

## Standard Summary Project Fiche – IPA centralised programmes

### Project number 22: Harmonization with Acquis Communautaire in the Field of Transport – Phase II

#### 1 BASIC INFORMATION

- 1.1 CRIS Number:** 2008/020-406
- 1.2 Title:** Harmonization with Acquis Communautaire in the Field of Transport – Phase II
- 1.3 ELARG statistical code:** 03.14
- 1.4 Location:** Republic of Serbia

#### Implementing arrangements:

- 1.5 Contracting Authority:** EC Delegation to the Republic of Serbia
- 1.6 Implementing Agency:** EC Delegation to the Republic of Serbia
- 1.7 Beneficiary** (including details of project manager):

Project Manager is Assistant Minister for Infrastructure, Sector for Harmonisation of Policy and Regulations with European Union, Mrs. Zorica Djeric Stojicic.

Members of the Steering Committee (SC) will be

1. Representative of Ministry of Infrastructure (Chair)
2. The EC Delegation Programme Manager for Infrastructure
3. Project Team Leader
4. Other representatives as required

The SC will provide continuous guidance and advice on policy matters. It will be responsible for monitoring and evaluation of achieved results. The SC will meet at least every 3 months.

An operational working group will be established if required to assist guidance of project implementation. Members of the working group will be delegated by the key institutions included in the project implementation.

#### Financing:

- 1.8 Overall cost:** 1.500.000 EUR
- 1.9 EU contribution:** 1.500.000 EUR
- 1.10 Final date for contracting:** 3 years after the signature of the Financing Agreement
- 1.11 Final date for execution of contracts:** 5 years after the signature of the Financing Agreement
- 1.12 Final date for disbursements:** 6 years after the signature of the Financing Agreement

#### 2 OVERALL OBJECTIVE AND PROJECT PURPOSE

##### 2.1 Overall Objective:

To contribute to improving the efficiency and effectiveness of Serbian transport and its integration into the European system.

## 2.2 Project purpose:

Harmonization of Serbian transport legislation with the EU Acquis.

## 2.3 Link with AP/NPAA / EP/ SAA

AP and NPAA not applicable.

Medium-term priorities listed for the Transport policy in the *European Partnership* are inter alia: "...-Ensure further approximation of legislation to the transport acquis, notably as regards technical and safety standards (including the implementation of the digital tachograph). - Implement commitments taken under the second transitional phase of the European Common Aviation Area Agreement..."<sup>1</sup> representing a part of the project purpose.

In line with *Stabilisation and Association Agreement* requirements, Article 61, point 6: "Serbia shall adapt its legislation, including administrative, technical and other rules, to that of the Community existing at any time in the field of air, maritime, inland waterway and land transport insofar as it serves liberalisation purposes and mutual access to markets of the Parties and facilitates the movement of passengers and of goods"<sup>2</sup> the progress in all transport modes shall be made by the project. The objective of the Republic of Serbia regarding the European integration is conclusion of the Stabilisation and Association Agreement with the EU and preparation for EU membership. The harmonisation of Serbia's legislation with the EU Acquis in a number of key areas, inland transport being one of them, is an essential element of the future implementation of the Agreement.

The European Commission reports in *Serbia 2007 Progress Report* that "On the transport of goods and passengers Serbia has started preparations to comply in particular with the acquis on admission to the occupation in road haulage and recognition of diplomas. However, the new law on road safety is not yet adopted.... Serbia has started to develop a track access charge regime in line with the Railway Law which provides the necessary framework to liberalize the market. However, further amendments to the Law and implementing legislation are required...Serbia has not yet adopted a new civil aviation law to further integrate Serbia into the EU internal aviation market in compliance with ECAA..."<sup>3</sup>. The report shows some progress in Serbian legislation, but further approximation is necessary.

## 2.4 Link with MIPD

"2.3.3.4. Transport policy:

### *Objectives*

Continue to build public administration capacities to implement EU legislation and related strategies; Facilitate networking, the sharing of best practices and lessons learned between the Beneficiaries and with EU Member States....

### *Expected results*

Improved abilities of civil servants and institutions in the transport sector; **Alignment of legislation and practices in the transport sector with the EU Acquis** in order to comply with the obligations of the European Common Aviation Agreement and to facilitate adoption and implementation of the relevant Single Sky Acquis."<sup>4</sup>

## 2.5 Link with National Development Plan (where applicable) n/a

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<sup>1</sup> Proposal for a COUNCIL DECISION on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC, Brussels; COMMISSION OF THE EUROPEAN COMMUNITIES; 6.11.2007, COM(2007) 660; p. 19.

<sup>2</sup> STABILISATION AND ASSOCIATION AGREEMENT between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, p. 27.

<sup>3</sup> Serbia 2007 Progress Report; COMMISSION OF THE EUROPEAN COMMUNITIES; Brussels, 6.11.2007; SEC(2007) 1435; p. 35.

<sup>4</sup> Multi-Beneficiary Multi-annual Indicative Planning Document (MIPD) 2008-2010, p. 20.

## 2.6 Link with national / sectoral plans

*National Strategy of Serbia for Serbia and Montenegro's Accession to the European Union:* in Chapter 3.3.4 and the subtitle *Strategic aspects of approximation of Serbian transport system with the EU one*, it is stated that: "...Serbia needs to ...b) implement the liberalization simultaneously with passing the regulations that would conform to the EU standards in the area of professional classification, safety, social measures and obligations relating to public services, c) align rules on the access to the profession of road and river carriers, with the EU standards, ...f) conclude contracts on the access to the air transport service market and adjust to the rest of the of regulations of the EU's common policy in this area."<sup>5</sup>

## 3 DESCRIPTION OF PROJECT

### 3.1 Background and justification:

In order to become a Member State of the European Union, Serbia must align its national laws, rules and procedures to the body of the EU legislation, the *Acquis Communautaire* in such a way that the relevant EU laws and regulations are fully incorporated into the national legal system. In order to meet this requirement, actions are being taken to harmonize the present legislation with the EU *Acquis*.

In October 2006 a referendum endorsed the new Constitution which was formally adopted on 10 November, 2006 by the Government of Serbia. The new Constitution includes provisions for easier transposition of international regulations into the Serbian legal system. This has positive implications on the general process of harmonization of Serbian legislation with the *Acquis* including the Transport *Acquis*. But there has not been any uniform mechanism for appraisal of whether a draft law is or is not in compliance with European legislation.

The Government of the Republic of Serbia adopted on 31 July, 2003 a general *Action Plan for Harmonization of the Legislation of the Republic of Serbia with the European Union Regulations*, committing itself to introducing the guiding principles of the *Acquis Communautaire* on Transport and aligning its domestic legislation therewith as a matter of priority. The Action Plan has been updated yearly, the last one is the Action Plan 2007. There are 8 priority laws which should be drafted: Law on Road Safety (drafted in cooperation with the Ministry of Internal affairs), Law on Road Transport of Passengers, Law on Road Transport of Goods, Law on Railway Safety, Law on Civil Aviation, Law on Transport of Dangerous Goods, Amendments to the Railway Law, Amendments to the Contract and Property Laws in Civil Aviation.

The new Law on Public Roads has been enacted in November 2005 and has been in effect since March 2006. The new Law on Public Roads contains much international good practice, but still needs to be clarified on some issues.

The Draft Law on Road Safety was submitted by then Ministry of Capital Investments on May 14, 2005, for the purpose of public debate, comments by concerned Ministries and other stakeholders. The remaining parts of the Serbian legislation concerning road transport are still unchanged, and the work on legislative drafting is at varying stages (Law on Road Transport, Law on International Road Transport, Law on Transport of Dangerous Goods).

The new Law on Railways on the whole is a reasonably good legislative product. However, when compared with the EU directives and regulations in the area, there are shortcomings.

The legislation in the sector of inland waterways still remains inherited from FR Yugoslavia, i.e. the State Union Serbia and Montenegro. A new draft law is expected to be prepared with accompanying acts.

The present Law on aviation was also inherited from the previous state. A new draft law, prepared in 2003, did not enter into procedure and work on a newer draft law is in progress. Serbia must implement not only the EU directives and regulations in the area, but also the regulatory systems of JAA, Euro control, EASA and ECCAIRS.

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<sup>5</sup> National Strategy of Serbia for the Serbia and Montenegro's Accession to the European Union; the Republic of Serbia European Integration Office; June 2005; p. 118.

The Twinning Project *First Alignment with the Transport Acquis SR2005/IB/TR/01* (signed by EAR and the Administration of Germany and Austria) is ongoing and will be completed in March 2008, assisting with preparations for new draft laws, providing information on the respective Acquis, implementation aspects in Member States and analysis of the Serbian legislation for all the above mentioned draft laws and additionally for a Law (or amended Law) on Water Transport and a Law on Cable Way Transport. The Legal Action Plan (see Annex 6) within the Twinning Project has been prepared establishing the time frame for alignment, and was formally endorsed on 5 April 2007 by a Statement of Consent of the (then) Ministry of Capital Investments.

The Draft Law on Road Safety has been forwarded by the responsible Sector to other ministries for comments. Concerning the other priority laws, drafting efforts have been slow. No drafted legislation has been adopted yet.

