

LAW
ON ACCIDENT INVESTIGATIONS FOR AVIATION, RAILWAYS AND WATERBORNE
TRANSPORT
(“Official Gazette Of The Republic Of Serbia”, No 66/15 of 27 July 2015 and 83/18 of 29
October 2018)

I. INTRODUCTORY PROVISIONS

The Scope of Regulation

Article 1

This Law shall regulate investigation into accidents and serious incidents in air traffic, serious accidents, other accidents and incidents in railway traffic, very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation incidents and navigation incidents in waterborne traffic, competence and authorisations of authorities for conducting investigations and investigative procedure, as well as supervision of application of this Law.

Application of the Law

Article 2

This Law shall apply in respect of:

1) investigations into accidents and serious incidents in air traffic:

(1) which happened in the territory of the Republic of Serbia, and which are conducted in accordance with the international obligations undertaken by the Republic of Serbia,

(2) which involve aircrafts which are registered in the Republic of Serbia or which are operated by a company with the seat in the Republic of Serbia, which happened out of the territory of the Republic of Serbia , where such investigation is not conducted by another country,

(3) in respect of which the Republic of Serbia is authorized or, in compliance with the international rules and obligations, in the position to appoint an authorized representative in order to participate as the state of registration, state of the user, state of design, state of manufacture or the state which is providing information, facilities or experts at the request of the state that is conducting investigation,

(4) when the Republic of Serbia has been enabled to appoint a representative to an investigation of an accident conducted by another country, involving casualties or grave physical injuries among Serbian citizens,

(5) in order to duly notify the public and authorities on persons involved in an accident or hazardous materials in the cargo and means of victim relief and assistance to families of victims of aviation accidents and serious incidents;

2) investigations in railway traffic:

(1) serious accidents in railway systems with a view to possible improvement of railway traffic safety and prevention of accidents,

(2) other accidents and incidents which may lead to serious accidents under different conditions, including technical failure of the structural subsystems or interoperability factors;

3) investigations in waterborne traffic:

(1) in maritime navigation, very serious marine casualty, serious marine casualty, marine casualty and marine incidents:

- involving the naval ships flying the flag of the Republic of Serbia,
- which are of particular interest to the Republic of Serbia;

(2) in the internal waters, serious navigation incidents and navigation incidents:

- which happened in the internal waters of the Republic of Serbia, irrespective of whose flag the ship is flying.

This Law shall not apply in respect of:

1) investigation into aviation accidents and serious aviation incidents which involve military, police and customs aircrafts unless these have taken part in an accidents along with local and foreign civilian and military aircrafts; such an accident shall be investigated by the joint Civilian and Military Committee;

2) underground railway, tram network and other types of light railway;

3) very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation incidents and navigation incidents in waterborne traffic involving only war ships, vessels used by governmental bodies for non-commercial purposes only, barges, boats, recreational vessels, unless these are or will be manned and take or will take more than 12 passengers for commercial purposes, fishing boats under 15 m in length and immovable platforms.

Interpretation

Article 3

Individual terms used in this Law shall have the following meanings:

1) *safety recommendation* is a proposal compiled by the Centre for Investigation of Accidents based on information obtained during investigation to prevent serious accidents and incidents in air traffic, serious accidents in railway traffic, very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation incidents and navigation incidents in waterborne traffic;

- 2) *a ship/a vessel* is a marine or inland waterborne traffic vessel;
- 3) *an aircraft* is any vehicle capable of deriving support in the atmosphere from reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth's surface;
- 4) *major damage in railway traffic* is the damage of estimated worth of at least EUR 2 million, which is evaluated upon the inspection of the site of the accident by the Centre for Investigation of Accidents;
- 5) *very serious marine casualty* is a marine casualty involving the total loss of the ship or a death or damage to the marine environment caused in relation to operation of the ship;
- 6) *chief investigator* is a person who has been entrusted with organisation, implementation, control and management of a safety investigation into accidents and serious incidents in air traffic, serious accidents in railway traffic, very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation incidents and navigation incidents in waterborne traffic, based on their expertise and qualifications;
- 7) *state of registry* is a country which has registered an aircraft, a railway vehicle or a vessel;
- 8) *an investigation* is a procedure of gathering and analysing information, reaching conclusions, including determining causes and, depending on the case, providing safety recommendations for prevention of accidents and incidents in air traffic, serious accidents in railway traffic, very serious marine casualties, serious marine casualties, marine casualties and marine incidents and serious navigation incidents and navigation incidents in waterborne traffic;
- 9) *International Standards and Recommended Practices* refer to international standards and recommended practices in regards of serious aviation incident investigation and aviation accident investigation procedures which were adopted pursuant to the Article 37 of *Chicago Convention on International Civil Aviation*;
- 10) *railway incident* is an incident associated with the operation of trains or shunters affecting the safety of operation;
- 11) *railway accident* is an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences (collisions, derailments, level-crossing accidents, accident to persons caused by rolling stock in motion, fires and others);
- 12) *appointed representative in air and waterborne traffic* is a person who has been appointed by the Government to participate in an investigation conducted by another country; they shall hold adequate qualifications; an appointed representative of another country participating in a local investigation should come from a competent authority for accident investigation;
- 13) *serious aviation incident* is an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft, which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.;
- 14) *serious railway accident* is a collision or derailment of a train resulting in the death of at least one person or serious injuries to five or more persons or major damage to rolling stock, the infrastructure or the environment and any other similar accident with an obvious impact on railway safety or safety management;
- 15) *serious marine casualty* is a marine accident which involves a fire, an explosion, a collision, stranding, damage to the hull or freeboard or a defect on them caused by severe weather conditions, ice, fracture of a hull or presumed fault at production, etc.; all stated factors may lead to drive failure

or severe structural damage (rupture of the submerged part of the hull) which in turn incapacitates the vessel and pollutes marine environment (*serious leakage*: when over 50 tons of oil and oil derivatives or similar hazardous substances are released into the sea) or a fault which requires the vessel to be tugged or provided with assistance from the coast;

16) *serious navigation incident in inland waterborne traffic* (hereinafter: *serious navigation incident*) is an unexpected accident in the inland waterborne traffic or usage of a vessel, waterway or facilities along it which leads to a total loss of the vessel, fatalities or injuries to persons aboard or major damage to the environment caused by leakage of over 50 tons of oil and oil derivatives and other hazardous substances;

17) *other railway accidents* are accidents which shall not be treated as serious given their consequences;

18) *navigation incident in internal waters* (hereinafter: *navigation incident*) is an emergency in internal waters which occurred during navigation or exploitation of an internal navigation vessel, waterway or facilities along it which leads to fatalities or injuries to persons aboard, material damage or pollution of environment;

19) *marine casualty* is an accident or a chain of events caused by improper steering or piloting which has resulted in any of the following consequences:

- fatality or serious injury of a person,
- loss of a person at sea,
- sinking, near sinking or abandoning of the vessel,
- serious damage to the vessel,
- stranding or incapacitation of the vessel or its participation in a collision,
- major damage to marine infrastructure which can endanger other vessels or a person,
- major damage to marine environment caused by damage to a vessel;

20) *marine incident* is an accident or a chain of events caused by technical incapacitation of an endangered vessel or which may affect safety of the vessel and persons aboard or marine environment;

21) *fatal injury* is any type of physical injury sustained in accidents in air traffic, in a serious accident in railway traffic, very serious marine casualty, marine casualty, serious navigation incident and navigation incident in waterborne traffic, which causes death of a person who has sustained it within 30 days of the accident in air traffic, in a serious accident in railway traffic, very serious marine casualty, marine casualty, serious navigation incident and navigation incident in waterborne traffic;

22) *relatives* are members of the close and extended family of a victim of an accident in air traffic, a serious accident in railway traffic, very serious marine casualty, marine casualty, serious navigation incident and navigation incident in waterborne traffic, in compliance with the regulation of the state whose national the victim is;

23) *aviation accident* is an accident associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- a person is fatally or seriously injured as a result of being in the aircraft, or, direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or direct exposure to jet blast except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew,

- the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes) or minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike, (including holes in the radome); or,

- the aircraft is missing or is completely inaccessible;

24) *causes* are actions, omissions, events, conditions, or a combination thereof, which lead to accidents and serious incidents in air traffic, serious accidents in railway traffic, very serious marine casualties, marine casualties, serious marine casualties, marine incidents, serious navigation incidents and navigation incidents in waterborne traffic, where acknowledgement of a cause shall not be regarded equal to ascertainment of guilt or administrative, civil or criminal liability.

