

Screening report

Serbia

Chapter 14 – Transport Policy

Date of screening meetings:

Explanatory meeting: 16-19 December 2014

Bilateral meeting: 24-26 February 2015

I. CHAPTER CONTENT

EU transport policy is aimed at sustainable mobility, combining Europe's competitiveness with the welfare of its citizens, and thereby contributing to greater safety, security and enhanced rights. It is an essential component of Europe 2020, and contributes to the EU's social and territorial cohesion. The objectives of the EU transport policy are: to improve the functioning of the internal market by promoting a safe, competitive, resource-efficient, environmentally sound, user-friendly and effectively integrated transport system offering a high level of sustainable mobility throughout the Union, protecting the environment, promoting labour and qualification standards for the sector and protecting safety and security of the citizens. The EU's sustainable transport policy requires the integrated, interoperable and interconnected transport system to meet society's economic, social and environmental needs.

Transport policy is governed by Title VI, Articles 90-100 of the Treaty on the Functioning of the European Union (TFEU). A significant part of the *acquis* consists of binding and directly applicable legislation in the form of regulations and decisions. The remaining *acquis* in this chapter mostly consists of directives that need to be transposed into the legal system of the country.

The *acquis* under this chapter covers road transport, rail transport, inland waterways transport, combined transport, aviation, maritime transport and satellite navigation.

Parts of the *acquis* in this chapter are covered by the European Common Aviation Area Agreement (ECAA), notably through its Annex I.

II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises the information provided by Serbia and the discussions at the screening meetings, as well as additional information provided subsequently. Serbia indicated that it can accept the *acquis* regarding transport, and it does not expect major difficulties in implementing the *acquis* by accession.

IIa. General transport *Acquis*

Summer time

Serbia stated that it has transposed and implements properly summer-time arrangements, in line with the Directive 2000/84/EC¹. Serbia indicated that the institution responsible for the implementation of summer time arrangements is the Ministry of Economy - Directorate of Measures and Precious Metals (DMDM).

Public Services Obligations

Serbia stated that its legislation is partially aligned with the *acquis* on public services by rail and by road. In the area of rail, Serbia stated that full harmonisation will be achieved through secondary legislation that will regulate the methodology of calculating the compensation and award of public service contracts. In the field of road, Serbia specified that the procedure and criteria for the award of public service contracts is in the competence of local government.

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490204834&uri=CELEX:32000L0084>

Iib. Road transport

Dangerous goods

Serbia stated that its legislation is partially aligned with the *acquis* on the inland transport of dangerous goods and the *acquis* on transportable pressure equipment. Serbia indicated that the Authority for transport of dangerous goods, in accordance with the law on carriage of dangerous goods, will appoint by the end of 2015 a company, institution or other legal entity responsible for conducting the conformity assessment of the existing equipment. Serbia specified that the existing six inspection bodies responsible for assessing the transportable pressure equipment are in a transitional phase.

Infrastructure

Regarding road infrastructure safety management, Serbia stated that the provisions of Directive 2008/96/EC² are partially transposed in national legislation by the Law on road traffic safety. Serbia indicated that the institutions responsible for enforcement of legislation are the Road Manager, both for local and national level and the Public Road Inspector who is responsible for regular check of roads in exploitation.

Serbia stated that tunnels are regulated by the Law on public roads, and the rulebook on the basic safety conditions for tunnels. According to Serbia, these two pieces of legislation transpose the majority of provisions of the *acquis* on minimum safety requirements for tunnels. Serbia confirmed that the remaining provisions will be transposed through amendments to the Law on public roads.

Enforcement and equipment

Serbia stated that its legislation on the tread depth of tyres is fully aligned with the *acquis*. Serbia specified that regarding the *acquis* on the installation and use of speed limitation devices, the only difference between the national legislation and the *acquis* concerns the speed limit requirements for vehicles of type M2. Serbia indicated that the *acquis* on the compulsory use of safety belts in vehicles of less than 3.5 tonnes and on the retrofitting of mirrors to heavy good vehicles is partially aligned with the *acquis*. Serbia confirmed that complete alignment will be achieved through amendments to the Law on road traffic safety and adoption of secondary legislation.

Road users

Serbia stated that the *acquis* on qualification and training of drivers of certain road vehicles for the carriage of goods or passengers is partially transposed by the Law on road traffic safety and added that complete alignment will be achieved through amendments to existing legislation and adoption of secondary legislation. Serbia indicated that it has not established a system of training for professional drivers. Serbia stated that the *acquis* on driving licences is partially transposed by national legislation. Serbia indicated that the Road Traffic Safety Agency is the body responsible for establishing and improving a road safety database in Serbia. Currently, the sources of data collection of road accidents and consequences are a combination of police records and hospital data. Serbia confirmed that it will develop a unique new database for traffic safety by the end of 2015.

