have not been formally approved by the Minister³.

Similarly, Mr. Abdul Rahman Zeidan, Director General of the Licensing Authority at the Ministry of Transport and Communications⁴, explained that certain operational requirements and procedures are adopted and circulated internally within the Ministry and its directorates without being published for the public. He further noted that some of these practices may be based on verbal instructions or decisions issued by relevant officials. As such, they are not necessarily binding on subsequent officials, as they do not possess the status of legislation.

Dr. Farouq Abdel Rahim, Assistant Deputy Minister for Technical Affairs at the Ministry of Transport and Communications, likewise emphasized that a procedural manual remains subordinate to legislation and may be disregarded or revoked with relative ease if it is not grounded in a binding regulatory framework⁵.

2 Palestinian Official Gazette. July 10, 2019. Issue 157.

3 Musleh, Asmaa. Director of Oversight Department, Directorate General of Infrastructure, State Audit and Administrative Control Bureau. Personal Interview. July 26, 2026

4 Ibid.

5 Abdel Rahim, Farouq. Assistant Deputy Minister for Technical Affairs. Ministry of Transport and Communications. Personal interview. July 26, 2026

In a broader governance context, Mr. Majdi Matiani, Director General of the General Directorate of Infrastructure at the State Audit and Administrative Control Bureau, observed that the risk extends beyond the mere existence or absence of procedural manuals, or even the discretionary decision itself. It also encompasses the absence or ineffectiveness of conflict-of-interest regulations and controls governing access to information prior to its official publication. The premature disclosure of an upcoming decision or public announcement may provide certain individuals with an unfair advantage in preparing or submitting applications. This broadens the scope of the required governance framework to include the protection of confidential information, the proper timing of publication, and the documentation of individuals who had access to a decision before its official release⁶.

For his part, Mr. Mohammad Khalifa, Director of the Studies and Corruption Risk Assessment Department at the Anti-Corruption Commission, stressed that preventing corruption is not achieved solely through compliance with legal provisions and procedures. Rather, it requires continuous monitoring of public officials to ensure the implementation of the Anti-Corruption Law and related regulations, particularly those governing the acceptance of gifts and the disclosure of conflicts of interest. Such measures contribute to the establishment of a preventive institutional environment that reduces opportunities for the abuse of authority or the use of public office for private gain⁷.

2. Institutional Framework and Distribution of Decision-Making Powers

The Minister of Transport and Communications heads the Ministry's administrative structure. Reporting directly to the Minister are the Deputy Minister, the Internal Audit Unit, and the Minister's advisors on governance, sustainable development, community partnership, and transport economics. Under the authority of the Deputy Minister fall the general directorates responsible for licensing, transportation, engineering, and technical affairs, in addition to the transportation, engineering, and road safety directorates and other specialized units.

This paper focuses on the departments and officials who exercise direct authority in granting licenses, approvals, and exemptions, determining licensing conditions, and regulating public transportation, as well as the technical and oversight units that are expected to contribute to the soundness, review, and accountability of such decisions.

In this context, Ministry of Transport and Communications officials interviewed for the preparation of this paper indicated that there is no standardized application form for exemption requests or a fixed procedure for reviewing them. While some requests are referred for legal consultation or review by a committee, others are decided individually and subsequently submitted to the Minister for approval. This confirms that requiring the approval or signature of the Minister or another responsible official is not, in itself, sufficient to regulate exemptions unless it is preceded by a complete case file, written criteria, and a reasoned decision that is subject to review and scrutiny.

Mr. Mohammad Hamdan, Deputy Minister of Transport and Communications, further explained that there is no dedicated system for documenting exemptions. He noted that exceptions to legal rules were, on occasion, entered into the computerized system by IT personnel based on administrative instructions from the relevant competent authorities within the Ministry. This practice demonstrates that digitalization, if not specifically designed to regulate and monitor exemptions, may itself become a tool for implementing them. To prevent such risks, the system should record the justification for the exception, the identity of the official issuing the instruction, the approving authority, and the legal basis underpinning the decision.

⁶ Mitian, Majdi. Director General of the Directorate General of Infrastructure. State Audit and Administrative Control Bureau. Personal interview. July 26, 2026

⁷ Khalifa, Mohammad. Director of Studies and Corruption Risks Assessment Department. Anti-Corruption Commission. Personal interview. July 14, 2026

Government Reform Efforts to Strengthen the Governance of Exemptions

Dr. Mohammad Al-Ahmad, Minister of Transport and Communications, emphasized that the current legislative framework does not adequately cover all of the Ministry's responsibilities. He noted that granting broad powers without sufficient constraints in a sector that provides services and issues licenses with significant financial value has historically made the quality of decision-making dependent on the individual holding office, thereby creating opportunities for pressure, favoritism, and unequal access to opportunities. He further indicated that the Ministry has adopted a package of reform measures, including the suspension of exemptions granted solely on the basis of discretionary authority; requiring that any exemptions permitted by law be referred to the Council of Ministers for approval⁸; establishing a committee chaired by the Deputy Minister to identify and catalogue existing exemptions; reviewing files arising from such exemptions and referring cases involving suspected corruption to the Anti-Corruption Commission; and advancing the digitalization of services and licensing procedures. He also highlighted efforts to involve other ministries, such as the Ministries of Finance and Public Works, in certain decisions with financial or technical implications, rather than leaving such matters to individual decisions made within the Ministry⁹.