In addition to the Definitions from the paragraph one of this Article, the following terms shall be used for regulations in regards of investigation of aviation accidents and incidents:

1) *state of operator* is the state in which the user's or operator's principal place of business is located or, if there is no such place of business, the user's or operator's permanent residence;

2) *state of manufacture* is the state having jurisdiction over the organization responsible for the final assembly of the aircraft;

3) *state of design* is the state having jurisdiction over the organization responsible for the type design;

4) *aircraft user* is any person or entity that uses or intends to use one or more aircrafts;

4a) *aircraft incident* is an event related to the use of an aircraft which is not an accident, and which impacts or could impact the safe use of the aircraft;

5) *related parties* are: the owner of an aircraft, a crew member, a user of an aircraft involved in an serious aviation incident or aviation accident, aircraft maintenance staff, aircraft designers and workers involved in manufacturing and assembly of an aircraft, air traffic controller or ground control personnel as well as employees of Civilian Aviation Authorities;

6) *preliminary report* is the communication used for the prompt dissemination of data obtained during the early stages of the investigation;

6a) *advisor* is a person designated by the state based on his/her qualifications to assist its authorized representative during a safety investigation;

7) *serious injury* is an injury sustained by a person in an accident and which:

- requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received,

- results in a fracture of any bone (except simple fractures of fingers, toes or nose),

- involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage,

- involves injury to any internal organ,

- involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface,

- involves verified exposure to infectious substances or injurious radiation.

II. CENTRE FOR INVESTIGATION OF TRAFFIC ACCIDENTS

Article 4

The Centre for Investigation of Traffic Accidents (hereinafter referred to as: the Centre) is a separate organisation competent for conducting expert tasks pertaining to investigation of accidents such as accidents and serious incidents in air traffic, serious accidents, other accidents and incidents in railway traffic, very serious marine casualties, serious marine casualties, marine casualties, serious navigation accidents and navigation incidents in waterborne traffic (hereinafter: accidents).

The Centre shall have a legal personality.

The seat of the Centre is in Belgrade.

In order to carry out duties referred to in the para.1 of this Article, the Centre shall have relevant professional, technical and financial capacity.

Article 5

The Centre shall represent an entity functionally and organisationally independent of all bodies and organisations responsible for aviation, railway and waterborne traffic, as well as other entities and physical persons whose personal interests may be contrary to mission and authority of the Centre.

Accident investigation activities are independent of criminal investigation or other investigations going on simultaneously the aim of which is to determine liability or degree of guilt.

Investigation into causes of accidents and determining thereof does not aim to ascertain liability per Criminal, Commercial, Misdemeanour, Disciplinary, Civil or any other type of regulations.

The Centre may carry out investigative procedures in co-operation with foreign authorities on accident investigation pursuant to provisions of this Law and ratified international agreements.

Relevant judicial bodies conducting an investigation and their notes and permits, or copies thereof, delivering to the competent Centre which allow the Centre to conduct investigation into aviation, railway and waterborne traffic accidents, provided that such an action does not interfere with investigation carried out pursuant to regulations on criminal investigation procedure.

Article 6

The Chief Investigator of the Centre shall hold the position of the General Manager.

The Chief Investigator is appointed by the Government at recommendation of the incumbent Prime Minister and they shall be in term for five years.

An appointed Chief Investigator shall, in addition to having fulfilled all necessary requirements pursuant to the regulations on duties of high-ranking state officials, be qualified for accident investigation and have a minimum of nine years of work experience in air, railway or waterborne traffic sector.

The Chief Investigator has one Assistant per branch of traffic: the Chief Aviation Investigator, the Chief Railway Investigator and the Chief Waterborne Traffic Investigator (hereinafter: Assistants to the Chief Investigator).

The Assistants to the Chief Investigator are to have fulfilled all necessary requirements pursuant to the regulations on duties of high-ranking state officials and have at least nine years of work experience in air, railway and waterborne traffic sector, out of which they have held positions regarding air, railway or waterborne traffic safety and accident investigation for at least three years.

The Centre may employ external experts, bodies, organisations and entities to investigate accidents, providing them with an adequate remuneration for their involvement in an investigation; the remuneration depends on duration and complexity of their involvement.

The Chief Investigator, the assistants to the Chief Investigator for air, railway and waterborne traffic, all employees of the Centre as well as other persons involved in an accident investigation shall be subject to professional secrecy with regard to data disclosed to them during the investigation of the accident.

Tasks of the Centre

Article 7

The Centre shall carry out the following duties:

1) Aviation sector:

Objects of the Centre are to:

- (1) investigate causes of aviation accidents and serious aviation incidents and provide recommendation to improve safety management in air traffic,
- (2) keep the national database on accidents and serious incidents,
- (3) supply records from the national database of accidents and serious incidents to the European database,
- (4) provide investigative bodies of the interested countries with the relevant data on aviation accidents and serious aviation incidents from the national database (with their adherence to the confidentiality clause),
- (5) collect and analyse all pieces of data relating to safety of air traffic, in particular for the purpose of preventing accidents or serious incidents, to the extent to which such activities do not interfere with the independence of the Centre and do not involve any activities in respect of the regulatory, administrative issues and issues which pertain to standardisation,

- (6) co-operate with the competent aircraft accident and serious incident-investigating authorities from the member states of the International Civil Aviation Organisation (ICAO) and other international organisations,
- (7) publish results of investigations, complying with the principles of confidentiality,
- (8) participate in international gatherings and seminars on issues related to investigation as well as to specialist training of persons conducting investigations.
- (9) as well as other safety investigations in accordance with this Law;

2) Railway sector:

- (1) investigate serious railway accidents with the aim of determining the cause and possible advancement of railway traffic safety and prevention of accidents,
- (2) investigate other accidents and incidents which may lead to serious railway accidents under specific circumstances,
- (3) provide recommendation to improve safety management in railway traffic,
- (4) keep a database of accidents and incidents,
- (5) compile a final report on certain conducted investigations which may include railway safety recommendations to improve railway safety,
- (6) report to the European Railway Agency (ERA) on investigation in a serious accident, accident or incident up to a week (seven days) after the decision to launch an investigation into that accidents,
- (7) publish final reports on investigations into railway traffic and deliver these to the European Railway Agency (ERA),
- (8) publish annual reports on investigations completed in the course of the previous year by 30 September of that year at latest and deliver these to the Ministry of Traffic (hereinafter: the *Ministry*) and the European Railway Agency (ERA),
- (9) participate in international gatherings and seminars on the issues related to investigation, as well as to specialized training of the persons conducting investigations.

3) Waterborne sector:

- (1) In marine navigation:

- conduct investigations into safety practices in order to reveal causes of very serious marine casualties, serious marine casualties and marine casualties and suggest safety measures to avoid very serious marine casualties, serious marine casualties and marine casualties and to improve safety of marine navigation;
- conduct investigations into very serious marine casualties and marine casualties, and in case of serious marine casualties and marine incidents, the Centre shall conduct such an investigation in order to establish the need to conduct a safety investigation;
- provide safety recommendation in order to advance safety of marine navigation;
- inform the European Commission about very serious marine casualties, serious marine casualties, marine casualties and marine incidents in accordance with the specific protocol

which regulates the means of conducting an investigation into a marine accident and provides results of safety investigation from database in accordance with the scheme of the European Marine Casualty Information Platform (EMCIP);

- keep a national database of very serious marine casualties, serious marine casualties, marine casualties and marine incidents and exchange data therein with relevant investigative bodies and organisations, complying with the confidentiality clause;
- provide installations, instruments and wreck exploration equipment, vessels and facilities relevant for marine safety investigation, inform other bodies on investigation into very serious marine casualties, serious marine casualties and marine casualties, provide technical assistance or expertise necessary to carry out certain tasks, gather and share data relevant for analysis of very serious marine casualties and marine casualties and deliver recommendations for appropriate safety measures and prepare, issue and publish reports on marine safety investigations in order to establish long-term co-operation with relevant investigative bodies of interested countries;
- gather data on implementation of safety measures recommended via reports on conducted marine safety investigations;
- co-operate with other relevant bodies and organisations in the Republic of Serbia to conduct marine safety investigations;
- deliver annual analyses of very serious marine casualties, serious marine casualties and marine casualties and conduct similar analyses and studies when needs be;
- participate in international conferences and seminars and enable participation in professional development events to investigators.