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490290768&uri=CELEX:32008L0096>

Road charging

Serbia stated that its national legislation is partially aligned with the *acquis* on the interoperability of electronic road toll systems and on the charging of heavy goods vehicles for the use of certain infrastructures. Serbia indicated that its electronic toll collection system (ETC), can technically be interoperable with all EU ETC systems, based on the Dedicated Short Range Communication (DSRC).

Market access for goods, passengers and pricing

Serbia stated that it is partially aligned with the *acquis* on admission to the occupation of road transport operator. Serbia also stated that further alignment is expected to be achieved by the Laws on transport of goods and on transport of passengers, currently under adoption. Regarding access to the haulage market, Serbia indicated that it is not aligned with the *acquis*, and that alignment is expected to be achieved to the extent possible with the adoption of the Law on transport of goods. Serbia stated that it has partially transposed provisions of the *acquis* on access to the international market for coach and bus services. Serbia informed that it is not yet a member of Interbus Agreement and therefore its legislation is not aligned with it. Serbia confirmed that it plans to align with Interbus agreement with the adoption of the draft Law on road transport of passengers.

Serbia indicated that the national legislation and models of documents for the carriage of passengers are partially in line with the *acquis* on documents for the international carriage of passengers by coach and bus. Serbia specified that further harmonisation will be achieved through the adoption of the draft Law on road transport of passengers.

Regarding the *acquis* on the fixing of rates for the carriage of goods between Member States, Serbia stated that it has fully aligned its legislation with the relevant Council Regulation through the Law on contract for road transport. Serbia indicated that the *acquis* on use of vehicles hired without drivers for the carriage of goods is largely transposed by national legislation, and also that the remaining areas will be further aligned through the adoption of the Law on transport of goods.

Dimensions and weight of vehicles

Serbia stated that its legislation on dimensions and weight of vehicles transposes a large part of Annex 1 of the Council Directive 96/53/EC³. Serbia indicated that full alignment with remaining provisions of the Directive and Annexes II and IV will be achieved through amendments to the existing secondary legislation.

Tachographs, social conditions, form of attestation of activities

Serbia stated that the regulation on periods of rest time and driving time of drivers of motor vehicles engaged in international transportation, as well as on the application of the system of digital tachographs, is partially aligned with the *acquis* and the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). Regarding the enforcement of social legislation, Serbia stated that improvements will be needed in the areas of roadside checks, in enhancing the legal competence and capacity of inspection officers for enforcing the legislation, adopting and implementing rules on penalties for infringement of AETR provisions.

³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490362994&uri=CELEX:31996L0053>

Clean vehicles procurement, alternative fuels infrastructure and Intelligent Transport Systems (ITS)

Regarding the *acquis* on clean vehicles procurement and alternative fuels infrastructure, Serbia stated that its legislation is not aligned. On ITS, Serbia indicated that, except for the part related to traffic management, the current national regulatory framework does not provide for the implementation of ITS. Capacity and resources are inadequate. Serbia stated that alignment with the *acquis* on ITS is expected through amendments to the Law on public roads.

II.c. Rail transport

Market access

Serbia indicated that the Law on railways is partially aligned with the *acquis* establishing a single European railway. Serbia acknowledged that the Law on railways will have to be further aligned, and informed that amendments are currently under adoption. Serbia stated that the Law on railways provides for the separation of infrastructure management and rail transport operations, and the independence of infrastructure manager to make decisions. Serbia indicated that its legislation on the network statement, infrastructure access charges and services as well as infrastructure capacity allocation, and the establishment of a single regulatory body is partially aligned with the *acquis*. Serbia specified that a network statement has not yet been published. Serbia further informed that amendments to the Law on railways to allow the Department for Railways (regulatory body) the possibility to enforce regulatory decisions by fines without prior court decisions and to provide a cool-off period for the Director are under preparation. Also, according to Serbia, the Law on railways is fully aligned with the *acquis* on the licensing of railway undertakings, licensing requirements, and the validity of the license.

Train driver licensing

Regarding the certification of train drivers, Serbia stated that the Law on railways safety and interoperability is partially harmonised with the *acquis* in this area. Serbia explained that full alignment will be achieved through secondary legislation, and that the requirements will be met by establishing training centres, improving the necessary level of professional qualifications, training programs and examination methods and enhancing the procedure of issuing licenses and setting medical requirements for railways employees.