The Ministry of Infrastructure continues to need advice to support the harmonization of legislation and in general to further its efforts towards European integration. Further alignment of Serbian legislation with the EU directives is necessary within the following transport sectors: Road transport and road traffic safety, Railways, Intermodal Transport, Inland waterway navigation and Aviation (for a full list see Annex 4).

The EU legal acts list should not be understood as a final one of EU transport Acquis to which the Serbian legislation should continue to be aligned during the lifetime of the Project. The priority list may be reduced as far as it is found that there are some legal acts of the EU transport Acquis to which the Serbian legislation fully complies already, or it can be prolonged if the Final Report recommendations of the Twinning project First Alignment with the Transport Acquis show that the alignment with some Directives failed within the duration of the Twinning project.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

When considering the importance of the Transport sector in any country, there are two dominant aspects: (1) quality of life and (2) overall economic development. Transport has a direct influence on people's life, in the sense of individual mobility and the accessibility of closer and distant areas, but also, with its significant influence on the rational use of time, it concerns the quality of life in a wider sense. Transport has strong effects on quality of life and economy (import, export, tourism), for individuals as well as for society as a whole. The increase in transport demand closely follows economic development, and on the other hand good transport services stimulate economic growth.

In the case of aspect 2, it is difficult to separate impact from catalytic effects, as the goal of improved transport systems is one of catalysing the economy in general.

A further impact of this project is the integration of Serbian systems with regional and pan-European systems. While being one of the levers of economic growth, this integration will help to enhance cross-border cooperation in many areas. Together with other projects such as the promotion of inter-modal transport, it will assist in enabling the full potential of efficient transport in the entire Balkan region, given Serbia's central geographical location at the crossroads of so many important transport corridors.

To better assist with the implementation of the Legal Action Plan (LAP) an additional tool has been developed with the Member States Twinning experts – Assessment Tables that can be used for proposing, drafting and checking draft legislation. The tool is an important support to the sustainability of the project results. The LAP should be further extended and updated according to the changes of EU legislation. Assessment Tables may be completed for all relevant EU legislation for monitoring alignment process allowing systematic transposition.

### **3.3 Results and measurable indicators**

#### **1. Priority laws and by-laws drafted**

Progress towards the result will be measured by the following:

- Number of laws and by-laws drafted in alignment with the Acquis

- Number of drafted laws and by-laws adopted by the Ministry in line with the adopted Legal Action Plan

## **2. Training of staff carried out**

Progress towards the result will be measured by the following:

- Number and quality of training sessions held
- Number of staff trained

## **3. Information management system and internal and external system of communications and procedures implemented**

Progress towards the result will be measured by the following:

- Agreements on determining the responsible units for storing information in the database and updating
- Progress towards setting up the database
- Progress towards setting up internal and external communication systems.

### **3.4 Activities:**

#### **Activities related to Result 1**

1.1 Updating of the Legal Action Plan regarding further harmonization with the Acquis

1.2 Application of the instrument for harmonisation of the national legislation with the Acquis- Assessment table

1.3 Monitoring of work and assistance provided to already established and newly established working groups for legislative drafting

#### **Activities related to Result 2**

2.1 Training Needs Analysis

2.2 Training, internship and study tour planning

2.2 Carrying out seminars, workshops, training and study tours

#### **Activities related to Result 3**

3.1 Setting up data base

3.2 Deciding on responsible unit and training staff

3.3 Decide on database contents

#### **Contracting Arrangement:**

The project will be implemented through one twinning agreement.

### **3.5 Conditionality and sequencing:**

The underlying assumption for this project in its terms of reference is the Serbian political will and ability to prepare for future EU membership. So far there has been no reason to doubt this assumption.

Projects to be implemented through Twinning require the full commitment and participation of the senior management of the beneficiary institution. In addition to providing the Twinning partner with adequate resources to operate effectively, the senior management must be fully involved in the development and implementation of the policies required to deliver the project results.

### **3.6 Linked activities**

*Institutional Capacity Building Project in the Transport Sector* (ICPB) (EuropeAid/117701/d/sv/yl, Contract No 04/SER01/07/005) provided a gap analysis of EU-transport legislation and Serbian transport legislation. The gap analysis for all the sectors (road transport, rail transport, civil aviation and inland waterways) has been submitted to the Ministry. All these reports are detailed documents covering a wider selection of the Transport Acquis, using the "DG Transport Guide to the Transport Acquis", than the Twinning Legal Action Plan includes.

The current Twinning project mentioned in section 3.1 is ending in March 2008. The project Final Report recommends that the Legal Action Plan be used as a basis for identifying discrepancies and further harmonization but that it should not limit further activities. The gap analysis should also be regularly revised since the acquis is an ever changing body of law.

### **3.7 Lessons learned**

The Twinning project which is ongoing shows that harmonization with the EU transport Acquis takes a lot longer than expected. We have had a good experience with a country Twinning partner which had a similar transition experience in its history (pre-candidacy position and position of a candidate for EU membership).

#### 4 INDICATIVE BUDGET (AMOUNTS IN EUR)

			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1												
contract 1.1	X		1,500,000	1,500,000	100							-
TOTAL IB			1,500,000	1,500,000	100							
TOTAL INV												
<b>TOTAL PROJECT</b>			<b>1,500,000</b>	<b>1,500,000</b>	<b>100</b>							

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

## 5 INDICATIVE IMPLEMENTATION SCHEDULE

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	T + 1Q	T + 3Q	T + 11Q

## 6 CROSS CUTTING ISSUES

### 6.1 Equal Opportunity

Participation in the project is open on equal terms to all natural and legal persons of the Member States. Gender balance will be promoted.

### 6.2 Environment

The project is beneficial to the environment since the transport legislation regulates many issues of key importance to the environment. An improvement in the efficiency of the transport network may be expected to have significant positive environmental impact, as Serbia currently suffers from heavy pollution as a result of outdated policies and legislation.

### 6.3 Minorities

The public transport will be better and accessible to all passengers, minority and vulnerable groups. Since the poor are disproportionately large users of public transport, they will benefit accordingly.

As minorities and vulnerable groups are usually the most affected by environmental degradation, improvements resulting from this project will also be of particular benefit to them. This also applies to greater transport efficiency, whose resulting cost-reductions will favourise especially the poor in society.

## ANNEX I: LOGICAL FRAMEWORK MATRIX

LOGFRAME PLANNING MATRIX FOR Project Fiche			
HARMONIZATION WITH ACQUIS COMMUNAUTAIRE IN THE FIELD OF TRANSPORT – PHASE II	Contracting period expires 3 years after the signature of the Financing Agreement		Disbursement period expires 6 years after the signature of the Financing Agreement
	Total budget :	IPA budget:	
	<b>1.5 million Euro</b>	<b>1.5 million Euro</b>	

Overall objective	Objectively verifiable indicators	Sources of Verification	
To contribute to improving the efficiency and effectiveness of Serbian transport and its integration into the European system.	Journey times for passengers and goods Accident statistics Transport prices	Official and sectoral statistics Transport timetables Statistical reports Quotes of prices and delivery times by freight forwarders	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Harmonization of Serbian transport legislation with the EU Acquis - continuing of the alignment	Number of harmonised laws passed by parliament Degree of impelmentation of the Republic of Serbia Transport Policy and Strategy until 2015	Official Gazette of RS Report on Impelmentation of the Republic of Serbia Transport Policy and Strategy until 2015	Decision makers are interested in harmonization of legislation with Acquis Communautaire in the field of transport Association process is ongoing Law enforcement is viable

<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
1. Priority laws and by-laws drafted	Number of laws and by-laws drafted in alignment with the Acquis  Number of drafted laws and by-laws adopted by the Ministry in line with the adopted Legal Action Plan	Opinions of the relevant ministries  Project progress report  Statement of Conformity by RS European Integration Office  Public discussion reports  Progress reports on accession of Serbia to EU	Association process is ongoing  General background for harmonization of priority laws is on a high level  Participants in law drafting are interested and qualified
2. Training of staff carried out	Number and quality of training sessions held  Number of staff trained	Project reports  Evaluation of training results  Project evaluation	
3. Information management system and internal and external system of communications and procedures implemented	Degree of progress towards a functioning/accessible via internet/ system of information management and clear and accessible data base in the Ministry	Project reports  Access to a data base	
<b>Activities</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
<b>Activities related to Result 1</b> 1.1 Updating of the Legal Action Plan regarding further harmonization with the Acquis 1.2 Application of the instrument for harmonisation of the national legislation with the Acquis-Assessment table 1.3 Monitoring of work and assistance provided to already established and newly established working groups for legislative drafting	For all Activities 1: Key experts – 5, Short term experts – 25 , Expert days - 550.	<b>1.5 million</b>	
<b>Activities related to Result 2</b>	For Activities 2.1 and 2.2: Short		

2.1 Training Needs Analysis	term experts – 5, Expert days – 50.		
2.2 Training, internship and study tour planning	2 study tours, 5 days each, 11 BC experts per tour		
2.2 Carrying out seminars, workshops, training and study tours	2 internships, 5 days each, 8 BC experts per internship		
<b>Activities related to Result 3</b>			
3.1 Setting up data base	For all Activities 3: Short term experts – 2, Working days – 30		
3.2 Deciding on responsible unit and training staff			
3.3 Decide on database contents			

**ANNEX II: AMOUNTS (IN ₪) CONTRACTED AND DISBURSED BY QUARTER FOR THE PROJECT**

(IPA contribution only)

<b>Contracted</b>	QR1	QR2	QR3	QR4	QR5	QR6	QR7	QR8	QR9	QR10	QR11	QR12	<b>TOTAL</b>
Contract 1.1			1.500.000										<b>1.500.000</b>
<b>Cumulated</b>			<b>1.500.000</b>										<b>1.500.000</b>
<b>Disbursed</b>													
Contract 1.1			150,000		337,500		337,500		337,500		337,500		<b>1.500.000</b>
<b>Cumulated</b>			<b>150,000</b>		<b>487,500</b>		<b>825,000</b>		<b>1,162,500</b>		<b>1,500,000</b>		<b>1.500.000</b>

### **ANNEX III: INSTITUTIONAL FRAMEWORK – LEGAL RESPONSIBILITIES AND STATUTES**

The specific sector of transport is governed by the Ministry of Infrastructure itself<sup>6</sup> and through Directorates that deal with the relevant sectors as road, railways including intermodality, inland waterway transport and air. At this moment there are the following Directorates:

- The former Road Directorate of the Republic of Serbia now called Public Enterprise "Roads of Serbia"
- Directorate for Railways
- Directorate of Civil Aviation.