(2) In internal waterborne traffic:

- conduct an investigation into serious navigation incident and conduct the aforementioned investigation in the event of navigation incident to estimate the need to launch a safety investigation in order to reveal causes of accidents and recommend safety measures to avoid such accidents and thus advance safety of internal navigation;
- provide safety recommendations in order to advance safety of internal navigation;
- prepare, issue and publish a report on an inland waterborne accident safety investigation;
- gather data on implementation of recommended safety measures referred to in the reports on internal navigation safety investigations;
- co-operate with other relevant bodies and organisations in the Republic of Serbia to conduct an inland waterborne safety investigation;
- keep a national database on serious navigation incidents and navigation incidents,
- deliver annual analyses of serious navigation incidents and navigation incidents and conduct similar analyses and studies when needs be;
- participate in international conventions to enable professional development of investigators.

The Means for Work of the Centre

Article 8

The means for work of the Centre shall be provided from the budget of the Republic of Serbia.

The General Manager

Article 9

The General Manager shall be the agent and the legal representative of the Centre, organize and manage the work of the Centre, pass regulations and individual legal acts of the Centre, pass the act on internal organisation and systematisation of posts in the Centre, decide on the rights, obligations and responsibilities of the employees with the Centre and carry out other tasks.

Obligation to provide information on investigation launching

Article 10

The Centre shall notify the Ministry and relevant international organisations within seven days of having reached a decision to launch an investigation.

Identification of Investigators and official badge/legitimation

Article 11

The Chief Investigator, assistants to the Chief Investigator and other employees of the Centre working on accident investigation tasks shall have an official badge/legitimation.

The investigators referred to in the paragraph one of this Article shall wear the badge on visible place during their working hours and shall present it to the competent judicial authority upon request, especially during investigation on site of an accident.

Official badge can be used solely for the purpose for which it is issued.

Contents of the official badge and records on issued official badges

Article 12

Centre issues official badge.

Official badge contains:

- 1) on front page: full name of the Centre, coat-of-arms of the Republic of Serbia, text ‘Official badge of the authorised person for accident investigation’, number of the official badge, job title within Centre, first and last name and photo of the holder.
- 2) on back page: text ‘Holder of this badge is authorised to conduct on-scene investigation of the accident, investigation of the causes of the accidents and other jobs and tasks for which Centre is authorised in accordance with Law on air, railway and waterborne traffic’, date of issue, valid until and signature and seal of the director of the Centre.

Centre keeps record on issued official badges.

Record on issued official badges contains: number of official badge, first and last name and Citizen unique identification number of the official badge holder, address of the residence, number of personal identification card with name of the issuing unit of the Ministry of the interior, job title within Centre, date when official badge was issued (with note whether badge was issued on unlimited or limited time period, in which case note until when is valid is entered), photo of the holder of the official badge, date of use, return and replacement of the official badge and column for notes.

The Minister in charge of traffic (hereinafter: the Minister) shall prescribe the appearance of the form of official badge of the investigator, the method of conducting the procedure for issuing thereof, replacement, revocation of official badge, as well on the method of records keeping on the official badges issued.

Safety at work

Article 13

The Chief Investigator and the Assistants to the Chief Investigator, as well as all persons involved in the investigation shall adhere to the safety recommendations in accordance with relevant laws on safety at work so as to avoid endangering themselves or other persons involved in the investigation.

Victim relief and assistance to victim’s family

Article 14

The Government shall adopt a plan of urgent victim relief which includes transportation, accommodation and medical help to all victims of an accident and their families.

III. INVESTIGATION PROCEDURE IN THE FIELD OF AIR TRAFFIC

Article 15

All aviation accidents or serious aviation incidents shall be thoroughly investigated into and analysed in order to identify the facts under which they occurred and, if possible, detect causes thereof and then undertake measures for prevention of future aviation accidents and serious incidents.

No person shall in any way limit the content and scope of the investigation, or influence the content or scope of the report on investigation into an aviation accident or serious incident or the content and scope of safety recommendations issued by the Centre.

Investigation shall be conducted in such a manner that all participants in the aviation accident or serious incident are to be interrogated or give a statement on the aviation accident or serious incident and be allowed to use the results of an investigation.

The Centre and other competent investigative authorities shall complete the on-site investigation into an aviation accident or serious incident as soon as possible, in order to allow for urgent restoration of damaged infrastructure and re-establishment of air traffic.

The Minister shall prescribe the method of conducting the investigation procedure for accidents and serious incidents in air traffic.

Obligation to Investigate

Article 16

The Centre shall be obliged to investigate each accident or serious incident of an aircraft which occurs in the territory of the Republic of Serbia, except for the accidents or serious incidents of the aircrafts which belong to the following categories:

- 1) aircrafts of historic character which comply with the following requirements:
 - (1) simple aircrafts:
 - which were initially designed before January 1, 1955,
 - the production of which was suspended before January 1, 1975, or
 - (2) aircrafts having a clear historical relevance related to:
 - participation in a noteworthy historical event, or
 - a prominent place in the development of aviation, or
 - a major role that they played into the armed forces of a Member State;
- 2) aircrafts which are specifically designed or modified for the needs of research, experimental and scientific purposes, if they are produced in very limited numbers;

3) aircrafts of which 51% at least was built by an amateur, or a non-for-profit making association of amateurs, for their own purposes and without any commercial objective;

4) aircrafts that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the Agency;

5) aeroplanes, helicopters or powered parachutes having no more than two seats, a maximum take-off mass (MTOM), as recorded by the Member States, or no more than:

(1) 300 kg for a land plane/helicopter, single-seater, or

(2) 450 kg for a land plane/helicopter, two-seater, or

(3) 330 kg for an amphibian or floatplane/helicopter single-seater, or

(4) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate, or

(5) 472,5 kg for land planes two-seater equipped with an airframe mounted total recovery parachute system, or

(6) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system, and for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS);

6) Single and two-seater gyroplanes with a maximum take off mass not exceeding 560 kg;

7) Gliders with a maximum empty mass, of no more than 80kg when single-seater or 100kg when two-seater, including those which are foot launched;

8) Replicas of aircraft meeting the criteria referred to in points 1) and 4) of this paragraph, for which the structural design is similar to the original aircraft;

9) unmanned aerial vehicles with dry operating mass not exceeding 150 kg;

10) Any other aircraft which has a maximum empty mass, including fuel, of no more less than 70 kg.

By way of exception from paragraph 1 of this Article, the Centre shall be obliged to investigate each aircraft accident which involves a fatal injury, irrespective of the category of such aircraft.

In cases of accidents or serious incidents of aircrafts which are not covered by paragraphs 1 and 2 of this Article, as well as in the case of other aircraft incidents, the Centre shall initiate investigation where it finds that to be in the interest of air traffic safety.

Where an aircraft registered in the Republic of Serbia suffers an accident or a serious incident in a place which cannot be determined with certainty to be located in the territory of any state, the investigation of the accident or serious incident shall be conducted by the Centre.

Article 17

The Centre may participate in the work of international organisations for investigation of accidents and serious incidents, provide or seek assistance, transfer a part of investigation procedure to competent authorities for investigation of accidents and serious incidents of other countries in compliance with international treaties and obligations of the Republic of Serbia. These types of cooperation must not thwart independence of investigation.

In the event of an aviation accident or a serious incident involving an aircraft produced in the Republic of Serbia or registered in the Republic of Serbia or operated by a user registered in the Republic of Serbia or if the crew possess a licence issued by Serbian Civilian Aviation Authorities, The Centre may take part in the investigation process via certified representative. Certified representative may be the Chief Investigator or the Chief Investigator for Air Traffic or other employees of the Centre appointed by the Chief Investigator, which shall be communicated to the competent authority for investigation of accidents and serious incidents of another country by the Centre. Certified representative shall monitor the investigation process and may visit the place of the aviation accident or serious incident.

Where there is no conflict of interest and where possible, the Centre shall include the representative of the European Aviation Safety Agency in investigation procedure (hereinafter: EASA) or a representative of aviation authorities of another country which may have interest in the investigation procedure, and specifically as:

- 1) an advisor to the Chief Investigator during the investigations listed in Article 16 of this Law, under control of the Chief Investigator;
- 2) an advisor to the authorized representative referred to in paragraph 2 of this Article, and under supervision of the authorized representative.