Interoperability

Serbia indicated that the Law on railway safety and interoperability, together with secondary legislation, provide for partial harmonisation with the *acquis* on interoperability of the rail system. Serbia stated that the Directorate for Railways (DfR) adopts the Technical Specifications for Interoperability (TSI, at the moment only the high-speed), monitors the interoperability of constituents, enforces compliance with TSIs, carries out the verification of a sub-system, issues authorisations for placing in service structural sub-systems and railway vehicles and keeps the national vehicle register. Serbia explained that ongoing amendments to the Law on railway safety and interoperability will allow for a redefinition of DfR's responsibilities in this area in accordance with the *acquis*, especially regarding the adoption of all the TSIs. The relevant amendments will provide for DfR to fully comply with Article 16 of Safety Directive regarding the obligations of NSA in the field of interoperability.

Railway safety

Serbia indicated that its legislation on safety on the Community's railways is partially harmonised with the *acquis*. Serbia stated that a National Investigation Body (NIB) has not yet been set up, but the adoption of the Law on Air, Railway and Waterborne Transportation Occurrence Investigation will provide the basis for the establishment of an NIB for investigation of accidents in air, railway and water traffic.

Serbia specified that the DfR holds a central role in the railway safety field. It combines the functions of a national safety authority and a certification authority for entities in charge of maintenance of wagons. Serbia stated that it ratified the Convention concerning International Carriage by Rail (COTIF) in February 2013, thereby transposing the *acquis* on certification of the Entity in Charge of Maintenance (ECM) for freight wagons and risk assessment.

Serbia explained that the components of the railway safety *acquis* pending transposition (safety indicators, methods for conformity assessment to issue safety authorisations, certificates and monitoring safety management systems) will be transposed by secondary legislation which is under adoption.

Social rules

Serbia stated that the existing legislation on certain aspects of the organisation of working time, and certain aspects of the working conditions of mobile workers engaged in interoperable trans-boundary traffic in the railway sector is partially aligned with the *acquis*. Serbia explained that full compliance of this legislation will be achieved through amendments to the relevant articles of the Law on railway safety and interoperability.

II.d. Combined transport

As regards combined transport, Serbia stated that its legislation on the establishment of common rules for certain types of combined transport of goods is not aligned with the *acquis*. Serbia estimated that in order to harmonise national legislation with the *acquis* in this area it should adopt secondary legislation developing and incentivising this type of transport to and from terminals for combined transport.

II.e Maritime transport

Market access

Serbia stated that despite the fact that it is a landlocked country, it has legislation and a strategic framework in place for maritime transport.

Serbia stated that its legislation on the scope of application, transfer of register, refusal of transfer and interpretation is partially aligned with the *acquis*. Serbia explained that complete alignment will be achieved through amendments to the Law on maritime navigation. Serbia specified that due to its status of land-locked country it has not signed any cargo sharing agreements with third countries, as the *acquis* provides for.

As regards reporting formalities for ships arriving in and/or departing from ports of Member States, national legislation according to Serbia is partially harmonised with the applicable *acquis*. Serbia explained that further harmonisation with *acquis* will be achieved through secondary legislation on reporting formalities of domestic sea-going ships.

International relations

Serbia stated that it has signed and ratified numerous International Agreements on maritime transport, in line with applicable EU legislation. Serbia explained that full alignment will be achieved through the adoption of the draft Merchant shipping law.

Flag state responsibilities

Serbia indicated that by law two registers of sea-going ships have been established, namely the National Shipping Register and the International Shipping Register and explained that secondary legislation needs to be adopted to render both registers functional.

Serbia stated its intention to become flag state while it specified that to-date it has not registered any sea-going ships in the national shipping registry nor in the international shipping registry.

Serbia stated that Directive 2009/21/EC on compliance with flag state requirements has been completely transposed into national legislation (through the Law on maritime navigation and Law on vessels nationality and registration).

Serbia stated that it has partially aligned its legislation to the *acquis* on certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, and that full alignment will be achieved through the adoption of secondary legislation. In this context, it has to be noted that Serbia has ratified the Maritime Labour Convention 2006.

Insurance, Liability and International Safety Management Code

Regarding the *acquis* on the liability of carriers of passengers by sea in the event of accidents and the *acquis* on insurance of ship-owners for maritime claims, Serbia stated that full alignment will be achieved through the adoption of the draft Merchant shipping Law.