Dr. Farouq Abdel Rahim, Assistant Deputy Minister for Technical Affairs and a member of the ministerial committee established to review transportation legislation, explained that the committee seeks to reduce the existence of unrestricted powers tied to specific public offices. He noted that the committee has begun reviewing the Traffic Law and that its work will also include the development of regulatory frameworks for areas that continue to suffer from legislative gaps or weak regulation, including vehicle trading, vehicle importation, technical inspection, and electric bicycles. According to Dr. Abdel Rahim, these sectors still lack comprehensive legislative regulation, and reliance on ministerial authority or procedural manuals does not provide the same safeguards as binding regulations. He further observed that this regulatory vacuum has been associated with irregularities in the procedures for announcing import opportunities and has led to the referral of certain cases to investigative authorities¹⁰.

Mohammad Hamdan, Deputy Minister of Transport and Communications, confirmed that the ongoing reform process has included the referral of cases involving suspected abuse of influence to the Anti-Corruption Commission¹¹.

For his part, Saed Muqdi, Assistant Deputy Minister for Public Transport at the Ministry of Transport and Communications, indicated that the Ministry is currently preparing new regulations governing public service vehicle licenses, private transport operations, vehicle importation, technical inspections, and public transport services. These efforts reflect a clear policy direction toward elevating regulatory safeguards from the level of dispersed instructions and procedural manuals to a more binding and stable regulatory framework¹².

Collectively, these measures demonstrate a governmental shift from addressing exemptions on a case-by-case basis toward governing them through legislative, oversight, and digital mechanisms. However, the sustainability of this reform agenda requires linking these initiatives to clear implementation timelines and performance indicators, while ensuring that the temporary suspension of discretionary powers does not impede the delivery of legitimate services. The success of these reforms will also depend on transforming them from measures associated with the current administration into enduring institutional rules and practices.

⁸ See the Statement of the Council of Ministers Session Held on November 25, 2025, noting that the Council approved a proposal by the Minister of Transport and Telecommunications to establish a committee to review and govern the legislative framework regulating the powers vested in the Ministry of Transport and Telecommunications, with any special requests to be referred to the Council of Ministers for appropriate action pending completion of the committee's work. Available at: <https://l1nq.com/voz2q5m>.

⁹ Al-Ahmad, Mohammad (Dr.), Minister of Transport and Communications. Personal interview. July 15, 2026

¹⁰ Abdel Rahim, Farouq. Previously cited source

¹¹ Hamdan, Mohammad. Deputy Minister of Transport and Communications. Personal interview. July 16, 2026

¹² Muqadi, Saed. Assistant Deputy Minister for Public Transport. Ministry of Transport and Communications. Personal interview. July 16, 2026

II. Analysis of Discretionary Powers and Exceptions in the Provision of Services and the Issuance of Licenses

This section focuses on the forms of exceptions exercised within the Ministry of Transport and Telecommunications in the provision of services and the issuance of licenses under its authority. It examines the extent to which the standards governing these areas are observed, while also highlighting the discretionary authority granted to officials in decision-making.

1. Powers of the Minister of Transport and Telecommunications*

Legal Basis (Legislative Authority): Article (140/4) of the Executive Regulations of the Traffic Law¹³

This article authorizes the Minister to exempt an applicant for a practical driving instruction certificate, either wholly or partially, from the provisions of Chapter Six of Part Three, and to impose any conditions deemed appropriate. The article does not specify the categories of persons eligible for exemption, the grounds justifying such exemption, or its limits. Consequently, it constitutes one of the broadest forms of discretionary authority associated with licensing. Variations in its application may result in unequal treatment of applicants and may affect qualification and safety requirements.

The Executive Regulations also contain other provisions that vest decision-making authority in the “competent authority,” which the Traffic Law defines as the Minister or any person delegated by the Minister to exercise certain powers. These provisions include the authority to establish special conditions for licensing certain types of vehicles pursuant to Article (22/2), and to issue and revoke passenger bus transport licenses pursuant to Articles (281) and (284). Although general criteria are provided, concepts such as “efficiency and effectiveness” and “special conditions” remain relatively open to interpretation and discretionary assessment.

The Regulation on the Ownership of Public Operating Licenses also grants the Minister certain discretionary powers. Article (27) permits the renewal of a leased operating license more than one year after its expiration if the lessee presents a “convincing excuse,” without defining what constitutes such an excuse. Likewise, Article (36), as amended, permits the granting of exceptional approvals for the ownership of operating licenses for private transportation services and taxi offices in the public interest. Such approvals are issued by a decision of the Council of Ministers upon the nomination of the Minister and the recommendation of a technical committee. This mechanism reduces the concentration of decision-making authority in a single office, while leaving the concept of the “public interest” open to discretionary interpretation.

2. Powers of the Licensing and Transportation Authority*

The Regulations confer general powers that affect the granting and continuation of licenses. Article (5) authorizes the refusal, non-renewal, or suspension of a “certificate” in specified circumstances, while Article (25) allows the Licensing Authority, at its discretion, to issue a temporary vehicle license for a period not exceeding 48 hours or license plates for a single journey. Article (35) further requires its prior approval for the transfer of ownership of certain categories of vehicles. The scope of discretion varies according to the nature of each power and the degree to which its conditions are prescribed.

* See Annex (1): Mandate of the Minister of Transport and Communications and the Competent Authority.

¹³ Paragraph (4) was added to Article (140) of the Executive Regulations of Traffic Law No. (5) of 2000, in accordance with Article (2) of Council of Ministers Decision No. (14) of 2008 regarding the amendment of Executive Regulations.

* See Annex (2): Powers of the Licensing Authority

a. Imposition of Conditions on Vehicle Licenses and Distinctive Markings

Legal Basis: Article (10) of the Traffic Law and Article (43) of the Executive Regulations.

Article (10) permits the inclusion of conditions in a vehicle license and the restriction of ownership transfer for specified reasons or “for any other reason.” Article (43) further authorizes the imposition of distinctive markings or colors on a particular vehicle or category of vehicles. The phrase “for any other reason” significantly broadens the scope of discretion, while the text does not establish detailed criteria for imposing such markings on an individual vehicle or an entire category of vehicles.

b. Allocation of Test Plates and Expansion of Their Permitted Uses

Legal Basis: Article (21) of the Traffic Law and Articles (36–38), particularly Article (37/6), of the Executive Regulations.