The advisor referred to in paragraph 3 of this Article shall have the right to:

- 1) visit the site of accident and examine the aircraft wreckage;
- 2) propose the field of investigation and to obtain data on witnesses;
- 3) obtain copies of all the relevant documents and data;
- 4) participate in reading of recorded recordings, except in the cases of video and audio recordings from the airplane cockpit;
- 5) take part in investigation procedures outside of the place of the accident or serious incident, such as examination of aircraft components, testing and simulation, expert meetings, meetings on the course of investigation, except where the investigation procedures are related to determining the cause or preparation of safety recommendations.

Article 18

Joint civil and military committee investigates aviation accidents and serious incidents, if:

1. in accident and serious incident participate civil aircraft and domestic or foreign military aircraft;
2. the place of the wreckage of the civil or foreign military aircraft is within military premises or within other object that is significant for defence of the country;
3. accident or serious incident includes civil or foreign military aircraft which transports means of special purpose for the purpose of the ministry in charge of defence and Serbian Armed Forces or transports means of special purpose intended for export.

Half of the members of the joint civil and military committee shall be appointed by the Centre (civilian members) and the other half shall be appointed by the incumbent Minister of Defence (military members).

The joint civilian and military committee shall be presided over by the Chief Investigator or the Chief Aviation Investigator.

The conditions for appointing the joint civil and military committee, method of their work and method of investigation of accidents and serious incidents shall be regulated in more detail by means of a Government regulation at the proposal of the Minister with the consent of the Minister in charge of defence.

Reporting Obligation

Article 19

Owner, as well as the user of the aircraft that has participated in the aviation accident or serious incident, a crew member, every person participating in the process of maintenance, design or production of the aircraft or training of its crew, every person that has provided flight control services or flight information services to the crew or airport services to the aircraft, persons employed with the Civilian Aviation Authorities of the Republic of Serbia or any person who may have any knowledge of an aviation accident or a serious incident which has occurred shall immediately notify the Centre about it.

The user of the aircraft that has participated in the accident or serious incident shall be obliged to deliver information about persons and hazardous goods on the flight to the Centre, at their request.

The Minister shall regulate the procedures of reporting of accidents or serious incidents as well as the information about persons or any hazardous materials that were located on an aircraft involved in aviation accident and serious incident.

Working groups

Article 20

Aviation accident and serious incident investigation shall be conducted by working groups of the Centre specifically set up for each aviation accident or serious incident.

The Chief investigator or the Chief Investigator for Air Traffic authorized by the Chief investigator shall manage the working group.

Working groups shall be comprised of the Centre's employees. Working groups may also include external experts.

The structure of the working group for each particular aviation accident or serious incident shall be decided upon by the Chief Investigator. The number of members and structure of the group depend on severity, type and scale of the aviation accident or serious incident.

Experts and persons employed with the organizations involved in the working groups' activities as well as other persons within or outside these organizations shall not be expert witnesses, witnesses or persons who participate in other investigative processes in regards of aviation accident or serious incident they are engaged to work on.

Accident or Serious Incident Involving a Foreign Aircraft

Article 21

If a foreign aircraft suffers an aviation accident or a serious incident on the territory of the Republic of Serbia, the Centre shall inform the competent authority of the country where the aircraft has been registered, country of residence of the aircraft user, country that produced the aircraft, country that designed the aircraft, the European Commission, EASA, the International Civil Aviation Organisation, other countries that may have an interest and competent authorities of the countries whose citizens travelled on board the aircraft.

The authorities and organisations referred to in paragraph 1 of this Article shall participate in investigation conducted by the Centre through an authorized representative, which may have an advisor under his/her control, with the rights of an advisor referred to in Article 17, paragraph 4 of this Law.

Relations with Other Authorities

Article 22

The Centre shall perform investigative tasks independently or, where necessary, in cooperation with other national authorities in compliance with their mutual agreement.

The Centre shall provide a notice of the accident or serious incident, as well as the report on the accident or serious incident to the competent judicial authorities at their request.

Where an act of unlawful interference within the meaning of regulations governing air traffic is established or suspected during an investigation procedure, the Centre shall notify the competent authorities thereof.

In the case of unlawful interference referred to in paragraph 3 of this Article, the Centre shall, at the request of the competent authorities, provide available information, except information referred to in Article 26 of this Law, as well as information which could limit or impact the tasks of the Centre.

Authorizations in Investigation of Accidents or Serious Incidents

Article 23

The Centre is authorized to take necessary measures to conduct investigation irrespective of launch of another official investigation.

Competent authorities and other legal and physical persons shall make it possible for the Centre to perform investigative activities independently and efficiently.

In the process of investigating an aviation accident or a serious incident the Centre shall be entitled to:

1) unrestricted access to all relevant areas and the site of an aviation accident or a serious incident, an aircraft, its equipment or wreck;

2) promptly compile an evidence list, and provide controlled removal of the wreck or parts of the aircraft which are to be further inspected and analysed;

3) unrestricted access to examine all flight recording devices, contents and other relevant recordings thereof;

4) request post-mortem on the victims, participate in the post-mortem and have unrestricted access to the results of the post-mortem or tests performed on the collected samples;

5) request a medical check-up of the persons who have participated in the air traffic operation or request the collected samples to be tested and have unrestricted access the results of check-ups and tests;

6) summon and question witnesses and request that they deliver information or evidence in regards of the investigation;

7) free access to all relevant documents and information in possession of the aircraft owner, the user or the aircraft producer, holder of the certificate on the aircraft type, relevant aircraft maintenance body, aircraft crew training centre, air navigation service providers, airport operators and Civil Aviation Directorate of the Republic of Serbia (hereinafter: the Directorate).

Obligation of Confidentiality

Article 24

All documents, data and evidence shall be used solely to conduct investigation into aviation accidents or serious incidents and shall not be used for any other purposes.

The Centre and any natural or legal person summoned to participate in the investigation shall in accordance with the provisions of the law which regulates data protection and law which regulates confidentiality, ensure the confidentiality of data and thus protect accident or serious accident participants' anonymity.

The Centre shall forward information considered relevant for aviation accident or serious incident prevention, except for personal data, to the legal or natural entities responsible for production or maintenance of aircrafts or aircraft parts, aircraft operation and aviation personnel training and competent civilian aviation authorities this refers to.

The Centre shall inform the victims and their kin or publish the facts established, the course of investigation and preliminary reports and recommendations, provided that this does not affect the investigative procedure and provided that the protection of personal data is ensured in accordance with the personal data protection regulations.

Securing Evidence

Article 25

The Centre shall handle all the evidence securely and take all evidence protection measures in the course of the investigation.

Evidence protection shall include securing evidence that could be removed, deleted, lost or destroyed, as well as protecting evidence from being damaged, handled by unauthorized persons, stolen or broken.

Aircraft that was involved in an aviation accident or a serious incident and parts thereof shall not be removed from the aviation accident or serious incident site before evidence is secured and the consent of the Centre is obtained; if there is reasonable doubt that a criminal act has occurred the consent of the relevant judicial body shall be obtained as well.

Moving the aircraft that was involved in an aviation accident or a serious incident without the consent of the Centre shall be permitted only when it is necessary to do so in order to save persons, luggage and cargo, eliminate danger of fire or other hazards or if the aircraft impedes safe air traffic.

Upon inspection of an aviation accident or serious incident the aircraft user shall obtain the consent of the Chief Investigator and remove the damaged or destroyed aircraft, its parts and its contents to the provided location.

If the aircraft, its parts or its contents are located on the territory to which the user of the aircraft cannot be granted access by the Republic of Serbia, the removal of the aircraft, its parts and contents to the most appropriate location where the access to the aircraft can be granted to the user shall be enabled by a body which has the access to that territory, at the expense of the aircraft user.

User of the aircraft, owner of the aircraft, pilot, other participants and other persons directly or indirectly connected with the aforementioned persons or involved in the aviation accident or serious incident shall preserve all data which may be used in the course of investigation until the final report on the aviation accident or serious incident has been published.

User of the aircraft, owner of the aircraft, pilot, other participants and other persons directly or indirectly connected with the aforementioned persons or involved in the aviation accident or serious incident shall submit all the requested data to the Centre at their request.