In the field of inland waterway and maritime navigation there are two public institutions:

- "Plovput"
- "Jugoregistar".

Meanwhile, amendments to the Law on Ministries in the National Assembly procedure stipulate the renaming of the public institution "Plovput" to the Inland Waterway Directorate. The status and competencies of these two professional state institutions should be defined by a future Law on Water Transport.

The Ministry of Infrastructure performs the public administration duties in the sphere of railway, road, waterway, air, and intermodal traffic relating to:

- obligation and ownership rights relations;
- monitoring;
- safety and technical-technological system structure;
- status of foreign carriers in transport of goods and passengers on the territory of the Republic of Serbia;
- navigable waterways where international and multinational navigation regime is valid;
- development strategy of transport system;
- development plans and other plans in relation to structure, system organization, and relations in transport of passengers and goods;
- approval of construction and usage of transport infrastructure and equipment, and capacities which are in the function of utilization of traffic infrastructure;
- financial and technical control organization.

The Ministry of Infrastructure also performs the public administration activities referring to: spatial and urban planning; setting out conditions for the construction of the facilities; sets out the housing relations and residential business; construction; construction land; geodesy engineering surveying; and other activities stipulated by law.

The Ministry of Infrastructure consists of the following organizational units:

1. Sector for Road Transport
2. Sector for Roads and Road Safety
3. Sector for Railways and Intermodal Transport
4. Sector for Air Traffic
5. Inland Waterway Transport and Navigation Safety Sector
6. EU Integration Sector
7. Architecture, Construction and Investments Projects Sector
8. Urban and Spatial Planning Sector
9. Urban and Spatial Planning Agency

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<sup>6</sup> Following the general elections in January 2007 a new Government was installed on 15 May 2007; the Ministry of Capital Investments was restructured - the Sector for Telecommunication was rearranged into a new Ministry - and renamed as Ministry of Infrastructure.

## **ANNEX IV: REFERENCE TO LAWS, REGULATIONS AND STRATEGIC DOCUMENTS:**

### **Legislation requiring further alignment of Serbian legislation with EU directives.**

#### Road transport and road traffic safety:

- Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226/4)
- Directive 96/96/EC on the approximation of the laws of member states relating to roadworthiness tests for motor vehicles and their trailers (OJ L 46/1), last amendment by regulation 1882/2003(OJ L 49/46)
- Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187/42) as amended by directive 2006/38 (OJ L 157/8)
- Directive 2004/54/EC on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 21)
- Directive 2000/30/EC on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 2003/1), as amended by directive 2003/26/EC (OJ L 90/37)
- Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57/27), as amended by directive 2002/85/EC (OJ L 327/8)

#### Railways

- Directive 2004/49/EC on safety on the Community's railways and amending Council Directive 95/18 on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ L 164/44)
- Directive 2000/9/EC relating to cableway installations designed to carry persons (OJ L 106/21)
- Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ L 75/29), as amended by directive 2004/49/EC (OJ L 164/44)
- Directive 2007/59 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315/51)

#### Intermodal Transport

- Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368)

#### Inland waterway navigation

- Directive 87/540/EEC on the access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation (OJ L 322/20)
- Directive 2006/87/EC laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389/1), as amended by directive 2006/7137/EC (OJ L 389/261)

#### Aviation

- Regulation (EEC) 2407/92 on the licensing of air carriers (OJ L 240/1) (on basis of ECAA Agreement)
- Regulation (EEC) 2408/92 on access for Community air carriers to intra-Community air routes (OJ L 240/8) (on basis of ECAA Agreement)
- Regulation (EEC) 95/93 on common rules for the allocation of slots at Community airports (OJ L 14/1), as amended by regulation (EC) 793/2004 (OJ L 138/50) (on basis of ECAA Agreement)
- Regulation (EC) 785/2004 on insurance requirements for air carriers and aircraft operators (OJ L 138/1)
- Directive 2002/30/EC on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions of Community airports (OJ L 236/33)
- Regulation (EC) 549/2004 laying down the framework for the creation of the single European sky (OJ L 96/1) (on basis of ECAA Agreement)
- Regulation (EC) 550/2004 on the provision of air navigation services in the single European sky (OJ L 96/10) (on basis of ECAA Agreement)
- Regulation 551/2004 on the organisation and use of the airspace in the single European sky (OJ L 96/20) (on basis of ECAA Agreement)
- Regulation 552/2004 on the interoperability of the European Air Traffic Management Network (OJ L 96/26) (on basis of ECAA Agreement)

### Strategic documents

Medium-term priorities listed for the Transport policy in the *European Partnership* are inter alia: "...-Ensure further approximation of legislation to the transport acquis, notably as regards technical and safety standards (including the implementation of the digital tachograph). - Implement commitments taken under the second transitional phase of the European Common Aviation Area Agreement..."<sup>7</sup> representing a part of the project purpose.

In line with *Stabilisation and Association Agreement* requirements, Article 61, point 6: "Serbia shall adapt its legislation, including administrative, technical and other rules, to that of the Community existing at any time in the field of air, maritime, inland waterway and land transport insofar as it serves liberalisation purposes and mutual access to markets of the Parties and facilitates the movement of passengers and of goods"<sup>8</sup> the progress in all transport modes shall be made by the project. The objective of the Republic of Serbia regarding the European integration is conclusion of the Stabilisation and Association Agreement with the EU and preparation for EU membership. The harmonisation of Serbia's legislation with the EU Acquis in a number of key areas, inland transport being one of them, is an essential element of the future implementation of the Agreement.

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are required...Serbia has not yet adopted a new civil aviation law to further integrate Serbia into the EU internal aviation market in compliance with ECAA..."<sup>9</sup>. The report shows some progress in Serbian legislation, but further approximation is necessary.

## **MIPD**

"2.3.3.4. Transport policy:

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### *Expected results*

Improved abilities of civil servants and institutions in the transport sector; **Alignment of legislation and practices in the transport sector with the EU Acquis** in order to comply with the obligations of the European Common Aviation Agreement and to facilitate adoption and implementation of the relevant Single Sky Acquis."<sup>10</sup>

### **Link with national / sectoral plans**

*National Strategy of Serbia for Serbia and Montenegro's Accession to the European Union:* in Chapter 3.3.4 and the subtitle *Strategic aspects of approximation of Serbian transport system with the EU one*, it is stated that: "...Serbia needs to ...b) implement the liberalization simultaneously with passing the regulations that would conform to the EU standards in the area of professional classification, safety, social measures and obligations relating to public services, c) align rules on the access to the profession of road and river carriers, with the EU standards, ....f) conclude contracts on the access to the air transport service market and adjust to the rest of the of regulations of the EU's common policy in this area."<sup>11</sup>

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<sup>9</sup> Serbia 2007 Progress Report; COMMISSION OF THE EUROPEAN COMMUNITIES; Brussels, 6.11.2007; SEC(2007) 1435; p. 35.

<sup>10</sup> Multi-Beneficiary Multi-annual Indicative Planning Document (MIPD) 2008-2010, p. 20.

<sup>11</sup> National Strategy of Serbia for the Serbia and Montenegro's Accession to the European Union; the Republic of Serbia European Integration Office; June 2005; p. 118.

## ANNEX V: DETAILS PER EU-FUNDED CONTRACT

**The Project leader** monitors regularly the activities undertaken and results achieved during the project implementation. Whenever necessary, they will have the responsibility to adjust the work schedule and activities in order to achieve the overall objective of the project. The standard steering committee meetings can be a management instrument ensuring this important function.

**Resident Twinning Advisor** works in Belgrade to direct and coordinate the project with the Serbian partners in the Ministry of Infrastructure. The RTA is responsible for the daily management of the project in Serbia. The Resident Twinning Advisor performs the following:

- coordinates and supervises the activities of all medium- and short-term experts;
- ensures overall co-ordination within the project;
- organises the project implementation, especially steering the assignments of the medium- and short-term experts, training measures, conferences, internships, etc.;
- ensure the avoidance of overlapping with other projects.