Serbia stated that the Law on maritime navigation obliges a ship-owner or company of the domestic ship to develop, implement and maintain a safety management system in line with Chapter IX of the International Convention for the Safety of Life at Sea (SOLAS) and the International Management Safety Code. Serbia explained that this provides for partial alignment with the *acquis* and that full harmonisation of the legislation will be achieved through the adoption of technical rules for sea-going ships.

Training of Seafarers

Concerning the training of seafarers, Serbia stated that its national legislation has been completely harmonised with the applicable provisions of Directive 2008/106/EC on the minimum level of training of seafarers, as amended. Serbia indicated that it has certified approximately 5.000 seafarers, based on the EU recognition of its systems for training and certification of seafarers which has been valid since 2006. However, Serbia stated that currently it does not dispose of an official maritime education system.

Recognised organisations

As regards recognised organisations, Serbia stated that it has partially aligned its legislation in the following areas of the *acquis*: a) Directive 2009/15/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations, b) Commission Decision 2009/491/EC on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment, c) Regulation (EC) No 391/2009 on common rules and standards for ship inspection and survey organisations.

Serbia also informed that "working relationships" have been established by the Serbian administration with a number of recognised organisations. The complete alignment with the *acquis* concerning recognised organisation is to be achieved via secondary legislation.

Social aspects

Serbia stated that it has only partially aligned its legislation with the Directive 1999/63/EC⁴ concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), Directive 2009/13/EC⁵ implementing the Agreement on the Maritime Labour Convention (MLC 2006), Directive 1999/95/EC⁶ concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports.

Port state control

Serbia stated that as a land-locked country without sea ports, the *acquis* on port state control and on the model for an identity card for inspectors carrying out port state control is not applicable.

Pilotage

Serbia stated that the legislation is harmonised with the *acquis* on pilotage. Serbia specified that the Law on maritime navigation obliges a ship master to use pilotage services in places where pilotage is designated as compulsory by the coastal state.

Vessel traffic monitoring

Serbia indicated that it has partially aligned its legislation with the *acquis* establishing a Community vessel traffic monitoring and information system. Serbia specified that full harmonisation will be achieved through the adoption of technical rules for sea-going ships and a rulebook on content, forms, methods and conditions for issuing and maintaining the documents which domestic ships report when arriving/departing to/from ports of the coastal state, as well as the measures that companies should take to effectively implement procedures for the arrival and/or departure of passengers and crew from a ship at the port.

Passenger ship safety

Serbia stated that its national legislation has been fully harmonised with applicable provisions of Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (through the Law on maritime navigation and the Rulebook on type of information, method of collection and record keeping of the information which domestic ships have to record regarding passengers on the passenger ship).

Serbia indicated that complete alignment will be achieved through secondary legislation regarding the *acquis* on a system of mandatory surveys for the safe operation of regular ro-ro

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490475033&uri=CELEX:31999L0063>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490531598&uri=CELEX:32009L0013>

⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490590023&uri=CELEX:31999L0095>

ferry and high speed passenger craft services, the *acquis* on specific stability requirements for ro-ro passenger ships, and the *acquis* on safety rules and standards for passenger ships.

Marine equipment

Serbia indicated that there has been only partial harmonisation of the legislation regarding the *acquis* on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers, the *acquis* on marine equipment, the *acquis* on setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, and the *acquis* establishing harmonised equipment and procedures for the safe loading and unloading of bulk carriers. Complete alignment will be achieved through secondary legislation.

Marine environment protection

Serbia stated that as regards the *acquis* on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, the *acquis* on port reception facilities for ship-generated waste and cargo residues and the *acquis* on the prohibition of organotin compounds on ships, legislation has been partially harmonised. Serbia explained that full alignment will be achieved through secondary legislation.

Maritime security and ISPS Code

Regarding the *acquis* on enhancing ship and port facility security, Serbia explained that as it is a landlocked country, it has achieved alignment through secondary legislation on technical rules for sea-going ships only with the applicable provisions of the SOLAS Convention, Chapter XI/2 and the International Ship and Port Facility Security Code (ISPS). Serbia stated legislation is fully aligned with the *acquis* on procedures for conducting Commission inspections.

II.f. Inland waterways transport

Serbia has a dense inland waterways network of approximately 1,600 km length. The part of the inland waterway network that concerns the international Danube River, has a length of 588 km, on which navigation is free for all flags. Danube's biggest tributary is the Sava River whose international waterway, in length of 211 km, provides free navigation for all flags.