User or owner of the aircraft involved in an aviation accident or serious incident shall access the aircraft once the final report on the aviation accident or serious incident has been published.

The Centre may give consent for an earlier access to the aircraft involved in an aviation accident or serious incident and its accompanying documentation, at the request of the user or owner of the aircraft, and only if all evidence that may point to the cause of the aviation accident or serious incident and are necessary to complete the investigation procedure have already been preserved.

Data protection

Article 26

Documentation and information vital for the investigation shall be used exclusively for the purpose of investigation:

- 1) witness and other persons statements, reports and notes that the Centre has gathered or received during the investigation and that are used for the purposes of investigation.
- 2) documentation revealing the identity of the persons that testified in the investigation;
- 3) particularly sensitive data and information collected during the investigation that relate to the persons involved in the accident or serious incident including information on persons' health;
- 4) notes, drafts and investigators' opinion, including the information recorded during the flight from any devices;
- 5) information and evidence in accordance with international standards and practices obtained from investigators from other countries;
- 6) drafts of previous final reports or temporary announcement;
- 7) images and sounds recorded in the cockpit with the corresponding transcripts, as well as recordings of voices in the flight control unit accompanied with the confirmation that the information not related to the investigation and in particular the information that may affect individual privacy shall be protected adequately.

This data may be included in the temporary report, announcements or the final report and its annexes only when relevant to the analysis of the accident or serious incident and in accordance with the law that governs the protection of personal data and the law that governs protection of data confidentiality.

The following records must not be available or used for any purposes other than investigating or with the view to improving the safety of aviation:

- 1) communication between persons that used the aircraft;
- 2) written records or electronic records and the corresponding transcripts from the flight control unit, including the results and the reports collected for the internal use;
- 3) letter forms for submittal of safety recommendations;
- 4) reports of accidents that are in accordance with the regulations for civil aviation reporting;

Recordings made with devices for aircraft flight recording must not be available or used in other purposes except for the purposes of safety investigation, navigation or aircraft maintenance except when the identification of personal data included in the aforementioned recordings is performed or personal data is revealed according to the secured procedure.

Reporting on an investigation

Article 27

Each investigation shall end with the Report on the investigation that is, by its form and contents, suitable for the type and severity of the accident or serious incident.

Chief Investigator will give his/her consent before the publication of the report proposed by the working groups.

The report on the investigation includes direct facts on the accident, minutes on the investigation and examination, analysis and conclusion, measure which have been undertaken and safety recommendations. The report on the investigation contains no personal data.

Investigation report shall be available to the public, exclusive of the identity of the persons that participated in an accident or a serious incident and shall not point to the guilt or responsibility of the participants.

Investigation report shall guarantee anonymity of each and every individual that participated in the investigation.

The Centre shall publish the investigation report in the shortest possible time and no longer than 12 months from the date of the accident or serious incident.

If there is no means to publish the Report in 12 months' period, the Centre shall publish a temporary Report with the information on the status of the investigation and possible recommendations for the improvement of safety.

The Centre shall submit the Report to the sides that the safety recommendations relate to, to the Ministry, to the Directorate, other countries' and international organizations' bodies in accordance with the international standards and recommended practice, as well as other interested bodies and persons and publishes it on the internet page of the Centre.

The Centre may, if necessary, give statements during the course of investigation.

The Centre shall publish the annual report on its work for the last year, by 30 September latest, and the report shall contain data on the investigations conducted in the last year as well as data on safety measures and recommendations taken.

Where a need arises, before the finalization of the investigation, for preparation of an interim Report, the Centre may seek comments from the corresponding bodies of the interested states, including the international organizations, from the holders of licences for conducting aeronautical and technical design activity, from the aircraft producer and user, and they shall be obliged to keep the contents of the consultations as a business secret.

Before the publication of the Reports of the Centre, the Directorate, the competent authorities of other interested states and of the international organization, the holders of licences for conducting aeronautical and technical design activity, the aircraft producer and users may provide their opinions and position about the investigation, as well as objections to the Draft Report.

The Centre shall enter data from the Reports together with the safety recommendations into the aviation accident or serious incident database.

The database on aviation accidents and serious incidents shall include the factual information related to the flight history, data on injuries, damages to the aircraft, damages to third persons, data on the crew excluding personal data, data on the aircraft, its equipment and drive group, data on the site of the accident, place of taking off, meteorological data, conditions on the site of the accident, data on search and rescue, accident analysis, direct and indirect causes of the accident, as well as safety recommendations. The database contains no personal data.

The Centre shall have unrestricted access to the Accident database led by the Civil Aviation Directorate of The Republic of Serbia.

The Minister shall closely prescribe the contents of the Reports on the investigation of accidents or serious incidents in air traffic as well as the contents and the manner of compiling accident and serious incident database.

Safety recommendations

Article 28

The Centre shall issue safety recommendations based on analyses of investigation data and results. The Centre may additionally issue safety recommendations based on analyses of a series of aircraft accidents, serious incidents and incidents.

Recommendation from paragraph one of this Article shall not be used to determine guilt or responsibility of any specific party for accident or serious incident.

Recommendations shall be delivered to appertaining sides, relevant bodies and organizations in the Republic of Serbia and all interested bodies and organizations of other countries and international organizations.

Bodies and organizations that received the recommendations, except other countries' authorities and organizations and international organizations shall take necessary measures with the view to conducting safety recommendations and notifying the Centre thereof.

Authorities and organizations from paragraph three of this Article, except other countries and international organizations, that received the safety recommendations shall at least once a year file the report on measures taken or planned to the Centre.

The Minister shall regulate the monitoring procedure of the safety recommendations.

Obligation to keep data

Article 29

The Centre shall permanently keep the reports and air traffic accident or serious incident participants' statements.

The Centre shall return the documents that relate to entities from Article 19 paragraph one of this Law, that were taken into possession for the purposes of air traffic accident and serious incident investigation, within 30 days of the final report publication date.

The Centre shall keep all other documentation for the minimum of ten years from the deletion of the aircraft from the aircraft registry of The Republic of Serbia, where the information thereon shall be given to the Centre by the Directorate.

IV. INVESTIGATION PROCEDURE IN THE FIELD OF RAILWAY TRAFFIC

Article 30

The Centre shall conduct an investigation upon serious accidents on the railway system in order to ensure possible improvement of railway safety and prevention of accidents.

In addition to serious accidents, the Centre can investigate other accidents and incidents which may lead to serious accidents, such as technical failure of the structural subsystems or interoperability constituents.

The Centre shall keep the discretionary power to decide whether an investigation of other accidents and incidents is to be launched. Such a decision shall take into account:

- 1) seriousness of accidents and incidents;
- 2) whether such an accident or incident forms part of a series of accidents or incidents relevant to the system as a whole;
- 3) the effect on railway safety of the Republic of Serbia, as well as the railway safety on a Union level ;
- 4) the requests from the infrastructure manager (hereinafter: the *Manager*), a railway undertaking, the Directorate for Railways or competent authorities of other states.

The scope and procedure to be followed in carrying out such investigations shall be determined by the Centre.

Railway undertakings, the Manager, other parties involved and the Directorate where it has been informed thereof, shall without delay inform the Centre about an accident or incident in railway traffic.

The Minister shall prescribe the procedure and the method of accident and incident reporting in railway traffic in more detail.

Authority of the Centre

Article 31

Competent authorities, railway undertakings, the *Manager* and other entities and persons involved shall enable the Centre to perform its duties efficiently and impartially.

The Centre shall have the right to, as soon as possible and in cooperation with other investigation authorities:

- 1) free access to the site of an accident or incident, to the rolling stock involved, the related infrastructure facilities, as well as to the facilities and installations for traffic and signalling management;
- 2) an inventory of evidence available at the time of investigation on the site of an accident or incident and supervision over removal of wreckage, infrastructure facilities and installations or components thereof for examination and analysis purposes;
- 3) access and use of the recordings of on-board audio and video recording devices and registration of the operation of the signalling and traffic control system;
- 4) access to the results of post-mortem on casualties and information on health condition of the injured;
- 5) access to the results of inquiry of the train staff and other persons involved in an accident or incident;
- 6) interview the involved railway staff and other witnesses;
- 7) access to all relevant documents and data in the possession of the manager, involved railway undertakings and the Directorate and other authorities and organisations.