**Short-term experts** provide specialised know-how for the individual tasks in this project. As a general approach, the short-term experts will take the responsibility for the implementation of the Project and the achievement of the results, each for his/her individual mission tasks. They will also prepare the required reports and the output described. They can provide long-standing experience in all relevant fields.

## ANNEX 6: LEGAL ACTION PLAN - SERBIAN LEGISLATION UNDER REVIEW AND EC LEGISLATION

### Road transport

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p>Law on international transport operations in road traffic <i>("Official Gazette of FRY" No. 60/98, 5/99, 44/99, 74/99 and 4/00, "Official Gazette of Republic of Serbia", No 101/2005)</i></p> <p>Law on transport operations in road traffic <i>("Official Gazette of the Republic of Serbia", No. 46/95, and 66/2001, 61/2005, 91/2005)</i></p>	<p>Draft law for transport of passengers</p> <p>Draft law on road transport of goods <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Directive 96/26/EC on the admission to the occupation of road haulage operator and road passenger transport operator (OJ L 124/1) as amended by directive 98/76/EC (L 277/17) <i>(unilaterally)</i></p> <p><b>Applicable:</b> <a href="#">Art. 1-4, 6, 11,12, Annex 1, Art. 8-10 b on basis of reciprocity</a></p>	<p>Different requirements for national and international transport in Serbian legislation</p> <p>Stricter conditions in EC directive for good repute</p>	<p>Short term (within duration of twinning project)</p>
<p>Law on international transport operations in road traffic <i>(Official Gazette of FRY" No. 60/98, 5/99, 44/99, 74/99 and 4/00, "Official Gazette of Republic of Serbia", No 101/2005)</i></p> <p>Law on transport operations in road traffic <i>(Official Gazette of the Republic of Serbia", No. 46/95, and 66/2001, 61/2005, 91/2005)</i></p>	<p>Draft law for transport of passengers <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Regulation (EEC) 684/92 on common rules for the international carriage of passengers by coach and bus (OJ L 74/1), as amended by regulation (EC) 11/98 (L 4/1) <i>(on basis of reciprocity)</i></p> <p><b>Applicable:</b> <a href="#">Art. 1-16, 17,18, Annex</a></p>	<p>Under Serbian law the license required for a specific line is issued for a specific trip or for a specific line <i>on basis of reciprocity or according to a bilateral agreement.</i></p> <p>Carrier who received EC license may carry out inter-national transport for five years.</p>	<p><i>Only alignment on basis of reciprocity recommend-ed</i></p>
		<p>Regulation (EC) 12/98 laying down</p>	<p>Under Serbian law license for cabotage is given to a foreign</p>	<p><i>Only alignment on basis of</i></p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
		<p>the conditions under which non-resident carriers may operate national road passenger transport services within a Member State (OJ L 4/10) (on basis of reciprocity)</p> <p>Applicable: Art. 1 - 9, 11, 12</p>	<p>carrier only when it is established that suitable transport capacity is not available in Serbia.</p>	<p><i>reciprocity recommend-ed</i></p>
<p>Law on international transport operations in road traffic (“Official Gazette of FRY” No. 60/98, 5/99, 44/99, 74/99 and 4/00, “Official Gazette of Republic of Serbia”, No 101/2005)</p> <p>Law on transport operations in road traffic (“Official Gazette of the Republic of Serbia”, No. 46/95, and 66/2001, 61/2005, 91/2005)</p>	<p>Draft law on road transport of goods (<i>poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution</i>)</p>	<p>Regulation (EEC) 881/92 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States (OJ L 95/1), as amended by regulation (EC) 484/2002 (OJ L 76/1) (on basis of reciprocity)</p> <p>Applicable: Art. 1-11, Annex II</p>	<p>A Community authorization grants the operator a quota-free and unlimited access to the national market and the market between the member states. Under Serbian law the standard admission only entitles the operator to practise domestic operations. For international transport an additional license is required.</p> <p>The Serbian legislation does not any need for an attestation of foreign drivers.</p>	<p><i>Only alignment on basis of reciprocity recommended</i></p>
		<p>Regulation (EEC) 3916/90 on measures to be taken in event of a crisis in the market in the carriage of goods by road (OJ L 375/10) (on the basis of reciprocity)</p> <p>All decisions finally are made by</p>	<p>No corresponding Serbian legislation</p>	<p><i>No alignment before alignment to regulation 881/92 recommended.</i></p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
		Commission on application of Member States.		
		Regulation (EEC) 3118/93 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State (OJ L 279/1), as amended by regulation (EC) 484/2002 (OJ L 76/1) (on basis of reciprocity)  Applicable: Art. 1,3,4,6,8,9	Under Serbian law the license to perform cabotage is given to a foreign carrier only when it is established that suitable transport capacity is not available in Serbia.	Only alignment on basis of reciprocity recommended
Law on contracts in road transport (“Official Gazette”, no. 26/95)		Regulation (EEC) 4058/89 on the fixing of rates for the carriage of goods by road between Member States (OJ L 390/1) (on basis of reciprocity)  Applicable: Art. 1, 2	Under Serbian <u>and</u> EC legislation rates for carriage operations are set by free agreement between the parties.	Apparently no further alignment required.
Federal Law on road safety (“Official Gazette of SFRY” number 50/88, 63/88, 80/89, 29/90, 11/91; “Official Gazette of FRY”, number 34/92, 13/93, 24/94, 41/94, 28/96, 3/02; “Official Gazette of RS”, number 101/2005  Regulation on medical conditions to be met by drivers of motor vehicles	Draft law on road safety (currently in interministerial coordination)  (poss. accompanied by regulations or other general acts for the purpose of law enforcement,  see Art. 123 of the Serbian constitution)	Directive 91/439/EEC on driving licenses (OJ L 237/1), last amendment directive 2006/126/EC (OJ L 403/18) (unilaterally)  Applicable:	Serbian legislation does not provide for a Certificate of Professional Competence nor for any compulsory initial of periodic professional training. See also synopsis by Claudia Riccabona and Martin Vergeiner	Short term (within duration of twinning project)

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p>("Official Gazette of SFRY", No. 5/82)</p> <p>Agreement on minimal conditions for issuing and validity of driving licenses ("Official Gazette of SFRY - International Contracts", No. 3/78)</p>		<p>Art. 1-7, 10,12,13,15, Annexes I-VI,</p> <p>Art. 11 on basis of reciprocity</p>		
<p>Law on International Transportation in Road Traffic ("Official Gazette of FRY" No. 60/98, 5/99, 44/99, 74/99 and 4/00, "Official Gazette of Republic of Serbia", No 101/2005)</p> <p>Federal Law on road safety ("Official Gazette of SFRY" number 50/88, 63/88, 80/89, 29/90, 11/91; "Official Gazette of FRY", number 34/92, 13/93, 24/94, 41/94, 28/96, 3/02; "Official Gazette of RS", number 101/2005)</p> <p>Labour Law ("Official Gazette of the Republic of Serbia", No. 24/05 from 15.03.2005, 61/05 from 18.07.2005)</p>	<p>Draft law on road safety (currently in inter-ministerial coordination)</p> <p>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</p>	<p>Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226/4) (unilaterally)</p> <p>Applicable: Art. 1-9, Annex I</p>	<p>Directive 2003/59 provides that a driver will need a Certificate of Professional Competence ("CPC") to be entitled to drive certain categories of vehicles starting 2008/2009.</p> <p>Serbian legislation does not provide for any CPC nor for any compulsory professional training.</p>	<p>Medium term (mid 2010)</p>
<p>Federal Law on road safety ("Official Gazette of SFRY" number 50/88, 63/88, 80/89, 29/90, 11/91; "Official Gazette of FRY", number 34/92, 13/93, 24/94, 41/94, 28/96, 3/02; "Official Gazette of RS", number 101/2005)</p> <p>Regulation on the total duration of</p>	<p>Draft law on road safety (currently in interministerial coordination)</p> <p>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian</p>	<p>Regulation (EC) 561/2006 on the harmonisation of certain social legislation relating to road transport (OJ L 102/1) as amended by regulation 2006/22 (EC) (OJ L 102/35)</p>	<p>Serbian legislation</p> <ul style="list-style-type: none"> <li>- restricts daily driving distance to 500 km</li> <li>- is stricter on daily driving hours and rest periods</li> <li>- does not contain provisions on maximum weekly and fortnightly</li> </ul>	<p>Short term (within duration of twinning project)</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
managing over vehicle, drivers rest and work of doubled crews on vehicles with relevance to safety of vehicle steering ("Official Gazette of SFRY, no.18/84, 67/85")	<i>constitution)</i>	<i>(unilaterally)</i>  Applicable: Art. 1-15, 19-21	driving hours and minimum rest periods	
<p>Labour Law ("Official Gazette of the Republic of Serbia", No. 24/05 from 15.03.2005, 61/05 from 18.07.2005)</p> <p>Federal Law on road safety <i>("Official Gazette of SFRY" number 50/88, 63/88, 80/89, 29/90, 11/91; "Official Gazette of FRY", number 34/92, 13/93, 24/94, 41/94, 28/96, 3/02; "Official Gazette of RS", number 101/2005</i></p> <p>Regulation on Metrological Conditions for Surveillance Devices for Controlling Drivers Work and Movement of Vehicles in Road Traffic Regulation on metrological conditions for surveillance devices for controlling drivers work and movement of vehicles in road traffic (<i>"Official Gazette of Serbia and Montenegro", No. 24/03, from 06.06.2003.</i>)</p>		<p>Directive 2002/15/EC on the organisation of working time of persons performing mobile road transport activities (OJ L 80/35) <i>(unilaterally)</i></p> <p>Applicable: Art. 1-12</p>	<p>Serbian legislation does not contain provisions whether the time during which the mobile worker is at the disposal of the employer counts as working time. Neither does the Serbian legislation contain any provisions whether "Periods of Availability" are working time or not. Neither does the Serbian legislation contain specific provisions regarding night work corresponding to those in Directive 2002/15 nor that the maximum weekly working time may be extended to 60 hours provided the average working hours over 4 months do not exceed 48 hours a week.</p>	<p>Short term (within duration of twinning project)</p>
Federal Law on road safety	Draft law on road safety	Regulation (EEC) 3821/85 on recording equipment in road	Serbian legislation does not contain any provisions regarding the	Short term