Serbia stated that it has developed clearly defined strategic goals for the development of inland waterways transport, through the Strategy on waterborne transport 2015-2025 that was adopted in December 2014. Serbia explained that this strategic framework is complemented by the Master Plan and Feasibility Study for inland waterway transport for the period 2006-2025, and the General Master Plan for transport in Serbia (for the period 2009-2027), which both identify priority investments for inland waterways.

In parallel, Serbia specified that it actively participates in the EU Strategy for the Development of the Danube Region (EUSDR), and has signed the main international agreements on inland waterways (European Agreement on Main Inland Waterways of International Importance, Convention regarding the regime of navigation on the Danube, Framework Agreement on the Sava River Basin and the Protocol on the navigation regime) as well as a number of bilateral agreements with neighbouring countries.

Market access

Serbia indicated that it has fully harmonised its legislation with the *acquis* on the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation (Regulation 2919/85/EEC⁷). Regarding the *acquis* on common rules applicable to the transport of goods or passengers by inland waterway between the Member States with a view to establishing freedom to provide such transport services (Regulation 1356/96/EC⁸), Serbia indicated that it has achieved partial harmonisation of its legislation, and further specified that EU vessels will be able to navigate on Serbian inland waterways without restrictions only upon accession of the Republic of Serbia in the EU. Serbia stated that alignment with the *acquis* on statistics of goods transport by inland waterways (Regulation 1365/2006/EC⁹) is at incipient stages.

Boatmasters' certificates

Serbia stated that its legislation is fully harmonised with the *acquis* on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers (Directive 91/672/EEC¹⁰), as well as with the *acquis* on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers (Directive 50/96/EC).

Safety and technical requirements

Serbia stated that its national legislation is partially harmonised with the *acquis* on technical requirements for inland waterways vessels (Directive 2006/87/EC¹¹) and the *acquis* on reciprocal recognition of navigability licenses for inland waterway vessels (Directive 2009/100/EC¹²). According to Serbia the body responsible for determining the seaworthiness of inland waterway vessels from a technical and safety point of view is the Authority for determination of seaworthiness, within the Ministry of Construction, Transport and Infrastructure.

River Information System (RIS)

Serbia stated that RIS has been established and implemented in all sections of Danube and Sava Rivers. Serbia indicated that RIS is fully compatible with the RIS systems of other Danube countries, and its use under national legislation is mandatory. The Network of Base Stations (15 on the Danube and 3 on the Sava River) is established and provides complete signal coverage. Regarding the level of alignment of legislation with the *acquis* on harmonised RIS services in the Community (Directive 2005/44/EC¹³), Serbia indicated that currently it is at an advanced level.

Environment

Serbia stated that regarding the *acquis* on the reduction in the sulphur content of certain liquid fuels (Directive 2009/30/EC¹⁴), and the *acquis* on the quality of petrol and diesel fuels,

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31985R2919>

⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490791511&uri=CELEX:31996R1356>

⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490844338&uri=CELEX:32006R1365>

¹⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440490875647&uri=CELEX:31991L0672>

¹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491394594&uri=CELEX:32006L0087>

¹² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491432053&uri=CELEX:32009L0100>

¹³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491465560&uri=CELEX:32005L0044>

¹⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009L0030>

national legislation has been partially harmonised (Directive 2003/30/EC¹⁵). Serbia stated its intention to ensure full harmonisation with the adoption of secondary legislation in these areas.

II.g. General Issues affecting all modes of transport

Regarding passenger rights in road (Regulation 181/2011/EU¹⁶) and rail transport (Regulation 1371/2007/EC¹⁷), Serbia indicated that its relevant legislation is partially compliant. Serbia explained that full compliance will be achieved by amendments to the Law on railways and a new Law on passengers' rights in road and a new Law on contracts in railway transportation.

Serbia indicated that as regards the *acquis* on the rights of passengers when travelling by sea and inland waterways (Regulation 1177/2010/EC¹⁸), there are currently no passenger services in Serbia falling under the scope of this Regulation.

In the area of air passenger rights, Serbia stated that its legislation is aligned with most parts of the *acquis*. The remaining parts of the legislation will be further aligned through amendments to the Law on obligation and the basics of the property and legal relations in air transport.

II.h. Aviation

Internal market and airports

The Civil Aviation Directorate (CAD) has a regulatory and supervisory authority over the civil aviation industry. Its priority is to provide the conditions for safe and secure air transport operations in accordance with international standards.