All documents, data and evidence shall be used only for the needs of the railway accident and incident investigation and cannot be used for other purposes.

Investigation Procedure

Article 32

Should an accident or an incident occur at the border installations between the Republic of Serbia and another country, the relevant investigation bodies of these countries shall agree which one of them will carry out the investigation or shall agree to carry it out together. Should it be agreed that only one of the relevant investigation bodies shall conduct the investigation, the relevant investigation body of the other country shall be allowed to participate in the investigation and fully share its results.

Investigation body of the other country shall be invited to participate in an investigation whenever a railway undertaking established and licenced in that country is involved in that accident.

The Centre shall provide all the necessary resources to conduct investigation. Depending on the type and character of the accident or incident, the Centre may arrange for the operational and technical expertise to help with the investigation. Provisions of Article 20 of this Law which pertain to the Working Group of the Centre shall additionally apply to the investigation procedure in railway traffic.

The investigation shall be conducted so that all participants in an accident or incident can be heard, that is, give their statements on the event, and can share the results of the investigation.

The Manager, railway undertakings, the Directorate for Railways, families of the persons with fatal injuries, owners of damaged property, manufacturers, competent investigation bodies and representatives of personnel and passengers shall be regularly informed about the investigation and its progress. Persons from paragraph five of this Article may submit their opinions and views to the investigation and shall be allowed to comment on the Draft Report of the Centre.

The Centre and other competent authorities shall conclude their examinations at the accident site in the shortest possible period in order to enable the Manager to restore the damaged infrastructure and open it to rail traffic services as soon as possible.

The Centre may request expert or technical assistance from the investigation authorities of other countries or the European Railway Agency (ERA).

The Minister shall prescribe the method for conducting investigation procedure for accidents and incidents in railway traffic performed by the Centre.

Reports of the Centre on investigations of accidents and incidents in railway traffic

Article 33

The Centre shall compile a final report having an appropriate form and structure depending on the type and seriousness of the accident or incident and the relevance determined by the investigation. The report shall include the aims of the investigation and, where appropriate, safety recommendations.

The report from the paragraph 1 of this Article shall in particular include the direct facts related to the event, minutes of the investigation, analysis and conclusions, measures which have been undertaken and recommendations. The report on the investigation contains no personal data. Prior to publication of reports, the Chief Investigator shall provide consent to the delivered proposal of the Working Group.

The Centre shall publish the final report in the shortest possible time and not later than, twelve months after the date of the accident or incident.

The Centre shall communicate the report with safety recommendations to the Manager, railway undertaking, the Directorate for Railways, Ministry as well as to other interested parties.

The Centre shall issue an Annual Report every year by 30 September, listing all the investigations carried out, the safety recommendations that were issued and measures taken in accordance with the previously issued recommendations in the course of the previous year.

The Centre shall enter the data from the final report, including the safety recommendations, into the database on railway accidents and incidents. The database on railway accidents and incidents includes the direct facts on the accident, analysis and conclusion, measures which have been undertaken and recommendations. The database shall contain no personal data.

The Minister shall prescribe the contents of the final report on investigations of accidents and incidents in railway traffic in more detail.

Information which needs to be sent to the Ministry and to the European Railway Agency

Article 34

Within one week after the decision to open an investigation, the Centre shall inform the ERA thereof. The information shall include the date, time, place and type of a serious accident and its consequences as regards fatalities, injuries and material damage.

The Centre shall deliver to the Ministry the annual report referred to in Article 33, paragraph 5 of this Law.

The Centre shall deliver the final reports on investigation and the annual report to the European Railway Agency (ERA).

Safety Recommendations

Article 35

The Centre shall issue safety recommendations based on analyses of investigation data and results.

Safety Recommendations issued by the Centre shall not be used to ascertain guilt or responsibility of any specific party for an accident or serious incident.

Recommendations shall be delivered to the Directorate and other relevant bodies in the Republic of Serbia when required and all interested bodies and organizations of other countries and international organizations.

The Directorate shall take measures to ensure that the safety recommendations are taken into account, as well as that they are complied with.

The authorities and organisations referred to in paragraphs 3 of this Article, with the exception of the authorities and organisations of other countries and international organisations shall be obliged to take the necessary measures so that the safety recommendations of the Centre are adequately taken into account and, depending on the case in question, acted upon.

The authorities and organizations referred to in paragraph 3 of this Article to which the safety recommendations are addressed, with the exception of authorities and organizations of other countries and international organizations, shall be obliged to submit report to the Centre once a year at the minimum on the measures taken or planned to be taken based on the safety recommendations issued in the previous year, and by July 31 of the current year at the latest.

The Minister shall prescribe the method of conducting the safety recommendations monitoring procedure in more detail.

V. INVESTIGATION PROCEDURE IN THE FIELD OF WATERBORNE TRAFFIC

Article 36

Waterborne traffic safety investigation is conducted with the view to increasing navigation safety, preventing ship-borne pollution and reducing the chances of a very serious marine casualty, serious marine casualty, marine casualty, marine incident, serious navigation incident and navigation incident.

Waterborne traffic safety investigation from paragraph one of this Article is conducted by encouraging a fast investigation process, correct analysis, establishing of the cause of accident and ensuring timely and correct reporting, as well as suggesting prevention measures.

The Minister shall prescribe the methodology for the implementation of the investigation of very serious marine casualties, serious marine casualties, marine casualties and marine incidents, which shall in particular comprise of operational readiness of the Centre, initial assessment and activities, strategy with regard to the scope, guidelines and schedule of a safety investigation, methods of evidence collection and keeping, analysis, safety recommendations and other, as well as monitoring method for the implementation of safety recommendations.

Exceptionally from regulations referred to in paragraph 3 of this Article investigators of the Centre may depart from the prescribed ways to conduct the research, if, in their professional opinion justified and necessary for achieving the objectives of the investigation.

Reporting obligation

Article 37

The competent authorities and organizations, shipbuilding companies, marine companies, the shipmaster, or the officer in charge and other crew members, persons that have participated in a very serious marine casualty, serious marine casualty, marine casualty, marine incident, serious navigation incident, and navigation incident as well as other legal entities and physical persons that have any knowledge about the accident must with no delay report to the Centre.

Obligation to investigate

Article 38

After a very serious marine casualty and a marine casualty, a safety investigation is to be conducted if:

- 1) naval ships flying the flag of the Republic of Serbia participated in a serious marine casualty and marine casualty, regardless of the location of the serious marine casualty and marine casualty;
- 2) the accident is of state interest, regardless of the location of the serious marine casualty and marine casualty;

The Republic of Serbia has a great interest in conducting the safety investigation when the ships participating in the accident from the paragraph one of this Article wear a flag of The Republic of

Serbia, when there is information relevant to the investigation or if there are reasonable interests for the investigation to be conducted.

After each serious navigation incident in inland navigation a safety investigation is to be conducted if the incident happened on the territory of The Republic of Serbia regardless of the flag of the ship participating in the serious navigation incident.

Article 39

In the event of a serious marine casualty prior to making the final decision to conduct the safety investigation the Centre shall carry out an evaluation of such a necessity. If the Centre decides that there is no necessity to conduct an investigation, the reasons for such a decision shall be provisioned and submitted to the EU Commission. The notification shall include all the data prescribed by the delegated legislation from the Article 46, paragraph 6 of this Law.

In the event of a marine casualty, the Centre shall decide on the necessity to conduct a safety investigation.

When deciding in accordance with the paragraphs one and two of this Article the Centre shall take into consideration the severity of the serious marine casualty and marine casualty, type of the ship and / or its cargo as well as the likelihood for the results of the investigation to affect the prevention of aforementioned accidents.

In the event of navigation incident the Centre shall evaluate the necessity to conduct a safety investigation beforehand and thus take into consideration the severity of the navigation incident, type of the ship and / or its cargo as well as the likelihood for the results of the investigation to affect the prevention of navigation incident.

Article 40

Marine navigation safety investigation shall be conducted within the shortest possible time and no more than two months since the time of the very serious marine casualty, serious marine casualty, marine casualty and/or marine incident.

Inland navigation safety investigation shall be conducted within the shortest possible time period and no more than a month since the time of the accident of a serious navigation accident or a navigation incident.

Cooperation with competent authorities of other states for investigation of accidents and incidents

Article 41

Each very serious marine casualty, serious marine casualty, marine casualty and/or marine incident is a subject of a safety investigation process.