The Law and the Regulations specify the entities eligible to use test plates and the purposes for which they may be used. However, Article (37/6) permits their use for any other purpose that the Licensing Authority considers to be commercial in nature, without establishing clear criteria for determining such additional commercial purposes, notwithstanding the requirement that the license holder document all journeys undertaken.

c. Renewal of Driver’s Licenses, Conversion of Foreign Licenses, and Exemptions from Requirements

Legal Basis: Articles (27) and (31) of the Traffic Law, and Articles (126), (127/2), (130/3), and (169) of the Executive Regulations.

Certain powers are governed by clear limitations, such as the issuance of temporary licenses and the requirement of reciprocity. Broader discretion arises, however, in the exemption of holders of licenses that have expired for more than two years from all or some testing requirements, as well as the exemption of holders of foreign or international licenses from certain requirements in whole or in part, without sufficient specification of the grounds for exemption or of the requirements that may not be waived.

d. Licensing of Driving Schools and Their Personnel

Legal Basis: Article (33) of the Traffic Law and Articles (148), (149), (151), (152), (155), (158), (161), (162/2), (164/2), and (166–167) of the Executive Regulations.

The Licensing Authority possesses broad powers to grant, deny, or restrict licenses for driving schools; determine the scope of their activities and the vehicles they may operate; approve license transfers and changes of ownership; and license driving instructors and professional managers. The relevant provisions also permit the exemption of certain former examiners and licensing department employees from some licensing requirements, without precisely identifying which requirements may be waived.

The Authority also has the power to restrict or suspend the licenses of instructors and managers in certain circumstances, including absence without a “sufficient excuse.” The principal gap lies in the breadth of the powers related to granting, transferring, or exempting licenses from applicable requirements, coupled with the absence of detailed and standardized criteria governing necessity, exemption, and justification.

Mr. Saed Muqdi, Assistant Deputy Minister for Public Transport, confirmed that there is no comprehensive inventory of the exceptions contained in the Law and the Regulations, nor is there any historical documentation of exception cases. In this context, he noted that certain exceptions relating to driving schools, including the transfer or issuance of their licenses, have in fact been granted through individual decisions. He further explained that transferring licenses without conducting a needs assessment may generate financial gains, as license values vary from one governorate or city to another. Some files related to this matter have been referred to the competent authorities for investigation¹⁴.

¹⁴ Muqdi, previously cited source.

Mr. Abdul Rahman Zidan, Director General of the Licensing Authority, explained that the field of driving schools is among the areas most frequently subject to exceptions. He noted that, on certain occasions, the Ministry's departments have established internal conditions to restrict officials' decision-making authority in this area. However, such conditions are not binding on successors unless they are grounded in legislation or an officially issued and published decision. He cited, as an example, a case in which an exception was granted from the educational qualification requirement (successful completion of the General Secondary Education Certificate) for entry into the profession of driving instructor. This exception later created a conflict in the individual's legal status when he sought promotion to the position of professional manager, despite having fulfilled the requirement for obtaining a professional manager's license, namely four years of service as a driving instructor. This case illustrates how an initial exception may produce cumulative consequences that are difficult to remedy¹⁵.

With regard to government transportation, Mr. Ashraf Mujahid, Deputy Director of Government Transportation, referred to the Council of Ministers' decision issued on April 24, 2024, concerning expenditure rationalization. Among other measures, the decision included "the regulation of the movement and use of government vehicles and the suspension of the purchase of new government vehicles" pursuant to a 2024 Council of Ministers decision. This was followed by a decision dated March 20, 2025, establishing a committee to examine requests for the purchase of government vehicles. The committee was tasked with developing standards and parameters for its work, based on an assessment of actual need, and submitting its recommendations to the Prime Minister¹⁶.

Consequently, any subsequent vehicle purchase required an exceptional decision by the Council of Ministers. This example demonstrates that elevating the level of authority responsible for granting an exception may reduce unilateral decision-making, but it does not eliminate the use of exceptions. For her part, Dr. Asma Musleh indicated that the compliance oversight findings reflected in the State Audit and Administrative Control Bureau's Annual Report for 2025 identified violations in the granting of licenses within the Ministry of Transport. The Bureau's 2025 Annual Report noted that the Ministry of Transport and Telecommunications had granted licenses to driving schools in certain governorates without the existence of an approved framework or clear criteria for determining the need for such schools in those governorates. The report further found that certain driving school licenses had been granted through exceptional and direct procedures, bypassing the lottery process ordinarily followed by the Ministry. It was also established that some individuals who obtained driving school licenses had been admitted to the lottery process on an exceptional basis following approval by the Director General of Licensing. In some cases, applicants had submitted their requests after the official application deadline had expired, while others did not satisfy the requisite conditions for obtaining a driving school license¹⁷.

3. Powers of the Traffic Controller*

The Law and the Regulations confer broad powers upon the Traffic Controller in regulating public transportation and operating licenses. While the Ownership System and the 2019 Private Transportation Regulation subject certain decisions to procedures such as needs assessments, public announcements, and lottery selection, a significant degree of discretion remains, particularly after a license has been issued.

¹⁵ Zeidan, previously cited source.