As regards the *acquis* on common rules for the operation of air services in the Community, the right of Community air carriers to operate intra-Community air services and the pricing of intra-Community air services (Regulation 1008/2008/EC), Serbia argued that it is obliged to implement rules on fares and rates for air services during the first transitional period of the European Common Aviation Agreement (ECAA) and the rules on licensing of air carriers and access for Community air carriers to intra-Community air services only during the second transitional period. In this respect, Serbia specified that its legislation is fully harmonised with its obligations deriving from the first transitional period of the ECAA.

Serbia stated that while CAD had adopted secondary legislation which ensured full harmonisation of legislation with Regulation 1008/2008/EC¹⁹ in May 2012, its implementation has been effectively suspended as regards licensing of air carriers and access to air routes, until the ECAA enters into its second transitional period of the implementation.

Insurance requirements

Serbia indicated that its legislation is fully aligned with the *acquis* on insurance requirements for air carriers and aircraft operators (Regulation 785/2004/EC²⁰).

Computerised Reservation Systems(CRS) code of conduct

¹⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491716175&uri=CELEX:32003L0030>

¹⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491814726&uri=CELEX:32011R0181>

¹⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491839837&uri=CELEX:32007R1371>

¹⁸ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010R1177>

¹⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491931892&uri=CELEX:32008R1008>

²⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440491983313&uri=CELEX:32004R0785>

Serbia stated that Rules and regulations for operations of providers of computerized reservation systems-CRS providers are not incorporated in national legislation in the field of air transport. The Law on obligations and the basics of property relations in air transport defines the general terms with regard to reservation. Serbia stated that the operations of CRS providers are not regulated currently by any competent authority. Serbia explained that the Commission for the Competition has not encountered cases concerning possible breaches of competition law related to the market for distribution of air tickets and CRS.

Ground Handling

Serbia stated that its legislation is fully harmonised with the *acquis* on access to the ground handling market at Community airports (Directive 96/67/EC²¹). Serbia specified that ground handling services are provided by the airport operator and that Nicola Tesla airport is the only airport in the country with passenger traffic no less than 2 million. Serbia clarified that access to the ground handling services market is fully open with no limitations in place.

Airport slots

Serbia indicated that legislation is harmonised with the *acquis* on common rules for the allocation of slots at Community airports (Regulation 95/93/EEC²², and subsequent adaptations). Implementing regulations on airport capacity, schedule facilitation and slot allocation have not yet been adopted. Moreover Serbia explained that there is no prescribed method of monitoring and reporting the airport capacity, and no sanctions scheme for a misuse of a slot.

Airport charges

Serbia stated that its legislation on airport charges (Directive 2009/12/EC²³) is harmonised with the *acquis*. Serbia indicated that it is currently preparing a Strategy for the development of air traffic and air traffic policy, which will define airline incentives in accordance with the *acquis*. Serbia specified that according to the legislation in force, CAD is the authority that ensures the correct application of the consultation and remedy measures.

Single European Sky (SES)

Serbia stated that its legislation is partially aligned with the SES legislation. More concretely, Serbia has reached an advanced stage of alignment in the area of services provision and airspace, while Serbia indicated that it has achieved limited alignment on interoperability.

Aviation safety

Serbia stated that its legislation is partially aligned with EU legislation on aviation safety. Serbia informed that CAD has concluded a working arrangement with EASA covering all aspects of the *acquis* in civil aviation safety and environmental protection of products, organizations and personnel. Serbia indicated that it is subject to regular standardisation inspections by EASA, in accordance with the applicable *acquis*.

Aviation security

²¹ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31996L0067>

²² <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31993R0095>

²³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1440492164923&uri=CELEX:32009L0012>

Serbia stated that CAD is responsible for monitoring the implementation of aviation security Standards and Recommended Practices (AVSEC) of the International Civil Aviation Organisation. Furthermore, Serbia specified that Regulations (EC) No 300/2008 and 18/2010 are fully transposed into national legislation, as well as the Implementing rules contained in Regulation (EU) No 185/2010 and Decision C(2010)774 and a number of amendments thereof.. AVSEC legislation is applied to civil airports as well as to civil/military airports which provide commercial air service. Commercial air services are operated from the Nikola Tesla Airport Belgrade and the Konstantin Veliki Airport Niš.

III. ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY

Overall, Serbia has reached a satisfactory level of alignment with the *acquis* in the field of transport policy. Further adjustments of the legal and institutional framework and in particular strengthening of administrative and implementation capacities are needed. Serbia needs also to ensure further harmonisation and sound implementation of social, safety and technical rules in road transport, safety and security requirements in the maritime sector, safety and interoperability rules in rail transport, as well as the standards for the transport of dangerous goods by road. A legal framework for ITS will have to be established. As regards aviation, the suspension of provisions of the first transitional phase of the ECAA needs to be annulled.

III.a. General transport *Acquis*

Serbia's legislation is fully aligned with the *acquis* on summertime arrangements. Further efforts should be made by Serbia to complete alignment with the *acquis* on public services obligations; including transposing the *acquis* on procedure and criteria for the award of public service contracts in the field of road transport into national law.

III.b Road transport

The legal framework for road transport is at a satisfactory level of alignment. In the field of road transport, Serbia needs to step up its efforts in both aligning with and implementing the *acquis*. As regards the rules on *access to the market for goods and passenger transport* for both national and international operations some of the requirements for issuing a transport licence would need to be refined and adapted to be fully in line with the corresponding provisions in the EU.

As regards the *road charging acquis*, Serbia has not abolished the discriminatory charges on EU road vehicles, as its legislation provides for the imposition of a specific tax for foreign vehicles. Further harmonisation with the *acquis* in this respect is required.

In the area of the *social conditions and tachographs*, the legislation regulating driving times and introducing tachographs has been partially harmonised with the *acquis*. Some of the new rules based on Regulation (EU) No 165/2014 still need to be fully taken on board. Serbia would need to ensure that there is no conflict of interest between tachograph workshops and transport undertakings; moreover, provisions related to the sealing of all vulnerable connections in a tachograph would be needed. Enhanced administrative capacity is needed for ensuring appropriate enforcement, conducting roadside checks, adopting and implementing rules on penalties of AETR provisions.

Further harmonisation with the *technical and safety conditions* is necessary, including on the cross-border exchange of information on road safety related traffic offences, retro-fitting of mirrors to heavy goods vehicles, speed limitation devices and compulsory use of seat belts. Further development of the rules relating to professional driver qualifications and training is required. Enforcement needs to be strengthened notably regarding roadworthiness tests and roadside checks of commercial vehicles.

Serbia will need to continue improving the database for traffic safety which is due to be established by the end of 2015.

As regards the *transport of dangerous goods*, Serbia must ensure transposition of the transportable pressure equipment Directive 2010/35/EU²⁴ and strengthen its mechanisms for monitoring the implementation of relevant international rules and EU legislation, including that on transportable pressurised equipment, roadside checks on vehicles, and dangerous goods safety advisors.

Concerning *clean vehicles procurement* and *alternative fuels infrastructure* Serbia must ensure transposition of Directives 2009/33 and 2014/94, respectively.

III.c Rail transport

The legal framework of Serbia for rail transport is at a reasonable level of alignment. As regards *market and infrastructure access*, Serbia has taken a first step towards unbundling of infrastructure and operations of its state-owned railway companies. Shortcomings persist at the level of separate accounts and the monitoring of the prohibition to use public funds for activities other than those they were granted for. The infrastructure manager needs to ensure the access to the railway network of duly licensed operators; this has been denied in violation of Serbia's legislation. In this regard, Serbia needs to publish the rail network statement. Serbia needs to amend its legislation to enhance the role of the regulator, among others to provide it with the jurisdiction to enforce regulatory decisions by fines without prior court decisions, and to provide a cool-off period for its decision-taking staff. The Law on railways needs to be further aligned with the *acquis* in regards to the provisions on requirements to cover civil liability (article 22, Directive 2012/34/EU).

The *acquis* in the area of *rail transport safety and interoperability* needs still to be fully transposed. The review of national safety rules and national technical rules needs to be carried out. Outdated rules and rules that are not compatible with EU Technical Specification have to be repealed and the remaining rules have to be identified and prepared for notification to, and acceptance by the European Railway Agency.

Serbia needs to ensure that railway undertakings that are dominant in the Serbian transport service market cooperate with EU railway undertakings as regards the hand-over of trains to and from the Serbian rail network on a non-discriminatory basis.

Serbia needs to confer the right to grant vehicle authorisations to its safety authority, such that at the same time the type of vehicle is authorised. Furthermore, the safety authority needs to authorise vehicles that conform to a previously authorised type on the basis of declarations of conformity presented by the applicant. All competences regarding type authorisation, vehicle authorisation and national vehicle register need to be conferred to the safety authority.

Serbian authorities need to ensure that railway undertakings that were certified and licensed by Serbian authorities have access to the network and the service facilities in Serbia for the purpose of providing domestic or international rail freight services.