In the event of safety investigation from paragraph one of this Article that includes two or more countries, their relevant bodies in charge of investigating accidents and incidents shall cooperate towards an effective agreement on who shall lead the investigation and the rules of the process. Relevant bodies in charge of investigating accidents and incidents shall have equal right and access to

the witnesses and evidence as the country conducting the investigation. The country that conducts the investigation shall take into consideration those countries views and opinions as well.

Conducting simultaneous investigations on the same very serious marine casualty and marine casualty may be done in exceptional cases, when the Centre is to inform the European Commission about the reasons for such investigations.

If a ro-ro ship or a liner participated in a very serious marine casualty, serious marine casualty, marine casualty and/or marine incident, the investigation process shall be initiated by the relevant body in charge of investigating accidents and incidents from the country in whose territorial sea or inland waters the accident or incident occurred or if the accident happened in some other waters, relevant body in charge of investigating accidents and incidents of the last country that the ship or the vessel sailed into is responsible for the safety investigation and cooperation with other countries.

In the event of an accident or incident defined by paragraph one and eight of this Article on the territory of another country and a ship that was built, belongs to or is used by an owner registered in the Republic of Serbia or whose crew possess a certificate of competency issued by the competent port administration participated in the accident, the Centre shall take part in the investigation process through a certified representative. Certified representative is represented by the Chief Investigator or the Chief Investigator for water traffic or other employees of the Centre appointed by the Chief Investigator. Certified representative follows the investigation process and may visit the place of the accident and incident defined by paragraph one and eight of this Article.

If an inland navigation foreign ship is involved in an incident defined in paragraph eight of this Article on the territory of the Republic of Serbia, the Centre shall inform the competent authority of the country of the ship registration, ship owner's registration, or country where the ship was build or designed and competent authorities of the countries whose citizens were present on the ship at the time of the incident.

Certified representatives of the relevant bodies in charge of investigating accidents and incidents of the countries informed about the accidents or incident may participate in the working group activities.

Each serious navigation incident and navigation incident in the inland navigation is a subject of a safety investigation process.

Waterborne Traffic Investigators

Article 42

Water traffic investigation process shall be led by the Chief Investigator for water traffic.

Paragraphs of the Article 20 of this Law that relate to the working group shall be applied to water traffic investigation process as well.

Authorities in an investigation

Article 43

Relevant bodies and organizations, shipbuilding companies, marine companies, shipmaster, or the officer in charge and other crew members, as well as other legal entities and physical persons shall

enable the Centre to perform duties defined in the Article 7, paragraph one, point three of this Law independently and effectively.

Water Traffic Investigators are entitled to:

1) *In maritime navigation:*

(1) unrestricted access to the place of very serious marine casualty, serious marine casualty, marine casualty, all naval ships, shipwrecks or facilities including cargo, equipment or the wreckage of the ship;

(2) evidence listing, and thus controlled search and removal of wrecks, debris, or other parts or material to be inspected and analysed,

(3) require necessary examination or analysis of the case as well as unrestricted access to the results of the examination or analysis,

(4) unrestricted access to and usage of all relevant documents and recorded data related to the navigation, including Voyage Data Recorder System (VDR) data related to a naval ship, voyage, cargo, crew or other persons, objects, conditions or circumstances, as well as devices for recording navigation data that shall be available after the ship's sinking (black box);

(5) unrestricted access to post-mortem results or analyses performed on the samples taken from victims' bodies.

(6) unrestricted access to examination results or analyses performed on the samples taken from persons involved in the working process on a naval ship and all other relevant persons,

(7) interviews with witnesses, without the presence of a third party, in order for the investigation not to be hindered by possible third persons' interest,

(8) receive naval ship examination documentation and corresponding data belonging to the country of the flag of the naval ship, owners, classification societies, marine companies or other competent authorities when the abovementioned or their partners are based in the Republic of Serbia,

(9) request assistance of the relevant bodies in charge of investigating accidents or incidents of other countries, including inspectors of the flag country, port country, coastal guard staff, VDR operators, search and rescue team, pilots or other port or marine staff;

2) *In Inland Waterborne Traffic:*

(1) unrestricted access to the waterway i.e. the location of a very serious marine casualty, serious marine casualty, marine casualty, all naval ships, shipwrecks or facilities including cargo, equipment or the wreckage of the ship,

(2) evidence listing, and thus controlled search and removal of wrecks, debris, or other parts or material to be inspected and analysed,

(3) request analysis of data or objects found aboard and have unrestricted access to results of such analyses,

(4) unrestricted access to and usage of all relevant documents and recorded data related to the navigation including data from River Information Service (RIS), that are related to the inland waterborne ship, its route, cargo, crew or other physical persons, ship's license or other documents, objects, conditions or circumstances under which the serious navigation incident or navigation incident occurred,

(5) unrestricted access to examination results or analyses performed on the samples taken from the crew and persons involved in the working process on a naval ship and all other relevant persons,

(6) unrestricted access to post-mortem results or analyses performed on the samples taken from victims' bodies,

(7) receive inland waterborne navigation vessel's examination documentation and corresponding data belonging to the country of the flag of the vessel, its owners, shipyards, the Directorate for Vessel Examination and Sailability, classification societies, harbourmaster's office or other competent authorities,

(8) order the shipbuilding company to remove the damaged ship, wreck and its equipment, cargo or any debris out of the water way upon the finalized investigation and with the consent of the harbourmaster's office.

Unrestricted access and usage of information and collected navigation data that relate to the crew and other persons from paragraph two, point one, subpoint four and paragraph two, point two and subpoint four of this Article are provided in accordance with the law that regulates the protection of personal data.

Protection of information

Article 44

Documentation and information vital for the investigation shall be used exclusively for the purpose of investigation, as follows:

- 1) statements of witnesses, the Centre investigator's provisions and reports delivered in the course of safety investigation that are to be used for the purposes of conducting a safety investigation;
- 2) documents which reveal identity of the witnesses;
- 3) sensitive data and information (such as medical data and health status) on persons involved in very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation incidents and navigation incidents gathered in the course of investigation.

Protection of data

Article 45

The Centre shall take particular measures to protect data gathered from naval maps, ship logs, electronic and magnetic loggers including Voyage Data Recorder System (VDR) and similar data loggers which were at operation prior to, in the course of and in the aftermath of a marine casualty or incident. The Centre shall prevent input, overwriting or deletion of data or any alteration of information relevant to the investigation, and hindering any other devices useful for the investigation and shall thereby secure and gather the evidence at the shortest possible notice.

The Centre shall take particular measures to protect data gathered from the Electronic Naval Charts (ENC), ship logs, electronic reports from inland vessels (ERI) and magnetic record, as well as information gathered by the RIS and similar electronic devices which were at operation prior to, in the course of and in the aftermath of a serious navigation incident and navigation incident. The Centre shall prevent input, overwriting or deletion of data or any alteration of data and hindering any other devices useful for the investigation and shall thereby secure and gather the evidence at the shortest possible notice.

Report on an Investigation

Article 46

Following the completion of an investigation into a waterborne traffic accident, the Centre shall draft and publish an investigation report including particularly the data on the ship, data on the voyage, data on marine casualties and incidents, data on navigation incidents in internal waterways, participation of coastal services and actions in emergency situations in the maritime navigation, description of the accident, analysis, conclusions and safety recommendations and annexes. The report on the investigation contains no personal data.

The Centre may reach a decision to publish a simplified report on a safety investigation into a very serious marine casualty and marine casualty, the results of which do not contribute to prevention of future accidents and incidents.

The Centre shall publish the Final Report on Investigation within the shortest possible period, up to 12 months since a very serious marine casualty, serious marine casualty, marine casualty and marine incident, serious navigation incident and navigation incident.

If it is not possible to publish the Final Report mentioned in the paragraph three of this Article up to 12 months since a very serious marine casualty, serious marine casualty, marine casualty and a marine incident, a serious navigation incident and a navigation incident, the Centre shall publish a Preliminary Report.

The database on very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation accidents and navigation incidents shall include the data related to the information on the vessel, data on the voyage, data on casualties and incidents, data on the place of casualties and incidents, conclusions, analysis and safety recommendations. The database contains no personal data.

The Minister closely rules on the content of the Report on an Investigation into any waterborne traffic very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation accidents, navigation incidents as well as the contents and manner of updating the safety investigation database on such an accident.