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p><i>("Official Gazette of SFRY" number 50/88, 63/88, 80/89, 29/90, 11/91; "Official Gazette of FRY", number 34/92, 13/93, 24/94, 41/94, 28/96, 3/02; "Official Gazette of RS", number 101/2005</i></p> <p>Regulation on dimensions, total masses and axle load for vehicles and on the basic requirements that must be fulfilled by devices and equipment installed on vehicles in the traffic on roads (<i>"Official Gazette of SFRY", number 50/82, 11/83, 4/85, 65/85, 64/86, 22/90, 50/90, 51/91</i>)</p> <p>Regulation on metrological conditions for surveillance devices for controlling drivers work and movement of vehicles in road traffic (<i>"Official Gazette of Serbia and Montenegro", No. 24/03, from 06. 06. 2003.</i>)</p>	<p><i>(currently in inter-ministerial coordination)</i></p> <p><i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>transport (OJ L 370/8), last amendment by directive 2006/22 (EC) (OJ L 102/35) (<i>unilaterally</i>)</p> <p><a href="#">Applicable provisions to be found out by experts</a></p>	<p>requirement of memory cards or the other advanced features of the recording equipment</p>	<p>(within duration of twinning project)</p>
<p>Federal Law on road safety</p> <p><i>("Official Gazette of SFRY" number 50/88, 63/88, 80/89, 29/90, 11/91; "Official Gazette of FRY", number 34/92, 13/93, 24/94, 41/94, 28/96, 3/02; "Official Gazette of RS", number 101/2005</i></p>	<p>Draft law on road safety</p> <p><i>(currently in inter-ministerial coordination)</i></p> <p><i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian</i></p>	<p>Directive 96/53/EC laying down maximum authorized dimensions in and maximum authorized weights in international traffic (OJ L 235/59), as amended by directive 2002/7/EC (OJ L 67/47) (<i>unilaterally</i>)</p> <p><a href="#">Applicable:</a></p>	<p>Differences concerning</p> <ul style="list-style-type: none"> <li>- width</li> <li>- length (buses)</li> <li>- weights</li> <li>- axle loads</li> </ul>	<p>Short term</p> <p>(within duration of twinning project)</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p>Regulation on dimensions, total masses and axle load for vehicles and on the basic requirements that must be fulfilled by devices and equipment installed on vehicles in the traffic on roads (<i>“Official Gazette of SFRY”, number 50/82, 11/83, 4/85, 65/85, 64/86, 22/90, 50/90, 51/91</i>)</p>	<p><i>constitution)</i></p>	<p><a href="#">Art. 1, 2, 4-7, Annexes I-III, Art. 3 on basis of reciprocity</a></p>		
<p>Federal Law on road safety <i>(“Official Gazette of SFRY” number 50/88, 63/88, 80/89, 29/90, 11/91; “Official Gazette of FRY”, number 34/92, 13/93, 24/94, 41/94, 28/96, 3/02; “Official Gazette of RS”, number 101/2005</i></p> <p>Regulation on technical conditions that must be fulfilled by freight vehicles and buses used for international public transportation in the traffic on roads <i>(“Official Gazette of SFRY”, number 50/82, 11/83, 4/85, 65/85, 64/86, 22/90, 50/90, 51/91)</i></p>	<p>Draft law on road safety <i>(currently in interministerial coordination)</i> <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Directive 96/96/EC relating to roadworthiness tests for motor vehicles and their trailers (OJ L 46/1), last amendment by regulation 1882/2003(OJ L 49/46) <i>(unilaterally)</i> <a href="#">Applicable: Art. 1-6, Annexes I, II</a></p>	<p>Technical expert will have to assess whether the extent of compulsory periodic checks comply with directive 96/96 and with its amendments</p>	<p>Medium term (mid 2010)</p>
<p>Law on Transport Operations in Road Traffic (<i>“Official Gazette of the Republic of Serbia”, No. 46/95, and 66/2001, 61/2005, 91/2005</i>)</p>		<p>Directive 2000/30/EC on the technical roadside inspection of the roadworthiness of commercial</p>	<p>Serbian legislation does not contain any obligatory provisions regarding the carrying out of roadside roadworthiness</p>	<p>Long term (after mid 2010)</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
Regulation on Metrological Conditions for Surveillance Devices for Controlling Drivers Work an Movement of Vehicles in Road Traffic ( <i>“Official Gazette of Serbia and Montenegro”, No. 24/03, from 06. 06. 2003.</i> )		vehicles circulating in the Community (OJ L 2003/1), as amended by directive 2003/26/EC (OJ L 90/37) (unilaterally)  <a href="#">Applicable:</a> <a href="#">Art. 1-5, 10, Annexes I, II</a> <a href="#">Art. 7 on basis of reciprocity</a>	inspections corresponding to those in Directive 2000/30	
		Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57/27), as amended by directive 2002/85/EC (OJ L 327/8) (unilaterally)  <a href="#">Applicable:</a> <a href="#">Art. 1-6</a>	No corresponding provisions in Serbian Legislation	Long term (after mid 2010)

## Roads

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p>Law on public roads (“Official Gazette of RS”, no. 101/05)</p> <p>Decision on fee for use of the public road, its part or road construction project</p>	<p><u>poss.</u> regulations or other general acts for the purpose of enforcement of the law on roads</p>	<p>Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187/42) as amended by directive 2006/38 (OJ L 157/8). <i>(unilaterally)</i></p> <p>Applicable: Art. 1-8a, Annexes 0, I-IV</p>	<p>Higher tolls are collected from foreign road hauliers than from domestic hauliers.</p> <p><i>Compliance of Serbian legislation with directive 2006/38 not evaluated yet.</i></p>	<p>Short or medium term <i>(to be discussed)</i>.</p>
<p>-</p>	<p>-</p>	<p>Directive 2004/54/EC on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 21) <i>(unilaterally)</i></p> <p>Applicable: Art. 1-14, Annexes. I-III</p>	<p><i>No gap analysis available yet.</i></p>	<p>Medium term (mid 2010)</p>