¹⁶ Mujahid, Ashraf. Deputy Director of Government Transportation, Ministry of Transport and Communications. Personal interview. July 19, 2026

* See Council of Ministers Statement regarding its Fourth Session held on April 24, 2024, and Prime Minister's Decision regarding the establishment of a committee to review the applications to procure government vehicles, issued on March 20, 2025

¹⁷ State Audit and Administrative Control Bureau. Annual Report 2025. P. 92

* See Annex (3): Powers of the Traffic Controller

a. Determining Licenses, Their Conditions, and Supervising Compliance

Legal Basis: Article (83) of the Law; Articles (282/2) and (319/3) of the Regulations; Article (332), as a joint authority of the Traffic Controller and the Licensing Authority; and Articles (10/3) and (20) of the 2019 Private Transportation Regulation.

The Traffic Controller has the authority to amend, renew, revoke, and impose additional conditions on certain licenses. Although the 2019 Regulation restricted the granting of private transportation licenses through needs assessments, public announcements, and lottery procedures, Article (10/3) preserved broad powers for the Traffic Controller following the issuance of such licenses. Article (20) further allows the Controller to choose among a range of sanctions, from a warning to the revocation of a company's license, without providing a detailed classification of violations and corresponding penalties. The Controller may also require "any other documents" and may approve the operation of an additional bus. By contrast, Article (17) establishes specific requirements for obtaining an additional operating license and therefore does not, in itself, constitute an open-ended exceptional mechanism.

b. Determining Technical and Operational Requirements

Direct Legal Basis: Articles (12) and (36/1/f) of the Regulations; and Articles (8/5) and (9/3) of the 2019 Private Transportation Regulation, within the framework of Articles (9) and (21) of the Law.

These powers include determining the safety equipment required for certain vehicles, assessing the suitability of locations for test plates, and approving the technical compliance of private transportation buses. The technical nature of these decisions justifies a degree of professional discretion. However, the absence of published specifications and standardized assessment tools in certain areas may lead to inconsistent application.

c. Regulation of Routes, Operating Offices, and Determination of Need

Legal Basis: Articles (85) and (88) of the Law; Articles (283/2), (287), (322/2/b), and (323) of the Regulations; Articles (2), (28), and (36) of the Public Operating License Ownership System; and Articles (3), (6), and (7) of the 2019 Private Transportation Regulation.

The Traffic Controller determines transportation routes, itineraries, stations, schedules, and the number of vehicles permitted to operate. The Ownership System and the 2019 Regulation subject the granting of certain licenses and taxi office permits to needs assessments, public announcements, and lottery procedures. However, the relevant provisions do not establish standardized indicators for measuring need or for allocating licenses, routes, and operating offices, thereby leaving considerable room for discretion. Article (36) also permits the granting of an exceptional license in the public interest, based on a study conducted by a technical committee, a recommendation from the Minister, and a decision of the Council of Ministers. Although these procedures limit unilateral decision-making, the concept of the "public interest" remains undefined, underscoring the need for objective and publicly announced criteria governing both need and exceptions.

d. Transfer, Suspension, Sale, and Cancellation of Licenses and Vehicles

Legal Basis: Articles (83) and (84) of the Law; Articles (324–326) of the Regulations; and Articles (17) and (26) of the Ownership System.

The transfer and suspension of certain licenses, as well as the suspension, sale, or cancellation of public-service vehicles, are subject to the approval of the Traffic Controller. While the Ownership System requires prior studies and approvals for changes to transportation routes, the Regulations leave several standards relatively open to discretion, including the determination of a "reasonable cause," disability-related circumstances, and the grounds for transfer or suspension.

e. Regulation of Fares, Tickets, and Exceptions for Private Buses

Legal Basis: Articles (85) and (86) of the Law; and Articles (285), (289), (290), (336), and (337) of the Regulations. The Traffic Controller determines travel fares, ticket prices, and certain insurance requirements. However, the applicable provisions do not prescribe a detailed methodology for calculating or reviewing fares. Article (285) is particularly noteworthy, as it permits, with authorization from the Traffic Controller, the collection of fares on a private bus, notwithstanding the legal definition of such buses as vehicles intended for transportation without charge and the general prohibition against collecting fares from passengers. This provision is one of those that requires legislative clarification regarding the permissible scope of the exception.

These powers demonstrate that the procedural safeguards introduced through subsidiary legislation have not eliminated discretionary authority. Rather, they have shifted a significant portion of that discretion to the post-licensing stage and to decisions concerning need assessments, licensing conditions, and sanctions.

Mr. Ramadan Al-Barghouthi, Chief Traffic Controller, stated that the powers vested in the Traffic Controller are extensive and that a number of them are conferred without detailed restrictions. He explained that the Ministry has attempted to regulate the exercise of these powers through regulations and ministerial decisions, some of which have been published while others remain internal. He noted that departures from established rules have occasionally occurred due to exceptional public circumstances, such as considerations of civil peace, the repercussions of the COVID-19 pandemic, or the war on Gaza. Such exceptions have included the transfer of operating licenses, extensions of service-life limits for certain buses, and the renewal of licenses despite existing violations. He added that, in another instance, one of the former Ministers of Transport granted an exception permitting the leasing, rather than the transfer of ownership, of sixteen public operating license numbers, notwithstanding the enactment of the Ownership System¹⁸.

Mr. Saed Muqdi, Assistant Vice Minister for Public Transport, further indicated that, in certain general circumstances, the Ministry approved the transfer of public operating license numbers due to the displacement of residents from the Jenin and Tulkarm refugee camps. By contrast, certain previous individual cases were associated with allegations of illicit trading or bribery and were referred to the competent authorities. A comparison between these two categories, namely general and individual exceptions, illustrates that broad public circumstances may justify temporary measures. However, ensuring the integrity of such measures requires a general decision that clearly defines its scope, duration, and beneficiary group, rather than addressing requests on an individualized basis¹⁹.

4. Powers of Technical Bodies and Other Committees*

a. Approval of Changes to Engine Fuel Type

Legal Basis: Article (20/1) of the Law, Article (24/1) regarding changes in engine power, and Articles (79–82) of the Regulations.