Safety Recommendations

Article 47

The Centre shall issue the safety recommendations based on analyses of data and results of the conducted safety investigation.

Recommendation from the paragraph one of this Article shall not be used to determine guilt or responsibility of any specific party for, a very serious marine casualty, serious marine casualty, marine casualty, marine incident, serious navigation accident or navigation incident.

Recommendations shall be delivered to all related parties, relevant bodies and organisations in the Republic of Serbia, interested relevant bodies and organisations of other countries and international organizations.

Article 48

Bodies and organisations mentioned in the Article 47, paragraph three of this Law, that received safety recommendations, except for interested relevant bodies and organisations of other countries and international organizations shall be held accountable for implementation of the safety recommendations of the Centre.

Bodies and organisations mentioned in the Article 47, paragraph three of this Law, that received safety recommendations, except for interested relevant bodies and organisations of other countries and international organizations shall report to the Centre on implemented or planned measures based on safety recommendations at least once a year.

Article 49

The Centre shall notify the European Commission about very serious marine casualties, serious marine casualties, marine casualties and marine incidents in accordance with the regulations stated in the Article 46, paragraph 6 of this Law.

VI. SUPERVISION

Article 50

The Ministry shall supervise the implementation of this Law, bylaws passed on the basis of this Law.

VII. PENALTY PROVISIONS

Offences

Article 51

Centre submits requests for initiating misdemeanour proceedings in accordance with the provisions of this law.

A company or any other legal entity shall be fined with a sum ranging from RSD 200.000 to 2.000.000 should they:

- 1) fail to report an aviation accident or serious aviation incident (Article 19, paragraph one);
 - 1a) fail to provide information on the persons and hazardous goods at the request of the Centre (Article 19, paragraph two);
 - 2) restrict the Centre's access to the accident or serious incident site, aircraft, its contents or its wreck (Article 23, paragraph three, point one);
 - 3) fail to provide unrestricted access to relevant documents and data (Article 23, paragraph three, point seven);
 - 4) remove an aircraft that was involved in an air-crash or serious incident or its parts from an air-crash or serious incident site before the evidence has been secured or an official permission of the Centre obtained (Article 25, paragraph three);

- 5) fail to remove damaged aircraft or its parts upon completion of an investigation (Article 25, paragraph five);
- 6) refuse to deliver data at the request of the Centre (Article 25, paragraph eight);
- 7) fail to comply with safety recommendations of the Centre and deliver a notification on implementation (Article 28, paragraph four and five)
- 8) fail to inform the Centre about the accident or incident in railway traffic (Article 30, paragraph five)
- 9) fail to provide the Centre with unrestricted access to the site of an accident or incident, to the rolling stock involved, infrastructural facilities (Article 31, paragraph two, point 1);
- 10) fail to take measures in order to comply with the railway safety recommendations (Article 35, paragraph four);
- 11) fail to report annually to the Centre on implemented or planned measures in accordance with the railway safety recommendations (Article 35, paragraph five);
- 12) fail to notify the Centre about very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation accidents and navigation incident without delay (Article 37);
- 13) fail to provide the Centre with unrestricted access to an area of a very serious marine casualty, serious marine casualty, marine casualty, serious navigation accident and navigation incident (Article 43, paragraph two, point one, subpoint one and Article 43, paragraph two, point two, subpoint one);
- 14) fail to provide the Marine Investigator with all relevant documents regarding the inspection of a marine vessel as well as other relevant data (Article 43, paragraph two, point one, subpoint eight);
- 15) fail to provide the Inland Waterborne Traffic Investigator with all relevant documents regarding the inspection of inland waterborne vessel as well as other relevant data (Article 43, paragraph two, point two, subpoint seven);
- 16) fail to remove the damaged vessel and its cargo, equipment and debris out of the waterway upon completion of an investigation (Article 43, paragraph two, point two, subpoint eight);
- 17) fail to comply with waterborne traffic safety recommendations (Article 48, paragraph one);
- 18) fail to report annually to the Centre on implemented or planned measures based on waterborne traffic safety recommendations (Article 48, paragraph two).

A representative of the company or an entity whose organisation commits offences stated in the paragraph one of this Article shall be fined with a sum between RSD 50.000 and 150.000.

Article 52

A person holding a position of a Captain or their First Officer and any other members of the crew or private persons shall be fined with a sum ranging from RSD 50.000 to 150.000 should they:

- 1) fail to report an aviation accident or serious incident (Article 19, paragraph one);
 - 1a) fail to provide information on the persons and hazardous goods at the request of the Centre (Article 19, paragraph two);
 - 2) restrict the Centre's access to the site of an accident or incident, the aircraft or its contents or the wreck (Article 23, paragraph three, point one)
 - 3) fail to provide unrestricted access to documents and data (Article 23, paragraph three, point seven);

4) remove an aircraft that was involved in an air-crash or serious incident or its parts from an air-crash or serious incident site before the evidence has been secured or an official permission of the Centre obtained (Article 25, paragraph three);

5) fail to remove damaged aircraft or its parts upon completion of an investigation (Article 25, paragraph five);

6) refuse to deliver data at the request of the Centre (Article 25, paragraph eight);

7) fail to comply with safety recommendations of the Centre and deliver a notification on implementation (Article 28, paragraph four and five);

8) fail to provide the Centre with unrestricted access to the site of an accident or incident, to the rolling stock involved, infrastructural facilities (Article 31, paragraph two, point one);

9) fail to notify the Centre about very serious marine casualties, serious marine casualties, marine casualties, marine incidents, serious navigation accidents and navigation incidents without delay (Article 37);

10) fail to provide the Centre with unrestricted access to the area of a very serious marine casualty, serious marine casualty, marine casualty, serious navigation incident and navigation incident (Article 43, paragraph two, point one, subpoint one and Article 43, paragraph two, point two, subpoint one).

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 53

The Centre for Investigation of Accidents and Serious Incidents established by Article 206 of the Air Traffic Law (*The Official Gazette of RS* No. 73/10, 57/11, 93/12 and 45/15) shall continue its work as the Centre for Investigation of Accidents, in accordance with this Law.

The activities of railway and waterborne traffic accident investigation shall commence as of 1 January 2016.

Time limits for adoption of bylaws

Article 54

The Minster shall, within six months from the date of entry into force of this Law, pass the bylaws referred to in Article 12, paragraph five, Article 15, paragraph five, Article 19, paragraph three, Article 27, paragraph sixteen, Article 28, paragraph six, Article 33, paragraph seven, Article 36, paragraph three and Article 46, paragraph six of this Law.

The Government shall pass the bylaws referred to in the Article 14 and Article 18, paragraph four of this Law within six months from the date of entry into force of this Law.

Article 55

The Centre shall inform the European Commission on licenced organisations which shall have access to the *European Marine Casualty Information platform – EMCIP* within a year of passing and enactment of this Law.

Termination of Validity of Other Regulations

Article 56

On the date of entry into force of this Law, paragraphs of the Articles 119 to 124 and 127 of the Law on Safety and Interoperability of the Railway (*The Official Gazette of the Republic of Serbia*, No.104/13), Articles 204 to 217, Article 258, paragraph one, point 100), 101) and 102) and Article 260, paragraph one, points 64), 65) and 66) of the Law on Air Traffic (*The Official Gazette of the Republic of Serbia*, No. 73/2010, 57/2011, 93/2012 and 45/2015) shall cease to be in force.

Article 57

This Law shall be enacted eight days after its publication in *The Official Gazette of the Republic of Serbia*.

PROVISIONS OF THE LAW ON AMENDMENTS AND ADDENDA TO THE LAW ON INVESTIGATION OF ACCIDENTS IN AIR, RAILWAY AND WATERBORNE TRAFFIC (OFFICIAL GAZETTE OF THE RS, No. 83/18) NOT INTEGRATED IN THE CONSOLIDATED TEXT OF THE LAW

Article 25

The Centre for Investigation of Accidents in Traffic established by the Law on Investigation of Accidents in Air, Railway and Waterborne Traffic (Official Gazette of the RS, No. 66/15) shall continue its operations as the Centre for Investigation of Accidents in Traffic, in compliance with this Law.

Article 26

Enacting regulations to this Law shall be adopted within 12 months from the date of entry into force of this Law.

Article 27

This Law shall enter into force on the eight day from the date of its publication in the Official Gazette of the Republic of Serbia.