## Railways

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
<p>Law on rail (<i>“Official Herald of Republic of Serbia”, no. 18/2005</i>)</p> <p>Decree on the establishment of the public rail infrastructure management and rail transport company (<i>“Official Herald of Republic of Serbia”, no. 78/2004, 19/2005</i>)</p>	<p>Draft Amendment on rail law <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Directive 91/440/EEC on the development of the Community's railways (OJ L 237/25), last amendment by directive 2004/51/EC (OJ L 164/164) <i>(unilaterally)</i></p> <p><i>Applicable:</i> <i>Art. 1-9,</i> <i>Annex II</i> <i>Art. 10 on basis of reciprocity</i></p>	<p>Independence from the state and separation of essential functions: details are not laid down.</p> <p>Open access: should be described more precisely.</p>	<p>Short term <i>(within duration of twinning project)</i></p>
<p>Law on rail (<i>“Official Herald of Republic of Serbia”, no. 18/2005</i>)</p> <p>Regulation on the amount of compensation for issuing the license for transportation in the railroad transportation (<i>“OfficialHerald RS”, No. 39/2006</i>)</p> <p><i>Regulation on amount of charges for issuing of licences for railway infrastructure management</i> <i>(Official Herald of RS“, No. 3/99)</i></p>	<p>Draft Amendment of rail law <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Directive 95/18/EC on the licensing of railway undertakings (OJ L 143/70), last amendment by directive 2004/49/EC (OJ L 164/44) <i>(unilaterally)</i></p> <p><i>Applicable: Art. 1-13</i></p>	<p>EU applicant who has been convicted of serious offences does not fulfil the requirement of good repute and can thus not get a license.</p>	<p>Short term <i>(within duration of twinning project)</i></p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p><i>Rule book on railway infrastructure elements</i> (Official Herald of RS“, No. 114/2006)</p> <p><i>Decree on categorization of railway tracks</i> (Official Herald of RS“ No. 75/2006)</p>				
<p>Law on rail (“Official Herald of Republic of Serbia”, no. 18/2005)</p> <p>Regulation on conditions for the issuance and contents of rail infrastructure management safety certificate, i.e. industrial rail management safety certificate (“Official Herald of Republic of Serbia”, no. 39/2006)</p>	<p>Draft Amendment of rail law (<i>poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution</i>)</p>	<p>Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ L 75/29), as amended by directive 2004/49/EC (OJ L 164/44) (<i>unilaterally</i>)</p> <p>Applicable: Art. 1-30 Annexes I-III Art. 31 on basis of reciprocity</p>	<p>Railway undertakings should be entitled to</p> <ul style="list-style-type: none"> <li>- minimum access package and track access to service facilities</li> <li>- request an infrastructure manager to provide ancillary services</li> </ul> <p>as described in Annex II to directive 2001/14.</p> <p>Appeals should be directed to independent regulatory board instead of railway directorate.</p>	<p>Short term (within duration of twinning project)</p>
<p>Law on rail (“Official Herald of Republic of Serbia”, no. 18/2005)</p> <p>Law on safety in railway transport</p>	<p>Draft on Railway Safety</p> <p>Law</p>	<p>Directive 2004/49/EC on the safety on the Community’s railways (OJ L 164/44)</p>	<p>Safety certificates are issued by the rail directorate.</p> <p>Authorizations for use of rolling</p>	<p>No unilateral alignment recommended.</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p><i>("The Official Gazette of FRY", no. 60/98, 36/99,"The Official Gazette of RS", no. 101/2005)</i></p> <p>Regulation on conditions for the issuance and contents of transport safety certificates (<i>"Official Herald of Republic of Serbia", no. 39/2006)</i></p> <p><u>Regulation</u> on amounts of charges for issuing of railway transport safety certificate</p> <p><i>("Official Herald of RS", No. 39/2006)</i></p>		<p><i>(on the basis of an agreement with EC)</i></p> <p>Applicable: Art. 1-5, 8 (1), 9-14, 16-26, Annexes I, III- V</p>	<p>stock, rail vehicle parts and equipment, rail infrastructure devices, parts and equipment are issued by rail directorate.</p> <p>Ministry of transport shall monitor the implementation of laws and bylaws on rail.</p> <p>Railway undertaking itself shall establish cause of incidents or accidents.</p>	
?	Intended Draft Law on Cableway Installations	<p>Directive 2000/9/EC relating to cableway installations designed to carry persons (OJ L 106/21)</p> <p>Applicable: Art. 1-9, Annexes I-VIII</p>	<i>No gap analysis available yet.</i>	Medium term (mid 2010)

## Inland waterway navigation

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
<p>Law on maritime and inland waterways transportation (<i>Official Herald FRY, No 12/99, last amendment 101/2005</i>)</p> <p>Regulation on occupation titles, requirements for obtaining occupation title and authorities of member of inland waterways vessel crew (<i>Official Gazette FRY, No 32/82, last amendment 25/96</i>)</p> <p>Regulation on professional examination programme and method of examination for obtaining occupational title for member of inland waterways vessel crew (<i>Official Herald RS, No 29/83</i>)</p> <p>Recommendations on requirements for obtaining certificates for boatmasters of Danube vessels the (<i>Decision of Danube Commission from 12 April 1995 (Doc. DC/CEC 53/32)</i>)</p>	<p>Draft Amendments to the Law on maritime and inland waterways navigation (<i>working version</i>)</p> <p><i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Directive 96/50/EC on the harmonisation of the conditions for obtaining national boat-masters' certificates by inland waterway in the Community (OJ L 235/31) (<i>unilaterally</i>)</p> <p><a href="#">Applicable: Art. 1-10, Annex</a></p>	<p>Minor differences only.</p> <p>Directive 96/50 provides that boatmasters' certificates shall be issued in accordance with the provisions of directive 96/50 and in the form described in Annex I to directive 96/50.</p>	<p>Short term (within duration of twinning project), as far as not contradictory to rules prescribed by Danube Commission. Alignment could be done by passing bylaws</p>
<p>Law on maritime and inland waterways transportation (<i>O.H. FRY, No 12/99, a. 101/2005</i>)</p>	<p>Draft Amendments to the Law on maritime and inland waterways navigation (<i>working version</i>)</p>	<p>Directive 87/540/EEC on the access to the occupation of carrier of goods by</p>	<p>Serbian legislation does not provide for any specific competence to take up the occupation of an inland waterway carrier</p>	<p>Medium term (mid 2010)</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p>Law on inland waterways transportation (<i>Official Herald RS, No 54/90, last amendment 101/2005</i>)</p> <p>Regulation on occupation titles, requirements for obtaining occupation title and authorities of member of inland waterways vessel crew (<i>Official Gazette FRY, No 32/82, last amendment 25/96</i>)</p> <p>Regulation on qualification examination for obtaining titles for commercial vessel crew members (<i>Official Herald RS, No 29/83</i>)</p>	<p>(<i>poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution</i>)</p>	<p>waterway (OJ L 322/20) (<i>unilaterally</i>)</p> <p>Applicable: Art. 1-6, Annex Art. 7-9 on basis of reciprocity</p>		
<p>Law on maritime and inland waterways navigation (<i>Official Gazette of FRY, No 12/99, last amendment 101/2005</i>)</p>	<p>Draft Amendments to the Law on maritime and inland waterways navigation (<i>working version</i>)</p> <p>(<i>poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution</i>)</p>	<p>Directive 2006/87/EC laying down technical requirements for inland waterway vessels (OJ L 389/1), as amended by directive 2006/137/EC (OJ L 389/261) (<i>unilaterally</i>)</p> <p>Applicable: Art. 1-18 (subject to determination of classification of waterways and determination of zones) Annexes I-IV, VII-IX</p>	<p><i>No gap analysis available yet</i></p>	<p>Medium term (mid 2010)</p>
<p>Regulation on Occupation Titles, Conditions for Obtaining Occupation Title and Authorities of Member of the Inland Waterways Vessel Crew (<i>Official Gazette FRY, No 32/82, last amendment</i>)</p>	<p>Draft Amendments to the Law on maritime and inland waterways navigation (<i>working version</i>)</p> <p>(<i>poss. accompanied by regulations or other general acts for the</i></p>	<p>Directive 91/672/EEC on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway (OJ L 373/29)</p>	<p>Directive 91/672 provides for the issuance of two categories of boatmasters' certificates</p> <p>Under Serbian legislation only one category of boatmasters'</p>	<p><i>Only alignment on basis of reciprocity recommended</i></p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
25/96)	purpose of law enforcement, see Art. 123 of the Serbian constitution)	(on basis of reciprocity)  Applicable: Art. 1-3, Annex	certificates is issued.	
Law on Maritime and Inland Waterways Transportation ( <i>Official Herald FRY, No 12/99, last amendment 101/2005</i> )  Regulation on the Contents, Form and Procedure for Maintaining Records of Vessels of Commercial Navy ( <i>Official Gazette FRY, No 16/80, last amendment 6/93</i> )		Directive 76/135/EEC on reciprocal recognition of navigability licenses for inland waterway vessels (on basis of reciprocity)  Applicable: Art. 1-4	Under Serbian law foreign vessel certificates are recognised by Serbian authorities on the basis of reciprocity	Only alignment on basis of reciprocity recommended
Law On Maritime And Inland Waterways Transportation ( <i>Official Herald FRY, No 12/99, last amendment 101/2005</i> )  Customs Law ( <i>Official Herald RS, No 73/2003, 61/2005</i> )  Law On Crossing Over the State Border Moving Within the State Border Belt ( <i>Official Gazette FRY, o 34/1979, last amendment 101/2005</i> )		Regulation (EC) 1356/96 on common rules applicable to the transport of goods or passengers by inland waterways between Member States with a view to establishing freedom to provide such services (OJ L 175/7) (on basis of reciprocity)  Applicable: Art. 1-3	Under Serbian legislation, foreign inland waterways vessels may carry out international transportation of goods and passengers.  Under EC legislation the operator has to be entitled to carry out international transport of goods or passengers by inland waterways in one MS.	Only alignment on basis of reciprocity recommend-ed
Law on Maritime and Inland Waterways Transportation ( <i>Official Herald FRY, No 12/99, last</i>		Regulation (EEC) 3921/91 laying down the conditions under which non-resident carriers may transport goods or pass-engers by inland	Under Serbian law the right of transportation between Serbian inland waterways ports (cabotage) is an exclusive right for vessels of	Only alignment on basis of reciprocity recommend-ed

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p><i>amendment 101/2005)</i> Law On Foreign Investments (Official Herald RS No 3/2002 and 5/2003)</p>		<p>waterway within a MS (OJ L 373/1) (on basis of reciprocity)  Applicable: Art. 1-3, 5</p>	<p>Serbian nationality.</p>	
<p>Law on Maritime and Inland Waterways Transportation (Official Herald FRY, No 12/99, last amendment 101/2005)</p>		<p>Directive 96/75/EC on the systems of chartering and pricing in national and international inland waterway transport in the Community (OJ L 304/12) (on basis of reciprocity)  Applicable: Art. 1-2</p>	<p>Apparently the Serbian legislation fully complies with EC legislation</p>	<p>Only alignment on basis of reciprocity recommend-ed</p>
		<p>Regulation (EC) 718/1999 on a Community-fleet capacity to promote inland waterway transport (OJ L 90/1) (on basis of reciprocity)  Applicable: Art. 1-5, 8</p>	<p>No similar or corresponding provisions in Serbian legislation.</p>	<p>Only alignment on basis of reciprocity recommend-ed</p>
		<p>Directive 2005/44/EC on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255/152) (on basis of reciprocity)  Applicable (subject to classification of waterways): Art. 1-4, 6-9, Annex I</p>	<p>No similar or corresponding provisions in Serbian legislation</p>	<p>Only alignment on basis of reciprocity recommend-ed</p>