Article (80/2) permits the replacement of a gasoline engine with a diesel engine in specified categories of vehicles, subject to the approval of the Vehicle Engineering Department. Although the provision specifies the categories of vehicles concerned, their year of manufacture, weight, and the required inspection procedures, it does not establish the technical criteria governing approval or the grounds on which such approval may be denied.

¹⁸ Al-Barghouthi, Ramadan. Traffic Controller. Ministry of Transport and Communications. Personal interview. July 16, 2026.

¹⁹ Muqdi, previously cited source

* See Annex (4): Powers of Technical Entities and Other Committees.

b. Determining the Scope of Driving Examinations and Assessing Applicant Competence

Legal Basis: Article (28/3) of the Law and Articles (144/1) and (145) of the Regulations.

Article (144/1) permits an applicant to be examined in all or only some components of the practical driving test, without specifying how those components are to be selected. Article (145) further grants the examiner discretion in assessing the applicant's competence. Consequently, the standardization of testing procedures and evaluation criteria constitutes a key requirement for ensuring consistency and fairness in examination outcomes.

c. Selection of Applicants for Professional Management Licenses for Driving Schools

Legal Basis: Articles (1) and (33) of the Law and Article (164/1/c) of the Regulations.

The Regulations require that applicants for a professional management license be selected by a committee formed by the competent authority, in addition to satisfying experience, training, and examination requirements. However, the Regulations do not adequately define the composition of the committee, its procedures, or the criteria governing selection and preference among applicants, thereby allowing room for inconsistency in decision-making.

d. Committees and Studies for Determining Need and Granting Exceptions

Legal Basis: Articles (2), (28), and (36) of the Public Operating License Ownership System, and Articles (3), (6), and (7) of the 2019 Private Transportation Regulation.

The two regulatory frameworks introduced mechanisms for determining need and selecting beneficiaries, including needs assessments, public announcements, application screening, lottery procedures, publication requirements, and the participation of oversight and media representatives. These measures constitute important institutional safeguards. Nevertheless, the absence of a published methodology and objective indicators for conducting needs assessments leaves significant discretion in determining the number of licenses that should be available in the market.

In addition, the exceptions provided for under Article (36) are subject to review by a technical committee, a recommendation from the Minister, and approval by the Council of Ministers. While these procedures reduce the likelihood of unilateral decision-making, they do not eliminate the need for clearly defined criteria governing the concept of the public interest and the work of the committee itself.

III. Conclusions:

1. There is a clear government effort to regulate the exceptions contained in the legislation governing the work of the Ministry of Transport and Telecommunications. This effort has included suspending the exercise of exceptions through individual decisions at the present stage, referring special requests to the Council of Ministers, reviewing legislation, cataloguing authorities and powers, advancing automation, and referring files involving suspicions of wrongdoing to the competent authorities.
2. The broadest powers in the areas examined are concentrated within the Licensing Authority and the Traffic Controller, followed by the Minister. Certain powers are also vested in the “competent authority,” which may be either the Minister or a delegated representative. As a result, the scope of delegation becomes an important factor in determining the actual decision-maker.
3. The paper demonstrates that the exercise of certain discretionary powers is not always governed by written and standardized criteria. Moreover, not all decisions are accompanied by adequate reasoning, documentation, or a clear review mechanism. Referring a matter to a technical body or committee does not, in itself, remedy this gap if the body’s standards, procedures, and decisions are not clearly defined, documented, and subject to review.
4. The Public Operating License Ownership System and the 2019 Private Transportation Regulation introduced important safeguards during the licensing stage, most notably needs assessments, public announcements, lottery procedures, publication of eligible applicants’ names, and institutional and oversight participation. However, these safeguards remain largely procedural in nature.
5. A significant gap persists due to the absence of publicly available methodologies and indicators for determining need and allocating licenses, routes, and operating offices, despite the fact that such decisions effectively predetermine the number of opportunities available for entry into a licensed economic activity.
6. The broadest areas of discretion arise after certain licenses have already been issued, particularly with regard to their amendment, renewal, revocation, the imposition of new conditions, approval of transfers, suspensions, sales, and selection of administrative sanctions. These decisions may have legal and economic consequences equivalent to those of the original licensing decision.
7. Certain legal provisions continue to rely on broad and undefined standards such as “the public interest,” “a convincing excuse,” “reasonable cause,” and “efficiency and effectiveness,” or leave the determination of additional conditions to the competent authority without adequate definitions or uniform requirements for justification and documentation.
8. By their nature, certain technical powers require a degree of professional discretion. However, the absence of publicly available and standardized technical criteria in some areas may result in inconsistent application and differing outcomes in comparable cases.
9. There is no unified inventory of exceptions, no standard application form for requesting them, and no central registry of exception decisions. In addition, some operational manuals and administrative instructions are outdated, unofficial, or unpublished. This weakens the continuity of safeguards when officials change and increases reliance on internal practices and verbal decisions.

10. Administrative practice reveals a fundamental distinction between general measures adopted in response to exceptional circumstances, such as the pandemic, war, and displacement arising from emergency conditions in the Palestinian territories, and individual exceptions that confer private benefits. This distinction should be taken into account when assessing the nature of an exception and its associated risks.
11. The risks arising from weak governance are not limited to approval or rejection decisions. They also extend to conflicts of interest, the disclosure of information prior to official publication, and the incorporation of exceptions into computerized systems based on administrative instructions. This demonstrates that the risks associated with exceptions relate not only to the legislative framework itself but also to the broader environment in which decisions are made and implemented.