An independent *accident investigation body* and a relevant appeal mechanism need to be established.

A competent authority for concluding and monitoring the implementation of public service contracts has to be established and assume its functions in accordance with Regulation (EC) No 1370/2007 on public service obligations.

²⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010L0035>

III.d Combined transport

There is very little legislation on combined transport in Serbia. Serbia needs to ensure that the definition of 'combined transport' used in the draft *Law on Road Freight Transport* is fully in line with the definition used in Directive 92/106/EEC. The opportunities for developing combined transport services in Serbia may be enhanced with further secondary legislation. The plans for the construction of the first intermodal transport terminal in Belgrade are at an advanced stage and this constitutes a positive development for the area of combined transport.

III.e Maritime transport

Serbia's intention to become a flag state entails a number of responsibilities and obligations under the maritime transport *acquis* and its materialisation will require adequate implementing capacity. To-date, Serbia has achieved a considerable overall level of alignment with the relevant *acquis*.

However, Serbia still needs to make efforts in order to achieve full alignment with the *acquis* on recognised organisations, the EU legislation concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, the *acquis* on the liability of carriers of passengers by sea in the event of accidents and on the insurance of ship owners for maritime claims, the EU legislation on the implementation of the International Safety Management Code within the Community, the *acquis* establishing a Community vessel traffic monitoring and information system, the EU legislation on marine equipment, passenger ships, safety of fishing vessels, oil tankers and bulk carriers, as well as the *acquis* concerning ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, the *acquis* on port reception facilities for ship-generated waste and cargo residues and the EU legislation on the prohibition of organotin compounds on ships. Serbia will need to ensure adequate implementing capacity in order to ensure the proper enforcement of the above mentioned *acquis*.

The issue of the implementation of security measures in inland waterways ports needs to be re-evaluated depending on whether or not such ports actually serve sea-going traffic.

Alignment with the EU legislation on *recognised organisations* needs to be achieved.

III.f Inland waterways transport

Serbia has a dense inland waterways network and has reached an advanced level of alignment with the relevant *acquis*. Further alignment is required with the *acquis* on market access regarding Regulation (EC) 3921/91 laying down the conditions under which non-resident carriers may transport goods and passengers by inland waterway within a Member State. Also transposition of Regulation 718/99 on Community fleet capacity policy to promote inland waterway transport and Directive 96/75 on the systems of chartering and pricing in national and international inland waterway transport is outstanding.

Particular attention is also needed regarding transposition of Regulation 718/99 on Community fleet capacity policy to promote inland waterway transport, and Directive 96/75 on the systems of chartering and pricing in national and international inland waterway transport.

Further alignment is also required regarding the *acquis* defining the conditions for access to the profession, especially Directive (EEC) 87/540 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.

The River Information Services (RIS) System is established and operational and at advanced level of interoperability with river information systems of other EU countries.

III.g. General Issues affecting all modes of transport

As regards passenger rights in road and rail transport, Serbia will have to make further efforts to complete alignment with the *acquis*. In the area of passenger rights when travelling by sea and inland waterways, Serbia will need to align with the relevant *acquis* in case it decides to become a flag state, and/or if it plans to introduce a commercial passenger transport service operated according to a published timetable, which does not fall under the exemptions of Regulation 1177/2010/EU.

Serbia has reached an advanced level of alignment with most parts of the *acquis* on rights of passenger travelling by air.

III.h Aviation

Concerning aviation, Serbia has reached a good level of alignment with the *acquis* and has made considerable progress with regard to the implementation of the first transitional phase of the ECAA Agreement. However, the suspension of articles of Regulation 1008/2008/EC²⁵ as regards licensing of air carriers and access to air routes, raises serious concerns. Serbia needs to put back in force the suspended provisions before the entry into force of the second transitional period of the ECAA.

Concerning CRS, Serbia needs to further align with the Regulation 80/2009/EC²⁶. Some areas in the field of economic regulation have not been adequately transposed into national legislation, including the implementation of the working time directive.

An independent investigation body has not been yet set-up; however, Serbia has prepared draft legislation that is under adoption.

Serbia has completed the alignment with SES I legislation and has proactively harmonised with parts of the SES II legislation.

Serbia has reached an advanced stage of alignment in the area of aviation safety and is closely involved in the EU system and actively participating in the regulatory and working groups established under the *aegis* of the European Aviation Safety Agency (EASA).

²⁵ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32008R1008>

²⁶ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009R0080>