## Aviation

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
	Draft law on civil aviation ( <i>poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution</i> )	Regulation (EC) 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (OJ L 240/1) (on basis of ECAA Agreement)  Applicable: Art. 1-57, Annexes I, II		Short term (within duration of twinning project)
Gap Analysis does not specify Serbian legislation.	Draft law on civil aviation ( <i>poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution</i> )	Regulation (EEC) 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (OJ L 373/4) (unilaterally)  Applicable: Art. 1-10, 12, 13 with exception of Art. 4, paragraph 1 and Art. 8, par. 2, second sentence, Annexes I to III	Gap analysis does not recommend new Serbian legislation.  ECAA Agreement provides for adoption of regulation 3922/91 by Serbia. However Commission's ECAA Assessment does not mention regulation 3922/91.  Most of regulation 3922/91 is outdated by regulation 1592/2002/EC (EASA).	To be examined by experts
Law on the air traffic of Serbia ( <i>"Official Gazette of FRY", no.12/1998, 5/99, 38/99, 44/99,</i>	Draft law on civil aviation ( <i>poss. accompanied by regulations or other general acts for the</i>	Regulation (EC) 2320/2002 establishing common rules in the field of aviation security (OJ L	Compliance monitoring activities of the National Civil Aviation Security	Short term (within duration of twinning

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p>73/2000, 70/2001, "Official Herald of RS" no. 101/2005)</p> <p>Regulation on the service of accepting and forwarding of aircrafts, passengers and objects on the Apron;</p> <p>("Official Gazette of SFRY", no. 66/87, 57/90, "Official Gazette of SRY", no. 51/92, 38/95.)</p> <p>Regulation on Space, Premises, Technical Equipment and the Manner of Performing of Security Checkup at the Airport; ("Official Gazette of SFRY", no. 66/87, 57/90, "Official Gazette of SRY", no. 51/92, 38/95.)</p> <p>Decree on the Security on the Air Pier;</p> <p>("Official Gazette of SFRY", no. 73/87, "Official Gazette of FRY", no. 2/93)</p> <p>Regulation on Maintenance of Objects, Equipment and Installations of Importance for Security of Air Navigation on the Airport; ("Official Gazette of SFRY", no. 9/84)</p> <p>Regulation on the Form of Permanent and Temporary Pass for Moving on the Air Pier; ("Official</p>	<p>purpose of law enforcement, see Art. 123 of the Serbian constitution)</p>	<p>355/1) as amended by regulation (EC) 849/2004 (OJ L 229/3), (currently under review) (unilaterally)</p> <p>Applicable: Art. 1-12, Annex</p>	<p>Quality Control Programme are more precisely defined in EC legislation than in Serbian legislation.</p>	<p>project)</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p><i>Gazette of SFRY</i>, no. 32/75.)</p> <p>Regulation on Professional Competence, Exams and Work Permits of Professional Personnel Performing Activities of Importance for the Security of Air Navigation</p> <p>(Official Gazette Of SFRY, no.64/80,69/80, 63/81, 77/82)</p>				
<p>Law on air traffic</p> <p>(Official Gazette of FRY, 12/1998, 5/99, 38/99, 44/99, 73/2000, 70/2001, "Official Gazette of RS", no. 101/2005)</p> <p>Regulation on the manner of examination of the aircraft accident</p> <p>("Official Gazette of SFRY", no. 66/87)</p>	<p>Draft law on civil aviation</p> <p>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</p>	<p>Directive 94/56/EC establishing the fundamental principles governing the investigation of civil aviation accidents and incidents (OJ L 319/14)</p> <p>(unilaterally)</p> <p>Applicable: Art. 1-12</p>	<p>Accident investigation in Serbia is not carried out by a permanent civil aviation body or entity, which is functionally independent of the National Aviation Directorate.</p>	<p>Short term</p> <p>(within duration of twinning project)</p>
<p>Law on air traffic</p> <p>("Official Gazette of FRY", no. 12/98, 5/99, 38/99, 44/99, 73/2000, 70/2001, "Official Gazette of RS", no. 101/2005)</p> <p>Regulation on examination of</p>	<p>Draft law on civil aviation</p> <p>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</p>	<p>Directive 2003/42/EC on occurrence reporting in civil aviation (OJ L 167/23)</p> <p>(unilaterally)</p> <p>Applicable: Art. 1-11, Annexes I, II</p>	<p>Serbian legislation does not, for natural reasons, contain any provisions stating that the collected information should be distributed to other countries and the Commission.</p>	<p>Short term</p> <p>(within duration of twinning project)</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
endangerment of the aircraft's safety <i>("Official Gazette of SFRY", No 79/87)</i>				
Law on air transportation <i>(Official Gazette of FRY, 12/1998, 5/99, 38/99, 44/99, 73/2000, 70/2001, "Official Gazette of RS", no. 101/2005)</i> Law on prices <i>("Official Gazette of RS", no. 79/05)</i>	Draft law on civil aviation <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i>	Regulation (EEC) 2409/92 on fares and rates for air services (OJ L 240/15) <i>(on basis of ECAA Agreement)</i> <a href="#">Applicable:</a> <a href="#">Art. 1-10</a>	Under regulation 2409/92 a member state may ask an air carrier to inform the appropriate authority of a new air fare at a minimum 24 hours before the air fare comes into effect.	Short term (within duration of twinning project)
	Draft law on civil aviation <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i>	Directive 96/67/EC on access to the ground handling market at Community airports (OJ L 272/36) <i>(on basis of ECAA Agreement)</i> <a href="#">Applicable:</a> <a href="#">Art. 1-25,</a> <a href="#">Annex</a>	No provisions regarding freedom to self handling. <i>[No provisions that appropriate authority <u>may</u> for cost or environmental reasons transfer the management of certain centralized infrastructure to a single management body]</i>	Short term (within duration of twinning project)
Serbian Law on the air traffic <i>("Official Gazette of FRY", no. 12/98, 5/99, 38/99, 44/99, 73/2000, 70/2001, "Official Gazette of RS " no. 101/2005.)</i> Regulation on flying time, flying	Draft law on civil aviation <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i>	Directive 2000/79 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation (OJ L 302/57) <i>(unilaterally)</i>	Maximum allowed flying hours exceed the maximum allowed flying hours provided for in Directive 2000/79. Paid minimum vacation is less than in directive 2000/79.	Short term (within duration of twinning project)

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
<p>time on long routes, flying time by night, daily working hours, number of take offs and landings during working hours and duration of daily rest of crew members of the aircraft</p> <p><i>(“Official Gazette of SFRJ”, no. 42/88, 1/89, 57/90, “Official Gazette of FRJ”, 51/92, 38/95.)</i></p>		<p>Applicable: Art. 1-5</p>		
<p>Law on Air Transportation</p> <p><i>(“Official Gazette of FRY”, no. 12/98, 5/99, 38/99, 44/99, 73/2000, 70/2001, “Official Gazette of RS “ no. 101/2005.)</i></p>	<p>Draft law on civil aviation</p> <p><i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Regulation (EEC) 2407/92 on the licensing of air carriers (OJ L 240/1) <i>(on basis of ECAA Agreement)</i></p> <p>Applicable: Art. 1-18, Annex except for reference in Article 13(3) to Article 226 of EC Treaty</p>	<p>Differences relate to specific issues and not to basic principles</p>	<p>Medium term <i>(mid 2010)</i></p>
<p>Law on Air Transportation</p> <p><i>(“Official Gazette of FRY”, no. 12/98, 5/99, 38/99, 44/99, 73/2000, 70/2001, “Official Gazette of RS “ no. 101/2005.)</i></p>	<p>Draft law on civil aviation</p> <p><i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution)</i></p>	<p>Regulation (EEC) 2408/92 on access for Community air carriers to intra-Community air routes (OJ L 240/8)</p> <p><i>(on basis of ECAA Agreement)</i></p> <p>Applicable: Art.1-15, Annexes I, II, III</p>	<p>For the time being air carriers do not have free access to the Serbian air transport market.</p>	<p>Medium term <i>(mid 2010)</i></p>
		<p>Regulation (EEC) 95/93 on common rules for the allocation of slots at Community airports (OJ L 14/1), as amended by regulation</p>	<p>No similar or corresponding provisions in the Serbian legislation</p>	<p>Medium term <i>(mid 2010)</i></p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
		(EC) 793/2004 (OJ L 138/50) (on basis of ECAA Agreement)  Applicable: Art. 1-12, 14a(2)		
Law on the Insurance of Property and Persons  ("Official Gazette of FRY", no. 30/96, 57/98, 21/99, 44/99, 53/99, 55/99.)	?	Regulation (EC) 785/2004 on insurance requirements for air carriers and aircraft operators (OJ L 138/1) (unilaterally)  Applicable: Art. 1-8, 10(2)	Serbian requirements are not in compliance with the minimum requirements in Regulation 785/2004.	Medium term (mid 2010)
Law on Air Transportation  ("Official Gazette of FRY", no. 12/98, 5/99, 38/99, 44/99, 73/2000, 70/2001, "Official Gazette of RS " no. 101/2005.)	Draft law on civil aviation  ( <i>poss. accompanied by regulations or other general acts for the purpose of law enforcement, see Art. 123 of the Serbian constitution</i> )	Directive 2002/30/EC on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions of Community airports (OJ L 236/33) (unilaterally)  Applicable: Art. 1-15, Annexes I, II	Ministry of transportation was supposed to lay down and adopt rules on the allowed level of noise at airports and on the methodology for measuring the noise level. Those rules have not been passed yet.	Medium term (mid 2010)
	Draft law on civil aviation  ( <i>poss. accompanied by regulations or other general acts for the purpose of law enforcement,</i>	Regulation (EC) 549/2004 laying down the framework for the creation of the single European sky (OJ L 96/1)	According to the Serbian <u>Draft</u> Civil Aviation Law a Civil Aviation Directorate shall be established to act as a regulatory, supervisory and professional body.	Medium term (mid 2010)