IV. Recommendations

Building upon the reform measures already initiated by the Ministry, including the suspension of individually granted exceptions, the referral of special requests to the Council of Ministers, the inventory and review of exceptions and legislation, the automation of services, and the involvement of other governmental bodies in decisions with financial and technical implications, as well as the Ministry's efforts to develop new regulatory frameworks in several transportation sectors, thereby facilitating the transition from internal instructions and manuals to more binding and stable regulatory arrangements, the following recommendations are proposed to support, institutionalize, and sustain these efforts:

1. Legislative Reform and Regulation of Exceptions

- Review priority legal provisions, particularly Article (140/4) and Article (285) of the Regulations, Articles (27) and (36) of the Ownership System, and Articles (10/3) and (20) of the 2019 Private Transportation Regulation, in order to clearly define the circumstances, scope, duration, competent authority, and safeguards governing the exercise of exceptions.
- Define broad or open-ended concepts, or avoid their use altogether where possible, such as “the public interest,” “a convincing excuse,” “reasonable cause,” and “efficiency and effectiveness,” and replace them with verifiable criteria that prevent inconsistent application in comparable cases.
- Regulate exceptions associated with general emergency circumstances through general decisions that are reasoned, limited in duration and scope, and directed to a clearly defined beneficiary group, with periodic review once the exceptional circumstances have ceased. Such exceptions should not be used as a basis for addressing individual requests that confer private benefits.

Establish clear standards governing the amendment, renewal, revocation, and conditioning of licenses after issuance, classify violations committed by private transportation operators, and link such violations to graduated and proportionate sanctions, while also defining appeal procedures and maximum periods of suspension.

2. Standardization of Criteria and Procedures

- Adopt a written and publicly available methodology for needs assessments and for the allocation of licenses, transportation routes, taxi offices, and private transportation companies. Such methodology should be based on indicators including demand volume, population size, geographic distribution, operational capacity, and existing service levels, with the results of the assessment fully documented.
- Establish publicly available criteria governing the licensing of driving schools, the transfer of licenses, and changes in ownership, and require the Licensing Authority to provide written justification for decisions involving approval, refusal, or restriction. Deviations from publication deadlines or eligibility requirements should only be permitted pursuant to an explicit legal basis and through a reviewable procedure.
- Develop standardized technical specifications and evaluation tools in areas requiring technical judgment, including safety requirements, site suitability assessments, engine modifications, and practical examinations, while documenting the grounds for non-approval and procedures for challenging such decisions.

- Adopt a standardized exception request form that includes the legal basis, relevant facts, public-interest considerations, available alternatives, technical and legal opinions, duration, and anticipated impacts, and require the competent authority to provide reasons for all decisions affecting the granting, continuation, transfer, or revocation of licenses.

3. Transparency, Digitalization, and Oversight

- Establish a unified electronic registry for exception requests and decisions, documenting all stages of review, legal basis, justification, duration, conditions, and the identity of officials and entities involved in reviewing the decision. The computerized system should not permit the circumvention of established requirements except through a visible, approved, and traceable exceptional procedure.
- Inventory all procedural manuals and instructions currently in effect, update and formally approve them, repeal outdated or unauthorized versions, and publish the operative versions of all conditions, instructions, and forms through a single electronic platform accessible to the public.
- Publish periodic data concerning exception requests and decisions, needs assessments, and the geographic distribution of licenses, while ensuring the protection of personal data. Such information should be used to identify patterns of inconsistency and to subject a sample of decisions to internal and external review, with legislative amendments introduced where warranted by the findings.
- Strengthen conflict-of-interest and confidentiality rules, clearly identify officials authorized to access decisions before publication, ensure simultaneous and equal disclosure to all applicants, and establish a transparent and secure mechanism for complaints and appeals.

4. Capacity Building and Institutional Follow-Up

- Provide periodic training for officials and employees involved in licensing and service delivery on the limits of discretionary authority, the Anti-Corruption Law, the gifts and hospitality regime, conflict-of-interest disclosure requirements, and the practical scenarios encountered by the Ministry.
- Develop an implementation plan for ongoing reforms that identifies the responsible entity, implementation timeline, and performance indicators for each measure, while regularly publishing progress reports on the inventory of exceptions, legislative amendments, and service automation, thereby ensuring sustainability and transforming these initiatives into enduring institutional practices rather than policies associated solely with the current administration.
- Subject high-impact or exceptional decisions to independent legal and technical review within the Ministry before final approval, and, to the greatest extent possible, separate the entity responsible for evaluating the request from the entity responsible for reviewing the legality and soundness of the decision.

5. Advocacy and Policy Engagement Recommendations

- Prepare a concise legislative advocacy memorandum identifying the priority provisions requiring amendment, the specific gap associated with each provision, and the proposed legislative language or regulatory safeguard, and submit it to the Ministry of Transport and Telecommunications, the governmental committee responsible for legislative review, and the Council of Ministers.
- Convene a policy dialogue involving the Ministry of Transport and Telecommunications, the General Secretariat of the Council of Ministers, the State Audit and Administrative Control Bureau, the Anti-Corruption Commission, and representatives of affected sectors, with the aim of reaching agreement on legislative priorities, needs-assessment methodologies, mechanisms for documenting exceptions, and an implementation timetable.
- Advocate for a public commitment by the Ministry to publish an inventory of powers and exceptions, the criteria governing needs-assessment and exception committees, approved instructions and manuals, and periodic summaries of exceptional decisions and their justifications, to the extent consistent with the protection of personal data.
- Develop a community-based monitoring tool or periodic scorecard to track implementation of these recommendations, including the publication of standards and manuals, the existence of an electronic registry, decision justification practices, appeals procedures, and amendments to priority legal provisions, and make monitoring results publicly available to both government authorities and the public.
- Focus advocacy efforts on governing discretionary authority rather than eliminating it, so that necessary technical and administrative flexibility remains available while ensuring that decisions conferring benefits or affecting the legal status of license holders are subject to principles of equality, transparency, justification, documentation, and review.
- Prepare a follow-up assessment paper two years after the publication of this report to evaluate the extent to which its recommendations have been implemented, assess progress in the governance of exceptions and discretionary powers, and identify issues requiring continued advocacy and reform efforts.

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Annexes:

The annexes include the legal inventory tables upon which the analysis is based. These tables serve as a reference tool for identifying the relevant legal provisions, the scope of authority, and the applicable safeguards, while the main body of the paper presents the findings and analysis without reproducing their content.

Annex (1) Mandate of the Minister of Transport and Communications and the Competent Authority

Law Article	Regulation / System / Decision Article	Provision Establishing the Authority	Scope of Discretionary Power	Safeguards and Gaps
1	Regulation: 22/2	Establishment of special conditions for the owner of certain types of vehicles as a prerequisite for issuing a license.	Broad, with partial safeguards	The vehicle categories are specified; however, the content of the “special conditions” and the criteria governing their imposition are not detailed. The authority rests with the competent authority.
84	Ownership System: 15–16	Requiring the approval of the competent authority for the transfer of a service-route license, while regulating the assignment of an operating license.	Moderate	The law requires approval but does not specify the criteria governing its grant. Assignment is subject to the law, the system, and Ministry obligations.
82	Regulation: 281, 284	Issuance of passenger bus transport licenses in accordance with conditions set by the competent authority, and the possibility of revocation for lack of efficiency or effectiveness, or for breach of licensing conditions.	Broad, with partial safeguards	The grounds for revocation are broadly framed. The concepts of “efficiency” and “effectiveness” are vague and allow significant discretion without adequate safeguards, potentially creating a pathway for unjustified exceptions. Additional conditions are not clearly defined.
—	Regulation: 140/4	Exempting an applicant for a practical driving instruction certificate from licensing requirements in whole or in part, or imposing any conditions deemed appropriate by the Minister.	Very broad	The Regulation does not specify the categories eligible for exemption, the grounds for exemption, or its limits.
—	Ownership System: 17	Approval of the transfer of an operating license from its designated route following a study prepared by the Traffic Controller.	Moderate	A prior study is required; however, the indicators used in the study and the grounds for approving a route change are not defined.
—	Ownership System: 27	Revocation of a leased license more than one year after its expiration and its renewal upon submission of a “convincing excuse.”	Broad	The period is clearly specified, but the meaning of a “convincing excuse” and the criteria for assessing it are not defined.
—	Ownership System: 36	Recommendation to the Council of Ministers to grant exceptional operating licenses in the public interest based on the recommendation of a technical committee.	Institutionally constrained, but broad in conceptual scope	The decision is collective rather than individual; however, the concept of the “public interest,” as well as requirements for publishing criteria, providing justification, and maintaining public records, remain unresolved.

Annex (2): Powers of the Licensing Authority:

Law Article	Regulation / System / Decision Article	Provision Establishing the Authority	Scope of Discretionary Power	Safeguards and Gaps
—	Regulation: 5	Refusal to grant or renew a certificate, suspension of a certificate in specified cases, and revocation where the conditions for issuance no longer exist or where it was obtained on the basis of incorrect information.	Moderate	The grounds are specified; however, the use of the phrase “may” preserves a degree of discretion, particularly where an indictment has been filed but no final judgment has been issued. Accordingly, safeguards should be established to govern the exercise of this discretionary authority.
10	Regulation: 43	Imposition of conditions on a vehicle license and the requirement of distinctive markings, logos, or colors.	Broad, with partial safeguards	The phrase “for any other reason” in Article (10), together with the absence of defined criteria for imposing markings, leaves significant discretion.
—	Regulation: 25	Issuance of a temporary vehicle license for up to 48 hours, or one-trip license plates for a vehicle that has not yet been licensed.	Moderate	The duration and purpose are specified, but the circumstances and criteria for approval are not defined, although discretion is intended to allow the administration to assess each case individually.
21	Regulation: 36–38, particularly 37/6	Allocation of test plates and expansion of their use for additional commercial purposes.	Moderate	The principal purposes are defined, but the criteria for determining an additional commercial purpose are not specified.
18–17	Regulation: 35	Prior approval for the transfer of ownership of certain categories of vehicles and the authority to require supporting documentation.	Moderate	The provision does not specify the grounds for refusal or the scope of additional documents that may be required.
27	Regulation: 126, 127/2, 130/3	Refusal to renew a driver’s license in specified circumstances, issuance of a temporary license, and exemption from certain renewal examinations after more than two years have elapsed.	Broad with respect to exemptions; restricted in other respects	The grounds for non-renewal and the duration of the temporary license are clearly defined, whereas the grounds and scope of exemptions are not detailed. It should be noted that this is not strictly an exception but rather a broad discretionary authority exercised without specific safeguards.
31	Regulation: 169	Conversion of foreign licenses and exemption from certain provisions governing foreign or international licenses.	Broad with respect to exemptions	The Law requires reciprocity, but the conditions governing full or partial exemptions are not specified.
33	Regulation: 149, 151, 158	Approval, refusal, or restriction of driving school licenses, transfer of licenses or ownership, and suspension of vehicle training licenses.	Broad, with partial safeguards	Basic requirements are defined, but the criteria governing need, transfer, and the provision of reasons for decisions remain incomplete.
33	Regulation: 162/2, 164/2, 166–167	Exemption of certain former examiners and employees from requirements applicable to instructor or professional management licenses, and restriction or suspension of licenses following summons and examination.	Broad	The eligible categories are specified; however, the scope of exemptions and concepts such as “sufficient excuse” and “such conditions as it deems appropriate” leave substantial room for discretion.