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
	<i>see Art. 123 of the Serbian constitution)</i>	<i>(on basis of ECAA Agreement)</i>  <i>Applicable:</i> <i>Art. 1-4, 6, 9-14</i>		
	Draft law on civil aviation <i>(poss. accompanied by regulations or other general acts for the purpose of law enforcement,</i> <i>see Art. 123 of the Serbian constitution)</i>	Regulation (EC) 550/2004 on the provision of air navigation services in the single European sky (OJ L 96/10) <i>(on basis of ECAA Agreement)</i>  <i>Applicable:</i> <i>Art. 1-19,</i> <i>Annexes I, II</i>	The provisions in the new Draft Civil Aviation Law seem to comply with the provisions in Regulation 550/2004	Medium term (mid 2010)
		Regulation 551/2004 on the organisation and use of the airspace in the single European sky (OJ L 96/20) <i>(on basis of ECAA Agreement)</i>  <i>Applicable:</i> <i>Art. 1-11</i>	No similar or corresponding provisions in Serbian legislation	Medium term (mid 2010)

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
		Regulation 552/2004 on the interoperability of the European Air Traffic Management Network (OJ L 96/26) <i>(on basis of ECAA Agreement)</i>  Applicable: Art. 1-12, Annexes I-V	No similar or corresponding provisions in Serbian legislation	Medium term (mid 2010)
Law on obligation relations and basics of ownership-legal relations in air traffic  <i>("Official Gazette" of FRJ, No. 12/98, No. 15/98)</i>	?	Regulation (EC) 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and cancellation or long delay of flights (OJ L 46/1) <i>(on basis of ECAA Agreement)</i>  Applicable: Art. 1-17	Serbian legislation is less detailed than regulation (EC) 261/2004.  There are e.g. no provisions in the Serbian legislation regarding denied boarding or downgrading or about the specific status of persons with special needs and reduced mobility. Exception from payment of compensation for acts caused by actions of relevant federal bodies for air safety considerations is not very clear.  Compensations to be paid not in compliance with the amounts to be paid under EC regulation.	Short term (within duration of twinning project)
Law on obligation relations and basics of ownership-legal relations in the air traffic  <i>("Official Gazette of FRJ" No.</i>	?	Regulation (EC) 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (OJ L 257/1), as amended by regulation 889/2002	Compensations to be paid are not in compliance with the amounts to be paid under EC regulation.	Short term (within duration of twinning project)

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
<p>12/98, No. 15/98)</p> <p>Decision on monetary amounts to which the liability of air carriers is limited in air traffic</p> <p><i>(Official Gazette of FRJ, no. 12/99)</i></p>		<p>(OJ L 140/2) <i>(on basis of ECAA Agreement)</i></p> <p>Applicable: Art.1 to 8</p>		
<p>Labour law</p> <p><i>(“Official Gazette” of RS, no. 24/05, 61/05)</i></p>	?	<p>Directive <a href="#">2003/88/EC</a> concerning certain aspects of the organization of working time (OJ L 299/9) <i>(unilaterally)</i></p> <p>Applicable: Art. 1-19, 21-24, 26-29</p>	<p>Labour law covers many, but not all provisions of the directive.</p>	<p><i>To be examined by experts.</i></p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
?	?	<p>Regulation (EEC) 3925/91 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight (OJ L 374/4), as amended by Regulation EC 1882/2003 (OJ L 284/1) <i>(on basis of ECAA Agreement)</i></p> <p>Applicable: Art.1 to 5</p>	<i>No gap analysis available yet</i>	<i>To be examined by experts.</i>

## Transport of dangerous goods

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment (working version)
<p>Law on carriage of dangerous goods <i>(“Official Gazette” of SFRY, no. 27/90, 45/90, “Official Gazette” of FRY 24/94, 28/96, 21/99,44/99, 28/02)</i></p> <p>Decree on carriage of dangerous goods by road and railroad <i>(“Official Journal of RS”, no. 53/02)</i></p> <p>Regulation on professional education of drivers driving vehicles transporting dangerous goods and other persons involved in transportation of dangerous goods(<i>“Official Gazette” of SFRY, no. 17/91)</i>)</p>	<p>Draft Law on transport of dangerous goods <i>(working version)</i></p>	<p>Directive 94/55/EC on transport of dangerous goods by road (OJ L 319/7), last amendment by Commission Directive <a href="#">2004/11/EC</a> (OJ L 365/25) <i>(unilaterally)</i></p> <p>Applicable: Art. 1-7</p>	<p>Serbian legislation as well as EC legislation is based upon the ADR Agreement.</p> <p><i>However: Since 1990 amendments of ADR have not been translated and implemented in Serbian law.</i></p> <p>See also</p> <p><i>Review on dangerous goods transport in Serbia (Mark Brooke):</i></p> <p><i>Some national legislation is apparently in conflict with the requirements of the international conventions, for example Law on Production and Trade of Toxic materials 2002/31</i></p>	<p>Short term (within duration of twinning project)</p>
<p>Law on Carriage of Dangerous Goods <i>(“Official Gazette” of SFRY, no. 27/90, 45/90, “Official Gazette” of FRY 24/94, 28/96, 21/99,44/99, 28/02)</i></p>	<p>Draft Law on transport of dangerous goods <i>(working version)</i></p>	<p>Directive 96/49/EC on transport of dangerous goods by rail (OJ L 235, 25), last amendment by Commission Decision <a href="#">2005/777/EC</a> (OJ L 293, 23)</p>	<p>Serbian legislation as well as EC legislation is based upon the RID Agreement.</p> <p>However, scope of RID Agreement covers only international transport, while scope of Directive 94/55 includes domestic transport.</p>	<p>Short term (within duration of twinning project)</p>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
Decree on Carriage of Dangerous Goods by Road and Railroad <i>("Official Journal" of RS, no. 53/02)</i>		<i>(unilaterally)</i> <a href="#">Applicable: Art. 1-7</a>	<i>See also</i> <i>Review on dangerous goods transport in Serbia (Mark Brooker).</i>	
Law on Carriage of Dangerous Goods <i>("Official Gazette" of SFRY, no. 27/90, 45/90, "Official Gazette" of FRY 24/94, 28/96, 21/99,44/99, 28/02)</i>  Decree on Carriage of Dangerous Goods by Road and Railroad <i>("Official Journal of RS", no. 53/02)</i>	Draft Law on transport of dangerous goods <i>(working version)</i>	Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249/35) <i>(unilaterally)</i>  <a href="#">Applicable: Art. 1-6, Annexes, Art. 7-8 on basis of reciprocity</a>	No similar or corresponding provisions in Serbian legislation	Short term <i>(within duration of twinning project)</i>
Law on Carriage of Dangerous Goods <i>("Official Journal" of RS, no. 53/02)</i>  Convention on Protection of Human Life At Sea <i>("Official Gazette of SFRY – International Contracts", No. 2/81)</i>  Regulation on Professional Education of Drivers Driving Vehicles Transporting Dangerous	Draft Law on transport of dangerous goods <i>(working version)</i>  Regulation intended	Directive 96/35/EC on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (OJ L 145/10) <i>(unilaterally)</i>  <a href="#">Applicable: Art. 1-7, Annexes</a>	No provisions in Serbian legislation which oblige an undertaking to appoint a specifically trained safety adviser.	Short term <i>(within duration of twinning project)</i>

Serbian legislation in force	Serbian draft legislation	Possible connecting link for alignment to following EC legislation	Main differences Serbian legislation in force / EC legislation	Time frame for alignment <i>(working version)</i>
Goods and other Persons Involved in Transportation of Dangerous Goods <i>(“Official Gazette” of SFRY, no. 17/91)</i>				
	Draft Law on transport of dangerous goods <i>(working version)</i> Regulation intended	Directive 2000/18/EC on the minimum requirements for safety advisers for the transport of dangerous goods by road, rail and inland waterway (OJ L 118/41) <i>(unilaterally)</i>  Applicable: Art. 1-4	No similar or corresponding provisions in Serbian legislation	Short term <i>(within duration of twinning project)</i>