Annex (3): Powers of the Traffic Controller

Law Article	Regulation / System / Decision Article	Provision Establishing the Authority	Scope of Discretionary Power	Safeguards and Gaps
83	Regulation: 2/282, 3/319 2019 Decision: 10/3	Determination of license validity periods, amendment, renewal, revocation, and the imposition of additional conditions.	Broad after issuance	Initial issuance is subject to restrictions; however, the criteria governing amendments, revocation, and the imposition of new conditions are not specified in detail.
—	Regulation: 332	Summoning a license holder and suspending the license in the event of failure to appear.	Moderate	This is a shared authority. The criteria for accepting a justification for non-attendance are not clearly defined.
and 219	Regulation: 12, (f) 1/36 Decision: 2019 3/9, 5/8	Determination of safety requirements, assessment of site suitability, and issuance of technical approvals.	Moderate, technical in nature	These powers require publicly available and standardized technical specifications and evaluation models.
88	Regulation: 322 Ownership System: 2, 28, 34–33	Licensing taxi offices, determining the number of vehicles they may operate, and granting public operating licenses.	Moderate following the Ownership System	Needs assessments, public announcements, and lottery procedures constitute important safeguards; however, the methodology for determining need remains undefined.
85	Regulation: 323, 287, 2/283	Determination of transportation routes, itineraries, stations, schedules, number of vehicles, and fares.	Broad, with partial safeguards	No detailed indicators exist concerning demand, feasibility, or the appropriate number of vehicles.
—	Regulation: 324	Approval of the transfer of a service-trip or private-trip license to another person, or suspension of its operation.	Moderate to broad	The Regulation specifies certain circumstances; however, concepts such as “disability” and “reasonable cause” remain open to interpretation, creating opportunities for misuse of discretionary authority and providing a broad avenue for unwarranted exceptions and irregularities.
—	Ownership System: 26, 17	Approval of the transfer of an operating license from its designated route to another route.	Moderate	The System requires a prior study in both cases. However, the role of the Traffic Controller differs: for an owned license, the Controller prepares the study and the Minister issues the approval; for a leased license, the Controller is authorized to grant written approval directly. No clear criteria are established for approving or rejecting route changes.
84–83	Regulation: 325–326	Suspension, sale, or cancellation of a public-service vehicle.	Moderate	Procedures and timeframes are relatively well defined; however, the criteria for granting approval in the first instance are not specified in detail.

86–85	Regulation: 285, 289, 290, 336–337 Ownership System: 30	Determination of fares, ticketing requirements, insurance obligations, and authorization to charge fares on private buses.	Broad; Article 285 is very broad	There is no comprehensive methodology for fare-setting. Article (285) is inconsistent with the general prohibition on charging fares in private buses.
—	2019 Decision: 17, 2/15, 5/13	Requesting additional documents and approving the operation of an additional bus.	Moderate	The applicable criteria are not specified in detail. Article (17) limits the issuance of an additional license through prescribed conditions.
—	2019 Decision: 20	Selection of sanctions ranging from a warning to revocation of a company's license.	Broad	There is no detailed classification of violations and corresponding penalties, nor is there a clear appeals mechanism.

Annex (4): Powers of Technical Entities and Other Committees

Law Article	Regulation / System / Decision Article	Provision Establishing the Authority	Scope of Discretionary Power	Safeguards and Gaps
20/1 and 24/1	Regulation: 79–80, particularly 80/2	Requiring the approval of the Vehicle Engineering Department for replacing a gasoline engine with a diesel engine in specified cases.	Moderate	The categories of vehicles and the basic requirements are specified; however, the criteria governing technical approval or rejection are not defined in detail.
28/3	Regulation: 144/1, 145	Selection of the subjects to be included in the practical driving examination and assessment of the applicant's eligibility for licensing.	Moderate	The subjects and driving errors are partially defined, while discretion remains regarding the selection of examination components and the assessment of risk and applicant competence.
33	Regulation: 164/1(c)	Selection of applicants for a professional management license by a committee established by the competent authority.	Moderate to broad	The provision does not specify the committee's composition, procedures, or selection and ranking criteria.
—	Ownership System: 2, 28	Determination of the number of new operating licenses and the need for taxi offices based on studies.	Broad in determining need; constrained in selecting beneficiaries	The methodology and indicators used in the studies are not specified, although the subsequent allocation process is subject to public announcement and lottery procedures.
—	2019 Decision: 3, 6–7	A committee determines the need within each governorate, while another committee reviews applications and conducts the lottery process	Broad in determining need; constrained in selecting beneficiaries	No publicly announced indicators exist for measuring need, whereas beneficiary selection is governed by public announcement requirements, lottery procedures, and oversight participation.
—	Ownership System: 36	A multi-agency technical committee recommends exceptional operating licenses in the public interest and establishes standards and parameters governing its work	Institutionally constrained, but broad in substantive scope	The exception process passes through the technical committee, the Minister, and the Council of Ministers. However, the meaning of “public interest,” as well as the publication of the committee's criteria and decisions, remains undefined.



AMAN was established in 2000 as a civil society organization that seeks to combat corruption and promote integrity, transparency and accountability in the Palestinian society. The Coalition was first formed by an initiative from a number of civil society organizations working in the field of democracy, human rights and good governance. In 2006, the Coalition was accredited as a national chapter for Transparency International.

AMAN is a Palestinian think tank and a specialized body providing knowledge on corruption at the local and regional level through producing specialized reports and studies. The periodic publications include: The annual Integrity and Anti-Corruption Report, the annual Palestinian Integrity Index and the National Integrity System studies and reports, in addition to the Coalition's continued contributions to produce reports and studies on the status of corruption in the Arab region.

As part of the global anti-corruption movement - and of international alliances and partnerships with relevant specialized coalitions and organizations - AMAN plays a key role in the transfer and contextualization of necessary international knowledge and tools to combat corruption in all sectors.

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